# 1NC vs Marlborough

## 1

### 1nc – t

#### Interp – the Affirmative must only defend that appropriation of outer space is unjust.

#### Violation: They literally establish a global commons on top of that which is extra topical, or effects topical, which still links into all of our offense

#### Standards – Effects and Extra-T which are voters for predictable limits and ground – allowing the Aff to defend implementation through any number of agreements/mechanisms explodes predictable limits – it shifts the topic to not appropriation good/bad but how we should end it which skews pre-tournament prep.

#### Seriously, the res is just about whether or not it’s unjust – do you really think that the resolution implicates that they can literally just tack on a whole commons?

#### I’ll preempt Neto – their card DOES NOT say a single thing – literally just indicates that appropriation is T, but NOT that this whole establishment of a global commons is

#### TVA – just read a whole res aff with the same advantages and don’t adopt a whole commons bruh

#### Competing interps – reasonability incentivzes judge intervention and you cant be “reasonably topical”

#### No RVIs – your burden to be topical

## 2

### 1nc – spec

#### Interpretation – the aff must specify what type of Private Actor Appropriation they affect.

#### Appropriation is extremely vague – no legal precedent means no normal means

Pershing 19, Abigail D. "Interpreting the Outer Space Treaty's Non-Appropriation Principle: Customary International Law from 1967 to Today." Yale J. Int'l L. 44 (2019): 149. (Robina Fellow at European Court of Human Rights. European Court of Human Rights Yale Law School)//Elmer

Though the Outer Space Treaty flatly prohibits national appropriation of space,150 it leaves unanswered many questions as to what actually counts as appropriation. As far back as 1969, scholars wondered about the implications of this article.151 While it is clear that a nation may not claim ownership of the moon, other questions are not so clear. Does the prohibition extend to collecting scientific samples?152 Does creating space debris count as appropriation by occupation? While the answers to these questions are most likely no, simply because of the difficulties that would be caused otherwise, there are some questions that are more difficult to answer, and more pressing. As commercial space flight becomes more and more prevalent,153 the question of whether private entities can appropriate property in space becomes very important. Whereas once it took a nation to get into space, it will soon take only a corporation, and scholars have pondered whether these entities will be able to claim property in space.154 Though this seems allowable, since the treaty only prohibits “national appropriation,”155 allowing such appropriation would lead to an absurd result. This is because the only value that lies in recognition of a claim is the ability to have that claim enforced.156 If a nation recognized and enforced such a claim, this enforcement would constitute state action.157 It would serve to exclude members of other nations and would thus serve as a form of national appropriation, even though the nation never attempted to directly appropriate the property.158 Furthermore, the Outer Space Treaty also requires that non-governmental entities must be authorized and monitored by the entities’ home countries to operate in space.159 Since a nation cannot authorize its citizens to act in contradiction to international law, a nation would not be allowed to license a private entity to appropriate property in space.160 While this nonappropriation principle is great for allowing free access to space, thereby encouraging research and development in the field, it makes it difficult to create or police a solution to the space debris problem. A viable solution will have to work without becoming an appropriation. There is, however, very little substantive law on what actually counts as appropriation in the context of space.161 So, the best way to see what is and is not allowed is to look both at the general international law regarding appropriations and to look at the past actions of space actors to see what has been allowed (or at least tolerated) and what has been prohibited or rejected.

#### Violation: they don’t

#### The net benefit is shiftiness – vague plan wording wrecks Neg Ground since it’s impossible to know which arguments link given different types of appropriation like mining, space col, satellites, and tourism – the 1AR dodges links by saying they don’t affect particular types of appropriation, or they don’t reduce private appropriation enough to trigger the link

#### c/a paradigm issues

## 3

### 1nc – cp

#### States should:

#### Remove the most volatile and largest Debris pieces from the most congested orbits

#### Mandate UN guidelines on space debris mitigation

#### Collaborate on techniques to track and display the location of objects in real time and AI to automate debris-avoidance maneuvers

#### Indefinitely stall deployment of low earth orbit ASAT’s.

#### ban rocket propellants that produce alumina particles in the stratosphere or deposit black soot in the stratosphere.

#### 1-4th planks solve satellites, miscalc, Kessler, and debris collisions

Nature 8/11 [(Nature Editorial Board, peer-reviewed, comprises experimental scientists and data-standards experts from across different fields of science) “The world must cooperate to avoid a catastrophic space collision,” Nature, 8/11/2021] JL

But there are no traffic cops in space, nor international borders with clearly delineated areas of responsibility. To avoid further damage, it’s crucial that satellite operators have an accurate and up-to-date list of where objects are in space. At present, the main global catalogue of space objects is published at Space-Track.org by the US Space Command, a branch of the military. The catalogue is the most widely used public listing available, but it lacks some satellites that countries — including the United States, China and Russia — have not acknowledged publicly. In part because of this lack of transparency, other nations also track space objects, and some private companies maintain commercially available catalogues.

Rather than this patchwork of incomplete sources, what the world needs is a unified system of space traffic management. Through this, spacefaring nations and companies could agree to share more of their tracking data and cooperate to make space safer. This might require the creation of a new global regime, such as an international convention, through which rules and technical standards could be organized. One analogy is the International Telecommunication Union, the United Nations agency that coordinates global telecommunications issues such as who can transmit in which parts of the radio spectrum.

It won’t be easy to create such a system for space traffic. For it to succeed, questions of safety (such as avoiding smashing up a satellite) will need to be disentangled from questions of security (such as whether that satellite is spying on another nation) so that countries can be assured that participating in such an effort would not compromise national security. Countries could, for instance, share information about the location of a satellite without sharing details of its capabilities or purpose for being in space.

One near-term move that would help would be for the United States to complete a planned shift of responsibility for the Space-Track.org catalogue from the military to the civilian Department of Commerce. Because this catalogue has historically been the most widely used around the world, shifting it to a civilian agency could start to defuse geopolitical tensions and so improve global efforts to manage space debris. It might one day feed into a global space-traffic agreement between nations; even the nascent space superpower China would have a big incentive to participate, despite rivalries with the United States. The transition was called for in a 2018 US presidential directive that recognizes that companies are taking over from national governments as the dominant players in space, but it has yet to occur, in part because Congress has not allocated the necessary funds.

On 25 August, the UN Committee on the Peaceful Uses of Outer Space will meet to discuss a range of topics related to international cooperation in space. The UN is the right forum through which spacefaring nations can work together to establish norms for responsible space behaviour, and that should include how the world can track objects to make space safer. It should continue recent work it has been doing emphasizing space as a secure and sustainable environment, which at least brings countries such as the United States and China into the same conversation.

Basic research has a role, too: innovations such as techniques to track and display the locations of orbiting objects in real time, and artificial intelligence to help automate debris-avoidance manoeuvres, could bolster any global effort to monitor and regulate space.

If governments and companies around the world do not take urgent action to work together to make space safer, they will one day face a catastrophic collision that knocks out one or more satellites key to their safety, economic well-being or both. Space is a global commons and a global resource. A global organization responsible for — and capable of — managing the flow of space traffic is long overdue.

#### 5th plank solves ozone depletion and warming from rocket launches – there are empirical alternatives, so if we don’t go for the CP it proves alt causes to the aff

Mortillaro 21 (Nicole Mortillaro, Senior Reporter, Science, She is the editor of the Journal of the Royal Astronomical Society of Canada and the author of several books., 4/22/21, Canadian Broadcasting Corporation, “Rocket launches could be affecting our ozone layer, say experts”, <https://www.cbc.ca/news/science/rocket-launches-environment-1.5995252>, Accessed 1/27/22, HKR-RKT)

Black soot in the atmosphere The stratosphere is an important weather driver for Earth's systems, and that's where some particles from rocket launches are ending up. The ozone layer, which helps protect us from the sun's harmful ultraviolet rays, is also located in the stratosphere. In 1990, the Montreal Protocol was signed into law, banning harmful ozone-depleting substances, such as chlorofluorocarbons (CFCs), used in things like refrigerators and air conditioners, after it was revealed that the ozone layer was being stripped away by these chemicals. While the protocol touched on airlines, there was no mention of the aerospace industry. But now some industry experts are concerned that with no oversight, we could be in for a problem. There are different types of rocket propellants. Some, like liquid oxygen and liquid hydrogen, produce mainly water vapour and have little environmental impact. These were used in past shuttle launches and even in the Apollo-era Saturn V vehicles. Then there are those that produce alumina particles in the stratosphere, such as those in solid rocket boosters, which were also used in past shuttle launches, and are still being used today by some launch companies. Finally, there are those that deposit black soot in the stratosphere, such as kerosene used in SpaceX's Falcon 9 and Russia's Soyuz rockets. It's the alumina and black soot that is most concerning to experts.

## 4

### 1nc – da

#### Bipartisan anti-china momentum ensures COMPETES passes now and maintains tech leadership, but its narrow

Sayers & Kanapathy 2/15 [ Eric Sayers, a senior vice president at Beacon Global Strategies, and Ivan, a vice president at Beacon Global Strategies, both guest contributors for Foreign Policy magazine “America is Showering China with New Restrctions” https://foreignpolicy.com/2022/02/15/us-china-economic-financial-decoupling-controls-restrictions-sanctions/]

In recent years, Washington’s China policies have expanded rapidly into technology sectors such as telecommunications, semiconductors, data security, and financial services. Growing bipartisan concern about Beijing’s actions and intentions have fueled these developments, with little difference between the Trump and Biden administrations or between the White House and Congress.

The result has been a flurry of new restrictions—including on exports, imports, direct investment, and financial securities—that are fundamentally reshaping the U.S.-China economic relationship. Cross-border business travel between the United States and China, essentially halted for the past two years due to the COVID-19 pandemic, is unlikely to fully rebound because of increased caution and suspicion on both sides of the Pacific.

At the same time as this more defensive approach to economic and technology competition with China has taken root, Congress has also gone on the offensive by moving to appropriate new funding to areas deemed critical to maintaining U.S. competitive advantages in technology, manufacturing, and defense. The current depth and breadth of these approaches were hard to imagine just a few years ago. The corporate sector, besides facing increased government action with respect to doing business with China, must also contend with shifting public opinion and increased investor scrutiny—for example, on human rights issues along companies’ supply lines in China. Looking ahead, 2022 promises a continuation of these trends, which will have far-reaching impacts across multiple business sectors.

In just the last three years, Washington has enacted a raft of policy changes and regulation related to economic competition with China. In early 2018, the Trump administration applied and expanded tariffs on Chinese goods in response to Beijing’s unfair practices, including industrial subsidies, forced technology transfer, and state-sponsored intellectual property theft. Leveraging new laws passed in 2018, Washington expanded the use of export controls in defense technology, imposed stricter vetting of foreign investments in strategic U.S. industries, and restricted the procurement of equipment and services from five Chinese information technology companies, the most prominent of which was Huawei.

The pace and scope of Washington’s policymaking have accelerated in ways not previously considered possible.

In addition, U.S. border agencies shifted their sights from primarily countering terrorists to screening for nontraditional intelligence collectors—for example, journalists, researchers, and businesspeople, who are frequently used by Beijing to gather information—as well as counterfeit goods and goods produced with forced labor. Using presidential emergency powers, the Trump administration also created regimes to remove untrusted contractors from U.S. IT infrastructure projects and block Americans from investing in companies that work with the Chinese military.

To Beijing’s consternation, the Biden administration has signaled its general agreement with all these approaches—and even expanded the investment ban to include Chinese surveillance technology companies. While close U.S. allies in Europe and Asia have been reluctant to impose a similarly broad sweep of policies, the Biden administration has achieved significant rhetorical alignment on defining the challenges posed by Beijing. Under pressure from the Trump administration, several U.S. allies turned away from Huawei, blocked inbound Chinese technology investments, and held up the shipment of critical semiconductor manufacturing equipment to China. However, Europe has yet to follow the United States in imposing real costs on China for its ongoing human rights violations, even though this is a declared point of convergence between the United States and the European Union.

For its part, Congress has passed a slew of China-related bills. Among other actions, legislators have reformed inbound investment screening, forced the delisting of Chinese stocks that do not comply with U.S. accounting practices, expanded requirements for the U.S. Defense Department to list Chinese companies assisting the People’s Liberation Army, strengthened sanctions authorities in response to atrocities in Xinjiang and repression in Hong Kong, presumed that all goods produced in Xinjiang are made with forced labor (and thus banned as imports), and prohibited the federal purchase of Chinese telecommunications equipment.

While Washington mainly focused on defensive measures in recent years, Congress began in 2020 to balance its approach with a more offensive agenda. Efforts to invest in semiconductor manufacturing, accelerate the adoption of 5G telecommunications capabilities, and reorganize the National Science Foundation to focus on increasing U.S competitiveness were all added to the Senate’s U.S. Innovation and Competition Act. The House of Representatives, in turn, recently passed a similar bill—the America COMPETES Act of 2022—so the prospects for final passage of a bipartisan competitiveness bill sometime this spring look strong.

This flurry of activity raises the question of what comes next. Looming issues such as rising inflation, possible new variants of COVID-19, and Russian aggression toward Ukraine could take Washington’s attention away from China policy, at least temporarily. At the same time, there is a strong bipartisan consensus—between the White House and Congress—on China. In particular, there are five policy areas where further action appears imminent this year.

#### Aff’s space policy causes immense partisan backlash that wrecks the delicate balance

Dreier 16 [Casey Dreier, Chief Advocate & Senior Space Policy Adviser for The Planetary Society, April 13, 2016. “Does Presidential Intervention Undermine Consensus for NASA?” https://www.planetary.org/blogs/casey-dreier/2016/0413-does-a-strong-president-help-or-hurt-consensus-on-NASA.html]

To see how this happens, I recommend reading the book “[Beyond Ideology](http://smile.amazon.com/Beyond-Ideology-Politics-Principles-Partisanship/dp/0226470768/ref=smi_www_rco2_go_smi_g2243582042?_encoding=UTF8&*Version*=1&*entries*=0&ie=UTF8)” by Frances Lee. The author’s larger premise is that issues having no intrinsic relation to stated party ideology have become increasingly polarized in recent years. This is a function of the two party nature of our political system. If your party coalition wins, the other one loses. It’s [It is] zero-sum. Your party can win in one of two ways: you can make a better pitch to voters by demonstrating the superiority of your agenda; or you can undermine and stymie the agenda of the opposition party, making them unpopular with voters, and pick up the seats that they lose. Since you’re the only other political party, you gain in either scenario. I’m not sure if you’ve noticed, but the “undermine and stymie” approach has been popular for quite some time now in the U.S. Congress. Given this situation, the President and their policies naturally become the symbolic target of the opposition party. Anything promoted by the President effectively induces opposition by association. Lee demonstrates the magnitude of this induced polarization on various types of issues. For highly polarized issues like the role of government in the economy, or social issues, the impact is minimal—the opposition has already been clearly defined and generally falls into clearly defined ideologies of the Republican and Democratic parties. But for issues that do not fit readily into a predefined political ideology—like space—the induced polarization by the President can be significant. In fact, Lee showed that space, science, and technology issues incur the greatest increase in partisanship based on their inclusion in the Presidential agenda. One need only look to at the responses by political operatives of the opposing party to the strong human spaceflight proposals by [Barack Obama in 2010](http://www.shelby.senate.gov/public/index.cfm/mobile/newsreleases?ID=25F3AD2E-802A-23AD-4960-F512B9E205D2), [George W. Bush in 2004](http://www.nbcnews.com/id/3950099/ns/technology_and_science-space/t/bush-sets-new-course-moon-beyond/#.Vw3UMRMrKHo), and [George H.W. Bush in 1989](http://www.nytimes.com/1989/07/21/us/president-calls-for-mars-mission-and-a-moon-base.html) to see this reflected in recent history. This isn’t to say that Presidents can’t have a significant impact on the space program. Clearly they can. But the broad consensus needed for stability after their departure from office may be undermined by the very priority they gave it during their tenure. It what amounts to a mixed blessing for NASA, the U.S. space program does have an unusually strong bipartisan group of politicians who support the program due to NASA centers in a variety of states throughout the union. Berger notes this throughout his article, and it does, in a way, act as force that is resistant to change for good and bad. This mitigates somewhat the pure polarization seen on other science and technology issues. But for a Journey to Mars—a major effort that would, at best, require stability and significant funding over many Presidential administrations—that may not be enough. Perhaps the solution is for the next President to maintain a light touch on space. Maybe they should speak softly through the budget process, and avoid the Kennedyesque speeches and declarations to Congress that induce the types of partisanship we so dearly need to avoid.

#### Chinese tech leadership causes nuke war

Kroenig & Gopalaswamy 18, \*Associate Professor of Government and Foreign Service at Georgetown University and Deputy Director for Strategy in the Scowcroft Center for Strategy and Security at the Atlantic Council. \*\*Director of the South Asia Center at the Atlantic Council. He holds a PhD in mechanical engineering with a specialization in numerical acoustics from Trinity College, Dublin. (Matthew & Bharath, 11-12-2018, "Will disruptive technology cause nuclear war?", *Bulletin of the Atomic Scientists*, https://thebulletin.org/2018/11/will-disruptive-technology-cause-nuclear-war/)

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.

## 5

### 1nc – k

#### Settler colonialism is the ontological permeating structure of the nation-state which requires the elimination of indigenous life and land via the occupation of settlers. The appropriation of land turns Natives into ghosts and chattel slaves into excess labor.

Tuck and Yang 12

(Eve Tuck, Unangax, State University of New York at New Paltz K. Wayne Yang University of California, San Diego, Decolonization is not a metaphor, Decolonization: Indigeneity, Education & Society Vol. 1, No. 1, 2012, pp. 1-40, JKS)

Our intention in this descriptive exercise is not be exhaustive, or even inarguable; instead, we wish to emphasize that (a) decolonization will take a different shape in each of these contexts - though they can overlap - and that (b) neither external nor internal colonialism adequately describe the form of colonialism which operates in the United States or other nation-states in which the colonizer comes to stay. Settler colonialism operates through internal/external colonial modes simultaneously because there is no spatial separation between metropole and colony. For example, in the United States, many Indigenous peoples have been forcibly removed from their homelands onto reservations, indentured, and abducted into state custody, signaling the form of colonization as simultaneously internal (via boarding schools and other biopolitical modes of control) and external (via uranium mining on Indigenous land in the US Southwest and oil extraction on Indigenous land in Alaska) with a frontier (the US military still nicknames all enemy territory “Indian Country”). The horizons of the settler colonial nation-state are total and require a mode of total appropriation of Indigenous life and land, rather than the selective expropriation of profit-producing fragments. Settler colonialism is different from other forms of colonialism in that settlers come with the intention of making a new home on the land, a homemaking that insists on settler sovereignty over all things in their new domain. Thus, relying solely on postcolonial literatures or theories of coloniality that ignore settler colonialism will not help to envision the shape that decolonization must take in settler colonial contexts. Within settler colonialism, the most important concern is land/water/air/subterranean earth (land, for shorthand, in this article.) Land is what is most valuable, contested, required. This is both because the settlers make Indigenous land their new home and source of capital, and also because the disruption of Indigenous relationships to land represents a profound epistemic, ontological, cosmological violence. This violence is not temporally contained in the arrival of the settler but is reasserted each day of occupation. This is why Patrick Wolfe (1999) emphasizes that settler colonialism is a structure and not an event. In the process of settler colonialism, land is remade into property and human relationships to land are restricted to the relationship of the owner to his property. Epistemological, ontological, and cosmological relationships to land are interred, indeed made pre-modern and backward. Made savage. In order for the settlers to make a place their home, they must destroy and disappear the Indigenous peoples that live there. Indigenous peoples are those who have creation stories, not colonization stories, about how we/they came to be in a particular place - indeed how we/they came to be a place. Our/their relationships to land comprise our/their epistemologies, ontologies, and cosmologies. For the settlers, Indigenous peoples are in the way and, in the destruction of Indigenous peoples, Indigenous communities, and over time and through law and policy, Indigenous peoples’ claims to land under settler regimes, land is recast as property and as a resource. Indigenous peoples must be erased, must be made into ghosts (Tuck and Ree, forthcoming). At the same time, settler colonialism involves the subjugation and forced labor of chattel slaves, whose bodies and lives become the property, and who are kept landless. Slavery in settler colonial contexts is distinct from other forms of indenture whereby excess labor is extracted from persons. First, chattels are commodities of labor and therefore it is the slave’s person that is the excess. Second, unlike workers who may aspire to own land, the slave’s very presence on the land is already an excess that must be dis-located. Thus, the slave is a desirable commodity but the person underneath is imprisonable, punishable, and murderable. The violence of keeping/killing the chattel slave makes them deathlike monsters in the settler imagination; they are reconfigured/disfigured as the threat, the razor’s edge of safety and terror. The settler, if known by his actions and how he justifies them, sees himself as holding dominion over the earth and its flora and fauna, as the anthropocentric normal, and as more developed, more human, more deserving than other groups or species. The settler is making a new "home" and that home is rooted in a homesteading worldview where the wild land and wild people were made for his benefit. He can only make his identity as a settler by making the land produce, and produce excessively, because "civilization" is defined as production in excess of the "natural" world (i.e. in excess of the sustainable production already present in the Indigenous world). In order for excess production, he needs excess labor, which he cannot provide himself. The chattel slave serves as that excess labor, labor that can never be paid because payment would have to be in the form of property (land). The settler's wealth is land, or a fungible version of it, and so payment for labor is impossible.6 The settler positions himself as both superior and normal; the settler is natural, whereas the Indigenous inhabitant and the chattel slave are unnatural, even supernatural. Settlers are not immigrants. Immigrants are beholden to the Indigenous laws and epistemologies of the lands they migrate to. Settlers become the law, supplanting Indigenous laws and epistemologies. Therefore, settler nations are not immigrant nations (See also A.J. Barker, 2009). Not unique, the United States, as a settler colonial nation-state, also operates as an empire - utilizing external forms and internal forms of colonization simultaneous to the settler colonial project. This means, and this is perplexing to some, that dispossessed people are brought onto seized Indigenous land through other colonial projects. Other colonial projects include enslavement, as discussed, but also military recruitment, low-wage and high-wage labor recruitment (such as agricultural workers and overseas-trained engineers), and displacement/migration (such as the coerced immigration from nations torn by U.S. wars or devastated by U.S. economic policy). In this set of settler colonial relations, colonial subjects who are displaced by external colonialism, as well as racialized and minoritized by internal colonialism, still occupy and settle stolen Indigenous land. Settlers are diverse, not just of white European descent, and include people of color, even from other colonial contexts. This tightly wound set of conditions and racialized, globalized relations exponentially complicates what is meant by decolonization, and by solidarity, against settler colonial forces. Decolonization in exploitative colonial situations could involve the seizing of imperial wealth by the postcolonial subject. In settler colonial situations, seizing imperial wealth is inextricably tied to settlement and re-invasion. Likewise, the promise of integration and civil rights is predicated on securing a share of a settler-appropriated wealth (as well as expropriated ‘third-world’ wealth). Decolonization in a settler context is fraught because empire, settlement, and internal colony have no spatial separation. Each of these features of settler colonialism in the US context - empire, settlement, and internal colony - make it a site of contradictory decolonial desires7. Decolonization as metaphor allows people to equivocate these contradictory decolonial desires because it turns decolonization into an empty signifier to be filled by any track towards liberation. In reality, the tracks walk all over land/people in settler contexts. Though the details are not fixed or agreed upon, in our view, decolonization in the settler colonial context must involve the repatriation of land simultaneous to the recognition of how land and relations to land have always already been differently understood and enacted; that is, all of the land, and not just symbolically. This is precisely why decolonization is necessarily unsettling, especially across lines of solidarity. “Decolonization never takes place unnoticed” (Fanon, 1963, p. 36). Settler colonialism and its decolonization implicates and unsettles everyone.

#### The notion of the “commons” has historically been weaponized to build a state-sanctioned trust in white humanity – extending that trust to the stars does not make it less white supremacist, and doing it in the name of “pragmatism” does not make it less colonialist.

Goldstein, 18

[Alyosha, Prof. American Studies @ UNewMexico, PhD @ NYU: “By Force of Expectation: Colonization, Public Lands, and the Property Relation,” published by UCLA Law Review on 3-1-2018. https://www.uclalawreview.org/by-force-of-expectation/]//AD

Over the course of the long nineteenth century, land policy was increasingly deployed as a means of encouraging western settlement, while also being symptomatic of the tensions among federal administration, private speculators, and extra-legal settler encroachment.13 As is often noted in scholarship on the public domain—but infrequently emphasized in discussions of the United States more generally—almost one-third of all land in the United States is administered by the federal government. This land is disproportionately concentrated in the western states, with federal acreage totaling nearly 80 percent of Nevada, 63 percent of Utah, and 53 percent of Oregon.14 Considered a revenue source for federal war debt during the early national era, public land policy operated initially to survey, secure, and dispose collateral in the service of national solvency in accordance with the Land Ordinance of 1785.15 Enormous giveaways and preferential lease arrangements for railroad corporations and extractive industries accompanied the aftermath of the Civil War. The Taylor Grazing Act of 1934 inaugurated a new era in federal management of public lands by instituting grazing fees for use of the public domain and effectively ending homesteading.16 In 1976, the Federal Land Policy and Management Act mandated multiple-use standards—including environmental protections aligned with the 1969 National Environmental Policy Act—that continue to govern Bureau of Land Management oversight.17 It was in the context of increased federal management and conservationist legislation that ranchers such as the Bundys increasingly cast themselves as victims of government overreach, as the true embodiment of the American people oppressed by governmental tyranny. Moreover, as has been the case in other settler uprisings in the west, the Bundys displayed no interest whatsoever in the actual and still-present Native peoples whose land they occupied as anything other than a historical metaphor for contemporary white injury. As Ryan Bundy remarked during the 2016 occupation of the Malheur National Wildlife Refuge in Oregon, the militia “recognize that the Native Americans had the claim to the land . . . but they lost that claim. . . . There are things to learn from cultures of the past, but the current culture is the most important.”18

In fact, a variety **of claims to land are made in the name of “the public” and “the people”** as a **collective interest** in opposition to the federal government, the extractive industries, or the supposedly special interests of Native American tribes.19 Here, **generalized claims to representing “the public”** and “the people” obscure the particular and often **antagonistic positions that galvanize such claims**, as well as **casting tribes as a single interest group that fraudulently make claims in the name of sovereignty** and treaty rights. The spectrum of debate on public lands today tends to **naturalize the white nationalism** espoused by the Bundys—even when ostensibly criticizing the occupations as extremist or without merit—by recourse to conceptions of the national public and **natural resources as national commons**.20 The notion of the commons itself is a logic of apparent universal access and public good that **is used to justify indigenous dispossession**, depicting the particular and historical belonging of Native peoples as an overly self-interested obstacle to the greater good of the commons.

At the same time, recourse to an exceptionalist discourse that casts public lands as “the common birthright of all Americans” has become a frequent rejoinder to either plans for the large-scale transfer of federal lands to states and private industry. For instance, Utah Congressman Jason Chaffetz’s proposed Disposal of Excess Federal Lands Act in January 2017 was abruptly withdrawn after criticism from groups such as Backcountry Hunters and Anglers proclaimed: “It seems the politicians on Capitol Hill have forgotten to whom the land actually belongs. You, me and every other citizen of this country.”21 The substance of the bill echoed both Utah’s 2012 Transfer of Public Lands Act (which demanded that the U.S. Congress convey federal public lands to the state) and the 2016 Republican Party campaign platform (which likewise called for the devolution of public lands to states), even as it remained out of step with public statements by Donald Trump and Montana representative Ryan Zinke, then Trump’s likely nominee on his way to becoming the Secretary of the Interior, who sought to maintain federal control while increasing deregulation to allow for expanded access for private industry.22 Yet both proponents of the populist “to whom the land actually belongs” and legislators espouse a **defensive nationalism** and incontrovertible possession contingent upon the presumed comprehensive dispossession of indigenous peoples.

The pattern of settler trespass and land claims over and against indigenous peoples in excess of imperial or state sanction led to the British colonial government’s Proclamation of 1763. Although the proclamation ultimately served as a justification for the U.S. War of Independence because of its supposedly unjust limitation on territorial expansion by the colonies, it also provided a model for the subsequent U.S. federal government’s authority over constituent states and settlers.23 During the early national period when the federal government administered public lands primarily as a source of revenue, legal and military action sought to curb and control widespread settler trespass and unlawful habitation. In the wake of the Louisiana Purchase, Congress authorized the army to forcibly eject squatters. The 1807 Unlawful Intrusions Act increased criminal sanctions and penalties for settling or occupying public lands without legal claim, but ultimately did little to limit the expectations and incursions of settlers west of the Mississippi River. These expectations and settler claims were first given legal endorsement following the War of 1812 when Congress conferred partial preemption rights to squatters in Louisiana and the Illinois and Missouri Territories. The right of preemption—the preferential right granted to squatters to purchase the lands they occupied prior to public sale at a minimum price per acre—essentially authorized settler illegality and theft as a means of further consolidating colonization. Legislative debates over the regulation of settler trespass intensified throughout the 1820s, eventually resulting in a series of expansive preemption acts between 1830 and 1841.24 In 1862, Congress passed the first of the Homestead Acts, which gave federal land to settlers for farming as a means to encourage westward migration over and against the sovereign territorial claims of indigenous peoples. It similarly encouraged the western settlement of European immigrants as a palliative means of economic mobility intended to defuse full blown class war among the settler population in the east.25 At the same time, the lackluster and minimally implemented Southern Homestead Act of 1866—intended to support landownership by formerly enslaved African Americans—makes clear the unevenly racialized and white nationalist terms of settlement.26 II. The White Republic of Cliven Bundy The historical imaginary expressed in the Bundy occupations is predicated on claiming to defend the true legacy of the American Revolution, the principles of the U.S. Constitution, and the heritage of conquest in the U.S. West. The “Sagebrush Rebellion” of the 1970s restaged the possessive expectations of settlers and western ranchers manifest in reaction to Progressive-era conservationist legislation during the 1890s, including the Forest Reserve Act of 1891 and the Forest Service Organic Administration Act of 1897, which allowed the federal agency to designate areas to be reserved and protected from development. Statements by the Bundys on the illegitimacy of federal authority deliberately align them with this reactionary moment, as well as with historical lineage of white supremacist Posse Comitatus during the 1970s and 1980s, the militia and “county supremacist” movements of the 1990s, and the more recent “sovereign citizen” movement. Distinct in many ways, each of these movements nonetheless claimed to defend private property against federal tyranny.27 For the Bundys and other Western ranchers, these three themes—the American Revolution, the U.S. Constitution, and the so-called frontier—converge most saliently on the issue of land held in the public domain.28 Ignoring not only the ongoing and genocidal history of indigenous displacement, but also the historical consolidation of cattle baron monopolies through their brutal reign of terror and class war against impoverished homesteaders, the Bundy narrative highlights claims of rancher oppression and dispossession. Similar claims were reignited in opposition to the environmental movement in the 1960s and 1970s and legislation such as the National Environmental Policy Act of 1969, which encouraged federal agencies such as the Bureau of Land Management and the National Forest Service to manage natural resources for purposes other than grazing, mining, and logging.29 The county supremacy, wise use, and white nationalist movements share the idea that the U.S. Constitution does not allow federal ownership of public lands within the borders of a state.30 They argue that federal lands should have been relinquished to the states upon their admission to the Union under the so-called “equal footing doctrine.” Originating with the state land cessions negotiated on behalf of the Articles of Confederation as a means of securing the political unification of the states, and further articulated in the expansionist terms of the 1787 Northwest Ordinance, the equal footing doctrine requires that new states be admitted to the Union as political equals of the existing states. Although all of the continental western states had clauses in their admissions acts disclaiming any right to unappropriated public lands within their borders, these groups contend that such clauses are unconstitutional under the equal footing doctrine, and therefore invalid.31 As empirically spurious as such assertions are, they link claims to public land, such as those made by the Bundys, to state’s rights agendas and the terms of continental colonization negotiated among settlers, states, and the federal government. In April 2014, Cliven Bundy’s confrontation with the Bureau of Land Management in the aptly named Bunkerville, Nevada—an unincorporated town founded by Mormons in 1877 and 82 miles northeast of Las Vegas—gained widespread news coverage. Since 1989, Bundy had accumulated more than $1.2 million in unpaid grazing fees for use of public lands. When in 2014, as a response to Bundy’s refusal to pay these fees, the BLM began confiscating Bundy’s cattle, he issued a call to militia across the country to come to his ranch and take up arms against the federal government.32 Although the Bundy family only purchased their ranch land in 1948 and did not begin grazing cattle until 1954, Bundy insisted on his ancestral and preemption-derived rights: “My forefathers . . . have been up and down the Virgin Valley here since 1877. All these rights I claim have been created through pre-emptive rights and beneficial use of the forage and the water and the access and range improvements.”33 At no point has Bundy substantively addressed the Moapa Band of Paiutes, whose homeland was appropriated as the public domain to which he claimed to have rights by virtue of ancestry, preemption, and American citizenship. Nor did Bundy’s advocates make the comparison between the federal government’s treatment of the Nevada rancher and its considerably more severe, violent, and illegal actions toward the nearby Western Shoshone and the Dann sisters.34 Although Bundy had little to say regarding the Southern Paiute he did have thoughts to share on the place of African Americans in the United States. “I want to tell you one . . . thing I know about the Negro,” he said. Referring to a public-housing project in North Las Vegas, he decried “government subsidy” as leading to immoral abortion and crime. He concluded with a nostalgic gloss on slavery by remarking that he’d “often wondered, are they better off as slaves, picking cotton and having a family life and doing things, or are they better off under government subsidy?”35 Indeed, he contended that African Americans taking government assistance were less free than slaves. Las Vegas as a site of escalating racialized struggle over housing and displacement was of little concern for Bundy. Likewise, his criticism of federal land policy omitted any mention of how the 1998 Southern Nevada Land Management Act opened up federal lands for rapid development, and paved the way for the real estate boom in the Las Vegas Valley. During the 1990s, Nevada had the fastest growing population in the country and was subsequently among the state’s most impacted by the 2008 foreclosure crisis.36 Especially relevant for the frame of expectation as property, Cliven Bundy’s racial imaginary and racialization of the state articulate familiar reactionary tropes in response to the gains of the civil rights movement and grudging expansion of the semi-welfare state during the 1960s. These have historically accompanied the assertion of states’ rights and the burgeoning white hostility to federal authority—manifest in struggles such as those against taxation and school integration—and advanced the further devolution and downsizing of government. Likewise, the reactionary 1970s “taxpayer revolt” and successive antiwelfare campaigns disputed what they characterized as the inordinate tax burden placed on them by the state.37 More recently the link between states’ rights claims and efforts to dismantle civil rights legislation such as the Voting Rights Act has been evident in such conservative jurisprudence as the U.S. Supreme Court’s 2013 decision in Shelby County v. Holder.38 Acknowledging the ways in such hostility to federal authority is articulated in terms of declarations of patriotism and claims to represent fundamental constitutionally based American values suggests the importance of understanding how antiwelfare discourse evokes American exceptionalist conceptions of the nation. Underwritten by Lockean notions of property and proper possession, as well as the “doctrine of discovery,” the settler construct of the independent and rugged individualist pioneer that has long served as foundational to the mythology of white nationalism remains predicated upon not only indigenous dispossession and its disavowal, but on the attributions of dependency and devaluation to racialized others more broadly. This is where the white republic of Cliven Bundy is an aspiration to a racially specific national belonging that evokes its own vision of common inheritance and birthright. Bundy’s white republic is at once exclusive, possessory, and an expansive claim to be and to defend America that denies its own dependence on lands and labor taken by attributing reprehensible dependency to those who have been dispossessed and racialized as socially expendable. III. A Certain Public The case of Gold Butte is useful to briefly consider in this regard. Gold Butte is land formation with numerous petroglyphs, historical artifacts, and sacred sites that is part of the traditional territory of the Moapa Band of Paiutes to the south of Bunkerville and on which Bundy had been grazing his cattle.39 In the wake of Mormon-led colonization efforts in the region that began during the mid-nineteenth century and through which settlers seized the most arable Southern Paiute land, the federal government established the Moapa River Indian Reservation in 1873. Initially 2.5 million acres—including much of present-day Moapa, Logandale, Overton, Virgin Valley, and the Gold Butte area—the reservation was reduced to a mere 1,000 acres two years later to make way for mining industry interests. A claim filed with the Indian Claims Commission by the Moapa Paiute in 1951 provided limited compensation for lands taken and legislation in 1980 returned 70,000 acres to the tribe.40 Legislation introduced in 2014 that would have further reinstated land to the tribe failed in committee, but provoked criticism from various settler factions. Real estate developers in the area complained that this would be a “negative economic legacy to the state of Nevada in perpetuity,” and a spokesperson for the organization Partners in Conservation expressed concerns about lack access for non-tribal members and “families that have traditional, historic, and cultural ties to that area . . . . We have lost a lot in the past years with all the various restrictions on federal lands.”41 In addition to such acquisitive hostilities, the Moapa and the Las Vegas Paiute have also fought against the toxic consequences of military test sites and extractive energy projects throughout the region, such as the Yucca Mountain Repository for nuclear waste and the Reid Gardner coal plant.42 Facing resistance to regaining stolen lands, the Moapa worked with the environmentalist group Friends of Gold Butte and Sierra Club, and successfully lobbied outgoing President Obama to establish the Gold Butte National Monument. Former tribal council member Vernon Lee observed: “We want to protect the lands, we want to protect the animals and we want our sacred sites protected . . . . Right now, the best thing we can think of is to go on the side of this creation of a monument.”43 This protection required the Moapa to strategically partner with environmentalists so as to advocate on behalf of the public interest and lobby for a national monument to be established under the Antiquities Act for a nation other than itself and antiquities that would symbolically be conserved as an inheritance for the people of the United States generally. This **general public is always already a particular settler public**—itself composed of specific antagonisms and divisions—that **strives to secure national certainty and capacity through indigenous dispossession.**

It is instructive to compare Lee’s statement with Nevada Senator Harry Reid, who championed the initiative to set aside Gold Butte as a national monument. Reid declared: “Threats to our public lands are threats to our economy, our environment, and our culture**. When we preserve our lands, we preserve America**.”44 The force of colonial dispossession and disavowal as settler common **sense obscures the gap between the strategic pragmatism** of “right now, the best thing we can think of” espoused by Lee—a pragmatism I take to be ultimately in the service of tribal sovereignty—and the national purpose invoked by Reid, that “we preserve America.” Where Lee speaks to the limited options for asserting Moapa relations to place and Moapa authority in relation to lands taken under colonization, Reid’s remarks suggest the ways in which the past and futurity of the United States are at stake in preserving a uniquely American heritage and landscape.

To ignore the racial and colonial constitution of the property relation threatens not only to perpetuate, but also to intensify the ways in which property itself as a historical and material relation is **predicated upon racial and colonial dispossession. Nor, is it possible to simply substitute a supposedly colorblind ethic**—such as ending de jure racist property exclusions or redlining in real estate markets—that renders the property relation more equitable. Colonization and the differential devaluation of racialized peoples remain constitutive. This is not to say that property is exclusively a manifestation of these historical relations of power, but it is to suggest that it remains in significant ways enmeshed with and disposed by these relations. In prevailing conceptions of possession and property, as Eva Mackey points out, “**jurisprudence has legally entrenched and attempted to materialize the fantasy of certainty and stability for settlers”—**precisely the certainty and stability upon which expectation depends.45 Taking seriously the notion that property is a social relation requires looking at the specificity of that relation as it is continuously remade in the broader social circumstances in which it is situated and social struggles of which it is part. This perpetual need for its remaking and reiteration, in effect, conveys in part how the property relation as a colonial relation remains uncertain, unstable, and open to contestation.

The genealogy of white supremacy in the United States is made in shifting material relations of colonial and racial dispossession. Both white supremacy and what Mark Rifkin calls “settler common sense” are used to mediate inequalities among white people over and against indigenous peoples, people of color, and migrants.46 The Bundy claims provide an example of these ideologies, which **assert a particular conception of collective belonging and nationalist imaginary.** This is a settler nation that gains a semblance of coherence over and against indigenous and racialized others. To challenge this claim by asserting a more inclusive national public and the celebration of national commons may provide a seemingly effective counter-discourse, but it does so **only by further inscribing settler prerogative and naturalizing colonial and racialized dispossession**. Putatively antigovernment white supremacy in the United States conjoins colonial and racial dispossession in its attacks on the U.S. state. Rather than simply being anti-statist, such maneuvers are attempts to capture and redeploy state power in particular ways, while at the same time categorically denying the historical co-constitution of colonial and racial dispossession and how this remains crucial in the current conjuncture. These are the ideational and material sources of expectation as property.

#### This understanding of “space” replicates a Western theorization of place as neutral space relegates indigenous peoples to colonial authority by creating “cultural blanks” to be filled in by peaceful settlement

Barker and Pickerill 12 (Adam J Barker, and Jenny Pickerill, Department of Geography @ Univ of Leicester. “Radicalizing Relationships To and Through Shared Geographies: Why Anarchists Need to Understand Indigenous Connections to Lands and Place” Antipode.

Colonial Impacts on Perceptions of Place Indigenous understandings of place have generated criticism of many aspects of society in the northern bloc: Christian theology’s influence on political and economic colonial practice (Deloria 2003); the concept of “sovereignty” and the state system (Alfred 2006); constitutionalism as a method of governmental organization (Tully 1995; 2000); capitalism and relationships under a capitalist system (Adams 1989:17); language and culture (Basso 1996) and many other understandings of place, space, nature, and human relationships. Indigenous relationships to place fundamentally challenge colonial spatial concepts, from the ways that we move from place to place and through spaces (Pandya 1990) to how we move through time (Jojola 2004). Indeed Coulthard (2010:79) asserts that for Indigenous people place is central to understandings of life, whereas “most Western societies . . . derive meaning from the world in historical/developmental terms, thereby placing time as the narrative of central importance”. Historically, EuroAmerican cultures conceived of human relations to the environment in one of two ways, which John Rennie Short labels the “classical and romantic” (Short 1991:6): either “natural” places are improved through development and human spatial creation and use (with “wilderness” as a frightening, exterior “ other”), or despoiled through human contact and change (with the natural environment as a pristine and perfect spatial concept, and the suggestion that human identity must be bounded within it). Both conceptually marginalize or fully erase Indigenous presence in place. Contra this erasure, Indigenous peoples’ understandings of place have become important to the understanding of colonial geographies and the efforts of anti-colonial activists.2 Indigenous peoples have traditionally related to place through spatially stretched and dynamic networks of relationships (Cajete 2004; Johnson and Murton 2007). These networks bear some resemblance to Sarah Whatmore’s concept of hybrid geography, “which recognizes agency as a relational achievement, involving the creative presence of organic beings, technological devices and discursive codes, as well as people, in the fabrics of everyday living” (Whatmore 1999:26). Through these, Indigenous peoples have challenged the classical/romantic dichotomy that continues to haunt some aspects of anarchist spatial perceptions. For Indigenous peoples, place holistically encapsulates networks of relations between humans, features of the land, non-human animals, and living beings perceived as spirits or non-physical entities. All of these—humans included— are understood to have autonomy and will, but also obligation and responsibility to all of the other elements to which they are related and among whom they are situated. As such, we acknowledge that land and place are different to each other but seek to use the way they are interrelated throughout this article. Although land can be considered as material, its meaning is constantly interwoven into the relationality of place so that land is often taken to have multiple meanings beyond its simple materiality—as a resource, as identity and as relationship (Coulthard 2010). Indigenous peoples assaulted by settler colonization have and continue to face concerted attempts to break Indigenous connections to place. Religious conversion, for example, has had a massive impact on the ways that Indigenous peoples perceive the spaces occupied by spirit and otherwise metaphysical beings. Though no longer considered “tantamount to a complete transformation of cultural identity” (Axtell 1981:42), conversion to and participation in hierarchical-organized, spatially dislocated, and temporally defined Judeo-Christian religions (Deloria 2003:62–77) encouraged Indigenous peoples to see the spiritual as something above (literally) and beyond the direct contact of the human world. The general result is displacement and dislocation.

#### Thus, the only alternative is decolonization. The role of the ballot is to center indigenous scholarship and resistance – any ethical commitment requires that the aff places itself in the center of native scholarship and demands.

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(Eve Tuck, Unangax, State University of New York at New Paltz K. Wayne Yang University of California, San Diego, Decolonization is not a metaphor, Decolonization: Indigeneity, Education & Society Vol. 1, No. 1, 2012, pp. 1-40, JKS)

An ethic of incommensurability, which guides moves that unsettle innocence, stands in contrast to aims of reconciliation, which motivate settler moves to innocence. Reconciliation is about rescuing settler normalcy, about rescuing a settler future. Reconciliation is concerned with questions of what will decolonization look like? What will happen after abolition? What will be the consequences of decolonization for the settler? Incommensurability acknowledges that these questions need not, and perhaps cannot, be answered in order for decolonization to exist as a framework. We want to say, first, that decolonization is not obliged to answer those questions - decolonization is not accountable to settlers, or settler futurity. Decolonization is accountable to Indigenous sovereignty and futurity. Still, we acknowledge the questions of those wary participants in Occupy Oakland and other settlers who want to know what decolonization will require of them. The answers are not fully in view and can’t be as long as decolonization remains punctuated by metaphor. The answers will not emerge from friendly understanding, and indeed require a dangerous understanding of uncommonality that un-coalesces coalition politics - moves that may feel very unfriendly. But we will find out the answers as we get there, “in the exact measure that we can discern the movements which give [decolonization] historical form and content” (Fanon, 1963, p. 36). To fully enact an ethic of incommensurability means relinquishing settler futurity, abandoning the hope that settlers may one day be commensurable to Native peoples. It means removing the asterisks, periods, commas, apostrophes, the whereas’s, buts, and conditional clauses that punctuate decolonization and underwrite settler innocence. The Native futures, the lives to be lived once the settler nation is gone - these are the unwritten possibilities made possible by an ethic of incommensurability.*when you take away the punctuation he says of lines lifted from the documents about military-occupied land its acreage and location you take away its finality opening the possibility of other futures* -Craig Santos Perez, Chamoru scholar and poet (as quoted by Voeltz, 2012)

Decolonization offers a different perspective to human and civil rights based approaches to justice, an unsettling one, rather than a complementary one. Decolonization is not an “and”. It is an elsewhere.

#### Settler colonialism is the root cause of wars today—they are extensions of genocidal carnage against native people

**Street 04** (Paul Street **,** author, March 11, 2004. [“Those Who Deny the Crimes of the Past Reflections on American Racist Atrocity Denial, 1776-2004,”http://thereitis.org/displayarticle242.html])

It is especially important to appreciate the significance of the vicious, often explicitly genocidal "homeland"¶ assaults on native-Americans, which set foundational racist and national-narcissist patterns for subsequent¶ U.S. global butchery, disproportionately directed at non-European people of color. The deletion of the real story of¶ the so-called "battle of Washita" from the official Seventh Cavalry history given to the perpetrators of the No Gun¶ Ri massacre is revealing. Denial about Washita and Sand Creek (and so on) encouraged US savagery at¶ Wounded Knee, the denial of which encouraged US savagery in the Philippines, the denial of which¶ encouraged US savagery in Korea, the denial of which encouraged US savagery in Vietnam, the denial of¶ which(and all before) has recently encouraged US savagery in Afghanistan and Iraq. It's a vicious circle of¶ recurrent violence, well known to mental health practitioners who deal with countless victims of domestic violence¶ living in the dark shadows of the imperial homeland's crippling, stunted, and indeed itself occupied social and¶ political order.¶ Power-mad US forces deploying the latest genocidal war tools, some suggestively named after native tribes that¶ white North American "pioneers" tried to wipe off the face of the earth (ie, "Apache," "Blackhawk," and¶ "Comanche" helicopters) are walking in bloody footsteps that trace back across centuries, oceans, forests and¶ plains to the leveled villages, shattered corpses, and stolen resources of those who Roosevelt acknowledged as¶ America's "original inhabitants." Racist imperial carnage and its denial, like charity, begin at home. Those who¶ deny the crimes of the past are likely to repeat their offenses in the future as long as they retain the means¶ and motive to do so.

#### Asterisks DA – the permutation is a token gesture and settler move to innocence that moves indigenous nations to the margins and assimilates Native sovereignty

Tuck and Yang 12

(Eve Tuck, Unangax, State University of New York at New Paltz K. Wayne Yang University of California, San Diego, Decolonization is not a metaphor, Decolonization: Indigeneity, Education & Society Vol. 1, No. 1, 2012, pp. 1-40, JKS)

Moves to innocence V: A(s)t(e)risk peoples This settler move to innocence is concerned with the ways in which Indigenous peoples are counted, codified, represented, and included/disincluded by educational researchers and other social science researchers. Indigenous peoples are rendered visible in mainstream educational research in two main ways: as “at risk” peoples and as asterisk peoples. This comprises a settler move to innocence because it erases and then conceals the erasure of Indigenous peoples within the settler colonial nation-state and moves Indigenous nations as “populations” to the margins of public discourse. As “at risk” peoples, Indigenous students and families are described as on the verge of extinction, culturally and economically bereft, engaged or soon-to-be engaged in self-destructive behaviors which can interrupt their school careers and seamless absorption into the economy. Even though it is widely known and verified that Native youth gain access to personal and academic success when they also have access to/instruction in their home languages, most Native American and Alaskan Native youth are taught in English-only schools by temporary teachers who know little about their students’ communities (Lomawaima and McCarty, 2006; Lee, 2011). Even though Indigenous knowledge systems predate, expand, update, and complicate the curricula found in most public schools, schools attended by poor Indigenous students are among those most regimented in attempts to comply with federal mandates. Though these mandates intrude on the sovereignty of Indigenous peoples, the “services” promised at the inception of these mandates do little to make the schools attended by Indigenous youth better at providing them a compelling, relevant, inspiring and meaningful education. At the same time, Indigenous communities become the asterisk peoples, meaning they are represented by an asterisk in large and crucial data sets, many of which are conducted to inform public policy that impact our/their lives (Villegas, 2012). Education and health statistics are unavailable from Indigenous communities for a variety of reasons and, when they are made available, the size of the n, or the sample size, can appear to be negligible when compared to the sample size of other/race-based categories. Though Indigenous scholars such as Malia Villegas recognize that Indigenous peoples are distinct from each other but also from other racialized groups surveyed in these studies, they argue that difficulty of collecting basic education and health information about this small and heterogeneous category must be overcome in order to counter the disappearance of Indigenous particularities in public policy. In U.S. educational research in particular, Indigenous peoples are included only as asterisks, as footnotes into dominant paradigms of educational inequality in the U.S. This can be observed in the progressive literature on school discipline, on ‘underrepresented minorities’ in higher education, and in the literature of reparation, i.e., redressing ‘past’ wrongs against non- white Others. Under such paradigms, which do important work on alleviating the symptoms of colonialism (poverty, dispossession, criminality, premature death, cultural genocide), Indigeneity is simply an “and” or an illustration of oppression. ‘Urban education’, for example, is a code word for the schooling of black, brown, and ghettoized youth who form the numerical majority in divested public schools. Urban American Indians and Native Alaskans become an asterisk group, invisibilized, even though about two-thirds of Indigenous peoples in the U.S. live in urban areas, according to the 2010 census. Yet, urban Indians receive fewer federal funds for education, health, and employment than their counterparts on reservations (Berry, 2012). Similarly, Native Pasifika people become an asterisk in the Asian Pacific Islander category and their politics/epistemologies/experiences are often subsumed under a pan-ethnic Asian-American master narrative. From a settler viewpoint that concerns itself with numerical inequality, e.g. the achievement gap, underrepresentation, and the 99%’s short share of the wealth of the metropole, the asterisk is an outlier, an outnumber. It is a token gesture, an inclusion and an enclosure of Native people into the politics of equity. These acts of inclusion assimilate Indigenous sovereignty, ways of knowing, and ways of being by remaking a collective-comprised tribal identity into an individualized ethnic identity. From a decolonizing perspective, the asterisk is a body count that does not account for Indigenous politics, educational concerns, and epistemologies. Urban land (indeed all land) is Native land. The vast majority of Native youth in North America live in urban settings. Any decolonizing urban education endeavor must address the foundations of urban land pedagogy and Indigenous politics vis-a-vis the settler colonial state.

#### Our interpretation is that the judge ought to evaluate the 1ac as a research project – they don’t get to weigh the material implementation of the case

#### 1. Plan focus restricts the debate to a ten second statement and leaves the rest of the aff unquestioned. They should be responsible for the way their knowledge is constructed and used because that produces the best model for activism and ethics in the context of their aff

#### 2. The K is a prior question – it informs the value of the game – if we win debate trains students to be violent outside of their rounds, that should come first

#### 3. Performance DA – you’re an educator responsible for judging the behavior and scholarly production of the aff – that means you should TKO them if we win a link

#### 4. George Bush DA—justifications and representations influence our political advocacy. Even though George Bush and Marxists both hate Donald Trump, the reasons why matter as much. Winning a link argument means that their political advocacy looks more like a blue lives matter trust fund rather than anti-racist movements.

## Case

### Framing

#### AT Util – their prioritazation card says nothing

#### 1. Every piece of impact defense to the aff is a justification for why you should reduce the aff’s risk down to infitismely small – proves that their scenarios are fabricated for settlerism

#### 2. This is another link – it justifies the 1% risk cheney doctrine of intervening in the middle east for a false threat, which was a worse political solution and caused massive suffering – this is the exact fear based politics that all of the K criticizes

#### 3. Value to life impact outweighs – we can’t experience ethical value in the first place if people are ontologically excluded by securitizaiton

#### 4. D/b – either you only die once so it’s painless or timeframe means you reduce their impacts down to a negligible amount and our ontological claims means settlerism ow/s either way

#### 5. Links are offense – we have indicts of every single one of their scenarios that affect the consequences of their policy and the way it’s implemented. This implicates every piece of aff solvency and means they don’t solve extinction and just further participate in genocidal structures.

### Solvency

#### Vote neg on presumption – the aff does nothing. Indicating outer space as recognized as a global commmons does nothing to actually rectify the material conditions of outer space debris because recongition isnt the same thing as actually banning/regulating mining

#### Vollmer doesn’t substantiate solvency – just indicates that a commons is feasible

#### The plan would require clarifying international space law and gets circumvented

Alexander William Salter 16, Assistant Professor of Economics, Rawls College of Business, Texas Tech University, "SPACE DEBRIS: A LAW AND ECONOMICS ANALYSIS OF THE ORBITAL COMMONS", 19 STAN. TECH. L. REV. 221 (2016), https://law.stanford.edu/wp-content/uploads/2017/11/19-2-2-salter-final\_0.pdf

V. MITIGATION VS. REMOVAL

Relying on international law to create an environment conducive to space debris removal initially seems promising. The Virginia school of political economy has convincingly shown the importance of political-legal institutions in creating the incentives that determine whether those who act within those institutions behave cooperatively or predatorily.47 In the context of space debris, the role of nation-states, or their space agencies, would be to create an international legal framework that clearly specifies the rules that will govern space debris removal and the interactions in space more generally. The certainty afforded by clear and nondiscriminatory48 rules would enable the parties of the space debris “social contract” to use efficient strategies for coping with space debris. However, this ideal result is, in practice, far from certain. To borrow a concept from Buchanan and Tullock’s framework,49 the costs of amending the rules in the case of international space law are exceptionally high. Although a social contract is beneficial in that it prevents stronger nation-states from imposing their will on weaker nation-states, it also creates incentives for the main spacefaring nations to block reforms that are overall welfare-enhancing but that do not sufficiently or directly benefit the stronger nations.

The 1967 Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, including the Moon and Other Celestial Bodies (more commonly known as the Outer Space Treaty) is the foundation for current international space law.50 All major spacefaring nations are signatories. Article VIII of this treaty is the largest legal barrier to space debris removal efforts. This article stipulates that parties to the treaty retain jurisdiction over objects they launch into space, whether in orbit or on a celestial body such as the Moon. This article means that American organizations, whether private firms or the government, cannot remove pieces of Chinese or Russian debris without the permission of their respective governments. Perhaps contrary to intuition, consent will probably not be easy to secure.

A major difficulty lies in the realization that much debris is valuable scrap material that is already in orbit. A significant fraction of the costs associated with putting spacecraft in orbit comes from escaping Earth’s gravity well. The presence of valuable material already in space can justifiably be claimed as a valuable resource for repairs to current spacecraft and eventual manufacturing in space. As an example, approximately 1,000 tons of aluminum orbit as debris from the upper stages of launch vehicles alone. Launching those materials into orbit could cost between $5 billion and $10 billion and would take several years.51 Another difficulty lies in the fact that no definition of space debris is currently accepted internationally. This could prove problematic for removal efforts, if there is disagreement as to whether a given object is useless space junk, or a potentially useful space asset. Although this ambiguity may appear purely semantic, resolving it does pose some legal difficulties. Doing so would require consensus among the spacefaring nations. The negotiation process for obtaining consent would be costly.

### Advantage 1

#### 1) This advantage is seriously the shortest thing I have ever seen – it’s literally two cards. 1AR will inevitably be new so reject it on face. There is absolutely 0 uniqueness for their scenario because they havent read ev about debris level in the squo

#### 2) MunOz-Patchen is incorrect – this is in the context of small debris but their evidence misses an internal link between debris writ large and extremely tiny ones

#### 3) Creator of the Kessler syndrome admits that it’s way too far off to matter - green

Chelsea **1AC MuñOz-Patchen, 19** - ("Regulating the Space Commons: Treating Space Debris as Abandoned Property in Violation of the Outer Space Treaty," University of Chicago, 2019, 12-6-2021, https://cjil.uchicago.edu/publication/regulating-space-commons-treating-space-debris-abandoned-property-violation-outer-space)//AW

Debris poses a threat to functioning space objects and astronauts in space, and may cause damage to the earth’s surface upon re-entry.29 Much of the small debris cannot be tracked due to its size and the velocity at which it travels, making it impossible to anticipate and maneuver to avoid collisions.30 To remain in orbit, debris must travel at speeds of up to 17,500 miles per hour.31 At this speed even very small pieces of debris can cause serious damage, threatening a spacecraft and causing expensive damage.32 There are millions of these very small pieces, and thousands of larger ones.33 The small-to-medium pieces of debris “continuously shed fragments like lens caps, booster upper stages, nuts, bolts, paint chips, motor sprays of aluminum particles, glass splinters, waste water, and bits of foil,” and may stay in orbit for decades or even centuries, posing an ongoing risk.34 Debris ten centimeters or larger in diameter creates the likelihood of complete destruction for any functioning satellite with which it collides.35 Large nonfunctional objects remaining in orbit are a collision threat, capable of creating huge amounts of space debris and taking up otherwise useful orbit space.36 This issue is of growing importance as more nations and companies gain the ability to launch satellites and other objects into space.37 From February 2009 through the end of 2010, more than thirty-two collision-avoidance maneuvers were reportedly used to avoid debris by various space agencies and satellite companies, and as of March 2012, the crew of the International Space Station (ISS) had to take shelter three times due to close calls with passing debris.38 These maneuvers require costly fuel usage and place a strain on astronauts.39 Furthermore, the launches of some spacecraft have “been delayed because of the presence of space debris in the planned flight paths.”40 In 2011, Euroconsult, a satellite consultant, projected that there would be “a 51% increase in satellites launched in the next decade over the number launched in the past decade.”41 In addition to satellites, the rise of commercial space tourism will also increase the number of objects launched into space and thus the amount of debris.42 The more objects are sent into space, and the more collisions create cascades of debris, the greater the risk of damage to vital satellites and other devices relied on for “weather forecasting, telecommunications, commerce, and national security.”43 The Space Debris Mitigation Guidelines44 were created by UNCOPUOS with input from the IADC and adopted in 2007.45 The guidelines were developed to address the problem of space debris and were intended to “increase mutual understanding on acceptable activities in space.”46 These guidelines are nonbinding but suggest best practices to implement at the national level when planning for a launch. Many nations have adopted the guidelines to some degree, and some have gone beyond what the guidelines suggest.47 While the guidelines do not address existing debris, they do much to prevent the creation of new debris. The Kessler Syndrome is the biggest concern with space debris. The Kessler Syndrome is a cascade created when debris hits a space object, creating new debris and setting off a chain reaction of collisions that eventually closes off entire orbits.48 The concern is that this cascade will occur when a tipping point is reached at which the natural removal rate cannot keep up with the amount of new debris added.49 At this point a collision could set off a cascade destroying all space objects within the orbit.50 In 2011, The National Research Council predicted that the Kessler Syndrome could happen within ten to twenty years.51 Donald J. Kessler, the astrophysicist and NASA scientist who theorized the Kessler Syndrome in 1978, believes this cascade may be a century away, meaning that there is still time to develop a solution.52

#### 4) The aff’s scenario is about the Kessler syndrome in the context of states so they don’t solve those either

#### 5) No debris cascades, but even a worst case is confined to low LEO with no impact

Daniel Von Fange 17, Web Application Engineer, Founder and Owner of LeanCoder, Full Stack, Polyglot Web Developer, “Kessler Syndrome is Over Hyped”, 5/21/2017, http://braino.org/essays/kessler\_syndrome\_is\_over\_hyped/

Kessler Syndrome is overhyped. A chorus of online commenters great any news of upcoming low earth orbit satellites with worry that humanity will to lose access to space. I now think they are wrong.

What is Kessler Syndrome?

Here’s the popular view on Kessler Syndrome. Every once in a while, a piece of junk in space hits a satellite. This single impact destroys the satellite, and breaks off several thousand additional pieces. These new pieces now fly around space looking for other satellites to hit, and so exponentially multiply themselves over time, like a nuclear reaction, until a sphere of man-made debris surrounds the earth, and humanity no longer has access to space nor the benefits of satellites.

It is a dark picture.

Is Kessler Syndrome likely to happen?

I had to stop everything and spend an afternoon doing back-of-the-napkin math to know how big the threat is. To estimate, we need to know where the stuff in space is, how much mass is there, and how long it would take to deorbit.

The orbital area around earth can be broken down into four regions.

Low LEO - Up to about 400km. Things that orbit here burn up in the earth’s atmosphere quickly - between a few months to two years. The space station operates at the high end of this range. It loses about a kilometer of altitude a month and if not pushed higher every few months, would soon burn up. For all practical purposes, Low LEO doesn’t matter for Kessler Syndrome. If Low LEO was ever full of space junk, we’d just wait a year and a half, and the problem would be over.

High LEO - 400km to 2000km. This where most heavy satellites and most space junk orbits. The air is thin enough here that satellites only go down slowly, and they have a much farther distance to fall. It can take 50 years for stuff here to get down. This is where Kessler Syndrome could be an issue.

Mid Orbit - GPS satellites and other navigation satellites travel here in lonely, long lives. The volume of space is so huge, and the number of satellites so few, that we don’t need to worry about Kessler here.

GEO - If you put a satellite far enough out from earth, the speed that the satellite travels around the earth will match the speed of the surface of the earth rotating under it. From the ground, the satellite will appear to hang motionless. Usually the geostationary orbit is used by big weather satellites and big TV broadcasting satellites. (This apparent motionlessness is why satellite TV dishes can be mounted pointing in a fixed direction. You can find approximate south just by looking around at the dishes in your northern hemisphere neighborhood.) For Kessler purposes, GEO orbit is roughly a ring 384,400 km around. However, all the satellites here are moving the same direction at the same speed - debris doesn’t get free velocity from the speed of the satellites. Also, it’s quite expensive to get a satellite here, and so there aren’t many, only about one satellite per 1000km of the ring. Kessler is not a problem here.

### Contention 2

#### 1) Plan doesn’t get rid of global institutions like the IMF and World Bank and has no way to get rid of the neoliberalism engrained in society - you should vote neg on presumption since they have no impact outside of some ozone because they definitionally create ozone and warming

#### 2) aff doesn’t get rid of space tourism, so vote neg on presumption - admitted in CX – their Gammon card IS LITERALLY ABOUT SPACE TOURISM

#### 3) They don’t solve their own impacts – things like warming exists outside of space and they don’t solve all of warming and so can’t solve its impacts on earth.

#### 4) No extinction—the aff says private space colonization would happen before the wreck of the environment that much—and their card provides no justification for why neolib causes extinction.

#### 5) Timeframe – ozone depletion is super slow and incoherent there’s no brink argument or falsifiable data that explains the brink, 50 years of launches proves resilience

#### 6) Launches inevitable – massive privatization, increasing popularity, other countries thump

Helsinki Times 21 – “Global orbital rocket launches surge by 44% in H1 2021, U.S. leads,” 7/15/2021, https://www.helsinkitimes.fi/business/19596-global-orbital-rocket-launches-surge-by-44-in-h1-2021-u-s-leads.html

Space missions are increasingly becoming popular, with companies moving towards enabling private citizens to have a glimpse of the orbit away from the professional astronauts. The interest in space travel is increasing the number of orbital launches.

Data acquired by Finbold indicates that the global number of orbital rockets launched in 2021 H1 surged 43.9% compared to the first half of 2020.

As of 2021, the orbital rocket launches stood at 59, while last year, the figure was at 41.

In 2021, the United States showed dominance, accounting for about 49% of the launches at 29. China recorded 18 launches, followed by Russia at seven. French space company Arianespace accounts for four orbital launches. The numbers are based on RocketLaunch.live data, which tracks orbital rocket launches worldwide.

Space tourism driving increase in orbital launches

The increase in orbital launches during the period highlights the increasing focus to make space travel a routine. The sector has witnessed the entry of private companies working towards making space travel available for private citizens and not just the professional astronauts of space agencies like NASA.