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*See Appendix ART – Articles of Incorporation Examples*

*See Appendix KM – Kairotic Moment Example*

*See Appendix SO & IO – Special Operations & Information Operations Example*

*See Appendix TREX – Treaties Examples*

*“According to a 2004 study by the World Bank Institute, \$1 trillion is paid every year in bribes worldwide. Many agree that the victims of bribery are often those living in poverty in the developing world, in countries rich in resources but dominated by corrupt governments. While the vast majority of these citizens remain very poor, often living on \$1 a day, their elected officials accumulate enormous personal wealth, taking millions in bribes from corporations looking to secure lucrative contracts. Research by Transparency International shows that bribery not only stymies development, it also impacts health services, literacy rates and the environment.”*

– Frontline World, “The Business of Bribes, Spotlight: The Victims of Corruption,” February 24, 2009

**A Billion Employees:** Imagine a corporation with a billion employees? No government on Earth, even those with the most formidable armies, has ever employed even a significant fraction of that number, and certainly no organization of any type has come close to a significant fraction of those employed by governments. We don’t need to look back too far in history to determine this has never happened, the world’s population reached one billion around 1800 A.D. but reached seven billion around 2011 (see previous discussion, The Human Diaspora, 1 Expansion, p. 885, *infra*), just two centuries. Employing a billion people, the population just under that of China currently, would make the corporation effectively a nation, but in the interstellar civilization scale of GGDM, probably not. How far into the future do we need to look to find one billion employees?

- ✓ According to Wikipedia article, “List of Largest Employers” (April 1, 2019),<sup>1</sup> the U.S. Department of Defense employed 2.86 million people, and the People’s Liberation Army of China employed 2.52 million between 2010 and 2015, the entire U.S. government employed 2 million civilian workers excluding the Postal Service and military (Wikipedia article, “United States federal civil service”). Walmart employed 2.3 million between 2010 and 2015, and McDonald’s had 1.7 million employees in 2010 and 1.9 million employees in 2015. Walmart worldwide is thus the size of the civil U.S. federal government, minus the Postal Service; Walmart employees do occasionally ‘go postal’ though (*non sequitur* humor).☺
- ✓ “Satan hasn’t a single salaried helper; the Opposition employ a million.” – Mark Twain.

Theoretically, I guess, the entire population of the Soviet Union might have been considered ‘state employees,’<sup>2</sup> however impractical:

- ✓ “THEY pretend to pay us, we pretend to work. This half-serious summary of communist economics contained a kernel of truth: for Soviet workers, the freedom to pilfer and dawdle made up, to some extent, for empty shelves and wretched wages. Like other illusions, it served a purpose for a while, though that could not last.” – The Economist, April 26, 1999 (emphasis in original).<sup>3</sup>

*“Thorngate (1976) developed a postulate of commensurate complexity in which there are trade-offs among a theory being **general**, a theory being **accurate**, and a theory being **simple**. A theory cannot be all three simultaneously; general accurate theories are not simple, accurate simple theories are not general, and simple general theories are not accurate. Weick (1979) provides examples of each.”*

– John P. Bean (Indiana University), “Light and Shadow in Research Design,” Clifton F. Conrad & Ronald C. Serlin, Eds., The SAGE Handbook for Research in Education (2006), p. 354 (found on Google Books, emphasis in original)

**Commensurate Complexities:** A MegaCorporation is an artificial entity created by two or more positions. Unlike Corporations, the Articles of Incorporation for a MegaCorporation are issued by each member by activation of the Diplomacy Power for that purpose on the same Regular Turn as the actualization of a Fuzzy Group to activate the Special Writ. All of the rules that apply to Corporations apply to MegaCorporations unless otherwise noted below.

- **Gelt’s Casino World:** The Host World of the MegaCorporation must be designated in the Articles of Incorporation. When all Members of the proposed MegaCorporation have performed the required Diplomatic Power activations and activated their Special Writs to form the MegaCorporation, the proposed Host World must be checked on the last proposed joining member’s Regular Turn (even if they don’t join) to determine if it accepts the MegaCorporation. This check is made as if a Power Activation occurred at that colony even if it is not owned by any member of the MegaCorporation (next page, *ut infra*), if the check fails due to inactive Constructural Elements at the colony, the MegaCorporation has failed and all of the Power Activations and Writ activations are wasted.<sup>4</sup> Positions may try again...
  - ✓ This is one of only three instances where an **alien colony** can cause the failure of a friendly Power Activation either directly or indirectly; the others are Load and Unload Resources at an **alien colony**. Failure of an **alien colony** can also mess up a Trucking transaction, but will not cause a friendly Power Activation failure.
- **Too Many C(r)ooks in the Kitchen:** MegaCorporations are formed by issuance of Articles of Incorporation for that purpose by multiple positions. Each position desiring to join the MegaCorporation must independently create a set of Articles of Incorporation Special Writ. The Concierge should be made aware of the intent to form a MegaCorporation and the identities of the proposed member positions so that the Concierge can view the proposed Articles and determine whether they are appropriate for each position and are compatible and in agreement on the operation of the MegaCorporation. The proposed Articles must list the Diplomacy Power and not the Commerce Power as the associated Power for the Special Writ.
  - ✓ As noted in the Diplomacy sections, it is expected that private communications will occur in advance between players, which is of no concern to the Concierge. The Concierge will only judge what is necessary and presented. It is possible, of course, because of player communication, for the proposed Articles to have identical language, but that does not mean that they are identically compatible with each position’s current milieu. Expect that the process of forming a MegaCorporation may take more than one Turn Cycle.
  - ✓ It is unlikely that a regular Corporation could become a MegaCorporation by adding members. But like all else, it is not *impossible* with great creativity and imagination.

- **Sovereign Chefs:** MegaCorporations are trans-sovereign entities, they might even be quasi-states (in the Justice Jackson sense, see 3 Government Titles, EN 8, p. 623, *supra*). All proposed members must share Diplomatic Space with all other proposed members; i.e. two positions that have not had First Contact cannot possibly form or join the same MegaCorporation. The proposed members must decide in advance which colony world will Host the MegaCorporation. The owner does not lose sovereignty over the colony as a result of Hosting a MegaCorporation, and the MegaCorporation does not need to be hosted on a world owned by any member theoretically (but the owner must share Diplomatic Space with all members), if some other position will agree to host the MegaCorporation. Like Corporations, however, MegaCorporations must have some *location-specific activity* related to the host colony, even if there are activities at other colonies related to the MegaCorporation.

- ✓ A non-member might agree to Host a MegaCorporation at a ‘neutral site’ to receive the free benefits of the *location-specific* activity of the MegaCorporation at their colony without needing to expend their own Acts, Scenes, Activations or RPs. Call it ‘rent money.’ Of course, there is a mountain of potential complications in depending on another group of positions for your regular grub, not to mention the unwanted attention it may attract to your colony.

Whether a MegaCorporation can own a colony world is an unsettled issue with many ramifications. Potential members may desire a Host Colony not owned by any position. Any sovereignty over a colony world by a MegaCorporation necessarily involves ceding population which might be a supra-legitimacy issue; it is of course, easier to cede population that is not of your own Native Population Type and that may cause less supra-legitimacy issues for a member position. If a MegaCorporation does come into ownership of a colony, in whatever way, that colony is no longer sovereign to any position (until conquered), everything on the colony (including defenses, which might be the purpose of it) passes to the MegaCorporation, and the colony will no longer respond to Power Activations of any position.

- ✓ This is the kind of situation that offends modern sensibilities. It is a similar situation to other games that allow players to diplomatically ‘cede’ cities and territories to their allies or make agreements as to who can take which territories (e.g., to be in position to jointly attack certain other players later). It is important to remember that not all eras share our modern sensibilities, for example, it is very unlikely that the French asked the Native Americans for permission to sell the Louisiana Purchase to the United States. Nor did the Europeans ask the permission of Indians and Polynesian islanders when they granted exclusive control of ports and islands to European Corporations to exploit. India had little say over the British East India Company.
  - ✓ In each instance, the Concierge will make a determination based on the milieu of the game as to what might be allowable; the East India Company had an army and fleet.
- **Dinner is Served:** When the Concierge has approved all of the proposed Special Writs to form the MegaCorporation, the proposed members must each on their next Regular Turn, activate the Diplomacy Power for the purpose of Articles of Incorporation which costs one Act and one Scene on the Capital Colony. Concurrent activation of the Commerce Power is not required to create a MegaCorporation.
    - ✓ Any position that fails to do so will lose the opportunity to initially join the MegaCorporation and may in some instances compromise the whole venture if, for example,

there were only two proposed members or if that position's material contribution to the MegaCorporation was vital.

- ✓ Positions should be certain that they have the proper Acts and Scenes and can spare the Power Activation on the Regular Turn after everything is ready, go.
  - ✓ Only those positions who activate the Diplomacy Power as required are initial members of the MegaCorporation, if the MegaCorporation is tenable with the current membership. The Concierge and/or members may deem the MegaCorporation untenable or inoperable if certain members fail to join by following the above procedures. It may also be possible that the absence of a proposed initial member is irrelevant.
  - ✓ The Concierge may, with discretion, allow the process to go forward a second time or third time if desired if the MegaCorporation is untenable without a certain member position, but cannot force the other proposed members who were stood up on at the altar to recommit to the process or expend additional Acts, Scenes or Power Activation for second and third tries.
    - The worst situation is when two, three or four other positions have activated their Diplomacy Power during their Regular Turns but the last, but crucial position doesn't and the whole project collapses. It is sort of like trying to complete a real estate closing or get project funding in place.
- Late Dinner Guests: Late guests will be tarred and feathered after dessert is served. It is possible for other positions to join an existing MegaCorporation. The process involves three parts; the proposed member must submit the proposed Articles of Incorporation Special Writ (the Concierge must give the proposed Writ the same consideration), the existing members must consent, and when all is ready, the proposed member must activate the Diplomatic Power for the purpose of Articles of Incorporation on the next Regular Turn and make whatever other contributions are necessary. The existing members *are not required* to activate Diplomacy Powers to accept the new member. The addition of a new member cannot substantially change the operation of the MegaCorporation consistent with the previous discussion regarding non-amendment of Writs (see *We Just Lost the Beat*, 1 Corporations, p. 1248, *supra*).
- ✓ Dessert is served! MegaCorporations are the first step toward pan-galactic culture, the first level of synergy above positions. As such, some positions with particular Government Titles or different agendas will be opposed to MegaCorporations. MegaCorporations can also cement long-term alliances and adds Diplomatic Spaces (see *Shared Spaces*, 2 Diplomacy, p. 1118, *supra*).
- Leaving So Soon?: Members may leave a MegaCorporation by activation of the Diplomacy Power for the purpose of Break Treaty, or by becoming extinct in the Galactic Space. Members who fail to timely renew their Articles of Incorporation are also considered to have left the MegaCorporation, though they may be readmitted at the discretion of the Concierge and permission of the remaining members. The Concierge may also determine that the Articles of Incorporation are no longer consistent with the current milieu of any member position and refuse renewal.
- ✓ For example, a position whose change of Government Titles and other actions have made it militant, xenophobic, or opposed to the other members, and this is a radical

departure from the conditions in which it initially joined the MegaCorporation, might not be allowed to renew the Articles.<sup>5</sup> This is within the discretion of the Concierge to ‘suspend’ Writs as described in *Suspended Writ, 2 Writs*, p. 440, *supra*.

Members who leave may or may not receive back anything they contributed, and whether the departure of a member causes the MegaCorporation to collapse is a situational judgment by the Concierge and members (unless there were only two members!).

- **Cold Leftovers:** Generally, it would be problematic for positions to apply Enlightenment to MegaCorporate activities. In the same vein, MegaCorporations should not likely benefit from Writ activations or Institute activities of member positions; all are specific to the internal sociocultural state of the member position. But, it could in some circumstances be part of the bargain, to bring expertise to the MegaCorporation. Like Corporations, if a MegaCorporation is to use Enlightenment (the best of the member species) it must be stated in the Articles of Incorporation; one species’ level of enlightenment might be another species’ dumb!<sup>6</sup>
  - ✓ There are two aspects to technology questions regarding MegaCorporations. First, the MegaCorporation benefits from whatever technology is provided to it; thus if a member provides a 3<sup>rd</sup> Era Cargo Ship, that ship operates for the MegaCorporation as a 3<sup>rd</sup> Era Cargo Ship (per the abilities granted by its Patent) regardless of the relative technology levels of the other members. Second, if there is any question, the MegaCorporation operates with and has available whatever technologies are available to the position that owns the Host Colony.
  - ✓ MegaCorporations have the opportunity to become a mish-mash of technologies and Native Population Types (someone is doing the work, GGDM doesn’t really track well the Native Population Types of ship crews and laborers), and is a prime opportunity for Reverse Engineering and a conduit for Special Operations Lodging.

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*“Staggering in size, these organizations are so large that no one person can know everything they are concerned with at any given moment. Total shares of stock, annual profits, number of employees are all astronomical. Many organizations are so large that different divisions of the same megacorporation may actually be working at cross purposes. In most regions, megacorporations merely own the land their installations are on, but in some areas they control entire planets, either directly or indirectly.” – From Traveller Wiki, “MegaCorporations,” January 17, 2019*

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- ✓ *Most Megacorporations use a hegemonic form (power structure) of governance.*
  - ✓ *They are sometimes called ‘corporate technocracies’ and use an oligarchic power source, generally composed of a board of directors. Exceptions to the generality do exist.*
  - ✓ *Most megacorporations are organized very much like smaller companies, with a board of directors, a president, and vice presidents.*
  - ✓ *However, the board and the higher-level executive officers of the company are largely out of contact with the day-to-day (or even year-to-year) functioning of the company.*
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- ✓ *These upper level executives serve to plan general policy and long-distance actions.*
- ✓ *The most important executives, in terms of personal power, are the various regional managers, by whatever title they have assumed.*
- ✓ *A regional manager may control only a small portion of a megacorporation's total assets, but many hold more power in some regions than the representatives of the Imperial government.*
- From Traveller Wiki, "MegaCorporations," January 17, 2019

**CHOAM-ed Again:** CHOAM in the Dune Universe could be viewed in GGDM terms as either a Corporation or MegaCorporation. To the extent that the Great Houses – the shareholders – are regarded as sovereign – they do appear to have a monopoly on the legitimate use of force in their territories – and the Imperium as a trade confederation ruled by the Emperor, CHOAM is a MegaCorporation between sovereign civilizations. However, if the Imperium is defined as the sovereignty of all humanity (a 'position' in GGDM) and considered a Unitary Structural Title, then CHOAM must be a Corporation, whose shareholders are the Estate Titles. However, there are no sapient aliens in the Dune (1965) universe against which the collective sovereignty of humanity can be contrasted as a 'position.' As mentioned several times throughout GGDM, it often comes down to how you slice the pie.

The balance is tilted toward CHOAM being a MegaCorporation in GGDM terms because it is not specific to a single location. In 2011, a Forbes article listed CHOAM as the largest fictional company. It's hard to argue with when they ship to an entire galaxy!<sup>7</sup>

Unlike the Dune (1965) universe, the Traveller RPG setting has about a dozen Imperial Charter MegaCorporations; in Dune CHOAM is the only one. Traveller actually calls them MegaCorporations whereas Dune does not.

- ✓ Traveller's MegaCorporations are not like MegaCorporations in GGDM, as they are all owned and operated within the Third Imperium (not cross civilization ownership by governments), so they are really just very big and powerful interstellar trade, mining and manufacturing Corporations; in Dune, the Great Houses are the manufacturers, especially House Harkonnen. Some alien civilizations bordering the Traveller Imperium have their own MegaCorps.
- ✓ Traveller MegaCorporations have large private armies and interstellar navies, and hire mercenaries, adventurers and spies, like the Great Houses in Dune and the major territory nobles in Traveller, creating great mischief; there is no mention in Dune of CHOAM having or needing a naval force or private army; the shareholders have the armies and fleets to enforce CHOAM's monopoly.
- ✓ Though Traveller MegaCorporations are Imperial Chartered, it is vague as to what extent they govern or are an extension of the government; they do sometimes own worlds, their navies and armies cause troubles and they sometimes operate against the government's interests in frontier areas. The Imperial family may have some owner-

ship, as do major sector nobles, but the MegaCorporations seem to operate autonomously, at cross-purposes and are staggeringly huge (always providing convenient and easy adventure hooks).

Thus, the embrace in Traveller is much like the current world, the government and society need the abilities and resources of scale and multi-national corporations, but cannot fully trust them and must reign them in regularly.

There is little doubt that the Traveller MegaCorporations and the idea of tyrannical interstellar corporations is based on the East India Company (1600 to 1874), who owned islands, slaves, and recruited an army and navy (after 1750) and became the force of British conquest and policy in India and Southeast Asia (the East India Co. attempted to annex Afghanistan in 1839). They are also the culprits in the China opium trade and Opium Wars, discussed in 3 Commerce, p. 1216 *et seq.*, *supra*, and mentioned in Elder Race, 5 Diplomacy, pp. 1153-1154, *supra*. This leaves much room for mischief relating to Corporations and MegaCorporations in GGDM.

*“Hey doc, do you happen to know anybody who is interested in buying a slightly used flying saucer – it’s only got 3 billion miles on it.”*

– Bugs Bunny, “The Hasty Hare” (1952) <sup>8</sup>

**Starship Sales:** In the preceding Commerce section, rules were established for the Unloading of resources at **alien colonies** by Cargo Ships. However, Cargo ships cannot deliver (directly) ship or colony enhancements and certainly cannot deliver other starships; there is no mechanism in the prior rules for transfer of enhancements, technological devices or starships between positions.

Corporations and MegaCorporations, if their Articles of Incorporation allow, may manufacture and/or deliver anything that can be produced in the game and/or that is possible to deliver. For example, a Corporation might manufacture and sell Cargo Ships by treaty to another position, or a MegaCorporation might build industry on a colony as part of its function. It is assumed that whomever is going to be the recipient of the starship would provide the Corporation or MegaCorporation with the technical information necessary to manufacture the ships to specifications.

Selling or stealing starships may not be as easy as it seems. For example, in the anime Crest of the Stars/Banner of the Stars, only Abh could fly Abh ships because the controls included an interface that plugged into the back of their heads. They could ‘feel’ the ship like their fingers, and thus, in addition to imperial law banning regular humans from owning ships, humans could not fly Abh ships in any event.

- ✓ This is an issue that the Concierge will need to take into account in situations such as revolts or insurgencies on Conquered or Converted Colonies. In Timothy Zahn’s The Blackcollar (1983), the objective was to locate and reclaim for the revolution a fleet of *human* warships that had been hidden before Earth surrendered. They weren’t trying to capture and operate alien warships. See boarding combat discussion, For the Babylon Bobs, 6 Combat, p. 1028, *supra*.

**Better Business Model:** While sitting in a traffic jam one day trying to get to the airport, a friend told me the story of another day when he and his father were sitting in a traffic jam waiting to go to the airport.



That day, he and his father were listening to call-in talk radio. A caller, who claimed to be the owner of a traditional gas station, called the show and complained on the air about all of the new chains of convenience store or mini-mart-gas stations that were springing up across the country. In short, he was complaining that he was losing business, that they were destroying his business, and added, that they should be outlawed!

The talk show host eventually broke in and asked him why, other than the fact that his particular business was not doing well, he thought the chain convenience store/mini-mart-gas stations should be made illegal. The caller had no answer, only reiterated that they were destroying his business. At which point, my friend's father, a high level Fortune 500 corporate executive, said, to his son, "so they should be outlawed because they have a better business model?"

As traditional manufacturers and retailers know well, online retailers have the better business model. For example, "It's been a downward spiral for traditional retailers. The model of online retailers is winning out. They are more competitive on pricing, they have better selection and their convenience level is quite high." – Christian Magoon from CNN Money interview, cited in Washington Post article, "America is over-stored, and Payless ShoeSource is the latest victim," April 5, 2017.

Further, the United States is oversaturated with retail space from the boom of the 1990s, having six times the amount of retail space per capita as Europe. And the results are showing in the continuous line of distressed retailers, store closings, and bankruptcy filings. *Id.*

The position of traditional retailers in the market is likely untenable in the long term, and the solution will be immensely complex at best. But what are *not solutions*: 1) blaming the consumers, 2) blaming internet retailers, 3) instituting policies that restrict sales from distributors to only brick & mortar retailers (other than for other compelling reasons, such as licensing and professional installation) and 4) forcing buyers – especially of non-vital, luxury or recreational hobby items – to purchase at local brick & mortar stores.

- The True State of Gaming: The tabletop gaming hobby in North America is shrinking, or at least it has not been growing. Tabletop gaming has been seen as niche, geeky, old-fashioned and the subject of lampooning for the last 50 years; it will never be mainstream in our society, unlike the more acceptable, and much less socially useful, video gaming. I have understood that tabletop hobby gaming is a different market and treated differently in Europe.

All four of the above solutions, as I have personally experienced as an internet game retailer, is what the hobby gaming manufacturers – led by Asmodee North America (ANA) who controls 60% of the North American market – have chosen to do to solve their FLGS 'brick and mortar' problem.<sup>9</sup> And they bullied the distributors into going along with it – to be clear, the manufacturers need the distributors as much as the distributors need the manufacturers. Theoretically, their bargaining positions are equal; the power of the manufacturers is not so oppressive as it seems at first glance – if the distributors as a bloc refused, what could the manufacturers do? But the distributors (GTS, ACD, etc.) are spineless, instead of standing up for their own business independence, they will allow some other *non-governmental group* to tell them who they can sell what to, at what price,<sup>10</sup> and allow it to affect their bottom line and the viability of their employee's income and economic lives.<sup>11</sup> The problem they are trying to solve in this way is the problem they will exacerbate by forcing customers to pay brick & mortar prices; they will inherit the wind as the hobby continues to shrink.

- ✓ Notably, the same rules do not seem to apply to brick & mortar retailers who sell on the internet, e.g., Amazon, eBay; once they have the certification number from ANA, they can buy anything in the catalog and there is no control on where, for how much and to whom they sell it. For example, I know of a local game store that sells on the internet from the back room of their store, at much lower prices than in the store, they sell under a different name, so that they can be competitive in internet pricing, maintain their FLGS in-store pricing, and none of their store customers will complain.

There is nothing inherently unethical about having a better business model, but there is something inherently unethical about controlling the market without a legally-supervised monopoly – our civilization decided that in the 20<sup>th</sup> Century and instituted programs (e.g., public utility commissions, SEC, Justice Department, etc.). Imagine the consequences to civilization if doing something better, having a better organization, system, management, process or procedure was considered unethical? Further, more competitive should not be confused with anti-competitive practices. They are definitionally different and the reactionary response of those who control the hobby gaming market to more competitive opposition is to enact anti-competitive market barriers to artificially prop up the traditional game retailers.

- ✓ See also article by Austan Goolsbee, “Never Mind the Internet. Here’s What’s Killing Malls.” New York Times, February 13, 2020, which argues big box stores, growing income inequality and spending on services instead of things is killing mall retail.

*“The hack only exposed the truth about how most of us interact with big corporations these days: All the power is in their hands. Customers sometimes aren’t even aware they’re customers until something has gone wrong. Every financial contract involving consumers is standardized to prevent negotiation. Every financial contract involving wealthy individuals or companies, on the other hand, is highly tailored to personal concerns. The terms of the contracts for regular people are consistently asymmetrical: they favor the company, and never the consumer....”*

*Instead of capitalism based on democratic principles of trade, it’s more of a feudal system: The land is owned by the banking class and anyone using it has to pay the owners. The ‘land,’ in this case, is the entire U.S. financial system of banking and credit, as banks and financial firms like Equifax have made themselves successful intermediaries in nearly all transactions, from simple salary payments (hello, direct deposit) to renting an apartment (try doing that without having a credit score on file.) While consumers remain accountable to financial firms – that late rent payment is on your credit report – financial firms are not at all accountable the other way around. They do business as they like, as Equifax shows. Because their more profitable customers are other financial firms, and those firms don’t care if you have to spend an hour or two on the phone cleaning up Equifax’s mess.”*

– Heidi N. Moore, “Why didn’t Equifax protect your data? Because corporations have all the power,” Washington Post, September 21, 2017

**Encore, Encore!:** Oh, hey, don’t go away yet, we are not done! Need an encore? In September 2017, it was also revealed that the SEC’s EDGAR filing system was hacked and the hack may have been used to facilitate insider trading (just picture the ending of 1983’s Trading Places).

And back in the land of Equifax – whose hack exposed the records of three quarters of the American adult population (143 million records were possibly breached), it turns out that for two or

more weeks afterward, Equifax operators were carelessly providing an incorrect web address that sent consumers worried about their data breach, to a phishing website, where they would then have to have entered their personal data.

- ✓ “What makes the situation especially awful is that you never had much choice about entering into a relationship with Equifax. ‘It’s not like when you get to choose your bank, or choose your credit card,’ says Mike Litt.... No one specifically asked Equifax or its competitors, Experian Plc and TransUnion, to collect data about them. But unless you want to live off the financial grid, you have to accept that these companies you may know little about are keeping an eye on you and your reputation with creditors.... This setup isn’t just infuriating – it partly explains why the hacking of just one company can make so many people so vulnerable. Credit reporting businesses have been built primarily to serve banks and credit card companies, not the consumers they monitor. But just as a lender benefits from having quick access to credit reports and scores, which lets them grant credit to perfect strangers, so does the impostor who comes to them looking to open an account.” – Pat Regnier and Suzanne Woolley, “Thank you for calling Equifax. Your business is not important to us,” Bloomberg, September 14, 2017.

The problem with the Equifax situation and many other data breaches is the same as the argument of the anti-natalists: The failure to obtain your consent, violation of autonomy, and violation of Kantian imperatives, to wit:

- ✓ “Did I request thee, Maker, from my Clay, To mould me Man, did I sollicite thee, From darkness to promote me, or here place?” – John Milton, *Paradise Lost* (1667), Book 10, 743-745.

With one important *caveat*: While it is impossible to obtain the consent of a human to be born who does not yet exist (or for the universe to be created), Equifax could have obtained your consent to keep your records (and/or the government could have exercised better parental authority over the industry). Instead, like being born (or the creation of the universe), it turns out that your welfare was never a consideration at Equifax, and they took it as implied that they were able to amass records and respond to credit inquiries about your file. The anger at Equifax I think is rooted in being reminded of the powerlessness of being forced into existence, except that the target is a corporation and not our parents or our God, and they could have obtained consent.

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*“In the wrong hands, private filings from EDGAR could give a trader (or traders) a significant advantage. Trading on ill-gotten early knowledge of quarterly results could yield a massive payday. For the EDGAR fraudsters, that payday amounted to a cool \$4.1 million.*

*The SEC filed charges in the U.S. District Court of New Jersey against 11 individuals and two companies. Court documents reveal this was a truly global conspiracy. The defendants allegedly conspired from four different nations: four from Ukraine, four from the Russian Federation, two from the United States, and one from the Republic of Korea.*

*One of the two named companies, Copyield Systems Limited, was incorporated in Belize. The other, Spirit Trade Limited, was based in Hong Kong.*

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*The actual hacking was allegedly carried out by 27-year-old Oleksandr Ieremenko of Kiev. Ieremenko was previously charged by the SEC and Department of Justice with securities fraud in two other similar cases. Today's filing indicates that Ieremenko stole 157 non-public earnings statements from EDGAR. The other named defendants allegedly executed trades based on the information contained in that trove of documents. They pocketed the lion's share and handed a cut back to Ieremenko for his assistance."*

– Lee Mathews, "SEC Charges Hackers Who Broke Into EDGAR Database And Traded On Stolen Secrets," *Forbes*, January 5, 2019

## Endnotes.

<sup>1</sup> Citation: The Wikipedia article cites to several articles, including Niall McCarthy, "The World's Biggest Employers [Infographic]," *Forbes Magazine*, June 23, 2015. The article is available online for free.

<sup>2</sup> Commentary & Citation: A documentary or news report I watched long ago showed that Moscow construction workers did nothing all day. I cannot find it now, but I think it was from the late 1980s, perhaps around 1990 even, they installed a camera to watch the workers all day. The workers sat or stood around, and about once an hour, one of them would go move a piece of lumber or a few tools, then resume whatever they were doing.

- ✓ France, with its current pro-labor and employment laws and the power of unions, has been alleged to have similar issues, in particular, in 2013, CEO of Titan Tires, the controversial and outspoken Maurice Tylor, wrote to the French government, "The French workforce gets paid high wages but works only three hours. They get one hour for breaks and lunch, talk for three and work for three." See Wikipedia article, "Morry Tylor," and Lori Hinnant, "Workers seize 2 bosses at French Goodyear site," *Associated Press*, January 6, 2014.
  - "The Amiens plant has an especially contentious past. Goodyear's hopes to close the plant have been thwarted by violent protests with huge bonfires, government concerns and France's prolonged layoff procedures. Now, the union is willing to accept the inevitable loss of jobs — but at a cost." Hinnant, *Id.*
  - In the end sections of L. Ron Hubbard's novel Battlefield Earth (1982), Johnny came to be owner of several Chatovarian (alien race) firms that caused him considerable trouble. The Chatovarian Empire consisted of 700 overpopulated worlds, with 49 trillion population and food shortages (they ate trees), and their impenetrable planetary defenses had survived all attacks of the 'evil' Psychlos (that seems regrettable). The Chatovarian firms were technologically-advanced, huge, bureaucratic, and unprofitable on the whole, they tended to overstaff, overdo everything, they never fired or laid off workers, and just kept expanding never-ending projects. They built gleaming cities on Earth with no population, then sealed them up and turned them over to a caretaker. Without Johnny's knowledge, they turned North Africa into an inland sea and rapidly planted billions of trees across the Middle East so that it turned green, which increased cloud cover.

<sup>3</sup> Citation: This article that I found at <https://www.economist.com/news/leaders/234594> had no title and no attribution of authorship.

<sup>4</sup> Commentary & Citation: Kudos if you know Gelt. Surfing channels one day in the early 1990s, I almost died of shock when I encountered a sci-fi space adventure movie (Battle Beyond the Stars (1980)) with Richard Thomas whom I immediately recognized as John Boy Walton from The Waltons television series (1972-1981). I ended up watching the rest of the movie, of course, I think I saw most of it.

<sup>5</sup> Commentary & Citation: One might think of this as a situation where you might say, "Wow, what happened to you? You weren't shy last night." (this might be from the movie Splash, 1984). It's as if an evil twin or long lost sibling took the member's place, think for example of the three roles played by Peter Sellers in Dr. Strangelove, you

go into business with Group Captain Lionel Mandrake (the British exchange officer) and Dr. Strangelove shows up the next day and says he's the same person!

- ✓ “Half of every pair of twins doesn't actually have to be evil, but it does make things a whole lot easier and more fun if they are. These are the incidents where the same actor played the good and bad identical siblings (or sometimes the ‘bad and even worse’ versions). Plain old doppelgangers don't count. Nor do alternate timelines. No clones. No robo-versions. And no magical manifestations from the other side (sorry Ash and Evil Ash).” – Rosie Fletcher, “9 times actors played their own evil twins in TV and the movies,” Digital Spy, March 29, 2017.

<sup>6</sup> Citation: **THOR**: Your projectile weapons proved effective in fatally damaging the replicators. ... Your technology and strategy for destroying the *Beliskner* was successful. ... The Asgard have tried to stop them. You have demonstrated their weakness may be found from a less sophisticated approach. We are no longer capable of such thinking. **DANIEL**: Wait a minute, you're actually saying that you need someone dumber than you are?

- ✓ *At the end of the episode*: **THOR**: However, now there is hope where once there was none. **CARTER**: Well if you ever need any more dumb ideas you know where to find me.
- ✓ From Stargate SG-1, “Small Victories” (2000).

<sup>7</sup> Commentary & Citation: Michael Noer, “The 25 Largest Fictional Companies,” Forbes, March 11, 2011 (<https://www.forbes.com/sites/michaelnoer/2011/03/11/the-25-largest-fictional-companies/#5abba7485d81>).

<sup>8</sup> Citation: Bugs Bunny the Booster!

<sup>9</sup> Commentary: ANA sent a letter out dated December 17, 2015 which had them talking out both sides of their mouths as usual. Most of it was the same lip service we'd heard for years about how they value all of their retailers while at the same time announcing they were going to discriminate against non-brick & mortar retailers.

<sup>10</sup> Commentary: A notion that I rejected, as Grant Dalglish of Columbia Games found out when he tried to enforce his idiotic Minimum Allowable Price (MAP) policy on my business and tried to get me delisted from Amazon. He told me that I would not be allowed to order more from Columbia if I didn't comply, and I told him that at the rate his games were selling, we'd both be dead by the time I needed to restock. And that his efforts to enforce a minimum retail price on his retailers wasn't helping his games sell any faster, in fact, it was counterproductive.

<sup>11</sup> Commentary: I asked my GTS and ACD reps: If ANA said that they were not allowed to sell games to any retailer who sold games to certain people based on race, religion, or ethnicity, and it was not illegal to do so, would they do it? I have little doubt that ANA would demand that if it were not illegal, because it makes as much sense as their other policies. My question was not appreciated. But I bet the distributors would ... “for a few dollars more.”

The only difference is that it is not yet illegal to exclude internet retailers from the distribution network to prop up brick & mortar stores, and the distributors were more than willing, enthusiastic even, about doing that even though it will hurt their own sales? As I pointed out then, their policy effectively made my money, as an internet retailer, somehow less valuable than a brick & mortar retailer's money for the same products. But even when racial discrimination was legal, generally there were businesses that sold to and targeted the discriminated, segregated groups because ... their money was the same color as that which came from the more affluent sections of town. This is not an argument that confuses apples (game distribution discrimination) with oranges (racial discrimination) because neither discrimination existed for legitimate reasons (the thing that gives them factual commonality); the difference, of course, is in scope and social significance, which greatly favors the latter.

The distributors cared more about their relationship with the manufacturers than they did with their loyal long-time internet retailer customers, sort of like Equifax who has a relationship with financial institutions but considers your wellbeing a collateral issue as they collect your data.

- ✓ The U.S. government has chosen to do nothing about ANA's monopolistic behavior in the market. It probably has to do with the perception of tabletop gaming, in the same way that science-fiction was perceived in decades past. If, for example, the issue was dog food – what if dog food manufacturers said that only brick & mortar stores could buy from their licensed distributors? I am sure the government would be on it. This may, however, not be an apt analogy because I don't know the details of that industry, but it is certain that our society cares more about the price of dog food than freako tabletop hobby gamers or science-fiction fans (the groups overlap significantly) paying more. But if it was a foreign video game maker invading...