# 1NC

## Off-Case

### 1NC

#### “Private sector” means all non-governmental persons or entities, including non-profits

Senate Report 95, (Senate Report, 1995, 104-1, “UNFUNDED MANDATE REFORM ACT OF 1995,” <https://www.congress.gov/congressional-report/104th-congress/senate-report/1>)

"Private sector" is defined to cover all persons or entities in the United States except for State, local or tribal governments. It includes individuals, partnerships, associations, corporations, and educational and nonprofit institutions.

#### TVA: any universally applied standard, like CWS (Consumer Welfare Standard)

Phillips 18, commissioner on the Federal Trade Commission (Noah J. Phillips, 11-1-2018, “Before the Federal Trade Commission, “Competition and Consumer Protection in the 21st Century,” <https://www.ftc.gov/system/files/documents/public_events/1415284/ftc_hearings_session_5_transcript_11-1-18_0.pdf>)

Our second topic today is the consumer welfare standard. And I think most folks even out in the public know, this is the standard that we use across the board, mergers and conduct in courts and at agencies, to judge anticompetitive conduct. It is not only a standard that we in the U.S. apply, it is a standard that is used by competition agencies around the world. It is an economically-grounded standard, and it requires that there be harm to consumers for conduct to be condemned. Mere harm to competitors is considered insufficient. So let me repeat that again. There has to be harm to consumers, not just competitors. The reason that is so, the reason harm to competitors is considered insufficient is because sometimes a less-efficient firm losing sales or market share to a cheaper, more innovative or efficient rival, can be and often is consistent with vibrant competition and with outcomes that benefit consumers. Courts and agencies have embraced this standard for decades. Today, there are two very important discussions going on about the consumer welfare standard, and they are happening simultaneously. And I think it is important that we understand that there are two conversations going on. One is a continuing discussion about how we apply the standard, regarding whether enforcement is at the appropriate level, whether it is properly targeted. This is an introspective question on some level, in which scholars, economists, practitioners, and enforcers all ask ourselves, are we bringing the right kinds of cases? Are we using the right kinds of evidence? Should we be doing more or less in certain places? The antitrust bar, the business community, and others benefit from this ongoing and active analysis. The second discussion happening now, and the one on which today’s consumer welfare standard panels will focus, is whether the standard is itself the right metric we ought to use in antitrust enforcement and in antitrust law; some argue that enforcement under the consumer welfare standard has failed because of the law, and accordingly, that we should reform the law.

#### The aff only applies to conduct in a specific segment of the private sector

#### Vote neg:

#### 1---limits and ground---the number of potential subsets is infinite---any industry, production, single company, individuals could be included, which undermines clash; only big affs have link uniqueness

#### 2---precision---has the intent to define, exclude, AND is in legislative context

### 1NC

**Prohibition requires forbidding a practice, that’s distinct from a mere 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).

#### Violation---the aff is a presumption

Ahrens 2k (Deborah Ahrens-J.D., magna cum laude, New York University School of Law, 2000. NOTE:NOT IN FRONT OF THE CHILDREN: PROHIBITION ON CHILD CUSTODY AS CIVIL BRANDING FOR CRIMINAL ACTIVITY, 75 N.Y.U.L. Rev. 737, 764-765, June, 2000, Lexis, accessed via KU libraries, date accessed 12/22/21)

Statutes enacted in Arkansas, California, and Washington seem facially less troublesome; these statutes only affect the ability of persons convicted of sexual offenses against children to live in homes with children, and the Arkansas and Washington statutes only affect [\*765] convicted persons during the period of their probation. 128 Further, these statutes are presumptions against custody, in contrast with the Alabama statute's absolute prohibition (although the requirements to overcome these presumptions can be substantial). 129 Some aspects of these statutes, however, are actually tougher on released persons; in particular, none of these states makes exception for the person's own children. 130 California's statute, further, was amended in 1998 to create a presumption, not only against physical custody for persons convicted of sexual offenses, but against any legal custody, including visitation. 131

#### Vote Neg:

#### 1. Limits—there are infinite ways to tinker incrementally absent prohibition

#### 2. Ground—only forbidding a practice guarantees the neg link uniqueness for core DAs

### 1NC

#### Practice requires repeated and customary action as the usual mode—excludes outliers

Ohio Court of Appeals 59 (YOUNGER-judge. Opinion in City of Defiance v. Nagel, 108 Ohio App. 119 - Ohio: Court of Appeals 1959, Google scholar caselaw, date accessed 8/25/21)

As used here, the noun, "practice," means an actual performance habitually engaged in; often, repeated, or customary action; usage; habit; custom; or the usual mode or method of doing something. Therefore, in this instance, the practice of doing something cannot be proved by the proof of or the admission of one single act. Criminal statutes and ordinances are to be strictly construed.

#### The aff violates: those cases are uncommon

Petty 94 (Ross D. Petty - Roger A. Enrico Term Chair, Associate Professor, Babson College. “ADVERTISING LAW AND SOCIAL ISSUES: THE GLOBAL PERSPECTIVE” , 17 Suffolk Transnat'l L. Rev. 309, 17 Suffolk Transnat'l L. Rev. 309. Lexis accessed online via KU libraries, date accessed 1/30/22)

Like the United States, most countries authorize the injunction of a false advertisement. In Germany, preliminary injunctive relief is presumed appropriate, though rebuttable, in private advertising lawsuits. This burden of proof is much lower than the United States requires of private litigants under the Lanham Act, but is comparable to the burden required under the FTC. This rebuttable presumption is countered by liability for damages if the challenger does not prevail in the overall suit. 122 A few countries, such as Saudi Arabia and France, authorize the further relief of corrective advertising. 123 Australia also authorizes corrective advertising, but since the end of 1981 this remedy had not been used. 124

Damages are rarely awarded and often unavailable to consumers in other countries. To obtain damages, competitors must prove lost sales pursuant to the United States Lanham Act. Germany allows consumer groups to sue for damages, but any complainant seeking damages must prove intentional or negligent misconduct. 125 Other countries award fines or costs to the successful challenger. 126 Most European countries also provide for criminal prosecution for intentional misconduct, but, as in the United States, such cases are rare. 127

#### VOTE NEG: they lead to a flood of tiny one off affs

### 1NC

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

Develop and implement a US plan for international action on disease including but not limited to the National Health Security Strategy, the National Security Strategy, and the National Biodefense Strategy

Assist with preparedness in low- and middle-income countries

Increase funding for disease NGOs, CDC, USAID, DOD, and DOS

increase the annual base funding for global health security-related activities

Ensure agencies have access to an emergency reserve fund

Maintain US support for global health programs

#### Only the CP solves disease globally.

PATH ’17 [PATH is the leader in global health innovation. An international nonprofit organization, we save lives and improve health, especially among women and children. We accelerate innovation across five platforms—vaccines, drugs, diagnostics, devices, and system and service innovations—that harness our entrepreneurial insight, scientific and public health expertise, and passion for health equity. By mobilizing partners around the world, we take innovation to scale, working alongside countries primarily in Africa and Asia to tackle their greatest health needs. Together, we deliver measurable results that disrupt the cycle of poor health; October; *Healthier World, Safer America A US Government Roadmap for International Action to Prevent the Next Pandemic*; <https://www.path.org/resources/healthier-world-safer-america-a-us-government-roadmap-for-international-action-to-prevent-the-next-pandemic/>; accessed 11/29/18//MSCOTT]

RECOMMENDATIONS Pandemics can emerge quickly and rapidly, resulting in catastrophic loss of life, billions and even trillions in economic losses, and global instability which transcends sovereign borders. Too often we fall into the trap of addressing pandemic threats only after they become crises, repeating the cycle of global panic and emergency spending, followed by waning interest as the outbreak subsides, ultimately leading to inaction and complacency. The international efforts that have been launched with strong US leadership and financing in the wake of the Ebola crisis have begun to show results. Experts and leaders around the world have agreed that prioritizing strategic initiatives that sustainably bolster pandemic preparedness and global health security is needed to ensure that recent gains are not lost and that progress is maintained. To truly protect Americans and populations worldwide, the United States should continue to assert its global leadership and expertise to accelerate international progress on pandemic preparedness; build and implement a wholeof-government global health security strategy; invest in R&D for emerging disease threats; and provide dedicated and sustained funding for these efforts. Commitment to global health security mean will the next local outbreak will be stopped, before the headlines carry the news of another deadly, costly, and unnecessary pandemic. US global health leadership • Maintain consistent, high-level US political support for the next phase of implementation and expansion of the GHSA, taking concerted action in line with public declarations that strengthens global prevention, detection, and rapid response to emerging health threats abroad is a priority for the US government. • Leverage available diplomatic and multilateral financing channels to motivate partner countries, specifically at-risk countries, to achieve and sustain compliance with the IHRs; using the US voice and vote at the United Nations, WHO, World Bank Group, and other relevant international health, development, and security platforms. An international action plan • Develop and implement a US plan for international action in accordance with the structure set forth in the standing Executive Order Advancing the Global Health Security Agenda to Achieve a World Safe and Secure from Infectious Disease Threats. This action plan should prioritize and articulate the US government’s role in advancing preparedness in low- and middle-income countries and catalyze R&D for disease threats, supported with clear and measurable indicators for progress. • Designate senior-level oversight to achieve full implementation of the guidance outlined in the Executive Order and action plan, including ensuring coordinated support to US Chiefs of Mission and country teams to facilitate country preparedness for biological threats, and monitoring and evaluating progress toward global health security targets. • Prioritize global health security—especially the role of building low- and middle-income country capacity to contain pandemic threats—in all relevant future global and national health, R&D, and biodefense strategies, including the National Health Security Strategy, the National Security Strategy, and the National Biodefense Strategy. • Map the potential contributions of the nongovernmental sector to global health security and identify opportunities to catalyze multisectoral partnerships among the US government, private, and social sectors that will harness new allies, innovations, and investments to bolster pandemic preparedness. Research and development • Develop a new generation and robust pipeline of medical countermeasures—including appropriate drugs and technologies that are reflective of robust surveillance data—for infectious and emerging diseases with pandemic potential, allowing the US to quickly prevent an outbreak from becoming a pandemic. • Enable the development and deployment of incentives to proactively and sustainably engage the private sector in medical product development for infectious and emerging diseases with pandemic potential to capitalize on the resources, expertise, and other skills of industry. This includes expanding government driven incentive mechanisms like the BARDA to financially support R&D for an expanded set of infectious and emerging diseases to bring industry partners to the table. • Contribute US scientific and financial leadership to multilateral efforts to accelerate R&D on emerging pandemic threats, including through CEPI, the G20’s R&D Collaboration Hub for antimicrobial clinical research and product development, and regional regulatory harmonization initiatives in endemic disease regions. Dedicated, Sustained US Government financing • Ensure a whole-of-government approach to global health security financing including dedicated and sustained funding for CDC, USAID, DOD, and DOS programming and personnel. • Starting in FY2019, increase the annual base funding for global health security-related activities at CDC and USAID to ensure these agencies can continue their programming after the Ebola supplemental funding expires. To bridge the gap between the supplemental and core appropriations, USAID’s Emerging Pandemic Threats budget should increase from $72.5 million to $172.5 million, and CDC’s Division of Global Health Protection budget should increase from $58.2 million to $208.2 million. • Ensure agencies have access to an emergency reserve fund to initiate an early and rapid response to emerging pandemic threats, allowing USAID and CDC to each retain up to $70 million if and when needed. The reserve fund should be replenished once it is used to ensure funds are available for the next outbreak, and should not be interchangeable with annual appropriations or previously allocated emergency funding, nor borrowed from other global health or development programs, which would derail progress inother critical areas. • Maintain US support for global health programs that build core public health capabilities and bolster frontline preparedness—including PEPFAR, PMI, GPEI, and Child and Maternal Survival programs.

### 1NC

#### The United States federal government should substantially increase its funding for and promotion of international science and technology cooperation.

#### Solves science diplomacy.

Holdren ’17 (John P; senior advisor to President Barack Obama on science and technology issues through his roles as Assistant to the President for Science and Technology, Director of the White House Office of Science and Technology Policy, and Co-Chair of the President’s Council of Advisors on Science and Technology, PhD from Stanford University; 4/27/17; “How International Cooperation in Research Advances Both Science and Diplomacy”; <https://blogs.scientificamerican.com/guest-blog/how-international-cooperation-in-research-advances-both-science-and-diplomacy/>; Scientific American; accessed 7/8/18; TV)

The partial budget blueprint released by the White House recently will put U.S. leadership in science and technology at serious risk if Congress goes along. In addition to the obvious damage that would result from the proposed $5.8 billion cut at NIH, the $2 billion cut in applied energy R&D, the $900 million cut in DOE’s Office of Science, the abolition of ARPA-E, and the research cuts at NOAA and EPA, a less immediately obvious potential casualty would be U.S. scientific cooperation with a wide variety of other countries on a wide variety of topics. These international collaborative activities are actually likely to be first on the chopping block for three reasons: the tendency of departments and agencies under budget stress to prioritize protection of purely domestic programs; the presumption among many members of Congress that international cooperation is a one-way street operating to the disadvantage of the United States; and the Trump Administration’s “America First” stance (which is, perhaps not surprisingly, the top line in the title of the March budget document). I have spent much of a long career in science and technology participating in and building international research collaborations with Australia, Brazil, Canada, China, the European Union, India, Japan, the Republic of Korea, Mexico, and Russia, among others. As President Obama’s Science Advisor and Director of the White House Office of Science and Technology for the past eight years, I had responsibility for overseeing U.S. participation in six of our most important bilateral science and technology cooperation agreements, including those with Russia and China, and for supporting the State Department in its lead role implementation bilateral S&T agreements with another forty nations. I know, therefore, how international S&T cooperation is structured, how it works, and how it benefits U.S. S&T capabilities in the national interest and also, as a huge bonus, how it serves this country’s diplomatic aims. I find the implications of the Administration’s budget proposal—and the President’s overall zero-sum stance on international interactions—to be deeply dismaying. There are several good reasons the U.S. government, under Republican and Democratic administrations alike, has long seen fit to encourage and support international S&T cooperation with a wide variety of partners: Science and technology are being pursued and advanced all across the globe. Working with other countries can provide access to valuable additional expertise, and it shares costs, allows pursuing complementary lines of effort, and helps avoid duplication of effort. The result is faster progress on common goals, at lower cost to U.S. funders. Accelerating joint progress through collaboration is even more valuable when the goals are global public goods—e.g., combating epidemic disease, curing cancer, reducing oil dependence, mitigating climate change, improving nuclear-reactor safety—in which progress anywhere provides benefits everywhere. Even when the benefits of S&T collaboration appear to be more one-sided, as when the United States collaborates with technically less advanced countries to help them build their scientific capacity and apply science and technology to development goals, this country reaps significant benefits: the resulting advances make the partner countries less likely to become sources of major refugee flows and regional political instability as well as more likely to advance economically to the point of becoming significant markets for U.S. products. Mutually beneficial S&T collaboration is also beneficial diplomatically, as the benefits provide a positive rationale for maintaining decent relations even in the face of disagreements on other issues. In addition to these generally well recognized benefits, international S&T collaboration foments personal relationships of mutual respect and trust across international boundaries that can bring unexpected dividends when the scientists and engineers involved end up in positions to play active roles in international diplomacy around issues with significant S&T content—e.g,, climate change, nuclear arms control, and intellectual property.

### 1NC

#### The United States Congress should increase funding for the FTC and make that funding specifically tailored for protecting data privacy and fighting fraud.

#### That solves privacy and fraud.

Access Now et al. 21 (November 15th, “Coalition Letter to Congress in Support of Build Back Better Act FTC Provisions,” https://epic.org/documents/coalition-letter-to-congress-in-support-of-build-back-better-act-ftc-provisions/)

The Act’s increased funding for the FTC is pivotal. The Commission is badly understaffed and under-resourced, which limits its ability to address an ever-deepening crisis of exploitative data practices.[1] Allocating $1 billion for data protection and antitrust work and establishing a bureau in the FTC to address privacy, civil rights, and data security matters will go far in addressing these problems. This is particularly critical in light of numerous security breaches that lead to identity fraud, which cost consumers an estimated $13 billion in 2020 alone.[2] A better funded and organized Commission will be better equipped to prevent unfair and deceptive data practices, which disproportionately harm people of color and low-income communities. For example, as the FTC noted in its recent report Serving Communities of Color, people of color are disproportionately affected by fraud.[3]

## Innovation

### 1NC---Link

#### I’m going to concede hegemony is collapsing and the plan solves it---no take backs, and a strategic concession.

### 1NC---Defense

#### No ABR or bioterror

Smith 16, PhD molecular biologist, former R&D director at MicroPhage and SomaLogic. (Drew, 6-14-16, “The Myth Of The Post-Antibiotic Era”, <https://www.forbes.com/sites/quora/2016/06/14/the-myth-of-the-post-antibiotic-era/#db027696fa83>)

Right now, drug resistant infections are mainly a threat to those that are already sick and/or in medical facilities. But, if we continue down this path, mundane infections in the otherwise healthy could someday morph into life-threatening ordeals, and simple medical procedures and surgeries may be skipped to avoid risk of infection. However, while this threat is real, it’s important to keep in mind that this is an ongoing, gradual challenge; it’s extremely unlikely that a single event will herald with complete certainty the abrupt end of modern medicine as we know it. In this context, those scary headlines are inappropriate, if not numbing and counterproductive. In May, Ars wrote about some alarmist and inaccurate news stories dealing with a newly identified type of drug resistance—one that makes bacteria resistant to a last-resort antibiotic called colistin and can spread between bacteria easily. The headlines blared that it was the “first” time such a dastardly microbe had seeped into the US—which is not true. And they suggested that it would certainly mark the end of antibiotics—also not true. This week, scientists provided updates on tracking that type of resistance, and of course some alarmist headlines followed. Yet, the new data actually suggests that a tempering of concerns about this particular resistance may be in order. It turns out that this “dreaded,” “scary,” “nightmare” of a drug-resistant microbe has been in the US for more than a year and elsewhere in the world since as far back as 2005—it’s just that nobody noticed it. And nobody noticed it because so far it hasn’t been the dreaded, scary nightmare some have feared. “It’s not a huge cause for concern,” Mariana Castanheira, lead author of one of this week’s resistance updates, told Ars. Castanheira is the director for Molecular and Microbiology at JMI Laboratories, a private company that monitors drug resistance microbes in hospitals and medical settings. They and others are finding this new type of resistance now simply because they’re looking for it, she said. Castanheira explains that people initially started digging for this new type of drug resistance—a gene called mcr-1—out of concern that it makes bacteria resistant to the antibiotic colistin, which is a relatively toxic drug used only when nearly all others have failed against a multi-drug resistant infection. Bacteria have shown up with colistin resistance before—in fact, many times in the US and elsewhere around the world. But in those cases, the genes were embedded in the bacteria’s chromosomes and generally passed down through generations. The mcr-1 resistance gene, on the other hand, seems to always sit on a plasmid, a small loop of DNA that bacteria can readily pass around to neighbors. If colistin-resistant bacteria shared their mcr-1 plasmid with others that are already resistant to lots of antibiotics, they could create a long-feared invincible germ—a “pan-resistant” bacteria. “Doesn’t scare me” So far that doesn’t seem to be happening, though, Castanheira said. In more than a decade of skulking around, mcr-1 has made its way into bacteria in animals, people, and soil all over the world. Yet, all of the mcr-1 carrying microbes examined have been susceptible to at least one antibiotic—and often several.

#### No extinction from disease.

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

1.1.3 Engineered pandemics

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

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

### 1NC---Turn

#### No leadership impact.

Fettweis 20, Associate Professor of Political Science at Tulane University. (Christopher J., 6-3-2020, "Delusions of Danger: Geopolitical Fear and Indispensability in U.S. Foreign Policy", *A Dangerous World? Threat Perception and U.S. National Security*, <https://www.cato.org/publications/publications/delusions-danger-geopolitical-fear-indispensability-us-foreign-policy>)

Like many believers, proponents of hegemonic stability theory base their view on faith alone.41 There is precious little evidence to suggest that the United States is responsible for the pacific trends that have swept across the system. In fact, the world remained equally peaceful, relatively speaking, while the United States cut its forces throughout the 1990s, as well as while it doubled its military spending in the first decade of the new century.42 Complex statistical methods should not be needed to demonstrate that levels of U.S. military spending have been essentially unrelated to global stability.

Hegemonic stability theory’s flaws go way beyond the absence of simple correlations to support them, however. The theory’s supporters have never been able to explain adequately how precisely 5 percent of the world’s population could force peace on the other 95 percent, unless, of course, the rest of the world was simply not intent on fighting. Most states are quite free to go to war without U.S. involvement but choose not to. The United States can be counted on, especially after Iraq, to steer well clear of most civil wars and ethnic conflicts. It took years, hundreds of thousands of casualties, and the use of chemical weapons to spur even limited interest in the events in Syria, for example; surely internal violence in, say, most of Africa would be unlikely to attract serious attention of the world’s policeman, much less intervention. The continent is, nevertheless, more peaceful today than at any other time in its history, something for which U.S. hegemony cannot take credit.43 Stability exists today in many such places to which U.S. hegemony simply does not extend.

Overall, proponents of the stabilizing power of U.S. hegemony should keep in mind one of the most basic observations from cognitive psychology: rarely are our actions as important to others’ calculations as we perceive them to be.44 The so‐​called egocentric bias, which is essentially ubiquitous in human interaction, suggests that although it may be natural for U.S. policymakers to interpret their role as crucial in the maintenance of world peace, they are almost certainly overestimating their own importance. Washington is probably not as central to the myriad decisions in foreign capitals that help maintain international stability as it thinks it is.

The indispensability fallacy owes its existence to a couple of factors. First, although all people like to bask in the reflected glory of their country’s (or culture’s) unique, nonpareil stature, Americans have long been exceptional in their exceptionalism.45 The short history of the United States, which can easily be read as an almost uninterrupted and certainly unlikely story of success, has led to a (perhaps natural) belief that it is morally, culturally, and politically superior to other, lesser countries. It is no coincidence that the exceptional state would be called on by fate to maintain peace and justice in the world.

Americans have always combined that feeling of divine providence with a sense of mission to spread their ideals around the world and battle evil wherever it lurks. It is that sense of destiny, of being the object of history’s call, that most obviously separates the United States from other countries. Only an American president would claim that by entering World War I, “America had the infinite privilege of fulfilling her destiny and saving the world.“46

Although many states are motivated by humanitarian causes, no other seems to consider promoting its values to be a national duty in quite the same way that Americans do. “I believe that God wants everybody to be free,” said George W. Bush in 2004. “That’s what I believe. And that’s one part of my foreign policy.“47 When Madeleine Albright called the United States the “indispensable nation,” she was reflecting a traditional, deeply held belief of the American people.48 Exceptional nations, like exceptional people, have an obligation to assist the merely average.

Many of the factors that contribute to geopolitical fear — Manichaeism, religiosity, various vested interests, and neoconservatism — also help explain American exceptionalism and the indispensability fallacy. And unipolarity makes hegemonic delusions possible. With the great power of the United States comes a sense of great responsibility: to serve and protect humanity, to drive history in positive directions. More than any other single factor, the people of the United States tend to believe that they are indispensable because they are powerful, and power tends to blind states to their limitations. “Wealth shapes our international behavior and our image,” observed Derek Leebaert. “It brings with it the freedom to make wide‐​ranging choices well beyond common sense.“49 It is quite likely that the world does not need the United States to enforce peace. In fact, if virtually any of the overlapping and mutually reinforcing explanations for the current stability are correct, the trends in international security may well prove difficult to reverse. None of the contributing factors that are commonly suggested (economic development, complex interdependence, nuclear weapons, international institutions, democracy, shifting global norms on war) seem poised to disappear any time soon.50 The world will probably continue its peaceful ways for the near future, at the very least, no matter what the United States chooses to do or not do. As Robert Jervis concluded while pondering the likely effects of U.S. restraint on decisions made in foreign capitals, “It is very unlikely that pulling off the American security blanket would lead to thoughts of war.“51 The United States will remain fundamentally safe no matter what it does — in other words, despite widespread beliefs in its inherent indispensability to the contrary.

#### Heg is unsustainable---retrenchment is gradual now, but recommitting makes it violent and forced.

Kupchan 20, professor of international affairs at Georgetown University and senior fellow at the Council on Foreign Relations. (Charles A., 10-21-2020, "America’s Pullback Must Continue No Matter Who Is President", *Foreign Policy*, https://foreignpolicy.com/2020/10/21/election-2020-smart-retrenchment/)

As the Trump era potentially comes to an end, many foreign-policy voices in the United States and abroad relish the prospect of the country’s roaring return to the global stage. But attempting a full-on comeback would be a mistake. If anything, the strategic pullback that President Donald Trump has initiated needs to continue—albeit in a more coherent and judicious manner.

Much of the debate surrounding the next administration’s foreign policy has focused on boldly reasserting U.S. leadership in the world. And it’s true: Global interdependence and upheaval do require steady U.S. leadership and engagement. What’s been largely missing from this debate, however, are the challenges facing the next president when it comes to right-sizing U.S. engagement abroad—especially military involvement—and bringing the nation’s strategic commitments back into line with it means and purposes.

The American electorate has turned sharply inward in response to military overreach in the Middle East, the economic dislocations brought about by innovation and globalization, and the national calamity caused by COVID-19. The nation’s next president would be wise to take note—and craft a brand of global statecraft that is effective but also politically sustainable. Otherwise, the strategic pullback that needs to take place will occur by default rather than by design, risking that U.S. overreach could turn into even more dangerous underreach. Indeed, that’s what’s been happening during Trump’s presidency. He seems to have understood the need to retrench. But his troop withdrawals from Afghanistan, Iraq, Syria, and Germany have been haphazard, making a hash of the effort. Retrenchment cannot be done by tweet, in unpredictable fits and starts, and couched in an abrasive “America first” unilateralism that has alienated allies and set the world on edge.

Democratic candidate Joe Biden is far better suited to restore an equilibrium between the nation’s foreign policy and its political will. Throughout his career, he has been a pragmatic and prudent internationalist; looking forward, pragmatism and prudence will require a more selective and discriminating internationalism, not restoration of the status quo ante. Three-quarters of the American public want U.S. troops to leave Afghanistan and Iraq—it is time to downsize the U.S. footprint in the Middle East. U.S. foreign policy has become over-militarized—the next administration should reallocate priorities and resources, putting more emphasis on diplomacy, cybersecurity, global public health, and climate change. Washington should also return to being a team player if it is to lighten its load; retrenchment and multilateral engagement go hand in hand. Meeting the threat posed by China, managing international trade and finance, preventing nuclear proliferation, addressing pandemics—these and other urgent challenges all require broad international cooperation. And as the United States pulls back from its role as global policeman, it will want like-minded partners to help fill the gap. These partnerships become stronger through diplomacy and teamwork.

The top priorities of the next president will be at home: taming the pandemic, repairing the economy, and reviving democratic institutions and norms. Only if the country’s democratic lights come back on can it effectively deal with the rest of the world. In the meantime, the next administration needs to continue Trump’s effort to downsize the nation’s foreign entanglements—but in a smart and measured way. The United States needs to step back without stepping away. “Build back better” applies abroad just as much as it does at home.

#### triggers miscalc.

Ashford 4-1-2021, PhD, senior fellow in the New American Engagement Initiative at the Atlantic Council’s Scowcroft Center for Strategy and Security. (Emma, "Great-Power Competition Is a Recipe for Disaster", *Foreign Policy*, https://foreignpolicy.com/2021/04/01/china-usa-great-power-competition-recipe-for-disaster/)

Instead, the “return of great-power competition” is essentially an easier way of admitting that the United States is in relative decline. The unipolar moment—the three-decade period of U.S. global predominance that started with the collapse of the Soviet Union—is ending. In the parlance of political science, other states are beginning to balance against the United States. In layman’s terms, this means that with the United States in relative decline, other states are increasingly willing to take actions they would not have during the 1990s, whether it’s Russian intervention in Syria, Chinese claims to the South China Sea, or European steps to circumvent U.S. sanctions legislation. Irving Kristol, considered the godfather of neoconservatism, once noted that a neoconservative is just a liberal who’s been mugged by reality; some of the loudest voices proclaiming an era of great-power competition are just liberal internationalists who have been mugged by the reality of power politics.

Yet if this were all there was to it, the debate surrounding great-power competition would be far less problematic. Scholars and pundits would update their mental models for a more competitive world and move on with their lives. Instead, foreign-policy circles in Washington are increasingly fixated on the notion that the United States must commit to competition with China, Russia, and other states.

Great-power competition is portrayed less as a fact of life and more as a strategy in and of itself. Certainly, some authors do suggest a potential endpoint to great-power competition, such as Hal Brands and Zack Cooper, whose recent piece in Foreign Policy argued that competition between the United States and China would only lessen when the regime in Beijing collapsed. But they are still unclear on why we should pursue an existential Cold War-style struggle with China, rather than a more measured approach of competitive coexistence.

This example is emblematic of the debate on great-power competition as a whole. As a grand strategy—what the Yale University professor John Lewis Gaddis once described as “the calculated relationship of means to large ends”—great-power competition is sorely lacking. For starters, it’s not clear whether competition is itself a means or an end.

The 2017 National Security Strategy, for example, describes the world as an “arena of continuous competition” for which the United States must prepare. Whether it is domestic infrastructure projects, student loan forgiveness, repairs to democratic institutions, or increasing the birth rate, a wide range of policy priorities are now portrayed as essential to the pursuit of great-power competition. This suggests that great-power competition is itself an end. Why the country is compelled to compete in this way typically goes unstated.

Indeed, if great-power competition is instead a means to an end, it’s not at all clear what those ends are. There’s rarely a concrete goal among those who proselytize in favor of a strategy of great-power competition. Consider how the topic is portrayed by former National Security Advisor H.R. McMaster in his recent book. He opens by noting that “after the end of the Cold War, America and other free and open societies forgot that they had to compete to keep their freedom, security, and prosperity” while later arguing that states must “compete thoroughly as the best means of avoiding confrontation.” Confusingly, he portrays competition as both an alternative to conflict and as a Manichean struggle between good and evil, with the United States beset by adversaries on all sides.

It’s easy to dismiss this kind of rhetoric as silly, but it also carries substantial danger. For one thing, the focus on competition masks a whole series of underlying assumptions about the international system and America’s role in it. Washington’s policy community appears convinced that we are headed for a more dangerous world, one in which the United States must push back against the perceived aggression of states like China and Russia. Though articles almost always include an obligatory aside—that cooperation with China on climate change is a must!—the frame is almost uniformly confrontational.

To be clear, there are good reasons for Washington’s strategic community to perceive an increasingly competitive world. The gap between the United States and other countries is narrowing militarily; it has already closed by some economic measures. And pushback against U.S. foreign-policy choices among other states has increased in recent years, from Chinese attempts to revise maritime rules to Russia’s aggressive targeting of foreign elections. But a more competitive world isn’t the same thing as an all-out struggle. Great-power competition is often portrayed as an all-or-nothing conflict, where revisionist autocracies are challenging the United States in every sphere. In reality, thus far China and Russia are only selectively revisionist, attempting to change the status quo where it suits their interests and to maintain it in other places.

The risks of the all-or-nothing approach to global politics cannot be overstated. As Fareed Zakaria put it recently, “The United States risks squandering the hard-won gains from four decades of engagement with China, encouraging Beijing to adopt confrontational policies of its own, and leading the world’s two largest economies into a treacherous conflict of unknown scale and scope.” Indeed, if one assumes—as much of the writing on great-power competition does—that China and Russia are implacable foes of the United States determined to destroy the existing order and overturn U.S. hegemony, then policies that would otherwise be unthinkable are suddenly on the table.

Military buildup in Europe and Asia becomes necessary, even if it raises the risk of open conflict with another nuclear power. Economic decoupling seems vital to protect supply chains, though studies show that the costs to U.S. companies and workers would be extreme. A recent report by the U.S. Chamber of Commerce’s China Center, for example, estimated that the U.S. economy could lose up to $1 trillion in growth if tariffs were more broadly applied to all U.S.-China trade. Restrictions on tourism or on Chinese students studying in the United States would cost between $15 billion and $30 billion per year.

The bottom line is simple: It’s easy to make fun of great-power competition as a meaningless buzzword or as Washington’s foreign-policy elite rediscovering that other states get to have a say in world politics. But as the political scientist Robert Kagan wrote recently, the biggest question of the coming decades may be whether countries can “confine the global competition to the economic and political realms and thus spare themselves and the world from the horrors of the next great war or even the still frightening confrontations of another cold war.” In that context, the ~~blind~~ pursuit of a strategy of great-power competition is irresponsible and shortsighted.

The last time the United States single-mindedly pursued a poorly thought-out slogan masquerading as a strategy, it ended up fighting a two-decade global war on terrorism, a conflict from which it is still struggling to extricate itself and that had immense negative effects on the country’s foreign relations and its domestic liberties. Yet if today’s leaders are not careful, the rhetoric of great-power competition could drag the United States into a conflict even more costly and damaging.

#### Treat their evidence with skepticism---there are strong financial incentives to defend hegemony and demonize alternatives

Parmar 19, professor of International Politics at City, University of London, and Head of the Department of International Politics. He is a Fellow of the Academy of Social Sciences, and past President of the British International Studies Association. (Inderjeet, June 3rd, 2019; “Transnational Elite Knowledge Networks: Managing American Hegemony in Turbulent Times”, pg. 6-8, *Security Studies*, DOI: 10.1080/09636412.2019.1604986)

American elite knowledge networks center on the strategic and heavily interconnected corporate-philanthropic foundation. The liberal Ford and Rockefeller foundations and conservative variants all fund knowledge networks.28 Unburdened by electors or shareholders, these institutions are governed by trustees drawn from corporations, government, corporate media, and elite universities. Their elitist mindsets and ethno-racial and class identities differentiate these trustees from the majority of Americans. We can track the rise of American global hegemony by exploring the increasing significance of foundations and the institutional architecture that owes its origins to concentrated corporate wealth. At home, this comprised a dense network of think tanks, university foreign affairs organizations, area studies, and social-scientific programs, all of which interlinked with practitioners in politics, media, and government. These elite knowledge networks built long-term relationships that created pathways for the international circulation of ideas, people, and money, and usually connected strongly with American organizations like the Institute of Pacific Relations and the Council on Foreign Relations (CFR). These knowledge networks’ greatest achievement is the elaboration of a liberal-internationalist elite consensus that rejects isolationism and spans the two main political parties, the media, and attentive publics. With the American state’s full cooperation, such knowledge networks helped to establish the post-1945 liberal international order that included Bretton Woods, the United Nations, the Marshall Plan, and NATO.

Official institutions of the liberal international order included the intertwined spines of the private and state-private institutional architecture that had been established during the Cold War to perform the major functions of US hegemonic knowledge networks. These networks grew deep roots in core Western states and civil societies. Symbiotic with NATO, European unity, and the special relationship between the United States and the United Kingdom, such networks provided an international umbrella and developed politically powerful domestic constituencies that were invested in the liberal international order.29

Nevertheless, hegemony studies neglects American ideational-infrastructural power that is operationalized and embedded in influential power-knowledge networks, with linkages that unify private/public domains and international/domestic spheres, and that legitimize domestic vertical power inequality and horizontal inequalities between societies. Those networks are the power technology of the foreign policy establishment.30 Such neglect diminishes our understanding of the forces that perpetuate American hegemony and enable hegemonic elites to block or manage discontent. This article’s neo-Gramscian argument is that, despite crises and challenges that include the disruptive effects of Donald Trump’s presidential campaign and subsequent Twitter-disseminated rhetoric, those networks continue to successfully manage, channel, or block threats to American hegemony. Such networks are likely to remain significant during the Trump presidency, and to constrain attempts to radically alter the liberal international order.

American hegemony, because it is imperial in character and rooted in domestic power elites, is contested at home and abroad—more or less openly—depending on the balance of forces. Hegemony sets requirements on the hegemon. These requirements include delivery of certain freedoms, rights, security, and opportunities, which together construct “the American dream,” as well as a stable world order in which prosperity increases and aspirations appear achievable.31

#### Decline solves transition conflict---only clinging causes war.

MacDonald & Parent 18, \*PhD, Associate Professor of Political Science at Wellesley College. \*\*PhD, Associate Professor of Political Science at the University of Notre Dame. (Paul K. and Joseph M., “Twilight of the Titans: Great Power Decline and Retrenchment”, pg. 2-3, Published by *Cornell University Press*)

In this book, we argue that the conventional wisdom is wrong. Specifically, we make three main arguments. First, relative decline causes prompt, proportionate retrenchment because states seek strategic solvency. The international system is a competitive place, and great powers did not get to the top by being imprudent, irrational, or irresponsible. When their fortunes ebb, states tend to retain the virtues that made them great. In the face of decline, great powers have a good sense of their relative capability and tend not to give away more than they must. Expanding or maintaining grand strategic ambitions during decline incurs unsustainable burdens and incites unwinnable fights, so the faster states fall, the more they retrench. Great powers may choose to retrench in other circumstances as well, but they have an overriding incentive to do so when confronted by relative decline.

Second, the depth of relative decline shapes not only how much a state retrenches, but also which policies it adopts. The world is complex and cutthroat; leaders cannot glibly pull a policy off the shelf and expect desired outcomes. Because international politics is a self-help system, great powers prefer policies that rely less on the actions of allies and adversaries. For lack of a better term, we refer to these as domestic policies, which include reducing spending, restructuring forces, and reforming institutions—all to reallocate resources for more efficient uses. But international policies may also help, and they include redeploying forces, defusing flashpoints, and redistributing burdens—all to avoid costly conflicts and reinforce core strongpoints. The faster and deeper states fall, the more they are willing to rely on others to cushion their fall. Retrenchment is not a weapon but an arsenal that can be used in different amounts and combinations depending on conditions and the enemies faced.

Third, after depth, structural conditions are the most important factors shaping how great powers respond to relative decline. Four conditions catalyze the incentives for declining states to retrench. One is the declining state’s rank. States in the top rungs of the great power hierarchy have more resources and margin for error than those lower down, so there is less urgency for them to retrench. Another is the availability of allies. Where states can shift burdens to capable regional powers with similar preferences, retrenchment is less risky and difficult. Yet another is the interdependence of commitments. When states perceive commitments in one place as tightly linked to commitments elsewhere, pulling back becomes harder and less likely. The last catalyst is the calculus of conquest. If aggression pays, then retrenchment does not, and great powers will be loath to do it. The world is not just complex and cutthroat, it is also dynamic. No set of conditions is everlasting, and leaders must change with the times.

Empirically, this work aims to add value by being the first to study systematically all modern shifts in the great power pecking order. We find sixteen cases of relative decline since 1870, when reliable data for the great powers become available, and compare them to their non-declining counterparts across a variety of measures. To preview the findings, retrenchment is by far the most common response to relative decline, and declining powers behave differently from non-declining powers. States in decline are more likely to cut the size of their military forces and budgets and in extreme cases are more likely to form alliances. This does not, however, make them ripe for exploitation; declining states perform comparatively well in militarized disputes. Our headline finding, however, is that states that retrench recover their prior rank with some regularity, but those that fail to retrench never do. These results challenge theories of grand strategy and war, offer guidance to policymakers, and indicate overlooked paths to peace.

### 1NC---Turn

#### Pursing heg locks in overstretch and a Russia-China axis.

Porter 19, Professor of International Security and Strategy at the University of Birmingham. He is also Senior Associate Fellow at the Royal United Services Institute, London and a Fellow of the Quincy Institute for Responsible Statecraft. (Patrick Porter (2019) “Advice for a Dark Age: Managing Great Power Competition”, The Washington Quarterly, 42:1, 7-25, <https://doi.org/10.1080/0163660X.2019.1590079>)

There is little sign of active “splitting” currently, however. (A notable exception is recent collaboration with Beijing over North Korea’s nuclear program, even if it is marred by tension and distrust.) Rather, the United States is encouraging the perception of a common enemy. By militarily positioning itself within striking distance of Russia and China through a semi-encircling presence in eastern Europe and north-east Asia, expanding alliances, entertaining further expansion, ramping up freedom-of-navigation operations (FONOP) in the South China Sea, reviving the pursuit of an antiballistic missile shield, establishing a reputation as a sponsor of “color revolutions” and as an overthrower of regimes, Washington helps draw Beijing and Moscow closer together into a balancing coalition. A nascent Russia-China alliance is suggested by Russia’s own interagency inquiry into the possibility, the frequency of Putin-Xi contact, deliberate tightening of economic interaction, and overt displays and declarations of close military ties through joint exercises and arms sales.24

It does not have to be this way. The United States has a geopolitical advantage—its distant location. Most powers, most of the time, are more concerned by the potential threat of other nearby land powers than distant sea powers.25Based in the Western hemisphere, the United States has less of a compelling security interest in adversaries ’backyards, allowing Washington the choice of adopting a more distant pose. Russia and China, by contrast, are neighbors so cannot withdraw, both are primarily continental land-based military powers, and historically such proximity can exacerbate rivalries and mutual fears. Sino-Russian antagonism remains a built-in possibility. Only under the right conditions, though, can the rivalries again grow. This is not a plea for a trilateral realignment whereby one state agrees to be the United States’ “geopolitical hammer” and teams up with Washington to contain the other. Rather, it is to suggest that more American restraint in one theater could make space for Russia-China frictions to take effect in another.

This geopolitical principle will prove controversial. The bipartisan consensus among security experts in Washington is to assume that only a state of preponderance over all rivals will suffice. Policymakers assume that the problem lies in Washington’s failure to apply enough power, or to apply enough power efficiently enough. They then call for the allocation of more resources and their smarter use in order to sustain U.S. dominance. The congressionally-mandated2018National Defense Strategy Commission report, appointed to make recommendations, is a case in point. It takes dominance as the obvious U.S. national interest. It complains that as rivals challenge American power, U.S. military superiority and its capacity to wage concurrent wars has eroded, due tor-educed defense expenditure, and advises that it spend more while cutting entitlements.26On this logic, a defense budget that is already10 times the size of Russia’s and four times the size of China’s is not enough, for U.S. grand strategy must go beyond defense and deterrence to achieve unchallengeable strength. That the pursuit of dominance could be the source of the problem, not the answer, is not considered.

Even the United States cannot prudently take on every adversary on multiple fronts. The costs of military campaigns against these adversaries in their backyards, whether in the Baltic States or Taiwan, would outstrip the losses that the U.S. military has sustained in decades. Short of all-out conflict, to mobilize for dominance and risk escalation on multiple such fronts would court several dangers. It would overstretch the country. The U.S. defense budget now approaches $800 billion annually, not including deficit-financed military operations. This is a time of ballooning deficits, where the Congressional Budget Office warns that “the prospect of large and growing debt poses substantial risks for the nation.”27 If in such conditions, current expenditure is not enough to buy unchallengeable military preponderance—and it may not be—then the failure lies not in the failure to spend even more.

Neither is the answer to sacrifice the quality of civic life at home to service the cause of preponderance abroad. The old “two war standard,” a planning construct whereby the United States configures its forces to conduct two regional conflicts at once, would be unsustainably demanding against more than one peer competitor, or potentially with a roster of major and minor adversaries all at once.28After all, the purpose of American military power is ultimately to secure a way of life as a constitutional republic. To impose ever-greater debts on civil society and strip back collective provision at home, on the basis that the quality of life is expend-able for the cause of hegemony, is perversely to set up power-projection abroad as the end, when it should be the means. The problem lies, rather, in the inflexible pursuit of hegemony itself, and the failure to balance commitments with scarce resources.

To attempt to suppress every adversary simultaneously would drive adversaries together, creating hostile coalitions. It also may not succeed. Counterproliferation in North Korea is difficult enough, for instance, but the task becomes more difficult still if U.S. enmity with China drives Beijing to refuse cooperation over enforcing sanctions on Pyongyang. Concurrent competitions would also split American resources, attention and time. Exacerbating the strain on scarce resources between defense, consumption and investment raises the polarizing question of whether preponderance is even worth it, which then undermines the domestic consensus needed to support it. At the same time, reduced investment in infrastructure and education would damage the economic foundations for conducting competition abroad in the first place.

Taken together, indiscriminate competition risks creating the thing most feared in traditional U.S. grand strategy: a hostile Eurasian alliance leading to continuous U.S. mobilization against hostile coalitions, turning the U.S. republic into an illiberal garrison state. If the prospect for the United States as a great power faces a problem, it is not the size of the defense budget, or the material weight of resources at the U.S. disposal, or popular reluctance to exercise leadership. Rather, the problem lies in the scope of the policy that those capabilities are designed to serve. To make the problem smaller, Washington should take steps to make the pool of adversaries smaller.

#### Russia-China coordination triggers global war.

Kendall-Taylor & Shullman 19, \*PhD in Political Science from Yale, Senior Fellow in and Director of the Transatlantic Security Program at the Center for a New American Security an Adjunct Professor in Georgetown University’s School of Foreign Service. \*\*PhD, Senior Adviser at the International Republican Institute and an Adjunct Senior Fellow in the Transatlantic Security Program at the Center for a New American Security. (Andrea, David, 5/14/19, "A Russian-Chinese Partnership Is a Threat to U.S. Interests", *Foreign Affairs*, https://www.foreignaffairs.com/articles/china/2019-05-14/russian-chinese-partnership-threat-us-interests)

While Washington takes a wait-and-see approach, Moscow and Beijing could be coordinating to significantly thwart U.S. interests over the next 15 to 25 years. The two powers may never forge a formal military alliance, but they could still work together in ways that cause major headaches for the United States. Imagine, for example, that Russia and China coordinate the timing of hostile actions on their peripheries. If China made aggressive moves in support of its sovereignty claim in the South China Sea at the same time that Russia made further incursions into Ukraine, U.S. forces would struggle to respond effectively to either gambit.

Nonmilitary collaboration between Russia and China could weaken the United States and even threaten its way of life. Both countries are likely to use their cyber and disinformation capabilities to, as the director of national intelligence put it in January, “steal information, to influence our citizens, or to disrupt critical infrastructure.” China currently does not exhibit Russia’s zeal for using such measures, particularly against the United States; but if U.S.-Chinese relations darken, Beijing could plausibly take a page from Russia’s playbook and mount coordinated, deniable cyberattacks or interference campaigns against the United States.

China and Russia behave very differently in pursuit of their foreign policy objectives, but the combined effect of their actions is often greater than the sum of its parts. In Europe, for example, China has amassed economic influence through growing trade relationships and Belt and Road-related infrastructure investments not contingent on standards for democratic governance and human rights, particularly in eastern Europe, Greece, and Italy. This engagement will ultimately translate into political leverage, as it already has in many countries in Asia. Russia, for its part, appears intent on pursuing hybrid tactics that disrupt democratic processes. On their own, each of these activities is already worrisome for the United States and Europe. But a scenario in which each country’s actions amplify the other’s is not hard to imagine. China, for example, could eventually use its growing ownership of European ports and rail lines to slow a NATO response to Russian aggression. Likewise, Beijing could use the economic leverage it has accrued to quietly dissuade an already reluctant NATO member state such as Hungary or Turkey from responding to Russia’s hybrid tactics, which could ultimately serve to discredit NATO’s commitment to collective defense.

### 1NC---Turn

#### Retrenchment key to a concert strategy---that unlocks global governance.

Pampinella 19, Assistant Professor of Political Science and International Relations at the State University of New York (SUNY) at New Paltz. He is on leave from SUNY New Paltz during Spring 2019 and is conducting research on the practice of diplomacy in the Ecuadorian Foreign Ministry in Quito, Ecuador. (Stephen, 1-23-2019, "The Internationalist Disposition and US Grand Strategy", *Disorder of Things*, https://thedisorderofthings.com/2019/01/23/the-internationalist-disposition-and-us-grand-strategy/)

I think there is a strategy consistent with the international disposition: great power concert. A concert strategy requires that all great powers pursue mutual accommodation and recognize each other’s interests as part of a larger commitment to maintain international stability. Patrick Porter and Amitav Acharya argue that a great power concert strategy is the best suited to adapt to the transfer of wealth and power to Asia along with the “multiplex” nature of world politics (not to mention a global perspective on international relations). The emergence of a diverse range of state and non-state actors bound together by extreme interdependence makes it impossible for any one actor, such as the United States, to establish rules for global governance which can mobilize all others. On this basis, a concert strategy would lead the United States to collaborate with others on the basis of mutual co-existence and embrace joint decision-making at the global level for coping with macrostructural processes that threaten all peoples around the world. In this way, a concert strategy is firmly grounded the international disposition and can serve as the realization of progressive internationalism.

Security and The Balance of Power

A concert strategy can do what establishment foreign policy cannot, namely de-escalate great power competition by giving up US hegemony. If adopted, the United States would treat other great powers, like Russia, China, and Iran, as equal partners in the maintenance of global stability and incorporate their interests into regional security agreements. The United States would give up its self-assumed role as an unrivaled global hegemon and seek a balance of power based on mutual respect with other great powers as partners rather than enemies. This kind of international posture would result in a more horizontal great power system, one that Stacie Goddard as identified as being productive of status quo rather than revisionist intentions. It would be compatible with recognition of the great power identities of other states and provide them with ontological security.

Transitioning from a hegemonic security strategy to a balance of power one will require that the United States engage in some degree of retrenchment from its already expansive commitments. But supporters of hegemony are wrong when they claim that retrenchment will encourage great power aggression and lead to the abandonment of our allies. The United States can engage in moderate forms of retrenchment consistent with great power recognition while still maintaining commitments to allies that strive to uphold human dignity. For example, were the United States to support a moratorium on NATO expansion, as Michael O’Hanlon suggests, it would signal that the United States is no longer interested in moving the frontiers of its influence to the gates of Moscow and remove the sense of threat experienced by Russian leaders. By recognizing the validity of Russian security interests as well as its great power identity, the equal relationship made possible by a concert strategy will better deal with the threat of interstate conflict compared to US hegemony.

Reviving Global Governance

A concert strategy informed by the internationalist disposition can further enable more robust forms of global governance. Rather than attempt international cooperation based on a priori liberal normative templates, the United States would accept the validity of all claims made by collective actors in world politics in an open-ended and inclusive process of deliberation. The result would be less of a hegemonic order and more of a constitutionalist one, in which the United States binds itself to a truly democratic process of decision-making at the global level. The emergence of global governance norms would be a function less of hegemonic socialization and more of a right held by all actors to contest the validity of standards of expected behavior. In other words, a concert strategy would enable the United States to accept processes of norm contestation as the motor of transnational cooperation and generate more legitimate rules for regulating global governance. It would expand the US order building project initially identified by Ikenberry on the basis of restraint and institutional self-binding, but without retaining its own hierarchical position in world politics or engaging in hypocritical forms of dominance.

The implications for economic governance are profound: the United States would no longer exclude from consideration the notion of social democratic regulation of global capitalism and instead promote non-capitalist perspectives on the economy. Todd Tucker provides one great example of this approach when he argues that ISDS arbitration should include labor leaders and social justice advocates rather than international lawyers chosen by multinational firms which initiate legal action against sovereign states. It would also enable the United States to seriously consider Piketty’s call for a global wealth tax, Palley and Chow’s call for minimum wage floors, and a binding multilateral treaty that regulates global business activities on the basis of human rights. And finally, it would enable the drastic shift away from fossil fuels necessary to avoid climate apocalypse.

In Search of a Global Public

Naysayers might argue that all this degree of international cooperation sounds idealist, but all are possible in a context of declining great power competition. Once the United States recognizes the equal membership of all others in world politics on the basis of our extreme interdependencies, it can make possible what Mitzen has referred to as collective intentionality, or the emergence of a plural subject composed of several individuals who make and uphold joint commitments to each other and demand adherence as members of a global public. This kind of action is what the internationalist disposition can help us conceptualize, and even realize, through a concert strategy.

If progressive internationalists want to realize their objectives, they should be willing to turn away from the US establishment and embrace a concert strategy. By prioritizing cooperation on non-state issues and resolving great power competition through equal recognition, they can realize security for their own citizens as well as others. However, IR constructivists remind us that no foreign policy can be enacted by policymakers without a legitimating national security narrative. Progressive internationalists must continue to develop a new story about the United States that rationalizes a concert strategy and renders US national identity compatible with the pluralism we find in both world politics and US domestic politics. To develop this narrative, progressive internationalists should engage radical critiques of democracy, like those offered by Chantal Mouffe, which seek maximal inclusion of others and accept difference and conflict as irreducible elements of political life. A pluralist strategic narrative can thereby serve as the basis for mutual respect of others and enable the democratization of world politics.

#### Global governance checks emerging tech, pandemics, and war---extinction.

Bailey 18, Professional technologist and strategic manager. Robert earned his Master of Science Degree in Computer science in 2009, and has worked since then has a product engineer developing Microsoft stack technologies. (Robert, 9-5-201, "Why do we need global governance?" *Global Governance*, https://www.visionofearth.org/social-change/global-governance/)

Global governance is necessary because humanity increasingly faces both problems and opportunities that are global in scale. Today, transnational problems such as violence and pandemics routinely reach across borders, affecting us all. At the same time, the increasingly integrated global system has also laid the necessary foundations for peace and spectacular prosperity. Effective global governance will allow us to end armed conflict, deal with new and emerging problems such as technological risks and automation, and to achieve levels of prosperity and progress never before seen.

The most important challenge for humanity to overcome is that of existential risks. One way to look at the danger of an existential risk is to quantify the level of global coordination needed to deal with it. While best-shot risks, at one end of the spectrum only require that a single nation, organization or even individual (i.e., superhero) has the means and the will to save everyone, weakest-link risks, at the other end of the spectrum, are dangers that might require literally every country to take appropriate action to prevent catastrophe, with no room for failure.2 3

We’ve always been at risk of natural disaster, but with advances in our level of technology the risk we pose to ourselves as a species becomes ever greater. Nuclear weapons are a well-known risk that we still live with to this day. The progress of technological research exposes us to new dangers such as bioengineered superbugs, nanotechnological menaces, and the risk of an out-of-control artificial intelligence with ill-intent. Increased levels of global coordination are needed to combat many of these risks, as described in our article on the cooperation possibilities frontier.

There are other problems that don’t necessarily threaten the species or even civilization as we know it, but which are holding back the development of prosperity and progress. Armed conflict, around since the dawn of history, still haunts us today. Even though wars between great powers appear to be a thing of the past, regional conflicts still account for tremendous human suffering and loss of life in parts of the world without stable governance.4

Other problems have emerged precisely because of our successes in the past. The unprecedented advancement of human wellbeing and prosperity over the past century has been based in large part on the use of fossil fuels, thus exposing us to climate change. Widespread automation, already a stressor on society, will put increased pressure on the social and economic fabric of our societies over the next few decades. Global governance can help alleviate these issues in various ways - we refer the interested reader to the very detailed work in Ruling Ourselves.

Finally, global governance will increasingly be judged not only by the extent to which it prevents harm, but also by its demonstrated ability to improve human wellbeing.5 Progress has let us set our sights higher as a species, both for what we consider to be the right trajectory for humanity and for our own conduct.6 Major advances in human wellbeing can be accomplished with existing technology and modest improvements in global coordination.

Effective global governance is global governance that tackles these issues better than the regional governments of the world can independently. Global governance is key to solving global problems. Without it, we may not be able to avoid weakest-link existential risks or regulate new and dangerous technologies. With it, we may be able to prosper as we never have before. The next step is to determine how effective global governance can be achieved.

### 1NC---Turn

#### Primacy in Asia is unsustainable---pursuing it causes counterbalancing and miscalc.

Shifrinson 21, Assistant Professor of International Relations at Boston University. (Joshua R. Itzkowitz, Winter 2021, “Neo-Primacy and the Pitfalls of US Strategy toward China”, *The Washington Quarterly*, 43:4, 89-90)

It Is Difficult to Stop China’s Continued Rise

Second, neo-primacy’s logic rests on shaky foundations, as the United States’ opportunity to reclaim preeminence is extremely small, and the effort will likely prove both counterproductive and dangerous. Baldly, if the United States was unable to keep China from becoming a near-peer competitor in the first place via classic primacy, it is even less likely that the United States has the wherewithal to put the Chinese genie back in the bottle and now push China from the great power ranks via neo-primacy.

States generally balance when confronted with a direct external threat. This tendency is significant in the US-China context because, under neo-primacy, the United States would effectively declare itself a direct threat to China at a time when US analysts acknowledge China has a growing capacity to oppose American plans and ambitions.53 Though China is not poised to dominate East Asia, it can thus be expected to devote its own considerable resources toward keeping pace with US efforts to arrest China’s rise and/or shift the relative distribution of power in the US favor. The odds of major crises would then increase as Washington and Beijing maneuver for position, in turn raising the odds of escalatory spirals, miscalculation, and war.54

Trends in military spending and recent economic developments suggest China’s capacity to oppose neo-primacy and a US drive to reclaim untrammeled preeminence. On one level, China currently devotes a smaller share of its economic wealth to military purposes than the United States, yet it has still managed to reduce American military advantages. This implies that Beijing could do quite a bit to frustrate American policy simply by allocating more to international purposes; if the United States feels pressured by a China that spends 2 percent of its GDP on defense, a China that spends 3 or 4 percent of GDP on defense—roughly what the United States has spent since the Cold War—would present a still larger problem and place the United States in an even worse position.55

Nor is it just military spending that underlines neo-primacy’s limitations. After all, ongoing efforts to decouple the US and Chinese economies—designed partly to limit Chinese growth—has pushed Beijing toward fostering a self-sustaining domestic economy able to withstand “sustained acrimony with the United States.” Given this, it is reasonable to infer that additional economic efforts to outpace Beijing will generate countervailing Chinese responses.56 Considering, too, that China’s economy has grown at a faster rate than the United States’ (even during COVID-19) and that the country has worked to narrow the USChina technological gap,57 the PRC’s ability to keep pace with the United States cannot be discounted.58 Shifts in the distribution of power since the Cold War make neo-primacy self-defeating by enabling China to match US efforts while risking US national security along the way. In this sense, neoprimacy risks exacerbating the very problem it seeks to address.

### 1NC---Turn

#### Attempting to maintain hegemony over Russia backfires and triggers nuclear cyber-war.

Beebe 19, vice president and director of studies at the Center for the National Interest, a nonpartisan think tank in Washington, former head of Russia analysis at the CIA. (George, 10-7-2019, "We’re More at Risk of Nuclear War With Russia Than We Think", *POLITICO Magazine*, <https://www.politico.com/magazine/story/2019/10/07/were-more-at-risk-of-nuclear-war-with-russia-than-we-think-229436>)

The first is that American policymakers think that because neither side wants nuclear war, then such a war is very unlikely to occur. Russia would be foolish, we reason, to cross swords with the powerful U.S. military and risk its own self-destruction, and many Americans find it hard to imagine that modern cyber duels, proxy battles, information operations and economic warfare might somehow erupt into direct nuclear attacks. If the Cold War ended peacefully, the thinking goes, why should America worry that a new shadow war with a much less formidable Russia will end any differently?

But wars do not always begin by design. Just as they did in 1914, a vicious circle of clashing geopolitical ambitions, distorted perceptions of each other’s intent, new and poorly understood technologies, and disappearing rules of the game could combine to produce a disaster that neither side wants nor expects.

In fact, cyber technologies, artificial intelligence, advanced hypersonic weapons delivery systems and antisatellite weaponry are making the U.S.-Russian shadow war much more complex and dangerous than the old Cold War competition. They are blurring traditional lines between espionage and warfare, entangling nuclear and conventional weaponry, and erasing old distinctions between offensive and defensive operations. Whereas the development of nuclear weaponry in the Cold War produced the concept of mutually assured destruction and had a restraining effect, in the cyber arena, playing offense is increasingly seen as the best defense. And in a highly connected world in which financial networks, commercial operations, media platforms, and nuclear command and control systems are all linked in some way, escalation from the cyber world into the physical domain is a serious danger.

Cyber technology is also magnifying fears of our adversaries’ strategic intentions while prompting questions about whether warning systems can detect incoming attacks and whether weapons will fire when buttons are pushed. This makes containing a crisis that might arise between U.S. and Russian forces over Ukraine, Iran or anything else much more difficult. It is not hard to imagine a crisis scenario in which Russia cyber operators gain access to a satellite system that controls both U.S. conventional and nuclear weapons systems, leaving the American side uncertain about whether the intrusion is meant to gather information about U.S. war preparations or to [preclude] ~~disable~~ our ability to conduct nuclear strikes. This could cause the U.S. president to wonder whether he faces an urgent “use it or lose it” nuclear launch decision. It doesn’t help that the lines of communication between the United States and Russia necessary for managing such situations are all but severed.

A related, second assumption American policymakers make is seeing the Russian threat as primarily a deterrence problem. The logic goes something like this: Wars often happen because the states that start them believe they can win, but the United States can disabuse a would-be aggressor of this belief through a show of force, thus deterring conflict. Indeed, Washington seems convinced that showing the Kremlin it will punish Russian transgressions—through toughened economic sanctions, an enhanced military posture in Europe and more aggressive cyber operations—is the best path to preserving peace.

But, when dealing with states that believe they are under some form of assault, focusing on deterrence can be counterproductive. Rather than averting aggression by demonstrating the will to fight back, America might be unintentionally increasing the odds of a war. To a great degree, this is the situation the United States already faces. Years of enlargement of NATO and perceived U.S. involvement in Russia’s internal affairs have convinced the Kremlin that America poses an existential threat. In turn, Russia’s meddling in the 2016 U.S. presidential election, coupled with a string of aggressions against its neighbors, have convinced Washington that Moscow is going for the West’s jugular.

The United States experienced this spiral phenomenon with Georgia in 2008. Convinced that Russia harbored aggressive designs on its southern neighbor, Washington policymakers accelerated U.S. military training in Georgia, openly advocated bringing Tbilisi into the NATO alliance and issued multiple warnings to Moscow against military action, believing this firm resolve would deter Russian aggression. In fact, it had the opposite effect. Russia grew increasingly alarmed by the prospect of Georgian membership in NATO, while Tbilisi felt emboldened to launch a military operation in the breakaway Georgian region of South Ossetia, which yielded an immediate and massive Russian military response.

### 1NC---Defense

#### Russia isn’t revisionist.

Götz & Merlen 18, \*Elias Götz, Postdoctoral Researcher at the Uppsala Center for Russian and Eurasian Studies (UCRS), Uppsala University, Sweden. \*\*Camille-Renaud Merlen, PhD Candidate in International Relations. (11-15-2018; “Russia and the question of world order”, *European Politics and Society*, Volume 20, Issue 2, https://www.tandfonline.com/doi/full/10.1080/23745118.2018.1545181)

To begin with, there are a number of reasons to be sceptical about the ‘revanchist Russia’ perspective. First, it adopts an overly deterministic position, which negates the open-ended character of history by underlining its predetermined course through certain ‘iron laws’ and the supposedly unchanging ‘essence’ of Russia. In so doing, this perspective effectively denies the role of individual agency: Whoever the leader is, or whatever the regime may be, Russians are subordinate to the quest for imperial greatness. This is a view that incidentally dovetails with that of extreme Russian nationalists, who see Russian history in similar holistic terms of a ‘single stream’ that connects Ivan IV, Peter the Great, Stalin, and Putin. However, Russia has experienced tremendous upheavals throughout history that dramatically changed its society and its relations with the outside world. This happened often at the instigation of one or a few individuals. Both the beginning and the end of the Soviet Union, for example, serve as powerful reminders of the role agency plays in affecting Moscow’s internal and external affairs. Furthermore, essentialist claims about Russian identity do not offer much insight into the dynamics of Moscow’s approach to the liberal international order, which has significantly fluctuated over time (Tsygankov, 2016Tsygankov, A. P. (2016). Russia’s foreign policy: Change and continuity in national identity. Lanham: Rowman & Littlefield. Second, Russia’s revisionist behaviour should not be exaggerated. Its intervention in Ukraine has remained relatively limited, as has its military activity in other post-Soviet states (Götz, 2016Götz, E. (2016). Russia, the West, and the Ukraine crisis: Three contending perspectives. Contemporary Politics, 22(3), 249–266. doi: 10.1080/13569775.2016.1201313, p. 9). In fact, the scope of Russia’s revanchist aims is a matter of debate. It is doubtful whether Moscow has a blueprint for an alternative international order with different norms and principles than the current one. Nor does its promotion of conservative authoritarianism seem to constitute a genuine agenda. As Lewis (2016Lewis, D. (2016, May 24). The “Moscow Consensus”: Constructing autocracy in post-Soviet Eurasia. The Foreign Policy Centre. Retrieved from https://fpc.org.uk/moscow-consensus-constructing-autocracy-post-soviet-eurasia/ ) writes, ‘the export of conservative social and political values (…) has so far not developed into a coherent campaign, but remains a rather ad hoc and inchoate critique by Russian politicians of “multiculturalism”, LGBT rights and “political correctness” in Europe.’ Furthermore, the ‘revanchist Russia’ perspective is unable to account for the numerous instances in which Moscow has adhered to the norms, rules, and institutions that are associated with the existing liberal order. While it might be a stretch to describe Moscow as a consistent defender of multilateralism (Lo, 2015Lo, B. (2015). Russia and the new world disorder. Washington, DC: Brookings Institution Press. ), it has supported frameworks such as the 2015 Iran nuclear deal. It also acceded to the World Trade Organization in 2012 – after 19 years of talks – and continues to be a member of the European Court of Human Rights. The liberal goals and supranational methods of these institutions hardly fit with a revisionist imperial agenda.Third, Moscow’s behaviour is much more in line with that of an ordinary great power than the ‘revanchist Russia’ perspective makes it out to be. For one thing, Russia is by no means unique in its quest to establish a zone of influence in its near neighbourhood. As Carpenter (2017Carpenter, T. G. (2017, January 19). The simple reason Russia and America keep inching towards crisis. National Interest (online). Retrieved from http://nationalinterest.org/blog/the-skeptics/the-simple-reason-russia-america-keep-inching-towards-crisis-19117 [Google Scholar] , January 19) points out, Russia is hardly the only country to regard the [sphere of influence] concept as important for its security. Or do U.S. officials believe that Chinese actions in the South China Sea, Turkey’s policies towards Iraq and Syria, and Saudi Arabia’s actions in Bahrain and Yemen do not involve such a consideration?For another, interference in the domestic affairs of other states is something of a habit for great powers. Whether they are democratic or authoritarian does not seem to make a difference in this regard. The United States, for example, has a long track record of meddling in the internal affairs and electoral processes of other countries (Levin, 2016Levin, D. H. (2016). When the great power gets a vote: The effects of great power electoral interventions on election results. International Studies Quarterly, 60(2), 189–202. doi: 10.1093/isq/sqv016 ). It is therefore unlikely that a more democratic Russia will substantially change its key foreign policy objectives and activities. Furthermore, the discrediting of Russian concerns over NATO enlargement as an ‘imagined’ threat, rather than a ‘real’ one, misses the mark. Any international relations scholar worth their salt knows that uncertainty about others’ intentions is central to security dilemma dynamics. Thus, Moscow’s fears should not be brushed aside as idiosyncratic Russian paranoia. In conclusion, it seems fair to say that the ‘revanchist Russia’ perspective faces an array of explanatory challenges and shortcomings.

#### China isn’t revisionist.

McKinney 19, \*Jared Morgan; PhD candidate at the S. Rajaratnam School of International Studies, Nanyang Technological University (Singapore); \*\*Nicholas Butts; Center for Strategic and International Studies Pacific Forum Young Leader. He holds an LL.M. from Peking University, an MSc from The London School of Economics and an MPA from Harvard University where he was also a Crown Prince Frederik Scholar and a Cheng Fellow. (Winter 2019, “Bringing Balance to the Strategic Discourse on China’s Rise”, *Journal of Indo-Pacific Affairs*, pg. 75-76, https://www.airuniversity.af.edu/Portals/10/JIPA/journals/Volume-02\_Issue-4/McKinney.pdf)

In the abstract, such claims are alarming—in context, and in balance, rather humdrum. In fact, the evidence of any Chinese intention to destroy, or even merely undermine and exploit, the current order is slight. China is certainly using its growing military power to defend its claims in the SCS and even—on occasion— to coerce its neighbors. It uses protectionist economic policies to boost the prospects of Chinese companies and reduce competition. It employs economic statecraft to serve its interests abroad. And it certainly is opposed to America’s policy of global democracy promotion. However, none of these positions fundamentally challenge the existing order, none of them radically depart from America’s own actions when it was a rising power in the nineteenth century, and none of them obviously surpass America’s own contemporary record of order subversion.

When the United States was a rising power, it took half of Mexico and considered taking the rest, it colonized the Philippines and Hawaii, and it unilaterally seized the maritime choke points of the Caribbean (Puerto Rico and Cuba).21 The United States used tariffs—which by 1857 averaged 20 percent22 and by the end of the nineteenth century were “the highest import duties in the industrial world”23—to protect its industries. It stole intellectual property,24 and it ideologically challenged the governments of the “Old World.” Today, despite no longer being a rising power, the United States has launched two disastrous invasions, tortured prisoners, and dispatches drone strikes at a whim with little international legal authority.25 The point is not that two wrongs make a right; it is that international order is much more resilient than critics seem to realize,26 and it is utopian to expect any rising Great Power to act in a way that uniformly satisfies one’s moral scruples, evolving, in Friedberg’s words, “into a mellow, satisfied, ‘responsible’ status quo power.”27

Friedberg or Harris might object that America’s rise took place in the context of a different order. This is perfectly true, but the more important point is that the long nineteenth century (1815–1914)—the era of America’s rise—was the first iteration of the New Peace.28 The implication is that relative peace can and has coexisted with limited wars, property and territorial thefts, acts of coercion, and aggressive assertions of status. This does not mean any of these are desirable— they are not—but it shows that they need not be fatal to the system. Insofar as there is a lesson from that first period of relative peace, it is that Great Power confrontation is the one thing that is fatal. Accepting this does not mean capitulating in every instance, as implied by some,29 but it does mean rediscovering the rules of Great Power competition30 alongside the art of strategy.31

Focusing only on areas that China’s rise violates the scruples of the established powers, moreover, downplays the extent to which China, has, in fact, conformed to the existing order. As a RAND Corporation report published in 2018 concludes, China has been a supporter—albeit a conditional one—of the international order: “Since China undertook a policy of international engagement in the 1980s … the level and quality of its participation in the order rivals that of most other states.”32 The way in which Xi Jinping, following his 2017 Davos speech in defense of globalization, has been heralded as the most prominent champion of international order and defender of globalization underscores the fact that there are different elements of this order, and that China supports many, if not most, of them. Even in places where China is supposedly “altering” the current order, Beijing tends to simultaneously affirm that order. China’s Asian Infrastructure Investment Bank, for instance, actually mirrors existing structures, and China has intentionally copied elements and “best practices” of the World Bank and Asian Development Bank. China is playing the same game, even if it is seeking a bigger role within it.33

## FTC

### 1NC---UQ

#### FTC has sufficient resources now [particularly for scams]

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

Noah Joshua Phillips (5:06:17): Thank you, Congressman, I'd just start with the fact that when I began, our budget was about 309 million, I think, something like that, and the latest congressional budget justification has us at 389. So there's been a substantial increase in the ask, including some funding from Congress. So I think it's important to track how those resources are used. But I do think we can do more with more. That's, that's certainly a true thing. But I think it's important to take care in how we spend what we have. Darren Soto (5:06:46): Thank you. Commissioner Chopra. Rohit Chopra (5:06:48): Sir, I think - I know every agency says that they need more resources. But just looking at the data, we are stretched completely to capacity and the rubber band is snapping. And if we need to effectively enforce the law, we need the resources. There are so many laws that Congress has recently passed, whether it's relates to opioids or so many other topics, that the FTC has not brought a single law enforcement action on. That's not just resources. That's also Commissioner accountability. But resources will certainly help. Darren Soto (5:07:25): Commissioner Slaughter. Christine Williams (5:07:30): Commissioner Slaughter had to leave, but Commissioner Wilson is here. And I would say that our hard working staff have been even harder working during the last 18 months. They are teleworking but they are working incredibly hard to stay on top of the increase in mergers as well as the increase in COVID scams. And I agree with Commissioner Phillips, it's important to understand how we are spending additional appropriations. But I also know that there are many different areas of the economy where Congress has expressed interest in our being very active and aggressive. And it is difficult to do that unless we have the appropriate resources to do that.

### 1NC---Turn

#### Expanded enforcement drains finite resources

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

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

### 1NC---Turn

#### Major and continued losses cause public outrage that structurally boosts FTC’s enforcement

Kolhatkar 11-29-2021, staff writer at The New Yorker, where she writes about Wall Street, Silicon Valley, economics, and politics. She has written about the Uber C.E.O. Dara Khosrowshahi, the billionaire hedge-fund founder Paul Singer, the rise of artificial intelligence, and the future of the American worker. She appears regularly as a commentator on business and political issues and is a contributor to the New York City public-radio station WNYC and to American Public Media’s “Marketplace.” Previously, she was a features editor and national correspondent at Bloomberg Businessweek, where her work was honored with a New York Press Club award. Her writing has also appeared in New York magazine, The Atlantic, the Times, the Times Book Review, and other publications (Sheelah, “Lina Khan’s Battle to Rein in Big Tech,” The New Yorker, https://www.newyorker.com/magazine/2021/12/06/lina-khans-battle-to-rein-in-big-tech

Suzanne Clark, the president and C.E.O. of the U.S. Chamber of Commerce, told the Journal, “It feels to the business community that the F.T.C. has gone to war against us, and we have to go to war back.” But Khan disputes that she is anti-business. “I think antitrust and anti-monopoly and fair competition are enormously pro-business,” she said. “Monopolistic business practices are not conducive to a robust and thriving economy.” She noted that she had started her career by looking closely at the poultry industry, which was structured like an hourglass. “You have millions of consumers on one end, millions of farmers on the other end, and they’re connected by a very small number of intermediaries,” she said. “I think those types of markets where you have deep asymmetries of power, sometimes on multiple sides of the market, can lead to all sorts of business practices that are harmful.” In addition to managing political pressure, running the F.T.C. involves overseeing hundreds of people, something Khan has never had to do before, and during a pandemic. “You know, historically you would just have an ice-cream social and the whole team would come in and you’d be able to see everybody,” she said. “Now that looks like a thousand-person Zoom, and Zoom crashes, and half the people can’t get on. . . . There’s a level of clumsiness that comes with just doing these types of transitions during the pandemic.” In a sense, the real work of Khan’s antitrust fight will be about changing minds over time—first those of consumers, and then those of judges and legislators, who must reshape the legal framework to reflect a new world view. Khan seems to understand this. Still, some longtime staffers at the F.T.C. worry that she is underestimating the risks of pushing ahead with aggressive cases that are likely to fail, and of insulating herself from views that don’t align with hers. “Do you want an F.T.C. chair who’s going to win cases?” a person who has done extensive work in antitrust policy said. “Or do you want an F.T.C. chair who’s going to have glorious, spectacular losses that so enrage people that the system gets fixed?” ♦

### 1NC---Turn

#### Any move away from the status quo magnifies inflation-centered political backlash

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

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

#### That wrecks FTC enforcement

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

D. Political Backlash

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

### 1NC---Turn

#### The plan is viewed as populist antitrust by FTC insiders---that makes effective enforcement of all FTC goals impossible

Sokol and Wickelgrem 12-13-2021, \*D. Daniel Sokol is a Professor of Law at the USC Gould School of Law and an Affiliate Professor of Business at the Marshall School of Business. Additionally, in a part time capacity, he serves as Senior Advisor at White & Case LLP. Professor Sokol focuses his teaching and scholarship on complex business issues from early stage start-ups to large, multinational businesses and the issues that businesses face regarding competition: antitrust, data breaches, AI, corporate governance, compliance, innovation, IP, M&A, collusion, technological transformation, and global business regulation, \*\*Abraham L. Wickelgren is the Fred and Emily Wulff Chair in Law at the University of Texas at Austin. He is also a co-editor at the Journal of Law, Economics, and Organization, and a former co-editor of the American Law and Economics Review. His scholarship focuses on antitrust and economic analysis of law, and he occasionally consults on antitrust cases. (D Daniel, and Abraham, “Populism at the FTC Undermines Antitrust Enforcement,” *Pro Market*, <https://promarket.org/2021/12/13/ftc-populism-antitrust-enforcement-sokol-wickelgren/>)

The FTC plays an essential role in curbing illegal mergers and monopolies and increasing its enforcement is welcome. But to do so effectively, the FTC must stop ignoring the value of expertise, democratic accountability, and due process. Until relatively recently, antitrust had not been a high-profile area of law. In recent years, commentators (including at this center) made a number of critiques about the course of antitrust to push back against some of the most commonly-held antitrust assumptions. These assumptions include issues such as rulings that make class actions more difficult, insufficient merger enforcement, insufficient attention to monopsony, and the interface of IP licensing with antitrust, among other issues. Since that time, the pushback against traditional bipartisan antitrust grew. The Biden administration chose a set of antitrust critics for prominent leadership roles in the White House and at both antitrust agencies, which populists in the Republican party also embrace. A new bipartisan consensus of populists of left and right may not agree on issues such as mandatory Covid vaccines, immigration, or race but they find common cause in economic populism based on hostility to large corporations, especially large technology companies. While antitrust should always evolve as economic thinking and empirical work changes various assumptions, we believe that something different is afoot: The Biden administration is following the Trump Administration’s approach of prioritizing loyalty and ideology over expertise and experience among staff—at least at one federal agency: the Federal Trade Commission (FTC). By minimizing the importance of expertise, democratic accountability, and due process, however, the FTC is undermining its ability to effectively enforce our antitrust laws. This has manifested itself in a number of ways: Fewer judicial checks on bureaucratic power. Recently, the FTC has announced that companies that want to settle antitrust concerns about a current deal must agree to give the agency the power to block later ones that it considers similar, without having to go to court. By aiming to bring cases and make rules to stop what it deems “unfair methods of competition” rather than antitrust violations, the FTC narrows the scope and defers the time of judicial review. Rejection of expertise. The current FTC leadership criticizes reliance on economic analysis, caricaturing academic literature to justify dropping the agency’s guidance to companies about which vertical mergers may be challenged. As Professors Carl Shapiro and Herbert Hovenkamp have written for this blog regarding the basis of the vertical merger guidelines: “This statement is flatly incorrect as a matter of microeconomic theory. [Elimination of Double Marginalization] applies (a) to multi-product firms, (b) regardless of whether the firms at either level have monopoly power or charge monopoly prices, and (c) regardless of whether the downstream production process involves fixed proportions. All of this has been included in economics textbooks for decades, building on a seminal 1950 paper by Joseph Spengler.” This is a symptom of the larger process problem: The majority statement on the withdrawal cited the agency’s experience—yet the staff was likely not consulted. If they had been, they could have ensured the statement made the economically-defensible case for stricter merger review. Leaders of well-managed organizations listen to staff, but the FTC staff, Commissioner Christine S. Wilson recently said, has become increasingly marginalized in decision-making, noting “current leadership has sidelined and disdained our staff.” This leads the staff to invest less in the agency and the best employees to find other employment. What keeps talented staff making less money in the government is the knowledge that they make a difference. Without motivated and high-quality staff, the FTC cannot effectively maintain current work levels, let alone effectively expand enforcement. In her testimony, Wilson said that staff have been silenced externally—or as Commissioner Wilson states more directly, FTC leadership has been “muzzling staff internally and externally”—forbidden to speak publicly and present their scholarship. Ignoring and disrespecting staff undermines the agency’s capabilities and leads to enforcement errors and court losses. Internal decision-making. Studies across fields show the importance of diverse viewpoints in creating more effective outcomes. Yet the FTC, said Wilson, has erected walls between majority Democratic and minority Republican Commissioners—they no longer share drafts of decisions, which is unprecedented in modern antitrust history. Due process. The FTC hastily created public meetings without sufficient opportunity for stakeholders to respond with comments; for example, the public had only a week to respond to the plan to drop the vertical merger guidelines to offer comments to update the reality of the merger guidelines, after roughly a year since their introduction and with arguments for its withdrawal being challenged by the leading antitrust law and economics professors and the Department of Justice expressing reservations about the hasty withdrawal. Further, the FTC invites only one-minute commentary for stakeholders and only after it has voted (often along partisan lines—a change from prior administrations where agreement on harms created more legitimacy for enforcement). The increase in political polarization has now bled into antitrust, and the FTC has become political in a way that it had not been for more than a generation. This violates accepted norms of proper notice and comment and creates a sham version of input. Further, the FTC’s abandonment of the vertical merger guidelines while the Department of Justice Antitrust Division has kept them (at least for now, though it is possible that AAG for Antitrust Kanter may withdraw) means that when a deal is reviewed by one agency, the companies arbitrarily will be treated differently than they would by the other antitrust enforcer. Undermining accountability. Populists have criticized antitrust policy as insufficiently accountable to the democratic process, making it odd the FTC is assuming authority to make competition rules without explicit Congressional authorization. Odder still, the FTC claims that Section 5 of the FTC Act should be expanded to its 1914 original intent, but at the same time expands the pre-merger review law to include the notification of debt in merger filings—against the express original intent of that law. And when companies comply with the law and then complete their mergers, the FTC is issuing letters threatening to sue at some indefinite later time, defeating the purpose of pre-merger review and eliminating a critical bargaining chip that incentivizes companies to give the FTC sufficient time to conduct its review. A Way Forward First, Commissioners should embrace procedural fairness principles of due process, transparency, and genuine openness to input. Such an embrace creates better evidence to shape outcomes. Second, the FTC should create substantive legitimacy. Deliberation on the substance requires acknowledging both the benefits and costs. The best way to do this is to seek out non-partisan expertise, as well as input from stakeholders, rather than relying on ideological predispositions in which economic analysis takes a backseat to other amorphous factors. Economic analysis provides an empirical basis for action and tools to understand evidence and data. As economics changes, it allows antitrust to embrace new theoretical insights informed by facts. Durable change requires good process, dispassionate analysis and buy-in from multiple external stakeholders as well as from the courts. Legitimacy in substantive outcomes based on careful deliberation will make such outcomes less likely to be overturned by future administrations. This greatly reduces the risk of unintended or harmful consequences. Third, use the expertise and experience of the FTC staff. If the best antitrust lawyers and economists feel disrespected and ignored, they have no reason to stay in public service for much less money than they could make in the private sector. Without them, the FTC cannot perform its essential role of keeping our economy competitive.

# 2NC

## T

### O/V ⁠— 2NC

#### A ⁠— single industries, which are each a separate topic ⁠— here’s a short list

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

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

Aerospace

Agribusiness

Automotive

Biopharmaceuticals

Chemicals

Consumer Goods

Energy

Environmental Technology

Financial Services

Logistics and Transportation

Machinery and Equipment

Media and Entertainment

Medical Technology

Professional Services

Retail Trade

Software and IT Services

Textiles

Travel, Tourism, and Hospitality

#### B ⁠— 32 million companies

FedCommunities 21, (FedCommunities, 9-9-2021, “Small-business owners: Share your experiences with credit access this past year,” FedCommunities <https://fedcommunities.org/data/2021-take-federal-reserve-small-businesses-credit-survey/>)

There are 32.5 million small businesses in the United States. That’s 32.5 million stories of small-business ownership. Representative data drawn from these stories can shed light on more universal experiences.

#### Antitrust prohibitions can be global

Hamer et al. 16, partner in Baker & McKenzie's Washington, DC office and Chair of the Firm’s North American Antitrust and Competition Practice Group. Celina Joachim is a partner in Baker McKenzie's Houston office and certified in labor and employment law by the Texas Board of Legal Specialization. She represents management in all aspects of labor and employment law, including employment arbitration, litigation, counseling, and traditional labor law. Cynthia Jackson is a partner in the Compliance Group in Baker & McKenzie's Palo Alto office (Mark H. Hamer, 11-15-2016, “US Federal Agencies Issue Joint Guidance for HR Professionals Warning of Criminal Liability for Wage-Fixing and No-Poaching Agreements,” Global Compliance News, <https://www.globalcompliancenews.com/2016/11/15/us-issues-guidance-for-hr-professionals-wage-fixing-20161110/>)

US antitrust prohibitions can apply to global conduct when there is a negative effect on competition in the United States. For instance, agreements between non-US companies, or transactions driven outside of the US, that include US compensation data, wage or benefit sharing, and/or no-hire / no poach or wage fixing agreements which impact US workforces will be in violation of this new guidance and constitute unlawful antitrust agreements. Multinational employers should therefore be mindful of sharing data or entering into such restrictive agreements where they involve US workforces.

#### AND specific products

Markham 11, Marshall P. Madison Professor of Law, The University of San Francisco School of Law (Jesse W. Markham Jr., 2011, “LESSONS FOR COMPETITION LAW FROM THE ECONOMIC CRISIS: THE PROSPECT FOR ANTITRUST RESPONSES TO THE “TOO-BIG-TO-FAIL,” PHENOMENON” , FORDHAM JOURNAL OF CORPORATE & FINANCIAL LAW, Vol. 16, Issue 2, <https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=1281&context=jcfl>)

A merger is not the only setting in which antitrust champions scale efficiencies. At the retail level, economies of scale constitute a legitimate reason for a manufacturer to limit intrabrand competition by imposing vertical restraints.92 Antitrust law also generally tolerates combinations of competitors into joint ventures to achieve economies of scale, with the presence of such efficiencies removing a challenge from the application of per se condemnation and establishing a facially plausible justification for the concerted activity.93 Removing conduct from per se illegality comes close to legalizing it, given the rarity of plaintiff successes in challenging the conduct under the rule of reason.94 [begin footnote 94] 94. One rare successful challenge under the rule of reason is found in Polygram Holding, Inc. v. FTC, 416 F.3d 29 (D.C. Cir. 2005), a case that is indicative of the difficulties plaintiffs face under Post-Chicago School antitrust rules. In that case the FTC challenged an agreement between competing record companies to suspend advertising and discounting of two record albums temporarily during the launch period for a jointly-produced recording. The court affirmed the FTC’s application of the rule of reason to the challenged agreement, even though it involved competitors agreeing not to put specific products on sale for a period of time – a collusive restriction on price and advertising that in an earlier era probably would have met with per se condemnation. [end footnote 94]

### AT: W/M ⁠— 2NC

### AT: C/I ⁠— 2NC

### AT: Overlimiting/Aff Ground ⁠— 2NC

#### A ⁠— changing the consumer welfare standard

Steinbaum 18 (inserted), the research director and a fellow at the Roosevelt Institute; and Maurice E. Stucke, co-founder of the law firm, the KonkurrenzGroup, and a law professor at the University of Tennessee (Marshall Steinbaum, September 2018, “A NEW STANDARD FOR ANTITRUST: THE EFFECTIVE COMPETITION STANDARD: IN PRACTICE,” Roosevelt Institute, <https://rooseveltinstitute.org/wp-content/uploads/2020/07/RI-Effective-Competition-Standard-brief-201809.pdf>)

Today’s economy has a market power problem. Consumers are paying higher prices; new entrants face tougher barriers; workers have little power to demand competitive wages and benefits and less mobility to leave for a better offer; and suppliers often can’t reach the market without paying powerful intermediaries for the privilege. The available economic data all point to declining competition, increasing concentration, less innovation, and widening wealth and income inequality. There are many drivers of our market power problem. One significant factor is weak antitrust law and enforcement. Over the past 35 years, Americans have paid the price for a “consumer welfare” standard, which the courts created and interpreted in ways that neither benefit consumers nor their welfare. After nearly four decades, no consensus exists on what the consumer welfare standard actually means. While it is intended to prevent monopolies from charging higher prices, it has failed even on this measure, as the empirical evidence reveals. Moreover, the consumer welfare standard ignores vast segments of the economy, including the adverse effects of mergers, powerful buyers, and unilateral restraints on upstream suppliers and workers. With such price-centric tools, the U.S. competition agencies often cannot assess how mergers and restraints will impact what is increasingly important in the 21st century economy, namely quality, privacy, and innovation. Exacerbating the shortcomings of this “consumer welfare” standard is the courts’ unwieldy, case-by-case rule-of-reason analysis, which is too costly and time-consuming for anyone other than a well-financed plaintiff to undertake. The inability to bring and win antitrust cases, in turn, allows market power to fester and accumulate unchallenged, and exploitative and predatory business models that were once illegal have since become legal. Under the current antitrust regime, our market power problem will likely worsen. Nor will the Supreme Court likely reorient antitrust to its original purpose. Thus, a new standard is needed to restore competition. We propose the effective competition standard as an alternative that would revive the original aims of antitrust law—to preserve competitive market structures. Under the effective competition standard: “Agencies and courts shall use the preservation of competitive market structures that protect individuals, purchasers, consumers, and producers; preserve opportunities for competitors; promote individual autonomy and well-being; and disperse private power as the principal objective of the federal antitrust laws.” In practice, the new effective competition standard restores the proper focus on market structures; expands the stakeholders that should be taken into account when assessing anticompetitive harms to include all those who are, in fact, harmed by anticompetitive conduct; appropriately recognizes that competition needs competitors; and returns antitrust law to its proper role in dispersing private power. There are a number of ways to implement this new standard. First, we recommend that Congress codify the above principles, in order to assure that courts construe the antitrust laws in ways that protect the interests of the majority, rather than the interests of powerful firms, and circumscribe courts from arbitrarily reaching standards or results that contribute to the market power problem. In addition, we recommend a series of specific changes to the Sherman and Clayton Acts. As a result, courts would rely far less on the Supreme Court’s rule-of-reason framework and far more on simpler legal presumptions and rules that lawyers can easily explain to their clients—and that impose greater accountability on the courts and agencies. This includes creating stronger presumptions in merger review to prevent dominant firms from acquiring rivals and mergers in concentrated markets, as well as tougher positions on monopolies and monopsonies. No longer can the Supreme Court, under its consumer welfare standard, condone monopolies charging high prices as “an important element of the free-market system,” especially when this is inconsistent with our social, moral, and political values and contrary to the economic evidence. The effective competition standard will reorient courts and enforcers to look more often upstream, protecting the right of market access and casting a skeptical eye on vertical restraints. To that end, we propose the following specific legislative changes:

ESTABLISH A NEW, CLEARER SET OF INDICES FOR DETERMINING WHETHER A FIRM HAS MARKET POWER

Current law requires plaintiffs or enforcement agencies to prove that there is high concentration in a narrowly defined market prior to showing anticompetitive behavior or demonstrating that a proposed merger would cause harm. In Ohio v. American Express, the Supreme Court required the plaintiffs to prove the defendant’s market power by showing concentration, which is circumstantial evidence of market power at best, when direct evidence of market power was available. Now private plaintiffs and enforcement agencies in cases involving vertical restraints will have to define a relevant market, often a costly, timeconsuming endeavor, using antitrust’s price-centric tools, and then calculate the defendant’s market share in that market, then show that the market share is high enough to infer the defendant’s market power, even when plaintiffs have strong evidence of the restraint’s anticompetitive effects. This circumvents legal standards and economics. Rather than one sole criterion for market power—a high market share in an antitrust market—antitrust law should allow plaintiffs to offer direct and circumstantial evidence of market power, including observable direct indicia of market power on which anticompetitive claims may be premised. As many scholars have argued, high market shares are dispositive neither in favor of nor against market power, and therefore a broader range of indicia are necessary. Indeed, as the economic evidence reflects, firms with low market shares nonetheless can at times exercise significant market power upstream against suppliers and workers. These indicia should include:

• The unilateral ability to set prices or wages, or to charge prices in excess of the competitive level;

• The ability to price or wage discriminate;

• The ability to impose disadvantageous non-price contractual terms on counterparties or revise contractual terms in one’s own favor;

• The ability to exclude competitors; and

• Profits or payouts to shareholders in excess of a firm’s cost of capital for an extended period of time.

UPDATE MONOPOLIZATION/MONOPSONIZATION POLICY AND ANTICOMPETITIVE, UNILATERAL CONDUCT BY A FIRM UNDER SECTION 2 OF THE SHERMAN ACT

Under the Supreme Court’s current consumer welfare standard, monopolies have little to fear, as the Court has significantly limited their potential liability for their anticompetitive actions. Predatory pricing cases have all but disappeared. Courts now opine that monopolies have no duty to deal. And for all of these anticompetitive actions, courts must entertain “efficiency” defenses—as though any illegal act might be rectified by some larger benefit to society, a standard that exists in no other area of law. In this landscape, it is unsurprising that the Department of Justice (DOJ) has brought only one monopolization case since 1999. (In contrast, the DOJ, between 1970 and 1972, brought 39 civil and 3 criminal cases against monopolies and oligopolies.)

We recommend the following new test for determining when a firm engages in illegal anticompetitive conduct unilaterally under the effective competition standard. Namely, the plaintiff must show that:

• First, the defendant has, and exercises, significant market power, in accordance with one of more of the indicia outlined above;

• Second, this power excludes some potential competition and/or limits or has limited some actual competition; and

• Third, this power is not attributable solely to a defendant’s ability, economies of scale, research, or natural advantages.

Next, as part of streamlining enforcement against unilateral conduct, the effective competition standard entails establishing certain actions as presumptive violations of Section 2 of the Sherman Act, including:

• Otherwise unlawful conduct that helps a firm attain or maintain monopoly or monopsony power;

• Predatory pricing below marginal cost for an extended period of time, for the purpose of excluding competitors and preserving market power, without the need for plaintiffs to prove “recoupment.”

• Simpler standards for assessing when refusals to deal and exclusive dealing are illegal, including when they violate suppliers’ right of market access.

• “Cheap exclusion,” or actions on the part of a dominant firm that cost little, that are intended to exclude, disadvantage, or discriminate against competitors within its market, and that do not improve efficiency.

To make clear that a range of harms are to be considered when a firm engages in price discrimination, we additionally recommend amending Section 2 of the Clayton Act to prohibit price discrimination where it hurts consumers overall, as is the concern when a firm tracks individuals’ spending patterns, collects personal data, and targets them in ways to get them to buy things they otherwise did not want, at the highest price they are willing to pay. Alternatively, Congress could consider limiting customer data collection in the first place.

MERGER POLICY UNDER SECTION 7 OF THE CLAYTON ACT

Antitrust laws generally are intended to prevent harmful accumulations of market power from forming in the first place. Under current merger policy, however, the burden is on enforcers to make the case that merging firms are likely to lessen competition (namely through higher prices), resulting in lax merger review and unchallenged large-scale acquisitions. Congress should adopt the following amendments to Section 7 of the Clayton Act to establish a tougher merger review process:

• Rather than placing the burden on the plaintiffs, the burden would shift to parties seeking to merge in ways that would either a) significantly increase concentration levels or b) be undertaken by firms that already hold significant market power—as demonstrated through the indices outlined above. The merging parties would have to prove that their proposed acquisition will not materially lessen competition, create a monopoly or monopsony, or help maintain their market power.

• Courts should be required to take all potential competitive outcomes of a merger into account, not just prices for consumers, including whether an acquisition will harm quality, choice, innovation, and privacy. That review must examine upstream effects on workers and suppliers and downstream effects on customers and others who could be harmed, and it must not assume that market power exercised upstream would result in “efficiencies” downstream or could be offset by them.

For proposed mergers that combine firms from different levels of the supply chain (i.e., manufacturer and distributor)—known as vertical mergers—Congress should prohibit such mergers when they could foster the firm’s ability and incentive to distort competition.

AGREEMENTS BETWEEN OR AMONG PARTIES UNDER SECTION 1 OF THE SHERMAN ACT

Congress should update laws that govern agreements between or among parties under Section 1 of the Sherman Act, including restrictions on the behavior of two parties at different segments of a supply chain—known as vertical restraints—such as resale price maintenance, territorial and other non-price restraints, and non-compete clauses and other provisions restricting workers’ rights in labor contracts. This should include:

• Clarifying that federal antitrust law covers both inter- and intra-brand competition; that is, competition both within and between supplier-distributor networks, such as franchises;

• Specifying that price and non-price vertical restraints are illegal, including in the labor market, other than in narrow circumstances when no party to them possesses market power and the restraints are necessary to foster innovation and competition; and

• Further clarifying that attempts to engage unlawful conduct (such as collusion), in addition to the conduct itself, are prohibited.

CONCLUSION

To address today’s market power crisis, it is crucial that we restore and revitalize America’s antitrust system. While insufficient alone to deconcentrate power in the economy—we must also increase sectoral regulation, build countervailing power among a broad set of stakeholders, and establish a robust public sector capable of meeting society’s economic needs beyond the realm of profit and private advantage—the changes outlined above would substantially reverse rising concentration and establish principles by which economic power is truly democratized. With increasing concern across the political spectrum over today’s monopolies (or data-opolies), this is an opportune time. The aim is clear: Effective antitrust is vital to promote an economy that’s inclusive, to protect the privacy interests of citizens, to advance shared economic well-being, and to foster a healthy democracy. A new competition standard adds to a much-needed progressive blueprint for a robust 21st century antitrust regime.

#### That’s the core of the topic AND worth a whole season

Dorsey 20, Counsel to the Assistant Attorney General, Antitrust Division @ U.S. Department of Justice, Adjunct Professor at George Mason University - Antonin Scalia Law School (Elyse Dorsey, 2020, “Antitrust in Retrograde: The Consumer Welfare Standard, Socio-Political Goals, and the Future of Enforcement,” The Global Antitrust Institute Report *on the Digital Economy 4*, <https://gaidigitalreport.com/wp-content/uploads/2020/11/Dorsey-Antitrust-in-Retrograde.pdf>)

Judge Richard A. Posner famously described the consumer welfare standard as the “lodestar that shall guide the contemporary application of the antitrust laws” in 1986.1 In the decades since, the antitrust community readily embraced the “lodestar” denomination.2 The consumer welfare standard is indeed the focal point of modern antitrust analysis, guiding decisions and informing the rules and standards antitrust law imposes. But this is not the consumer welfare standard’s only function as lodestar. It is both guide and tether. It serves as the linchpin tying antitrust law to economic concepts and reasoning. Its guidance illuminates both what antitrust law is and—just as important, what it is not. The consumer welfare standard provides the basis for distinguishing between those concerns that antitrust law appropriately considers and those that it rightly omits. In doing so, the consumer welfare standard ensures a common language is spoken across antitrust matters today. Antitrust law did not always operate with a common language. For many decades following the passage of the Sherman Act in 1890, antitrust lacked a unifying, consistent language. It was a cacophonous area of law, where decisions could be—and often were— premised upon vastly different reasoning from one to another, leading to numerous inconsistencies and internal tensions. This resulted in a general confusion as to how any given case would be decided. But more fundamentally, to questions regarding the very goals of antitrust law. The consumer welfare standard, with its economic underpinning, has come to represent a robust language defining antitrust discourse today. For the last several decades, courts and enforcers, economists and practitioners, and other experts have developed this language. The analysis today is far more comprehensive than it was when the courts first embraced the consumer welfare standard 40 years ago. Experts have continued to investigate and seek out theories of harm; to develop economic tools for empirically investigating conduct; and to analyze numerous other components factoring into antitrust analysis, such as potential efficiencies. Of late, the consumer welfare standard—and antitrust law more broadly—has come under renewed criticism. Criticisms come in various forms, but largely follow a similar thread, cataloguing its purported limitations: That it myopically focuses upon the short term and only upon price effects; that it omits consideration of important sociopolitical goals; that it is incapable of identifying and condemning problems endemic in the modern economy. While some of the criticisms ring true (the consumer welfare standard does not permit consideration of socio-political factors), others do not (the consumer welfare standard addresses far more than short term price effects). And many miss the mark because they overlook the history of how and why we arrived at the current understanding. Indeed, a common characteristic of the current criticism, often referred to as the Neo-Brandeisian movement, is that it bears remarkable resemblance to those populist movements that came before it. Today, antitrust critics make nearly the exact same arguments regarding the proper goals of antitrust law—any number of socio-political ends such as protecting small businesses and preventing “bigness”—that similar movements throughout the 20th century (and the late 19th century) espoused.3 Antitrust law did, in fact, embrace a more socio-political approach, which explicitly purported to serve just such values, for much of the 20th century.

#### B ⁠— changing the burden of proof, the rule of reason, which applies across the economy — per se changes that

Kimmel & Fanchiang 20 (inserted), \*Senior Counsel at Crowell & Moring, LLP in Washington, D.C., twenty years of experience as an antitrust lawyer and holds a Ph.D. in economics from the University of California at Berkeley \*\*associate in Crowell & Moring’s Irvine, CA office and a member of the firm’s antitrust and commercial litigation group (\*Lisa Kimmel \*\*Eric Fanchiang, 2020, “Antitrust and Intellectual Property Licensing,” in *2020 Licensing Update*, Wolters Kluwer Legal & Regulatory U.S., 2020, <https://www.crowell.com/files/20200401-Licensing-Update-Chapter-13.pdf>)

The key substantive provisions of the Sherman Act are Sections 1 and 2. Section 1 prohibits agreements that unreasonably restrain trade. An agreement can be any “meeting of the minds” between separate entities. An agreement can be express or in the form of a tacit unwritten understanding.5 Most agreements are evaluated under the “rule of reason” standard. The rule of reason is a fact-based test that requires a plaintiff to prove that an agreement has harmed competition. To prove that an agreement has harmed competition, courts typically apply a three-step burden shifting framework. The plaintiff has the initial burden to show that the agreement imposed a meaningful restriction on competition in a relevant market. Agreements among parties that do not possess some degree of market power are unlikely to generate competitive harm, so market power plays an important role in step one of the test, either directly or indirectly. If the plaintiff shows competitive harm, the defendant must show a procompetitive rationale for the agreement. If the defendant succeeds, the burden shifts back to the plaintiff to show that the same benefits could reasonably be achieved in a less restrictive manner.6 Where courts have determined that a particular type of agreement is unlikely to ever generate procompetitive benefits, that agreement is subject to the per se rather than rule of reason standard.7 If an agreement is per se unlawful, competitive harm is presumed and irrebuttable. Even parties that do not possess market power can violate Section 1 under the per se standard.8 Agreements in the per se category are primarily limited to agreements among competitors to fix prices, allocate territories, or engage in bid rigging. The DOJ has the discretion to prosecute these kinds of “hard core” violations criminally.9

### AT: Functional Limits ⁠— 2NC

### AT: Reasonability ⁠— 2NC

## Innovation

### 2NC ⁠— Global Coordination !

### 2NC ⁠— Coordination !

### 2NC ⁠— AT: Alliance

#### Pursuing heg pushes Russia and China into alignment---it gives them a mutual interest in offsetting Western supremacy.

Hawn 18, Analyst at Stratfor, a geopolitical intelligence and advisory firm. (Jeff, 12-10-2018, "China, Russia and the formation of an 'Eastern Entente'", *The Hill*, https://thehill.com/blogs/congress-blog/foreign-policy/420664-china-russia-and-the-formation-of-an-eastern-entente)

Indeed, if one weighs Russia and China’s mutual interest versus their mutual animosities, an argument begins to form that the two Eurasian powers’ conflict with the West may be enough to overcome their history of distrust.

First, and perhaps most important is that neither power poses an existential threat to the other. Russia is not looking to convert China to its government system and the same goes for China. Any competition between the two states is framed in the realist sense of great power competition over land and resources. The West meanwhile actively espouses its own democratic system as a superior form of government, and has spent the last three quarters of a century trying to spread its ideals across the world.

Secondly, there is the issue of territorial integrity. While it is true that Russia and China share a massive land border, that border sits at the far frontier of both nations. In contrast, both China and Russia have American troops within easy striking distance of their centers of power. In Europe, American tanks stationed in the Baltic States sit about 385 miles from Moscow. In the Pacific, the US 7th Fleet is based in Japan in addition to thousands of American troops deployed in Korea. These military assets are well within striking distance of China’s seaboard, the heart of its economy, and home to the majority of its population. Both Russia and China view the U.S. and its allies as attempting to constrain their respective efforts to secure regions of strategic significance for them.

China and Russia’s similarities do not end there. Both nations are former imperial powers that see themselves as the victims over extended periods of national humiliation forced on them by the Western powers. When that is taken into consideration, the two nations’ desire to cooperate begins to makes sense.

So what do Russia and China have to gain from increased cooperation? Is their ultimate goal dominion over the United States, as some alarmists would have us believe? I do not believe so. Both states are the heirs to the most brutal school of realpolitik. Their goal in cooperating is to offset the U.S. global hegemony, and carve out spheres of influence that will boost their own security and economic growth.

Neither nation will benefit from a complete U.S. retreat form the world stage, but both have much to gain if they can challenge U.S. supremacy. Indeed, there remain strong points of contention between Russia and China, especially the Central Asian states in Russia’s traditional backyard, which China has increasingly been playing in as part of its One Belt One Road initiative. However, it can be argued that in Central Asia we are seeing the most tangible result of Chinese and Russia entente. Both can benefit from the region’s development, while security and counter terrorism cooperation help to prop up friendly regimes, and keep the lid on potential jihadist threats a serious concern for both states.

There are already strong signs that China and Russia are seeing the benefits of working together. The two nations militaries frequently hold joint exercises, most notably Vostok 2018 when 3,500 Chinese troops participated in the exercises. Economic investment has lagged behind, but both China and Russia have recently signaled a desire to boost the economic heft of their shared border region. The nascent Russian-Chinese Business Advisory Committee announced in September 2018 an ambitious goal of a cumulative $100 billion joint investment and development projects.

There certainly will be tension between the two states. Vostok was marred by reports of Russian naval vessels being followed by a Chinese spy ship, and Russian state media printed several critical articles of the Chinese J-15, which is derived from Soviet technology purchased from Ukraine. These spats should not distract from the broader trend that is unfolding, both nations’ security dilemmas on their respective eastern and western flanks. Dilemmas made more pressing by U.S. sanctions and tariffs. The ability to, if not trust their neighbor, at least trust that for the moment their interests are aligned has helped the China- Russia entente build momentum.

As the U.S. and Western animosity grows toward Russia and China, it will continue to push them to closer cooperation, and make rending their partnership far more difficult. Between 1972 and 1990, U.S. grand strategy called for counterbalancing these two powers. At the time both states had more to gain through engagement with the U.S. than they did with each other. Over the last two decades, that has reversed substantially. So perhaps the question should not be if China and Russia would form an alliance, but whether or not they already have, and how strong it can grow?

#### The impact is about coordination, not an alliance---that’s possible and sparks war.

Kendall-Taylor 19, PhD in Political Science from Yale, Senior Fellow in and Director of the Transatlantic Security Program at the Center for a New American Security an Adjunct Professor in Georgetown University’s School of Foreign Service. (Andrea, 03-21-2019, "An Emerging China-Russia Axis?: Implications for the United States in an Era of Strategic Competition", *CNAS*, https://www.cnas.org/publications/congressional-testimony/an-emerging-china-russia-axis-implications-for-the-united-states-in-an-era-of-strategic-competition)

4. Deepening relations between Russia and China will be among the most significant U.S. foreign policy challenges in the coming decade.

Russia and China are unlikely to forge a formal military alliance. But even short of such an alliance, their growing alignment and coordination will present a significant challenge for U.S. national security in the coming years. The Director of National Intelligence warned in his 2019 Annual Threat Assessment that strengthening ties between China and Russia will present a “wide variety of economic, political, counterintelligence, military, and diplomatic challenges to the United States and its allies.”5 If Russia-China relations continue to grow, it would harm U.S. interests by enhancing their mutual capabilities and stretching U.S. capabilities, complicating U.S. strategic planning by potentially dividing U.S. power, emboldening them to act knowing they will have each other’s support, enhancing the perceived legitimacy of the alternative they provide, and diluting U.S leverage over countries willing to play the United States off Russia and China.6 Russia and China are also poised to challenge U.S. interests through the complementarity of their actions.7 Russia and China take different approaches to pursuing their foreign policy objectives. Russian foreign policy is confrontational and brazen. So far, China has used a subtler and more risk-averse strategy, preferring stability that is conducive to building economic ties and influence. Although their tactics are different, they have the potential to converge in synergistic ways such that the combined effects on U.S. interests is greater than the sum of their individual efforts. This dynamic is most evident in Europe, but there is potential for greater synergies between Russia and China to create new challenges for the United States.

#### Coordination alone is strong enough to be a “game changer”.

Sakwa, 19 — Richard Sakwa a Professor of Russian and European Politics at the University of Kent, and an Associate Fellow of the Russia and Eurasia Program at Chatham House, and has written several, many books on this topic of Russia, Eurasia, and so forth. (5-8-2019; "Are the Days of U.S. Hegemony Finally Numbered?" *Truthdig*; https://www.truthdig.com/articles/are-the-days-of-u-s-hegemony-finally-numbered/)

The Russian-Chinese alignment is not an alliance, and it’s not a bloc, and it’s certainly not a military alliance, but the Russo-Chinese alignment is far deeper, far more extensive, and far more extensive than many Westerners have yet caught on. It’s an alignment in which Russia and China will not do each other any harm, they will support each other when it’s in their interests, and it’s a game changer. This is Kissinger in reverse. As you remember, in the early 1970s, Kissinger brilliantly managed to exploit the split between Moscow and Beijing to United States’ advantage. Today, the Beijing-Moscow alignment—not an axis, not an alliance—is far deeper. And when Trump came to power, he had, I think, a sensible idea, which was, I think, given to him by Kissinger to try to peel Russia away from this alignment with China, and to align Russia more closely with the United States. Of course, he was blocked in this because of Russiagate and various scandals, US domestic politics. And so, the exact opposite has happened, that this Belt and Road forum just recently demonstrated just how close Russia and China have become.

#### Mutual containment causes a formal alliance.

Artyom 20, Deputy Director for Research at the School of Regional and International Studies, Far Eastern Federal University (Vladivostok, Russia). He is also Associate Professor at the Department of International Relations. (Lukin, 6-13-20; “The Russia-China entente and its future”, *International Politics*; Accessible at: https://link.springer.com/article/10.1057/s41311-020-00251-7)

Scenario 1. The continuation of the Sino-Russian entente It is quite likely that, even seven or 10 years into the future, the forces that currently sustain the Moscow–Beijing axis will remain in place or could even intensify. Russia and China’s rivalry with the USA could grow more acute, while their illiberal autocracies would become even more entrenched. This will result in the continuation of the Sino-Russian entente, with ever tighter political, ideological, military and economic ties between Moscow and Beijing, and could even see the elevation of their ‘strategic partnership’ to the level of a full alliance based on a formal treaty.

### 2NC ⁠— T/ Case

#### Turns disease

Smith 21 (Rick W.A., biocultural anthropologist at George Mason University, “How Imperialism Gave Us 2020,” 16 February 2021, <https://www.sapiens.org/culture/imperialism-2020/>, DOA: 1-30-2022) //Snowball

I am a biocultural anthropologist who studies the impacts of imperialism on our bodies and the landscapes that we live in. Imperialism is a system of power where one nation or people expands its own interests at the expense of others through violence or other acts of political or economic pressure. Five centuries ago, imperialism went global as European powers raced to colonize the rest of the world. With invaders, diseases such as the Black Death, smallpox, and cholera spread along trade routes, over oceans, and across continents, killing in the millions. In the Americas, colonizers exploited the onslaught of death in the wake of these pandemics to seize Indigenous peoples’ homelands as their own. (Some scholars view continent-scale epidemics as essentially equivalent to pandemics.) In other words, pandemics and opportunistic land theft are two of the oldest pillars of European imperialism. But death in these colonies was not only a consequence of infectious disease, far from it. Genocidal violence against Indigenous peoples and the enslavement of Africans were also integral parts of imperialism in the Americas that happened simultaneously with pandemics. In a very real sense, lethal mixes of pandemics and racial violence were exactly the conditions in which the Americas were born. It is no accident that racial violence and infectious diseases so often occur together in the Americas, nor can they even be seen as distinct problems—they are simultaneous outcomes of imperialism. It is important to shake the misperception that the events of the past year were unique and instead turn to the past with difficult questions about what has endured. We cannot fully address the monumental problems humanity faces now without a better understanding of European imperialism’s history and its influence in the world today. Imperialism may seem different now, but global superpowers are still imposing their political and economic interests at the expense of other peoples, both within and beyond these nations’ borders. In doing so, imperialism is still setting many of the preconditions necessary for the rapid emergence and global circulation of deadly infectious diseases. Imperializing centers of power, such as the United States, have continued to enrich themselves through relentless material extraction—from deforestation to mining and the removal of fossil fuels, for example. This has accelerated environmental decline and further dispossessed and debased the world’s most vulnerable peoples—many of whom were already deeply impoverished by imperialism. Global habitat loss and overexploitation mean that people and animals are not only getting sicker, they are also coming into closer and more frequent contact with one another. These conditions greatly increase the likelihood that diseases will move between animals and people, a process known as zoonotic transmission. This is the way that SARS-CoV-2, the novel coronavirus that causes COVID-19, was born—probably starting in bats and moving on to humans. Other viral pandemics such as HIV, the Ebola virus, and MERS-CoV also most likely jumped to humans from animals in the last century, as have many other kinds of diseases during human history. So, COVID-19 was not the first pandemic to result from these dynamics, and it will not be the last. As the pace of imperialist extraction continues, new diseases may emerge even faster.

#### Turns refugee crises---US interventions caused migration---historically proven AND Thrall ev below proves it

#### Turns enviro

Lieven 21, Senior research fellow on Russia and Europe at the Quincy Institute for Responsible Statecraft. He was formerly a professor at Georgetown University in Qatar and in the War Studies Department of King’s College London. He is a member of the academic board of the Valdai discussion club in Russia, and a member of the advisory committee of the South Asia Department of the British Foreign and Commonwealth Office. He holds a BA and PhD from Cambridge University in England (Anatol, Vindicating Realist Internationalism, *Survival*, Vol. 63, Issue 5, DOI: 10.1080/00396338.2021.1978746)

Moreover, as Charles Kupchan has written, liberal internationalists who believe that they can impose their will on China, or cooperate with China on climate change while attacking its interests everywhere else, are living in a dream world in which the US and the West still dominate the world economy, the Chinese economy is still tiny and economic cooperation with non-Western states is still a peripheral issue.32 That was true in the 1970s, when the US and its Western allies controlled 80% of global GDP. Today, they command less than 40%, and the Chinese economy is roughly as large as that of the United States. If there is no systematic cooperation on a range of key issues between the US and China, there will be no global cooperation at all.

Do Ikenberry and Deudney, then, think that American resources are unlimited, and that maintaining a US defence budget, all told, of more than a trillion dollars annually, justified by the alleged threat from China and Russia, does not take away money desperately needed for the development of alternative energy and public transport?33

It is in their support for a new cold war with China that the tension between their liberal-internationalist ideology and the American global hegemony on which they depend becomes most apparent. Ikenberry and Deudney’s own evolution with regard to relations with China is itself a classic example of how liberal internationalism dependent on American hegemony and American nationalism leads inevitably to hostility to other great powers and nationalisms.

American liberal internationalists played a key role in the unremarked transition whereby the Wolfowitz–Libby Defense Planning Guidance of 1992 advocating US global hegemony and a universal right of intervention – generally mocked at the time for its dangerous megalomania – became the modus operandi of all subsequent US administrations, Democrat and Republican. This could not have occurred so smoothly and with so little criticism had it not been facilitated by liberal internationalism.34

In 2009, Deudney and Ikenberry were still condemning the call by Robert Kagan and other neoconservatives for cold war with China, and writing of the need for the United States to ‘include’ Russia and China in the ‘international order’.35 But this international order was clearly to be entirely defined and dominated by the US – something that was never going to be acceptable to China once its economy and geopolitical weight rivalled America’s. In consequence, as illustrated in their critique of the Quincy coalition and the restraint school, Ikenberry and Deudney have found themselves inexorably drawn towards the neoconservative position on the need to confront and contain China.

The shaky foundations of the ‘rules-based order’

Key to assessing the US function in building and defending democracy is the distinction between the US role in Europe and its role in the rest of the world over the past 80 years. In Europe, during the Second World War and the Cold War, the United States did indeed act to protect and foster democracy. And in the 1990s, the US, like the European Union, backed the spread of democracy to Eastern Europe. This has not turned out so well in Poland, Hungary and elsewhere, in part because, to a far greater degree than liberals wished to recognise, that trend was always deeply enmeshed with anti-Russian nationalism. But in Western and Central Europe from the 1940s onward, the US did not need to create democracies; it needed to help restore or strengthen existing ones. Moreover, the dominant national agendas of these countries (especially in resisting the Soviet Union and communism) were closely aligned with those of America, which meant that local democratic majorities did not oppose core US policies and democracy did not threaten US hegemony.

Elsewhere in the world, local realities and the geopolitical needs of US hegemony were very different. Can Ikenberry and Deudney with a straight face go to Central Americans, Africans, Southeast Asians, Arabs or Iranians and ask them, on the basis of the historical record and of contemporary US policy, to trust the sincerity of the US commitment to support or build democracy in their countries? Why should they? It is hardly clear that the overall US record in the Middle East has been better than Russia’s, or improved the lives and reduced the oppression of people in the region.

A poll in May 2021 by the Alliance of Democracies itself revealed that majorities in 53 countries around the world, and large minorities in many more, see the United States as more of a threat to democracy than Russia or China.36 Many educated Russians, Iranians and Chinese – even those who dislike their present regimes and want democratic reform – believe that if a revolution in their countries led to a period of internal chaos (as they generally do), American hegemonic ambitions and national hatreds would lead the United States not to help build democracy but to weaken their countries further or try to break them up altogether, whatever the cost to ordinary citizens. They understand very well the grim joke printed on a bumper sticker displayed by opponents of the Iraq War: ‘Be nice to America – or we’ll bring democracy to your country.’

Furthermore, in countries whose national interests differ significantly from those of the US, and whose nationalism has a generally anti-American cast, US support for democratic movements – central to the liberal-internationalist project and expressed through a range of publicly funded institutions and propaganda outlets – actually weakens these movements by allowing the regimes in power to portray indigenous backers as traitors and American agents. American money also has the fatal political effect of leading some of these democrats to tailor their public appeal to American rather than local audiences.

In the Middle East, it is common for American liberals to accompany their justifications of American hegemony with some box-ticking remark that of course the US should do more to promote democracy in Saudi Arabia, Egypt or wherever.37 But this is either profoundly stupid or pro-foundly disingenuous. American hegemony in the Middle East depends crucially on these ruthlessly authoritarian client regimes. The US, whether under a Republican or Democratic administration, is about as likely to help get rid of General Abdel Fattah Al-Sisi or Crown Prince Muhammad bin Salman Al Saud as Russia is to get rid of Alexander Lukashenko or Bashar al-Assad – that is to say, not very likely at all.

Ikenberry has long been an advocate of a global alliance of democracies, a US public-diplomacy project that has now become part of the US effort to build a geopolitical front against China. This effort, by the way, also illuminates how blurred or non-existent the dividing lines are between liberal internationalists and neoconservatives. Antony Blinken and Kagan have written jointly to support it.38 It is supposed to bear some unripe fruit in December 2021 at the Biden administration’s ‘Summit of Democracies’, to which – one assumes – Narendra Modi’s viciously Hindu chauvinist and deeply authoritarian (albeit elected) government in India will have to be invited, both to make the summit ‘global’ and to firm up the US–Indian partnership against China. Deudney and Ikenberry will have to hold their noses, grit their teeth, sprinkle some liberal air freshener and welcome the invitation to Modi in the name of ‘democracy’. There is no need for the rest of us to do so.

Such glaring US inconsistencies and contradictions form part of a wider problem with the so-called ‘rules-based global order’ so incessantly trumpeted by various combinations of US official propagandists and liberal internationalists. In a brilliant op-ed for the New York Times, Peter Beinart examined why this phrase has been adopted by Democratic and Republican US administrations instead of the traditional, obvious one of ‘international law’. The answer he gives is that international law consists of a set of concrete treaties and provisions, many of which the US has either refused to sign up to (such as the UN Convention on the Law of the Sea or the International Criminal Court) or repeatedly flouted (such as the UN Charter). The vaguely cast ‘rules-based order’ can be whatever the US says that it is, or isn’t, at any given time. Washington can make all the ‘rules’ and break them at will.39

As Andrew Bacevich of the Quincy Institute has written, ‘such taglines … serve as a source of legitimacy while avoiding any reference to power. Rather than describing actual purpose, they disguise it. Take such slogans seriously and you can get away with just about anything, as the United States has done for much of its history.’40

Some Europeans will go along with this legerdemain partly because they share US interests, but more importantly because they are (or believe that they are) pathetically dependent on America for defence and unwilling to pay for their own. But others in the world feel less obliged to accept either the legality or the legitimacy of this ‘order’.

As Ikenberry himself wrote in criticising the policies of the Bush administration, ‘the contradiction in the Bush foreign policy is that it offered the world a system in which America rules the world but does not abide by rules. This is, in effect, empire.’41 Yes indeed. But does he seriously think that when Democrats are in power America ceases to be an empire, or behave imperially? Or has he felt compelled to believe this only since Biden took office in February, because of his and Deudney’s explicit partisan support for the Biden administration? In the wake of the invasion of Iraq, the late Tony Judt wrote that ‘back home, America’s liberal intellectuals are fast becoming a service class, their opinions determined by their allegiance and calibrated to justify a political end … But the distinctive feature of the liberal intellectual in past times was precisely the striving for universality; not the unworldly or disingenuous denial of sectional interest but the sustained effort to transcend that interest.’42 I’m afraid Ikenberry and Deudney’s latest essay would have confirmed his opinion.

Both the principled realists represented by the Quincy Institute and the liberal internationalists represented by Deudney and Ikenberry believe in internationalism. But we at Quincy also believe in objective international law, and cooperation between different political systems for the maintenance of peace and the achievement of vital common human goals. We believe as well that the looming threat of climate change to all existing human societies and political systems eclipses the differences between them and necessitates reasonably good relations among them.

By contrast, Ikenberry, Deudney and their allies stand for US global hegemony justified in the name of liberal democracy, cooperation between the United States and countries that subscribe to American goals, and the subjugation or overthrow of states that oppose American domination. That is a recipe for endless tension, a chronic inability to cooperate, the massive diversion of resources to the US military-industrial complex and failure in collectively mitigating the effects of climate change. This ‘liberal-internationalist’ position may perhaps be called ‘liberal’ in the sense of the ‘liberal imperialism’ of Victorian Britain. It cannot seriously be called ‘internationalist’.

#### Turns terror

Thrall & Goepner 17. A. Trevor Thrall – senior fellow at the Cato Institute and an associate professor at the Schar School of Policy and Government at George Mason University. Erik Goepner – doctoral candidate in public policy at George Mason University. He will be a pre-doctoral visiting research fellow at the Cato Institute during the 2017–18 academic year, “Lessons for U.S. Foreign Policy from the Failed War on Terror,” June 26, 2017. Cato Institute, Number 814. https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=3040878

The second flaw in the American strategy is the reliance on military means. Misled by a misdiagnosis of the underlying problem, the United States has pursued an interventionist strategy focused overwhelmingly on destroying terrorist organizations and killing individual terrorists. Research has shown that this is rarely the path toward a permanent solution to terrorist groups.64 Over the past 15 years American efforts have produced short-term effects as jihadists scatter in the face of drone strikes and American intervention. In the longer run, however, military force is the wrong tool for the mission. As the former commander of U.S. forces in Afghanistan, General Stanley McChrystal, has famously noted, the United States can’t “kill its way out” of the war against terror groups such as ISIS and al Qaeda.65 American intervention has likely made things worse. The invasions of Afghanistan and Iraq, along with the toppling of Muammar el-Qaddafi in Libya and the U.S.-supported war in Yemen, have created chaos, allowing insurgent and terrorist groups more room to operate. Drone strikes, targeted killings, and the enduring American presence in these places have also generated more anger and resentment toward the United States, boosting jihadist propaganda and recruiting efforts.66 Nor is the resentment limited to the jihadists themselves. Public attitudes in many Muslimmajority countries toward the United States cratered in the wake of the 2003 invasion of Iraq and have remained dismal since then.67 In the absence of continued U.S. intervention, al Qaeda and ISIS would likely have had less motivation to carry out such attacks—at least in the United States. Faisal Shahzad, who attempted to set off a bomb in New York’s Times Square in 2010, illustrates the dynamic. In court, Shahzad explained his actions, “I want to plead guilty 100 times because unless the United States pulls out of Afghanistan and Iraq, until they stop drone strikes in Somalia, Pakistan and Yemen and stop attacking Muslim lands, we will attack the United States and be out to get them.”68 Shahzad’s words echo the repeated statements of terror leaders such as Osama bin Laden and Ayman al-Zawahiri.69 In various strategy documents they highlight the centrality of America (and Israel) to their recruiting success. The U.S. government seems to understand this, at least in theory. As early as 2004, a Defense Science Board report noted that “American actions and the flow of events have elevated the authority of the Jihadi insurgents and tended to ratify their legitimacy among Muslims, identifying both U.S. support of Israel and the American occupation of Iraq as examples.”70 A 2006 National Intelligence Estimate concluded “the American invasion and occupation of Iraq . . . helped spawn a new generation of Islamic radicalism.”71 A 2011 study of terrorist plots against the United States between 2001 and 2010 by the Los Angeles division of the Federal Bureau of Investigation (FBI) found the same: “Two central themes galvanized actors: anti-U.S. sentiment based on a perception that the United States was at war with Islam, and the belief that violent jihad was the righteous, and in fact, requisite response.”72 And finally, a 2012 study by the FBI concluded that the number-one motivation for homegrown terrorist attacks in the United States was radicalization caused by anger at American military intervention against Middle Eastern nations.73 Finally, American leaders also fell prey to the conceit that they could reshape the politics of other nations. Both the Bush and Obama administrations believed that terrorism emerges, in part or whole, from factors such as poverty, deprivation, and an inability to engage in the political process. Although academic research reveals these assumptions to be flawed, the notion that the United States will not be safe from terrorism until the Middle East is stable, prosperous, and democratic has been a motivating principle behind America’s longer-term strategy of regime change and nation building.74 Although it might benefit the United States if Middle Eastern countries evolved into Western-style democracies, there is no evidence that the United States itself can play a determining role in making it happen, especially via military intervention. The results to date from Afghanistan and Iraq suggest that not even massive American intervention is enough to ensure permanent, positive change.75 The real question is why anyone in the United States believes that it would be possible for Americans to reshape Middle Eastern governments and societies. The U.S. track record of military intervention in civil conflicts is long and tragic. Well before Afghanistan and Iraq, the United States imagined it could impose political solutions on the Philippines, Vietnam, and the Dominican Republic, just to name a few failures. Nor does military victory improve the odds. The results of efforts to impose democracy via military means are dismal.76 Postwar nation building, especially by outside powers mistrusted (or actively opposed) by local populations, likewise has a poor track record.77 The notion that the United States could topple Saddam Hussein, for example, and then impose a new political system and an effective (and nonsectarian) new military force was a dangerous fantasy. The United States often fails to achieve desired outcomes in its own domestic matters. It is difficult to see why U.S. officials have imagined they would succeed in achieving sweeping outcomes in another nation’s political system. STEPPING BACK FROM THE WAR ON TERROR How should these lessons from the failure of the War on Terror inform President Trump’s strategy for confronting ISIS and Islamist-inspired terrorism moving forward? The United States confronts three basic strategic options for dealing with ISIS, al Qaeda, and future variants of jihadist terrorism. First, the United States can maintain the current course. The goal of such a strategy would be to contain and eventually defeat (or simply outlast) ISIS and other groups by continuing to rely heavily on local partners and without introducing much, if any, additional American firepower into the conflict. Those who favor the “steady on” approach tend to view terrorism as a moderate-sized threat and believe that the current strategy is slowly but steadily making progress against ISIS. This group generally agrees that major American intervention was counterproductive and believes local forces are the best suited to fight ISIS, but sees an important supporting role for the United States.78 Until Trump’s election, the weight of establishment opinion on both the right and left appeared to be roughly in line with the strategy followed by the Obama administration, with debate occurring over relatively minor adjustments to the strategy such as humanitarian corridors or no-fly zones. Second, the United States could choose to step up the fight. The goal of this strategy would be to increase—significantly—the American commitment to the maintenance of security and stability in Afghanistan, Iraq, Syria, and perhaps even Libya and Yemen. By bringing enough firepower and pressure to bear, supporters argue, the United States could destroy the Islamist-inspired terrorism threat, encourage the development of peaceful political systems, and prevent the reemergence of terrorism. Despite widespread support for the status quo there is also a substantial minority that favors stepping up the fight against ISIS.79 While the president’s rhetoric suggests little interest in nation building abroad, both his campaign promises and operating style indicate expanded military efforts in the War on Terror are likely. Those who prefer this option believe that the terrorism threat is large enough to justify a great deal more effort than the United States is currently making. Former National Security Adviser General Michael Flynn, for example, has written that the fight against terrorism is a world war.80 Like Flynn, most supporters for stepping up the fight believe that the current strategy is ineffective. The reasons given for the failure so far vary, but many believe that the central problem has been the unwillingness of the United States to commit enough military and political capital. The answer, from this view, is that the United States should do much more in the Middle East and surrounding region, including both bringing additional military pressure to bear and continuing the nation-building efforts in Afghanistan, Iraq, and elsewhere. Members of a bipartisan group, including retired Generals McChrystal and Petraeus, for example, recently called on the United States to make a “generational commitment” to Afghanistan and to invest substantially more in order to ensure security and stability there.81 Our analysis, however, clearly illustrates that the United States should rule out both the step-up option and the steady-on option. Neither ISIS nor the broader problem of Islamist-inspired terrorism represents enough of a threat to justify an expansive, aggressive, and costly series of overseas campaigns. Even under Obama, the “light footprint” approach continued to put thousands of Americans at risk carrying out nation building and terrorist killing missions that produce more problems than they solve, all at enormous financial cost. Instead, the United States should take a step back from the fight. Though we do not attempt here to consider all of the potential strategies or tactics, we argue that the right general direction for the United States is to reduce the level of military intervention, suspend efforts at nation building, and end direct efforts to dictate political outcomes in the Middle East. This approach would seek to reduce the incentive for anti-American terrorism by disengaging from what are primarily civil wars in the Middle East.

#### Turns cyber---incites Russian and China backlash, causing cyberattacks---that’s [Kendall-Taylor]

### 2NC ⁠— Link

#### 3---the aff’s internal link is key to sustaining heg

1AC Knipfer ’17 [Cody; Policy Associate at PoliSpace, M.A. Candidate in the Space Policy Institute at George Washington University; A Really Cool Blog, “On the Nature of Science and Technology Power,” <http://www.reallycoolblog.com/on-the-nature-of-science-and-technology-power/>]

Indeed, the United States’ leadership in science and technology has been a historical cornerstone of its capacity for “hard power” force application and projection and economic and societal “soft power.” It buttresses the country’s economic might, enables the modern standards of living of our citizenry, and expands our global cultural and normative reach.[ii] Equally so, the power of science and technology has been decisive in the context of national security. As President Truman noted in 1945, while urging Congress to create a Department of National Defense, “no aspect of military preparedness is more important than scientific research.” [iii] Through discoveries, technological innovation, and the capacity to develop ideas into deployable weapons, systems, and concepts, the United States has arrived at its modern-day military advantage and superiority.[iv]

To that end, science and technology may be considered key elements of the United States’ comprehensive national power – fundamentals of the country’s strength vis-à-vis competitors. Yet science and technology alone cannot ensure any country’s continued security, prosperity, or hegemony; far from operating in a vacuum, science and technology are constantly evolving to address changing domestic and international circumstances and threats. To reap advantage from science and technology, especially in their national security application, a country must continually innovate to tackle contemporary developments and anticipate future ones. This poses a considerable challenge, the solution to which extends beyond advanced engineering and research.

To explore these notions, this essay, particularly interested in the application of science and technology toward national security ends, examines the United States’ recent employment of security-related technologies. From this, it explores the attributes of science and technology power and the similarities and differences between science and technology power and other forms of national power such as the economic and diplomatic. Looking at the relative importance of science and technology in the United States today and likely significance in the coming future, it lays out a series of policy recommendations that may guide policymakers as they make decisions that impact the direction of the country’s scientific and technological course.

Employment of – and Challenges Facing – National Security-Related Technology

Recognizing the vital role that technology played in winning World War Two, along with the emerging threat of Soviet technological competitiveness, the United States established in the war’s wake an extensive infrastructure to support national security science and technology efforts. This provided foundation and catalyst for the development of military capabilities and tools needed to meet the challenges of the Cold War and the modern day: the nuclear triad, intelligence-gathering and cyber infrastructure, space-based radar and communications systems, advanced precision-guided munitions, and integrated command and control, along with myriad other assets.[v]

These technologies have seen extensive use in contemporary military conflicts. The wars in the Balkans and the Gulf saw the ever-increasing use of position, navigation, and timing assets such as GPS to provide precise and reliable information to the warfighter and direct precision-guided weaponry.[vi] Targeted airstrikes and weapons such as the long-range cruise missile have allowed for far more rapid, responsive, and accurate strikes than those of the past while substantially reducing collateral damage. Combat drones and unmanned aerial vehicles, innovations emblematic of the “War on Terror,” enable the warfighter to engage adversaries and conduct reconnaissance while safely remaining away from the front lines of the battlefield. Stealth aircraft, using a range of advanced technologies that reduce reflections and emissions, have helped pilots conduct sorties while evading detection.[vii]

Technology abets the United States’ security beyond warfighting. Advanced cyber capabilities – encryption, for example – seek to defend the networks which control the country’s power, transit, and water infrastructure from malicious hacks and crippling denial of service.[viii] Technologies capable of detecting harmful biological and chemical agents guard the country against potentially devastating attack by non-state actors.[ix] Increasingly sophisticated monitoring and surveillance technology enables the government to globally track and work to counter criminal activity, terrorist organizations, and other developments which threaten the country’s safety.[x]

Crucially, though, the United States’ contemporary application of national security systems has also demonstrated the inherent challenges of innovation and the limitations of technology. Despite advanced military hardware, principally designed to fight large-scale conventional wars against Cold War-era foes, the United States military had to “catch up” and react to unconventional tactics, such as roadside bombs and sniper attacks, employed against it in the Iraq and Afghanistan wars. Though decidedly outnumbered and outgunned, enemy combatants effectively countered the United States’ asymmetric technological advantage through guerilla warfare, propaganda, and exploiting collateral damage that advanced weapons systems created – doctrines which the United States’ technology did not anticipate and was unprepared or unsuited to counter.[xi] Likewise, despite the sophistication of the United States’ homeland security technologies, the government has struggled to prevent incidents of domestic terrorism such as mass shootings, often characterized by the use of simple, off-the-shelf equipment.[xii]

Meanwhile, in reaction to the United States’ present-day technological superiority, competitive foreign powers such as Russia and China are heavily investing in hardware and capabilities in the cyber and military realms specifically designed to counter the United States’ technological strengths and exploit its demonstrated vulnerabilities. The technological capabilities underlying the United States’ comparative military advantage are now proliferating to an increasing number of state and non-state actors, including potential adversaries, leveling the military “playing field.”[xiii]

The Attributes of National Security Science and Technology Power

From this, several key attributes and characteristics of science and technology as a form of national power can be identified. Foremost is the capacity for technology and science to be a significant, occasionally decisive, enhancer of a country’s military strength against enemies. Countries which develop innovative military technologies which effectively counter an adversary’s offenses or defensives, or against which an adversary has no means to protect itself, find themselves disproportionately advantaged on the battlefield. Indeed, technologies which upend dominant “status quo” warfighting paradigms – such as, historically, the introduction of the chariot, the tank, or nuclear weapons – are poised to significantly disrupt and reorder the geopolitical and military balance of power.[xiv]

To that end, science and technology power, particularly in the national security sphere, is developed and sustained through the adaption to, and more so through the anticipation of, revolutionary changes in military affairs, doctrine, and hardware. As Lieutenant Colonel Scott Stephenson noted in the influential “The Revolution in Military Affairs,” “those slow to adapt to military revolutions… are likely to suffer painful results. When the pace of change accelerates, the militaries that anticipate and adapt are likely to gain a massive advantage over potential enemies who are less agile.”[xv] That agility is, in large part, borne from innovations in science and the development of new technologies which lead to unanticipated, and therefore difficult to counter, doctrines.

A defining characteristic of science and technology power, then, is the continual quest for states to match, counter, and out-compete the technology of their adversaries. This continuing interplay between technology and national power, characterized by the sustained technological evolution and described often as an “offset,” has been a key focus for national security-related research and development throughout the Cold War and into the present. The United States’ deployment of nuclear weapons, for example, offset the numerical advantage held by the Soviet Union’s land forces in the early Cold War. Soviet parity in nuclear weapons catalyzed the development of guided weapon and integrated command and control as a counter, focusing on accuracy of targeted weapons systems independent of range.[xvi] The United States’ capacity to offset Soviet technology through innovative developments – and the Soviet bankruptcy borne from military expenditure that came as a corollary – was an important factor in maintaining a generally peaceful stable of power along with the country’s ultimate triumph in the Cold War. In the present-day, China and Russia’s focus on countering the systems and technologies which currently provide the United States’ military asymmetry is emblematic of this “offset” approach to science and technology power.

Paradoxically, however, national security-related technology in the present day has become as great an equalizer as it has historically been a separator of actors’ strengths. Technological superiority in the present may provide the United States’ unrivaled military strength, especially against foes (historically, state actors with large conventional forces) for which its national security technologies anticipated countering. Yet as the example of the Iraq and Afghani insurgencies amply demonstrated, technological superiority coupled with innovation focused on addressing hypothetical future battlefields may not be adequate to oppose or defeat all actors or all forms of warfare, regardless of the level of their sophistication.

Indeed, advanced technologies may be entirely vulnerable to actors utilizing doctrines with simple technologies that nonetheless exploit their weaknesses, as was the case with sophisticated – and expensive – American vehicles being destroyed by crude, homemade IEDs. Technology itself also creates weaknesses; the United States’ progressing economic and social reliance upon interconnected networks, for example, makes the country more vulnerable to potentially crippling attack. Despite advanced American cybersecurity technologies and techniques, non-state actors have still proven themselves capable of infiltrating, attacking, and even denying use of American cyber capabilities; considering recent trends, this vulnerable seems likely to continue, if not worsen.[xvii]

It may be that an attribute of science and technology power, borne more from the focus and perceptions of the technologists, theorists, and military leadership that employ it than from science and technology itself, is that it obscures other factors which equally dictate important developments in military, international, and geopolitical affairs. Political upheaval, social change, and economic development can change warfare dramatically, for example – and have nothing to do with “offset” strategies or war-room predictions of possible enemies’ future high-tech military hardware. As a product of the military-industrial complex that emerged in the Cold War United States to sustain continued technological development, Americans tend to be acutely – perhaps overly – sensitive to technological innovation among competitors and potential rivals. Fears during the Cold War and contemporary discussions of the “Third Offset” paint pictures of emerging, potential, and fanciful enemy weapon systems – which military planning and technology development was and is oriented toward countering.[xviii] This fixation on solutions entailing engineering and technological complexity blinds the national security technology apparatus to external trends that could definitively impact the future course of war – such as the collapse of the Soviet Union leaving the United States with a high-tech military and warfighting doctrine unsuited for the military pressures and asymmetric nature of counterinsurgency; the rise of radical terrorism with ideological underpinnings that condone unconventional guerilla tactics such as suicide bombings, which had great effect against high-tech targets; or the continuing crisis where lone-wolf gunmen using off-the-shelf rifles can commit massacres despite the government’s highly complex and pervasive surveillance and monitoring technology.

Similarities and Differences to Other Forms of National Power

With these attributes in mind, a comparison can be drawn between science and technology power and other forms of power which constitute a country’s comprehensive strength, such as the economic and diplomatic. Regarding the economic, science and technology power is similar in that the development of science and technology is driven by the same forces as economic growth. Like new economic products, services, and methods of operation, science and technology power relies upon the ingenuity of human actors predicting and anticipating future trends, possibilities, and human behavior. Innovation, iteration, and competitiveness are fundamental catalysts for the continued evolution and growth of both. The rapid proliferation and subsequent use of innovative technologies across the world quickly equalizes both the national security advantage and the economic advantage they provided their inventor.

Economic power, like national security technology, is a key element of a country’s warfighting capability – industrial might, strength in quality production, and capable infrastructure are crucial facets of a country’s ability to mobilize and project force. A fundamental difference between economic power and science and technology power, however, is competition. While economies naturally compete, there is incentive for states to specialize in the economic product or service most suited for it – their comparative advantage. Competing economies are not actively incentivized to counter the economic specialization of their rivals. With science and technology power for national security use, however, states decidedly hope to actively and explicitly counter the relative advantage of their adversaries.

Like diplomatic power, science and technology has a “soft power” element; other states and their societies may be influenced or compelled to action by the might, prestige, or cultural and technological hegemony of a country in possession of highly advanced and capable technologies.[xix] Diplomatic power occasionally experiences the same issue of science and technology policy in being blinded to unpredicted or external trends in the social, cultural, and economic spheres. The power of diplomacy, for example, did not anticipate and struggled to deal with the cultural, social, and political circumstances that led to a breakdown of order in post-invasion Iraq; just as national security technology was unprepared for the guerilla warfare of the Iraqi insurgency. Diplomatic power and science and technology power differ, though, in the fields of innovation and evolution. Whereas the military regime is constantly evolving and occasionally being upended by revolutions in security technology and associated doctrine, the Westphalian diplomatic order has remained largely similar through centuries – even as it has grown gradually more complex and interconnected. States do not tend seek to outcompete each other in the diplomatic sphere through revolutionary new approaches to diplomacy; negotiations, sanctions, deals, bi- and multilateral agreements, and the like have remained consistent “doctrines” employed by states in their dealings with international friends and foes.

Science and Technology Power’s Present and Future Importance

To return to Vannevar Bush’s assertion over half a century ago, science and technology is crucially important for a states’ economic growth and prosperity, the wellbeing of its citizens, and national security. This remains absolutely the case today. Despite the challenges facing innovation in the face of unanticipated adversaries and the proliferation of advanced, equalizing technologies among adversarial states and non-state actors, science and technology provides the United States’ unrivaled levels of security and military hegemony.

With the appearance of significant global challenges – refugee crises, environmental degradation, the possible emergence of a bi- or multi-polar world characterized by states with rough or equal technological parity, to name a few – the future importance of science and technology power cutting across all aspects of national security will undoubtedly redouble. Science and technology and its application as an element of the United States’ national power will need to be directed to address these challenges. While the exact characteristics that will define domestic and foreign national security technologies of the future – not to mention the economic and social – remain uncertain, the United States cannot afford to permit its current technological advantage to slip. Indeed, as revision states such as China continue to develop their technologies to directly counter the United States’ capabilities, it will likely become an imperative for the country to more actively engage in and support the development of innovative new security technologies and doctrines – lest, as history would suggest, the international order again be upended.

#### 4---the multilat key line says heg is key AND says the aff solves China rise---addresses 1NC CX

1AC Knipfer ’17 [Cody; Policy Associate at PoliSpace, M.A. Candidate in the Space Policy Institute at George Washington University; A Really Cool Blog, “On the Nature of Science and Technology Power,” <http://www.reallycoolblog.com/on-the-nature-of-science-and-technology-power/>]

With the appearance of significant global challenges – refugee crises, environmental degradation, the possible emergence of a bi- or multi-polar world characterized by states with rough or equal technological parity, to name a few – the future importance of science and technology power cutting across all aspects of national security will undoubtedly redouble. Science and technology and its application as an element of the United States’ national power will need to be directed to address these challenges. While the exact characteristics that will define domestic and foreign national security technologies of the future – not to mention the economic and social – remain uncertain, the United States cannot afford to permit its current technological advantage to slip. Indeed, as revision states such as China continue to develop their technologies to directly counter the United States’ capabilities, it will likely become an imperative for the country to more actively engage in and support the development of innovative new security technologies and doctrines – lest, as history would suggest, the international order again be upended.

#### They said “IR definition”---heg is dynamic, can be economic

Wikipedia, https://en.wikipedia.org/wiki/Hegemony

Hegemony (/hɪˈdʒɛməni/ (audio speaker iconlisten), UK also /hɪˈɡɛməni/, US also /ˈhɛdʒəmoʊni/) is the political, economic, and military predominance of one state over other states.[1][2] In Ancient Greece (8th c. BC – AD 6th c.), hegemony denoted the politico-military dominance of the hegemon city-state over other city-states.[3] In the 19th century, hegemony denoted the "social or cultural predominance or ascendancy; predominance by one group within a society or milieu" and "a group or regime which exerts undue influence within a society".[4]

### AT: !---SOIs

#### Leveraging primacy to deny SOIs is more likely to escalate---diplomacy sufficiently caps expansionism.

Allison 20, Douglas Dillon Professor of Government at the Harvard Kennedy School. (Graham, March/April, "The New Spheres of Influence", *Foreign Affairs*, https://www.foreignaffairs.com/articles/united-states/2020-02-10/new-spheres-influence)

Acknowledging that other powers have spheres of influence does not, of course, mean that the United States can do nothing. It is a reflection of the recent overmilitarization of U.S. foreign policy that restraint in the use of military force is often equated with acquiescence. Washington has other ways in which it can shape other countries’ calculations of costs and benefits: through the condemnation of unacceptable actions; the denial of legal status; the imposition of economic sanctions on countries, companies, and individuals; and support for local resisters. But such tools can rarely decisively alter a decision another power has made when interests it sees as vital are at stake. And it is worth remembering how often a refusal to recognize and accept realities on the ground in the shadow of other powers has led to major U.S. policy failures. From General Douglas MacArthur’s rush to the Chinese border during the Korean War (which triggered Chinese intervention and a bloody, inconclusive war) to George W. Bush’s insistence that NATO offer membership to Georgia and Ukraine (which led to Georgian overconfidence, ending in the country’s partial dismemberment by Russia), a stubborn disregard of brute facts has been counterproductive.

### !D---Overview

### 2NC---Unsustainable

#### 1---COVID, China, and populism.

Cooley & Nexon 20, \*Claire Tow Professor of Political Science at Barnard College and Director of Columbia University’s Harriman Institute, \*\*Associate Professor in the Department of Government and at the Edmund A. Walsh School of Foreign Service at Georgetown University. (\*Alexander, \*\*Daniel H., 6/9/20, “How Hegemony Ends”, *Foreign Affairs*, https://www.foreignaffairs.com/articles/united-states/2020-06-09/how-hegemony-ends)

CONSERVING THE U.S. SYSTEM

Great-power contestation, the end of the West’s monopoly on patronage, and the emergence of movements that oppose the liberal international system have all altered the global order over which Washington has presided since the end of the Cold War. In many respects, the COVID-19 pandemic seems to be further accelerating the erosion of U.S. hegemony. China has increased its influence in the World Health Organization and other global institutions in the wake of the Trump administration’s attempts to defund and scapegoat the public health body. Beijing and Moscow are portraying themselves as providers of emergency goods and medical supplies, including to European countries such as Italy, Serbia, and Spain, and even to the United States. Illiberal governments worldwide are using the pandemic as cover for restricting media freedom and cracking down on political opposition and civil society. Although the United States still enjoys military supremacy, that dimension of U.S. dominance is especially ill suited to deal with this global crisis and its ripple effects.

Even if the core of the U.S. hegemonic system—which consists mostly of long-standing Asian and European allies and rests on norms and institutions developed during the Cold War—remains robust, and even if, as many champions of the liberal order suggest will happen, the United States and the European Union can leverage their combined economic and military might to their advantage, the fact is that Washington will have to get used to an increasingly contested and complex international order. There is no easy fix for this. No amount of military spending can reverse the processes driving the unraveling of U.S. hegemony. Even if Joe Biden, the presumptive Democratic nominee, knocks out Trump in the presidential election later this year, or if the Republican Party repudiates Trumpism, the disintegration will continue.

The key questions now concern how far the unraveling will spread. Will core allies decouple from the U.S. hegemonic system? How long, and to what extent, can the United States maintain financial and monetary dominance? The most favorable outcome will require a clear repudiation of Trumpism in the United States and a commitment to rebuild liberal democratic institutions in the core. At both the domestic and the international level, such efforts will necessitate alliances among center-right, center-left, and progressive political parties and networks.

What U.S. policymakers can do is plan for the world after global hegemony. If they help preserve the core of the American system, U.S. officials can ensure that the United States leads the strongest military and economic coalition in a world of multiple centers of power, rather than finding itself on the losing side of most contests over the shape of the new international order. To this end, the United States should reinvigorate the beleaguered and understaffed State Department, rebuilding and more effectively using its diplomatic resources. Smart statecraft will allow a great power to navigate a world defined by competing interests and shifting alliances.

The United States lacks both the will and the resources to consistently outbid China and other emerging powers for the allegiance of governments. It will be impossible to secure the commitment of some countries to U.S. visions of international order. Many of those governments have come to view the U.S.-led order as a threat to their autonomy, if not their survival. And some governments that still welcome a U.S.-led liberal order now contend with populist and other illiberal movements that oppose it.

Even at the peak of the unipolar moment, Washington did not always get its way. Now, for the U.S. political and economic model to retain considerable appeal, the United States has to first get its own house in order. China will face its own obstacles in producing an alternative system; Beijing may irk partners and clients with its pressure tactics and its opaque and often corrupt deals. A reinvigorated U.S. foreign policy apparatus should be able to exercise significant influence on international order even in the absence of global hegemony. But to succeed, Washington must recognize that the world no longer resembles the historically anomalous period of the 1990s and the first decade of this century. The unipolar moment has passed, and it isn’t coming back.

#### 2---debt.

Bandow 20, JD, senior fellow at the Cato Institute. (Doug, 5/28/20, "Want to Fix the Deficit? Bring Home the Troops.", *Foreign Policy*, https://foreignpolicy.com/2020/05/28/us-deficit-military-spending-budget-bring-home-troops/)

The financial burdens of this activist military policy had been growing difficult to bear long before the economic crisis created by the coronavirus pandemic. In June 2019, the Congressional Budget Office forecast trillion-dollar annual deficits as far as the eye can see. The agency warned: “Large budget deficits over the next 30 years are projected to drive federal debt held by the public to unprecedented levels—from 78 percent of gross domestic product (GDP) in 2019 to 144 percent by 2049.” For comparison: Greece was at a similar deficit level when it was battered by its own debt crisis in the wake of the global financial crisis. If interest rates in the United States grow by just 1 percent, in three decades the federal government’s debt will run 199 percent of GDP. However, well before that level is reached, Washington would risk what the Congressional Budget Office terms “a fiscal crisis—that is, a situation in which the interest rate on federal debt rises abruptly because investors have lost confidence in the U.S. government’s fiscal position.” This would greatly intensify the fiscal crunch.

With the ongoing economic collapse and massive federal bailouts, the federal financial situation has dramatically worsened. At the end of April, the budget office projected a 12 percent drop in real GDP this quarter, an unemployment rate of 14 percent, a likely annual deficit of $3.7 trillion in 2020 and $2.1 trillion next year, and debt at 101 percent of GDP by the end of the fiscal year. Those numbers may well rise. The Manhattan Institute’s Brian Riedl believes the red ink might even hit $4.2 trillion this year. If so, Washington will borrow more this year than during 2014 to 2019 combined.

States also face enormous economic pressures. Most are forced to at least nominally balance their budgets, as only Uncle Sam has a printing press, but their pension funds, which collectively faced a $1 trillion funding hole at the start of the year, are likely to have $1.5 trillion to $2 trillion in unfunded liabilities by December. Some states, most notably Illinois, Kentucky, and New Jersey, already are at risk. The Democratic House has proposed including a state bailout in its proposal for another $3 trillion in aid.

The debt tsunami cannot continue indefinitely. Last year, Washington spent $4.4 trillion, of which nearly a quarter was borrowed.

There are no simple solutions. Congress is unlikely to raise taxes. In 2017 the federal budget was awash in red ink, but Congress passed a large tax cut. Making ends meet was pushed even further into the future, when government programs presumably would be paid by someone somehow sometime. The alternative is to scale back spending programs—but there isn’t much to cut. Domestic discretionary outlays, which Congress normally targets when intent on reducing expenditures, ran only $661 billion in 2019. These expenditures, at 6.3 percent of GDP, already were below their historical average, 8.4 percent over the last half-century, and wiping out everything would still leave a deficit. A trillion dollars went for Social Security and $644 billion for Medicare last year—both of which make up the traditional, untouchable third rail of U.S. politics. Although proposals for reform abound, President Donald Trump has refused to trim either, and progressive activists continue to push for benefit increases. Other mandatory entitlement programs, with benefits set by law, constituted $642 billion. Medicaid ran $409 billion; it already provides the lowest reimbursement rates of any government program or private health insurance. Net interest payments came to $375 billion. Interest rates have nowhere to go but up, and these outlays cannot be cut without repudiating the debt.

Meanwhile, last year’s military budget was $676 billion. Today most of that is “defense” only in the sense of protecting allies, many of which can defend themselves and little of which can be considered essential for this nation’s security. (Of course, the United States has other less-than-vital interests, in stability, for instance, and thus the defeat of a group like the Islamic State. Yet Washington, too, has proved to be a major force for instability—as in the cases of Iraq and Libya.) Americans may not mind their government turning military alliances into welfare programs when the United States dominates the global economy. But the calculations change when the federal government is racing toward insolvency. In another decade or two, when entitlements are competing with the national debt in spiraling upward, priorities will finally have to be set. And missions that are not essential, such as engaging in nation-building and protecting prosperous, populous allies, are likely to lose out.

Some right-leaning hawks acknowledge the imminent fiscal crunch but blame social programs. The answer, they argue, is simple: entitlements, not the Pentagon, should be slashed. Alas, they have yet to find a credible presidential candidate willing to make that case. Liberal interventionists have an even bigger problem, as most leading progressives want to spend more, much more, on domestic priorities. Creating “Medicare for All” and wiping out student debt would cost trillions of dollars. Despite the veneer of moderation retained by former Vice President Joe Biden, the presidential candidate has shifted leftward to bolster his support among activists.

The bipartisan advocates of promiscuous intervention are likely to resist any military cutbacks. However, once a fiscal crisis hits, dramatic and rapid if not instant reductions will be required. That risks creating a dangerous mismatch with international objectives.

Policymakers should begin, today, by scaling back their interventionist strategies that require such a large and expensive military, with hundreds of bases and hundreds of thousands of troops around the globe. The military budget is the price of America’s foreign policy. A new approach should exercise restraint, scale back national ambitions, and then construct the force structure necessary to achieve more limited goals.

#### 3---Trump---damage is done.

Kirshner 1-29-2020, Professor of Political Science and International Studies at Boston College. (Jonathan, "Gone But Not Forgotten: Trump’s Long Shadow and the End of American Credibility", *Foreign Affairs*, https://www.foreignaffairs.com/articles/united-states/2021-01-29/trump-gone-not-forgotten)

This is why even though Donald Trump has become a member of a rather exclusive club—one-term U.S. presidents—the Trump presidency will have enduring consequences for U.S. power and influence in the world. Leo Tolstoy warned that “there are no conditions to which a man may not become accustomed, particularly if he sees that they are accepted by those around him,” and it is easy, especially for most insular Americans, to implicitly normalize what was in fact a norm-shattering approach to foreign policy. Level whatever criticisms you may about the often bloodstained hands of the American colossus on the world stage, but Trump’s foreign policy was different: shortsighted, transactional, mercurial, untrustworthy, boorish, personalist, and profoundly illiberal in rhetoric, disposition, and creed.

Some applauded this transformation, but most foreign policy experts, practitioners, and professionals are breathing a sigh of relief that a deeply regrettable, and in many ways embarrassing, interlude has passed. (It is exceedingly unlikely that any future president will exchange “beautiful letters” with and express their “love” for the North Korean leader Kim Jong Un.) But such palpable relief must be tempered by a dispiriting truth, rooted in that notion of anarchy: the world cannot unsee the Trump presidency. (Nor, for that matter, can it unsee the way members of the U.S. Congress behaved in the final weeks of the Trump administration, voting opportunistically to overturn an election and helping incite violence at the Capitol.) From this point forward, countries around the globe will have to calculate their interests and expectations with the understanding that the Trump administration is the sort of thing that the U.S. political system can plausibly produce.

Such reassessments will not be to the United States’ advantage. For 75 years, the general presumption that the United States was committed to the relationships and institutions it forged and the norms it articulated shaped the world in ways that privileged U.S. interests. If it is increasingly perceived to be feckless and self-serving, the United States will find the world a more hazardous and less welcoming place.

POWER AND PURPOSE

One country tries to anticipate the foreign policy behavior of another by making assessments about two factors: power and purpose. Measuring the former seems straightforward, although it is often not. (France seemed to boast a formidable military in 1939, and the Soviet Union was considered a superpower a half century later, yet both countries suddenly and unexpectedly collapsed under pressure.) Measuring the latter—purpose—requires more guesswork in practice but is even more important. Is a country a friend or a foe, and in either case, for how long? Is a country’s word its bond, or are its commitments ephemeral and its pronouncements little more than shallow, opportunistic posturing? Ultimately, these are questions of trust and confidence that require judgment calls. And for better or worse, it is easier to partner with a country whose underlying foreign policy orientation is rooted in purposes that are reasonably consistent over time.

For U.S. partners in Asia, Europe, and the Middle East, however, Washington’s priorities on the world stage must now be interrogated, and any conclusions reached must be held with qualifications rather than confidence. And there is nothing that President Joe Biden and his team of immaculate professionals can do to stop that. From now on, all countries, everywhere, must hedge their bets about the United States—something that will unnerve allies more than adversaries. Whatever promises are made and best behaviors followed over the next few years, a resurgence of knuckle-dragging America firstism will loom menacingly in the shadows. That possibility will inevitably shape other states’ conclusions about their relations with the United States, even as nearly every world leader rushes to shake the hand of the new U.S. president.

Thus, even with the election of Biden—a traditional, centrist liberal internationalist, cut from the same basic foreign policy cloth of every U.S. president (save one) across nine decades—countries will now have to hedge against the prospect of an indifferent, disengaged, and clumsily myopic U.S. foreign policy. After all, anarchy also demands that states see the world as it is, not as they wish it might be. And the warning signs that the United States is perhaps not the country it once was could not be flashing more brightly.

Although the margin of victory in the 2020 U.S. presidential election was wide (the two candidates were separated by seven million votes, a 4.5 percent edge in the popular vote, and 74 electoral votes), it was not, by any stretch of the imagination, a renunciation of Trump. In 2016, some argued that Trump’s election was a fluke. This was always whistling past the graveyard, but the case could be made. After all, the election hinged on only about 80,000 votes, spread across three swing states. Even with that, but for the historically contingent geographic quirks of Michigan (the Upper Peninsula) and Florida (the Panhandle), those states would have gone blue. And the Democratic nominee, Hillary Clinton (who did walk away with the popular vote by a large margin), was, for some key constituencies, a suspect candidate.

The 2020 election put to rest the comforting fable that Trump’s election was a fluke. Trump is the United States—or at least a very large part of it. Many Americans will choke on that sentiment, but other countries don’t have the luxury of clinging to some idealized version of the United States’ national character. Trump presided over dozens of ethical scandals, egregious procedural lapses, and startling indiscretions, most of which would have ended the political career of any other national political figure of the past half century. But the trampling of norms barely registered with most of the American public. Nor did the sheer, horrifying incompetence of the administration’s handling of the gravest public health crisis in a century chase Trump from the political scene in disgrace. (Imagine what would have happened to Jimmy Carter, a decent man dealt a difficult hand by an oil shock and the Iranian hostage crisis. Those events were enough to have his approval rating plummet into the 20s and soon send him packing after his landslide defeat in 1980.) Rather, Trump characteristically treated a pandemic that killed well more than a quarter of a million of the people under his charge as a personal inconvenience, to be managed exclusively for perceived political advantage. Even so, 74 million people voted for him—nine million more than did in 2016 and the most votes ever cast for a U.S. candidate for president, with the exception of Biden, who garnered 81 million.

One cannot paint a picture of the American polity and the country’s future foreign policy without including the significant possibility of a large role for Trumpism, with or without Trump himself in the Oval Office. Looking ahead four years, America watchers must anticipate that the next U.S. presidential election could turn out quite differently. This does not bode well for U.S. interests and influence in world politics. As Mark Leonard, the director of the European Council on Foreign Relations, observed, “If you know that whatever you’re doing will at most last until the next election, you look at everything in a more contingent way.”

#### 4---polarization.

Kirshner 1-29-2020, Professor of Political Science and International Studies at Boston College. (Jonathan, "Gone But Not Forgotten: Trump’s Long Shadow and the End of American Credibility", *Foreign Affairs*, https://www.foreignaffairs.com/articles/united-states/2021-01-29/trump-gone-not-forgotten)

Worse, foreign assessments of the United States must consider the possibility that it will soon simply be out of the great-power game altogether. Looked at objectively, the country boasts a colossal economy and commands the world’s most impressive military. But as the old saying about sports teams goes, they don’t play the games on paper, and there are reasons to question whether Washington has the wherewithal to behave as a purposeful actor on the world stage and pursue its long-term interests. The problem is not just that with politics no longer stopping at the water’s edge, U.S. foreign policy could veer unpredictably from administration to administration. It is that the United States is taking on water itself. The country has entered what can only be characterized as an age of unreason, with large swaths of its population embracing wild conspiracy theories. The United States today looks like Athens in the final years of the Peloponnesian War or France in the 1930s: a once strong democracy that has become ragged and vulnerable. France, descending into appeasement, would soon well illustrate that a country consumed by domestic social conflict is not one that will likely be capable of practicing a productive, predictable, or trustworthy foreign policy.

NO MORE BLANK CHECKS

This dystopian scenario may not come to pass. It might not even be the most likely American future. But the logic of anarchy requires that all countries must at least process the United States’ polarization and domestic dysfunction, think through the implications of that scenario in which all bets are off, and imagine a world in which Washington, for all its raw power, is less relevant in world politics. This prospect will invite major reassessments of U.S. behavior.

#### 5---overstretch.

Montgomery 20, PhD, MA, senior fellow and the director of research and studies at the Center for Strategic and Budgetary Assessments. (Evan Braden, 10-31-2020, “Primacy and Punishment: US Grand Strategy, Maritime Power, and Military Options to Manage Decline”, *Security Studies*, 29:4, 769-771, DOI: 10.1080/09636412.2020.1811463)

Perhaps the most significant foreign policy decision facing the United States is whether to retain its global security commitments or retrench from key regions. This choice has been at the center of a longstanding debate between proponents of continued primacy and advocates of greater restraint. Nevertheless, it is becoming increasingly relevant as US military superiority starts to wane. A grand strategy of primacy, which is characterized first and foremost by a network of alliances and partnerships, has often gone hand in hand with a defense strategy of denial, which seeks to protect allies and partners from coercion and conquest. Although denial is extremely demanding, for nearly three decades Washington has been able to count on conventional military overmatch in a clash with any opponent. That is no longer the case, however, due to a confluence of factors, including the costs of post-9/11 conflicts, legal limits on defense spending, and, most importantly, balancing by rivals. China and Russia, for example, have identified vulnerabilities in the American approach to power projection and are fielding a variety of tools to exploit them. As a result, past US military advantages might not be present in future wars.1

These developments have prompted the United States to reassess its priorities. According to the Trump administration’s 2017 National Security Strategy and 2018 National Defense Strategy, competing with China and Russia should take precedence over other objectives, especially for the Department of Defense, to ensure Beijing and Moscow do not upend the status quo. At the same time, however, Washington still intends to counter North Korea and contain Iran.2 In fact, its recent maximum-pressure campaigns against Pyongyang and Tehran demonstrate a preoccupation with minor-power adversaries, even as major-power rivalries intensify. Meanwhile, combatting these adversaries continues to influence US military plans and posture, even as the resources needed to address more capable rivals are being stretched thin.3

Can the United States preserve primacy and maintain denial under these conditions? Primacists are confident it will stay ahead of any challengers. Thus, it should be able to keep its legacy strategies more or less intact. Restrainers are skeptical that it can address so many threats. Consequently, the United States should adjust its strategies and begin to retrench. I argue instead that gaps exist on both sides of this debate. Like previous global leaders, the United States is a maritime power: it enjoys unconstrained access to the sea, has extensive economic and security interests in many regions, and relies on naval capabilities to overcome its insular location and project force abroad.4 This geopolitical orientation has significant implications for the durability of its military dominance and its response to relative decline. Below, I develop this case in three stages.

First, I argue that the commanding position of the United States is more precarious than most primacists acknowledge. In general, primacists base their optimistic assessments on indicators that show Washington at the peak of the international pecking order. Yet these assessments underestimate the costs of sustaining and enforcing its commitments. As a maritime power that chooses to shoulder a broad set of responsibilities, the United States often confronts many different adversaries, including both major and minor powers, in many distant locations.5 Today, for example, it is focused on four serious antagonists across three separate theaters. Although taxing on its own, institutional processes magnify this problem. When preparing to confront multiple opponents, a tendency exists to regard the strongest as “pacing threats” that determine what operational concepts and military capabilities are adopted, whereas the weakest are relegated to “lesser included cases” that can be addressed with the same concepts and capabilities, only more easily. The result is a zero-sum situation for defense, where measures directed against one opponent hinder the ability to take action against other opponents, and where losses sustained against one adversary erode power relative to other adversaries. Therefore, as antagonists multiply, gain strength, or both, the structural pressure for strategic adjustment should be considerable, even if Washington retains its top ranking.

## Maybe for Jet

### 2NC ⁠— Defense (Knipfer)

### 2NC---!D---Disease

#### Resiliency, intervening actors, burnout

Adalja 16, infectious-disease physician at the University of Pittsburgh (Amesh, 6-17-2016, "Why Hasn't Disease Wiped out the Human Race?," *The Atlantic*, https://www.theatlantic.com/health/archive/2016/06/infectious-diseases-extinction/487514/)

In Michael Crichton’s The Andromeda Strain, the canonical book in the disease-outbreak genre, an alien microbe threatens the human race with extinction, and humanity’s best minds are marshaled to combat the enemy organism. Fortunately, outside of fiction, there’s no reason to expect alien pathogens to wage war on the human race any time soon, and my analysis suggests that any real-life domestic microbe reaching an extinction level of threat probably is just as unlikely.

When humans began to focus their minds on the problems posed by infectious disease, human life ceased being nasty, brutish, and short.

Any apocalyptic pathogen would need to possess a very special combination of two attributes. First, it would have to be so unfamiliar that no existing therapy or vaccine could be applied to it. Second, it would need to have a high and surreptitious transmissibility before symptoms occur. The first is essential because any microbe from a known class of pathogens would, by definition, have family members that could serve as models for containment and countermeasures. The second would allow the hypothetical disease to spread without being detected by even the most astute clinicians.

The three infectious diseases most likely to be considered extinction-level threats in the world today—influenza, HIV, and Ebola—don’t meet these two requirements. Influenza, for instance, despite its well-established ability to kill on a large scale, its contagiousness, and its unrivaled ability to shift and drift away from our vaccines, is still what I would call a “known unknown.” While there are many mysteries about how new flu strains emerge, from at least the time of Hippocrates, humans have been attuned to its risk. And in the modern era, a full-fledged industry of influenza preparedness exists, with effective vaccine strategies and antiviral therapies.

HIV, which has killed 39 million people over several decades, is similarly limited due to several factors. Most importantly, HIV’s dependency on blood and body fluid for transmission (similar to Ebola) requires intimate human-to-human contact, which limits contagion. Highly potent antiviral therapy allows most people to live normally with the disease, and a substantial group of the population has genetic mutations that render them impervious to infection in the first place. Lastly, simple prevention strategies such as needle exchange for injection drug users and barrier contraceptives—when available—can curtail transmission risk.

Ebola, for many of the same reasons as HIV as well as several others, also falls short of the mark. This is especially due to the fact that it spreads almost exclusively through people with easily recognizable symptoms, plus the taming of its once unfathomable 90 percent mortality rate by simple supportive care.

Beyond those three, every other known disease falls short of what seems required to wipe out humans—which is, of course, why we’re still here. And it’s not that diseases are ineffective. On the contrary, diseases’ failure to knock us out is a testament to just how resilient humans are. Part of our evolutionary heritage is our immune system, one of the most complex on the planet, even without the benefit of vaccines or the helping hand of antimicrobial drugs. This system, when viewed at a species level, can adapt to almost any enemy imaginable. Coupled to genetic variations amongst humans—which open up the possibility for a range of advantages, from imperviousness to infection to a tendency for mild symptoms—this adaptability ensures that almost any infectious disease onslaught will leave a large proportion of the population alive to rebuild, in contrast to the fictional Hollywood versions.

While the immune system’s role can never be understated, an even more powerful protector is the faculty of consciousness. Humans are not the most prolific, quickly evolving, or strongest organisms on the planet, but as Aristotle identified, humans are the rational animals—and it is this fundamental distinguishing characteristic that allows humans to form abstractions, think in principles, and plan long-range. These capacities, in turn, allow humans to modify, alter, and improve themselves and their environments. Consciousness equips us, at an individual and a species level, to make nature safe for the species through such technological marvels as antibiotics, antivirals, vaccines, and sanitation. When humans began to focus their minds on the problems posed by infectious disease, human life ceased being nasty, brutish, and short. In many ways, human consciousness became infectious diseases’ worthiest adversary.

#### Burnout and variation check

York 14 (Ian, head of the Influenza Molecular Virology and Vaccines team in the Immunology and Pathogenesis Branch of the Influenza Division at the CDC, PhD in Molecular Virology and Immunology from McMaster University, M.Sc. in Veterinary Microbiology and Immunology from the University of Guelph, former Assistant Prof of Microbiology & Molecular Genetics at Michigan State, “Why Don't Diseases Completely Wipe Out Species?” 6/4/2014, http://www.quora.com/Why-dont-diseases-completely-wipe-out-species)

But mostly diseases don't drive species extinct. There are several reasons for that. For one, the most dangerous diseases are those that spread from one individual to another. If the disease is highly lethal, then the population drops, and it becomes less likely that individuals will contact each other during the infectious phase. Highly contagious diseases tend to burn themselves out that way.¶ Probably the main reason is variation. Within the host and the pathogen population there will be a wide range of variants. Some hosts may be naturally resistant. Some pathogens will be less virulent. And either alone or in combination, you end up with infected individuals who survive.¶ We see this in HIV, for example. There is a small fraction of humans who are naturally resistant or altogether immune to HIV, either because of their CCR5 allele or their MHC Class I type. And there are a handful of people who were infected with defective versions of HIV that didn't progress to disease. ¶ We can see indications of this sort of thing happening in the past, because our genomes contain many instances of pathogen resistance genes that have spread through the whole population. Those all started off as rare mutations that conferred a strong selection advantage to the carriers, meaning that the specific infectious diseases were serious threats to the species.

### !D---Islands

#### Islands check global spread.

Osborne 19, citing Nick Wilson, from the University of Otago. (Hannah, 10-3-2019, "These are the best places on Earth to survive a global pandemic threatening to wipe humans out—according to scientists", *Newsweek*, https://www.newsweek.com/countries-safest-global-pandemic-human-extinction-1462869)

In the event of a global pandemic threatening mankind with extinction, Australia and New Zealand would be the best safe havens where humans could survive and eventually repopulate the planet, scientists have said.

"Discoveries in biotechnology could see a genetically-engineered

#### MARKEd

pandemic threaten the survival of our species," Nick Wilson, from the University of Otago, said in a statement. "Though carriers of disease can easily circumvent land borders, a closed self-sufficient island could harbour an isolated, technologically-adept population that could repopulate the earth following a disaster."

### 2NC---!D---ABR

#### No antibiotic apocalypse---it’s slow and research solves.

Cox 17, Lecturer in Microbiology, Aston University. PhD, Molecular Microbiology and Drug Discovery. (Jonathan, 3-21-2017, "It’s the age of the antibiotic revolution, not apocalypse", *Conversation*, https://theconversation.com/its-the-age-of-the-antibiotic-revolution-not-apocalypse-73476)

Bad news sells papers. Or as Elliot Carver, the media mogul set on world domination in the Bond film Tomorrow Never Dies put it: “There’s no news like bad news.” As a scientist, my responsibility is to separate fact from fiction, to follow evidence, not instinct. So when I read doomsday reports of a coming “antibiotic apocalypse”, I question their legitimacy. Are we really all standing on the edge of the medical precipice, about to tumble into an oblivion of death-by-superbug? We most certainly are not. The end of the world may well be on the horizon, but it surely won’t be due to antibiotic resistance. In order to understand why, you need to understand resistance: where it comes from, what it can do, and crucially, what scientists are doing about it. Predominantly, antibiotic resistance is a man-made problem. Since the discovery of penicillin in 1928, we have consistently provided the opportunity for resistance to evolve, persist and spread through the mismanagement and incorrect administration of antibiotics. We have also learned major lessons in the last decade as to where antibiotic resistance comes from and what measures we can take to control it. Some of these, such as the C-reactive protein (CRP) test – which can help detect if patients actually need antibiotic drugs or not – are proving to be highly effective, while others haven’t been and have occasionally even exacerbated the problem. Sensitivity testing before use The point is, scientists all over the world are working tirelessly to think up new and innovative solutions to the problem. Despite their best efforts, and a growing understanding of antibiotic resistance, we still sometimes get it wrong. A woman in the US recently died of an infection so incredibly resistant that “there were no antibiotics left” to treat her. Some hysterical headlines described the deadly bacteria as a “superbug resistant to all available antibiotics”, because 26 different types failed to work. But was her infection resistant to all of these before she was given the very first antibiotic? The answer is undoubtedly, no. Fundamentally, bacteria are given an opportunity to develop resistance. Sensitivity testing allows infections to be tested against different antibiotics in a lab to see if they will be effective. While this was carried out on the woman’s infection, it was already too late – somewhere along the line, she’d had too much exposure to inappropriately used antibiotics and the infection had become resistant. Sensitivity testing at the start of an infection should be standard practice. The first questions doctors should be asking are “What antibiotics will actually work against this?” and “What am I up against?” so that any prescription will be effective in the first instance. More progressive hospitals with microbiology labs are beginning to do this as a matter of course to better control and manage antibiotic resistance. There isn’t always time, for example with sepsis, which moves very fast, but for chest, skin, and urinary tract infections the results can be available within 24 hours. Treatment is then based on fact rather than a guess. If you get it wrong enough times, you get resistance. Failing to test for bacterial sensitivity early on in the infection, waiting instead until it is known that the infection is resistant, makes the scenario much worse. Claims that the use of colistin, a “last hope” antibiotic, is soaring in English hospitals is true. But this is driven by a failure to test for antibiotic sensitivity before it is too late, leading to a need to turn to colistin. Clinicians often assume everyone’s urinary, respiratory or other infection is the same, and will respond in the same way to tried and tested antibiotics. Scientifically speaking, everyone’s infection is different and should be treated as such. No apocalypse in sight Sad as the death of the woman in the US is, it is not uncommon for a death to result from resistance. Reports suggest that around 700,000 people die from antibiotic resistant infections globally each year, the majority in underdeveloped countries with poor access to healthcare. This number is predicted to rise to 10m deaths a year by 2050 if nothing is done about the problem. But “apocalypse” is the wrong word for this. The global population has doubled since World War II, when around 10m people a year died. Humankind certainly won’t be wiped out. Even if we were to face the worst case scenario by 2050, antibiotic resistance would affect about 1% of people on the planet. And that is assuming we sit back and do nothing. In fact, 1,618 scientific research papers were published on antibiotic resistance in 2015. There is lots of funding into resistance and scientists are doing lots to tackle the problem. Schemes such as the Longitude Prize – a prize for scientists that has currently set a challenge for creating a cost-effective, accurate, rapid and easy-to-use test for bacterial infections – are pushing the momentum of discovery in this area.

#### ABR won’t get close to extinction, and intervening actors solve it.

Cara 17, science writer for The Atlantic, Newsweek, and Vocativ. (Ed, 1-27-2017, “The Attack Of The Superbugs”, http://www.vocativ.com/394419/attack-of-the-superbugs/)

Antibiotic-resistant infections kill at least 700,000 people worldwide a year right now, according to an exhaustive report commissioned by the UK in 2014, and without any substantial medical breakthroughs or policy changes that slow down resistance, they may claim some 10 million deaths annually by 2050 — eclipsing cancer in general as a leading cause. These deaths largely won’t come from pan-resistant infections, just tougher ones. A preventable death there, a preventable death here. Leaving that aside, antibiotics, along with proper sanitation and nutrition, gird our entire way of living. Most every invasive surgery, pregnancy, organ transplant and chemotherapy session we go through will become riskier. Other diseases like HIV, malaria or influenza will become deadlier, since bacteria often exploit the opening in our immune system they leave behind. And already precarious populations like those living with cystic fibrosis, prisoners, and the poor will lose years off their lives. For all the warranted gloom, though, Farewell does think there are reasons to be hopeful. “I don’t think we are doing enough, but the scientific community along with many governmental and private foundations are very actively involved in finding not only new antibiotics, but new solutions to this problem,” she said. There’s been a noticeable change in attitude and increased urgency surrounding antibiotic resistance, she said, one that she hadn’t seen even five years ago, let alone twenty. Until recently, that attitude change could be seen from places as high up as the U.S. federal government. In 2014, former President Obama issued an executive order aimed at addressing antibiotic resistance, the first real acknowledgement of the problem from an administration, devoting funding and outlining a national action for combatting resistance. Through its federal agencies, the administration pushed to reduce antibiotic use on farms and encouraged doctors to stop using them in excess. “There has been a lot of work done the last couple of years, much of it spurned by [Obama’s] National Action Plan,” said Dr. David Hyun, a senior officer for Pew Charitable Trusts’ Antibiotic Resistance Project. The CDC, in particular, has used its funding to open up regional labs that allow them to better detect and respond to antibiotic-resistant outbreaks like the Nevada case, he said. They ultimately hope to create an expansive surveillance system that can easily keep track of resistance rates on a national, state and regional level. A parallel system also exists for monitoring resistance in the food chain, shepherded by the CDC and the U.S. Department of Agriculture. In fact, it was this sort of cooperation between national and local health agencies that enabled Nevada doctors to stop the worst from happening, said Dr. Lei Chen. The swift identification of a possible CRE strain by the hospital, coupled with the woman’s medical history, led to a precautionary quarantine, while also prompting Chen’s public health department and eventually the CDC into action. And it may help prevent future cases from spilling into the public. According to Chen, the CDC has allocated funding this year to all of Nevada’s state public health departments so they can better detect CRE and other dangerous resistant strains. Under the Trump administration, there’s no telling how these small victories will hold up or whether they will advance. All references to antibiotics once found on the Whitehouse.gov site have been removed, including a link to the Obama administration’s national action plan, and the fact that they’re already tried to bar USDA scientists from discussing their work with the public while stripping funding from other public health agencies isn’t encouraging. Even with the best public policy, however, there’s no clear light at the end of the tunnel. Antibiotic resistance has gradually been worsening, even within the last 15 to 20 years, when superbugs like methicillin-resistant Staphylococcus aureus (MRSA) first became widely known, said Hyun. The effort needed to develop new drugs has been in short supply, hamstrung by pharmaceutical companies’ inability to recoup the costs of bringing new antibiotics to market. That’s because, unlike the latest heart medication, any new antibiotics will have to be treated like the last drops of water during a drought, used as little as possible — the exact opposite way to make money off a new product. Yet, much like climate change, the financial toll of not doing anything will total in the trillions years down the road. And it already numbers in the billions now, according to the CDC. Of course, we need bacteria to survive. And most need or pay no mind to us in return. Even pan-resistant bacteria don’t really mean harm. Some have been found in perfectly healthy people, a fact that’ll either comfort you or keep you awake at night, only causing problems when our immune system wavers. There’s no army of sentient E. coli that will rise up and someday overthrow the human race. But barring the calvary showing up, a new fear of ours will learn to settle in, almost unnoticed. It’ll creep in when we pick our heads up from a nasty fall that scrapes our skin open or breaks our bones; when we wave goodbye to our loved ones before they enter an operating room, or when we cradle our newborns into a world teeming with the living infinitesimal, wishing there was still a way to shield them from it as our parents once could for us. A fear of naked vulnerability. The antibiotic apocalypse will be gentle, if it fully arrives, but it won’t be any less devastating to the human spirit.

# 1NR

## Maybe for Jet

### 2NC---!D---ABR

#### No antibiotic apocalypse---it’s slow and research solves.

Cox 17, Lecturer in Microbiology, Aston University. PhD, Molecular Microbiology and Drug Discovery. (Jonathan, 3-21-2017, "It’s the age of the antibiotic revolution, not apocalypse", *Conversation*, https://theconversation.com/its-the-age-of-the-antibiotic-revolution-not-apocalypse-73476)

Bad news sells papers. Or as Elliot Carver, the media mogul set on world domination in the Bond film Tomorrow Never Dies put it: “There’s no news like bad news.” As a scientist, my responsibility is to separate fact from fiction, to follow evidence, not instinct. So when I read doomsday reports of a coming “antibiotic apocalypse”, I question their legitimacy. Are we really all standing on the edge of the medical precipice, about to tumble into an oblivion of death-by-superbug? We most certainly are not. The end of the world may well be on the horizon, but it surely won’t be due to antibiotic resistance. In order to understand why, you need to understand resistance: where it comes from, what it can do, and crucially, what scientists are doing about it. Predominantly, antibiotic resistance is a man-made problem. Since the discovery of penicillin in 1928, we have consistently provided the opportunity for resistance to evolve, persist and spread through the mismanagement and incorrect administration of antibiotics. We have also learned major lessons in the last decade as to where antibiotic resistance comes from and what measures we can take to control it. Some of these, such as the C-reactive protein (CRP) test – which can help detect if patients actually need antibiotic drugs or not – are proving to be highly effective, while others haven’t been and have occasionally even exacerbated the problem. Sensitivity testing before use The point is, scientists all over the world are working tirelessly to think up new and innovative solutions to the problem. Despite their best efforts, and a growing understanding of antibiotic resistance, we still sometimes get it wrong. A woman in the US recently died of an infection so incredibly resistant that “there were no antibiotics left” to treat her. Some hysterical headlines described the deadly bacteria as a “superbug resistant to all available antibiotics”, because 26 different types failed to work. But was her infection resistant to all of these before she was given the very first antibiotic? The answer is undoubtedly, no. Fundamentally, bacteria are given an opportunity to develop resistance. Sensitivity testing allows infections to be tested against different antibiotics in a lab to see if they will be effective. While this was carried out on the woman’s infection, it was already too late – somewhere along the line, she’d had too much exposure to inappropriately used antibiotics and the infection had become resistant. Sensitivity testing at the start of an infection should be standard practice. The first questions doctors should be asking are “What antibiotics will actually work against this?” and “What am I up against?” so that any prescription will be effective in the first instance. More progressive hospitals with microbiology labs are beginning to do this as a matter of course to better control and manage antibiotic resistance. There isn’t always time, for example with sepsis, which moves very fast, but for chest, skin, and urinary tract infections the results can be available within 24 hours. Treatment is then based on fact rather than a guess. If you get it wrong enough times, you get resistance. Failing to test for bacterial sensitivity early on in the infection, waiting instead until it is known that the infection is resistant, makes the scenario much worse. Claims that the use of colistin, a “last hope” antibiotic, is soaring in English hospitals is true. But this is driven by a failure to test for antibiotic sensitivity before it is too late, leading to a need to turn to colistin. Clinicians often assume everyone’s urinary, respiratory or other infection is the same, and will respond in the same way to tried and tested antibiotics. Scientifically speaking, everyone’s infection is different and should be treated as such. No apocalypse in sight Sad as the death of the woman in the US is, it is not uncommon for a death to result from resistance. Reports suggest that around 700,000 people die from antibiotic resistant infections globally each year, the majority in underdeveloped countries with poor access to healthcare. This number is predicted to rise to 10m deaths a year by 2050 if nothing is done about the problem. But “apocalypse” is the wrong word for this. The global population has doubled since World War II, when around 10m people a year died. Humankind certainly won’t be wiped out. Even if we were to face the worst case scenario by 2050, antibiotic resistance would affect about 1% of people on the planet. And that is assuming we sit back and do nothing. In fact, 1,618 scientific research papers were published on antibiotic resistance in 2015. There is lots of funding into resistance and scientists are doing lots to tackle the problem. Schemes such as the Longitude Prize – a prize for scientists that has currently set a challenge for creating a cost-effective, accurate, rapid and easy-to-use test for bacterial infections – are pushing the momentum of discovery in this area.

#### ABR won’t get close to extinction, and intervening actors solve it.

Cara 17, science writer for The Atlantic, Newsweek, and Vocativ. (Ed, 1-27-2017, “The Attack Of The Superbugs”, http://www.vocativ.com/394419/attack-of-the-superbugs/)

Antibiotic-resistant infections kill at least 700,000 people worldwide a year right now, according to an exhaustive report commissioned by the UK in 2014, and without any substantial medical breakthroughs or policy changes that slow down resistance, they may claim some 10 million deaths annually by 2050 — eclipsing cancer in general as a leading cause. These deaths largely won’t come from pan-resistant infections, just tougher ones. A preventable death there, a preventable death here. Leaving that aside, antibiotics, along with proper sanitation and nutrition, gird our entire way of living. Most every invasive surgery, pregnancy, organ transplant and chemotherapy session we go through will become riskier. Other diseases like HIV, malaria or influenza will become deadlier, since bacteria often exploit the opening in our immune system they leave behind. And already precarious populations like those living with cystic fibrosis, prisoners, and the poor will lose years off their lives. For all the warranted gloom, though, Farewell does think there are reasons to be hopeful. “I don’t think we are doing enough, but the scientific community along with many governmental and private foundations are very actively involved in finding not only new antibiotics, but new solutions to this problem,” she said. There’s been a noticeable change in attitude and increased urgency surrounding antibiotic resistance, she said, one that she hadn’t seen even five years ago, let alone twenty. Until recently, that attitude change could be seen from places as high up as the U.S. federal government. In 2014, former President Obama issued an executive order aimed at addressing antibiotic resistance, the first real acknowledgement of the problem from an administration, devoting funding and outlining a national action for combatting resistance. Through its federal agencies, the administration pushed to reduce antibiotic use on farms and encouraged doctors to stop using them in excess. “There has been a lot of work done the last couple of years, much of it spurned by [Obama’s] National Action Plan,” said Dr. David Hyun, a senior officer for Pew Charitable Trusts’ Antibiotic Resistance Project. The CDC, in particular, has used its funding to open up regional labs that allow them to better detect and respond to antibiotic-resistant outbreaks like the Nevada case, he said. They ultimately hope to create an expansive surveillance system that can easily keep track of resistance rates on a national, state and regional level. A parallel system also exists for monitoring resistance in the food chain, shepherded by the CDC and the U.S. Department of Agriculture. In fact, it was this sort of cooperation between national and local health agencies that enabled Nevada doctors to stop the worst from happening, said Dr. Lei Chen. The swift identification of a possible CRE strain by the hospital, coupled with the woman’s medical history, led to a precautionary quarantine, while also prompting Chen’s public health department and eventually the CDC into action. And it may help prevent future cases from spilling into the public. According to Chen, the CDC has allocated funding this year to all of Nevada’s state public health departments so they can better detect CRE and other dangerous resistant strains. Under the Trump administration, there’s no telling how these small victories will hold up or whether they will advance. All references to antibiotics once found on the Whitehouse.gov site have been removed, including a link to the Obama administration’s national action plan, and the fact that they’re already tried to bar USDA scientists from discussing their work with the public while stripping funding from other public health agencies isn’t encouraging. Even with the best public policy, however, there’s no clear light at the end of the tunnel. Antibiotic resistance has gradually been worsening, even within the last 15 to 20 years, when superbugs like methicillin-resistant Staphylococcus aureus (MRSA) first became widely known, said Hyun. The effort needed to develop new drugs has been in short supply, hamstrung by pharmaceutical companies’ inability to recoup the costs of bringing new antibiotics to market. That’s because, unlike the latest heart medication, any new antibiotics will have to be treated like the last drops of water during a drought, used as little as possible — the exact opposite way to make money off a new product. Yet, much like climate change, the financial toll of not doing anything will total in the trillions years down the road. And it already numbers in the billions now, according to the CDC. Of course, we need bacteria to survive. And most need or pay no mind to us in return. Even pan-resistant bacteria don’t really mean harm. Some have been found in perfectly healthy people, a fact that’ll either comfort you or keep you awake at night, only causing problems when our immune system wavers. There’s no army of sentient E. coli that will rise up and someday overthrow the human race. But barring the calvary showing up, a new fear of ours will learn to settle in, almost unnoticed. It’ll creep in when we pick our heads up from a nasty fall that scrapes our skin open or breaks our bones; when we wave goodbye to our loved ones before they enter an operating room, or when we cradle our newborns into a world teeming with the living infinitesimal, wishing there was still a way to shield them from it as our parents once could for us. A fear of naked vulnerability. The antibiotic apocalypse will be gentle, if it fully arrives, but it won’t be any less devastating to the human spirit.

## CP---Disease

### 1NR---CP

### AT: Perms

### 1NR---AT: HLR

#### The CP’s sustainable funding is key to international security and emergency response.

PATH ’17 [PATH is the leader in global health innovation. An international nonprofit organization, we save lives and improve health, especially among women and children. We accelerate innovation across five platforms—vaccines, drugs, diagnostics, devices, and system and service innovations—that harness our entrepreneurial insight, scientific and public health expertise, and passion for health equity. By mobilizing partners around the world, we take innovation to scale, working alongside countries primarily in Africa and Asia to tackle their greatest health needs. Together, we deliver measurable results that disrupt the cycle of poor health; October; *Healthier World, Safer America A US Government Roadmap for International Action to Prevent the Next Pandemic*; <https://www.path.org/resources/healthier-world-safer-america-a-us-government-roadmap-for-international-action-to-prevent-the-next-pandemic/>; accessed 11/29/18//MSCOTT]

As a result of the inconsistent prioritization of funding distributions, taking full advantage of the individual strengths of agencies and implementing a whole-of-government approach is currently unrealistic. A shift in approach will be required before a comprehensive US framework can be realized. To reinforce and sustain American and global preparedness, sustainable funding should be instituted, prioritizing resources for programs that have the most impact. Both Congress and the Administration must maintain annual appropriations for global infectious disease programs, as well as provide robust support for traditional global health programs. If USAID and CDC are to continue to sustain the impact that was previously supported by the Ebola supplemental, base appropriations must reflect this need. CDC’s Division of Global Health Protection should retain the current $58.2 million annual appropriations, with an increase of $150 million over the next three years, totaling $208.2 million, to bridge the gap emerging as a result of the supplement expiration. Similarly, for USAID’s Emerging Pandemic Threats program, the agency should retain the $72.5 million with an increase of $100 million over three years, totaling $172.5 million. In addition to capacity building, funding can also be allocated to help low-income countries develop self-financing plans, opportunities for engaging with the private sector, and collaboration with development bank assistance.

Sustained funding must also be supplemented by accessible emergency response appropriations when necessary, ideally supported by an emergency reserve fund that can be accessed and distributed in real time to agencies. An appropriate amount to enable an early and rapid response to a severe outbreak will require that USAID and CDC each have access to at least $70 million. Overall, annual appropriations and emergency funding must take advantage of the unique capabilities that each agency provides, and should not be reallocated from other critical global health and development programs.

#### Helping at-risk countries build resilience is the only way to solve the aff – disease outbreak is more likely in these countries.

Senthilingam 17 (Meera, CNN editor of health and wellness, “Seven reasons we’re at more risk than ever of a global pandemic,” CNN, 4/10/17, https://www.cnn.com/2017/04/03/health/pandemic-risk-virus-bacteria/index.html)//tb

It could take just one cough, one kiss, one touch or even one bite to change not only your life, but the lives of everyone around you -- and for months or even years. In most cases, the closer those people are to you, the greater the risk. But it isn't always that simple. The risk at hand: an infectious outbreak. Public health experts believe we are at greater risk than ever of experiencing large-scale outbreaks and global pandemics like those we've seen before: SARS, swine flu, Ebola and Zika. More than 28,000 people were infected during the 2014-16 Ebola epidemic, with over 11,000 deaths. And as of March 10, 84 countries have reported Zika transmission. That disease was discovered in the 1940s, but had its first outbreak in 2007 in Micronesia, and more recently began spreading toward the end of 2015. Every time, the infection's arrival is unexpected and its scale unprecedented, leaving the world vulnerable. Experts are unanimous in the belief that the next outbreak contender will most likely be a surprise -- and we need to be ready. "We're only as secure in the world as the weakest country," said Jimmy Whitworth, professor of international public health at the London School of Hygiene & Tropical Medicine. With so many health systems and economies in a fragile state, this means we are far from secure. "Infectious diseases respect no boundaries," he said. The World Health Organization is alerted to hundreds of small outbreaks every month, he noted, which it investigates and uses to predict the chances of a bigger problem. "There are little clusters of outbreaks occurring all the time, all over the place," Whitworth said. But with infections disregarding borders and their battle lines against humans drawn, he believes the way we live today is what opens us up to risk. "(Many) aspects of modern life put us at more risk. We are more ready than before," he points out, highlighting the International Health Regulations Global Outbreak Alert and Response Network and countries with national rapid response teams -- such as the United States, UK and China -- ready to tackle any emergency. "But the stakes keep getting raised," he said. Here's why. 1. Growing populations and urbanization The facts around urban living are simple: You live, eat, work and move closer to people than in any rural setting, and with this comes greater opportunity for disease to spread through air, mosquitoes or unclean water. As populations grow, so will the number of city-dwellers, with the United Nations predicting that 66% of the global population will live in urban areas by 2050. More people in cities can "put a strain on sanitation," said David Heymann, head of the Centre for Global Health Security at the think tank Chatham House. Beyond people's close proximity, "this is a second source of infection," he said, and a third is increased food demand, causing farmers to grow more food, with more animals, making them likely to live closer to those animals as well. Animals are reservoirs for many diseases, including cattle for tuberculosis and African sleeping sickness (trypanosomiasis) and poultry for avian flu. With people moving more regularly from -- and between -- rural settings to urban ones, the chances of them becoming infected and then living in close quarters with others further boosts the potential for things to spread. 2. Encroaching into new environments As numbers of people grow, so does the amount of land needed to house them. Populations expand into previously uninhabited territories, such as forests. With new territories comes contact with new animals and, inevitably, new infections. Lassa fever death rates in Nigeria higher than expected Lassa fever death rates in Nigeria higher than expected For one example, "Lassa fever occurs because people live in the forest and destroy it for farming," Heymann said. Lassa fever is a viral disease spread by contact with the feces of infected rodents. It can cause fever and hemorrhaging of various parts of the body, including the eyes and nose. Person-to-person transmission is also possible, albeit less common. Outbreaks generally occur in West Africa, with higher than expected rates in Nigeria since 2016. Heymann explains that Lassa is one example of people living near forest environments where infected rodents reside, but destruction of those forests for agriculture leaves the animals nowhere to go -- other than humans' homes. "The rodents that live there can't get food and go into human areas for food," he said. 3. Climate change Evidence continues to emerge that climate change is resulting in greater numbers of heat waves and flooding events, bringing more opportunity for waterborne diseases such as cholera and for disease vectors such as mosquitoes in new regions. Scientists highlight deadly health risks of climate change Scientists highlight deadly health risks of climate change "Flooding is occurring with increased frequency," Heymann said, and with that comes greater risk of outbreaks. Between 2030 and 2050, climate change is projected to cause about 250,000 additional deaths per year from heat stress, malnutrition and the spread of infectious diseases like malaria, according to the World Health Organization. With disease carriers like mosquitoes increasingly able to live in new unprotected territory, the risk of an outbreak is high. Whitworth cited the current yellow fever outbreak in Angola, which has infected more than 350 people. He explained that as workers from China returned home from Angola, any yellow fever infection could have been transmitted by mosquitoes in China. But, the workers' return in winter meant the insects weren't around to transmit through bites. According to experts, infectious agents can live in humans during their incubation period -- the time between infection and the onset of symptoms -- meaning that travelers can transmit an infection to another region even though they don&#39;t appear to be sick. International tourist arrivals reached a record of almost 1.2 billion in 2015. Global travel – According to experts, infectious agents can live in humans during their incubation period -- the time between infection and the onset of symptoms -- meaning that travelers can transmit an infection to another region even though they don't appear to be sick. International tourist arrivals reached a record of almost 1.2 billion in 2015. If a country is on the brink of breakdown from civil unrest, its ability to handle an intense and sudden outbreak could bring its people to their knees -- and allow the infection to flourish. Civil conflict – If a country is on the brink of breakdown from civil unrest, its ability to handle an intense and sudden outbreak could bring its people to their knees -- and allow the infection to flourish. In the information age, new means of communication bring higher levels of fear and multiple ways to spread it, experts believe. More than 90% of the world&#39;s population will be covered by mobile broadband networks by 2021, according to the UN. Faster spread of information – In the information age, new means of communication bring higher levels of fear and multiple ways to spread it, experts believe. More than 90% of the world's population will be covered by mobile broadband networks by 2021, according to the UN. Countries where outbreaks are more likely to occur also have fewer doctors and nurses to treat the population. Most have left for better prospects elsewhere. Here a nurse administers a yellow fever vaccine in Rio de Janeiro, Brazil. Photos: Seven reasons why a global pandemic is inevitable Fewer doctors and nurses in outbreak regions – Countries where outbreaks are more likely to occur also have fewer doctors and nurses to treat the population. Most have left for better prospects elsewhere. Here a nurse administers a yellow fever vaccine in Rio de Janeiro, Brazil.

### 1NR---AT: Condo

## CP---FTC

### 1NR---CP

### AT: Perms

### AT: Deficit

### 1NR---Solves

#### Funds key to solve privacy, aff can’t solve without funding.

Hoofnagle et al. 19, Chris Jay Hoofnagle: Adjunct Professor of Information and Law - University of California, Berkeley. Woodrow Hartzog: Professor of Law and Computer Science - Northeastern University. Daniel J. Solove: John Marshall Harlan Research Professor of Law - George Washington University Law School (“The FTC can rise to the privacy challenge, but not without help from Congress,” <https://www.brookings.edu/blog/techtank/2019/08/08/the-ftc-can-rise-to-the-privacy-challenge-but-not-without-help-from-congress/>, Accessed 1-30-2022)

With greater resources, the FTC could handle many more cases. How many depends on the kinds of companies and the business areas. A horseshoe effect plagues FTC privacy enforcement: Some small companies may think themselves immune because they believe they are too inconsequential for FTC attention, while some of the largest companies have proven themselves willing to do almost anything to gain platform status.

Clearly, the number of cases the agency is doing now is not enough. On average, the FTC announces about 15-20 Section 5 enforcement settlements per year. It could start by doing on the order of 100 cases, and then study the deterrent effect among small and large companies. But it needs far more resources to scale up like this. Regardless of whether it adopts comprehensive privacy legislation that expands FTC enforcement authority, Congress should significantly expand the agency’s appropriations to enforce existing law.

#### Resources are the #1 question for fighting privacy.

Access Now 21 (“Advocates to U.S. Congress: Fund FTC to combat data abuse,” <https://www.accessnow.org/ftc-funding-combat-data-abuse/>, Accessed 1-30-2022)

Today, Access Now joined a coalition of civil society organizations to support the U.S. House Energy and Commerce committee’s proposal to increase the Federal Trade Commission’s (FTC) funding by $1 billion over 10 years. The funding would be used to create a new FTC bureau that will focus on policing privacy, security, and data abuse matters.

“Privacy and data protection issues have human rights and racial equity implications,” said Willmary Escoto, U.S. Policy Analyst at Access Now. “With such paltry funding and staffing, the FTC has been forced to ration its limited resources to focus on cases with the biggest impact, likely letting many violators off the hook. Increased funding will allow the Commission to hire more staff and take more cases that help reduce racial inequity.”

#### This is the FTCs bread and butter, and funding is critical

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

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

## CP---Science Diplomacy

### Perm

## FTC

### 1NR---UQ

### 1NR---U---General

#### Congressional support for FTC enforcement is high now

Edelman 6-19-2021, JD @ Yale Law School (Gilad, “The US Government Is Finally Moving at the Speed of Tech,” <https://webcache.googleusercontent.com/search?q=cache:ZPFV07F7X9MJ:https://www.wired.com/story/government-finally-moving-at-speed-of-tech/+&cd=1&hl=en&ct=clnk&gl=us>)

Now consider antitrust. Four years ago, Lina Khan was a month out of law school, where she had published a groundbreaking article arguing that the prevailing legal doctrine was allowing Amazon to get away with anticompetitive behavior. Antitrust law was not yet a high-profile issue, and Khan’s suggestion that it might apply to tech companies whose core consumer offerings were free or famously cheap was considered bizarre by much of the legal establishment. This week, Khan, at all of 32 years old, was appointed chair of the Federal Trade Commission, one of the two agencies with the most power to enforce competition law. Congress, meanwhile, has introduced a set of bills that represent the most ambitious bipartisan proposals to update antitrust law in decades, with the tech industry as their explicit target. Politics, in other words, may finally be moving at the speed of tech. In hindsight, what seems most remarkable about the Better Deal agenda is that it didn’t mention tech companies at all. Up to that point, the anti-monopoly movement in DC policy circles had been much more focused on traditional industries. Khan got her start writing about consolidation in businesses like meatpacking and Halloween candy. Silicon Valley still seemed politically untouchable. Taking on the likes of Facebook and Google, I wrote at the time, would “require angering some of the Democrats’ most important and deep-pocketed donors, something the party has not yet revealed an appetite for.” How did things change so quickly? There is no one smoking gun, but rather an accumulation of grievances that turned both Democrats and Republicans more and more against the tech companies. For Democrats, the key factor was the creeping sense that social media platforms, whatever the political leanings of their founders, had helped Donald Trump get elected. Facebook’s Cambridge Analytica scandal in 2018 supercharged those suspicions. Investigative reports, meanwhile, kept finding evidence that far-right and racist material was spreading on social media. At the same time—and in part as a reaction to social media platforms implementing more aggressive content moderation to mollify both advertisers and liberal critics—conservatives were growing ever more concerned that liberals in Silicon Valley were discriminating against them. And Republican politicians were picking up on the political potency of that talking point. The result is that we find ourselves living in a world that looks very different from the one we were living in just a few years ago. New antitrust cases against tech giants are popping up left and right, keeping the issue firmly in the public consciousness. The companies are devoting unprecedented sums toward lobbying, advocacy, and advertising to try to avert a crackdown. And in the sharpest break with the past, Congress and the White House are taking concrete steps to restructure markets that have been left to their own devices for two and a half decades. It’s all so much, so fast, that it’s hard to keep track of the various subplots. The introduction of the five House antitrust bills and the elevation of Khan to FTC chair, for example, look like two separate stories. But they’re really two parts of the same story: Khan was herself the key investigator behind the House antitrust subcommittee’s investigation of Apple, Amazon, Facebook, and Google, begun in 2019. The bills introduced last week are the fruits of that investigation. (While the time between the start of the investigation and the release of legislative proposals has felt like an eternity to those of us who follow this closely, it wouldn’t be bad for a Silicon Valley product launch. It took Amazon three years to bring the Kindle to market.)

#### Their evidence says congress and the public are key---only we have evidence that support is high now

Lee, 21 [KU Yellow] – Bethany, J.D. Candidate, University of Pennsylvania Law School. “Reviving the Power of the FTC,” The Regulatory Review, May 17, <https://www.theregreview.org/2021/03/17/lee-reviving-power-of-ftc/> -- Iowa

The Federal Trade Commission (FTC) may face an existential threat to its ability to hold corporate lawbreakers accountable. A pending U.S. Supreme Court case threatens the FTC’s ability to seek monetary relief from wrongdoers, while mounting public concerns about the adequacy of the FTC’s enforcement have led to a crisis of confidence in the agency. The solution to this urgent crisis involves restoring a key FTC authority, according to a new paper by FTC Commissioner Rohit Chopra and his attorney advisor Samuel Levine. After tracing the history of the FTC’s enforcement tools and explaining their current inadequacy, Chopra and Levine argue that reviving the FTC’s Penalty Offense Authority will improve the FTC’s effectiveness and regain public confidence by increasing deterrence and ensuring fairness for honest firms. Established by the FTC Act, the FTC has a mission to “protect consumers and competition by preventing anticompetitive, deceptive, and unfair business practices.” Chopra and Levine, however, highlight the FTC’s concerning track record in fulfilling this mission. In the 1980s, the FTC’s leadership viewed markets as self-correcting, and the agency shifted its focus from market-wide abuses to “small-scale criminal fraud.” Seeking to avoid the derisive label of a “national nanny,” the FTC began to disarm the administrative state by halving the agency’s staff, reversing rulemakings, and adopting policies restricting the agency’s own authority. The FTC’s ideology of the 1980s had lasting consequences, according to Chopra and Levine. In the 1990s, the agency failed to challenge tobacco advertising directed at children. In the 2000s, the FTC took minimal enforcement action to prevent the mortgage meltdown, remaining largely idle as subprime lenders sold loans structured to fail. Congress responded by stripping the FTC of major authorities over the financial sector, such as rulemaking on mortgages and debt collection. Chopra and Levine argue that the agency’s inaction over several decades has resulted in “massive harm for consumers, small businesses, and the economy.” They call for a shift toward “systematic efforts to combat widespread harms.” A key step, say Chopra and Levine, involves resurrecting the agency’s Penalty Offense Authority. Codified in Section 5 of the FTC Act, this provision allows the FTC to correct and deter harmful practices. Currently, the FTC largely relies on Section 13(b) of the FTC Act, which allows the agency to seek preliminary and permanent relief in federal court. But the use of Section 13(b) has been challenged in multiple cases, including in a pending U.S. Supreme Court case challenging the FTC’s authority to seek equitable monetary relief. Even if courts uphold the use of Section 13(b), argue Chopra and Levine, this enforcement tool remains inadequate in correcting and deterring widespread harms. To seek monetary relief under Section 13(b), the FTC must approximate harms or unjust gains—a potentially difficult and costly calculation. As a result, the FTC often resorts to no-money settlements that do not adequately deter wrongdoing. In addition, corporate wrongdoers tend to be undeterred by equitable relief sought under Section 13(b) since the worst consequence merely involves returning their earnings. Instead of overreliance on Section 13(b), Chopra and Levine advocate greater use of the Penalty Offense Authority under Section 5 of the FTC Act. Under this authority, the FTC can seek civil penalties if the agency issued a final cease-and-desist order determining that a practice is unfair or deceptive and if a party subsequently engaged in that practice, knowing that the practice was unfair or deceptive. Chopra and Levine note that the Penalty Offense Authority provides “strong due process protections for defendants.” For example, parties cannot be held liable unless shown to have actual knowledge of the FTC’s determination. Defendants can also challenge the FTC’s prior determination that the conduct was unlawful. Previously, the FTC deployed its Penalty Offense Authority to target whole industries, in a manner that one FTC commissioner described as “extremely effective and efficient.” Nevertheless, the agency’s use of this tool rapidly declined in the 1980s, and it was used only once in the last decade. Calling for renewed use of the Penalty Offense Authority, Chopra and Levine outline three key benefits of such a resurrection. First, compared to equitable relief, civil penalties would more effectively punish and deter wrongdoers. Second, the use of the Penalty Offense Authority would reduce litigation risk for the FTC. Current overreliance on Section 13(b) creates uncertainty as court cases challenge the program, and seeking monetary relief under Section 13(b) requires risky and expensive attempts to quantify harm. Finally, the Penalty Offense Authority provides market-wide impact. By providing notice to firms across an industry, the FTC can correct market-wide practices—increasing compliance and reducing the need to bring similar enforcement actions repeatedly. Chopra and Levine specifically advocate the use of the Penalty Offense Authority in areas where a harmful practice has been condemned by an FTC order but not forbidden by an agency rule. They identify five areas where the FTC could deploy the Penalty Offense Authority based on existing orders: for-profit college fraud, false earnings claims targeted at workers, online disinformation, deceptive data harvesting, and illegal targeted marketing. Ultimately, Chopra and Levine call on the FTC to shed its “self-inflicted paralysis” by drawing on a broader set of tools to protect the public.

### 1NR---U---Cyber

#### FTC solves emerging cyber and terror governance now

Michael Spiro 20. JD from the University of Washington School of Law, an L.L.M. in Innovation and Technology Law from Seattle University School of Law. Corporate counsel at Smartsheet Inc. “The FTC and AI Governance: A Regulatory Proposal.” Seattle Journal of Seattle Journal of Technology Environmental & Innovation Law. Volume 10 Issue 1 Article 2. 12-19-2020. https://digitalcommons.law.seattleu.edu/cgi/viewcontent.cgi?article=1001&context=sjteil

Despite these limitations, the FTC has a formidable reputation as an enforcement authority, and commercial entities, and their lawyers, pay close attention to its orders and decisions.248 For example, when the FTC issues a complaint, it is published on the FTC’s website, which often generates significant attention in the privacy community.249 One reason for this is the fear firms have of the FTC’s auditing process, which not only is “exhaustive and demanding,” but can last for as long as 20 years.250 As such, the FTC settles most of the enforcement actions it initiates.251 Firms are motivated to settle with the FTC because they can avoid having to admit any wrongdoing in exchange for taking remedial measures, and thus they also avoid the costs to their reputation from apologizing.252

Though done by necessity, the rule-making process the FTC engages in with its consent orders and settlement agreements can be of benefit when regulating emerging technologies. 253 For one, it allows the flexibility needed to adapt to new and rapidly changing situations.254 Further, the FTC can wait and see if an industry consensus develops around a particular standard before codifying that rule through its enforcement actions.255 As with the common law, which has long demonstrated the ability to adjust to technological changes iteratively, the FTC’s incremental case-bycase approach can help minimize the risks of producing incorrect or inappropriate regulatory policy outcomes.256

In addition to its use of consent orders and settlement agreements, the FTC has created a type of “soft law” by issuing guidelines, press releases, workshops, and white papers.257 Unlike in enforcement actions, where the FTC looks at a company’s conduct and sees how its behavior compares to industry standards, the FTC arrives at the best practices it develops for guidance purposes through a “deep and ongoing engagement with all stakeholders.”258 As such, not only is the FTC’s authority broad enough to regulate the use of emerging technologies such as AI in commerce, but the FTC’s enforcement actions also constitute a body of jurisprudence the FTC can rely on to address the real and potential harms that stem from the deployment of consumeroriented AI.259

Given its broad grant of authority, the regulatory tools at its disposal, and its experience dealing with emerging technologies, the FTC is currently in the best position to take the lead in regulating AI. The FTC’s leadership is sorely needed to fill in the remaining – and quite large – gaps in those few sectoral laws that specifically address AI and algorithmic decision-making.260 Several factors make the FTC the ideal agency for this role. First, the FTC can use its broad Section 5 powers to respond rapidly and nimbly to the types of unanticipated regulatory issues AI is likely to create.261

Second, the FTC has an established history of approaching emerging technologies with “a light regulatory touch” during their beginning stages, waiting to increase its regulatory efforts only once the technology has become more established.262 This approach provides the innovative space needed for new technologies such as AI to develop to their full potential. Thus, as it has in the past, the FTC would focus on disclosure requirements rather than conduct prohibition, and take a case-by-case approach rather than rely on rulemaking.263 Also, as it has traditionally done, the FTC can hold public events on consumer-related AI and issue reports and white papers to guide industry.264

In other words, the FTC has long taken a co-regulatory approach to regulation, which it can and should proceed to do with AI. As in other emerging technology areas, this will help industry continue to grow and innovate, while allowing for the calibration among all relevant stakeholders of the “appropriate expectations” concerning the use and deployment of AI decision-making systems.265 At the same time, the FTC should use its regulatory powers to nudge, and when necessary, push companies to refrain from engaging in unfair and deceptive trade practices in the design and deployment of AI systems.266 The FTC should also place the onus on firms that design and implement those systems to ensure misplaced or unrealistic consumer expectations about AI are corrected.267

By nudging (or pushing) firms in this way, the FTC can “gradually impose a set of sticky default practices that companies can only deviate from if they very explicitly notify consumers.”268 In terms of disclosure requirements, as it has done in other contexts, the FTC can develop rules and guidelines for “when and how a company must disclose information to avoid deception and protect a consumer from harm,” which can include requiring firms to adopt the equivalent of a privacy policy. 269 Given the black box like nature of most algorithmic decision-making processes, there is much that AI developers might have to disclose to prevent those processes from being deemed unfair or deceptive.270

In addition, given its broad authority under Section 5, the FTC is able to address small, nuanced changes in AI design that could adversely affect consumers, but that other areas of law, such as tort, may not be able to adequately handle.271 Again, this is important because AI and algorithmic decision-making can pose profound and systemic risks of harm, even though the actual harm to individual consumers may be small or hard to quantify. And as it has done in the area of privacy, the FTC can become the de facto federal agency authority charged with protecting consumers from harms caused by AI systems and other algorithmic decisionmaking processes.272

The FTC also can, and should, seek to work with other agencies to address AI-related harms, given that the regulatory efforts of other agencies will still occur and be needed in specific sectors or industries, which would impact and be relevant to the FTC’s efforts as well.273 Agency cooperation is essential to ensuring regulatory consistency, accuracy, and efficiency in the type of complex, varied technological landscape that AI presents.274 This should not be a problem as the FTC’s Section 5 authority overlaps regularly with the authority of other agencies, and the FTC itself has a history of cooperating with those agencies.275 Further, the FTC can use its experience working with other agencies to build standards and policy consensus within the regulatory community and among stakeholders. 276

The overarching role the FTC has played in protecting consumer privacy within the United States also has given it legitimacy within the wider privacy community. The FTC has been pivotal over time in promoting international confidence in the United States’ ability to regulate privacy by for example acting as the essential mechanism for enforcing the Safe Harbor Agreement with the European Union.277 As it takes on a similar overarching regulatory role for AI and algorithmic decision-making processes in this country, the FTC should gain a similar level of legitimacy internationally. This is important given the increasingly cross border nature of AI research and development.

### 1NR----Resources LT

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

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

Biden pushed on antitrust

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

#### Antitrust lawsuits are resource-consuming-

**Mcgill, 19**, technology reporter for POLITICO Pro, (Margaret Harding , “Why breaking up Facebook won't be easy,” *POLITICO*, <https://www.politico.com/story/2019/05/27/breaking-up-facebook-antittrust-1446087>)

3) Antitrust cases take time and money The Justice Department’s antitrust lawsuit against AT&T, and its unsuccessful battle to break up Microsoft, were yearslong affairs that started under one presidential administration and ended in another. That means whoever wins the White House in 2020 could well be out of office before a potential case against Facebook is decided or settled. The AT&T case began in 1974 and ended in 1982, after which the government spent another two years implementing an agreement that split up the company into eight smaller entities. The government spent another decade in the 1990s and early 2000s waging an antitrust war against Microsoft for anti-competitive behavior, arguing that its operating system and internet browser should be separated. But by the time the court approved a settlement in 2002, requiring changes to the company's business practices but leaving Microsoft intact, the penalties did not have much impact, Verveer said. “Technology will change, business models will change, consumer preferences will change,” he said. “You could end up at the end of a long process with something that frankly doesn't make very much difference because the world has moved on.” That's one reason some Facebook critics, including former DOJ antitrust official Gene Kimmelman, argue that imposing restrictions on how social media companies use data could be a more effective strategy than breaking them up. A lengthy lawsuit against Facebook would also consume a lot of resources at the DOJ, which might have to hire outside attorneys and other experts as it did in the Microsoft case. The expense could even require additional appropriations from Congress, Schwartzman said. “It is a really daunting enterprise,” Schwartzman said. “The likelihood the Justice Department or Federal Trade Commission would be able to undertake such an activity is remote.”

### 1NR---Insider Backlash LT

#### The plan’s perceived as a fundamental critique of FTC’s legacy---that devastates morale

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

(ii) Respecting and Learning from Past Achievements. In the United States, there is an unfortunate habit of making the case for major reforms by depicting the existing policy making institutions as utterly incompetent, slothful, or corrupt.61 Reform advocates sometimes appear to believe that any recognition that existing institutions sometimes have done good work undermines the case for fundamental reform. There is a perceived imperative to portray the responsible bodies and their leaders as hopelessly inadequate. Electoral campaigns can sharpen this tendency by leading the opposition party to claim that the incumbent administration’s program was an unrelieved failure. In a striking number of instances, this pattern has emerged in discussions of antitrust policy.62 In current discussions about the future of the U.S. antitrust regime, advocates of fundamental reform sometimes portray the federal antitrust enforcement agencies as decrepit -- perhaps to underscore the need for basic change.63 The implication is that, because the antitrust system has failed so miserably, there are few, if any, positive lessons to be derived from experience since the retrenchment of U.S. policy began in the late 1970s, and certainly none since 2000. This style of argument has several potential costs. One danger is that it overlooks genuine accomplishments and, in doing so, ignores experience that suggests how to build successful programs in the future. We offer three examples that deserve close study in building future cases that seek to expand the reach of the antitrust system. The first is the development of the FTC’s pharmaceutical and non-pharmaceutical health care program from the mid-1970s forward. The Commission identified health care as a major priority and devised a strategy that used the full range of the agency’s policy tools – cases, rules, reports, and advocacy – to change doctrine and alter business behavior.64 The affected business enterprises were (and are) economically powerful and politically influential, and they mounted powerful campaigns in the courts and in the Congress to blunt the Commission’s initiatives. The difficulty of the FTC’s program is perhaps most apparent in the case of health care services. The agency had to win cases before courts that displayed skepticism about whether competition had a useful role to play in the delivery of health care, or in any of what are known as the learned professions.65 The FTC also had to outmaneuver an industry that was bent on gaining legislative relief from antitrust scrutiny. Allied with other professional groups, the leading U.S. medical societies came within an inch in the late 1970s and early 1980s of persuading Congress to withdraw the FTC’s jurisdiction to apply the antitrust law to the professions.66 A second example is the FTC’s effort over the past two decades to restore the effectiveness of the “quick look” as an analytical tool in the wake of the Supreme Court’s decision in Federal Trade Commission v. California Dental Association (CDA).67 By 2001, it had become apparent to the FTC’s senior leadership team that CDA had raised doubts about the application of the quick look method of analysis to truncate the assessment of behavior that, while not previously condemned as illegal per se, strongly resembled conduct that antitrust jurisprudence had forbidden categorically.68 The agency responded with a strategy focused on the development of cases that would enable the Commission to use its administrative adjudication authority to persuade courts to reject the broader negative implications of CDA and restore the vitality of the quick look. This initiative ultimately generated court of appeals decisions that upheld the Commission’s effort to treat certain behavior as “inherently suspect” without proving that the defendant possessed market power and to require the defendant to offer cognizable, plausible justifications.69 A third example is the FTC’s successful litigation of three cases before the Supreme Court over the past decade.70 Not since the 1960s has the Commission litigated and won three consecutive antitrust cases before the Supreme Court. Each matter involved difficult issues and featured strong opposition from the defendants and amici. Had the FTC been a “timid” institution, one cannot imagine that it wouild have mounted or sustained these litigation challenges. The programs that accounted for these results were not accidental. Each program began with a careful examination of the existing framework of doctrine and policy to identify desired areas of extension. This stock-taking guided the identification of potential candidates for cases and the application of other policymaking tools.71 Each program built incrementally upon the bipartisan contributions of agency leadership and the sustained commitment of staff across several presidential administrations headed by Democrats and Republicans. If one assumes (as a number of reform proponents assert) that the FTC was a useless body in the modern era, there would be little purpose in studying these examples, or anything else it did, as there would be nothing useful to learn. The paint-it-black interpretation of modern antitrust history makes the costly error of tossing aside experience that might inform the successful implementation of new reforms. A second notable harm from the catastrophe narrative, most relevant to the discussion of human capital, is its demoralizing effect on the agency’s existing managers and staff. To see one’s previous work portrayed as substandard, or worse, tends not to inspire superior effort. It breeds cynicism and distrust where managers and staff understand that the critique badly distorts what they have done. Proponents of basic change must realize that the success of their program to expand antitrust intervention will require major contributions from existing staff and managers.

### 2NC---Outsider Backlash LT

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

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

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

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

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

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

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