# Wiki Doc UT 4

# 1NC vs Emory HM

### FTC CP---1NC

#### The United States Congress should increase funding for the FTC specifically tailored for data privacy, scamming, and emerging tech.

#### That solves.

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]

### Inequality CP---1NC

#### The United States federal government should:

Prohibit Presidential unilateral first use of nuclear weapons

Announce that we are bound to the Convention Against Torture and Geneva Convention,

Close Guantanamo Bay,

Establish a commission on human rights

And establish a Global Concert for the 21st Century.

#### Plank 1 solves diversionary war.

Blair, 18

(Bruce Blair, nuclear security expert and a research scholar at the Program on Science and Global Security at Princeton and the co-founder of Global Zero, Strengthening Checks on Presidential Nuclear Launch Authority, January/February 2018, Arms Control Today, <https://www.armscontrol.org/act/2018-01/features/strengthening-checks-presidential-nuclear-launch-authority>)

Equally overdue is the adoption of a policy that eschews the first use of nuclear weapons. A clear marker would be established in limiting the president’s leeway to initiate a first strike.17 If taken seriously, the operational plans would also be modified in ways that would hamstring any effort to order the use of nuclear weapons without apparent cause.

Congress has considerable legal standing to pass legislation that prohibits first use. A recent bill introduced by Representative Adam Smith (D-Wash.) is a step in this direction,18 but a law would draw real redlines around the policy. Crossing them would make the president accountable and even impeachable.

#### Planks 2-4 solve democracy and LIO by affirming US soft power.

Shattuck 8 [John Shattuck is CEO of the John F. Kennedy Library Foundation and a lecturer on U.S. foreign policy at Tufts University. He is the author of Freedom on Fire. He served as Assistant Secretary of State for Democracy, Human Rights and Labor from 1993 to 1998, and Ambassador to the Czech Republic from 1998 to 2000. “Restoring U.S. Credibility on Human Rights,” *American Bar Association*, Fall 2008, <https://www.americanbar.org/publications/human_rights_magazine_home/human_rights_vol35_2008/human_rights_fall2008/hr_fall08_shattuck.html>] KS

Among the many challenges facing you from the time you take office will be how to restore U.S. credibility in the world. One way to do this will be to change the global perception that the United States is a human rights violator. International public opinion of the recent U.S. record on human rights has been devastating. A poll conducted last year in eighteen countries on all continents by the British Broadcasting Corporation revealed that 67 percent disapproved of U.S. detention practices in Guantanamo Bay, Cuba. Another poll in Germany, Great Britain, Poland, and India found that majorities or pluralities condemned the United States for torture and other violations of international law. A third poll by the Chicago Council on Foreign Relations showed that majorities in thirteen countries, including many traditional allies, believe “the U.S. cannot be trusted to act responsibly in the world.” Less than a decade ago, the situation was quite different. A 1999 survey published by the U.S. State Department’s Office of Research showed that the United States was viewed favorably by large majorities in France, 62 percent; Germany, 78 percent; Indonesia, 75 percent; and Turkey, 52 percent; among others. This positive climate of opinion helped produce the outpouring of international support immedi-ately following the 9/11 attacks that made it possible for this country to quickly assemble a broad coalition with United Nations (UN) approval to respond to the terrorist attacks by striking al Qaeda strongholds in Afghanistan. Seven years later, global support for U.S. leadership has evaporated. In nearly all the countries that registered strong support for the United States in 1999, a big downward shift of opinion had occurred by 2006. In France it was down to 39 percent; in Germany, 37 percent; and in Indonesia, 30 percent. A separate survey conducted by the Pew Research Center revealed extremely hostile attitudes toward the United States throughout the Arab and Muslim world: In Egypt, the United States polled 70 percent negative; in Pakistan, 73 percent negative; in Jordan, 85 percent negative; and in Turkey, 88 percent negative. The gap between America’s values and actions revealed by this polling data has severely eroded U.S. global influence. How can you and your administration gain it back? First, you should make it clear that one of our country’s bedrock principles is the international rule of law. Human rights are de-fined and protected by the Constitution and international treaties ratified and incorporated into our domestic law. In flaunting basic rules—such as habeas corpus, the Convention against Torture, and the Geneva Conventions—the previous administration created a series of “law-free zones.” Within these zones, detainees were abused, thousands were held indefinitely without charges, and human rights were trampled. Second, you should bring U.S. values and practices back into alignment. The United States in recent years has lost credibility by charging others with the types of human rights violations that it has committed itself. In recent annual country reports on human rights practices, the State Department has criticized other countries for engaging in torture, detention without trial, warrantless electronic surveillance, and other abuses, even though the U.S. record in these areas also has been abysmal. Fortunately, history shows that U.S. credibility on human rights can be restored when our government’s policies reflect our na-tion’s values. A series of bipartisan initiatives during five recent presidencies––three Republican and two Democratic––illustrates the point. President Gerald Ford signed the Helsinki Accords, paving the way for international recognition of the cause of human rights inside the Soviet bloc. President Jimmy Carter mobilized democratic governments to press for the release of political prisoners by repressive regimes. President Ronald Reagan signed the Con-vention against Torture and persuaded a Republican-dominated Senate to ratify it. President George H. W. Bush joined with other governments in the Organization for Security and Co-operation in Europe to nurture new democracies and respect for human rights following the end of the Cold War. And President Bill Clinton worked with NATO and the UN to implement the Genocide Conven-tion and bring an end to the human rights catastrophe in the Balkans. Mr. President, you can restore U.S. influence by reconnecting the nation’s values and policies on human rights and the rule of law. Among the initiatives that you might take are the following. Human Rights Law Enforcement. You should announce that the United States is bound by the human rights treaties and con-ventions that it has ratified and adopted as domestic law, including the Geneva Conventions, the Torture Convention, and the Interna-tional Covenant on Civil and Political Rights. You should follow through with your commitment to close the detention center at Guan-tanamo and transfer detainees to this country for determinations whether to try them in U.S. courts or release them. Fully complying with the Geneva Conventions would not preclude the United States from trying detainees in military commissions under constitutional standards of due process, nor would it restrict the government’s authority to conduct lawful interrogations to obtain intelligence in-formation about terrorist activities. Truth Commission. At times in our recent history, the nation has created high-level commissions to probe national crises and recommend ways to prevent them in the future. In the area of human rights, these bodies have included, most notably, the Kerner Commission on race in the 1960s and the commission in the 1980s on the internment of Japanese-Americans during World War II. The recent commission on the events of 9/11 had a comparable scope and impact in addressing a complex and far-reaching national crisis. A similar commission could be established to compile the record of human rights abuses in the War on Terror. U.S. Commission on Human Rights. A permanent institution could be created to monitor the U.S. government’s compliance with its legal obligations on human rights. I urge you to endorse legislation pending in Congress that would establish a United States Commission on Human Rights with oversight authority and subpoena power. The legislation would require the executive branch to provide regular reports to the commission on its implementation of international human rights treaties such as the Torture Convention and the Geneva Conventions. Counterterrorism Assistance. The United States could provide assistance to other countries for counterterrorism operations that comply with basic standards on human rights. “Fighting terror” has become a convenient excuse for repressive regimes around the world to engage in further repression, often leading to more terrorism in an increasing cycle of violence. To break this cycle, this country could provide assistance and training to foreign military and law enforcement personnel in methods of fighting terrorism within the rule of law. Democracy and Human Rights Assistance. The United States should find appropriate ways to support those seeking to promote the rule of law, democracy, and human rights within their own countries. Democracy and human rights activists are the shock troops in the struggle against terrorism. But democracy and human rights can never be delivered from the barrel of a gun. Assistance to those working to build their own democratic societies must be carefully planned, sustained over time, and based on a thorough understand-ing of the unique circumstances and profound differences among cultures, religions, and countries. The new administration should work within a multilateral framework to assist those struggling around the world to bring democracy and human rights to their own societies. Responsibility to Protect. The United States should join with other countries, alliances, and international organizations to pre-vent or stop crimes against humanity and genocide. Mr. President, you could invoke the Doctrine of Responsibility to Protect, adopted by the UN General Assembly in 2006, to work with other leaders to develop effective multilateral methods of preventing human rights catastrophes such as Rwanda, Bosnia, Kosovo, and Darfur. Diplomatic and economic tools should be employed first to head off im-pending genocides, but multilateral military intervention must remain available under international law if other means have been ex-hausted. By recommitting the United States to a foreign policy conducted within a framework of human rights and the rule of law, Presi-dent Obama, you can restore America’s moral leadership in the world, and, by doing so, strengthen U.S. national security.

#### Plank 5 solves terminal to LIO and democracy.

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The best vehicle for promoting stability in the twenty-first century is a global concert of major powers. As the history of the nineteenth-century Concert of Europe demonstrated—its members were the United Kingdom, France, Russia, Prussia, and Austria—a steering group of leading countries can curb the geopolitical and ideological competition that usually accompanies multipolarity.

Concerts have two characteristics that make them well suited to the emerging global landscape: political inclusivity and procedural informality. A concert’s inclusivity means that it puts at the table the geopolitically influential and powerful states that need to be there, regardless of their regime type. In so doing, it largely separates ideological differences over domestic governance from matters of international cooperation. A concert’s informality means that it eschews binding and enforceable procedures and agreements, clearly distinguishing it from the UN Security Council. The UNSC serves too often as a public forum for grandstanding and is regularly paralyzed by disputes among its veto-wielding permanent members. In contrast, a concert offers a private venue that combines consensus building with cajoling and jockeying—a must since major powers will have both common and competing interests. By providing a vehicle for genuine and sustained strategic dialogue, a global concert can realistically mute and manage inescapable geopolitical and ideological differences.

A global concert would be a consultative, not a decision-making, body. It would address emerging crises yet ensure that urgent issues would not crowd out important ones, and it would deliberate on reforms to existing norms and institutions. This steering group would help fashion new rules of the road and build support for collective initiatives but leave operational matters, such as deploying peacekeeping missions, delivering pandemic relief, and concluding new climate deals, to the UN and other existing bodies. The concert would thus tee up decisions that could then be taken and implemented elsewhere. It would sit atop and backstop, not supplant, the current international architecture by maintaining a dialogue that does not now exist. The UN is too big, too bureaucratic, and too formalistic. Fly-in, fly-out G-7 or G-20 summits can be useful but even at their best are woefully inadequate, in part because so much effort goes toward haggling over detailed, but often anodyne, communiqués. Phone calls between heads of state, foreign ministers, and national security advisers are too episodic and often narrow in scope.

Fashioning major-power consensus on the international norms that guide statecraft, accepting both liberal and illiberal governments as legitimate and authoritative, advancing shared approaches to crises—the Concert of Europe relied on these important innovations to preserve peace in a multipolar world. By drawing on lessons from its nineteenth-century forebearer, a twenty-first-century global concert can do the same. Concerts do lack the certitude, predictability, and enforceability of alliances and other formalized pacts. But in designing mechanisms to preserve peace amid geopolitical flux, policymakers should strive for the workable and the attainable, not the desirable but impossible.

A GLOBAL CONCERT FOR THE TWENTY-FIRST CENTURY

A global concert would have six members: China, the European Union, India, Japan, Russia, and the United States. Democracies and nondemocracies would have equal standing, and inclusion would be a function of power and influence, not values or regime type. The concert’s members would collectively represent roughly 70 percent of both global GDP and global military spending. Including these six heavyweights in the concert’s ranks would give it geopolitical clout while preventing it from becoming an unwieldy talk shop.

Members would send permanent representatives of the highest diplomatic rank to the global concert’s standing headquarters. Although they would not be formal members of the concert, four regional organizations—the African Union, Arab League, Association of Southeast Asian Nations (ASEAN), and Organization of American States (OAS)—would maintain permanent delegations at the concert’s headquarters. These organizations would provide their regions with representation and the ability to help shape the concert’s agenda. When discussing issues affecting these regions, concert members would invite delegates from these bodies as well as select member states to join meetings. For example, were concert members to address a dispute in the Middle East, they could request the participation of the Arab League, its relevant members, and other involved parties, such as Iran, Israel, and Turkey.

A global concert would shun codified rules, instead relying on dialogue to build consensus. Like the Concert of Europe, it would privilege the territorial status quo and a view of sovereignty that precludes, except in the case of international consensus, using military force or other coercive tools to alter existing borders or topple regimes. This relatively conservative baseline would encourage buy-in from all members. At the same time, the concert would provide an ideal venue for discussing globalization’s impact on sovereignty and the potential need to deny sovereign immunity to nations that engage in certain egregious activities. Those activities might include committing genocide, harboring or sponsoring terrorists, or severely exacerbating climate change by destroying rainforests.

### T Per Se---1NC

#### T Prohibition

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

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

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

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

#### The aff violates---they create a new legal standard for courts to decide whether a practice is “unreasonable” based on weighing effects

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

### Racial Capitalism K---1NC

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

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

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

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

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

The opening paragraph begins with the following disinformation:

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

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

Disinformation is further escalated in the next paragraph:

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

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

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

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

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

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

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

\*2 point font and paragraph merging for readability.

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

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

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

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

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

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

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

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

#### The alternative is an international workers organization led by the Global South.

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The International of Workers and Peoples

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

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

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

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

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

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

## Inequality ADV

### Hegemony Bad---1NC

#### U.S. hegemony provokes blowback aggression due to status insecurity and dooms global governance---decline spurs a great power concert that solves war and existential threats.

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Why Liberal Internationalism Will Fail (Again)

But in recent weeks, mainstream US foreign policy experts have provided their own spin in progressive internationalism. Advocates and practitioners of a traditional hegemonic foreign policy have sought to co-opt progressive internationalism in a series of essays which argue for the necessity of American power and global influence. These writers embody the post-Cold War centrist foreign policy coalition of liberal internationalists and neoconservatives. For them, that the greatest threat to the democratic “free” world created by the United States remains the autocratic governance model of Russia and China. While Washington should pursue cooperation on transnational governance issues where possible, they argue it cannot do so at the expense of making security concessions which would reward revisionist behavior by great power rivals. As in the past, American exceptionalism remains the identity narrative justifying a return to US hegemony, with Anglo-American norms serving as the basis for hegemonic socialization and cooperation.

The internationalist disposition is a reminder of why a mere social democratic twist on US hegemony will fail to provide actual security for the United States and its allies. Establishment voices continue to rely on state-centric assumptions about IR and ignore how state identities and interests are a function of their relationship with each other. Or, as Jennifer Mitzen and Michelle Murray might argue, the revisionist intentions of Russia and China are a product of their ontological insecurity. A hegemonic United States defending an Anglo-American order denies them recognition of their own great power identities and their right to participate in all deliberations about global order. From this perspective, we should challenge the implicit assumption made by Anthony Blinken and Robert Kagan that Russia is revisionist by nature. An internationalist perspective suggests that Russia has adopted those intentions in relation to a Wilsonian United States which seeks domination over Moscow and the transformation of its political system. The same is true for China, which rejects being cast as a “responsible stakeholder” by Washington which would eventually accept democracy following its internal transformation by global capitalism. In other words, the very terms of US relations with these states over the past 25 years is the source of their revisionist intentions, and not some essentialized feature of their domestic politics.

Further, a liberal exceptionalist narrative that contrasts “Eastern autocracy” with “Western freedom” masks how the United States has perpetuated its own systems of illiberal dominance throughout its history. Those same structures of oppression are the greatest threat to contemporary US democracy and also serve as glaring evidence of US hypocrisy. In his defense of American exceptionalism, Jake Sullivan represents institutional racism as a bug rather than a feature of the American political system by emphasizing the liberal ideals of the Founders and casting Donald Trump’s white ethnonationalism as an aberration. But this telling of the American story whitewashes the long history of an exclusive, white ethnic US identity dating back to the early 19th Century and its role in generating the modern United States. Scholars of American political development and US history have long demonstrated that institutions of slavery and land conquest constituted US society and made possible its economic prosperity rather than some kind of intrinsic tendency toward freedom.

Fast-forward to the present: liberal exceptionalism further denies how economic globalization made possible the rise of authoritarianism. Nils Gilman and David Klion rightly argue that the kleptocratic alliance between autocrats and oligarchs is the true threat to democracy and rule of law. Their ability to concentrate political and economic power has been enabled by the emergence of an integrated global market that privileges the freedom of capital over the needs of ordinary people, one created by the United States when liberal internationalism went global after the fall of the Soviet Union.

Finally, attempts to revive US hegemony will doom transnational efforts to deal with existential non-state threats. Hegemonists like Thomas Wright argue that Russia and China are the greatest threat to the United States, and that Washington should never make concessions to either power as a means of ensuring cooperation on issues of global governance. However, “ring-fencing” global capitalism and climate change as separate issues will fail to achieve the necessary level of cooperation to cope with these threats. National security policymakers cannot recognize that the greatest dangers faced by US citizens are non-state economic and ecological global processes that shape domestic politics from the inside-out, and not rival sovereigns. Economic destitution to the point of embracing fascist dictators coupled with environmental collapse are near-certain non-state threats which transcend our boundaries – in fact, as a global power, the United States has been complicit in creating them.

The internationalist disposition would suggest that the priorities of US foreign policy must change. Regulating global processes should be the primary objective, and it requires that the United States pursue intense macro-levels of cooperation with all other states, including its rivals, to achieve them. Yet it will be unlikely to do so if it remains wedded to liberal hegemony and consumed by great power competition. Short-term incentives to accumulate resources and power will override the long-term need for global governance. The result will be a world whose people live in precarity, ravaged by climate change, and constantly on the verge of great power war.

From “Disposition” to “Grand Strategy”

The internationalist disposition clearly illustrates why old US strategies are incompatible with the progressive internationalism of the US left. However, contra Colás, progressives should not avoid developing of a positive vision for foreign policy due to the diverse range of radical perspectives. To do so would cede pro-restraint arguments to structural realist and libertarian advocates of offshore balancing who offer no template for global engagement or institutional cooperation. What progressives must do is articulate a grand strategy, or a plan that mobilizes all elements of national power and influence, grounded in a relationalist ontology that combines restraint with internationalism. This strategy must be post-hegemonic (a term even Ikenberry has flirted with), post-statist, and supportive of intense international cooperation based on the diversity of identities and values otherwise ignored by the universalist pretenses of Anglo-American liberalism. If our very existence is mutually dependent on others, then we need a foreign policy based on solidarity in response to collectively experienced threats.

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.

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

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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.

#### China’s rise is motivated by status---misdiagnosing them as an inherently revisionist state in need of containment makes them more aggressive and causes war.

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Identity, Insecurity, and China’s Place in the World

China’s view of, and future place in, the international order are importantly connected to its experiences during the Century of Humiliation and the dual concepts of national humiliation and national rejuvenation that constitute its self-understanding. The Century of Humiliation began with the first Opium War in 1839, when Britain forced China to open its ports to the opium trade, and did not end until the success of the Chinese Communist Party (CCP) in the civil war of 1949. During this time, China was the target of repeated international interventions, lost large pieces of its territory to Western powers and Japan, saw the collapse of its millennia old imperial system, and was torn apart by internal uprisings.44 According to the national humiliation narrative, the first Opium War represents a distinct turning point in Chinese history, when a powerful and successful ancient civilization was forced into a semi-colonial position at the hands of foreign interventions. National humiliation is an active part of contemporary Chinese collective identity. It serves as an important resource for those cultivating Chinese nationalism, unifying the Chinese people against foreign others who perpetrated these past humiliations and legitimating the CCP, the party seen as leading China’s reemergence as a major power.

The Century of Humiliation, however, is not just about recounting a particular interpretation of the past. Rather, it actively informs beliefs about how the world works and is used to interpret the dynamics of international relations today.45 Specifically, the national humiliation narrative constructs China’s self-understanding and its place in the international system, shaping its interests and aspirations as a rising power. First, the narrative of national humiliation represents China as a victim of Western subjugation. When articulated in the context of current international relations, this representation works to breed suspicion of outside actors, including the United States, and gives an emotional valence to seemingly inconsequential interactions. For example, in 2001 a US spy plane collided with a Chinese fighter jet over the South China Sea, sparking an international incident and inflaming tensions between China and the United States. As the incident played itself out, it became apparent that “resolving this problem did not involve military retaliation or economic reparations so much as symbolic recognition: China demanded a public apology from the United States.”46 Thus, understood through the prism of national humiliation, interactions with the West are always contextualized in a history where China suffered humiliating losses at the hands of Western expansion, and where Western power is, in and of itself, the instrument of that subjugation.

Second, the narrative of national humiliation constructs Chinese understandings of its military power and that of the United States by imposing a moral subtext to power politics. Building from its treatment during the Century of Humiliation, the international community’s actions toward China are viewed as unjust, reinforcing suspicion of foreign powers’ intentions.47 Within this frame, a self–Other dynamic is created, whereby Chinese history is reimagined as one of benevolent hegemony, when China governed and projected its influence in peaceful ways. This is positioned in contrast to the use of force and coercion common to Western hegemony. Today these self–Other representations guide Chinese understandings about the purpose and meaning of Chinese and American power. In China’s eyes, its burgeoning military power is consistent with its history and thus is not threatening. These representations are at work in Chinese rhetoric that characterizes its growing power as its “peaceful rise.” As Zheng Bijan argued, China’s rise will be different than that of previous major powers, as “China will transcend ideological differences to strive for peace, development, and cooperation with all countries of the world.”48 At the same time, US foreign policy is contextualized within this narrative by reference to Western aggression during the Century of Humiliation. Since the end of the Cold War, the United States has more forcefully criticized China’s human rights record, undermined its bid to host the 2000 Olympics, increased arms sales to Taiwan, and strengthened its presence in the region.49 While US foreign policy has been couched in the language of engagement, many in China view this as a simple euphemism for containment.50 This is especially the case with the Obama administration’s recent “strategic rebalancing,” known popularly as the “pivot to Asia.” As a consequence, any attempt by the United States to contain or limit Chinese power is seen as an act of misrecognition and an unjust and aggressive attempt to subjugate China once again.

Finally, the narrative of national humiliation highlights China’s “historical experience with territorial loss and intrusion,” thus placing the maintenance of sovereignty at the center of China’s national identity.51 The Century of Humiliation is understood to be representative of a loss of sovereignty, where outside forces were able to expose the state’s weakness and delegitimize its institutions. Therefore, any perceived infringement of China’s sovereignty is read through the lens of national humiliation and understood to be an existential threat to China’s security. Importantly, these threats are not material in nature, for China’s physical security is not in doubt. Rather, they represent a symbolic threat, suggesting that China continues to be vulnerable to outside influence. Moreover, sovereignty is the cornerstone of the current international order. Thus any perceived violation of sovereignty is understood to be another subjugation of China, refusing it the rights and privileges that other states in the system enjoy.

This narrative of national humiliation operates alongside the goal of national rejuvenation, which provides the motivation for China’s contemporary foreign policy interests. If national humiliation recounts the losses China suffered at the hands of the West and Japan, national rejuvenation promises to restore for China the status it lost during the Century of Humiliation. In articulating China’s self-understanding in these terms, China’s major power status is understood as a right: respect that China should regain by virtue of its former status as a great nation.52 Thus, China’s rise to major power status is not about obtaining something new or a gaining an advantage over others, but rather as a “restoration of fairness.”53 These discourses of humiliation and rejuvenation infuse Chinese foreign policy, shaping a range of behaviors from its voting record in the United Nations Security Council to its regional relationships to its burgeoning leadership role in the global economy.

Constructing China’s (Un)Peaceful Rise

China’s rise, guided by the twin narratives of national humiliation and rejuvenation, is likely inevitable. What this means for the international order will be a function of China’s interactions with the United States and the representations that animate that relationship. US foreign policy toward a rising China is often cast as a choice between engagement and containment. So-called “optimists” call for increased engagement by integrating China deeply into the global economy and institutional architecture of the international order, whereas “pessimists” see future security competition as an inevitable outgrowth of Chinese power and advocate a policy of containment.54 Both containment and engagement strategies, however, are built off of assumptions about China’s material needs and do not pay sufficient attention to China’s distinct identity needs. Thus, both approaches risk exacerbating China’s dilemma of social insecurity, and constructing China’s unpeaceful rise.

Proponents of containment do not have a sanguine view of China’s rise and argue that as China grows more powerful it is likely to lead to an intense security competition with the United States.55 Containment is a straightforward application of realist understandings of international politics, and presumes that under all conditions China will seek to overturn the international order and thus its power must be preemptively checked. China is motivated, as are all emerging major powers, by security and the related desire for power. In this view, the anarchic structure of international system forces states seeking only security to behave aggressively toward one another in an attempt to gain more power and alter the international status quo. Rising powers are revisionist powers.56 China’s economic power and influence will be the springboard for military dominance in the region because economic power is the basis of military power. China is building a blue-water navy that will allow it to project naval power well beyond the Chinese coast “from the oil ports of the Middle East to the shipping lanes of the Pacific, where the United States Navy has long reigned as the dominant force.”57 Moreover, China’s integration in regional politics is indicative of its growing influence. As it becomes less susceptible to American economic pressure, China will have increasing leverage over weaker Asian countries and the United States.58 In short, while China is not in a position to militarily challenge the United States at the present, a much more powerful China should be expected to take increasing steps to push the United States out of the Asia–Pacific region and challenge the terms of the US-led international order.59 Therefore, US foreign policy must be reoriented to contain the impending threat that China poses to the United States’ security and economic interests.

Containment, however, is based on the faulty assumption that China harbors revisionist intentions. It is not an impartial assessment of actual Chinese objectives and therefore runs a real risk of producing a self-fulfilling prophecy.60 The more militarily aggressively the United States behaves, the more threatened China will feel and thus the more likely it will be to respond aggressively to the United States. A potentially severe security dilemma is almost certain to emerge and intensify through a containment strategy, therefore reproducing international relations’ fraught history with power transitions. Moreover, containment is a deterrent strategy, designed to raise the costs of Chinese expansionism and in doing so to limit Chinese power. Deterrent strategies assume that revisionist intentions emerge within states—not from their interactions with other states, and thus ignore China’s recognition-needs. But, as the struggle for recognition highlights, treating a socially insecure state as if it were greedy will only exacerbate its insecurity, fuel its interest in revisionism, and construct China’s unpeaceful rise.

#### Otherwise, status competition goes nuclear---SCS and ECS provocations escalate and draw in great powers. Letting China peacefully surpass the U.S. is the only way to avoid war.

Heath 18, Senior International/Defense Researcher at RAND (Timothy, February 2nd, “The Competition for Status Could Increase the Risk of a Military Clash in Asia,” *RAND*, <https://www.rand.org/blog/2018/02/the-competition-for-status-could-increase-the-risk.html>, Accessed 09-05-2021)

The United States and its allies and partners rightfully seek to protect their interests by bolstering their respective positions, even as they continue to cooperate with China. The strategy may succeed, but at its core is the assumption that stability can best be gained if China continues to acquiesce to the international order as established after World War II by the United States and its allies. China's conviction that its security depends on changes to this order sets up a deep, structural contradiction that is unlikely to be resolved any time soon. Beijing can accordingly be expected to persist in peaceful methods to supplant the United States as Asia's leader. If, however, Beijing at some point concludes that the United States and its allies have successfully stymied its aspirations, China may be tempted by riskier methods to assert its status. A precedent for such behavior may be seen in a rising Germany of the 1890s-1900s. Convinced that it had been denied a status befitting its national power by Britain and France, Germany provoked a series of militarized crises around the world. In 1906, Germany threatened war against France after the two feuded about influence over Morocco. And in a second Moroccan crisis five years later, Germany extracted colonial concessions after it deployed a gunboat in response to a French military intervention. In China's case, brinksmanship behavior could be carried out in the contested East or South China Seas with military ships and aircraft. Already, a growing literature by Chinese military writers recommends the skillful exploitation of military crises for strategic gain.

Brinksmanship carries its own risks, of course. Miscalculation could lead to unwanted war. The strategic effects could be severe as well. Rivals like the United States, Japan, and India could be alarmed enough by a clash that they step up military preparations, aggravating China's security situation. Moreover, conflict could imperil China's grand Belt and Road Initiative ambition, if aggrieved neighbors opt out and welcome investments by Japan and India instead. China has many good reasons to never consider military provocations against a neighbor. But Beijing also has compelling reasons to increase the country's standing and diminish that of the United States and its allies. Given that the ruling Chinese Communist Party has staked its reputation towards that end, China's leaders should be expected to consider all available options to achieve it.

### Inequality---1NC

#### No diversionary war---rhetoric solves.

* Evidence on diversionary war is mixed at best
* They use hostile rhetoric instead of war to have their cake and eat it too – achieves same benefits without conflict
* Prefer our study because it’s based on 50,000 US diplomatic events classified by interstate interactions across economic crises

Carter 18, Assistant Professor, School of International Relations, University of Southern California. (Erin Baggott, 08/29/18, “Diversionary Cheap Talk: Unemployment and US Foreign Policy Rhetoric, 1945-2010”, www.erinbcarter.org/documents/diversionUS.pdf]

There is a large literature on diversionary conflict in international relations, but it focuses on material conflicts like militarized interstate disputes rather than foreign policy rhetoric. It is based in social identity theory, which suggests that leaders can increase ingroup affinity by making intergroup distinctions more salient (Closer, 1950; Simmel, 1955; Tajfel and Turner, 1979). A recent review concludes that though the internal logic of diversionary conflict is “compelling and theoretically well supported,” the empirical evidence is “decidedly mixed” (Baum and Potte r, 2008, 48). Several studies find evidence of diversionary aggression in US foreign policy (Clark, 2003; DeRouen, 2000; DeRouen and Peake, 2002; Fordham, 1998a, 6; Hess and Orphanides, 1995; Howell and Pevehouse, 2005; James and Hristoulas, 1994; James and Oneal, 1991; Levy, 1989«,fc; Morgan and Bickers, 1992; Ostrom and Job, 1986) and elsewhere (Bennett, 2000; Dassel and Reinhardt, 1000; Davies, 2002; Enterline and Gleditsch, 2000; Gelpi, 1997; Heldt, 1999; Lebow, 1981; Mansfield and Snyder, 1995; Oneal and Tir, 2006; Russett, 1990; Sobek, 2007; Tir, 2010). Yet skeptics have amassed opposing evidence (Chiozza and Gormans, 2003, 2004; Foster and Palmer, 2006; Gowa, 1998; Johnston, 1998; Leeds and Davis, 1997; Lian and Oneal, 1993; Meernik, 2000, 2004; Meeraik and Waterman, 1996; Moore and Lanoue, 2003; Potter, 2007). Some cases are hard to reconcile with the theory: in Britain, there were rallies in the Falklands War and the Gulf War but not in other cases in which rallies would be expected, such as the Korean, Suez, and Kosovo wars (Lai and Reiter, 2005). Some go so far as to call diversionary aggression a “myth” (Meernik and Waterman, 1996).

Others have developed scope conditions for diversionary aggression. It is more likely between states with pre-standing rivalries (McLaughlin and Prins, 2004), when leaders are accountable (Carter, 2018; Kisangani and Pickering, 2011), and in mature democracies, consolidating autocracies, and transitional polities (Pickering and Kisangani, 2005). It is less likely when states avoid provoking troubled adversaries (Clark, 2003; Fordham, 2005; Leeds and Davis, 1997; Miller, 1999). Diversion appears more likely to produce a rally when supported by Security Council authorization (Chapman, 2011; Chapman and Reiter, 2004), when the White House draws attention to a dispute (Baker and Oneal, 2001), and in conditions of media attention, popular leadership, divided government, non election years, and first terms (Colaresi, 2007). Most recently, scholars have asked whether diversion occurs outside democracies. They find some autocracies, especially single party regimes, divert as well (Carter, 2018; Pickering and Kisangani, 2011).

This study extends the logic of diversionary conflict to foreign policy rhetoric. There is surprisingly little research on rhetoric in international relations. The international relations literature deems talk “cheap” (Fearon, 1995; Kydd, 2005). The audience cost literature considers rhetoric meaningful, but only if it invokes audience costs through explicit, public threats (Fearon, 1994; Schultz, 2001; Smith, 1998; Tomz, 2007). However, if foreign policy rhetoric can activate ingroup identity, then it may be appealing for leaders who wish to improve their ratings without incurring the substantial risks of militarized interstate disputes. While it might be “outlandish” for presidents to engage in the impeachable exercise of diversionary war (Meernik and Waterman, 1996), hostile foreign policy rhetoric is far less outlandish a risk.

To develop a theory of diversionary cheap talk, this paper draws upon research in political psychology and political communication. These literatures find persuasive evidence that elite statements influence citizen beliefs (Behr and Iyengar, 19s."); Bennett. Lawrence and Livingston, 2006; Brody, 1991; Cohen, 1995; Jentleson, 1992; Zaller and Chiu, 2000). I draw on social identity theory to argue that diversionary cheap talk highlights intergroup differences between nations and leads citizens to evaluate their leader favorably. When a leader criticizes foreigners, she cues ingroup identity, which increases citizens’ social attachment to the nation and to herself as its leader. This is a “solidarity mechanism,” through which “[c]ollective group goals and common group identity are highlighted, norms of group-based altruism are strengthened, punishment and rejection of defectors are increased, and perceptions of the in-group and out-group are manipulated” (Halevy, Bernstein and Sagiv, 2008, 405).

The theory generates observable implications about when leaders use diversionary cheap talk and who they target. I follow the consensus in the diversionary conflict literature in focusing on poor economic conditions as the most important source of public disapproval for leaders. Low approval ratings limit leaders’ ability to advance their domestic agenda. Therefore, when the economy deteriorates, leaders will criticize foreign nations to improve their approval ratings and restore the political capital necessary for them to govern. Second, a key observation from social identity theory is that the depth of intergroup differences is important for group attachment. Therefore, consonant with recent empirical findings in the diversionary conflict literature (McLaughlin and Prins, 2004), I expect diversionary rhetoric to be most effective when it targets threatening outgroups. In the context of foreign policy, these are best represented by historical adversaries. And finally, because diversionary cheap talk shifts the focus of political competition from the partisan to the international level, it has differential partisan effects. Because national identity cues widen the tent of the political ingroup, diversionary cheap talk is most effective at boosting support among the leader’s nonpartisans: liberal citizens for conservative leaders, and conservative citizens for liberal leaders.

I test these hypotheses with the American Diplomatic Dataset, an original record of over 50,000 US diplomatic events between 1945 and 2010 drawn from New York Times articles on foreign affairs. I used tools from computational social science to classify bilateral interstate interactions into hundreds of specific types and four aggregate categories: verbal cooperation, verbal conflict, material cooperation, and material conflict. This is by far the most historically extensive event dataset. As such, it allows an exploration of US foreign policy behavior across a variety of administrations and economic crises.

I find robust evidence of diversionary cheap talk in US foreign policy. First, I establish that US presidents face incentives to divert verbally rather than materially: while militarized interstate dispute initiation does not affect presidential approval ratings, critical rhetoric about other nations is associated with increased ratings, especially among nonpartisans. Responding to this incentive, presidents between 1945 and 2010 typically diverted in the form of words, not deeds. Simulations indicate that as unemployment varied from its minimum to its maximum observed value, hostile foreign policy rhetoric nearly doubled, depending on the administration. Throughout this study, estimates are conservative: I operationalize conflict as events the United States initiated, although findings are robust to a redefinition of conflict as events the United States participated in. The verbal statements in the dataset are high profile and likely to be noticed by the American public: all appeared in the headlines of the New York Times.

This study contributes to existing scholarship in several ways. First, it demonstrates that US foreign policy rhetoric responds significantly to domestic economic conditions. International relations scholars should therefore continue to focus more seriously on the communicative aspects of foreign policy, and in particular its relationship to domestic politics (Johnston, 2001, 2008; Kurizaki, 2007; Ramsay, 2011; Sartori, 2002, 2005; Trager, 2010, 2011, 201(i). The American Diplomacy Dataset will enable researchers to further explore the communicative aspects of foreign policy, and their relationships to material and economic factors, in more detail than existing datasets permit.

Second, this study contributes to the diversionary conflict literature by showing that in many cases where diversionary theory predicts conflict initiation, leaders instead choose rhetorical hostility. In this sense, leaders may have their cake and eat it too: They benefit from an ingroup rally without inviting an international crisis. The mixed empirical findings in the diversionary conflict literature may be partly due to the fact that existing scholarship considers only the most serious forms of diversion like militarized interstate disputes. It is possible that a wide range of diversionary behavior takes place at less extreme levels, such as the rhetorical hostility documented in this paper.1

**\*\*\*BEGIN FOOTNOTE 1\*\*\***

In the language of the foreign policy substitutability literature (Bennett and Nordstrom, 2000; Clark, Nordstrom and Reed, 2008; Most and Starr, 1984, 1989; Oakes, 2012), rhetorical hostility, like the development of new economic policies, may be seen as a substitute for diversionary conflict.

**\*\*\*END FOOTNOTE 1\*\*\***

### 1NC---!D---Democracy

#### Democracy doesn’t solve war---best models.

Campbell et al. 18, \*Doctoral Candidate in Political Science, Ohio State University. \*\*Carter Phillips and Sue Henry Associate Professor of Political Science at the Ohio State University. \*\*\*Associate Professor of Political Science, Pennsylvania State University. (\*Benjamin W., \*\*Skyler J. Cranmer, \*\*\*Bruce A. Desmarais, September 13, 2018, “Triangulating War: Network Structure and the Democratic Peace”, *Cornell University*, Accessible at: <https://arxiv.org/pdf/1809.04141.pdf>)

Conclusion

The dyadic understanding of the democratic peace has become ubiquitous in International Relations. By looking beyond simple dyadic analysis, accounting for the embededness of states in a much more complex network, we found the democratic peace may not be as robust as previously thought. Our results demonstrate that after accounting for the tendency for like-regime states with common enemies not to fight one another, the effect of the democratic peace not only vanishes, but jointly democratic dyads seem to be *more* conflict prone than mixed dyads. These results are consistent across operationalizations of the outcome variable, our triadic closure predictor, measurements of joint democracy, and a variety of other factors. We believe this explanation for the democratic peace is not a mechanism for understanding the democratic peace, but instead, an alternative. What we have shown here is that conflict between democracies indeed exists and the peaceful relations occasionally found are not necessarily a function of the affinity of democratic states, or intrinsic attributes of democratic states, but instead, a function of the strategic inefficiencies of fighting a state with a shared enemy. While regime type may influence the interests of states, we find that it does not directly influence the probability that any two states fight one another.

There are three major implications to our research. First, scholars should be hesitant to consider dyadic conflict in isolation, as there are network dependencies informing whether a state engages or joins a MID. Second, preferences operating in addition to network interdependencies and collaboration explain much of the democratic peace. Third, when studying conflict, scholars and practitioners should consider the cost structure of collaboration, and how these dynamics inform not only conflict initiation, but conflict escalation. Particularly interesting is that the theoretical mechanism at work here is dramatically simpler than any of the established justifications for the democratic peace. We do not rely on arguments about institutions or norms, but just the simple and intuitive proposition that it does not make much sense for two states fighting a third to also fight each other. What the existing literature seems to have missed, usually theoretically and almost always empirically, is that dyadic conflicts do not occur in isolation, but in the context of a complex network of relations.

### 1NC---Siege Thumper---Democracy

#### **Trump and the Capitol insurrection undermined democracy globally and tarnished US cred.**

Faiola et al. 1-14-2021, \*Anthony, The Washington Post’s South America/Caribbean bureau chief. \*\*Shibani Mahtani, the Southeast Asia bureau chief for The Washington Post, covering countries that include the Philippines, Myanmar, Thailand and Indonesia. \*\*\*Isabelle Khurshudyan, foreign correspondent based in Moscow. (1-14-2021, "A siege on the U.S. Capitol, a strike against democracy worldwide", *Washington Post*, <https://www.washingtonpost.com/world/trump-capitol-attack-democracy-abroad/2021/01/12/5b544e3e-5135-11eb-a1f5-fdaf28cfca90_story.html>)

The attempted insurrection at the Capitol is threatening America’s historical role of promoting democracy around the world. The spectacle of Trump rallying supporters to march on the Capitol over baseless claims of election fraud as lawmakers certified President-elect Joe Biden’s victory has provided a propaganda coup for Washington’s enemies, undermined pro-democracy movements worldwide and offered a model for would-be autocrats. Four years of Trump had already dimmed the United States’ democratic bona fides. The 45th president embraced right-wing nationalists who flouted the rule of law, while backing a handful of pro-democracy movements that served expedient political purposes. A chorus of “no” went up against Venezuela, Cuba and Iran. But from Egypt to Honduras to Saudi Arabia to North Korea, Trump signaled tolerance for human rights abuses and offered authoritarians a new way to dismiss accountability by popularizing the term “fake news.” When asked in September about the alleged Russian poisoning of opposition figure Alexei Navalny, Trump essentially demurred. The House voted Wednesday to impeach Trump for inciting the riot at the Capitol. The Senate will hold a trial, and could bar him from returning to the presidency. But the international implications of the events in Washington last week — and its racial undertones that led the Times of India to dub its pro-Trump participants the “Coup Klux Clan” — are expected to reverberate far beyond Biden’s inauguration. “I think we will get through this, but our credibility as an example of governance is pretty seriously tarnished,” said Ian Kelly, the U.S. ambassador to Georgia from 2015 to 2018. “Let’s not forget that Trump had many enablers, and they’re still there … This president has reduced the coin of our realm.” The State Department said the events of Jan. 6 showed “once again that there is a right way and a wrong way for the citizens of a democracy to express themselves,” but did “not in any way diminish the power of our democratic history and the principles that we strive toward.” “Our democracy has been tested in the past, and it will be tested in the future,” the department said in a statement to The Washington Post. “These experiences make us stronger as we work to perfect our union and our democracy. That we are tested, however, should never cause anyone — allies, friends, or foes — to doubt the strength of America’s democratic institutions or our people.” The White House did not respond to a request for comment. The world’s populists are losing their White House ally, but global Trumpism is far from over Analysts now warn of a herculean task ahead for Biden. Global inequality, historic migration and deep polarization have driven satisfaction with democracy to disturbing lows. Biden could be weakened by the millions of Trump voters who still say his victory was illegitimate, giving adversaries such as Russia’s Vladimir Putin an opening to assail his mandate on the world stage. Meanwhile, any attempt to preach the rule of law to Brazil’s Jair Bolsonaro, Turkey’s Recep Tayyip Erdogan or Hungary’s Viktor Orban could draw calls for him to get his own house in order first. U.S. democracy promotion abroad has long faced accusations of hypocrisy. During the Cold War, Washington routinely coddled strongmen who pledged to oppose communism. Yet last week’s siege is likely to amplify accusations of a double standard, haunting U.S. diplomats and human rights activists as they press for the rule of law abroad. “A lot depends on what happens next,” said Jo-Marie Burt, an associate professor of political science at George Mason University. “If you’re going to allow impunity [in the United States], then that hurts the American experiment. Without accountability at home, we’re going down a path of saying, you know, stuff happens.” The copycat risk In Israel, some observers fear that the Trump model of insurrection, fueled by baseless conspiracy theories, could push the country’s own volatile politics toward a dangerous tipping point. In a country bitterly split by an ideological divide that has paralyzed the government for more than two years, Prime Minister Benjamin Netanyahu has emulated Trump, railing against “fake news” and decrying a “witch hunt” by prosecutors and courts trying him on corruption charges. Netanyahu, a close Trump ally, waited until a day after news organizations called Biden’s election victory to congratulate him, and lagged behind other Israeli politicians in condemning the riot at the Capitol last week. “The reason what happened at the Capitol can happen here is because we already have all the same ingredients,” Yaakov Katz, editor in chief of the Jerusalem Post, wrote in a commentary. “That is what happens when democracy — its values and its institutions — are consistently and systematically attacked, eroded and dismantled. Violence is a potential next step.” A propaganda coup Middle Eastern adversaries like Iran have seized on the chaos at the Capitol as evidence that U.S. democracy is deeply flawed. Allies such as the Gulf Arab monarchies will miss Trump, who declined to criticize their human rights abuses. Though they will seek close ties with a Biden administration, they now have an argument with which to dismiss U.S. advice on democracy. “It’s clear your democracy is in shambles, so please don’t come over here and lecture us,” said Abdulkhaleq Abdulla, a political science professor in Dubai. Belarusian strongman Alexander Lukashenko moved swiftly to spin last week’s events to his advantage. Lukashenko, in power since 1994, claimed a landslide victory for a sixth term last year in an election denounced by the United States and other countries as fraudulent. Belarus has been rocked since then by mass protests calling for his resignation. “I warned you: It’s bad when they walk down the street,” Lukashenko said after the Capitol siege. “It’s even worse when they walk into the courtyards. It will be unbearable when they come to your apartments.” Marina El Fadel, a 37-year-old protester who was stunned by the siege in Washington, sought to distance it from the peaceful demonstrations in Minsk. “I had no illusions about Trump and his policies, so the storming of the Capitol did not affect my attitude on America as a democracy,” she said. “It is a pity for the people who suffer because of the wrong policy of their president. That’s where we’re similar.” In China, the Capitol siege has provided a boost to the ruling Communist Party, which has long warned citizens that democracy is a recipe for chaos. “Chinese state media is already proclaiming the riots in Washington as the failure of democracy,” said Deng Yuwen, a former editor of a party newspaper. “This is a huge help to the Communist Party’s legitimacy.” China is having a field day with U.S. Capitol chaos State media concluded that U.S. democracy was “bankrupt” and “an embarrassment.” The People’s Daily, the official mouthpiece of the Chinese Communist Party, ridiculed what it described as America’s false sense of superiority amid years of attempting to export the model. “The gunshots at the U.S. Capitol make clear that the bitter fruit of ‘democracy’ must be swallowed by the one who sowed it,” the newspaper said. “Whether it is bitter or sweet, they will know.” Chinese Foreign Ministry spokeswoman Hua Chunying ­likened the mob in Washington to pro-democracy protesters in Hong Kong, which Beijing routinely described as “rioters.” Hua said she had “made a note” of the words U.S. officials and media used to describe the Capitol siege. “They all condemned it as ‘a violent incident’ and the people involved as ‘rioters,’ ‘extremists’ and ‘thugs’ who brought “disgrace,’ ” Hua said. Yet the protesters in Hong Kong were “democratic heroes.” “What’s the reason for such a stark difference in the choice of words?” she said. “Everyone needs to seriously think about it and do some soul-searching.” For pro-democracy movements, a bitter pill Indeed, analysts say the attempted insurrection has reduced Washington’s moral authority to back pro-democracy movements from Hong Kong to Caracas, Venezuela — some of which enjoyed the strong support of Republicans. Two of the Hong Kong activists’ greatest advocates were Sens. Ted Cruz (R-Tex.) and Josh Hawley (R-Mo.). Both men traveled to Hong Kong at the height of the protests to advocate democracy and became leading voices for sanctions against Chinese officials and their allies in Hong Kong. Their votes last week against certifying Biden’s win, and Hawley’s raised fist to the demonstrators outside the Capitol before they entered, have provided Beijing with an opening to rail against U.S. hypocrisy. “Aligning with some of these folks is going to be a lot more contentious moving forward,” said historian Jeffrey Ngo, a pro-democracy activist who has spent significant time lobbying Washington for support. Cruz’s office said the senator had merely called for “electoral integrity and democratic credibility.” “No one outside of the Establishment media and some Democrats believes that undermined America’s credibility on deliberation, elections, and democracy,” the office said in a statement. Hawley’s office did not respond to a request for comment. “The Trump years have made it difficult for pro-democracy activists to create alliances because people look to the president, and no matter who he is, he has tremendous power,” Ngo said. “After this week, it has become even more difficult.” The Trump administration this week added Cuba to the U.S. list of state sponsors of terrorism. In the Cuban and Venezuelan exile communities of South Florida, Trump’s actions last week deepened the divide between conservatives — some of whom held rallies in favor of Trump’s efforts to overturn the election — and liberals, who argued that they echoed the abuses that they or their families had fled. Trump “ceded moral authority to speak on domestic matters in another country, and that’s what’s so dangerous,” said Ana Sofía Peláez, co-founder of the Miami Freedom Project. “We lose our own voice for democracy when we don’t value [it] in our own country.”

## FTC ADV

### Turn---1NC

#### Three independent link turns to the ADV.

#### 1---resources:

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

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

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

#### 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.

#### 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.

#### 2---outsider backlash:

#### 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.)

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

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

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

#### That wrecks FTC enforcement

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

D. Political Backlash

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

#### 3---insider backlash:

#### 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

## CPs

### Solves---2NC

#### 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.”

### Solves Democracy/LIO---2NC

#### Closes Gitmo — that’s an alt cause only the CP solves, turns every impact.

Adelman et al 7 [Ken—UN Ambassador and Arms Control Director for President Ronald Reagan Author, Acclaimed Story-Teller, and Adventurer, Kenneth Adelman, Graham Allison, Ronald Asmus, Samuel Berger, Stephen Bosworth, Daniel Byman, Warren Christopher, Wesley Clark, Richard Clarke, Ivo Daalder, James Dobbins, Douglas Feith, Leslie Gelb, Marc Grossman, John Hamre, Gary Hart, Bruce Hoffman, Laura Holgate, John Hulsman, Robert Hunter, Tony Judt, Robert Kagan, David Kay, Andrew Krepinevich, Charles Kupchan, John Lehman, James Lindsay, Edward Luttwak, John McLaughlin, Richard Myers, William Nash, Joseph Nye, Carlos Pascual, Paul Pillar, Kenneth Pollack, Joseph Ralston, Susan Rice, Wendy Sherman, Anne-Marie Slaighter, James Steinberg, Anthony Zinni, “Guantanamo's Shadow,” *The Atlantic,* October 2007, <https://www.theatlantic.com/magazine/archive/2007/10/guantanamos-shadow/306212/>] KS

Has the prison system at Guantanamo Bay helped or hurt the United States in its fight against al-Qaeda? 87% Hurt “Nothing has hurt America’s image and standing in the world—and nothing has undermined the global effort to combat nihilistic terrorism—than the brutal torture and dehumanizing actions of Americans in Abu Ghraib and in other prisons (secret or otherwise). America can win the fight against terrorism only if it acts in ways consistent with the values for which it stands; if its behavior descends to the level employed by the terrorists, then we have all become them instead of us.” “Gitmo has hurt the US in two different ways. At the strategic level, it has undercut the U.S. case around the world that we represent a world view and a set of values that all can admire, even those who do not wish to replicate our system and society in their own countries. Gitmo has become a symbol for cruelty and inhumanity that is repugnant to a wide sector of the world community and a powerful tool that al Qaeda can use to damage US interest and recruit others to its cause. At the tactical level, Gitmo deludes many in the US, an never more than the senior leaders of the Bush Administration, into believing that harsh interrogation techniques can produce good intelligence and is a necessary tool in fighting terrorist. This 'truth' spread from Gitmo to Iraq and we have paid a horrible price for it.” “It has hurt America disastrously. The so-called global war on terrorism depends fundamentally on America's moral authority, so that other nations will want to cooperate with us. Guantanamo has become a vibrant symbol of American exceptionalism, but this exceptionalism is unwanted around the world.” “this one is so basic. i speak as a republican so this is not a partisan comment. the founders would be rightly ashamed of us. we have forgotten, as truman and eisenhower never did, that america's power is as much about what it stands for as for its hard power characteristics. this has all been put in the worst kind of peril by Gitmo.” “The controversies that have surrounded the system have outweighed any benefit. The main reason for locating the facility at Guantanamo—to attempt to keep it out of the reach of anyone's legal system—was never justifiable.” “The Guantanamo system has hurt the U.S. and our fight against Al Qaeda. We have abandoned the moral high ground and, through our actions, have become one of the principle recruiting agents for Islamic extremism.” “Our strongest asset internationally was our reputation and credibility on human rights. We have squandered that.” “Hurt, on balance, because it has severely damaged our moral case in the world, which we have to have in order to rally support for combating Al Qaeda.” “Both in the obvious public relations way, worldwide, and quite directly, in showing Al Qaeda that we can very easily and quickly be seduced into wild overreactions. That is just what Osama Bin Laden hoped. Since it worked so well, he has an incentive to repeat." “It has done enormous damage to our reputation and soft power.”

#### Only the CP solves the LIO — economic power is irrelevant; the question is if we use it. The CP’s boost of soft power is key.

Joseph Nye 20. Harvard University Distinguished Service Professor, Emeritus. "COVID-19’s Painful Lesson About Strategy and Power". War on the Rocks. 3-26-2020. https://warontherocks.com/2020/03/covid-19s-painful-lesson-about-strategy-and-power/

In 2017, President Donald Trump announced a new National Security Strategy that focused on great-power competition with China and Russia. While the plans also note the role of alliances and cooperation, the implementation has not. Today, COVID-19 shows that the strategy is inadequate. Competition and an “America First” approach is not enough to protect the United States. Close cooperation with both allies and adversaries is also essential for American security.

Under the influence of the information revolution and globalization, world politics is changing dramatically. Even if the United States prevails in the traditional great-power competition, it cannot protect its security acting alone. COVID-19 is not the only example. Global financial stability is vital to U.S. prosperity, but Americans need the cooperation of others to ensure it. And while trade wars have set back economic globalization, there is no stopping the environmental globalization represented by pandemics and climate change. In a world where borders are becoming more porous to everything from drugs to infectious diseases to cyber terrorism, the United States must use its soft power of attraction to develop networks and institutions that address these new threats. For example, this administration proposed halving the U.S. contribution to the World Health Organization’s budget — now we need it more than ever.

A successful national security strategy should start with the fact that “America First” means America has to lead efforts at cooperation. A classic problem with public goods (like clean air, which all can share and from which none can be excluded) is that if the largest consumer does not take the lead, others will free-ride and the public goods will not be produced. As the technology expert Richard Danzig summarizes the problem:

Twenty-first century technologies are global not just in their distribution, but also in their consequences. Pathogens, AI systems, computer viruses, and radiation that others may accidentally release could become as much our problem as theirs. Agreed reporting systems, shared controls, common contingency plans, norms and treaties must be pursued as a means of moderating our numerous mutual risks.

Tariffs and border walls cannot solve these problems. While American leadership is essential because of the country’s global influence, success will require the cooperation of others.

On transnational issues like COVID-19 and climate change, power becomes a positive-sum game. It is not enough to think of American power over others. We must also think in terms of power to accomplish joint goals, which involves power with others. On many transnational issues, empowering others helps us to accomplish our own goals. The United States benefits if China improves its energy efficiency and emits less carbon dioxide, or improves its public health systems. In this world, institutional networks and connectedness are an important source of information and of national power, and the most connected states are the most powerful. Washington has some sixty treaty allies while China has few. Unfortunately, as Mira Rapp-Hooper recently argued, the United States is squandering that power resource.

In the past, the openness of the United States enhanced its capacity to build networks, maintain institutions, and sustain alliances. But will that openness and willingness to engage with the rest of the world prove sustainable in the current populist mood of American domestic politics? Even if the United States possesses more hard military and economic power than any other country, it may fail to convert those resources into effective influence on the global scene. Between the two world wars, America did not and the result was disastrous.

#### Global concert solves international cooperation---that solves LIO impact.

Albaret et al. 14, Mélanie, \*PhD, lecturer in political science at the Université Clermont-Auvergne. Bertrand Badie, Kanti Bajpai, Oleg Demidov, Nicola Horsburgh, Adam Humphreys. *et al*. (“A Twenty-First Century Concert of Powers – Promoting Great Power Multilateralism for the Post-Transatlantic Era”, *The 21st Century Concert Study Group*, pg. 10, https://www.hsfk.de/fileadmin/HSFK/hsfk\_downloads/PolicyPaper\_ATwentyFirstCenturyConcertofPowers.pdf)

In order to achieve its purpose, a 21st Century Concert will have to rest on a solid foundation of norms that guide the behavior of its members. These norms would include acknowledging the urgency of cooperation, accepting equality between and diversity among great powers, showing empathy and respect for the vital interests of the partners as well as for the interests of non-members, pursuing good neighborhood policies, renouncing the unilateral use of military force and the aim of military superiority in general, and abiding by international law. These norms will likely remain a “work in progress” as it would be unrealistic to expect all of them to be fulfilled at the outset. However, it will be important to “move towards” these norms, lest the Concert should disintegrate.

The Concert and its embedding in the existing world order

The 21st Century Concert would carefully need to integrate itself into the existing world order. Its purpose would not be to substitute but complement existing organizations and institutions. The UN General Assembly and the UN Security Council, for example, should not be marginalized by the Concert; rather, intra-great power deliberations in the Concert should be used to overcome gridlock within these institutions. Relations between the Concert and other international institutions like the G20 and regional security organizations – which are of increasing importance in today’s world – should be characterized by a spirit of cooperation, as opposed to competition. At the same time, the Concert should engage with civil society and care about the legitimacy it enjoys among non-governmental organizations.

The Concert would therefore be embedded within a broader framework of multilateralism. It would help prevent the ultimate common bad, a great power war, and also facilitate cooperation in other areas. Any demands it requires would therefore not mean unacceptable sacrifices, either for member or non-member states; on the contrary, creating a new forum for great power cooperation would serve their own long-term interests. A 21st Century Concert would very likely be able to improve the efficiency of global (security) governance and deepen the culture and practices of cooperation.

## Inequality ADV

#### Democracy’s NOT peaceful---they have no advantage over autocracies but have a propensity to go to war with autocracies.

Bakker ’17 (Femke; is an assistant professor at the Institute of Political Science @ University of Leiden; *Do liberal norms matter? A cross-regime experimental investigation of the normative explanation of the democratic peace in China and the Netherlands*; [https://openaccess.leidenuniv.nl/bitstream/handle/1887/74424/Bakker\_2017.pdf?sequence=1](about:blank); accessed 7/21/19; MSCOTT)

Concluding discussion

Democratic peace theory posits that individuals of liberal-democracies are socialized with liberal norms that nurture a peaceful attitude towards other democracies. Furthermore, it postulates that individuals in autocracies lack this socialization process and will consequently be more war prone towards all regime-types. Previous studies into this mechanism at microlevel found that democratic individuals are indeed more peaceful towards democracies during an interstate conflict. However, these studies have focused their research on democratic individuals only, and moreover have assumed the presence of liberal norms rather than measuring these. This research extends to those studies by measuring the level of liberal norms among democratic and autocratic individuals and compare the effect these norms have on the support for war within an experimental setting.

Indeed, the democratic experimental group showed to be more peaceful towards other democracies, just like previous studies showed. However, the comparative perspective brought a new insight: because the autocratic citizens were overall more peaceful towards all regime-types the comparison showed that actually the democratic participants were not more peaceful towards other democracies, but rather more war-prone towards autocracies. These 22 findings are important in the light of theoretical refinement, and show that we cannot simply assume autocratic individuals to be war prone, as democratic peace theory does (Maoz and Russett 1993, Russett 1993, p.35, Weart 1998, pp.81-83, Rousseau 2005, pp.27-28).

Secondly, the measuring of liberal norms showed that also autocratic individuals posses a level of liberal norms. The average of the autocratic group was indeed significantly lower than the democratic group, but the difference was small and had a small effect size. Most important contribution of this measurement is that liberal norms cannot be assumed to be absent within autocracies, as democratic peace theory does. Moreover, liberal norms showed to have only an effect within the democratic group: those with a higher level of liberal norms were more inclined to attack an autocracy over a democracy. Within the autocratic group, the level of liberal norms did not have any influence on the support for war.

These results show how important it is to indeed measure liberal norms and not simply assume these to be present or absent. Furthermore, these finding raise many questions that further research might be inspired by. If these results would hold when the experiment would be replicated for different samples of democratic and autocratic individuals, in other words: if democratic individuals show in new studies also to be triggered by autocracy to become more war prone, in particular when they endorse liberal norms more highly, we might have found more evidence for the argument that Western political rhetoric has molded democratic peace theory into a self-fulfilling prophecy, as was argued by several authors (Ish-Shalom 2006, Risse-Kappen 1995, Houghton 2007, Houghton 2009).

Another important extension to earlier studies is that this research has controlled for the threat of the conflict, after all, if a threat is not perceived as severe, why would anyone want to attack any other country? The results of that test showed actually more variance than initially anticipated, in other words: it had to be considered within the analyses of the data. Because a test showed that there was no relation between the perception of threat and the treatment of regime-type, perception of threat was taken into consideration as an independent variable. And threat matters, strongly. Within a multivariate test of all theorized indicators, perception of threat shows to be the most important indicator why democratic and autocratic individuals alike support war. It was actually so strong that the effect of regime-type and liberal norms that showed in the descriptive results, was faded out.

#### AI triggers preventative nuclear war.

Turchin & Denkenberger 18, \*affiliate scholar and contributing author at IEET, \*\*Assistant Professor at the University of Alaska Fairbanks (Alexey, David, “Military AI as a Convergent Goal of Self-Improving AI”, *Artificial Intelligence Safety and Security*, pg. 22-23)

6.2. Recursive self-improving AI is a cyber weapon from the legal and military points of view

The creation of AI from the legal point of view is underexplored with only a few publications (Mancini, 2017), (Etzioni & Etzioni, 2016), (Maia Alexandre, 2017), and they do not touch superintelligence.

Any publicly declared attempt to create a computer system able to take over the world and interfere with activity of critical infrastructure would be illegal from the internal point of view of a nation state. This would even be militarily provocative from the point of view of other countries, in the same way that creating a global doomsday machine may even more provocative than starting a nuclear war (Kahn, 1959). If such AI efforts are perceived as potentially successful, they may result in preventative cyber or even nuclear strikes by the rival nation state, even if the project is private. The leadership of such a project may understand this risk, and work in secret. This secrecy may have consequences on whether an effective AI safety solution is reached, both negative and positive.

Other nation states, especially those that are weaker in AI, like Russia and to a lesser extent China, may understand that they will lose everything in the case of enemy AI creation. According to chess game-theory logic, the side which is losing its advantage must attack (Kasparov, 2008). So, there is a possibility of preemptive strike (perhaps nuclear or cyber) against AI facilities, chip-fabs, scientists, etc. from the weaker side.

#### Bioweapons cause extinction.

Ord 20, research fellow at the Future of Humanity Institute at Oxford University, has advised the World Health Organization, the World Bank, the World Economic Forum, and the UK Prime Minister’s Office and Cabinet Office. (Toby, 3-6-2020, "Why we need worst-case thinking to prevent pandemics", *The Guardian*, https://www.theguardian.com/science/2020/mar/06/worst-case-thinking-prevent-pandemics-coronavirus-existential-risk)

We have seen the indirect ways that our actions aid and abet the origination and spread of pandemics. But what about cases where we have a much more direct hand in the process – where we deliberately use, improve or create the pathogens? Our understanding and control of pathogens is very recent. Just 200 years ago, we didn’t even understand the basic cause of pandemics – a leading theory in the west claimed that disease was produced by a kind of gas. In just two centuries, we discovered it was caused by a diverse variety of microscopic agents and we worked out how to grow them in the lab, to breed them for different traits, to sequence their genomes, to implant new genes and to create entire functional viruses from their written code. This progress is continuing at a rapid pace. The past 10 years have seen major qualitative breakthroughs, such as the use of the gene editing tool Crispr to efficiently insert new genetic sequences into a genome, and the use of gene drives to efficiently replace populations of natural organisms in the wild with genetically modified versions. This progress in biotechnology seems unlikely to fizzle out anytime soon: there are no insurmountable challenges looming; no fundamental laws blocking further developments. But it would be optimistic to assume that this uncharted new terrain holds only familiar dangers. To start with, let’s set aside the risks from malicious intent, and consider only the risks that can arise from well-intentioned research. Most scientific and medical research poses a negligible risk of harms at the scale we are considering. But there is a small fraction that uses live pathogens of kinds that are known to threaten global harm. These include the agents that cause the Spanish flu, smallpox, Sars and H5N1 or avian flu. And a small part of this research involves making strains of these pathogens that pose even more danger than the natural types, increasing their transmissibility, lethality or resistance to vaccination or treatment. In 2012, a Dutch virologist, Ron Fouchier, published details of an experiment on the recent H5N1 strain of bird flu. This strain was extremely deadly, killing an estimated 60% of humans it infected – far beyond even the Spanish flu. Yet its inability to pass from human to human had so far prevented a pandemic. Fouchier wanted to find out whether (and how) H5N1 could naturally develop this ability. He passed the disease through a series of 10 ferrets, which are commonly used as a model for how influenza affects humans. By the time it passed to the final ferret, his strain of H5N1 had become directly transmissible between mammals. The work caused fierce controversy. Much of this was focused on the information contained in his work. The US National Science Advisory Board for Biosecurity ruled that his paper had to be stripped of some of its technical details before publication, to limit the ability of bad actors to cause a pandemic. And the Dutch government claimed that the research broke EU law on exporting information useful for bioweapons. But it is not the possibility of misuse that concerns me here. Fouchier’s research provides a clear example of well-intentioned scientists enhancing the destructive capabilities of pathogens known to threaten global catastrophe. Of course, such experiments are done in secure labs, with stringent safety standards. It is highly unlikely that in any particular case the enhanced pathogens would escape into the wild. But just how unlikely? Unfortunately, we don’t have good data, due to a lack of transparency about incident and escape rates. This prevents society from making well-informed decisions balancing the risks and benefits of this research, and it limits the ability of labs to learn from each other’s incidents. Security for highly dangerous pathogens has been deeply flawed, and remains insufficient. In 2001, Britain was struck by a devastating outbreak of foot-and-mouth disease in livestock. Six million animals were killed in an attempt to halt its spread, and the economic damages totalled £8bn. Then, in 2007, there was another outbreak, which was traced to a lab working on the disease. Foot-and-mouth was considered a highest-category pathogen, and required the highest level of biosecurity. Yet the virus escaped from a badly maintained pipe, leaking into the groundwater at the facility. After an investigation, the lab’s licence was renewed – only for another leak to occur two weeks later. In my view, this track record of escapes shows that even the highest biosafety level (BSL-4) is insufficient for working on pathogens that pose a risk of global pandemics on the scale of the Spanish flu or worse. Thirteen years since the last publicly acknowledged outbreak from a BSL-4 facility is not good enough. It doesn’t matter whether this is from insufficient standards, inspections, operations or penalties. What matters is the poor track record in the field, made worse by a lack of transparency and accountability. With current BSL-4 labs, an escape of a pandemic pathogen is only a matter of time. One of the most exciting trends in biotechnology is its rapid democratisation – the speed at which cutting-edge techniques can be adopted by students and amateurs. When a new breakthrough is achieved, the pool of people with the talent, training, resources and patience to reproduce it rapidly expands: from a handful of the world’s top biologists, to people with PhDs in the field, to millions of people with undergraduate-level biology. The Human Genome Project was the largest ever scientific collaboration in biology. It took 13 years and $500m to produce the full DNA sequence of the human genome. Just 15 years later, a genome can be sequenced for under $1,000, and within a single hour. The reverse process has become much easier, too: online DNA synthesis services allow anyone to upload a DNA sequence of their choice then have it constructed and shipped to their address. While still expensive, the price of synthesis has fallen by a factor of 1,000 in the past two decades, and continues to drop. The first ever uses of Crispr and gene drives were the biotechnology achievements of the decade. But within just two years, each of these technologies were used successfully by bright students participating in science competitions. Such democratisation promises to fuel a boom of entrepreneurial biotechnology. But since biotechnology can be misused to lethal effect, democratisation also means proliferation. As the pool of people with access to a technique grows, so does the chance it contains someone with malign intent. People with the motivation to wreak global destruction are mercifully rare. But they exist. Perhaps the best example is the Aum Shinrikyo cult in Japan, active between 1984 and 1995, which sought to bring about the destruction of humanity. It attracted several thousand members, including people with advanced skills in chemistry and biology. And it demonstrated that it was not mere misanthropic ideation. It launched multiple lethal attacks using VX gas and sarin gas, killing more than 20 people and injuring thousands. It attempted to weaponise anthrax, but did not succeed. What happens when the circle of people able to create a global pandemic becomes wide enough to include members of such a group? Or members of a terrorist organisation or rogue state that could try to build an omnicidal weapon for the purposes of extortion or deterrence? The main candidate for biological existential risk in the coming decades thus stems from technology – particularly the risk of misuse by states or small groups. But this is not a case in which the world is blissfully unaware of the risks. Bertrand Russell wrote of the danger of extinction from biowarfare to Einstein in 1955. And, in 1969, the possibility was raised by the American Nobel laureate for medicine, Joshua Lederberg: “As a scientist I am profoundly concerned about the continued involvement of the United States and other nations in the development of biological warfare. This process puts the very future of human life on earth in serious peril.”

#### Hegemony harms democracy globally.

Street, 18 — Paul; Holds a doctorate in U.S. history from Binghamton University. He is former vice president for research and planning of the Chicago Urban League. (3-1-2018; "The World Will Not Mourn the Decline of U.S. Hegemony;" *Canadian Dimension*; https://canadiandimension.com/articles/view/the-world-will-not-mourn-the-decline-of-u.s.-hegemony)

“Democracy” was fine as a slogan and benevolent, idealistic-sounding mission statement when it came to marketing this imperialist U.S. policy at home and abroad. Since most people in the “third” or “developing” world had no interest in neocolonial subordination to the rich nations and subscribed to what U.S. intelligence officials considered the heretical “idea that government has direct responsibility for the welfare of its people” (what U.S. planners called “communism”), Washington’s real-life commitment to popular governance abroad was strictly qualified, to say the least. “Democracy” was suitable to the U.S. as long as its outcomes comported with the interests of U.S. investors/corporations and related U.S. geopolitical objectives. It had to be abandoned, undermined and/or crushed when it threatened those investors/corporations and the broader imperatives of business rule to any significant degree. As President Richard Nixon’s coldblooded national security adviser Henry Kissinger explained in June 1970, three years before the U.S. sponsored a bloody fascist coup that overthrew Chile’s democratically elected socialist president, Salvador Allende: “I don’t see why we need to stand by and watch a country go Communist because of the irresponsibility of its own people.”

The U.S.-sponsored coup government that murdered Allende would kill tens of thousands of real and alleged leftists with Washington’s approval. The Yankee superpower sent some of its leading neoliberal economists and policy advisers to help the blood-soaked Pinochet regime turn Chile into a “free market” model and to help Chile write capitalist oligarchy into its national constitution.

“Since 1945, by deed and by example,” the great Australian author, commentator and filmmaker John Pilger wrote nearly nine years ago: “The U.S. has overthrown 50 governments, including democracies, crushed some 30 liberation movements and supported tyrannies from Egypt to Guatemala (see William Blum’s histories). Bombing is apple pie.” Along the way, Washington has crassly interfered in elections in dozens of “sovereign” nations, something curious to note in light of current liberal U.S. outrage over real or alleged Russian interference in “our” supposedly democratic electoral process in 2016. Uncle Sam also has bombed civilians in 30 countries, attempted to assassinate foreign leaders and deployed chemical and biological weapons.

#### Extensive alliance commitments create a moral hazard for escalation---exerting discipline is key.

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>)

Exert Alliance Discipline

Despite his rhetoric to the contrary, Trump has materially increased American alliance commitments. U.S. troop deployments and investment in NATO have risen, troop deployments to the Middle East and arms sales to Gulf States have risen, and the frequency of FONOPS in Asia has risen. If the United States maintains its alliances and refuses to revise that choice, then it must rediscover what its alliances are for. They are not “ends” in themselves, but means to an end, namely protecting American security interests. To make alliances serve that purpose, however, Washington should exert some discipline on its allies. This is so especially in the Middle East, where U.S. clients too often act in ways that infringe on U.S. security interests. Only recently, it was revealed that Saudi Arabia and the United Arab Emirates transferred U.S.-supplied weapons to Sunni jihadi groups with Al Qaeda links in Yemen, adding to a long record of Saudi sponsorship of anti-Semitism in schools and jihadist preaching, as well as passive support for Islamist causes and organizations. The Pakistani Inter-Services Intelligence’s ties with the Taliban and the Haqqani network are well known, admittedly a difficulty Washington has been wrestling with for decades. Cultivated as a bulwark of stability in Central Asia, Kazakstan has embarrassed Washington with its human rights violations while pursuing defense cooperation with Moscow.

To make alliances work for its interests, the United States should restore what used to be part of its repertoire as a great power —the imposition of conditions on its protection, and the credible threat of abandonment. In other words, contrary to the standard orthodoxy often invoked by Trump’s critics, a critical ingredient in an effective patron-client relationship is the cultivation of a reputation for limited reliability, if not unreliability. Thus, the United States should make clear that it is willing to walk away and that its alliance commitments are conditional on its ally’s prudent behavior. In a world of worsening rivalries, the U.S. ability to control escalation and limit inadvertent spirals depends partly on its capacity to restrain third parties and keep its initiative. To make this threat credible, it may require the United States occasionally to terminate an alliance relationship.

There are fine lines to be walked here. The United States has alliances for the most basic purpose of augmenting its power, its reach and the totality of its presence. From this perspective, it is in Washington’s interests to have militarily proficient friends. But its alliances have other rationales that cut against that simple desire. Another central historical purpose of American alliances in the postwar period is to contain its allies. By providing security, Washington in theory removes incentives for its allies to rearm and reassert themselves as challengers. This imperative, to depress allies’ defense expenditure, requires in turn that Washington must establish a reputation for being a reliable security provider. Failure to maintain that baseline of confidence could lead the client to pursue belligerent self-help, or even other allies in lieu of the United States. Yet, establishing a reputation for reliable security provision can and does have a perverse result—it creates a moral hazard. Allies’ confidence in American backing can embolden them to behave recklessly in ways that Washington dislikes. Conversely, the dependency Washington forms on the alliance, as an indispensable platform for its power projection, creates reverse leverage, making Washington reluctant to attempt to impose itself with threats of abandonment or even public criticism.33

Some allied states have tested the possibilities of this relationship with a spirit of adventure, tolerating or encouraging militant Islamist activity, suppressing peaceful protests, committing human rights violations, locking up citizens of allied countries in humiliating and brazen fashion, and threatening or carrying out military campaigns against Washington’s wishes with strategically corrosive results, such as the present onslaught in Yemen. Even the most outspoken supporters of the U.S.-Israel alliance will admit that U.S. guarantees have not restrained Tel Aviv from settlement expansion. As Asia becomes more competitive, a rearming Japan could also start to test alliance boundaries, either because of lost faith in American security guarantees or because it takes them for granted. In Eastern Europe, the cast-iron guarantee built into NATO could lead states to miscalculate and behave recklessly against Russian minorities in their own territory, quickly fomenting a cross-border crisis.

There is a difficult balancing act to be struck here, if the United States chooses to maintain allies to increase its material strength while containing those same allies. The threat of abandonment, or withdrawal of patronage, was once a greater part of U.S. diplomatic repertoire behind the scenes.34 The United States explicitly threatened West Germany, South Korea and Taiwan in order to prevent nuclear proliferation, for instance. It seems to have receded to an extent, after the Cold War, when the sense weakened of the need to keep allies in line coercively. Trump’s public humiliation of and threats to allies, usually followed swiftly by increased U.S. commitment, are probably too hollow and less effective in the long run than the quiet threats made by past administrations.

Certainly, the United States has an interest in preventing allies being complacent about American guarantees, or worse, of the United States being so anxious about losing access and influence that it dare not exercise it. One of the superpower’s greatest advantages is its ability to leave. This is a possibility it should deftly exploit. Against traditional orthodoxies about “global leadership,” the overall U.S. position would benefit from the possibility that Washington might not have an ally’s “back” if it behaves recklessly against the superpower’s stated preferences, or if it hedges too much in favor of rivals. In other words, U.S. alliances are likely to serve U.S. interests better if it ceases fetishizing them.

#### Heg is provocative and motivates prolif to deter US intervention.

Glaser 17, associate director of foreign policy studies at the Cato Institute, Master of Arts in International Security at the Schar School of Policy and Government at George Mason University (John, "Withdrawing from Overseas Bases: Why a Forward-Deployed Military Posture Is Unnecessary, Outdated, and Dangerous," *Cato Institute*, 7-18-2017, https://www.cato.org/publications/policy-analysis/withdrawing-overseas-bases-why-forward-deployed-military-posture)

Bases can also motivate nearby adversaries to pursue nuclear weapons. Iran’s expansion of nuclear enrichment in the run‐​up to the recent nuclear deal between Iran, the United States, the United Kingdom, France, Russia, China, and Germany, for example, was likely understood by many in Tehran as a measure of protection from the United States. After all, the United States habitually intervenes in the region, is allied with Iran’s two most vociferous enemies (Israel and Saudi Arabia), and has carried out regime change and years of military occupation in the countries on Iran’s immediate east and west flanks. In addition, while bases in Japan and South Korea have arguably helped dissuade these countries from developing nuclear weapons, the U.S. presence creates pressure for North Korea to do so. Pyongyang’s efforts to secure a deliverable nuclear weapon may be partly motivated by a desire for the prestige associated with such capabilities, but fear of U.S. military power in South Korea, and a desire to deter an attack by either or both countries, are also significant motivators. Proximate U.S. military forces and an adversarial relationship with Washington helped motivate China’s 1964 acquisition of nuclear weapons. 73 And, in recent years, U.S. actions in Iraq and Libya have signaled to potential rogue states the wisdom, rather than the danger, of obtaining a nuclear deterrent, or at least maintaining a threshold breakout capability. 74

#### Assurances don’t solve prolif AND cause hedging.

Korda 18, Research Associate, for the Nuclear Information Project at the Federation of American Scientists (Matt, “The only choice is both choices: balancing assurance and coercion in nonproliferation focused alliance-management strategies,” *The Nonproliferation Review*, 25.3, DOI: 10.1080/10736700.2018.1518758)

Quantitative analyses may not be adequate to assess the utility of assurances for nonproliferation purposes. As the following case studies show, the mere existence of a defense pact often does not constitute a sufficient assurance measure to deter allied proliferation, and is therefore unsuitable as a proxy variable. Assurance and coercion strategies come in many different flavors, and therefore qualitative analysis is more appropriate in order to assess their relative utility. To that end, this article argues that neither assurance-centric nor coercion-centric strategies hold up under historical scrutiny. By uniquely considering how assurance and coercion work in tandem, this article concludes that both are necessary in order to prevent allied proliferation. Targeting only one strand of the security model is not enough to prevent allied pursuit of nuclear weapons. A strategy that overemphasizes assurance or coercion will likely encourage the targeted state to pursue a hedging strategy, in which the client continues to clandestinely develop latent nuclear capabilities while continuing to benefit from its patron’s security guarantee. Instead, by applying a combination of assurance and coercion, the patron can shape a “path of least resistance” for its client’s continued security that does not involve allied nuclear proliferation.

#### Primacy makes credibility unsustainable---pulling back strengthens it.

Krebs & Spindel 19, \*Ronald R. Krebs is a professor in the liberal arts and professor of political science at the University of Minnesota, \*\*Jennifer Spindel is an assistant professor of international security at the University of Oklahoma and a fellow at the Dickey Center at Dartmouth. (10-30-2019, “Trump’s mismanagement of the withdrawal from Syria hurt alliances — not the withdrawal itself”, *Washington Post*, https://www.washingtonpost.com/politics/2019/10/30/trumps-mismanagement-withdrawal-syria-hurt-alliances-not-withdrawal-itself/)

Those who chase credibility end up with none Allies live in constant fear of abandonment. Smaller allies often worry that when push comes to shove, their great-power patron may not come to their aid. They understand that allies share some, but not all, interests and that the alliance “halo” is often quite limited. With good reason, the Kurds care less for Trump’s fulsome tweets than for his deeds. How can nervous allies be reassured? During the Cold War, scholars and policymakers argued that the United States could bolster its credibility with adversaries and allies by consistently embracing hard-line policies and displaying strength. Limited military interventions, especially in far-off locales in defense of secondary priorities, would be particularly effective in reassuring nervous allies. If a major power was willing to expend significant resources in places of trivial value, it would surely honor its commitments to allies in locations of far greater strategic interest. This logic led, among others, to the U.S. intervention in Vietnam and the Soviet War in Afghanistan — now generally seen as tragedies for all involved. Such arguments did not die with the end of the Cold War. President Barack Obama was pilloried by critics across the political spectrum in 2013 when he shied away from launching a bombing raid in response to the Syrian government’s use of chemical weapons. They subsequently accused him of thereby emboldening the Russians — contributing in early 2014 to Russia’s annexation of Crimea and its covert intervention in Ukraine and in fall 2015 to its overt intervention in Syria. His about-face, they contended, had frightened traditional regional allies, notably the Israelis and Saudis, who began to consider other patrons and arms suppliers. Trump’s sudden announcement, for the second time, that U.S. forces would be withdrawn from Syria has reportedly worried U.S. allies even beyond the Middle East. Yet this logic is a recipe for never-ending interventions and ever-expanding commitments, which will eventually undermine alliance credibility. If states can never walk back existing commitments, they will be stretched so thin that others must doubt their will and capacity to fulfill their core alliance commitments. Credibility is a greedy master that no state can unthinkingly serve. Those who chase credibility as a means to national security — by embracing uncompromising policies, steadfastly upholding all commitments, and refusing to retrench — find themselves without either credibility or security. Pulling back need not undermine alliances. The Vietnam War was precisely the kind of high-cost intervention that should have powerfully signaled U.S. resolve and reassured its allies around the world. In fact, we find, the war made America’s allies outside the region more nervous than ever that the United States might renege on its commitments. When the United States finally pulled out of Vietnam, withdrawing with little honor, its allies cheered. Our research suggests that, if handled properly, withdrawals from existing commitments can hearten allies. However, this requires publicly drawing clear distinctions between core and peripheral interests, employing a considered policy review process, and working to minimize negative policy externalities—none of which Trump did in suddenly announcing, via tweet, on Oct. 7 that “it is time for us to get out of these ridiculous Endless Wars, many of them tribal, and bring our soldiers home …” The muddle of public statements from U.S. officials that followed over the next two weeks only compounded the issue.

#### The US can either ignore Russian status ambitions or accommodate them. Failure to accommodate provokes Russian destabilization and conflict.

Krickovic 18 – PhD in Political Science @ UC-Berkeley, Assistant Professor of World Economy and International Affairs @ HSE (Andrej, “Russia’s Challenge: A Declining Power’s Quest for Status,” *PONARS Eurasia*, 543)

One seemingly rational policy might be to ignore Russia for the time being and to postpone the day of reckoning to the future, when Russia will be weaker. This was the approach largely followed by the Obama administration. However, it provokes Russia into engaging in even more reckless and destabilizing behavior in order for it to have its voice heard—as Obama soon found out in Ukraine and Syria. Containment, the policy now favored by many Russia hawks in Washington, risks dangerous confrontation with a country that, despite its weaknesses, is still a nuclear superpower with a formidable military. What’s more, containment is unnecessary. Russia’s leaders are well aware of the limits of their country’s power and are not looking to overtake the United States as the global hegemon or to take over management of the international system. Accommodating Russia’s status aspirations will not embolden it to pursue more radical revisionism. Instead of ignoring or containing Russia, Western leaders must try to find ways to channel its status-seeking behavior in constructive ways that contribute to global peace, stability, and development. Russia’s efforts toward economic reintegration of the post-Soviet space may have been such an opportunity. From the very start, Russian leaders made it clear that these efforts were not aimed at creating a closed neo-Soviet trade block, but were designed to strengthen Russia’s position in the larger process of pan-European integration with the EU. Eurasian economic integration could have contributed to the economic development and stability of a problematic and dangerous region while also allowing Russia to improve its international status through peaceful and constructive means. Instead of engaging with Russia’s regional integration efforts, the United States and the EU pushed back against them, threatening Moscow with further status losses and provoking (what should have been) a predictable backlash. Other opportunities to engage Russia’s status seeking in a constructive way will present themselves in Syria, Ukraine, and in the geopolitical realignments that China’s rise will generate. They will confront Western policy makers with difficult choices that will force them to find a balance between their beliefs and values and the harsh realities of power politics. In making these choices, they must understand just how important status concerns are for Russia and realize that the bigger dangers come not from empowering a declining Russia through accommodation, but from ignoring its status aspirations or seeking to constrain them.

#### A---Empirics and data---U.S. lash-out is extremely unlikely.

MacDonald & Parent 18, Paul MacDonald: PhD, Associate Professor of Political Science at Wellesley College. Joseph Parent: PhD, Associate Professor of Political Science at the University of Notre Dame (Twilight of the Titans: Great Power Decline and Retrenchment, *Cornell University Press*)

Initial Findings

The pessimistic view of decline receives little support. A complete coding of the dependent variable for all sixteen cases of decline can be found in table 1 in chapter 1. Against arguments that retrenchment is rare, we find that declining powers retrenched in at least ten and at most thirteen of our sixteen cases, a range of 63–81 percent. On any accounting, the majority of declining powers began to retrench immediately before or shortly after their ordinal transition. We further find that great powers maintained policies of the status quo in at least two and at most five of our sixteen cases (a range of 13–31 percent). This finding suggests domestic interests can constrain retrenchment, but only in unusual circumstances. We also find that declining powers rarely take up policies of expansion. We find unambiguous evidence of expansion in only one of our sixteen cases: 1931 Germany. Aggressive responses to decline appear to be the exception, rather than the rule.

Decline and Preventive War

First and foremost, we did not find much support for preventive war logic. Declining powers experienced war in 4.5 percent of their country years, compared to 6.1 percent for non-declining powers. Of the sixteen cases, only six (38 percent) found themselves in an interstate war within five years of their ordinal transition. Two of these cases, however, concerned a declining great power clashing with a non-great power: Russia in the 1877 Russo-Turkish War, and France in the 1884 Sino-French War. Two additional cases involved a declining great power coming to blows with a rival great power, but not the one that had just overcome it in rank: Britain against China in the 1950 Korean War, and Russia versus Japan in the 1904 Russo-Japanese War. None of these cases resonates with the preventive war narrative, where a declining power seeks to preserve its rank through force. 21

#### 6---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.

#### Applying PTT to US-China relations is inaccurate and a self-fulfilling prophecy---Multipolarity solves China war best---clinging to dominance causes arms racing and conflict.

McKinney 19, PhD from Singapore’s Nanyang Technological University (Jared Morgan, How to avoid a contest for supremacy in East Asia, Comparative Strategy, 38:4, 316-326, DOI: 10.1080/01495933.2019.1633183)

A second discourse framework also emerged around the time of the pivot to Asia: the so-called Contest for Supremacy currently said to be underway in Asia between China and the United States.4 This essay contends that such a contest is based on a faulty theory of international relations and will create the very conditions in which hegemonic war is most likely. Strategists and military officers should stop thinking in terms of hegemonic competition to be number one and restore a forgotten tradition described by adjectives such as balance, parity, equilibrium, and stability.

Power transition theory and American grand strategy

The frame of a contest for supremacy, the increasingly dominant way to conceive of Sino American rivalry, is based (even if often subliminally5) on power transition theory (PTT). At the heart of this theory is the belief that there is a “dominant power” that hierarchically structures international systems, and that war becomes probable when an unsatisfied rising power approaches, or transcends, the power capability of the dominant power.6 As constituted by its authors, PTT proposed a twofold theory of peace: avoid parity or satisfy the rising power’s ambitions.7 The essential proposition of PTT—that parity comes with many dangers—has been today restated prominently by Graham Allison under the moniker “Thucydides” trap.”

Within America’s grand strategy discourse, there have been two prevailing “solutions” to the prospect of a rising China disturbing the repose of the United States, the world’s dominant state or “unipole.” The first, traditionally called “liberalism,” has been to “socialize” and integrate China into the U.S.-led system.9 The most important stage in this process was for China to gradually become democratic. The various means to achieve this end—e.g., free trade, industrialization, or the rise of a middle class—differed, but all reflected forms of “modernization” theory descended from Enlightenment thought.10 Liberalism complemented, and did not contradict, the second “solution,” which was simply to prevent power parity. This has typically gone by the name “balancing” 11 and it has been unambiguously included in America’s National Defense/ Security Strategies since at least the early 1990s.12

Both responses are increasingly seen as inadequate.13 China’s refusal to be socialized into America’s system has “defied” the expectations of liberals.14 Meanwhile, balancers increasingly warn that China is likely not just to reach parity with the U.S., but to surpass it in Asia.15 In consequence of the failure of the two “solutions” to China’s rise, fear is increasingly becoming the driving emotion behind America’s strategic disposition in the Indo-Pacific. What the U.S. fears is perfectly clear. In the words of noted Asia scholar Lowell Dittmer, “America’s Asia is becoming China’s Asia.”16

This fear is widely held.17 Insofar as a strategist accepts the theoretical assumption that the international system is hierarchical and constituted by the rise and fall of dominant/ hegemonic states,18 this fear is warranted. Historical evidence indicates that war becomes more likely in conditions of power parity,19 and a world without U.S. dominance is likely to be more illiberal in noticeable ways.20 So much for the better angels of our nature.21 Given this dilemma, America’s new consensus is that it is time for the U.S. to “get tough” and to “stand up” to China.22 That this requires unlearning the lessons of the First World War (i.e., the danger of inadvertent escalation) is simply a cost to be paid in the quest to win the contest for supremacy.23 If the choice is either to compete in Asia to maintain America’s hegemony or to cravenly leave24 for the sake of peace—surrendering it to the Chinese—only the first option realistically matches America’s (supposedly) deeply rooted attachment to the region25 and deepseated phobia of appeasement.26 Honest balancers, such as John Mearsheimer, acknowledge that staying in the region to compete for hegemony comes with a very serious risk of major-power war. Even if neither side sought intentionally to cause such a war, the “lessons” of the First World War suggest that competitive risk-taking can occasionally get out of hand, and a great war—neither quite intentional nor quite accidental—can materialize.27 What should be “almost unthinkable” in an age of nuclear weapons28 remains quite possible, for, as the annals of history demonstrate, political leaders are not consistently “prudent, enlightened, far-sighted, and peaceloving.” 29 Far from coolly calculating interests, leaders are well known to act intuitively and emotionally,30 to choose war even when it is “materially inefficient,” 31 to prefer catastrophic defeat to humiliation,32 to be obsessed with national prestige,33 and to fight for status.34 This is the “stuff” of international politics, and anyone who blindly implies the contrary has not seriously grappled either with the historical record or the ever-growing body of scholarship on the many paths to war.35

Risking major-power war may make sense if the only alternative is U.S. dominance or Chinese dominance.36 But this is a false dichotomy. In fact, PTT is fundamentally flawed both conceptually and historically. Conceptually, the theory ignores the obvious possibility that approximate parity can be a *destination* just as well as it can be a mere waypoint. Making international politics about “supremacy” is as likely to create a contest for supremacy as it is to describe one. Historically, PTT vastly overstates the evidence supposedly in its favor. Hegemonic wars do take place.37 However, such wars seem to require certain structural conditions. These include the emergence of technologies that can give certain states a large lead, the existence of powerful enabling ideologies (e.g., monotheism38 or Nazism39) and the material significance of land and mass labor in generating wealth and power.40 That being said, PTT’s most common illustrations for “hegemonic war”—the Peloponnesian War and the First World War—only support the theory in the vaguest of manners. In 431, Athens can be said to have acted from hubris and Sparta from honor;41 in 1914, Russia—not Germany—was seen as the rising and unstoppable colossus.42 In both cases, war developed out of a confluence of international structures, the actions of allies/clients, and chance. It is far from clear that the theory of “hegemonic war” actually explains anything about these cases.43

# 1NR

#### Their evidence agrees---their emerging tech evidence says governance now---it’s written in present tense, just read their highlighting---it’s ALL status quo descriptive!

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.

#### FTC dedicating substantial resources to fighting fraud now. Status quo rulemaking heightens penalties.

FTC 12-16-2021 (“FTC Launches Rulemaking to Combat Sharp Spike in Impersonation Fraud,” <https://www.ftc.gov/news-events/press-releases/2021/12/ftc-launches-rulemaking-combat-sharp-spike-impersonation-fraud>)

The Federal Trade Commission launched a rulemaking today aimed at combatting government and business impersonation fraud, a pernicious and prevalent problem that has grown worse during the pandemic. Impersonators use all methods of communication to trick their targets into trusting that they are the government or an established business and then trade on this trust to steal their identity or money. The COVID-19 pandemic has spurred a sharp spike in impersonation fraud, as scammers capitalize on confusion and concerns around shifts in the economy stemming from the pandemic. Incorporating new data from the Social Security Administration, reported costs have increased an alarming 85 percent year-over year, with $2 billion in total losses between October 2020 and September 2021. Notably, since the pandemic began, COVID-specific scam reports have included 12,491 complaints of government impersonation and 8,794 complaints of business impersonation. “It is reprehensible that scammers are preying on people during this pandemic by pretending to be someone they can trust,” said Samuel Levine, Director of the FTC’s Bureau of Consumer Protection. “The sharp spike in impersonation scams has cost our country billions and undermined response and relief efforts. The FTC is prepared to use every tool in our toolbox to deter government and business impersonation fraud, penalize wrongdoers, and return money to those harmed.” Government and business impersonators can take many forms, posing as, for example, a lottery official, a government official or employee, or a representative from a well-known business or charity. Impersonators may also use implicit representations, such as misleading domain names and URLs and “spoofed” contact information, to create an overall net impression of legitimacy. These scammers are fishing for information they can use to commit identity theft or seek monetary payment, often requesting funds via wire transfer, gift cards, or increasingly cryptocurrency. Government impersonators typically assert an air of authority to stage their scam. These impersonators sometimes threaten their target with severe consequences such as a discontinuation of benefits, enforcement of tax liability, and even arrest or prosecution. Government impersonators have also been known to deceive consumers into paying for services that would otherwise be free, or to lure them with promises of government grants, prizes, or loan forgiveness. Business impersonators typically get consumers’ attention with emails, telephone calls or text messages about suspicious activity on consumers’ accounts or computers or supposed good news about a refund or prize in hopes of gaining trust and receiving personal information. The harm is substantial, as people who lose money on the leading business impersonator scams report an individual median loss of $1,000. In the Advance Notice of Proposed Rulemaking (ANPR), the FTC is seeking comment from the public on a wide range of questions about these schemes. The ANPR outlines the extensive data the Commission has collected related to these types of impersonation scams, drawn largely from the FTC’s Consumer Sentinel Network database of fraud reports, and its law enforcement experience in this area. The FTC has brought numerous cases against government and business impersonation schemes through the years under its existing authorities, but the ANPR notes that the Commission’s authority to seek consumer redress or civil penalties in these cases is currently very limited. The provisions related to impersonation under the Telemarketing Sales Rule and Mortgage Assistance Relief Services Rule cover only specific sectors or methods of scams. This is the first rulemaking initiated under the Commission’s streamlined rulemaking procedures. A potential rule resulting from the ANPR could allow the FTC to seek strong relief for consumers across a broad array of government and business impersonation cases, which is especially important following the Supreme Court’s ruling in AMG Capital Management LLC v. FTC. If, after reviewing the public comments in response to the ANPR, the Commission decides to proceed with proposing such a trade regulation rule, its next step would be to issue a notice of proposed rulemaking.

#### FTC is focused on fraud now.

---it’s popular, which answers the argument that uniqueness thumps the wing-clipping link

Leach 1-26-2022, partner in Mayer Brown's Washington DC office and a member of the Litigation & Dispute Resolution practice. He joined Mayer Brown from the US Federal Trade Commission (FTC)’s Division of Financial Practices, where he focused on fintech and fair lending issues. (Christopher, “US FTC Holds Its First Open Meeting Of 2022: What Happened?,” Mondaq, <https://www.mondaq.com/unitedstates/financial-services/1154146/us-ftc-holds-its-first-open-meeting-of-2022-what-happened>)

Background: In the past, FTC commissioner meetings have taken place exclusively behind closed doors. Breaking with tradition, Chair Khan began her tenure at the agency by holding monthly meetings of the FTC commissioners that are open to the public. To be sure, the vast majority of the commissioners' deliberations and meetings are closed to the public. But over the past half year, the FTC has held monthly open meetings where the commissioners vote on certain, pre-selected agency initiatives and read pre-written statements. The FTC also allows individuals from the public two minutes of airtime to raise issues for the FTC's consideration.

So far, these meetings have seen a number of recurring themes:

The issues up for consideration are often more partisan—before then-Commissioner Rohit Chopra left to lead the US Consumer Financial Protection Bureau (CFPB) as its director, many of the open meetings generated 3-2 party-line votes. That pattern has changed now that the commission is deadlocked 2-2 between Democrats and Republicans. But expect party-line votes to return when the Senate confirms Chopra's replacement, Alvaro Bedoya.

The Republican commissioners, Christine Wilson and Noah Phillips, often use their speaking time to observe the shortcomings of the open-meeting format and to raise broader concerns regarding the FTC's direction under Chair Khan, in addition to comments regarding the specific matters under consideration.

FTC staff frequently make presentations about various initiatives or topics that often are related to the items the commissioners will be voting on.

The FTC has been playing with formatting. For the first handful of meetings, the commissioners voted on matters before hearing from the public, the reverse of what one would expect. Starting in November, Chair Khan switched the order after receiving comments to that end.

The individuals from the public who participate range wildly in perspective and experience, from industry representatives raising broader policy concerns to individual workers bringing their personal experiences to the FTC's attention.

The "tentative" agenda. A week prior to these public meetings, the FTC typically releases a tentative agenda. Released on January 13, the tentative agenda for this meeting stated that Chair Khan would begin the meeting with opening remarks and that the "business" for the day would consist of a staff presentation on recent trends in identity theft.

What actually happened? True to the FTC's word, its only official business consisted of a staff presentation regarding identity theft and comments from the commissioners regarding the FTC's law enforcement efforts in that space. The lack of acrimony of this latest meeting is consistent with the FTC's public meetings since Chopra left for the CFPB. For example, the previous two open meetings dealt with bipartisan votes related to a rulemaking on impersonation scams and a study of supply chain disruptions.

#### The FTC wants certain wins, but they will NOT commit resources to endeavors that will fail in court.

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Still, the Biden administration’s antitrust agenda will face significant judicial obstacles. Over the past 40 years, an increasingly business-friendly Supreme Court has gutted antitrust law. In ruling after ruling, it has weakened the standards used to evaluate anti-competitive behavior; raised the burden of bringing an antitrust case; limited the types of antitrust victims who are allowed to bring cases; allowed businesses to use arbitration clauses to protect themselves from class action lawsuits; and much else. On top of that, the Supreme Court has disseminated throughout the judiciary a generalized suspicion of antitrust claims. Judges at all levels have absorbed an academic skepticism about antitrust law that is now 30 years out of date. Accordingly, business plaintiffs are usually seen as sore losers who have resorted to the law because they were beaten in the marketplace. Consumer cases are attributed to the machinations of trial lawyers. The pretexts businesses offer for their anti-competitive practices are swallowed whole. So, while Biden is right that “federal government inaction” is partly to blame for the decline in antitrust enforcement, there is little that his (or any) administration can do unless it has the courts on its side. This probably accounts for the order’s careful language. Agencies like the DOJ and the FTC would surely like to enforce antitrust laws more vigorously than in the past, but they are not going to commit resources to bringing cases that will fail in court.

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

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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

#### Divergence from the consumer welfare standard now is unfounded and doesn’t thump. It’s all talk. Data about actual enforcement proves merger enforcement is in steady decline.

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

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

The Rhetoric

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

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

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

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

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

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

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

The Data

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

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

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

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

#### The 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.