## 1NC

### 1

#### The United States, using a strictly limited constitutional convention, should substantially increase prohibitions on market consolidation by agribusiness entities, and undemocratic governance by agribusiness entities protected under the Co-operative Marketing Associations Act.

#### Solves and avoids politics.

Elving 18, Senior Editor and Correspondent on the Washington Desk for NPR News. (Ron, 3-1-2018, "Repeal The Second Amendment? That's Not So Simple. Here's What It Would Take", *NPR*, https://www.npr.org/2018/03/01/589397317/repeal-the-second-amendment-thats-not-so-simple-here-s-what-it-would-take)

A new Constitutional Convention?

If all this seems daunting, as it should, there is one alternative for changing the Constitution. That is the calling of a Constitutional Convention. This, too, is found in Article V of the Constitution and allows for a new convention to bypass Congress and address issues of amendment on its own.

To exist with this authority, the new convention would need to be called for by two-thirds of the state legislatures.

So if 34 states saw fit, they could convene their delegations and start writing amendments. Some believe such a convention would have the power to rewrite the entire 1787 Constitution, if it saw fit. Others say it would and should be limited to specific issues or targets, such as term limits or balancing the budget — or changing the campaign-finance system or restricting the individual rights of gun owners.

There have been calls for an "Article V convention" from prominent figures on the left as well as the right. But there are those on both sides of the partisan divide who regard the entire proposition as suspect, if not frightening.

One way or another, any changes made by such a powerful convention would need to be ratified by three-fourths of the states — just like amendments that might come from Congress.

And three-fourths would presumably be as high a hurdle for convention-spawned amendments as it has been for those from Congress — dating to the 1700s.

### 2

Economism K

#### Antitrust reform to promote competition is fundamentally based on a logic of economism

White 16 Mark D. White is Chair of the Department of Philosophy at the College of Staten Island, City University of New York, , On the Justification of Antitrust: A Matter of Rights and Wrongs, Antitrust Bulletin; London Vol. 61, Iss. 2, (Jun 2016): 323-335

Antitrust has long been an area of law in which economic reasoning maintains a tremendous amount of influence, due to the plainly economic nature of the matters at its core: market competition, profits, and consumer well-being. Notwithstanding the positive microeconomic analysis at its heart, however, antitrust remains an area of law and, as such, necessarily involves issues of rights and justice as well--aspects that are often neglected among determinations of industry concentrations, consumer surplus, and optimal penalties. In this paper, I examine the interrelated issues of capitalism, antitrust, and democracy from the perspective of property rights and corrective justice, an approach that stands in stark contrast to the utilitarian nature of welfare economics on which traditional understandings of antitrust are based. I start with a discussion of the contrast between these two perspectives and their implications for the nature of capitalism and the role of the state. Next, I look at antitrust through the lens of rights and justice, asking which and whose rights are violated by the behavior forbidden by antitrust as well as antitrust enforcement itself. Finally, I consider the extent to which antitrust can be considered a valid response of a democratic government to the concerns of its citizens, which brings the paper back to the issue of the understanding of the function of capitalism and the market as well as the rights on which they rely. II. The Nature of the Capitalism and the Role of the State The economic foundation of antitrust law is a straightforward application of welfare economics, the goal of which is to maximize welfare (understood to be the sum of consumer and producer surplus) or achieving efficiency (by ensuring the marginal benefit of output equals its marginal cost). In terms of industrial structure, perfect competition--the hypothetical system in which an infinitely large number of infinitesimally small firms produce an identical product in an environment of perfect and complete information and costless entry and exit--is taken to be the ideal, and the government is charged with taking whatever action necessary to bring real-world industries that differ significantly from this ideal closer to it. Due to scarcity of resources available to the Department of Justice and the Federal Trade Commission, these agencies typically reserve this action for what they judge to be the most deviant forms of industry, such as oligopolies that are tending toward monopoly or firms with significant market power that use this power in way that disadvantages consumers and competitors. [1]

#### Economic predictions about markets fail---specifically in the context of antitrust

Rozga 20 Kaj Rozga is a former Federal Trade Commission attorney with a breadth of antitrust experience representing clients in litigation, cartel, and transactional matters, How tech forces a reckoning with prediction-based antitrust enforcement, <https://techlawdecoded.com/how-tech-forces-a-reckoning-with-prediction-based-antitrust-enforcement/> \*Edited for ableist language which we do not endorse

Tech is testing the limits of a half-century experiment in antitrust in which predictions made by experts have guided enforcement of the law. Over that time, it has become increasingly common for the lawfulness of a given merger or monopolist’s conduct to be decided by predicting its actual effects on competition. On first blush, it seems a sensible approach. Ostensibly, it is a rational replacement of what came before it, which was a set of hard-and-fast rules that trained antitrust on the protection of market conditions believed conducive to competitive outcomes, with less regard for how competition was actually impacted in an individual case. But lawyers and economists may have jumped the gun in thinking themselves up to the task. A half decade of experience with the predictive approach to antitrust, bolstered by research in uncertainty and decision-making in other fields, suggests that little more than wishful thinking may support the premise that predictions about complex markets can be accurate enough to guide competition policy. And to make matters worse, the prediction-making apparatus has been focused exclusively on an overly restrictive subset of competition concerns that only serve to help consumers to buy more things for less money. The result has been the consolidation of large swaths of the economy. These flaws are especially pervasive in tech. Enforcers reviewing digital mergers or investigating the tech giants’ monopolistic conduct have been practically ~~paralyzed~~ [overwhelmed] by the burden of having to make predictions about competitive effects in difficult-to-understand, quick-to-change tech markets. This is apparent not only from a decade of missed opportunities to prevent the consolidation of critical online infrastructure, but also in the various proposed antitrust reforms that would perpetuate the status quo.

#### Economism is founded on racist ideology that pollutes all of its methods and conclusions

Spriggs 20 William Spriggs, Ph.D. Professor in the Department of Economics, Howard University, Is now a teachable moment for economists? An open letter to economists from Bill Spriggs, <https://www.minneapolisfed.org/~/media/assets/people/william-spriggs/spriggs-letter_0609_b.pdf?la=en>

Modern economics has a deep and painful set of roots that too few economists acknowledge. The founding leadership of the American Economic Association deeply and fervently provided “scientific” succor to the American eugenicists’ movement. Their concept of race and human interaction was based on the “racial” superiority of White, Anglo-Saxon Protestants. And they launched modern economics with a definition of race that fully incorporated the assumed superiority of that group and bought into a notion of race as an exogenous variable. The overwhelming majority of explorations of racial disparities in economic outcomes remains deeply tied to that view of race as an exogenous variable. In the hands of far too many economists, it remains with the assumption that African Americans are inferior until proven otherwise. And, in this regard, it places economists alone outside the mainstream of all other American social sciences. It is the constant micro-aggression that African American economists endure at every meeting, and in reading every paper, and in reading every reviewer’s comments. Economists play a key role in shaping policy. We are viewed as the objective scientists, with the tools to identify solutions; presumably absent “passion.” But if you start with a model that has race as exogenous, racial differences cannot be objectively approached. The model begins with a fallacy that assumes racial differences as a natural order. It biases the model, because there is a built-in excuse for disparities that cannot be solved. And, invariably, in the overwhelming case of economic analysis, assumes that there is something “deficient” about Black people. Hopefully, more economists will accept the ugly reality that passively accepting that view leads to the ugly incidents of police misconduct we all observed. It is a form of “othering” that reduces the pain inflicted on someone because of decisions that are made. And it excuses the decision maker from responsibility at best or absolves them of guilt for the consequences at worst. Too many economists are great at excusing themselves when policies they propose exacerbate racial disadvantages because of that world view. Among the kinder economists, the “deficiency” in African Americans is caused by systemic policies that disadvantage Black people’s participation in the economy as equals. This requires real contortions, because it proclaims that there is a set of actors who have devised rules to prevent African Americans from adequate schooling (this is the primary claim), mostly through housing segregation and, depending on the economist, some learned or absorbed frustration on the part of African Americans that compounds their disadvantage. That is a difficult model to accept, because it means these actors who act with animus direct all their efforts at human capital accumulation but then act objectively in all of their other interactions with African Americans. I call this the two-bus theory because it requires busing out those negative actors and busing in new actors to make all other economic decisions on jobs and, in total contortion, home mortgage and home purchase decisions (since animus is accepted in creating residential segregation). Far too often, these same economists reject the modern social science theory of race as a social construct, designed to achieve and maximize outcomes for the benefit of those who created the racial definition, because those economists “fail to see where the agency is” for this. The inconsistency, of course, is that this contorted view accepts clear agency for the actions to segregate housing and create poor schooling. Another strain of economists are the “polite” economists who use “statistical discrimination” as a way to resolve what they perceive as an agency problem in how racism can affect economic outcomes. To Black economists, “statistical discrimination” is a constant micro-aggression. It is a model that makes no sense. How does a model assume that an entire set of actors, observing the infinite diversity of human beings, all settle on “race” as a meaningful marker independent of history, laws, and social norms? And, miraculously, those same “rational” actors use “statistical” methods to find only negative attributes highly correlated with “race.” The fact that far too many economists blindly agree that negative attributes correlate to being African American and cannot see that relationship to police officers assuming all Black men are criminals is stupefying. The fact that a discipline that prides itself on being objective and looking for data to test hypotheses fails to see how negative attributes do not correlate with being African American is a constant irritant for Black economists.

#### The alt is to reject the 1AC’s logic of economics---that’s key to open up new starting points to evaluate sociality

Miller 11 Miller, Ethan L., MS in Geography, University of Massachusetts Amherst, "Rethinking Economy for Regional Development: Ontology, Performativity, and Enabling Frameworks for Participatory Vision and Action" (2011). Retrieved from <https://scholarworks.umass.edu/theses/630>

The basic premise of this thesis is that the stories we tell about the world make a difference. Rather than simply being descriptive accounts of an objective "reality," our concepts and theories play an active role in shaping the worlds that we live in. Ideas do not determine our worlds; nor do they fabricate them from nothing (it is not all a "language game"), but they can and do sometimes play a profound role in helping to bring them into being. What we think the world is made of, and how we think it all works, influences what we imagine, what we desire, and what we decide to make and do. Our concepts of "economy" and "economic development" are no exception. The current dynamics and institutions that constitute our economic lives are not written into the laws of nature; they are, rather, produced by specific historical processes in which our ideas about "the economy" have played a crucial role. This implies that the construction of different--more equitable, cooperative, democratic and ecologically-sound--economic relationships cannot simply be a matter of finding ways to cope differently with the overwhelming and demanding presence that we call "the economy." It must involve an interrogation of the very nature of this thing, our assumptions about what it is and how it works, and about the ways that these assumptions shape our sense of agency and possibility. As Gibson-Graham writes provocatively, "it is the way capitalism has been 'thought' that has made it so difficult for people to imagine its supersession" (2006a, 4). Theories of regional economic development, as I will argue in Chapter 1, have contributed to constructing a widely-shared set of assumptions about economic ontology (what "the economy" is and how it works)1 that channel energy and imagination into a constricted set of options for communities to pursue. Facing an apparently omnipresent, ever-demanding, weather-like (often "global") economy, people in regions around the world often feel forced to take actions in the name of necessary growth and competition that otherwise undermine their fundamental values: to create jobs, to increase income, to attract capital, to "win" in the "global marketplace," regions clearcut their forests, tear apart their mountains, drain their rivers, sell off public lands and resources, slash social programs and public-interest laws, lower minimum wages, or outsource all of these forms of violence to other regions in order to maintain an attractive, competitive "quality of life" for wealthy consumer-citizens. The seeming necessity of these dynamics--the sense of their inevitability--is produced, in significant part, by the way that economy has been "thought," by the ways in which discourses of regional economic development have constructed and successfully promoted a concept of economy and development that make such ethical trade-offs appear as part of the fabric of nature itself.

### 3

Politics DA

#### Two-track infrastructure will pass, PC is key, but there’s zero margin for error

Greve 9-7-2021, politics breaking news reporter for Guardian US, based in Washington (Joan, “Joe Biden to referee Democrats in brewing battle over $3.5tn budget bill,” *The Guardian*, <https://www.theguardian.com/us-news/2021/sep/07/biden-democrats-brewing-battle-budget-bill>)

Congress will return from its summer recess later this month, and some Democrats are already gearing up for a political fight – with each other. Democratic lawmakers are looking to pass their $3.5tn spending package, after the House and the Senate approved the blueprint for the budget bill last month. The ambitious legislation encompasses much of Joe Biden’s economic agenda, including proposals to expand access to affordable childcare, invest in climate-related initiatives and broaden Medicare coverage. But to get the bill passed, Democrats will first need to reach an agreement on the cost of the legislation. Centrist Democrats, including Senators Kyrsten Sinema and Joe Manchin, have expressed concern about the bill’s $3.5tn price tag, while progressives have indicated they will fiercely oppose any attempt to cut funding in the proposal. With his entire economic agenda hanging in the balance, Biden will need to convince the two fractious wings of his party to come together and pass a comprehensive spending package. And given Democrats’ extremely narrow majorities in both the House and the Senate, there is virtually no room for error. Despite warning signs of intra-party friction over the cost of the budget bill, congresswoman Suzan DelBene, who chairs the centrist New Democrat Coalition, said the House’s focus right now should still be on the content of the legislation. “I think discussion of a number is more distracting when the focus really needs to be on, what is the substance going to be of this legislation?” DelBene told the Guardian. “If we have strong legislation the people support, I think we can find the path forward.” Over in the Senate, majority leader Chuck Schumer is attempting to advance the bill using reconciliation, meaning Democrats do not need any Republican support to pass the legislation. But the 50-50 split in the upper chamber means that every single Democratic senator must be on board to get the bill approved. Schumer has been clear-eyed about the challenges ahead for the legislation. Shortly after the Senate approved the blueprint for the bill in a party-line vote last month, Schumer told reporters, “We’ve labored for months and months to reach this point, and we have no illusions – maybe the hardest work is yet to come.” Manchin proved Schumer’s point last Thursday, when he wrote a Wall Street Journal op-ed calling for a “strategic pause” in advancing the spending package. “While some have suggested this reconciliation legislation must be passed now, I believe that making budgetary decisions under artificial political deadlines never leads to good policy or sound decisions,” Manchin said in the op-ed. “I, for one, won’t support a $3.5tn bill, or anywhere near that level of additional spending, without greater clarity about why Congress chooses to ignore the serious effects inflation and debt have on existing government programs.” Bernie Sanders, the leftwing chairman of the Senate budget committee, responded to Manchin’s warning in kind, threatening to torpedo the bipartisan infrastructure bill if the spending package is not approved. “Rebuilding our crumbling physical infrastructure – roads, bridges, water systems – is important,” Sanders said on Twitter. “Rebuilding our crumbling human infrastructure – healthcare, education, climate change – is more important. No infrastructure bill without the $3.5tn reconciliation bill.” Progressive groups have echoed Sanders’s argument, insisting that every component of the $3.5tn legislation is vital. Sanders had initially called for spending $6tn on the budget bill, so progressives already view the current price tag as a concession. “We’re in a moment of crisis. Is this really the time for the Senate to press pause?” Ellen Sciales, the communications director of the climate group Sunrise Movement, said in a statement. She added: “If the Senate can’t pass an incredibly popular climate and jobs plan during a summer of unprecedented, fatal climate disasters, and an economy reeling from a global pandemic, we must abolish the Senate. $3.5tn was the compromise.” Natalia Salgado, the director of federal affairs for the Working Families Party, noted that some progressive economists have suggested the US needs to spend $10tn over 10 years to meet its obligations in the Paris Climate Agreement. “We’re going to come nowhere near that,” Salgado said. “So we can’t afford to lose a single cent in this $3.5tn. Every single penny will count.” Despite the war of words between moderates and progressives, the White House has continued to express confidence that Congress will ultimately reach an agreement on the legislation. “The president and his whole team are proud of and fighting for the substance of his Build Back Better agenda,” a White House official said in a statement. “These are complex processes, but as recent weeks have demonstrated, leaders in Congress and the President know how to move them forward.”

#### Antitrust reform trades off with other legislative priorities

Carstensen 21, JD and MA @ Yale, Former Chair of U-W Law School, Senior Fellow of the American Antitrust Institute (Peter, “THE “OUGHT” AND “IS LIKELY” OF BIDEN ANTITRUST,” <https://www.concurrences.com/en/review/issues/no-1-2021/on-topic/the-new-us-antitrust-administration-en>)

14. Similarly, despite bipartisan murmurs about competitive issues, the potential in a closely divided Congress that any major initiatives will survive is limited at best. In part the challenge here is how the Biden administration will rank its commitments. If it were to make reform of competition law a major and primary commitment, it would have to trade off other goals, which might include health care reform or increases in the minimum wage. It is likely in this circumstance the new administration, like the Obama administration’s abandonment of the pro-competitive rules proposed under the PSA, would elect to give up stricter competition rules in order to achieve other legislative priorities. 15. Another key to a robust commitment to workable competition is the choice of cabinet and other key administrative positions. Here as well, the early signs are not entirely encouraging. In selecting Tom Vilsack to return as secretary of agriculture, the president has embraced a friend of the large corporate interests dominating agriculture who has spent the last four years in a highly lucrative position advancing their interests. Given the desperate need for pro-competitive rules to implement the PSA and control exploitation of dairy farmers through milk-market orders, the return of Vilsack is not good news. Who will head the FTC and who will be the attorney general and assistant attorney general for antitrust is still unknown, but if those picks are also centrists with strong links to corporate America the hope for robust enforcement of competition law will further attenuate! 16. In sum, this is a pessimistic prognostication for the likely Biden antitrust enforcement agenda. There is much that ought to be done. But this requires a willingness to take major enforcement risks, to invest significant political capital in the legislative process, and to select leaders who are committed to advancing the public interest in fair, efficient and dynamically competitive markets. The early signs are that the new administration will be no more committed to robust competition policy than the Obama administration. Events may force a more vigorous policy—I will cling to that hope as the Biden administration takes shape.

#### Reconciliation solves climate change [it passes now, new priorities tradeoff, it’s humanity’s last shot]

Roberts 8-7-2021, energy reporter, formerly of Vox (David, “Crunch time: this is America's last chance at serious climate policy for a decade,” *Vox*, <https://www.canarymedia.com/articles/climate-policy-crunch-time-we-need-congress-to-pass-a-clean-energy-standard-and-tax-credits/>)

Congress is working on what is likely to be its last big shot at climate change policy for a decade or more. If things go well, the legislation will include a clean energy standard (CES) and clean energy tax credits, which together would revolutionize the US electricity system. If things don’t go well, there will be no substantial climate legislation for many years to come. That’s the only question being decided: Will we get a CES and tax credits, or will we get nothing that will tackle fossil fuels this decade? That’s the binary. It’s time to focus. Looking around, it doesn’t seem like clean energy supporters, climate hawks, or the left more broadly really get that. So let’s talk about why this is such an important moment and what’s at stake. The reconciliation bill is likely the last chance for big federal climate legislation The Democratic approach for a while now has been to proceed along dual tracks. On one track, there’s the bipartisan infrastructure bill, hammered out by a group of just over 20 senators from both parties. On the other track, there’s the budget reconciliation bill, which is meant to contain … everything else in Biden’s agenda. The former needs 60 votes; the latter can pass with 50 Democratic votes. This has always been a fraught and delicate strategy. It could crash and burn in any number of ways. But so far, at least, it is hanging together. The bipartisan group unveiled its bill this week; it is slowly inching toward a vote, though Senate Minority Leader Mitch McConnell (R-Ky.) is doing everything he can to slow it down and gum it up. Twitter avatar for @jsfreed Josh Freed @jsfreed Okay, everyone, we’ve been crunching the BID numbers to see what’s in this deal and how it’ll impact clean energy and climate. Warning, this is a long 🧵 … 1/ seinfeld newman GIF July 29th 2021 176 Retweets497 Likes It contains decent chunks of money for things that will indirectly help clean energy — transmission, demonstration projects, R&D — but it lacks anything that will directly confront fossil fuels in the coming decade, the sine qua non of adequate climate policy. As Robinson Meyer argues in The Atlantic, it is not a climate bill, not really. There’s no guarantee the bipartisan bill will pass, and there’s no way to know how the Senate’s bipartisanship fetishists, Sens. Joe Manchin (D-W.V.) and Kyrsten Sinema (D-Ariz.), will react if it doesn’t. But whether it passes or not, when it comes to decent climate policy, it’s all about the reconciliation bill. There won’t be another bill this big while Democrats control Congress, and they won’t control Congress for long. What Democrats are able to get through in the reconciliation bill is likely to be the last big federal climate legislation for a decade at least. This is the key thing to understand, so I’m going to repeat it: What Democrats are able to get through in the reconciliation bill is likely to be the last big federal climate legislation for a decade at least. (You may be thinking: can’t Democrats do another reconciliation bill next year? Yes, they can, but the midterms will be in full swing, moderates will be feeling even more cowardly than usual, political appetite for big spending will have dried up in the face of a recovering economy, and focus will have turned, hopefully, to voting reform. This one is it.) Absent substantial federal voting reform — which is looking less and less likely, certainly nothing anyone should bet on — all signs point toward Republicans taking back the House in 2022. It’s unclear what will happen in the Senate, but regardless, if the GOP controls either house, no climate legislation will pass (and no voting reform). Republican presidential candidates can win despite larger and larger losses in the popular vote. And the chances of Democrats controlling both houses of Congress again are only getting dimmer. The structural advantages that favor the GOP in the US system are only tilting further in its favor, while the party is actively extending those advantages with a wave of voter-suppression laws at the state level and an accompanying wave of gerrymandering, which alone could win the GOP the House in 2022, even absent any Dem seats being lost. The GOP is protected in this endeavor by a hyper-conservative Supreme Court (which, by the way, could get even more conservative if the disastrously vain Stephen Breyer hangs on until there’s a Republican president again). The conservative movement in the US is attempting to engineer one-party control of US government (along the lines of their new hero, Hungarian autocrat Viktor Orban). There’s no way to know how successful the endeavor will ultimately be, but it’s a pretty good bet, given current trends, that Democrats won’t control the presidency and both houses of Congress at the same time again for a long while. Last time they lost full control (just before a wave of gerrymandering in 2010), it was a decade until they got it back. Twitter avatar for @sarahposner Sarah Posner @sarahposner New, from me, @TPM: That all begins in January 2023 — which makes this year’s reconciliation bill the Democrats’ last big shot at climate and clean energy policy. There are two key clean-energy policies on the table Climate folk are prone to endless policy arguments; everyone has their favorites. But most of those arguments are immaterial right now. Democrats have lined up behind a menu of clean energy policies in line with Biden’s climate plan. What’s on that menu is what might get in the bill. Might. If it’s not on that menu, it’s not going to get in. There’s no carbon tax. There’s no cap-and-dividend. There’s no prohibition on new fossil fuel infrastructure. You may support any and all of those policies, but they are not live options in the reconciliation bill. Right now, political pressure is best aligned behind options that actually are on the menu. Two in particular are immensely important — together, they would be transformative. The first is a Clean Energy Standard that would reduce electricity sector greenhouse gas emissions 80 percent by 2030. (Biden’s plan calls for 100 percent by 2035, but a reconciliation bill can only extend 10 years out.) It’s not actually going to be a standard, per se, because you can’t pass regulatory standards through reconciliation. Instead, it’s going to be a system of fines and payments that will incentivize utilities to increase their proportion of renewable energy to meet the targets. It’s called a clean electricity payment program (CEPP). A CEPP actually has some advantages over the traditional CES’s and renewable portfolio standard (RPSs) commonly seen in states. For one thing, it’s more progressive: the money to drive the transition comes from federal coffers (via taxes on corporations and the wealthy) rather than from electricity rates, which are regressive. If you’re interested in the details of how a reconciliation-friendly CEPP will be structured, see this piece from Ben Storrow and Scott Waldman of E&E, or this thread from Princeton professor Jesse Jenkins: Twitter avatar for @JesseJenkins JesseJenkins @JesseJenkins Broad contours of a Reconciliation-friendly Clean Electricity Standard (CES) are now coming into public view, as House & Senate Dems prepare a $3.5T Budget Resolution that will kick off a Reconciliation process, which permits passage of budget-related measures w/50+ Senate votes. July 15th 2021 1 Retweet16 Likes The end result will be the same as a conventional CES: the US electricity grid will reach 80 percent decarbonization by 2030, which is an achievable but still incredibly ambitious target. As I’ve said so many times, nothing is more important to deep decarbonization than cleaning up the electricity grid. It’s the core of the “electrify everything” strategy. The second is boosted and expanded clean energy tax credits. The investment tax credit (ITC) and production tax credit (PTC), for wind and solar respectively, would be renewed, but various forms of tax credits would also be extended to energy storage, hydrogen, carbon capture, and other key clean energy technologies. (The details are in flux; for a blueprint, see the Senate Finance Committee’s Clean Energy for America Act or the House Ways and Means’ GREEN Act.) Tax credits will provide the supply push; the CEPP will provide the demand pull. The result will be an enormous surge of clean energy projects and jobs. This is the core of good climate policy: pushing fossil fuels off the grid over the next decade and replacing them with zero-carbon energy. There are other good climate provisions on the Democrats’ menu for reconciliation as well. I would love to see a Civilian Climate Corps. I’d love to see more money for public transportation and an electrified postal service fleet. Lots of smaller climate provisions might make it through just by virtue of not drawing much notice, which would be great. But the CEPP and the tax credits are the one-two punch needed to make a real short-term difference in the energy system. And they are on the menu. Manchin is likely to be skeptical of the CEPP. Although carbon capture counts as clean energy under the program, every analyst understands that the practical effect is going to be to ramp up renewables and ramp down fossil fuels on the grid. Manchin doesn’t actually want that. I have no idea if public pressure will have any effect at all on Manchin, but it couldn’t hurt. Might as well try it. The perilous path ahead for reconciliation Everyone on the left is aware that the reconciliation bill is the last big legislative train leaving the station, and every interest group wants a seat on it. Climate policy will be competing with other Democratic priorities. Especially as Sinema and Manchin arbitrarily reduce the total size of the bill, as they surely will, the factions of the party will be fighting it out over a shrinking pie. It is far from a sure thing that the CEPP and tax credits will survive negotiations. It’s all being decided right now. Everyone who cares about US climate progress should put aside their personal projects and preferences for a few weeks and speak in a unified voice. Call your representatives. Push the groups you’re involved to make noise about it. It’s going to be the CEPP and tax credits or nothing big for climate. If both those policies are put in place, it could set the US power system on a new course and strengthen American credibility at the upcoming COP26 international climate meeting. If they slip through the cracks, climate will have to settle for scraps and the US will surrender all hope of meeting its climate targets or influencing others to do the same. For the next few months, this is all that matters. If you’ve ever considered getting involved, now is the time.

#### Infrastructure investment beats China in the tech-race

Anderson 2-22-2021, Chairman & CEO of CG/LA Infrastructure, a firm focused on global infrastructure project development, driving productivity across countries, and maximizing the benefits of infrastructure for people in the U.S. and around the world (Norman, “The Biden Infrastructure Plan - 5 Actions To Jolt Us Awake, Now,” *Forbes*, <https://www.forbes.com/sites/normananderson/2021/02/22/the-biden-infrastructure-plan5-actions-to-jolt-us-awake-now/?sh=1d72f17b2ebd>)

The Focus Needs to be on Creating Project Results. Producing immediate results is necessary for our political system - how does this work, when the average highway project takes 9.5 years to move through the approval process, and 4.5 years after that for results - say cars, or autonomous trucks, zipping down the freeway? Lucky for us we are not starting from scratch - we have an enormous pent-up backlog of projects that can start showing results… this year.

By results I don’t just mean creating new and well-paying jobs, or saving the thousands of struggling professional service firms that are in danger of turning off their computers, rather what I mean is addressing the Administration’s priorities in the way that infrastructure professionals think about investment (yes, these people exist - and they are as smart as economists!):

* Brownfield projects - you can revitalize Army Corps reservoirs, or put 5G on interstate highways, or authorize the Gateway tunnel, or make rural broadband really fast, right now, tomorrow,
* Greenfield projects - infrastructure is a ‘thinking short, thinking long’ business, so while you are speeding up investment in ultra high voltage transmission lines, you can also get moving on the Brent Spence Bridge, and by the end of 2024 you can get butts in seats on the Dallas/Houston high speed rail project, and the Great Lakes Basin highway project, and
* New Infrastructure - this is the low-hanging fruit, and the battlefield between China and the U.S. for global influence, period. Largely private, and almost wholly environmentally friendly, this is where our economy has tremendous strengths that we are not seeing. It’s also the battlefield - AI, Machine Learning, 5G, Autonomy, High Voltage Transmission, along with high speed rail - that is critical to the achievement of every single goal that our country can set for the future.

Every infrastructure person - and every citizen - across the country can tell you the five projects that they’d like to see happen. The map above is a 500 project stimulus map that my firm, CG/LA infrastructure, created by polling people around the country. Why not engage citizens now, and show results this year, picking up steam in 2022 and in 2023? Infrastructure is 5G/AI and Electrification, and it Needs a Budget. The infrastructure of the future is going to be as different as cellular is from fixed line telephony, and that future is coming at us extremely fast… The 2020’s will be a decade of disruption - the greatest period of disruption in 100 years or more. We can either continue our course, and try and weather the storm, or we can make the kind of strategic investments that will allow us to lead - with enormous environmental and equity benefits, coupled with the kind of productivity increases that come from rapid innovation. There couldn’t be a bigger difference between the way that China is going about new infrastructure creation, with their top down, devil may care about the individual approach, and our celebration of the individual. The problem - in democracies around the world - is that we are absent, and so China is winning. Leaders Set Goals, Achieve Goals - and Create Trust. Who is in charge of infrastructure? Without an infrastructure office it is hard to tell, and this is a fatal flaw problem. The presidency needs to to bring everyone together to discuss what world we want to create, what our infrastructure vision going forward will look like. This needs to happen fast - and then we need to set goals that we all agree to: projects completed, time to project approvals, life expectancy, reduction of traffic congestion, reduction in carbon by sector, even increases in infrastructure equity. I am a business guy - everything is opportunity. Then we (all of us) need to row hard in the same direction, and achieve those goals. Action This Day. If we can get this right, the results for all of us will be extraordinary - domestic growth, environmental leadership and an injection of strength into the global democratic model. Unimaginable things can quickly be envisioned, and developed, including the return of manufacturing (advanced and distributed manufacturing) to our newly digitized and electrified heartland. Infrastructure can bring us together, but it is a very heavy lift - as in war, the first thing a president things about in the morning, and the last thing he thinks about before going to bed at night.

#### Chinese tech leadership leads to nuclear war

Kroenig 18, Deputy Director for Strategy, Scowcroft Center for Strategy and Security Associate Professor of Government and Foreign Service, Georgetown University (Matthew, Nov 12, 2018, “Will disruptive technology cause nuclear war?” *BAS*, <https://thebulletin.org/2018/11/will-disruptive-technology-cause-nuclear-war>)

Recently, analysts have argued that emerging technologies with military applications may undermine nuclear stability (see here, here, and here), but the logic of these arguments is debatable and overlooks a more straightforward reason why new technology might cause nuclear conflict: by upending the existing balance of power among nuclear-armed states. This latter concern is more probable and dangerous and demands an immediate policy response. For more than 70 years, the world has avoided major power conflict, and many attribute this era of peace to nuclear weapons. In situations of mutually assured destruction (MAD), neither side has an incentive to start a conflict because doing so will only result in its own annihilation. The key to this model of deterrence is the maintenance of secure second-strike capabilities—the ability to absorb an enemy nuclear attack and respond with a devastating counterattack. Recently analysts have begun to worry, however, that new strategic military technologies may make it possible for a state to conduct a successful first strike on an enemy. For example, Chinese colleagues have complained to me in Track II dialogues that the United States may decide to launch a sophisticated cyberattack against Chinese nuclear command and control, essentially turning off China’s nuclear forces. Then, Washington will follow up with a massive strike with conventional cruise and hypersonic missiles to destroy China’s nuclear weapons. Finally, if any Chinese forces happen to survive, the United States can simply mop up China’s ragged retaliatory strike with advanced missile defenses. China will be disarmed and US nuclear weapons will still be sitting on the shelf, untouched. If the United States, or any other state acquires such a first-strike capability, then the logic of MAD would be undermined. Washington may be tempted to launch a nuclear first strike. Or China may choose instead to use its nuclear weapons early in a conflict before they can be wiped out—the so-called “use ‘em or lose ‘em” problem. According to this logic, therefore, the appropriate policy response would be to ban outright or control any new weapon systems that might threaten second-strike capabilities. This way of thinking about new technology and stability, however, is open to question. Would any US president truly decide to launch a massive, bolt-out-of-the-blue nuclear attack because he or she thought s/he could get away with it? And why does it make sense for the country in the inferior position, in this case China, to intentionally start a nuclear war that it will almost certainly lose? More important, this conceptualization of how new technology affects stability is too narrow, focused exclusively on how new military technologies might be used against nuclear forces directly. Rather, we should think more broadly about how new technology might affect global politics, and, for this, it is helpful to turn to scholarly international relations theory. The dominant theory of the causes of war in the academy is the “bargaining model of war.” This theory **identifies rapid shifts in the balance of power** as a primary cause of conflict. International politics often presents states with conflicts that they can settle through peaceful bargaining, but when bargaining breaks down, war results. Shifts in the balance of power are problematic because they undermine effective bargaining. After all, why agree to a deal today if your bargaining position will be stronger tomorrow? And, a clear understanding of the military balance of power can contribute to peace. (Why start a war you are likely to lose?) But shifts in the balance of power muddy understandings of which states have the advantage. You may see where this is going. New technologies threaten to create potentially destabilizing shifts in the balance of power. For decades, stability in Europe and Asia has been supported by US military power. In recent years, however, the balance of power in Asia has begun to shift, as China has increased its military capabilities. Already, Beijing has become more assertive in the region, claiming contested territory in the South China Sea. And the results of Russia’s military modernization have been on full display in its ongoing intervention in Ukraine. Moreover, China may have the lead over the United States in emerging technologies that could be decisive for the future of military acquisitions and warfare, including 3D printing, hypersonic missiles, quantum computing, 5G wireless connectivity, and artificial intelligence (AI). And Russian President Vladimir Putin is building new unmanned vehicles while ominously declaring, “Whoever leads in AI will rule the world.” If China or Russia are able to incorporate new technologies into their militaries before the United States, then this could lead to the kind of rapid shift in the balance of power that often causes war. If Beijing believes emerging technologies provide it with a newfound, local military advantage over the United States, for example, it may be more willing than previously to initiate conflict over Taiwan. And if Putin thinks new tech has strengthened his hand, he may be more tempted to launch a Ukraine-style invasion of a NATO member. Either scenario could bring these nuclear powers into direct conflict with the United States, and once nuclear armed states are at war, there is an inherent risk of nuclear conflict through limited nuclear war strategies, nuclear brinkmanship, or simple accident or inadvertent escalation. This framing of the problem leads to a different set of policy implications. The concern is not simply technologies that threaten to undermine nuclear second-strike capabilities directly, but, rather, any technologies that can result in a meaningful shift in the broader balance of power. And the solution is not to preserve second-strike capabilities, but to preserve prevailing power balances more broadly. When it comes to new technology, this means that the United States should seek to maintain an innovation edge. Washington should also work with other states, including its nuclear-armed rivals, to develop a new set of arms control and nonproliferation agreements and export controls to deny these newer and potentially destabilizing technologies to potentially hostile states. These are no easy tasks, but the consequences of Washington losing the race for technological superiority to its autocratic challengers just might mean nuclear Armageddon.

### 4

T private sector

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

Senate Report 95 (Senate Report. 104-1, “UNFUNDED MANDATE REFORM ACT OF 1995,” <https://www.congress.gov/congressional-report/104th-congress/senate-report/1> , date accessed 9/10/21)

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

#### A topical aff could change a universally-applied standard, like the CWS [Consumer Welfare Standard]

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

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

#### Violation: the aff applies exclusively to conduct in a specific segment of the private sector.

#### Vote neg:

#### FIRST---limits and ground---the number of potential subsets is infinite---any industry, product, single companies, individuals---undermines clash. Only big affs have link uniqueness.

#### SECOND----precision---our interp has intent to define, exclude and is in legislative context.

### 5

States CP

#### The fifty states and relevant subnational entities should enact and substantially increase prohibitions on market consolidation by agribusiness entities, and undemocratic governance by agribusiness entities protected under the Co-operative Marketing Associations Act.

#### State antitrust is enforceable and solvent.

Lange et al. 21, \*Perry A., JD, antitrust lawyer, vice-chair of the ABA Antitrust Section’s Joint Conduct Committee. \*Brian K. Mahanna, JD, former chief of staff and deputy attorney general in the Office of the New York State Attorney General, \*Nicole Callan, JD, vice chair of the Civil Practice and Procedure Committee of the American Bar Association (ABA)'s Section of Antitrust Law, \*Álvaro Mateo Alonso, LLM, Law Degree, antitrust lawyer. (3-5-2021, "Developments in Antitrust Law: Keep an Eye on New York", *WilmerHale*, Full report accessible at: https://www.wilmerhale.com/en/insights/client-alerts/20210305-developments-in-antitrust-law-keep-an-eye-on-new-york)

Although much attention recently has been focused upon debates in Congress, potential legislative changes to U.S. antitrust law are not limited to proposals at the federal level. Many states are considering changes to their own antitrust laws, which usually can be enforced by state attorneys general and private plaintiffs. Importantly, New York legislators have introduced two bills that propose sweeping changes to the State’s antitrust law, the Donnelly Act, building on measures introduced in New York’s last legislative session.

These proposals, if enacted, would make New York’s single firm conduct statutory provisions the most aggressive in the United States and would give the New York Attorney General a more prominent role in reviewing transactions—including by creating a first-of-its-kind state merger notification requirement. These changes would allow New York’s antitrust law to reach a range of conduct not actionable under any existing federal or state antitrust law, and would introduce European-style antitrust standards to New York. Accordingly, this reform would create considerable new compliance challenges and risk for companies potentially subject to New York antitrust law, whether or not those companies are located in New York.

Other U.S. states and territories are considering antitrust law changes, but the New York proposals are the most significant. Although much of the conversation concerning developments in antitrust law has focused on “Big Tech” companies, these proposals would affect businesses across all sectors of the economy. This alert discusses these legislative proposals and key implications for businesses.

### 6

#### The United States federal government should empanel a nonpartisan commission, empowered to deliberate in secret and tasked with recommending antitrust reforms within one month, with recommendations taking effect unless they are overridden by a Congressional joint resolution. This commission should unanimously recommend increasing prohibitions on market consolidation by agribusiness entities, and undemocratic governance by agribusiness entities protected under the Co-operative Marketing Associations Act..

#### The CP builds consensus behind policy reform, causing its enactment ⁠— genuine follow-through creates a bipartisan model, which solves all existential threats

Neal 21, authors the blog ChiefHRO.com, previously the chief human capital officer at the Department of Homeland Security and the chief human resources officer at the Defense Logistics Agency; Federal News Network (Jeff Neal, February 2021, “Civil service modernization is essential — here is one way to make it happen,” Federal News Network, <https://federalnewsnetwork.com/commentary/2021/02/civil-service-modernization-is-essential-here-is-one-way-to-make-it-happen/amp/>)

Even with such immense challenges and a clear need for reform, civil service issues are not immune to our toxic political climate. There are clear partisan battle lines on civil service issues that make significant changes difficult. It is not just the parties who fight over civil service issues. Other constituencies have their own interests. I participated in a roundtable discussion in 2019 where virtually everyone in the room had an issue they considered sacrosanct. They mostly agreed civil service modernization is necessary, as long as their issue was untouched. Unions wanted to protect collective bargaining and the institutional rights of the unions themselves. Veteran Service Organizations (VSOs) wanted to protect veterans preference as it is handled today. Conservative think tanks wanted fewer federal workers, with lower pay, less generous benefits, and less job security. Individual agencies wanted flexibility for themselves, even if it makes things more difficult for other agencies. Whether you agree or disagree with those interests, the idea that various groups have issues that they want off the table before they discuss civil service reform is the primary barrier to modernization. So how do we make civil service modernization happen? It is unlikely everyone is going to walk away from protecting their own interests. It is even more unlikely that Congress will ignore their constituents and the interest groups that weigh in on civil service issues. Does that mean civil service reforms will be doomed? That we will have to be satisfied with tinkering around the edges? Or that Democrats should just ignore the Republicans and pass civil service modernization on their own? The answer to all those questions is no. A partisan bill would not contribute to restoring confidence in government and trust in the civil service. It would be likely to be replaced with equally partisan changes the next time Republicans are in power. It is also unlikely that a one-sided civil service bill could be passed in the Senate due to the filibuster. We need some mechanism for allowing a policy discussion to occur outside the walls of the Capitol. There is a model that might work, and that is the one created by the Base Realignment and Closure (BRAC) process. BRAC was designed because the Defense Department needed a means of shedding excess infrastructure, but it was apparent that no sane member of Congress wanted to go on record voting to close bases where their constituents work. There was also a recognition that DoD’s infrastructure was too big and too costly. In order to reduce the political problems, Congress passed the Base Closure and Realignment Act of 1990. This act, amended in 2005, created a presidentially-appointed BRAC Commission to review and make recommendations for closures and realignments. The Congressional Research Service described the BRAC process this way: “Congress has defined BRAC selection criteria in statute, thus requiring the Secretary to prioritize military value over cost savings. Additionally, Congress has required the Secretary to align the Department’s recommendations with a comprehensive 20-year force structure plan. The commission may modify, reject, or add recommendations during its review before forwarding a final list to the President. “After receiving the Commission’s list of recommendations, the President may either accept the report in its entirety or seek to modify it by indicating disapproval and returning it to the commission for further evaluation. If the President accepts the commission’s recommendations, they are forwarded to Congress. BRAC implementation begins by default unless Congress rejects the recommendations in their entirety within 45 days by enacting a joint resolution. During the implementation phase, DOD is required to initiate closures and realignments within two years and complete all actions within six years. “The BRAC process represents a legislative compromise between the executive and legislative branches wherein each shares power in managing the closure and realignment of military bases. The imposition of an independent, third-party mediator was intended to insulate base closings from political considerations by both branches that had complicated similar actions in the past.” I believe a process modeled on the BRAC process is the best approach to achieve real bipartisan civil service modernization. It is clear that we cannot have reform if no one is willing to talk about their favorite issues or either political party believes it is the big loser in reform. All the civil service issues have to be on the table and considered by a bipartisan Commission that is charged with developing a comprehensive reform package that addresses the talent needs of the government, not just the parochial interests of the various constituencies. A bipartisan Commission that conducts public hearings, provides the opportunity for all interest groups to present their views, and conducts a transparent review and analysis, can work. The size of government would not be within the purview of the Commission, because it is a completely different issue. Following a BRAC-like process, the Commission would make recommendations that President Joe Biden could accept, return to the Commission for reconsideration, or reject. Congress could reject the reforms only if both the House and the Senate voted to reject them. Opponents of modernization most likely will not like this approach, because it makes changes more likely. Proponents of reform who want reform only on their terms will probably not like this approach either. Some will say the Biden administration should use executive orders to make reforms happen now. I agree. Executive orders and other administrative actions are not a bad idea, because there are many needed improvements that can be done administratively. They are not enough, because some needed reforms require statutory changes and the actions that can be done administratively can also be undone by a succeeding administration. The Biden administration should proceed with administrative changes where it can to address urgent needs, but also support a Civil Service Modernization Commission with BRAC-like authority to make lasting changes that we need. Those who argue that commissions are a Washington way of dodging issues should keep in mind that the General Schedule system that we have used for 72 years grew out of the recommendations of the Commission on Organization of the Executive Branch of the Government – commonly known as the Hoover Commission. That commission, authorized by statute, was remarkably prescient, making recommendations that are still relevant today. Its recommendations included category rating, simplified and more effective performance ratings, and selection processes for supervisory jobs that focused more on ability to be a supervisor than on technical experience. The Hoover Commission also recommended that pay include locality or industry differentials. The Chair of the Commission, former President Herbert Hoover (R), was appointed by President Harry S. Truman (D). Coming so soon after the existential threat of World War II, the Hoover Commission accomplished far more than was expected of it. Perhaps the existential threats of a global pandemic, cyber warfare, and everything else we have faced recently may inspire our leaders to take a lesson from Truman and Hoover. A two-track approach of administrative change coupled with a BRAC-like commission fulfills Biden’s promise to “Build Back Better” and approach challenges through bipartisan solutions. It also makes civil service modernization more likely to be based upon what will work best rather than who the changes please the most. It ensures modernization is based on data rather than politics. If we want modernization that can stand the test of time, it is the way to proceed.

### ADV 1

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

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

On balance, however, I do not think that even the extraordinary economic conditions we are witnessing today are going to have much impact on the likelihood of war. Why? First of all, if depressions were a powerful cause of war, there would be a lot more of the latter. To take one example, the United States has suffered 40 or more recessions since the country was founded, yet it has fought perhaps 20 interstate wars, most of them unrelated to the state of the economy. To paraphrase the economist Paul Samuelson’s famous quip about the stock market, if recessions were a powerful cause of war, they would have predicted “nine out of the last five (or fewer).”   
Second, states do not start wars unless they believe they will win a quick and relatively cheap victory. As John Mearsheimer showed in his classic book Conventional Deterrence, national leaders avoid war when they are convinced it will be long, bloody, costly, and uncertain. To choose war, political leaders have to convince themselves they can either win a quick, cheap, and decisive victory or achieve some limited objective at low cost. Europe went to war in 1914 with each side believing it would win a rapid and easy victory, and Nazi Germany developed the strategy of blitzkrieg in order to subdue its foes as quickly and cheaply as possible. Iraq attacked Iran in 1980 because Saddam believed the Islamic Republic was in disarray and would be easy to defeat, and George W. Bush invaded Iraq in 2003 convinced the war would be short, successful, and pay for itself.

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

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

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

#### No readiness crisis

David Petraeus, IR PhD, 16, a retired Army general, commanded coalition forces in Iraq (2007-08) and in Afghanistan (2010-11) and later served as director of the CIA (2011-12), MICHAEL O’HANLON, a senior fellow at the Brookings Institution, www.wsj.com/articles/the-myth-of-a-u-s-military-readiness-crisis-1470783221

U.S. military readiness is again a hot issue in the presidential election, but unfortunately the current debate glosses over some of the most important facts. While Congress’s sequestration-mandated cuts to military spending have hurt preparedness, America’s fighting forces remain ready for battle. They have extensive combat experience across multiple theaters since 9/11, a tremendous high-tech defense industry supplying advanced weaponry, and support from an extraordinary intelligence community. For those concerned that America’s military is in decline or somehow not up to the next challenge, we offer a few reassuring facts: • The current national defense budget of over $600 billion a year far exceeds the Cold War average of about $525 billion (in inflation-adjusted 2016 dollars) and the $400 billion spent in 2001, according to official Pentagon and Office of Management and Budget data. The national defense budget, which doesn’t include Veterans Affairs or the Department of Homeland Security, constitutes 35% of global military spending and is more than that of the next eight countries—including China and Russia—combined. Spending has been reduced from the levels of the late Bush and early Obama years, but that isn’t unreasonable in light of scaled-down combat operations abroad and fiscal pressures at home. • Assuming no return to sequestration, as occurred in 2013, Pentagon budgets to buy equipment now exceed $100 billion a year, a healthy and sustainable level. The so-called “procurement holiday” of the 1990s and early 2000s is over. • While some categories of aircraft and other key weapons are aging and will need replacement or major refurbishment soon, most equipment remains in fairly good shape. According to our sources in the military, Army equipment has, on average, mission-capable rates today exceeding 90%—a historically high level. Marine Corps aviation is an exception and urgently needs to be addressed. • Training for full-spectrum operations is resuming after over a decade of appropriate focus on counterinsurgency. By 2017 the Army plans to rotate nearly 20 brigades—about a third of its force—through national training centers each year. The Marine Corps plans to put 12 infantry battalions—about half its force—through large training exercises. The Air Force is funding its training and readiness programs at 80%-98% of what it considers fully resourced levels. This situation isn’t perfect, but it has improved—and while the military is still engaged in combat operations across the world. • The men and women of today’s all-volunteer military continue to be outstanding and committed to protecting America. Typical scores of new recruits on the armed forces qualification test are now significantly better than in the Reagan years or the immediate pre-9/11 period, two useful benchmarks. The average time in service, a reflection of the experience of the force, is now about 80 months in the enlisted ranks, according to Defense Department data. That is not quite as good as in the 1990s, when the average was 85-90 months, but is better than the 75-month norm of the 1980s. While there are areas of concern, there is no crisis in military readiness. But that doesn’t mean the U.S. is good enough—especially in a world of rapidly changing technology, new threats emerging across several regions, and a constantly evolving strategic landscape. Here are some of the most pressing issues: Should the Army and Navy, considerably reduced in size in recent years, be modestly larger? Are the Air Force, Navy and Marine Corps overemphasizing short-range tactical manned fighter jets in their aircraft modernization plans, and underemphasizing drones and bombers? Can the Navy develop underwater robotics and unmanned systems more aggressively? How can the U.S. more effectively counter other nations’s ballistic- and cruise-missile capabilities? What more needs to be done to structure and enhance Defense Department capabilities for operations in cyberspace? How should the military best prepare and structure forces for “advise and assist” missions to the Middle East, Europe and elsewhere? Beyond Defense Secretary Ash Carter’s admirable initiatives, are there other ways the military can bring Silicon Valley and other innovators into the defense world? How much larger does the defense budget need to be, and how should it be structured, in base budget and supplemental funds for ongoing overseas operations? And what next steps might be needed to counter the growing assertiveness of Russia and China? The good news is that there are reasonable answers to each of these challenges that are affordable and at least partially achievable. The bad news is that such issues are getting insufficient attention in the continuing debate. It’s time to remedy that.

### ADV 2

#### No water scarcity

Annika Kramer et al 13, Adelphi Senior Project Manager, Aaron Wolf, Oregon State University Professor of Geography, College of Earth, Ocean and Atmospheric Sciences, and Director, Program in Water Conflict Management, Alexander Carius, Adelphi Director, and Geoff Dabelko, Jan/March 2013, The key to managing conflict and cooperation over water, http://unesdoc.unesco.org/images/0021/002191/219156E.pdf

No evidence of coming ‘water wars’. International basins that include political boundaries of two or more countries cover around 45% of the Earth’s land surface, host about 40% of the world’s population and account for approximately 60% of global river flow. Moreover, the number is growing: in 1978, the United Nations listed 214 international basins; today there are 276, largely due to the internationalization of basins through political changes like the break-up of the Soviet Union and the former Yugoslavia, as well as access to better mapping technology.

The high number of shared rivers, combined with increasing water scarcity for growing populations, led many politicians and headlines to trumpet coming ‘water wars.’ In 1995, for example, former World Bank Vice-President Ismail Serageldin claimed that ‘the wars of the next century will be about water.’ Invariably, these warnings point to the arid and hostile Middle East, where armies have mobilized and fired shots over this scarce and precious resource. Elaborate, if misnamed, ‘hydraulic imperative’ theories cite water as the prime motivation for military strategies and territorial conquests, particularly in the ongoing conflict between Arabs and Israelis.

The only problem with this scenario is a lack of evidence. In 1951–1953 and again in 1964–1966, Israel and Syria exchanged fire over the latter’s project to divert the Jordan River but the final exchange, featuring assaults by both tanks and aircraft, stopped construction and effectively ended water-related tensions between the two states. Nevertheless, the 1967 war broke out less than a year later. Water had little, if any, impact on the military’s strategic thinking in subsequent Israelo-Arab violence, including the 1967, 1973 and 1982 wars, yet water was an underlying source of political stress and one of the most difficult topics in subsequent negotiations. In other words, even though the wars were not fought over water, allocation agreements were an impediment to peace.

While water supplies and infrastructure have often served as military tools or targets, no states have gone to war specifically over water resources since the city-states of Lagash and Umma fought each other in the Tigris− Euphrates Basin in 2500 BCE. Instead, according to FAO, more than 3600 water treaties were signed from 805 to 1984 CE. Whereas most were related to navigation, over time, a growing number addressed water management, including flood control, hydropower projects or allocations in international basins. Since 1820, more than 680 water treaties and other water- related agreements have been signed, with more than half of these concluded in the past 50 years.

Researchers at Oregon State University have compiled a dataset of every reported interaction, be it conflictive or cooperative, between two or more nations where water was the driver of the interaction. Their analysis highlighted four key findings.

First, despite the potential for dispute in international basins, the incidence of acute conflict over international water resources is overwhelmed by the rate of cooperation. The last 60 years (1948−2008) have seen only 44 acute disputes (those involving violence), 30 of which occurred between Israel and one of its neighbours. The total number of water-related events between nations of any magnitude is also weighted towards cooperation: 759 conflict-related events versus 1 705 cooperative ones, implying that violence over water is neither strategically rational, nor hydrographically effective, nor economically viable.Second, despite the fiery rhetoric of politicians − aimed more often at their own constituencies than at the enemy − most actions taken over water are mild. Of all the events, some 40% fall between mild verbal support and mild verbal hostility. If the next level on either side − official verbal support and official verbal hostility − is added into the equation, the share of verbal events reaches about 60% of the total. Thus, almost two-thirds of all events are verbal only and more than two-thirds of these led to no official sanction.

Third, there are more issues of cooperation than of conflict. The distribution of cooperative events covers a broad spectrum, including water quantity, quality, economic development, hydropower and joint management. In contrast, almost 90% of the conflict-laden events relate to quantity and infrastructure. Furthermore, almost all extensive military acts fall within these two categories.

Fourth, despite the lack of violence, water acts as both an irritant and a unifier. As an irritant, water can make good relations bad and bad relations worse. Despite the complexity, however, international waters can act as a unifier in basins with relatively strong institutions.

The historical record proves that international water disputes do get resolved, even among enemies and even as conflicts erupt over other issues. Some of the world’s most vociferous enemies have negotiated water agreements or are in the process of doing so and the institutions they have created often prove to be resilient, even when relations are strained.

#### Big ag solves environment and food security

**Nordhaus and Blaustein-Rejto 21** , Ted Nordhaus is a leading global thinker on energy, environment, climate, human development, and politics. He is the founder and executive director of the Breakthrough Institute and a co-author of An Ecomodernist Manifesto. Dan Blaustein-Rejto is the director of food and agriculture at the Breakthrough Institute, where he analyzes the economics and potential of sustainable agriculture policies and practices. He has conducted research with the Environmental Defense Fund, International Center for Tropical Agriculture, and Farmers Market Coalition. (Ted and Dan, 4/18/2021, “Big Agriculture Is Best,” *Foreign Policy*, <https://foreignpolicy.com/2021/04/18/big-agriculture-is-best/> Date Accessed: 5/23/2021)

Debates about the social and environmental impacts of America’s food system cannot be disentangled from the basic reality that in a modern industrialized society, most people will live in cities and suburbs and will not work in agriculture. As a result, most food will need to be produced by large farms, with little labor, far away from the people who will consume it.

Many sustainable agriculture advocates tout the [recent growth](https://www.fooddive.com/news/organic-produce-sales-growth-tops-14-in-2020/593702/#:~:text=Sales%20of%20organic%20produce%20rose,conventional%20produce%20sales%20rose%2010.7%25.) of organic agriculture as proof that an alternative food system is possible. But growing market share vastly overstates how much food is actually produced organically. In reality, organic production accounts for little more than [1 percent](https://www.ers.usda.gov/data-products/organic-production/) of total U.S. agricultural land use. Meanwhile, only a bit more than [5 percent](https://www.agweek.com/business/agriculture/4622665-us-organic-market-tops-50-billion) of food sales come from organic producers, mostly because organic sales are overwhelmingly concentrated in high-value sectors of the market, namely produce and dairy, and fetch a premium from well-heeled consumers.

Moreover, organic farms, large and small, don’t actually outperform large conventional farms by many important environmental measures. Scale, technology, and productivity make good environmental sense and economic sense. Because organic farming requires more land for every calorie or pound produced, a [large-scale shift](https://www.technologyreview.com/2019/10/22/132497/sorryorganic-farming-is-actually-worse-for-climate-change/) to organic farming would entail converting more forest and other land to farming, resulting in greater habitat loss and more greenhouse gas emissions. And while organic farming doesn’t use synthetic pesticides or fertilizers, it often results in greater nitrogen pollution because manure is a highly inefficient way to deliver nutrients to crops.

Another benefit of large-scale U.S. farms is that because they are so efficient, economically and environmentally, they are also able to produce vastly more food than Americans can consume, making the country the world’s largest agricultural exporter as well.

That benefits the U.S. economy, of course, but it also comes with an environmental benefit for the world. In the contemporary environmental imagination, highly productive, globally traded agriculture is a bad thing—poisoning the land at home and undermining food sovereignty abroad. But in reality, a pound of grain or beef exported from the United States almost always displaces a pound that would have been produced with more land and greenhouse gas emissions somewhere else.

#### Big ag inevitable and good

**Nordhaus and Blaustein-Rejto 21** , Ted Nordhaus is a leading global thinker on energy, environment, climate, human development, and politics. He is the founder and executive director of the Breakthrough Institute and a co-author of An Ecomodernist Manifesto. Dan Blaustein-Rejto is the director of food and agriculture at the Breakthrough Institute, where he analyzes the economics and potential of sustainable agriculture policies and practices. He has conducted research with the Environmental Defense Fund, International Center for Tropical Agriculture, and Farmers Market Coalition. (Ted and Dan, 4/18/2021, “Big Agriculture Is Best,” *Foreign Policy*, <https://foreignpolicy.com/2021/04/18/big-agriculture-is-best/> Date Accessed: 5/23/2021)

Much of the criticism of big agriculture focuses on the monopolistic power of food processors like Archer-Daniels-Midland and Tyson Foods. But the bigger problem is arguably that there is too little vertical integration of food processors with food producers and landowners. Today, big food processors are able to take an outsized share of the profits from the food system while pushing the economic risk onto those further down the supply chain. Many large farmers, meanwhile, lease rather than own much of the land they farm, with much of America’s farmland owned by absentee landowners.

The resulting economic arrangements are rife with what economists call principal-agent problems. Many farmers don’t have incentives to invest in the long-term productivity of the land they farm because they don’t own it nor do they have the means to invest in cutting-edge capital equipment and technology.

These problems are exacerbated by the fact that many farms are family-owned but have no prospect for generational succession, as children continue to choose to pursue greener non-pastures off the farm. So for farmers who don’t own the land they farm, don’t have heirs to pass the farm on to, or both, investing time and money in technology and practices to improve land productivity over the long term does not make sense.

The prospect that a few large corporations could ultimately not only process but own much of America’s farmland and grow much of its food will strike many as fundamentally wrong. But it is likely where we are heading one way or another, as farming has always been a tough business to stay in, much less get into, and fewer and fewer Americans have any interest in doing so.

Vertical integration might bring significant benefits. Big agricultural corporations would have significantly greater incentive to invest resources into the long-term improvement of the land they own and farm, implement evidence-based farming practices, and spend on capital-intensive technology.

Large companies are also, counterintuitively, more responsive to demands for social responsibility, not less so. It is large, multinational corporations, not smaller regional operators, for instance, that have been willing to make zero-deforestation commitments in places like Brazil. That’s because, even though they can leverage their size and economic power to thwart reform, they are also easier to target, pressure, and regulate than more decentralized industries.

For these reasons, a food system that is bigger, more consolidated, and more vertically integrated might actually deliver better social and environmental outcomes than the one we have today. Either way, big farms and big agriculture are here to stay. They are a fundamental feature of global modernity, not a conspiracy by capitalists and corporations to poison people or the land.

Ultimately, improving the U.S. food system will require, first, appreciating it for the social, economic, and technological marvel that it is. It feeds 330 million Americans and many millions more around the world. It has liberated almost all of us from lives of hard agricultural labor and deep agrarian poverty. It has allowed forests to return across much of the United States while also sparing forests in many other parts of the world. It does all this while being extraordinarily efficient environmentally. A better food system will build on these blessings, not abandon them.

#### Industry-wide consolidation is a myth---family farms dominate the field

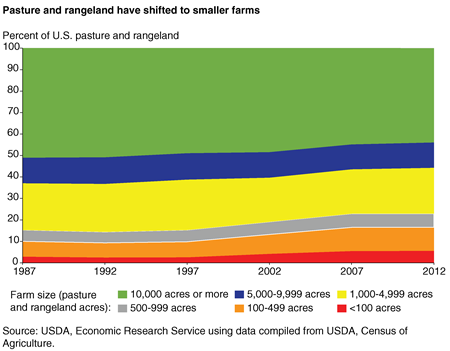
Pun intended

**MacDonald and Hoppe 18** , \*PhD in Econ from SUNY Buffalo \*\*Professor of Policy Studies @ Twente University (James M. and Robert A., 3/14/2018, “Examining Consolidation in U.S. Agriculture,” *USDA Economic Research Service*, <https://www.ers.usda.gov/amber-waves/2018/march/examining-consolidation-in-us-agriculture/> Date Accessed: 8/16/2021) \*I omitted the chart because it was clunky to format but I left the image of the graph

Pasture and Rangeland Shifted to Smaller Operations

Cropland accounted for 43 percent of all U.S. farmland in 2012, while pasture and rangeland accounted for another 45 percent. While cropland consolidated into larger farms between 1987 and 2012, pasture and rangeland did not, but instead shifted away from the largest farms and ranches and toward smaller operations.

In 1987, farms and ranches with at least 10,000 acres of pasture and rangeland operated more than half (51 percent) of all pasture and rangeland, while those with less than 1,000 acres held 15 percent. By 2012, the share operated by the largest acreage class had fallen to 44 percent, while farms and ranches with less than 1,000 acres of pasture and rangeland operated 22 percent.



U.S. farmland shows very little consolidation since the 1980s. However, that seeming stability reflects two diverging underlying trends: considerable consolidation in cropland and in crop and livestock production, set against shifts of pasture and rangeland toward smaller operations.

Consolidation in Livestock Varies

Consolidation in livestock production follows a different pattern than that in crops. When it has occurred, it has not unfolded at a steady and persistent rate over time. Instead, livestock consolidation proceeded episodically, with periods of sharp change in the size of operations, followed by stability.

As in our analysis of specific crops, we tracked midpoints for each livestock commodity across census years. We used a sales midpoint—based on the number of animals sold or removed during a year—for livestock feeding industries like broilers, turkeys, and fed cattle. We used midpoint herd or flock inventory values for egg layers and cows.

[Chart Omitted]

Some shifts have been dramatic. For example, the midpoint milk cow herd in 1987 was at 80 cows—half of U.S. milk cows were in herds of at least 80 cows, and half were in herds with no more than 80. By 2012, the midpoint had increased more than tenfold, to 900 cows. Similar dramatic increases occurred in egg layers and in hogs and pigs, as each industry underwent striking changes in organization and farm size.

In other sectors (like broilers, turkeys, and fed cattle), production shifted to larger operations by 2012, but the shifts were not persistent, and there is little evidence of continuing consolidation in 2007-12. Major reorganizations of those industries occurred earlier, in the 1960s and 1970s, and the later shifts reflected further adjustments.

One important sector shows little consolidation. The midpoint beef cow herd was at 89 cows in 1987, a bit larger than the midpoint milk cow herd. By 2012, the midpoint beef herd had increased, but only modestly, to 110 cows. Beef cow herds, and the calves that they birth, typically graze on pasture and rangeland, which showed no consolidation in the period. Other livestock, such as sheep, goats, and horses, may also graze on pasture and range—but cattle are the major users of what amounts to nearly half of all U.S. farmland. Hence, cattle grazing, and the pasture and range that they graze on, are an important exception to the strong trend toward consolidation in agriculture.

### ADV 3

#### Multilat fails

Robert J. Lieber, Harvard Government PhD, 14, Professor, Department of Government, Georgetown University, 2014, “The Rise of the BRICS and American primacy,” International Politics, Vol. 51, p. 137-154

Equally important, liberal internationalists and others tend to assume that international relations are a positive sum game (Keohane, 1984; Ruggie, 1993). Experiences with multilateralism and with regional international institutions are said to encourage cooperation. Transparency, reciprocity and habits of collaboration are seen as self-reinforcing. In order to achieve their own domestic needs for economic growth, countries find not only these experiences beneficial, but such cooperation spills over across related functions and issue areas. A generation ago, scholars writing and theorizing about regional integration in Western Europe defined this process as one of ‘spillover’. For liberal internationalists and globalists there is at least an implied analogy with that European experience despite the immense differences in geography, history and path dependence.5 That assumption has some basis in the areas of economics and trade, though the mercantilist and predatory behavior of China provides a serious contrary indicator. In the security realm, however, there is little reason for such an optimistic assumption. Cases in point include nuclear proliferation (North Korea, Iran), tensions in East Asia (China, Japan, Vietnam, South Korea, the Philippines, the East and South China Seas) and conflicts in the Middle East (Iran, Syria, Saudi Arabia, Qatar, Egypt, Lebanon, as well as Israel and the Palestinians). Nonetheless there are exceptions. Brazil has played a continuing role in UN Peacekeeping. It assigns nearly 2500 military and police personnel to those missions and has played a leading role in Haiti, where it has commanded the UN’s operation since 2004. It also has headed the maritime component of UNIFIL (Lebanon) since 2011. In addition, Turkey has participated actively in NATO-led peacekeeping missions in Bosnia (SFOR), Kosovo (KFOR), and Afghanistan (ISAF).

Skepticism about the BRICS and the momentum assumed by liberal internationalists has not been scarce.6 Realist scholars have understandably been critical of the assumptions underlying these approaches as well as of the foreign policy choices they imply. However, other scholars too have found increasing reason for criticism. For example, Barma et al (2013, p. 56) have recently observed that, ‘Instead of a gradual trend toward global problem solving punctuated by isolated failures, we have seen over the last several years essentially the opposite: stunningly few instances of international cooperation on significant issues’. Moreover, Patrick (2010, p. 44) of the Council on Foreign Relations has cautioned that, ‘The United States should be under no illusions about the ease of socializing rising nations. Emerging powers may be clamoring for greater global influence, but they often oppose the political and economic ground rules of the inherited Western liberal order, seek to transform existing multilateral arrangements, and shy away from assuming significant global responsibilities’. In this regard, Laidi has argued that despite their own heterogeneity, the BRICS actually share a common objective in opposing Western liberal internationalist narratives that run counter to traditional state sovereignty. Instead, they seek to protect their own prerogatives, independence of action and national autonomy in an increasingly interdependent world (Laidi, 2012, pp. 614–615).

### Solvency

#### Courts circumvent.

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

But the federal courts represent a massive stumbling block for any progressive antitrust movement. Reformers have identified two paths forward; both lead eventually to the court system. The first is relatively moderate: appoint regulators who will actually enforce the laws already on the books. Warren’s plan rests in part on this straightforward idea. The second, more audacious path requires congressional action to amend and strengthen our current laws. Warren’s call for a new ban on technology companies’ buying and selling via their own platforms falls into this category. Klobuchar has also proposed new antitrust legislation that would make it easier to block harmful mergers and acquisitions. But no matter its content, enforcing a law requires persuading a judge. When it comes to U.S. antitrust laws, federal judges—not Congress, and not regulatory agencies—are the ultimate arbiters. The Department of Justice Antitrust Division, one of our two public enforcement agencies, files all its cases in federal courts. And although the Federal Trade Commission (the other) can decide cases internally, the inevitable appeals eventually end up in court as well. No matter how strongly worded a law may be, ideologically driven judges can usually find a way around enforcing it. The cyclical history of U.S. antitrust law is proof that judges wield nearly limitless institutional power in this area. Soon after Congress passed the Sherman Act in 1890, a conservative Supreme Court began to chip away at its effectiveness. Congress reacted in 1914 with the Clayton Act, which sought to ban anticompetitive mergers. In 1936, at the height of the New Deal era, Congress passed the Robinson-Patman Act, which prohibits price discrimination (charging different prices to different buyers for the same product). These laws were actively enforced for decades. But starting in the late 1970s, conservative judges began to erode the Clayton Act. Today, megamergers among competitors such as Bayer and Monsanto barely raise eyebrows. So-called vertical mergers, which combine suppliers and their customers, are now all but immune from antitrust enforcement—see the DOJ’s failed challenge to AT&T and Time Warner’s recent tie-up. Under the business-friendly Roberts Court, the Robinson-Patman Act has similarly been eviscerated. By the 2000s, the ideas of the conservative Chicago School had become mainstream in antitrust circles. Robinson-Patman, a law intended to protect small businesses, was an easy target for Chicago School critics narrowly focused on efficiency and low consumer prices. Their attacks found a receptive audience in the federal judiciary. Among insiders, Robinson-Patman is now known as “zombie law.” It remains on the books, but regulators no longer bother trying to enforce it. If Democrats want to change antitrust law, they will first and foremost need to change the judges who apply it. Yet none of the 2020 contenders championing antitrust reform have even mentioned the possibility of appointing progressive antitrust thinkers to the bench. Conservatives, on the other hand, have long recognized the centrality of antitrust to broader questions about the apportionment of power in society. In his seminal work, The Antitrust Paradox, Robert Bork called antitrust a “microcosm in which larger movements of our society are reflected.” Battles fought in this arena, Bork wrote, “are likely to affect the outcome of parallel struggles in others.” Strong antitrust enforcement keeps powerful monopolies in check. Toothless antitrust allows the unlimited accumulation of corporate power. Recognizing the high stakes, the Republican Party has gone to great lengths to appoint conservative antitrust experts to the federal judiciary. Bork was an antitrust professor at Yale Law School before becoming an appellate judge in 1982.\* Frank Easterbrook practiced and taught antitrust before donning the black robe in 1985. Douglas Ginsburg served as the head of the Justice Department’s Antitrust Division before he became a federal judge in 1986. None of the three managed to join the Supreme Court, but not for lack of trying. Reagan nominated both Bork and Ginsburg to serve as justices, though Ginsburg withdrew and Bork was famously rejected after a contentious Senate hearing. And whom did the GOP select as its very first U.S. Supreme Court nominee during the Trump Administration? None other than Neil Gorsuch, who practiced antitrust law for more than a decade before joining the Tenth Circuit. Even as a judge, Gorsuch continued to teach a law-school course on antitrust until his confirmation to the Supreme Court in 2017. Once upon a time, progressives demonstrated similar concern about judicial treatment of antitrust laws. Justice Stephen Breyer, for example, served as special assistant to the head of the DOJ Antitrust Division bef

ore his judicial appointment by President Jimmy Carter. Earlier still, Justice John Paul Stevens was an antitrust lawyer, scholar, and professor before his appointment to the bench. Today’s Democratic 2020 hopefuls seem to have forgotten the lessons of history. Their antitrust proposals focus exclusively on appointing the right regulators and amending our current statutes. These are right-minded ideas, but they overlook the central role judges play in our political system. There is an old saying in the legal community: “Hard cases make bad law.” That may be true, but it is just as often the case that bad judges make bad law. Real antitrust reform will require more than regulatory and legislative tweaks; it will require the right judges.

## 2NC

### T

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

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

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

Aerospace

Agribusiness

Automotive

Biopharmaceuticals

Chemicals

Consumer Goods

Energy

Environmental Technology

Financial Services

Logistics and Transportation

Machinery and Equipment

Media and Entertainment

Medical Technology

Professional Services

Retail Trade

Software and IT Services

Textiles

Travel, Tourism, and Hospitality

#### B ⁠— 32 million companies

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

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

#### C ⁠— aff could further disaggregate:

#### Prohibitions can be global

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

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

#### AND specific products

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

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

#### violates “practices” ⁠— it must be repeated, customary, and the usual mode — a singular act can’t constitute a practice

Ohio Court of Appeals 59, (YOUNGER, judge, 1959, Opinion in City of Defiance v. Nagel, 108 Ohio App. 119 - Ohio: Court of Appeals, Google Scholar Caselaw)

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

#### “The” is used to denote a specific entity

American Heritage 2k

(Fourth Edition, http://dictionary.reference.com/browse/the)

the1     P    (*th* *before a vowel;* *th* *before a consonant*)

*def.art.*

Used before singular or plural nouns and noun phrases that denote particular, specified persons or things: the baby; the dress I wore. Used before a noun, and generally stressed, to emphasize one of a group or type as the most outstanding or prominent: considered Lake Shore Drive to be the neighborhood to live in these days. Used to indicate uniqueness: the Prince of Wales; the moon. Used before nouns that designate natural phenomena or points of the compass: the weather; a wind from the south. Used as the equivalent of a possessive adjective before names of some parts of the body: grab him by the neck; an infection of the hand. Used before a noun specifying a field of endeavor: the law; the film industry; the stage. Used before a proper name, as of a monument or ship: the Alamo; the Titanic. Used before the plural form of a numeral denoting a specific decade of a century or of a life span: rural life in the Thirties.

#### Half a dozen defs

Merriam Webster—(English language dictionary). The. https://www.merriam-webster.com/dictionary/the. Accessed 9/17/21.

Full Definition of the (Entry 1 of 4)

1a—used as a function word to indicate that a following noun or noun equivalent is definite or has been previously specified by context or by circumstance

put the cat out

b—used as a function word to indicate that a following noun or noun equivalent is a unique or a particular member of its class

the President

the Lord

c—used as a function word before nouns that designate natural phenomena or points of the compass

the night is cold

d—used as a function word before a noun denoting time to indicate reference to what is present or immediate or is under consideration

in the future

e—used as a function word before names of some parts of the body or of the clothing as an equivalent of a possessive adjective

how's the arm today

f—used as a function word before the name of a branch of human endeavor or proficiency

the law

g—used as a function word in prepositional phrases to indicate that the noun in the phrase serves as a basis for computation

sold by the dozen

h—used as a function word before a proper name (as of a ship or a well-known building)

the Mayflower

i—used as a function word before a proper name to indicate the distinctive characteristics of a person or thing

the John Doe that we know wouldn't lie

j—used as a function word before the plural form of a surname to indicate all the members of a family

the Johnsons

k—used as a function word before the plural form of a numeral that is a multiple of ten to denote a particular decade of a century or of a person's life

life in the twenties

#### The consumer welfare standard ⁠— here’s a solvency advocate that lists tons of ways to change the CWS ⁠— [insert it here]

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

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

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

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

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

• The ability to price or wage discriminate;

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

• The ability to exclude competitors; and

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

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

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

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

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

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

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

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

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

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

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

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

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

MERGER POLICY UNDER SECTION 7 OF THE CLAYTON ACT

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

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

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

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

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

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

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

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

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

CONCLUSION

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

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

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

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

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

### Economism

#### Their method of cost benefit analysis is racist

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When it comes to legal institutions that reinforce existing race-based power disparities and perpetuate racial injustice, few are more insidious, pervasive, and influential on a day-to-day basis than cost-benefit analysis and the role it plays in the U.S. regulatory system. The prominence of cost-benefit analysis has grown steadily over the past 40 years, and conservative opponents of regulations continue to push its expansion – to the point of displacing the clear statutory authorities that Congress has conferred upon agencies. In turn, this trend has been one of the leading contributing forces to the deepening entrenchment of structural racism endemic to the U.S. regulatory system. Tapping into cost-benefit analysis’s theoretical foundations in welfare economics, its champions describe it as an effort to promote policies that will increase the aggregate “welfare” of all members of society as much as possible. Since it is difficult to measure aggregate welfare, or even agree on what it means, they use the size of the nation’s economy as a proxy. In practice, that means that the quality of regulatory decision-making is judged by the extent to which it succeeds in maximizing wealth as determined through cost-benefit analysis. According to defenders of cost-benefit analysis, the virtue of this myopic focus on maximizing economic growth is that it promotes rational decision-making that is insulated from the messiness of resolving incommensurable subjective values – justice and equity among them. In reality, though, this claim to objectivity is false. That’s because the choice of wealth maximization as a policy goal is itself a value-laden one that carries all kinds of moral baggage. Specifically, this choice reflects the economists’ value preference for economic efficiency at the expense, even the exclusion, of all other values. And, given that the economics profession is overwhelmingly white and the practice of cost-benefit analysis tends to be the province of wealthy elites, foregrounding this otherwise hidden or unacknowledged subjectivity is important to understanding its inherent racism. More to the point, this commitment to “moral objectivity” is what makes cost-benefit analysis such an effective conduit for injecting racism into regulatory decision-making. It is, so to speak, the methodology’s racist original sin. It provides the methodology with a veritable blank check to ignore distributional concerns that often arise when a particular regulation enhances one group’s welfare at the expense of another. This, of course, becomes problematic when such distributional issues serve to reinforce preexisting racial inequities. This commitment also explicitly requires agency decision-makers to disregard important values implicated by their regulations, many of which, such as equity and justice, are foundational to American democracy and the purpose of the legislation under which they regulate. Even more outrageously, the corollary to this conscious disregard is that it effectively forces agency decision-makers to give equal moral footing to even the most undesirable of individual preferences, including, for example, a bigot’s preference to discriminate against members of racial minorities. The practical result of cost-benefit analysis’s false objectivity is that nearly every step of its methodological process affords an opportunity for smuggling racism into the regulatory system, much as the facile rhetoric of “colorblindness” – whether the product of good faith naiveté or more sinister ulterior motives – has enabled racism to flourish in our country and weave its way into the fabric of many of our institutions. This is true of the methodology’s first step when the analytical baseline against which potential policy impacts are to be measured is defined. By adopting the nation’s status quo conditions of injustice and inequality as part of this baseline without critical interrogation, cost-benefit analysis implicitly provides these conditions with moral sanction. Whether it is centuries’ worth of institutionalized wealth theft resulting in widespread poverty among the Black community, the concentration of Black families in pollution “sacrifice zones” brought about by decades of land use segregation, or a criminal justice system that has reinvented slavery in the modern-day guise of mass incarceration – all these injustices and more become reduced to mere undistinguished background features that comprise the cost-benefit analysis landscape. Once baked into to the baseline, racism becomes inextricably intertwined with the rest of the analysis, its effect accumulating and magnifying with each step. The Department of Justice once performed a cost-benefit analysis on a rule to prevent the incidence of prison rape, for example. Even as this horrific exercise sought to calculate to the last penny the “value” or preventing a full catalog of different kinds of sexual assaults, it made no attempt to account for the fact that a disproportionate number of the victims are Black and had been improperly incarcerated in the first place. Or imagine an air pollution regulation that requires petrochemical companies to install emissions controls to protect nearby frontline communities. As a cost-saving measure, though, these companies intentionally site their facilities among or near impoverished minority populations, where land is cheap and political power is in short supply. The Environmental Protection Agency’s (EPA) cost-benefit analysis then compounds this injustice by treating the expenses these companies incur to clean up their pollution as a “cost.” Note that the company's “right” to pollute is considered a cost-free given in that analysis. Cleaning up their mess is regarded as the cost, the burden to be minimized. Not the pollution. From a society-wide point of view, it would be more ethically defensible to regard these expenses as a benefit since they would function as a measure of corrective justice for the ill-gotten gains that petrochemical companies have earned through a business model intentionally designed to profit off of structural racism.

#### “Case outweighs” is a link---images of apocalyptic suffering dispossess black and indigenous people and obscure ongoing apocalypse

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We argue that scientific debates and cultural representations offer parallel imaginings of apocalypse that escape specific culpability (for instance, in processes of settler colonialism, capitalism, or imperialism) and instead center a universal human frailty that ends with triumph, a clear moral, and a clean slate. Not all imaginaries reiterate this narrative; in closing we turn to fantastical artwork that holds the violences of colonialism, racism, and environmental destruction in tandem with creative and abundant futures. Our aim, as three scholars working at the intersection of climate justice, geopolitics, and futurity, is to bring race more firmly into conversations of the Anthropocene. We suggest that apocalyptic imaginings have often been framed through an exclusionary hierarchy of humanity, necessitating closer examination of how cliche´d genre conventions that saturate our media environment rely on anti-Black racism and indigenous erasure. Without such attention, we risk reiterating these cliche´s in narrating environmental crisis. We focus on renderings of the apocalypse in American popular culture as a window into cultural anxieties, following scholars in media studies and ecocriticism (Murray and Heumann, 2014; O’Brien, 2016; Willoquet-Maricondi, 2010) and geography (Dittmer and Gray, 2010; Dodds, 2008; Kennedy and Lukinbeal, 1997; Lukinbeal and Zimmermann, 2006; Sharp, 1998). Bettini (2013) and Hartmann (2010) caution that unexamined apocalyptic imagery in policy documents will shift governance in response to climate change from politics to security. The spillage of sci-fi into science and security is not hypothetical; consider the U.S. Army’s recent “Mad Scientist Science Fiction Writing Contest,” encouraging contestants “to explore fresh ideas about the future of warfare and technology...with implications for how the Army operates in future conflicts” (US Army Training and Doctrine Command, 2016). We write here for political geographers, political ecologists, and scientists engaging with the politics of the environmental future. It is beyond our expertise to comprehensively detail genres of apocalypse, but rather we outline three among many possible geo-historical junctures that can clarify the political stakes of the Anthropocene. This does mean, as we explain later, that our readings of the films lean into the cliche´s of these genres, rather than untangle their simultaneous complexity. We understand these geo-historical junctures as flashpoints of a “master-narrative of the political unconscious” (Jameson, 1982), a turbulent reckoning with what it means to be human that is fraught with the racialized hauntings of genocide, slavery, and ongoing imperialism. What kind of urgency does the Anthropocene produce? For whom? Baldwin (2012: 172) argues whiteness is figured through “tropes of uncertainty, Utopia, apocalypse, prophesy, hope, fear, possibility and potentiality.” Here, we disaggregate futurity’s tropes in conversation with a parallel undoing of the fundamentally racialized definitions of humanness (da Silva, 2011; Gilroy, 2018; Weheliye, 2014; Wynter, 2003). At the core of processes that accelerated environmental devastation, now represented as global, has been the consistent sacrifice of some lives for the betterment of others. The Anthropocene uncomfortably reiterates a nature/human binary figured in racialized terms, at times serving as a proxy for deep-seated anxieties of racialized Others “taking over” the planet. We construct three geo-historical junctures: a staged encounter between geological proposals under review by the Anthropocene Working Group and corresponding cinematic apocalyptic genres. Building on Jameson’s (1982: 153) articulation of sci-fi as dramatization of “our incapacity to imagine the future... the atrophy of the utopian imagination,” we analyze how these apocalyptic imaginaries break down or intensify human/nature divisions in ways that sometimes disrupt but more often reinvigorate a racial classification of humanity. We begin by reviewing the Anthropocene as a collective contestation over what it means to be human, elaborate our rationale for examining popular culture, and then analyze the underlying racial premises of common Hollywood tropes. We close the article with warning signs and alternate imaginaries that disrupt this troubled legacy. Anthropocene as apocalyptic futurity We build on a rich tradition of “storytelling” in environmental justice activism and research (Houston and Vasudevan, 2017) that examines the Anthropocene as a narrative (Buell, 2014) whose meaning is being contested among scientists, social movement actors, critical theorists and cultural producers. What then do we learn from the storytelling that takes place in debates over when the Anthropocene began? Lewis and Maslin (2015, see also Davis and Todd, 2017) propose, 1610 as start date: the conquest of the Americas. This territorial accumulation highlights, “a long-term and large-scale example of human actions unleashing processes that are difficult to predict or manage” (Lewis and Maslin, 2015: 177). While the, 1610 proposal has not gained traction in the scientific community (Hamilton, 2015), its acknowledgment of colonization’s genocidal violence makes possible a more incisive understanding of what is meant by the designation of the epoch (Davis and Todd, 2017). Other proposals also highlight politically charged moments in history, and are read as Gergan et al. 93 a corrective to Enlightenment hubris (Lovbrand et al., 2009). As noted by Robbins and € Moore (2013: 9), “Anthropocene scientific culture thus simultaneously displays a panicked political imperative to intervene more vocally and aggressively in an earth transformation run amok and an increasing fear that past scientific claims about the character of ecosystems and their transformation were overly normative, prescriptive, or political in nature.” Analyzing climate change as a literary narrative explores how scientific knowledge gains traction, “[crystallizing] the anxieties of a wider public” (Buell, 2014: 272). For Yusoff (2013), this “geological turn” pushes our focus beyond social relations with fossil fuels and human impacts on Earth, to think of human being as itself geologically composed; the social then emerges as an expression of geology and geochemistry. The Anthropocene debate offers critical scholars a rare opportunity to engage with the scientific community, making possible a more political geoscience (Castree, 2015: 15). However, these proposals may elide who is contained within the “human,” while potentially legitimating “non-democratic and technophilic approaches, such as geoengineering” (Baskin, 2015: 11). Ahuja (2016) argues, “Geology is a spawn of the colonial capitalist assemblage that is rapidly transforming the planet... the discipline cannot stand objectively outside the relations that term clumsily attempts to name.” We find ourselves in agreement with theorization of the Capitalocene that challenges the narrative of a “fictitious human unity” erasing the unevenness of ecological violence (Haraway, 2016; Moore, 2017), and in agreement with critiques centering the persistent role of colonial processes and settler colonialism as inseparable from climate-driven conditions of violence (Davis and Todd, 2017; Whyte, 2016, 2013). For Baldwin (2014: 525), climate change anxieties reiterate the human as a racial category “at a moment often characterized as simultaneously post-racial and post-human.” While post-humanist scholarship has presented an important critique of the anthros, postcolonial, decolonial and critical race studies suggest that analysis of the Anthropocene must consider how colonial demarcations of the human–nonhuman boundaries were premised upon and developed alongside racial hierarchies of human difference (Gilroy, 2018; Jackson, 2013; Livingstone et al., 2011). Ecological anxieties abound (Robbins and Moore, 2013), and “fantasies of apocalypse are both a product and a producer of the Anthropocene” (Ginn, 2015: 352). But what politics do visions of future catastrophe engender (e.g. Baldwin, 2012; Ginn, 2015; Katz, 1995; Schlosser, 2015; Skrimshire, 2010; Swyngedouw, 2013)? Following the premise of popular geopolitics, we understand that popular culture narratives enable particular forms of truth making, inciting affective predispositions that generate political action (or inaction) (Dittmer and Gray, 2010; Dodds, 2008; Sharp, 1998). Apocalyptic film can be consumed as a spectacle of future ruin that closes space for political action by fetishizing causes (such as carbon), proposing technological fixes, and downplaying unevenly violent results of ecological change. But it can also be a form of social dreaming that makes different futures possible (Ginn, 2015; Schlosser, 2015). What kind of present is generated by representations of the future that reinscribe the racialized colonial origins of the Anthropocene? Future rendered as “white decline” is fundamental to the operation of biopolitical projects in the present (Smith and Vasudevan, 2017). This anxiety is new in the specificity of Anthropocene as discourse, but also contains strands of familiar apocalyptic imaginings, and crossover between policy and pop culture. The cover of The Population Bomb (Erhlich, 1968), centers a small white baby in a bomb to generate anticipatory fear and action in the form of “population control.” This neoMalthusian vision is one among many cultural productions of its time that reveal the undercurrent of fear under the guise of preventing war and environmental catastrophe (Hartmann, 1995). But Public Enemy’s, 1990 Fear of a Black Planet album cover art is, 94 EPD: Society and Space 38(1) to our eyes, a franker reading of overpopulation fears: a vision of a Black planet eclipsing the earth, with Star Wars lettering and the words “the counterattack on world supremacy” repeating at the bottom. This cover art renders visible the submerged storylines of reversal and takeover that occur through proxies and fantasy in mainstream pop culture. White fragility (DiAngelo, 2011) is here stripped of pretense. Geo-historical junctures and disasters as revelation As scholars sift through the evidence to fix, subvert, or complicate the temporality of the Anthropocene, their choice of markers echoes other imaginings of disaster in revealing ways. In what follows, we trace webs of connection between these geological markers and other imaginings of catastrophe, to render visible the racial components of future-oriented anxiety in which race is a fundamental but invisibilized mechanism of racial neoliberalism (Baldwin, 2016; Goldberg, 2008). The determination of when the Anthropocene began centers on potential “golden spikes” or Global Stratotype Section and Point (GSSP) markers that signal global change – that is, markers in glacier ice, in rock, or in sediment. Along with a geological imprint, Crutzen and Stoermer (2000) argued that the proposed marker should correspond to an important global historical juncture, demonstrating how the choice of geological marker then also becomes part of a political story about human agency, culpability, the past, and the future (Lewis and Maslin, 2015). Here, we consider three geo-historical junctures in conjunction with corresponding cultural anxieties. First, Crutzen and Stoermer (2000) and subsequent studies (Waters et al., 2016) locate the start date of the Anthropocene in the Industrial Revolution. In Steffen et al.’s (2007) proposal, the Anthropocene is divided into three stages: Industrial Era (1800– 1945) marked by fossil fuel expansion, the “Great Acceleration” (1945–2015) marked by rapid industrialization and population growth, and the third stage “Stewards of the Earth System” (2015 onwards), a speculative period marked by growing awareness of humanity’s impact on nature. In this narrative of teleological humanism, strangely reminiscent of a crude variety of Marxism minus the labor theory of value, we find humanity as speciescoming-into-being as stewards of the earth. However, any hubris around humanity as geologic force finds itself wrestling with reports of dramatic shifts in weather patterns, melting ice caps, species extinction, and other unpredictable ecological outcomes. We identify the narrative of rising panic about climactic conditions or unpredictable nature overtaking humanity as The Great Deluge. Second, we consider the proposal (Lewis and Maslin, 2015; Zalasiewicz et al., 2015) marking the accumulation of radioactivity in sediment from nuclear fallout. This marker of the Anthropocene is also referred to as the “Bomb spike”: the peak in plutonium and artificial radionuclides from nuclear bomb testing. The first atomic explosion was conducted in New Mexico in 1945, followed by a peak in testing between the 1950s and early 1960s. Lewis and Maslin (2015) propose 1964 as the start date of this marker, because of the distinct, measurable peak in atmospheric radiocarbon. This marker not only refers to nuclear testing, but also the period since the 1950s labeled The Great Acceleration, characterized by an intensification of industrial and technological development of materials capable of destroying human and ecological life. While nuclear testing was celebrated as American techno-scientific might, for Lewis and Maslin (2015: 177) this is a “story of an elite-driven technological development that threatens planet-wide destruction.” We identify this proliferation of toxic and molecular nonhuman agents as Nuclear Cataclysm. Third, we consider the proposal (Lewis and Maslin, 2015) that the Anthropocene originates in 1610, marked by a dramatic increase in carbon sequestration due to reforestation Gergan et al. 95 following the colonization of the Americas (Lewis and Maslin, 2015). We map this proposal onto the recurring trope of The Population Bomb and anxieties about racialized populations. Lewis and Maslin (2015: 174) define the “Orbis Spike,” as follows: “The arrival of Europeans in the Caribbean in 1492, and subsequent annexing of the Americas, led to the largest human population replacement in the past 13,000 years, the first global trade networks linking Europe, China, Africa and the Americas, and the resultant mixing of previously separate biotas, known as the Columbian Exchange.” This “exchange,” led to an unfathomable decline: with an estimated beginning population of between 54 and 61 million people being reduced to 6 million within less than 200 years due to war, disease, enslavement, and famine. This devastation left its mark as the regeneration of an estimated 50 million hectares of forest led to increased carbon uptake and a decline in atmospheric CO2 that in turn was documented in Antarctic ice core records. Both Lewis & Maslin’s proposals and these films are warnings: they work to generate an affective reaction and relationship to the environment with a specific political intent. Here, we build on media analysis traditions in geography and ecocriticism, to outline particular genres of future-oriented cultural production (mainly films, but also science fiction, art, television, music videos, and animation). We approach these genres and particular exemplars as specific forms of apocalypse. We are grateful to one anonymous reviewer who pointed to the dual meaning of the term, apocalypse both as “a disaster resulting in drastic, irreversible damage to human society or the environment, especially on a global scale,” and as “revelation” or “disclosure” (Oxford English Dictionary Online, n.d.). Drawing on this understanding of apocalypse as disasters that reveal, our approach has been to comb through pervasive representations of apocalypse (here, mainly US) popular culture, and outline the recurrent tropes that cohere into specific genres. We began with an open field and developed a list of cliche´d tropes of disaster films that contain an element of futureorientation and generated box office success (we excluded, for instance, Twister and alieninvasion films). Here, we created a broad taxonomy that we hope to elaborate on in future work: nature’s revenge films, here captured in “The Great Deluge,” films that evoke fears of nuclear power or weapons gone awry, here designated as “Nuclear Cataclysm,” and zombie and contagion-based films that evoke population-related fears, here glossed as “The Population Bomb.” For the Great Deluge and Population Bomb, we discuss the genre broadly, but then focus on The Day after Tomorrow, and World War Z, respectively, which are the highest lifetime grossing films of the two genres. For fears of Nuclear Cataclysm, our task was complicated as we noticed a sharp rise in films corresponding to Cold War geopolitics, and then a striking absence after the 1980s, replaced by the genre of irradiated Superheroes. We suggest that the absence of nuclear fears is itself revealing of the uneven and racialized distribution of nuclear risk. We want to emphasize that there are nuances in some of these individual films that are well worth exploring, but that the scope of our argument and limited space here confines us to much broader brushstrokes. We push to consider the political implications of designating the starting point of the Anthropocene by uncovering the meanings that inform the cultural context within which these decisions are made, with special attention to the “revelation,” and “disclosure,” of racialized evacuation of responsibility or designation of culpability. This approach has led us to three genres that for us form geo-historical junctures: collisions between scientific reasoning of the Anthropocene and cultural fears that are embedded in future imaginaries. Lukinbeal and Zimmermann (2006) argue that cinematic technologies are embedded in sociocultural practices, and that science fiction is particularly revealing (Jameson, 1982). How have films primed their audiences to interpret the future in ways that both reflect and prefigure policy responses and ontological assumptions about the ongoing and impending 96 EPD: Society and Space 38(1) effects of Anthropocene living? In the following section, we think through the archive of existent cultural representations of future catastrophe, and the eerie echoes that link cinematic cultural worlds with the geologic era. In this, we find that apocalypse films, intended as forms of revelation, often unwittingly reveal something other than intended. The great deluge Fears of an ecological catastrophe fueled by industrialization and overconsumption are reflected in the growing genre of climate fiction or “cli-fi” (Dan Bloom, cited in Svoboda, 2016). Whether they take the form of a hurricane full of sharks in Sharknado, rising seas in Waterworld, synchronized hailstorms, tornadoes and blizzards in The Day After Tomorrow (TDAT) or the eruption of the earth’s core in 2012, cli-fi films portend impending disaster where nature takes revenge on an unwitting human population that realizes its mistakes too late. On the surface, cli-fi films challenge climate inaction by sensationalizing extreme events, a liberal Hollywood version of Al Gore’s charge to accept the “inconvenient truth” of climate change. However, erasing the work of earlier generations of eco-apocalyptic fables, such as Carson’s Silent Spring which inspired a generation of environmental activism, cli-fi obfuscates the connections between climate change and structural conditions in a battle of (triumphant survivor) Man v. (vengeful uncontrollable) Nature. In cli-fi, disaster becomes another storyline for proclaiming white victory. The predominant tendency in cli-fi is the representation of the apocalypse as “The Great Deluge”: a real or figurative wave that threatens to overwhelm all humanity in climate events of biblical proportions. TDAT is said to have generated more than ten times the news coverage than the, 2001 IPCC report, and had a significant impact on public understanding of climate change (Lieserowitz, 2004). At the center of the story is a paleoclimatologist who draws attention to an imminent Ice Age but is ignored by the powers that be. Superstorms wreak havoc, and the scientist must save his trapped son in New York City. At the end, the new Ice Age arrives, covering the northern hemisphere in ice and snow, signaling that few survived except a small (mostly white) resilient band. While TDAT was critiqued by many climatologists for indulging in sensationalism and undermining scientific research, the movie portrays the scientific community as morally unfettered to a corrupt establishment. Here, scientists stand in for stewards of the earth, who are charged with both a moral authority and responsibility, a sentiment also reflected in Steffen et al.’s (2007) final stage of the Anthropocene. This stage speculates how geo-engineering efforts might offer solutions to our destructive human impact. This framing of science as savior obscures how a scientific rationality laid the foundation for Enlightenment thinking and the Industrial Revolution (Lovbrand et al., 2009). € The “Great Deluge” trope retrenches inherited categories of “human” versus “nature” implicit in the Anthropocene. Matthews and Simpson (2014: 22), note that cli-fi “presents an unexpectedly feral, unpredictable environment where an aggressive nature runs rampant.” Even if such stories begin with a critique of overconsumption, mid-way through the narrative, the causal arrow points squarely at a vengeful nature that must be subdued by humans. In TDAT, (as in World War Z, below), the stand in for “human” is a white middle-aged man, evoking the white savior trope and the scientist/savior figure (Murray and Heumann, 2014). As Tuck and Ree (2013: 640) note, mainstream (horror) US films are “preoccupied with the hero, who is perfectly innocent, but who is assaulted by monstering or haunting just the same.” TDAT invests white characters with scientific authority, as in one scene where a Black police officer ignores the white lead’s warnings, a mistake that ultimately costs his and others’ lives (McGreavy and Lindenfeld, 2014: 124). As climate change is declared a global Gergan et al. 97 threat, white maleness stands in for a universal human subject and the first sites to be destroyed are located in the northern hemisphere. On a more fundamental level, the threat to “humanity” represented in Great Deluge films are perhaps expressing what Baldwin (2016: 84) terms a white affect, a “pre-discursive intensity that forms when white positionality confronts the fantasy of its own death.” For a growing number of people, however, extreme weather events are not a dystopian future but a grim reality, while simultaneously, the presumed threat of “climate refugee” incursions is used to effect a securitization that targets migrants themselves (Ahuja, 2016; Bettini, 2013; Farbotko and Lazrus, 2012; Hartmann, 2010). Unlike the protagonists of TDAT, for those actually facing climate change, “The world is sectioned into nationals and nationalities for those who cannot afford to move or travel beyond their home countries. For the rich, the world is indeed transnational and deterritorialized” (Miyoshi, 2001: 292). The flip side of these films is the desire for a security apparatus reliant on technological innovation and governance. Through the construction of a seemingly universal post-racial apocalypse, Great Deluge films suggest “the guarantee of white supremacy lies in its capacity to contain the excess” (Baldwin, 2016: 84) of climate change’s consequences. In films like TDAT, risks posed by climate change are displaced onto others who are seen as lacking the resourcefulness of the survivor and viewer. This deferral of disaster to the future erases the ways in which climate change already affects livelihoods (differentially). The urgency of apocalypse promotes a temporality of anticipated white precarity belying the root causes of the Anthropocene in the longue dure´e of racial capitalism. While Hollywood movies in general center white male characters, cli-fi films portrayal of a universal human threat through the experience of a white Western core is at odds with realities of disparate vulnerability articulated by climate justice movements (e.g. Chatterton et al., 2013; Pettit, 2004; Pulido, 2012). This critique also draws our attention to the uneven geopolitics of climate change and science (Lukinbeal and Zimmermann, 2006), and how humanity has been defined in violent opposition against Black people (Weheliye, 2014). Nuclear cataclysm In analyzing the nuclear cataclysm genre alongside the “Bomb spike,” a radioactive isotope marker, the geopolitical context of this era becomes quite significant. Both the film genre and the marker appear in the aftermath of World War II where the hardening of borders and ideologies was accompanied by the re-interpretation of terms such as “nation,” “civilization,” and “race” (Williams, 2011). In the context of the Cold War, as former colonies declared their independence and challenged Euro-Western imperialism, nuclear dominance stood in for scientific and racial superiority. However, alongside triumphalist narratives of scientific might, 1950s films articulated a growing fear that nuclear technology could turn on its makers. In one of the first nuclear monster movies, Them! (1954), we find eight-foot long irradiated ants discovered in New Mexico after the Trinity tests. The same year, the cult classic Japanese film, Gojira was released, later remade for American audiences as Godzilla: King of the monsters. Noriega (1987: 68) notes the difference in the Japanese and American versions; the former symbolically repeats the trauma of Hiroshima, and the latter in its destruction of Godzilla, seeks to “repress[es] American guilt and anxieties about nuclear weapons.” Sontag (1966; cited in Anisfield, 1995: 55) believes that the destruction wreaked by these monsters also stimulated a cathartic moment for audiences, relieving them of their nuclear anxiety and guilt by allowing them to participate in the fantasy of “living through one’s own death and more, the death of cities, the destruction of humanity itself.” In the 1950s, mutant monsters, whether evolved from radiation or accidentally awakened 98 EPD: Society and Space 38(1) from pre-historic slumber by nuclear testing, signaled a growing fear of nuclear cataclysm as imminent threat. The Three-Mile incident in Pennsylvania (1979) and Chernobyl disaster (1986) shifted public fears from abstraction to reality, with films like The China Syndrome (1979) and Silkwood (1983) featuring hyper-realistic interpretations of nuclear war and contamination. The Day After (1983), a made for television film, is perhaps the most well remembered, a film that so affected Ronald Reagan he reconsidered his nuclear proliferation plans (Gault, 2015). Set in Kansas, the film presents a full-scale nuclear attack and its aftermath. As fears are building, a central character commenting about the imminent destruction says, “Hiroshima was peanuts.” In dark irony, the film utilized declassified film and photographs depicting the actual Hiroshima bombing; following this four-minute long scene, the film manifests a bleak post-nuclear landscape where annihilation is more desirable than survival. Mixed in with fears of revenge exacted by racial others, or irradiated monsters, was the awful possibility of “civilization” being blown back to a primitive era. The film ends with a warning: “The catastrophic events you have just witnessed are, in all likelihood, less severe than the destruction that would actually occur in the event of a full nuclear strike against the United States...” Following Arundhati Roy’s injunction that nuclear weapons are “white weapons,” Williams (2011) argues that nuclear cataclysms in science fiction has always been embedded with racial undertones, reflecting white moral and technological superiority and its destructive recklessness. As the Cold War ended, nuclear fears were gradually replaced in popular cultural imaginary with mutant superheroes like the Teenage Mutant Ninja Turtles, who present an alternate story of mutation and radiation (Falkof, 2013). In the trustworthy hands of Master Splinter and the ninja turtles, radioactive waste could be used for good. In the leap from edgy comic book to children’s television, the turtles’ mutation is never unsettling or threatening, and is instead “superseded by the positive aspects of their other traits [teenagers who love pizzas and also happen to be ninjas]” (Falkof, 2013: 46). Nuclear force no longer engenders fear, guilt, or anxiety in the viewer, sanitizing consequences of rampant and uncontrolled nuclear power. That the mainstream incorporation of TMNT has comedic elements and is produced for children marks the degree to which this genre has undergone a radical transformation from earlier iterations. Despite active concerns of nuclear waste disposal, ageing reactors, and contamination in the eventuality of extreme events like Fukushima, we find a notable absence of the Nuclear Cataclysm genre after the 1980s. Even as we consider new representations of nuclear technology, the question lingers, why has the Nuclear Cataclysm genre faded and what has it been replaced with instead? To some extent, American films have sublimated and redirected nuclear fears to terrorism (Dodds, 2008). Moreover, global warming has led to a renewed optimism around nuclear energy. Reporting on the ongoing cleanup efforts at Fukushima, Miles O’Brien argues that disasters gave nuclear power a dangerous reputation, but asks, “Is nuclear the villain here, or is it inattention to iterating and improving the technology?” (Staff, 2017). In this we find echoes of Steffen et al.’s (2007) final “Stewards of the Earth System” stage of the Anthropocene and its belief that ecological calamities can be averted with technophilic solutions. Optimism around nuclear technology masks the sobering reality of toxic legacies of uranium mining, processing, and waste disposal siting in the U.S, that have most severely impacted indigenous populations and racialized minorities from the U.S. Marshall Islands to the Navajo Nation and Alaska (Houston, 2013; Kyne and Bolin, 2016). Given the racialized burden of nuclear testing and siting – an ongoing apocalypse – its absence in American popular consciousness is telling but perhaps unsurprising. Gergan et al. 99 The population bomb The “Orbis Spike,” binds white North American settler colonialism to catastrophe and existential ecological crisis. However, in the eco-narratives that haunt both putatively environmental policies of population control and Hollywood fantasies, destructive invaders are figured quite differently. The Population Bomb (Erhlich, 1968) asked on its cover: “Population control or race to oblivion?” Neo-Malthusian fears imagine a fundamentally Other, hungry, and unmanageable population: an untamable horde. In 1973’s Soylent Green, the future brings a dehumanized urban mass fighting for green crackers...the origin of which is ominously revealed: “Soylent Green is people!” In a cannibalistic echo, Snowpiercer (2013) takes us to 2031: on this dystopian train that serves as a parable of economic class, food for the oppressed is made of cockroaches, but small children are used as the train’s replacement parts. Baldwin’s (2016) analysis of the climate migrant opens with a description of a London art exhibit: Postcards from the future, in which laundry hangs from landmarks, Jaipur monkeys clamber, and a squatter settlement sprawls in front of Buckingham Palace. Race is not named, but these images “scream race: the icons of Britishness, of whiteness... overrun by hordes of climate migrants” (Baldwin, 2016: 80; citing Goldberg, 2008). We argue that white affect, entangled with fears of a Black/brown population bomb, is sublimated and submerged by the dehumanizing consumption of humans as food (Soylent Green), as machinery (Snowpiercer), or as producers of life (Mad Max: Fury Road), in airports as ominous vectors of extinction-threatening disease in films like Contagion and Rise of Planet of the Apes, and through the lumbering zombies of World War Z (WWZ), as we examine below. While emerging from Afro-Caribbean cultural traditions and deeply tied to the violence of slavery, refracted through cinema the zombie emerged as a different kind of monster that could stand in for a range of horrors (McAlister, 2012; McIntosh and Leverette, 2008; Schlosser, 2017; Strauss, 2015). McAlister (2012: 461; see also Sheller, 2003) observes that the “the zombie represents, responds to, and mystifies fear of slavery, collusion with it, and rebellion against it.” In Hollywood, zombies shift from being racialized as mostly Black in the 1930s and 1940s to mostly white, mindless stand-ins for the sins of consumerist and militaristic Americans in the films of George Romero (1968’s Night of the Living Dead, and 1978’s Dawn of the Dead); in Romero’s films, human heroes are often Black, while zombies are “Hyperwhites” (Bishop, 2008; McAlister, 2012; Schlosser, 2017). Read as a threat to the freedom of the private self (May, 2010); as reaction to economic crisis (Fojas, 2017); as response to terrorism (Bishop, 2009); and as subaltern monster threatening colonial order through its postcolonial positioning (Bishop, 2008), zombies embody the edge of alterity (May, 2010; Saunders, 2012). We follow Saunders (2012) in viewing the current zombie turn as newly geopolitical and tied to fears of existential threat, but also maintain, with McAlister (2012) and Bishop (2008), that the zombie is complexly embedded in allegories of colonization. Schlosser (2017) posits zombies as fear of the loss of individual freedom to collectivity; we find these analyses of zombies to be commensurable with the framing of the white protagonist facing off against the hordes. WWZ, the highest grossing zombie movie in history, began as a novel written by Max Brooks, who was inspired by Studs Terkel and by Romero’s zombie movies (NPR Staff, 2012). The 2013 film departs wildly from the Brooks novel, and was developed by actor Brad Pitt and director Marc Forster after they failed to make a movie about AIDS (Holson, 2013). The film places Pitt as Gerry, a savvy UN operative who must save the world. The central white male character overcomes untenable odds through a potent mix of rational 100 EPD: Society and Space 38(1) and justified violence. He is motivated to save “humanity,” represented by his innocent white wife and daughters, thus placing the reunification of the heteronormative white family at the center of the drama (Fojas, 2017). The film repeatedly reinforces the point that connection is danger and people can become nonhuman: the opening credits splice images of people on their way to work, silly talk shows, teeming ants, and wolves fighting and tearing at prey. Absent Romero’s critiques of race-relations and consumerism, or the culturally rooted connection to slavery of the original zombie mythology, the zombies of WWZ are an ideal proxy for the horde. Zombies comprise teeming masses whose form remains identifiably human, but unrecognizably monstrous – in the terms of Tuck and Ree (2013, in reference to Haraway), this is “making-killable.” Within the film-world, the deployment of violence, unfettered by moral concerns, celebrates securitized settler colonialism enacted by the white protagonist through a cunning mix of science, cool wits, and violence. Each site in the film-world entrenches colonial geopolitics of security and control, but here, the most revealing site of epidemic is Israel. An elaborate conversation about the 1967 war justifies Israel as the most proactive in taking steps to securitize their borders. Jerusalem’s security wall thus protects against a horde of dehumanized zombies that pile upon one another like ants gone mad while they are attacked from the air. A brief moment of Israelis and Palestinians singing together in cooperation drives the zombies into a frenzy, leading to an irreparable breach as zombies spill over the wall and wreak devastation. After infecting himself with a deadly virus to become invisible to zombies, Pitt paves the way for the WHO to begin implementing a vaccine program, while people flee north to settle in for war. WWZ suggests that (militarized) science is magic, and that connections between places lead to contagion and dehumanization. A resilient white protagonist facing zombie hordes and pestilence threatening human extermination takes on a bitterly ironic resonance when put in relation to the conquest of the Americas. Hinging between white settler colonialism’s actual work of elimination and pestilence (Stannard, 1993) and zombie and contagion narratives’ imagined dehumanization, decline, and illness, we see an epic reversal, in which biopolitical mechanisms of white futurity are shored up by a profoundly duplicitous representation of who is threatened and who is threat. In WWZ, the mechanisms of settler colonialism are celebrated: suspicion is heroic, walls enable survival, quarantine is necessary. This ironic revisioning is one way that “white affect” (Baldwin, 2016) rescripts historical events through fantasies of its own future death. Outside Hollywood, this reversal emerges in policies that rewrite those subordinated by structural oppression as threats to security and the environment, or as helpless but dangerous victims (Bettini, 2013; Farbotko and Lazrus, 2012; Hartmann, 2010; Sundberg, 2007). Descent into chaos is mystified to promote support for classist and racist measures, technological solutions, and security. Warning signs: How not to survive an apocalypse By tracing how Anthropocene markers evoke apocalypse, we complicate the “newness” of the Anthropocene, unravel threads that bind it to racialized threat, and identify the geopolitics of apocalyptic thinking that perpetuate colonial and imperial destruction. Anthropocene discourse reflects Enlightenment thinking but also an attempt to redress it; that is, it reflects the problematic centrality of humans and a human/nonhuman binary even as it seeks to undo and problematize that logic and its destructive effects. Can we preserve the urgency of the Anthropocene without re-deploying destructive understandings of humans/nonhumans? Following Goldberg (2008), Weheliye (2014), Baldwin (2016), and others, we have sought to make visible how the future is carelessly (or intentionally) reiterative of the Enlightenment human/non-human demarcation that justified planetary colonization by white Europeans, engendering current crises. In working through the above analyses, we have i

dentified cinematic tropes that double as warning signs – the points at which you shout at the screen: “Watch out! You’re in danger!” As markers of white affect, they further the differential apocalyptic outcomes of the Anthropocene that reiterate death-dealing colonial violence. We frame these as warnings, because they emerge not only in films about mutant turtles and zombies, but also in scholarship and policy. When we encounter these, we suggest looking back at what came before, looking around to see who is included, and looking ahead, to examine what future is prefigured. Discussed in detail below, the five warning signs are: (1) temporal displacement of crisis into the future, (2) humans versus the horde, (3) the epic reversal in which the oppressed become the oppressor, (4) science is magic, and (5) the absence. Our first warning sign is “The apocalypse is coming (the crisis has just begun).” We recommend skepticism when environmental apocalypse is described as impending. Chimamanda Ngozi Adichie (2009) cites poet Mourid Barghouti to consider the designation of a starting point as a means of dispossession: “if you want to dispossess a people, the simplest way to do it is to tell their story and to start with, ‘secondly.’ Start the story with the arrows of the Native Americans, and not with the arrival of the British, and you have an entirely different story. Start the story with the failure of the African state, and not with the colonial creation of the African state, and you have an entirely different story.” A similar move is made in framing the Anthropocene as impending. Films like TDAT and WWZ place apocalypse in the present or near future, a temporal trickery that erases the already existing racial apocalypse. Secondly, we note the recurrent trope of “humans versus the horde.” We implore attention to how some characters are figured as preeminently human, while others may be figured as teeming hordes. Alternately narrated as humans versus zombies, or the white protagonist as savior, which renders people of color extras or collateral damage, this trope is echoed in political rhetoric of environmental conflict and scarcity, and in neo-Malthusian visions of untamable population growth calling for population control instead of reproductive justice. Here existing populations represent a future world of “climate refugees,” called into being to justify security tactics (Farbotko and Lazrus, 2012; Hartmann, 2010). Third, we are struck by the tendency for epic reversals – for rewritings that flip the scripts of history by imagining worlds in which the oppressed are the oppressors. With this warning sign, we attend to the curious reversals that we observe in the genre of apocalypse films. Films like WWZ rewrite disaster, casting the present or future as scenarios in which a small band seeks to outwit monstrous others. But this is a reversal of actual history, in which white colonization spread from Europe leaving death and destruction in its wake and native people faced with violence and disease. Some films self-consciously play with these tropes, such as the revived Planet of the Apes franchise, which engages the racialized tropes of the original film series to challenge a simplistic reversal of power through a schism among the apes. Fourth, we draw attention to the technocratic threads suggesting that “science is magic.” “We may have gotten it wrong before, but we just have to fix this glitch,” is a theme that runs through film and policy, as technological fixes and accompanying attempts to colonize space are imagined to provide an escape from social injustice, overconsumption, and environmental catastrophe. Snowpiercer’s premise defies the science is magic trope, portraying a world in which an attempt to fix global warming by climate engineering has backfired, plummeting the world into a global ice age, in which the only survivors circle the globe in the dystopian microcosm of a perpetual trainride. Finally, we ask: why do we see certain kinds of disasters in cinematic form, while others are missing? In writing this paper, when we began to develop a taxonomy of apocalyptic film genres, teeming hordes and deluges of major cities flew quickly to mind. We were struck by ways that other genres, such as fears of Nuclear Cataclysm, seemed fixed in the past despite (or perhaps because of?) ongoing risk as signaled by the recent meltdown in Fukushima and cascading effects connected to climate/natural hazards. We observe ongoing political use of nuclear fears in geopolitical discussions of North Korea and Iran, and we see thoughtful engagement with nuclear contamination in independent artistic work, but a marked silence in the fantasy genre. Why? Have climate induced hazards overwhelmed nuclear fears? The warning signs above are such common tropes that we appreciate the films that subvert or deconstruct them, such as Snowpiercer. But do we recognize these same tropes in political narratives, policy suggestions, and analyses of ongoing crisis? In our reading, the tropes above spiral out from the foundation of the Anthropocene itself, in a human/nonhuman distinction that comprises the very grammar of our undoing (Spillers, 2003; Weheliye, 2014; Wynter, 2003). Conclusion: Social dreaming and the abundant apocalypse Here, we have interrogated how reversal, hordes, and elision mark the white supremacy politics of the apocalypse. But do film and art also have the power to dismantle such tropes and inspire new worlds not premised on the present? For Ginn (2015), the Anthropocene as apocalypse is hopeful, containing affective excesses or reserves beyond anxiety that are necessary to fuel transformation, a kind of political knowledge he calls “earth dreaming.” Robbins and Moore (2013: 11) identify an “ecological anxiety disorder,” which emerges when ecological questions cannot be answered without the “positing of political questions.” In our conditions of imperial ruination (Stoler, 2013), the earth’s climate system is “an experiment promulgated by the world’s wealthy and powerful, largely at the peril of the world’s poor” (Robbins and Moore, 2013: 14). It is omnipresent, bearing down on every decision and making each further experiment both urgent and impossible. For Houston (2013), environmental storytelling is “world making” that emerges from communities dwelling in crisis – apocalypse as here, now, already in process, rather than deferred future. Recent work by Derickson and MacKinnon (2015) suggests a “politics of resourcefulness,” while Haraway (2016) encourages us to “stay with the trouble,” and Collard et al. (2015) encourage abundant futures with “more diverse and autonomous forms of life and ways of living together.” Responses to these calls must be premised upon a radical unraveling of the “human” center of Anthropocene imagining, and produce imaginings that render clear how the lexicon of humanity has always been based on exclusionary racial violence and logics (Spillers, 2003; Weheliye, 2014; Wolfe, 2006). Ghosh (2016) implores us to grapple through fiction with the unimaginable challenges wrought by climate change. Movements like Fighting Not Drowning, the People’s Climate March, and Idle No More make explicit connections to history, while also refusing to be contained by it. In this conjuncture, we witness how political articulations grounded in place-based movements are generating a “new planetary geographical imagination” that are challenging “the violent normalizations of a universal claiming to speak for the particular” (Jazeel, 2011: 87, 88). These movements also demonstrate a refusal to accept the fundamentally racialized nature of the human/non-human distinction that Afro-pessimists and other critical race theorists have demonstrated is fundamentally rooted in a violent bounding of humanity. Internal politics notwithstanding, the ongoing refusal by the Standing Rock Sioux, the broader Sioux nation, and the coalition of water protectors to Gergan et al. 103 allow the Dakota Access Pipeline to be built at Standing Rock disrupts colonial timelines of inevitability through insistence on both sovereignty (Curley, 2016; Dhillon and Estes, 2016; Whyte, 2017) and on the future as an insistently radical break. In closing, we consider a few examples of cultural productions that reveal the failures of apocalyptic thinking and address our warnings in novel and promising ways. Rupturing the anemic and iterative apocalyptic futurities we analyze above, these examples suggest a “collective sub-text” (Jameson, 1982: 148): a rising popular consciousness that rejects the master-narrative of racialized humanity in search of alternate and abundant futurities. We hope that these flashpoints of rupture will stir scholars of the Anthropocene to narrate apocalypse with greater attention to the revelatory warning signs outlined above, and inspire greater capacity for utopian imagination. Janelle Mona´e’s Q.U.E.E.N. music video (the acronym stands for Queers Untouchables Emigrants Excommunicated and Negroid), part of her larger conceptual project in which she is Cindi Mayweather, a messianic android, both relies upon and disrupts the aesthetics of the imagined future. Portraying herself and others as museum pieces, she uses the white voice of a captor to describe her work as a “musical weapons program” and her productions as freedom movements “disguised as songs, motion pictures, and works of art.” Mona´e builds on the narratives generated by Sun Ra and by George Clinton and ParliamentFunkadelic, to create time-traveling Black rebels sent back to disrupt the present (English and Kim, 2013). Despite stating, as part of the Wondaland collective, “We believe songs are spaceships. We believe music is the weapon of the future. We believe books are stars” (Wondaland, n.d.; cited in English and Kim, 2013: 218), Mona´e escapes the “science is magic” and “teeming hordes” tropes through lyrics that “suggest that pure optimism regarding technoculture understates its vulnerability to being shaped by commodity culture and by regressive notions of human subjectivity and categories of identity” (English and Kim, 2013: 218). In a different register, Frazier (2016: 40) turns to Octavia Butler and Wangechi Mutu, to “move beyond the limited correctives made available through the standards and conventions of Western formal politics,” and to “aesthetically reconstitute the (un)limits of humanity and construct alternative conceptions of ecological ethics within our present world and beyond it.” Frazier analyzes Butler’s Parable of the Sower (1993) and Mutu’s (2013) A Fantastic Journey, noting that despite differences of nationality and culture, both trouble ecology in promising ways. Parable’s apocalypse draws continuities to the past rather than rather than presenting a break; indeed, “the most jarring element of Butler’s future California is its similarities in aesthetics and patterns to the world we inhabit presently” (Frazier, 2016: 48). We are inspired by such work that reveals a different sense of temporality, displaying continuity between the past and ongoing injustice (the present past) or futurities that require fundamental breaks with the present. Such imaginings are freed from the trap of the “epic reversal”: by addressing temporal continuity, white panic over the oppressed gaining power does not drive the narrative. We find an illustration of this in the recent Netflix series Cleverman, which grapples with Australian settler-colonialism through a potent blend of aboriginal history and mythology, sci-fi fantasy, and allegory-heavy social commentary. The series emerged from indigenous writer and producer Ryan Griffen’s desire to give his young son a comic-book style indigenous superhero (Baum, 2016). Set in a dystopian near-future Australia, the series has been interpreted as commentary on ongoing mistreatment of aboriginal groups and other people of color. The show also redresses the erasure of indigenous artists and culture in mainstream media, with a mostly indigenous cast, soundtracks from an indigenous hip-hop artist, and dialogue by key characters in Gumbaynhggir, an aboriginal language whose use was discouraged until recently. Noting that eradication of cultures is also at the heart of the Anthropocene, Tolia-Kelly (2016: 790) implores 104 EPD: Society and Space 38(1) geographers, “to be mindful of our grammars, vocabularies, genealogies, and versions of historical space-time, through which are we articulating redress.” We have argued that cultural production and scientific production are entangled in the language and intent of social movements and the working of geopolitics. As Davis and Todd (2017: 767) suggest, “The stories we will tell about the origins of the Anthropocene implicate how we understand the relations we have with our surrounds...this understanding will have material implications not just for how we understand the world, but this understanding will have material consequences, consequences that affect bodies and land.” How do we respond to Baldwin’s (2016: 86) observation that “white affect pre-conditions population survival by repressing... affirmative, nomadic imagination”? One starting point is to engage with visions emerging from movements that are grappling with ongoing apocalypse: their narratives do not succumb easily to a dystopian future, calling instead upon powerful themes of endurance and refusal. This is very much a literary decision: what point of the Apocalyptic narrative are we in? The films we have critiqued here take place during or in the immediate aftermath of apocalyptic events. We argue for a more extended time-frame, a refusal to start with “secondly” (Adichie, 2009). If we begin from the premise that whiteness emerges through and creates affective registers that prompt, enable, and predispose certain people to particular political responses: how can we intervene? What imaginaries of the future both enable a political reckoning with the past and an embodied refusal of surrender to a white eco-apocalyptic future?

#### Links are disads to the perm---any use of economism makes the impacts inevitable and coopts alternative solvency

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In the Econocene, everyday life is driven and maintained by economism, which operates via common beliefs, is reinforced through public media, dominates political discourse and public decision-making, and is invading the natural sciences. Economism is embedded in the way we think and in how our institutions—from markets to political, legislative, and regulatory bodies—are structured. Its influence extends from familial relations to religious teaching. Economism is the pervasive, interactive, mutually reinforcing system of personal beliefs, methods of formal analysis, and institutional rationales that we must overcome to create a socially equitable, environmentally sustainable, and personally meaningful world. Portraying the current human condition in this way underlines just how sweeping and thorough a Great Transition must be. Achieving a Great Transition requires a comprehensive change in our belief system and the institutions in which it is embedded. Incremental changes will likely be overwhelmed by the larger economistic structure. Efforts to use economistic logic to solve problems created by that same logic, as seen in the discussion around “ecosystem services,” will simply reinforce the underlying problem. However, if we address the structure and belief system as a whole, exposing its flaws again and again, there is a chance that we can escape the destructive feedback loop it has produced.

#### Complexity in economic systems make antitrust predictions impossible---minimizing minor problems causes greater collapse down the road

Rozga 20 Kaj Rozga is a former Federal Trade Commission attorney with a breadth of antitrust experience representing clients in litigation, cartel, and transactional matters, How tech forces a reckoning with prediction-based antitrust enforcement, <https://techlawdecoded.com/how-tech-forces-a-reckoning-with-prediction-based-antitrust-enforcement/>

In Antifragile, uncertainty expert Nassim Taleb writes: “Man-made complex systems tend to develop cascades and runaway chains of reactions that decrease, even eliminate, predictability … the modern world may be increasing in technological knowledge, but, paradoxically, it is making things a lot more unpredictable.” Taleb is skeptical of what he calls “superfragile” predictions guided by economic theory and models which are inherently “unreliable for decision-making.” To him, “economics is like a fable—a fable writer is there to stimulate ideas, indirectly inspire practice perhaps, but certainly not to direct or determine practice.” According to Taleb, policymaking that uses economic models to manage complex systems in a top-down fashion is bound to fragilize things—no matter how well-intentioned the intervention might be. His most poignant examples of the dangers of expert-guided prediction-making come from looking at economic policy which, in an attempt to minimize short-term gyrations in the economy and financial markets, instead sets them up for larger blow-ups with systemic consequences. He concludes that “even when an economic theory makes sense, its application cannot be imposed from a model, in a top-down manner.” In Thinking, Fast and Slow, behavioral economist and decision-making researcher Daniel Kahnemann endorses a similar skepticism about relying on expert judgments to evaluate and make predictions about complex environments. Kahnemann summarizes research in various domains (medical, economic, etc.) finding that, due to limits and biases innate to human cognition, expert judgments amidst uncertainty and unpredictability—what he calls “low-validity” environments—are a dependably ineffective way to predict the future. Antitrust operates in precisely the sort of environment that the works of Taleb and Kahnemann would suggest is poorly suited for subjective, predictive decision-making. The lawfulness of a merger is determined by predicting whether it will cause prices to go up, a monopolist’s abusive conduct by conjecturing whether prices were inflated over a surmised competitive level—everything heavily reliant on economic theories and models. And the fact-specific inquiry of every antitrust case—especially when any case involving dynamic tech markets—means that its practitioners never get exposed to the sort of “regularity” and “prolonged practice” that Kahnemann concludes is necessary for subjective expert judgments to acquire predictive validity. If anything, low validity is supercharged in digital markets operating in vast ecosystems of constantly-evolving and interrelated markets with complicated relationships among its players. The works of Taleb and Kahnemann suggest that antitrust technocrats are on a fool’s errand that will result in inaccurate evaluations of market conditions and poor predictions about competitive effects. Bad competition policy will result, if for no other reason than the limits of human cognition and the complexities of the market environments being observed.

### Adv 1

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

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

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

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

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

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

Economic downturns can encourage war in some special circumstances, especially when a war would enable a country facing severe hardships to capture something of immediate and significant value. Saddam Hussein’s decision to seize Kuwait in 1990 fits this model perfectly: The Iraqi economy was in terrible shape after its long war with Iran; unemployment was threatening Saddam’s domestic position; Kuwait’s vast oil riches were a considerable prize; and seizing the lightly armed emirate was exceedingly easy to do. Iraq also owed Kuwait a lot of money, and a hostile takeover by Baghdad would wipe those debts off the books overnight. In this case, Iraq’s parlous economic condition clearly made war more likely. Yet I cannot think of any country in similar circumstances today. Now is hardly the time for Russia to try to grab more of Ukraine—if it even wanted to—or for China to make a play for Taiwan, because the costs of doing so would clearly outweigh the economic benefits. Even conquering an oil-rich country—the sort of greedy acquisitiveness that Trump occasionally hints at—doesn’t look attractive when there’s a vast glut on the market. I might be worried if some weak and defenseless country somehow came to possess the entire global stock of a successful coronavirus vaccine, but that scenario is not even remotely possible.

### Adv 2

#### Every hotspot cooperates over water.

Newton, IR PhD, 15–Josh Newton is a consultant on international water issues and holds a Ph.D. from the Fletcher School of Law and Diplomacy at Tufts University, Slate, December 9, 2015, “The “Water Wars” Trap”, http://www.slate.com/articles/technology/future\_tense/2015/12/water\_wars\_caused\_by\_climate\_change\_aren\_t\_something\_we\_need\_to\_worry\_about.html

Water is the principal medium through which climate change expresses itself, particularly through intensified floods and droughts. But despite melting glaciers, increasing water scarcity, and a run on resources, **there is not a single ongoing “water war” being fought on the planet**—**nor has there been one in 4,500 years**. Yet some media outlets are calling what’s happening in Syria and Iraq a water war and warning about potential future conflicts in Nebraska, India, China, and Turkmenistan. So how is it possible such an idea so thoroughly permeated public opinion when the evidence suggests otherwise?

**Drama sells.** From Dune to Waterworld to Mad Max: Fury Road, the public has been intoxicated by fantastical struggles over water. Media outlets have picked up on these sociological cues and are increasingly including “water wars” in the already terrifying list of adverse impacts we can expect from climate change. The result of **this sensationalized perspective on water scarcity** is that it **diverts focus away from the real issue of** poor management and **governance of water resources.**

Leading up to the Paris, a spate of studies emerged showing climate change’s impact on water scarcity, including the melting of glaciers, putting at risk billions of people’s water supply. The attention led to numerous articles that focused on national security concerns and even “water wars,” as the attraction or mystique around the concept of wars over water is difficult for both the media and individuals to ignore. It’s understandable, as our existential dependence on water for life creates a primal, visceral reaction to the idea of its scarcity. But, while there are real security considerations to take into account, **it is reductionist to claim water scarcity will equate to “water wars.”**

The attention, however, is counterproductive. **Strategically, water is a poor choice of resource to fight over.** First, **an upstream country would** not attack **a downstream country over water**, as it controls the flow from the territory it already occupies. In the case of a downstream country attacking an upstream country, the country downstream would have to be more powerful. **There are very few examples of this**, but one comes to mind and is instructive to inform the thinking on the likelihood of “water wars.” Consider the example of the Nile River in East Africa: Ethiopia is currently building the much-publicized Renaissance Dam upstream from Egypt and Sudan, a concern for the downstream countries because of the potential to capture or divert water. **Yet even in one of the drier parts of the planet, there have been continuous** diplomatic discussions**, now in their 10th round,** not war**, over finding solutions to the Renaissance Dam issue.**

Additionally, **war is expensive**. To control water, you must control territory, and then you must move the water to your own territory. **There are simply** cheaper solutions **than waging a war.**

**There are many examples of how, even in times of acute armed conflict, countries cooperated over their shared water.** Israel and Palestine consistently cooperate over water issues much more than they would lead anyone to believe. The Sri Lankan government and the Tamil Tigers cooperated over water before the war ended. Pakistan and India **signed the Indus Waters Treaty amid tensions in 1960.** **Cooperation has been the norm, not the exception**.

The reality is **that a “water war,”** an armed conflict between two nations over water resources, **has not been fought since 2500 B.C.** between the city-states of Umma and Lagash in the basin of the Tigris-Euphrates river system. According to research conducted by professor Aaron Wolf at Oregon State University, **the historical record consistently demonstrates** that **water is a greater catalyst for cooperation than conflict**, and there is reason to believe that **this trend will** continue **despite continuing global challenges of water scarcity.**

Ultimately, **there is more to gain via collaboration than war over shared waters**. Beyond the water itself, there are benefits to be derived from a basin as a whole, through cooperation, which include hydropower, agricultural production, improved water quality, and disaster risk reduction through upstream storage in case of drought and flood mitigation. **This does not even include potential spillover effects from cooperation like trade and regional integration.**

## 1NR

### Politics

#### 1---timeframe

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We are in the midst of a heated global competition. The race to take leadership in advanced technologies such as artificial intelligence, quantum computing, and 5G networks will determine the future balance of geopolitical power. Where the United States and its partners once enjoyed a clear edge, that advantage can no longer be assumed. China is racing ahead at full speed and trying to steal a march on a distracted United States in order to claim unrivaled technology leadership during the 21st century. We cannot afford to lose this critical competition. The Chinese model for achieving technological superiority is a clear and present danger. Through a sheltered domestic market, forced technology transfers by Western companies, outright industrial espionage, and intellectual property theft, China is forging technology champions designed to compete with and surpass their international competitors. Through legal mandates that force corporate cooperation with security and intelligence organs, Chinese technology companies serve as the eyes and ears of Beijing in a digital global economy. This model appeals to despots around the world, while cheap prices appeal to everyone else. Make no mistake of the existential stakes as to whether open societies or authoritarian regimes will set the course of the technological future.

#### Chinese tech leadership leads to digital authoritarianism and backsliding

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THE CHINA MODEL

The advancement of Ai-powered surveillance is the most significant evolution in digital authoritarianism. High-resolution cameras, facial recognition, spying malware, automated text analysis, and big-data processing have opened up a wide range of new methods of citizen control. These technologies allow governments to monitor citizens and identify dissidents in a timely—and sometimes even preemptive—manner. No regime has exploited the repressive potential of ai quite as thoroughly as the one in China. The Chinese Communist Party collects an incredible amount of data on individuals and businesses: tax returns, bank statements, purchasing histories, and criminal and medical records. The regime then uses ai to analyze this information and compile “social credit scores,” which it seeks to use to set the parameters of acceptable behavior and improve citizen control. Individuals or companies deemed “untrustworthy” can find themselves excluded from state-sponsored benefits, such as deposit-free apartment rentals, or banned from air and rail travel. Although the ccp is still honing this system, advances in big-data analysis and decision-making technologies will only improve the regime’s capacity for predictive control, what the government calls “social management.” China also demonstrates the way digital repression aids the physical variety—on a mass scale. In Xinjiang, the Chinese government has detained more than a million Uighurs in “reeducation” camps. Those not in camps are stuck in cities where neighborhoods are surrounded by gates equipped with facial recognition software. That software determines who may pass, who may not, and who will be detained on sight. China has collected a vast amount of data on its Uighur population, including cell phone information, genetic data, and information about religious practices, which it aggregates in an attempt to stave off actions deemed harmful to public order or national security. New technologies also afford Chinese officials greater control over members of the government. Authoritarian regimes are always vulnerable to threats from within, including coups and high-level elite defections. With the new digital tools, leaders can keep tabs on government officials, gauging the extent to which they advance regime objectives and rooting out underperforming officials who over time can tarnish public perception of the regime. For example, research has shown that Beijing avoids censoring citizens’ posts about local corruption on Weibo (the Chinese equivalent of Twitter) because those posts give the regime a window into the performance of local officials. In addition, the Chinese government deploys technology to perfect its systems of censorship. Ai, for example, can sift through massive amounts of images and text, filtering and blocking content that is unfavorable to the regime. As a protest movement heated up in Hong Kong last summer, for example, the Chinese regime simply strengthened its “Great Firewall,” removing subversive content from the Internet in mainland China almost instantaneously. And even if censorship fails and dissent escalates, digital autocracies have an added line of defense: they can block all citizens’ access to the Internet (or large parts of it) to prevent members of the opposition from communicating, organizing, or broadcasting their messages. In Iran, for example, the government successfully shut down the Internet across the country amid widespread protests last November. Although China is the leading player in digital repression, autocracies of all stripes are looking to follow suit. The Russian government, for example, is taking steps to rein in its citizens’ relative freedom online by incorporating elements of China’s Great Firewall, allowing the Kremlin to cut off the country’s Internet from the rest of the world. Likewise, Freedom House reported in 2018 that several countries were seeking to emulate the Chinese model of extensive censorship and automated surveillance, and numerous officials from autocracies across Africa have gone to China to participate in “cyberspace management” training sessions, where they learn Chinese methods of control. THE VELVET GLOVE Today’s technologies not only make it easier for governments to repress critics; they also make it easy to co-opt them. Tech-powered integration between government agencies allows the Chinese regime to more precisely control access to government services, so that it can calibrate the distribution—or denial—of everything from bus passes and passports to jobs and access to education. The nascent social credit system in China has the effect of punishing individuals critical of the regime and rewarding loyalty. Citizens with good social credit scores benefit from a range of perks, including expedited overseas travel applications, discounted energy bills, and less frequent audits. In this way, new technologies help authoritarian regimes fine-tune their use of reward and refusal, blurring the line between co-option and coercive control. Dictatorships can also use new technologies to shape public perception of the regime and its legitimacy. Automated accounts (or “bots”) on social media can amplify influence campaigns and produce a flurry of distracting or misleading posts that crowd out opponents’ messaging. This is an area in which Russia has played a leading role. The Kremlin floods the Internet with pro-regime stories, distracting online users from negative news, and creates confusion and uncertainty through the spread of alternative narratives. Maturing technologies such as so-called microtargeting and deepfakes—digital forgeries impossible to distinguish from authentic audio, video, or images—are likely to further boost the capacity of authoritarian regimes to manipulate their citizens’ perceptions. Microtargeting will eventually allow autocracies to tailor content for specific individuals or segments of society, just as the commercial world uses demographic and behavioral characteristics to customize advertisements. Ai-powered algorithms will allow autocracies to microtarget individuals with information that either reinforces their support for the regime or seeks to counteract specific sources of discontent. Likewise, the production of deepfakes will make it easier to discredit opposition leaders and will make it increasingly difficult for the public to know what is real, sowing doubt, confusion, and apathy. Digital tools might even help regimes make themselves appear less repressive and more responsive to their citizens. In some cases, authoritarian regimes have deployed new technologies to mimic components of democracy, such as participation and deliberation. Some local Chinese officials, for example, are using the Internet and social media to allow citizens to voice their opinions in online polls or through other digitally based participatory channels. A 2014 study by the political scientist Rory Truex suggested that such online participation enhanced public perception of the ccp among less educated citizens. Consultative sites, such as the regime’s “You Propose My Opinion” portal, make citizens feel that their voices matter without the regime having to actually pursue genuine reform. By emulating elements of democracy dictatorships can improve their attractiveness to citizens and deflate the bottom-up pressure for change. DURABLE DIGITAL AUTOCRACIES As autocracies have learned to co-opt new technologies, they have become a more formidable threat to democracy. In particular, today’s dictatorships have grown more durable. Between 1946 and 2000—the year digital tools began to proliferate—the typical dictatorship ruled for around ten years. Since 2000, this number has more than doubled, to nearly 25 years. Not only has the rising tide of technology seemingly benefited all dictatorships, but our own empirical analysis shows that those authoritarian regimes that rely more heavily on digital repression are among the most durable. Between 2000 and 2017, 37 of the 91 dictatorships that had lasted more than a year collapsed; those regimes that avoided collapse had significantly higher levels of digital repression, on average, than those that fell. Rather than succumb to what appeared to be a devastating challenge to their power—the emergence and spread of new technologies—many dictatorships leverage those tools in ways that bolster their rule. Although autocracies have long relied on various degrees of repression to support their objectives, the ease with which today’s authoritarian regimes can acquire this repressive capacity marks a significant departure from the police states of the past. Building the effectiveness and pervasiveness of the East German Stasi, for example, was not something that could be achieved overnight. The regime had to cultivate the loyalty of thousands of cadres, training them and preparing them to engage in on-the-ground surveillance. Most dictatorships simply do not have the ability to create such a vast operation. There was, according to some accounts, one East German spy for every 66 citizens. The proportion in most contemporary dictatorships (for which there are data) pales in comparison. It is true that in North Korea, which ranks as possibly the most intense police state in power today, the ratio of internal security personnel and informants to citizens is 1 to 40—but it was 1 to 5,090 in Iraq under Saddam Hussein and 1 to 10,000 in Chad under Hissene Habre. In the digital age, however, dictatorships don’t need to summon immense manpower to effectively surveil and monitor their citizens. Instead, aspiring dictatorships can purchase new technologies, train a small group of officials in how to use them—often with the support of external actors, such as China—and they are ready to go. For example, Huawei, a Chinese state-backed telecommunications firm, has deployed its digital surveillance technology in over a dozen authoritarian regimes. In 2019, reports surfaced that the Ugandan government was using it to hack the social media accounts and electronic communications of its political opponents. The vendors of such technologies don’t always reside in authoritarian countries. Israeli and Italian firms have also sold digital surveillance software to the Ugandan regime. Israeli companies have sold espionage and intelligence-gathering software to a number of authoritarian regimes across the world, including Angola, Bahrain, Kazakhstan, Mozambique, and Nicaragua. And U.S. firms have exported facial recognition technology to governments in Saudi Arabia and the United Arab Emirates. A SLIPPERY SLOPE As autocracies last longer, the number of such regimes in place at any point in time is likely to increase, as some countries backslide on democratic rule. Although the number of autocracies globally has not risen substantially in recent years, and more people than ever before live in countries that hold free and fair elections, the tide may be turning. Data collected by Freedom House show, for example, that between 2013 and 2018, although there were three countries that transitioned from “partly free” to “free” status (the Solomon Islands, Timor-Leste, and Tunisia), there were seven that experienced the reverse, moving from a status of “free” to one of “partly free” (the Dominican Republic, Hungary, Indonesia, Lesotho, Montenegro, Serbia, and Sierra Leone). The risk that technology will usher in a wave of authoritarianism is all the more concerning because our own empirical research has indicated that beyond buttressing autocracies, digital tools are associated with an increased risk of democratic backsliding in fragile democracies. New technologies are particularly dangerous for weak democracies because many of these digital tools are dual use: technology can enhance government efficiency and provide the capacity to address challenges such as crime and terrorism, but no matter the intentions with which governments initially acquire such technology, they can also use these tools to muzzle and restrict the activities of their opponents. Pushing back against the spread of digital authoritarianism will require addressing the detrimental effects of new technologies on governance in autocracies and democracies alike. As a first step, the United States should modernize and expand legislation to help ensure that U.S. entities are not enabling human rights abuses. A December 2019 report by the Center for a New American Security (where one of us is a senior fellow) highlights the need for Congress to restrict the export of hardware that incorporates Ai-enabled biometric identification technologies, such as facial, voice, and gait recognition; impose further sanctions on businesses and entities that provide surveillance technology, training, or equipment to authoritarian regimes implicated in human rights abuses; and consider legislation to prevent U.S. entities from investing in companies that are building ai tools for repression, such as the Chinese ai company SenseTime. The U.S. government should also use the Global Magnitsky Act, which allows the U.S. Treasury Department to sanction foreign individuals involved in human rights abuses, to punish foreigners who engage in or facilitate Ai-powered human rights abuses. Ccp officials responsible for atrocities in Xinjiang are clear candidates for such sanctions. U.S. government agencies and civil society groups should also pursue actions to mitigate the potentially negative effects of the spread of surveillance technology, especially in fragile democracies. The focus of such engagement should be on strengthening the political and legal frameworks that govern how surveillance technologies are used and building the capacity of civil society and watchdog organizations to check government abuse. What is perhaps most critical, the United States must make sure it leads in ai and helps shape global norms for its use in ways that are consistent with democratic values and respect for human rights. This means first and foremost that Americans must get this right at home, creating a model that people worldwide will want to emulate. The United States should also work in conjunction with like-minded democracies to develop a standard for digital surveillance that strikes the right balance between security and respect for privacy and human rights. The United States will also need to work closely with like-minded allies and partners to set and enforce the rules of the road, including by restoring U.S. leadership in multilateral institutions such as the United Nations. Ai and other technological innovations hold great promise for improving everyday lives, but they have indisputably strengthened the grip of authoritarian regimes. The intensifying digital repression in countries such as China offers a bleak vision of ever-expanding state control and ever-shrinking individual liberty. But that need not be the only vision. In the near term, rapid technological change will likely produce a cat-and-mouse dynamic as citizens and governments race to gain the upper hand. If history is any guide, the creativity and responsiveness of open societies will in the long term allow democracies to more effectively navigate this era of technological transformation. Just as today’s autocracies have evolved to embrace new tools, so, too, must democracies develop new ideas, new approaches, and the leadership to ensure that the promise of technology in the twenty-first century doesn’t become a curse.

#### Infrastructure resolves the aff

Higgins 8-16-2021, senior director of Domestic Climate and Energy Policy at the Center for American Progress (Trevor, “Budget Reconciliation Is the Key to Stopping Climate Change,” *Center for American Progress*, <https://www.americanprogress.org/issues/green/news/2021/08/16/502681/budget-reconciliation-key-stopping-climate-change/>)

The United States is suffering acutely from the chaotic changes in climate that scientists now directly attribute to the burning of fossil fuels and other human activity. The drought, fires, extreme heat, and floods that have already killed hundreds this summer across the continent and around the world are a tragedy—and a warning of worsening instability yet to come. However, this week, the Senate initiated an extraordinary legislative response that would set the world on a different path. Enacting the full scope of President Joe Biden’s Build Back Better agenda would put the American economy to work leading a global transition to clean energy and stabilizing the climate. A look at what’s coming next through the budget reconciliation process reveals a ray of hope that is easy to miss amid the fitful negotiations of recent months: At long last, Congress is on the verge of major legislation that would build a more equitable, just, and inclusive clean energy economy. This is our shot to stop climate change. Building a clean energy future must start now Until the global economy stops polluting the air and instead starts to draw down the emissions of years past, the world will continue to heat up, blundering past perilous tipping points that threaten irreversible and catastrophic consequences. Stemming the extent of warming at 1.5 degrees Celsius rather 2 degrees or worse will reduce the risk of crossing such tipping points or otherwise exceeding the adaptive capacity of human society. Every degree matters. Stabilizing global warming at 1.5 degrees Celsius starts with cutting annual greenhouse gas emissions in the United States to half of peak levels by 2030. This isn’t about temporary offsets or incremental gains in efficiency—it’s about the rapid adoption of scalable solutions that will work throughout the world to eliminate global net emissions by 2050 and sustain net-negative emissions thereafter. Building this better future will tackle climate change, deliver on environmental justice, and create good jobs. It will give us a shot to stop the planet from continuously warming. It will alleviate the concentrated burdens of fossil fuel pollution, which are concentrated in systemically disadvantaged, often majority Black and brown communities. It will empower American workers to compete in the global clean energy economy of the 21st century. There is no time to lose in the work of building a clean energy future. A moment of opportunity for climate legislation The key to urgent climate action is a process called budget reconciliation, which enables the enactment of budget-related measures by simple majority vote. This week, the Senate voted to begin the process by passing a budget resolution that instructs committees to start drafting a comprehensive set of investments that would “put America on a path to meet President Biden’s climate change goals of 80% clean electricity and 50% economy-wide carbon emissions reductions by 2030.” The resulting reconciliation bill would deliver major emissions reductions and change the trajectory of global warming through a new clean electricity payment program; incentives for clean energy and clean vehicles; investments in climate-smart agriculture and forestry; new consumer rebates for home electrification; and more. As articulated by President Biden, the scope and scale of these investments mark an approach that is categorically different from past spending efforts. Neither the $90 billion in clean energy investments through the American Recovery and Reinvestment Act of 2009 nor the bipartisan infrastructure framework that passed the Senate this week are at the same level. It’s the fiscal year 2022 budget resolution that opens the door for the pivotal investments needed to build a clean energy future. The solution starts with clean electricity Roughly one-quarter of the annual greenhouse gas pollution in the United States still comes from the combustion of fossil fuels in power plants to generate electricity, but the sector is poised for a transformation to clean electricity if Congress makes the right investments now. Doubling the share of clean electricity—from roughly 40 percent today to at least 80 percent in 2030—would cut more than a full gigaton of annual carbon dioxide emissions. That can be accomplished this decade, and it’s more than half the emissions reductions required to meet Biden’s economywide 2030 goal. Two major policies lead the way:

* Clean electricity tax incentives. Tax credits for building new clean energy sources, such as wind turbines and solar panels, have helped drive the progress toward clean electricity to date, but they’ve been allowed to lapse in a pattern of on-again, off-again extensions. If redesigned for maximum impact, 10 years of flexible, full-value tax credits for clean electricity with direct pay could achieve between 57 percent and 68 percent clean electricity by the end of the extension. Clean electricity tax incentives are included in the budget reconciliation instructions to the Senate Committee on Finance and were a major part of the Clean Energy for America Act recently endorsed by the committee.
* Clean electricity payment program. A program of payments and penalties for utilities—mimicking the incentives of the clean electricity standards that have proven effective at the state level—will fill the gap that tax incentives for renewables developers do not. This will help spur end-to-end investments in generation, efficiency, transmission, storage, and distribution. This program represents the major part of the reconciliation instructions to the Senate Committee on Energy and Natural Resources.

By setting the power sector on the path to 100 percent clean electricity by 2035, the investments proposed for budget reconciliation would further strengthen the case for electrification in other sectors. Switch from fossil fuels to electricity wherever possible Roughly one-third of the annual greenhouse gas pollution in the United States comes from the combustion of fossil fuels in buildings—primarily furnaces and water heaters—or in the cars, trucks, and buses that we drive. Such emissions are usually discussed as parts of the broader buildings or transportation sectors, but they have an important aspect in common: They can readily be replaced by highly efficient electric heat pumps and electric vehicles, possibly including hydrogen produced by electricity in the case of trucks. Other important parts of the economy can also be shifted to run on electricity. However, since consumers tend to keep their cars, furnaces, and water heaters for between one to two decades, the United States must begin now in order to complete the transition by midcentury. The right set of incentives would not only deliver substantial near-term emissions reductions, but they would also set replacement rates on the path to 100 percent electric in the 2030s.

* Electric vehicle tax incentives. A comprehensive set of consumer incentives for electric vehicles, manufacturing investment, and charging infrastructure could drive light-duty battery electric vehicle sales from 2 percent today to between 40 percent and 58 percent of all light-duty vehicles in 2031, depending on battery prices—and even before getting to regulatory actions—according to the Rhodium Group. Clean vehicle tax incentives are included in the budget reconciliation instructions to the Senate Finance Committee and were a major part of the recently endorsed by the committee.
* Heat pump rebates. Heat pumps are essentially air conditioners that can run in reverse to deliver or remove heat, making them a very efficient replacement for home furnaces and water heaters when it comes time to replace home appliances. Rebates for these and other electric appliances would make it easy for everyone—especially low- and middle- income households—to make the switch. Electrifying these appliances would lower monthly bills, cut down on indoor air pollution, and ready home electrical equipment for rooftop solar and electric vehicle charging. Consumer rebates to weatherize and electrify homes are a major component of the reconciliation instructions to the Senate Energy Committee, and reflect legislation recently introduced by Sen. Martin Heinrich (D-NM).

Strong incentives now for buildings and vehicles will set in motion the longer-term transitions that need to be completed by mid-century, leaving a much narrower set of emissions from other sectors still needing to be addressed. The full reconciliations instructions have a comprehensive scope The rest of the economy contributes about two-fifths of annual greenhouse gas emissions, the great majority of which come from fossil fuel extractive industries, petrochemical and plastics production, agriculture, landfills, aviation, metals production, and cement production. Major investments proposed as part of the build back better agenda include:

* Methane. More than 280 million metric tons of carbon dioxide equivalents vented, flared, or leaked from the oil and gas industry in 2019, according to the EPA inventory, mostly in the form of methane. Setting a fee on oil and gas producers would cause them to clamp down on this pollution, with immediate and significant emissions benefits. Such a fee is included in the instructions to the Senate Committee on Environment and Public Works and similar legislation has been proposed by Sen. Sheldon Whitehouse (D-RI).
* Agriculture. Roughly 600 million metric tons of carbon dioxide equivalents—mostly methane and nitrous oxide—were emitted from fertilizer application and production, livestock management, and other agricultural practices in 2019. Significant emissions reductions are possible from better agricultural practices such as planting cover crops and preserving grasslands, with one recent study from the Nature Conservancy and others finding opportunities for between 180 million and 500 million metric tons in near-term savings for the sector. Doubling funding for conservation programs at the U.S. Department of Agriculture, which could be accomplished under the reconciliation instructions for the Senate Committee on Agriculture, would have huge potential benefits.
* Conservation. Roughly 800 million metric tons of carbon dioxide equivalents are drawn out of the atmosphere by trees in the United States every year. Investing more in conservation and stewardship of forests and other natural lands—including the right reforestation and afforestation practices—is a straightforward way to grow this natural carbon sink. The Biden administration has committed to conserving 30 percent of U.S. lands and ocean by 2030 to do just that. Funding under the reconciliation instructions to the Agriculture Committee and other committees would kick-start this process and could sequester over 150 million tons above baseline in 2030.

The list continues, with investments planned in emerging clean energy technologies; clean fuels and sustainable aviation fuel; direct air capture of carbon dioxide; capture of emissions from non-combustion industrial processes; support for rural electric co-ops to retire stranded coal power plants; federal procurement of clean vehicles and green materials; climate research; and more. From clean electricity through emerging technologies, each of these programs is important, and, together, they add up to a dramatic change in the trajectory of U.S. greenhouse gas emissions. Further details and integrated analysis are needed to substantiate a precise estimate, but it is clear that, coupled with a return to the proper implementation of the Clean Air Act and other bedrock environmental laws, this package of investments would put the United States firmly on the path to cutting emissions to half below peak levels by 2030. Climate, justice, and jobs Investments in clean energy and climate mitigation will deliver major victories, but they’re only one part of a broader commitment to environmental justice and good, high-quality jobs for the communities that need them. The budget resolution provides instructions that will deliver investments in historically Black colleges and universities and minority-serving institutions; climate and health equity; tribal nations and more. The Senate Committee on Banking receives instructions for $332 billion, including for affordable housing, public housing, community land trusts, other revitalization programs, and transit improvements. The Senate Committee on Environment and Public Works receives instructions for $67 billion, including for environmental justice investments in clean water access and affordability, healthy ports, electric school buses, and a clean energy technology accelerator that will fund low-income solar and other pollution-free technologies. The Senate Committee on Energy and Natural Resources receives instructions with funding for consumer rebates to weatherize and electrify homes in disadvantaged communities. The creation of a Civilian Climate Corps would deploy clean energy where it is needed, help address the legacy of pollution in overburdened and frontline communities, and give people the opportunity to help build their future, with funding across multiple committees in the budget instructions indicating an expansive scope of work. The reconciliation bill will also contain provisions that will create good-paying, high-quality union jobs. In addition to the job-creating investments themselves, there are provisions for labor enforcement and penalties modeled on the PRO Act and shifts in the tax code to be more pro-worker. The Clean Energy for America Act includes job quality and domestic content standards. Investments in domestic manufacturing of clean energy and electric vehicle supply chains will support America’s global competitiveness. These would be major victories. Conclusion The significance of the budget resolution cannot be overstated. It has created the opportunity for Congress to enact by simple majority vote the most consequential investments in climate, justice, and jobs ever seen. Those of us looking for good work, for clean air, and for a stable climate have no time to lose. It’s time to cut out the pollution that drives the climate crisis, create millions of good jobs, and build a just and equitable economy for all.

#### But ONLY infrastructure spills over globally

Waldman 8-26-2021 (Scott, “U.S. global climate promises hang on reconciliation battle,” E and E News, <https://www.eenews.net/articles/u-s-global-climate-promises-hang-on-reconciliation-battle/>)

The ability of the United States to meet its international climate promises hinge on the $3.5 trillion budget reconciliation bill being crafted by congressional Democrats. President Biden pledged to world leaders in April that the U.S. would cut carbon pollution in half by 2030, when compared to 2005 levels. But his pathway to meet that goal has not yet been set. The bill’s fate could be determined just weeks before negotiators at the international climate talks in Scotland try to convince the world that the U.S. will stand by its word. The U.S. has something to prove to the world after the Trump administration’s total withdrawal from international climate agreements, said Jamal Raad, executive director of Evergreen Action. Ambitious U.S. goals will encourage other countries to elevate their own decarbonization goals, he said. “If we want to tell folks that America is back and ready to regain international leadership on climate, we need to pass the reconciliation bill,” he said. “We need proof because history is littered with failed U.S. commitments on climate on the international stage.” And yet the reconciliation bill faces an uncertain

path through Congress. No Republicans support it. Democrats are deeply divided and can afford to lose only a few votes. Key moderates have already said the reconciliation bill is too expensive, and progressives are grumbling that it doesn’t go far enough. Democrats hope to have the budget reconciliation bill on the floor for a vote in October. That deadline puts it right up against the Conference of Parties (COP26) talks in Scotland, which start at the beginning of November. Senate Majority Leader Chuck Schumer (D-N.Y.) acknowledged yesterday that his party is counting on the reconciliation bill to deliver the bulk of Biden’s climate ambitions. He wrote that the Infrastructure and reconciliation bills together would “reduce U.S. emissions to approximately 45 percent beneath 2005 levels by 2030.” The other 5% required to meet Biden’s pledge of a 50% reduction in greenhouse gases by 2030, he said, would come from states and new regulations or mandates from the administration. Schumer noted that funding from the Clean Electricity Payment Program and the Senate Finance Committee’s clean energy and vehicle tax package would account for two-thirds of the Biden administration’s plan to get to 2030. In addition, he noted, the plan will rely on critical policies that could come directly from the administration, such as “a methane polluter fee, agriculture conservation, and clean energy technology financing, among others.” “I do not believe we have the luxury of failure if we are to provide a good future for ourselves and our children,” he wrote. The climate ambitions of the reconciliation bill already represent a cut to the policy outlined in Biden’s Build Back Better agenda, and cutting them further during negotiations will only weaken the U.S. position at COP, Evergreen’s Raad said. Advocates are counting on the inclusion of clean energy tax credit, funding to boost clean buildings as well as a climate conservation corps, among many other priorities. “We need to show we can act domestically in order to be taken seriously internationally,” he said. The administration is clearly planning on the reconciliation bill as a way to move the climate policy that will make the most difference, including the clean energy payment program, said Robbie Orvis, senior director of energy policy design at Energy Innovation. That program, which would provide funding for utilities to build out more clean power sources, would get the U.S. a significant way toward its goal of 50% by 2030 goal. Without the climate provisions , the administration’s path will have to rely on mandates and state-level action, which would bring another set of difficulties, he said. “The big pieces are the things that need to be done to help move the U.S. toward that target, and without legislation that includes them, it will have to be done through a mix of standards and state policy, which will be more challenging and probably take longer,” he said. While the turnaround for such a major package of priorities seems tight, work has been quietly going on for months to get to this point, said Lindsey Walter, deputy director for Third Way’s Climate and Energy Program. Walter, who has helped shape some of the policies, said congressional negotiators are actively working to position the U.S. to enter the COP26 negotiations from a position of strength by crafting policy that can get support from moderates and progressives alike.

#### Both halves of infrastructure will pass soon---Manchin will be on board

Vlahos 9-7-2021 (Louis, “Tax Increases Are In Sight,” JD Supra, <https://www.jdsupra.com/legalnews/tax-increases-are-in-sight-4421040/>)

As it so happens, the Senate will be returning from its summer recess on September 13, and the House on September 20.[vi] You can be certain that Senate Leader Schumer and House Speaker Pelosi are both chomping at the bit[vii] to review the committees’ legislative proposals, reconcile any differences between the Senate and House[viii] versions thereof, and bring the final bill to the floor of each Chamber for a vote as soon as possible.[ix] In “Boardrooms” Meanwhile, across the country, the owners of many closely held businesses who had been thinking about selling their businesses in the not-too-distant future have accelerated their plans out of a not-unreasonable concern that the tax hikes called for by the proposed 2022 budget may jeopardize their exit strategies and retirement plans if enacted. Some have already sold their business under the assumption that the expected increases in the corporate income tax and in the individual long-term capital gains tax will not be applied retroactively to April of this year (when the President officially announced his tax plan[x]). Other owners are in the process of selling their businesses before the enactment of the expected tax increases – the assumption being that the legislation will only be effective for transactions closed on or after the date of enactment; letters of intent have been signed, due diligence is underway, and drafts of purchase and sale agreements (along with ancillary documents) are being prepared and circulated for comments.[xi] Still others are in the process of vetting potential suitors, of both the strategic and financial type,[xii] with an eye toward completing a sale as soon as possible, and certainly before the yearend; these folks are hoping the budget will not be enacted until late in the year, thereby increasing the odds of a January 2022 effective date. In almost every case, cash at closing is king. Earnouts, escrows, installment obligations, and other deferred payments are often necessary – indeed, are required by most buyers to protect themselves – but these expose the seller to the potential of higher tax rates during the years they are paid or released, with the potential of significantly changing the economics of the deal, a fact that should not be lost on either party. The receipt of equity in the buyer on a tax-deferred basis is less attractive to someone who is looking to dispose of their business than it once may have been, especially when one contemplates the President’s tax plan. That said, financial buyers usually require the seller or its principals to keep some “skin in the game” by accepting some of the purchase price in the form of equity in the buyer or in the buyer’s parent company. At Kitchen Tables[xiii] Many individual taxpayers are also concerned about the estate and gift tax consequences of a testamentary or lifetime transfer of assets following the enactment of the budget legislation. Many of these taxpayers, a not-insignificant number of whom are also owners of closely held businesses, are eager to take advantage of their remaining federal unified gift and estate tax exemption amount,[xiv] not to mention their GST exemption, lest these disappear during the final negotiations. These folks are making gifts – often with spouses participating[xv] – both outright and in trust. Some are leveraging their exemption by transferring minority interests[xvi] in their business and by engaging in purchase and sale transactions with “intentionally defective” grantor trusts[xvii] which, if successful, freeze or reduce the value of the grantor’s property while shifting appreciation to a trust for a younger generation of family members. Others are using grantor retained annuity trusts[xviii] (“GRATs”) – which do well in low-interest rate environments – to transfer assets and the appreciation thereon to the next generation without significant gift tax consequences.[xix] Then there are those who are simply reluctant to give up every opportunity to enjoy the property to be gifted; they and their spouse each establish a separate trust called a “SLAT” (spousal lifetime access trust) of which the other spouse is a beneficiary.[xx] First a “Scream,” Then Whispers Amid all this consternation and the activity it has stimulated, the last few days have seen some developments that, at least on the surface, have been encouraging and others that are downright disturbing from the perspective of the closely held business, its owners, and their advisers. On Thursday, the “Wall Street Journal” carried an op-ed piece by Senator Manchin in which he expressed his oft-repeated – but not yet acted upon – misgivings[xxi] over the size of the proposed budget. Citing the potential impact on the federal debt and the risk of inflation, the Senator questioned why his fellow Democrats were in such a rush to spend so much money.[xxii] His sentiments were not well-received by the more progressive members of his Party in the House. In contrast, Senate Minority Leader McConnell was quoted as saying that he prays for Senator Manchin’s “good health and wise judgment every night.”[xxiii] One day later, “Bloomberg Tax” and “Roll Call” each reported they had obtained information from a source familiar with the deliberations of the Senate Finance Committee regarding some of the tax proposals being explored by the Committee, including several options that were not included in President Biden’s plan.[xxiv] The President’s Plan You will recall that among the changes to the Code proposed by the Administration are the following: an increased corporate income tax rate (from 21 percent to 28 percent), an increased individual income tax rate for ordinary income (from 37 percent to 39.6 percent), an increased rate for long-term capital gains recognized by individuals (from 20 percent to 39.6 percent), the taxation of a carried interest as ordinary income, the elimination of the basis step-up[xxv] for property passing from a decedent, the taxation of property passing from a decedent as if it had been sold, the limitation of the tax-deferred like kind exchange[xxvi] of real property, and the expansion of the employment and net investment income taxes.[xxvii] The Finance Committee According to the above-referenced reports, among the tax proposals being considered by the Senate Finance Committee[xxviii] that were not part of the Administration’s plan are the following: additional limitations on the ability of a corporation to deduct executive compensation, mark-to-market rules[xxix] that would require wealthier individuals to pay income tax on the unrealized gain (i.e., appreciation) of their assets every year, limits on the size of qualified, tax-advantaged retirement accounts,[xxx] the phase-out of the 20 percent qualified business income deduction[xxxi] for taxpayers with more than $400,000 of income, limits on the use of GRATs, which probably means elimination of the “zeroed-out,” short-term GRAT,[xxxii] limits on the use of “intentionally defective” grantor trusts,[xxxiii] which will probably target sales to such trusts in exchange for promissory notes, and the reintroduction of proposed Treasury regulations that would limit the use of discounts for valuing interests in closely held businesses for estate and gift tax purposes.[xxxiv] You will note that this list reflects many of the gifting vehicles and techniques that individual taxpayers are utilizing today (as described earlier) in advance of what they expect will be the enactment of the President’s budget plan. Thus, if any of these proposals make into the Code, future estate and gift tax planning will be undertaken in a very different, less friendly environment. Speaking of Which I’m glad I mentioned future estate planning. Among the other whispers[xxxv] coming out of the Senate Finance Committee is one regarding the “deemed sale at death” proposal included in the Administration’s budget plan. That plan requires that the transfer of a decedent’s property upon their death be treated as a taxable sale of such property for purposes of the income tax; coupled with the proposed elimination of the basis step-up rule, this provision would impose an immediate tax upon the appreciation in the decedent’s assets as of the date of death.[xxxvi] However, the proposal also allows a $1 million per person exclusion from the proposed tax, meaning that $1 million of “gain” would not be taxed at death under the deemed-sale rule. Moreover, this exclusion would be portable between spouses, effectively making the exclusion $2 million per married couple. OK, you ask, why is this relevant? Because, according to the above-referenced whisper, the Committee would increase the exclusion to $5 million (or $10 million per couple). By doing so, the Committee would ensure that such a hypothetical couple with zero basis assets would not be subject to either the proposed income tax (arising from the deemed sale at death) or to the federal estate tax, assuming the reduction of the estate tax exemption – from a basic exclusion of $10 million to one of $5 million, which is otherwise scheduled to occur in 2026 – were accelerated. Query: Are members of Congress considering the immediate reduction of the unified estate and gift tax exemption (and, therefore, of the GST tax exemption) to its pre-2018 level? The President has made no mention of this and, until last week, there were no indications that it was on the table.[xxxvii] Almost There The legislative process that began in earnest in late April is nearing its conclusion. Within a week or so, the Democrats in Congress will be considering the legislative text prepared by the Committees – we are talking about reconciliation, after all, so the Republicans will merely be noisy observers, like the hecklers (Statler and Waldorf) in the Muppets. Notwithstanding the hope of many that Senator Manchin will put a stop to this process – something he could have done at the resolution stage – it is likelier he will extract some small tax-related concessions, some of which we will see (a 25 percent corporate tax rate as opposed to 28 percent?), and some valuable non-tax concessions that only his constituents will enjoy.[xxxviii] In other words, he will toe the Party line.

#### Manchin doesn’t kill the deal. He’s persuadable.

Bash and Klain 9-5-2021 (Dana and Ron, “Klain: Manchin 'very persuadable' on $3.5T reconciliation plan,” <https://www.murfreesboropost.com/news/national/klain-manchin-very-persuadable-on-3-5t-reconciliation-plan/video_0a08cd49-d985-56a3-941d-bfe15fde20f4.html>, Translated using Otter.ai)

Dana Bash 0:02

I want to ask about infrastructure, know you saw, West Virginia Senator Joe Manchin op-ed this week saying he does not support the $3.5 trillion reconciliation plan, which includes a lot of the Biden agenda right now including measures to combat the climate crisis so, without Manchin support it’s 5050 Senate, it's dead. So how do you fix this

Ron Klain 0:25

Dana, if I had a nickel for everyone, someone's told me this package has been dead. I would be a very, very rich person it was dead back in May when there was initial opposition to it, it was dead. In June, the day the President went to Europe it was dead. In July, again, all I've heard is how this package is dead and yet amazingly it continues to advance the bipartisan infrastructure plan passed the US Senate and the House adopted a rule for its ultimate passage later in September, and the reconciliation bill, the reconciliation bill, both the House and Senate have adopted the budget structure to pass it. And the house is now in committee markups this week and next week How are you going to convince Joe Manchin? we're gonna continue, we've worked with Senator Manchin and every step of the way. He's been a partner of our administration. He has strong views others have strong views, we're gonna work together to find a way to put together a package that can pass the House that can pass the Senate that can be put on the President's desk, and signed into law.

Dana Bash 1:22

Is he convincible? I mean you read that he's very specific saying that he's worried that that price tag or even something close to that is to a difficult to pass because of the debt and even because of inflation is that

Ron Klain 1:35

I think that's why he's very persuadable because of course this package adds nothing to the debt, nothing to the debt because it is fully paid for by raising taxes on wealthy people. We've had people become billionaires during the pandemic, they should pay their fair share of taxes. We've had 55 Big corporations pay nothing, nothing, in taxes, really have record profits. If we raise taxes on the big corporations who are paying raise taxes on people using international loopholes, raise taxes on the wealthy who are not paying their fair share. We can pay for every one of those investments in the package without a penny of taxes on people making under $400,000 a year, and without a penny being added to long term federal debt in fact, passing these tax changes, making the people who are paying paying their fair share, collecting taxes when people over, enter dodging taxes by using loopholes, using lawyers, accountants, collecting those taxes will make our tax system fairer make middle class people share less of the burden and can help bring down our debt in the long run. So I think Senator Manchin’s concerns about inflation about guts. Those are concerns we can address with the provisions of this package itself.

#### Predictive evidence---those negotiations will work

Nilsen 9-14-2021 (Ella, “Biden's spending bill could be Democrats' last hope of achieving meaningful climate action as crisis worsens,” *CNN*, https://www.cnn.com/2021/09/14/politics/biden-budget-congress-climate-action/index.html)

With a razor-thin majority in both the House and Senate, this is Democrats' only shot at passing a substantial climate bill before world leaders meet in November. But there's at least one prominent Senate Democrat who could thwart those plans. Sen. Joe Manchin of West Virginia, Senate Democrats' key swing vote, wants to pare down the overall size of the bill, and he has said he has concerns about what the climate provisions could mean for a fossil-fuel producing state like West Virginia. As chair of the Senate Energy and Natural Resources Committee, the senator will have a large hand in shaping Democrats clean electricity program. Sen. Sheldon Whitehouse of Rhode Island told CNN negotiations with Manchin are ongoing — but he was optimistic the West Virginia senator would understand the gravity of a fast-warming climate and its impacts. "At the end of the day, we're all answerable to the future to get the job done right," Whitehouse said. "I don't think [Manchin] wants to be on the wrong side of that future."

#### PC shapes uniqueness. Biden is stepping up his sales pitch with moderate dems. It’s an ongoing process.

Bolton 9-15-2021 (Alexander, “Democrats hope Biden can flip Manchin and Sinema,” The Hill, <https://thehill.com/policy/energy-environment/572506-democrats-hope-biden-can-flip-manchin-and-sinema>)

President Biden met face to face with Sens. Joe Manchin (D-W.Va.) and Kyrsten Sinema (D-Ariz.) on Wednesday, stepping up his involvement in the effort to unify congressional Democrats behind a $3.5 trillion spending package. Democratic lawmakers are hailing Biden’s personal attention as a game-changing development at a critical moment. “The ones who are negotiating publicly, I think it is fair to say, they’re the toughest votes to get,” Sen. Tim Kaine (D-Va.) said of Manchin and Sinema. “This is really important for the Biden administration, and so it’s all on deck,” he added of the efforts to get the two holdouts to support the reconciliation package. Kaine noted that Biden “has a strong personal relationship with Manchin.” “Both Joe and Kyrsten really want [Biden] to be a successful president. (A) It’s good for the country. (B) It’s good for their states. (C) It’s good for their own politics,” Kaine added. While the White House has been involved in negotiations with Senate Majority Leader Charles Schumer (D-N.Y.) and Speaker Nancy Pelosi (D-Calif.) over the size and scope of the spending package, Biden’s recent public appearances have focused more on the U.S. withdrawal from Afghanistan, the rise in COVID-19 cases, and wildfires and floods in various parts of the country. White House press secretary Jen Psaki on Wednesday said the president knows the Manchin and Sinema meetings were only the start of negotiations with moderate Democrats. “The president certainly believes they’ll be ongoing discussions, not that there’s necessarily going to be a conclusion out of those today,” she told reporters at the White House. John LaBombard, a spokesman for Sinema, called Wednesday’s meeting “productive.” “Kyrsten is continuing to work in good faith with her colleagues and President Biden as this legislation develops,” he said. Biden, who spent decades in the Senate before becoming vice president, met separately with each senator in an apparent effort to maximize the effect of his personal involvement. He sat down with Sinema around 10 a.m. and met with Manchin several hours later. Manchin was spotted walking into the White House at 5:30 p.m. wearing a blue blazer, gray slacks and rubber-soled boat shoes. The prospects of passing the entire $3.5 trillion human infrastructure package suffered several setbacks in recent weeks, largely because of Manchin and Sinema. The two senators raised red flags about the bill’s price tag, and Manchin has criticized specific provisions such as the Clean Electricity Performance Program, which would provide $150 billion to steer electric utilities away from coal to renewable energy sources. Manchin called for a “strategic pause” on the bill in a Wall Street Journal op-ed with the headline “Why I won’t support spending another $3.5 trillion.” “Ignoring the fiscal consequences of our policy choices will create a disastrous future for the next generation of Americans,” he warned. Sinema has also threatened to vote against a $3.5 trillion spending bill, although she has pledged to “work in good faith to develop this legislation with my colleagues and the administration.” On the other side of the Capitol, Democrats suffered a blow with the drafting of their reconciliation bill Wednesday when three Democrats on the House Energy and Commerce Committee — Reps. Kurt Schrader (Ore.), Scott Peters (Calif.) and Kathleen Rice (N.Y.) — voted against legislation to lower drug prices, which Democratic leaders are counting on as a key pay-for in the larger package. Separately, Rep. Stephanie Murphy (D-Fla.) sided with Republicans in the House Ways and Means Committee vote Wednesday to advance that panel's portion of the reconciliation package, citing concerns about tax provisions. Manchin reiterated his concerns with the massive reconciliation bill at a Senate Democratic caucus lunch meeting on Tuesday. The remarks, however, fell flat with colleagues. “We’re frustrated with Manchin,” said one Democratic senator who attended the meeting. “It’s not like the president has shunned him. He’s reached out to Manchin before. Nobody’s gotten more attention from the White House.” The lawmaker said Manchin reprised some of the arguments he made in The Wall Street Journal and during appearances on CNN’s “State of the Union” and NBC’s “Meet the Press” over the weekend. “The $64,000 question is, what’s his endgame? We don’t know,” said the lawmaker. “Part of what Biden is trying to figure out is, where does Manchin want to go?” On Tuesday, Manchin questioned the need to spend $150 billion on weaning power plants away from coal when there are already plenty of private sector incentives to do so. “Why should we be paying utilities to do what they’re already doing? We’re transitioning. Fifty percent of our power came from coal in the year 2000. Twenty years later, [it’s] 19 percent,” he told reporters. Manchin also said he’s concerned about the reliability of depending entirely on renewable energy sources. Senate Democrats have grown frustrated over what they view as Manchin’s “vague” demands for what the reconciliation bill should look like. They also didn’t appreciate the double-barreled criticism in his Wall Street Journal op-ed that caught them off guard during the August recess. “I was on a [congressional delegation trip] overseas with several colleagues when we read the op-ed, and we were aghast,” said another Democratic senator, who requested anonymity to discuss the internal dynamics of the Democratic caucus. Manchin said fellow Democrats were “rushing” to spend another $3.5 trillion without fully understanding the potential ramifications of their actions. He warned that the bill could leave the federal government short of resources to respond to the pandemic if it gets worse because of viral mutations or if there’s another financial crisis like the Great Recession. While some Democratic strategists have privately complained that Biden has not made more of a public sales pitch on behalf of his human infrastructure proposal, Democratic senators say they’re happy the president has let the talks play out on Capitol Hill without much interference. Kaine said “it’s really important” that Biden is now getting personally involved in trying to persuade Manchin and Sinema get on board with the reconciliation bill. “There’s a time when you get involved, and now is that time,” he said. Kaine said Biden’s intervention in negotiations over the bipartisan $1 trillion infrastructure bill that passed the Senate last month was “very critical” to keeping it on track. Senate Majority Whip Dick Durbin (D-Ill.) said Wednesday that he hopes Biden’s personal involvement will be a difference-maker with Manchin and Sinema. “That conversation is important,” he said.

#### Withdrawal doesn’t cost PC

Kapur 8-24-2021 (Sahil, “Joe Biden bets a war-weary America will reward him for leaving Afghanistan,” *NBC News*, <https://www.nbcnews.com/politics/white-house/joe-biden-bets-war-weary-america-will-reward-him-leaving-n1277104>)

President Joe Biden is standing firmly by his decision to withdraw U.S. forces from Afghanistan, despite chaotic scenes of the Taliban rapidly seizing control and the U.S. rushing to airlift diplomats out of the country. Behind his confidence is a political bet that a war-weary U.S. public will stick with him and enable him to weather a firestorm of criticism, not just from his Republican opposition but also from Democratic allies who promise to investigate failures surrounding the withdrawal. Public support for the withdrawal has fallen from earlier this year, but pluralities still want U.S. forces out, according to two new surveys. A Yahoo News poll found that 40 percent support the pullout, while 28 percent oppose it. (In July, 50 percent favored the pullout.) A Morning Consult/Politico poll found that 49 percent support the withdrawal, while 37 percent oppose it. (In April, 69 percent backed withdrawal.) The criticism has been heaviest over the execution of the withdrawal, including the failure to evacuate U.S. personnel and partners in time for the rapid Taliban takeover. Republican lawmakers, and some Democrats, have compared it to the fall of Saigon, South Vietnam, in 1975. At the moment, Biden needs all the political capital he can muster, in order to spend it on signing an infrastructure bill and a $3.5 trillion social safety net package at the core of his domestic agenda, which his party is counting on to survive a difficult midterm election cycle next year. Democratic strategists say Biden is on solid political footing, arguing that Americans will ultimately see the issue as a simple choice between continuing the occupation and ending it.

#### He's still above water, and will rebound from Afghanistan quickly enough to pass infrastructure

Davis 8-27-2021, data analyst in DC (Ben, “Biden is facing his biggest crisis yet. And he will survive it,” The Guardian, <https://www.theguardian.com/commentisfree/2021/aug/27/biden-is-facing-his-biggest-crisis-yet-and-he-will-survive-it>)

President Biden’s decision to withdraw US troops from Afghanistan, and the country’s nearly immediate fall to the Taliban, has created the first major public relations crisis of his presidency. This crisis further deteriorated on Thursday, with the Islamic State bombing at Kabul airport, which claimed the lives of at least 12 American soldiers. Elite opinion in both parties has been decidedly against his decision to withdraw and he has received intense and sustained negative media coverage for the first time as president. The airport blast will only make this worse. As a result, Biden’s formerly stable approval rating has dropped precipitously and now sits just barely above water. Biden has hit a crisis that looks like it could sink his presidency, but he is right to dismiss his critics and stay the course, both morally and politically. Biden campaigned and was elected on leaving Afghanistan. While the spasm of negative coverage has damaged his approval rating temporarily, the underlying policy of withdrawing from Afghanistan is extremely popular. Even polling designed to elicit specific negative responses, such as Morning Consult’s framing of supporting withdrawal “even if it means it creates an opening for al-Qaida and other terrorist groups to establish operations”, results in net positive support for withdrawal. Americans of both political parties do not want to be engaged in military occupation and overseas conflict in perpetuity. Those who are declaring the withdrawal a presidency-defining catastrophe for Biden are ignoring that the shelf-life of scandals isn’t what it used to be. There is much to be gained from staying the course and riding out the storm. Donald Trump was a master of this. He was able to rebound back to his baseline from a number of controversies that briefly sank his approval rating. A number of other politicians, such as the Virginia governor, Ralph Northam, have also demonstrated the limited timeframe of controversy. Biden must ignore the media storm and the over-the-top politically motivated calls for his resignation by Republican politicians like Nikki Haley and Josh Hawley, who are dropping their isolationist “America first” charade in order to criticize the withdrawal. As Trump himself said earlier this year: “Getting out of Afghanistan is a wonderful and positive thing to do.” His supporters will likely agree. And so Republican politicians will be forced to adjust to this reality. The sad truth is, the media’s attention span – especially when it comes to covering western wars – is short. If the past two decades has taught us anything, it’s that the current wall-to-wall Afghanistan coverage is rare and fleeting. Biden can weather this storm, especially if he is successful at tackling the humanitarian part of this crisis, rather than the military one. A recent poll found that 81% of Americans support offering asylum to Afghans. And nine Republican governors have even offered to resettle Afghan refugees in their states. Given that much of the outcry over Biden’s withdrawal was over the dramatic scenes of Afghans clinging to airplanes at Kabul airport, a successful refugee resettlement effort would help to disarm many of Biden’s fiercest critics. Biden has a rare but brief opportunity to resettle refugees before Republican officials in state governments revert to their usual anti-refugee positions. Biden has a moral imperative to take advantage of this and accept as many people as possible. The other important point in Biden’s favor is: there was no credible alternative. Some have argued that, while the withdrawal was generally a good idea, the execution was shambolic. And while this may be true when it comes to the evacuation crisis – Biden could certainly have airlifted American civilians and Afghan refugees sooner – it’s clear that a Taliban takeover could not have been avoided. Despite the chaos at the airport, about 100,000 Afghans have been evacuated in a very short period of time. If two decades of war to the tune of $1tn couldn’t stop a Taliban takeover, then the only responsible decision is to avoid yet more war and loss of life. The rapid withdrawal was dramatic and painful, like ripping a Band-Aid off. A slower withdrawal would have almost certainly been worse. By endlessly drawing out the exit, every new bombing, every new surprise attack, could have slowed down the pace of the exit until it ground entirely to a halt, causing needless protracted suffering. All the while, lives would continue to be lost for an unwinnable war. That Biden has resolutely stuck by his decision in the face of universal media condemnation is extremely brave, and it will pay off in the long term both for Americans and the Afghans who have lived under two decades of war. When the eyes of the media move on, his approval rating should rebound, and the administration will be able to refocus on political battles that deliver clear material benefits for Americans, like the infrastructure bill and reconciliation package. The current crisis is a painful one, but it will not define Biden’s presidency. If he delivers on his ambitious domestic agenda, he will still have the opportunity to be remembered as an FDR-style president. He will be celebrated for the victories he won, not the quagmires he inherited.

#### Applying antitrust to big ag encounters fierce political backlash

Kaufman 8-17-2021, Author of THE FALL OF WISCONSIN (Dan, “Is It Time to Break Up Big Ag?,” New Yorker, <https://www.newyorker.com/news/dispatch/is-it-time-to-break-up-big-ag>)

Perhaps the most pivotal figure in any effort to break up Big Ag will be Tom Vilsack, Biden’s Secretary of Agriculture, and the only Cabinet member from the Obama Administration to return to office under Biden. Vilsack had been a rural adviser for Obama’s 2008 campaign, which offered a decidedly populist message to farmers. “The game’s been rigged,” Obama had said, during a visit to a farm in Adel, Iowa. “It’s time we had a government that understood it’s the Department of Agriculture, not the Department of Agribusiness.” After winning the Democratic nomination, Obama released a plan for rural America that included rigorous enforcement of antitrust laws like Packers and Stockyards. Obama won forty-five per cent of the national rural vote, carrying Iowa by ten points and Wisconsin by fourteen. When Obama picked him to lead the Department of Agriculture, Vilsack was widely considered a pro-business choice, a former governor who had supported tax breaks for the ethanol industry. But his political ascent was preceded by a difficult childhood. Born to an unwed Irish American mother, in Pittsburgh, he was placed in a Catholic orphanage, and adopted as a four-month-old; by the time he left for college, his adoptive mother, who struggled with alcohol and prescription drugs, had made two suicide attempts. After graduating from law school, in Albany, New York, he moved to Mount Pleasant, Iowa, his wife’s home town, and joined his father-in-law’s firm. The job put him in contact with farmers who, during the Reagan Administration, were facing their biggest crisis since the Depression. “I represented a lot of farmers who were losing their farms,” Vilsack told me. “That directed my interest to try to provide some help.” In December of 1986, a disgruntled homeowner, angry about backed-up water in his basement from the town’s sewer system, rose at a Mount Pleasant city-council meeting, pulled out a handgun, and shot and killed the mayor, Edd King. King’s father asked Vilsack to run in the ensuing special election. Vilsack won the mayor’s race—and, later, a state senate seat, and then two terms as Iowa’s governor. As a member of Obama’s cabinet, Vilsack publicly embraced organic agriculture, established a program to bring locally grown foods to school cafeterias, and launched the U.S.D.A.’s StrikeForce Initiative, which invested more than twenty-three billion dollars in infrastructure, conservation, nutrition, and other programs in rural counties with persistently high poverty rates. But he also proved to be a mostly reliable steward of the corporate-friendly status quo. He approved so many genetically modified crops that critics began calling him Mr. Monsanto. At the 2009 United Nations Climate Change Conference, in Copenhagen, he unveiled a plan for the U.S.D.A. to help farmers cut greenhouse-gas emissions by buying manure digesters, even though they are useful only for large, carbon-intensive factory farms. Vilsack also faced pressure to revive antitrust enforcement. Two years before he took office, a U.S.D.A. inspector general’s report revealed that the Grain Inspection, Packers, and Stockyards Administration, or gipsa, the agency within the U.S.D.A. tasked with enforcing fair business practices, was actively blocking the enforcement of its own rules. Most notably, gipsa’s acting administrator had stashed about fifty of the agency’s enforcement actions in a desk drawer, instead of prosecuting them. In response, Vilsack proposed a set of sweeping measures that would, among other things, make it easier for farmers to sue processors for harming their business. “I think it’s fair to say what we’re proposing is aggressive,” Vilsack said, in a news conference announcing the new rules. “Our job is to make sure the playing field is level for producers.” In 2010, Vilsack hosted a nationwide series of hearings to investigate anticompetitive practices and market concentration in various agricultural sectors. “The President has instructed the Department of Agriculture to establish a framework for a new rural economy,” he said at the first hearing, in Iowa, which was attended by Attorney General Eric Holder and Christine Varney, the head of the Justice Department’s antitrust division. At a hearing in Madison, Wisconsin, which focussed on the dairy industry, hundreds of farmers were in attendance, some from as far as California and New Mexico. Vilsack highlighted the problems that agricultural consolidation was causing for rural America. He noted that rural counties in the U.S. accounted for ninety per cent of those with persistent poverty—meaning, twenty per cent or more of the population has lived in poverty for the past thirty years—and that nearly half the country’s dairy farms had been lost in the previous decade. “When we lose farming operations, it not only impacts that specific family but it also has a significant impact on rural America,” he said. “I have a growing concern about the condition of rural America.” Meanwhile, the meat industry began an intensive lobbying campaign against Vilsack’s proposed gipsa rules, which the National Farmers Union had dubbed the “Farmer and Rancher Bill of Rights.” The House and Senate Agriculture Committees requested that Vilsack extend the deadline for comments, which he did, putting the new deadline beyond the 2010 midterm elections. That year, as the journalist Christopher Leonard details in “The Meat Racket,” the country’s five largest meat companies and their front groups spent nearly ten million dollars on lobbying, casting the gipsa rules as job-killing regulatory overreach. After the midterms, when Republicans regained control of Congress, they attached an annual rider to the U.S.D.A. appropriations bill stripping the agency of funds to complete the rule-adoption process. Vilsack did not fight back. In 2016, he told the Des Moines Register, “I don’t think just because a couple of the major players are going to potentially merge or consider some other kind of arrangement that that necessarily long-term absolutely guarantees that farmers are going to have less choice.” A few weeks after leaving office, Vilsack was hired as president of a dairy-export group, earning roughly a million dollars a year. His successor in the Trump Administration, Sonny Perdue, effectively eliminated gipsa. “When Vilsack failed to follow through, it really set the effort back,” Leonard told me. “It was worse than if they had done nothing. It emboldened the companies not only to continue their practices but to intensify them.”

#### Big ag is powerful, any attempt to take them down is politically perilous

Brock 21, assistant professor of American politics and public policy at Texas Woman's University (Clare, “Why is corporate lobbying on food skyrocketing?,” *Medium*, <https://medium.com/3streams/food-business-lobbying-and-political-polarization-bc812e93cf28>)

My latest research published in the journal, Interest Groups & Advocacy, suggests that political polarization is altering corporate lobbying in food and agriculture in very specific ways. As partisan polarization increases in this policy area, corporations are increasing their lobbying efforts in Congress. Why is this? Interest groups are working longer and harder to lobby members of Congress because that’s where the largest, loudest, most heated conflict occurs. As conflict increases, lobbying groups have to adjust their strategies accordingly. We often call this prolonged conflict in Congress and the resulting inaction “gridlock”, and in recent decades this has been particularly true. Congress is slow to move and the fights are fierce. Even within committee, legislation that once drew consensus now draws fire. And as partisanship increases, so does gridlock. For lobbyists and those who wish to influence the outcomes of legislation, this means that they must work harder and longer to see legislation through from start to finish. At the same time, gridlock and a prolonged process also means that there may be more opportunity for groups to influence policy content as lawmakers debate specific provisions and ideas to death (or l

ife). This combination matters because polarization is likely to increase the competitive advantage that wealthy interest groups already enjoy. Lobbying is already dominated heavily by corporate interests. This is because lobbying is not cheap and is most easily undertaken as a collective activity. As gridlock prolongs the time between legislation being crafted and its passage, interest groups that would like to influence policy content must engage for increasingly long durations. Sustaining these efforts for year after year becomes both necessary and, for many, financially prohibitive. The wealthiest interest groups and corporations can sustain high levels of lobbying for much longer than more resource-poor groups. And this finding is especially important in a subsystem like food and agriculture, which affects our health and wellbeing on such a fundamental level. Current farm subsidies already reinforce disparities between farmers. In 2019, 54% of all payments went to the wealthiest 1/10th of farmers. As polarization further advantages wealthy interests who are able to sustain lobbying efforts, it is possible that such disparities will worsen. Farm policy impacts the cost of food, gas prices (ethanol is made from corn), food access, conservation policy, and more. This is not to say that wealthy interests and corporations are “buying” legislation. That has never been strictly true. Politicians are undoubtedly influenced by their ideologies, constituencies, and co-partisans. All this is simply to say that an increase in conflict within Congress prolongs the process in a way that exacerbates the advantages of wealthy interest groups. Polarization and gridlock don’t just frustrate Americans, they also have real consequences for policymaking and whose voice gets heard on the Hill.

#### Infrastructure investment is key to win the tech race vs China

NPR 3-23-2021 (“Building A Big Infrastructure Plan, Biden Starts With A Bridge To Republicans,” *America’s News*)

MARA LIASSON: That's Bill Galston, former domestic policy adviser in the Clinton White House. He says Biden's infrastructure plan isn't just roads and bridges; it's a major investment in manufacturing and the technologies of the future, like 5G, a green electric grid, semiconductors, carbon-free transportation. Galston

says this is the bill that could transform the country.

BILL GALSTON: A country that has not invested in itself for a very long time, a country that is on the verge of losing its technological and economic superiority to the rising power at the other side of the Pacific.

MARA LIASSON: The need to outcompete China is something that both parties agree on, and it's at the heart of Biden's sales pitch for Build Back Better.