### 1NC – T

#### Interpretation: appropriation involves permanent, exclusive use of land and resource extraction. The aff must defend that appropriation of outer space by private entities is unjust.

Stephen Gorove, Stephen Gorove (1917-2001) was a space law education pioneer. He served as a professor of space law and director of space studies and policy, from 1991-1998, at the University of Mississippi., 1969 " Interpreting Article II of the Outer Space Treaty" Fordham Law Review, https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=1966&context=flr

With respect to the concept of appropriation the basic question is **what constitutes "appropriation,"** as used in the Treaty, especially in contradistinction to casual or temporary use. The term "appropriation" is used most frequently to denote the taking of property for one's own or exclusive use with a sense of permanence. Under such interpretation the establishment of a permanent settlement or the carrying out of commercial activities by nationals of a country on a celestial body may constitute national appropriation if the activities take place under the supreme authority (sovereignty) of the state. Short of this, if the state wields no exclusive authority or jurisdiction in relation to the area in question, the answer would seem to be in the negative, unless, the nationals also use their individual appropriations as cover-ups for their state's activities.5 In this connection, it should be emphasized that the word "appropriation" indicates a taking which involves something more than just a casual use. Thus a temporary occupation of a landing site or other area, just like the **temporary or nonexclusive use of property, would not constitute appropriation**. By the same token, any use involving consumption or **taking with intention of keeping for one's own exclusive use would amount to appropriation.**

#### Violation – application of PTD to space isn’t permanent, it’s context dependent and depends on cost benefit analysis

**WEF n.d.** -- (“Public Trust Doctrine.” Water Education Foundation, The Water Education Foundation is a nonprofit organization whose goal is to provide unbiased, balanced information on water issues in California and the Southwestern United States. The Foundation's mission, since its founding in 1977, has been "to create a better understanding of water resources and foster public understanding and resolution of water resource issues through facilitation, education and outreach,” <https://www.watereducation.org/aquapedia/public-trust-doctrine>, HKR-AS)

Rooted in Roman law, the public trust doctrine recognizes the public right to many natural resources including “the air, running water, the sea and its shore.”

The public trust doctrine requires the sovereign, or state, to hold in trust designated resources for the benefit of the people. Traditionally, the public trust applied to commerce and fishing in navigable waters, but its uses were expanded in California in 1971 to include fish, wildlife, habitat and recreation.

At that time, the California Supreme Court in Marks v. Whitney broadened the definition of public trust because “public trust uses are sufficiently flexible to **encompass changing public needs**.” This definition would be first applied in a legal case in the 1980s (see below). [See also California water rights.]

Mono Lake Case

In California, public trust was most notably invoked in a landmark case involving water use at Mono Lake.

In a landmark case filed to protect the Mono Lake Basin from 40 years of water diversions by the city of Los Angeles, California’s Supreme Court ruled in 1983 that reasonable and beneficial uses of water **must be interpreted in accordance with public trust needs**. This was the first case in California where the public trust doctrine was applied.

Significantly, the Mono Lake decision held that the state retains jurisdiction over these rights and may reconsider the impact on public trust, which in addition to the traditional commerce, navigation and fishing, includes wildlife habitat. The necessity of protecting the public trust was to be determined by balancing the value and cost of instream water needs against the benefits and costs of diversions. [Purchase the Layperson’s Guide to Water Rights to learn more about public trust.]

#### Plan text in a vacuum bad for fairness because it allows for incongruency between 99% of the aff and 1% of the aff – the worst version of their model is that the plan text is different from the advantage, so it makes no sense – hold them to reading a plan text defined contextually with the advantage

#### Vote neg –

#### 1] Ground – allowing affs to not defend permanent appropriation kills negative ground – we can’t read the innovation DA, since they can say innovative appropriation efforts are allowed, we can’t read asteroid mining or disads to specific types of appropriation since they can defend an exemption for that, etc. – Since the government gets to interpret whether or not the PTD applies to appropriation in specific instances, the negative can’t reasonably predict what the aff defends restricting and what it doesn’t. Ground controls the internal link to clash and fairness since the aff makes being neg impossible.

#### T is a voting issue that should be evaluated through competing interps – it tells the negative what to prepare for and reasonability invites judge intervention

### 1NC

#### Interpretation: Affirmatives team must not misdisclose during flips

#### Graphical user interface, text, application, chat or text message Description automatically generated

Graphical user interface, text, application, chat or text message

Description automatically generated

#### After I flipped neg on tabroom and literally could not change my side, they said changes to the advantage. They’ll say their change wasn’t that expansive

#### 1] Lying

#### 2] Pre-Round Prep

### 1NC

#### States should declare that public guardianship obligations created by the non-ownership doctrine necessitate a reduction in private actor appropriation of Outer Space.

#### The public trust doctrine is inseparable from an anthropocentric politics of human chauvinism – further application can only strengthen exploitative relationships to nature – guardianship asserts the doctrine of non-ownership, which solves better and competes

Adler 05, Dean College of Law at Utah (Robert, The Law at the Water's Edge: Limits to ""Ownership"" of Aquatic Ecosystems, in Wet Growth: Should Water Law Control Land Use?, pg. 244)

gue instead that the idea of a public “trust” should be replaced by one of public “guardianship.” In a classic trust, legal and equitable title are held by different persons, and the person with legal title has “equitable duties to deal with the property for the benefit of another person.” The trust duty is fiduciary and typically requires the trustee to maximize the income or other economic value of the trust assets for the beneficiary. This principle implies that if the trustee believes that a particular asset is better used for another purpose, or that certain trust values are more valuable than others from the perspective of the beneficiary, the trustee can manage the trust assets accordingly or even eliminate the resource entirely. Viewed again according to the underlying theory or property ownership, that landowners will make decisions that maximize the welfare value of the holding, public trust ownership solves some, but not all, of the market failure problems of private ownership. Under the expanded version of the public trust doctrine as interpreted by some courts, the trustee is now supposed to ensure that all common public values, including noncommodified environmental values that benefit the public in some way, are considered fully and appropriately and weighed against values that might benefit a subset of society or even an individual landowner disproportionately. If private market participants exert undue influence on the government’s decision process in the exercise of its trust, however, those decisions may not necessarily maximize overall welfare. Give the deference usually enjoyed by trustees absent clear violations of the trust duty, many courts are not likely to interfere with those judgements. Even absent such biasing of the trustee’s decision, a trustee may simply, in the exercise of its fiduciary judgement, determine that the commercial value of a particular piece of trust property is more valuable to the beneficiary than its environmental value, a decision more likely to be reviewed by courts from a procedural, rather than a substantive, perspective. Moreover, to the extent that trust resources provide ecosystem or other values or benefits that transcend the welfare of human societies, the public trust doctrine, - and trust law in general - is not even designed to incorporate those values. In fact, a public trustee arguably would violate its fiduciary duty to the public beneficiary if it considered environmental values at the expense of the immediate (current generation) public beneficiaries. One solution to that dilemma would be to consider the beneficiaries to include future as well as current generations of humans, but the inherently anthropocentric focus of the trust duty remains. Thus, while some courts have upheld government regulation and even prohibition of private development of land at the water's edge, under interpretations of the public trust doctrine and police power that affirm environmental stewardship duties; others have applied the doctrine as one that merely ensures that the trustee makes rational decisions after properly considering all trust values. 174 Other courts have ap­plied the doctrine to sanction the very economic development activities at the water's edge that cause such extensive aquatic ecosystem harm, such as the use of trust property for transportation systems, public utilities, oil production, and urban and commercial expansion. So long as the law considers aquatic species and other components of aquatic eco­systems to be "trust assets" to be managed entirely for the benefit of human economic and other welfare, aquatic ecosystems will remain vulnerable to continued impairment. A potentially more satisfying model, as discussed in the next section, is suggested by the evolution of wildlife law from one in which wildlife was similarly viewed as being "owned" by the state in trust for the people in common to one of "non­ownership." The non-ownership doctrine implies a corollary principle that the government is a guardian, rather than a trustee, of the resource and must exercise its legal responsibilities accordingly.

#### Nonownership solves better has a sound legal basis and effectively advances rights for nature – the aff maintains anthropocentric legal doctrine

Adler 07, Dean College of Law at Utah (Robert, RESTORING COLORADO RIVER ECOSYSTEMS: A Troubled Sense of Immensity, pg. 199-200)

The public trust doctrine, however, retains the anthropocentric focus of property law in which “trust assets” are held by the government for the common benefit of human users. Perhaps the bigger problem is that the ecological values inherent in aquatic ecosystems are not amenable to either private or public ownership. The concept of “nonownership” has an equally long legal history, but has not received the same scholarly or judicial attention outside the arena of wildlife law. Some scholars read the original Roman law to mean that some common resources cannot be owned *at all*. Private individuals cannot “own” wildlife even if wild animals reside on their land. Individuals may own domesticated animals reduced to human control and wild animals reduced to physical possession through hunting or capture. No one can “own” a species, however, or even a population of wild animals. A rancher might own domesticated horses but not the wild mustangs grazing on her land. The U.S. Supreme Court clung for many years to the notion that states owned wildlife in trust for their people, but gradually abandoned this concept. In Missouri v. Holland, Justice Oliver Wendell Holmes questioned the idea that state "ownership" of birds that migrate across state lines could impair federal regulatory power: "To put the claim of the State upon title is to lean upon a slender reed. Wild birds are not in the possession of anyone; and possession is the beginning of ownership. The whole foundation of the State's rights is the presence within their jurisdiction of birds that yesterday had not arrived, tomorrow may be in another State and in a week a thousand miles away." In later cases the Supreme Court referred to the ownership concept as a "legal fiction" or "fantasy," and ultimately ruled that state authority to regulate wildlife is grounded in sovereign authority to protect common resources and the common welfare. It is not based on ownership. The nonownership principle conforms to a growing realization that nonhuman components of the natural world are not merely resources for human use and consumption, but have intrinsic value. Just as the law evolved in the 19th century to reject the idea that people could own slaves, law in the 20th century changed to conform with society's growing ethical rejection of human dominion over all other living species. At least since the early 1970s, some scholars began to propose legal rights for nonhuman species. The idea that wildlife cannot be owned also makes sense in light of the realization that species provide ecosystem services beyond those measured in the market economy. So what does this have to do with restoration of the Colorado River? No one claims ownership of razorback suckers or Yuma clapper rails. But private property rights at the water's edge limit the government's ability to restore the natural relationship between land and water. If inundation of private property constitutes an unconstitutional taking of property, modified dam flows that even periodically inundate riparian habitats or backwaters might be prohibited. Or, it might

#### Implementation of public trust doctrine protection will be arbitrary and capricious ensuring ecological harm. The counterplans application of non-ownership solves

Adler 05, Dean College of Law at Utah (Robert, The Law at the Water's Edge: Limits to ""Ownership"" of Aquatic Ecosystems, in Wet Growth: Should Water Law Control Land Use?, pg. 244)

There are several other ways in which the non-ownership doctrine as applied to aquatic ecosystem resources and values differs from the existing public trust doctrine and is likely to be a superior tool to protect those resources and values. First, while some courts have endeavored to "unshackle" the public trust doctrine from its historic limits, the doctrine is, for the most part, constrained by those artificial geographic boundaries, and litigants seeking to enforce the public trust face a significant burden to overcome those presumed boundaries. The non-ownership doctrine and its implied government guardianship is defined not by artificial geographic limits but by actual determinations of the degree to which aquatic ecosystem values and services exist. Second, as explained above, the nature of the guardianship duty is a more logical model for government control of resources that cannot be owned and suggests that those resources must be protected and cannot be conveyed either for private economic gain or for public economic gain at the expense of ecological harms. Third, and most importantly, relative to the public trust doctrine the burden of proof should be flipped. Rather than requiring the government to prove that it owns or otherwise controls a resource under the public trust doctrine in order to justify protection, a landowner presumptively has no rights to impair ecosystem components, values, or services in a significant way, meaning the burden of proof is on the landowner to demonstrate ownership rights, and not vice versa. Like the public trust doctrine, of course, the "non-ownership" doctrine could suffer the fate of other efforts to develop rules of resource protection through a state-by-state and case-by-case approach, with the possibility of the same type of doctrinal fragmentation among states. For several reasons, however, the legal doctrine of "non-ownership" could avoid this common-law odyssey. First, the non-ownership doctrine was pronounced by the Court in Hughes as a matter of federal law in the context of a constitutional ruling. If the Court were to apply that same doctrine in the context of a constitutional takings challenge, it could achieve national status without the need for an uncertain crosscountry journey. While the public trust doctrine often is attributed to the Court's rulings in cases like Illinois Central and Shively v. Bowlby, in fact it had its origins in earlier state cases, and the Court has ruled that the geographic reach and other aspects of the public trust doctrine are a matter of state law. It was this perhaps unfortunate conclusion that has relegated the public trust doctrine to such an uncertain fate. Second, with due respect to the tremendous innovation and influence of the modern rejuvenation of the public trust doctrine, in addition to the inherent limitations discussed above, its application to a larger geography and a broader scope of trust resources relies heavily on a somewhat subjective, amorphous set of judgments about what advances public trust values and how those values should be balanced against other resources and values, both public and private. To be sure, application of the "non-ownership" doctrine will require sometimes difficult case by case judgments, as do virtually all efforts to protect ecological resources, whether judicial or regulatory in method. The core governing principle of non-ownership, however, is amenable to a far greater degree of uniformity. As a matter of law, once it is recognized that private-property rights do not include the right to destroy or degrade aquatic ecosystem resources, the role of government as guardian of those resources, whether through judicial or regulatory action, is less open to the type of discretion that characterizes the public trust doctrine. Under the guardianship principle, the government's role is to protect, not to choose from among a large number of potentially competing uses.

#### The counterplan and the plan are mutually exclusive – application of the public trust doctrine establishes ownership while the counterplan is explicitly non-ownership. Severance permutations should be rejected because they eliminate all counterplan net benefits and disprove desirability of the plan

Adler 05, Dean College of Law at Utah (Robert, The Law at the Water's Edge: Limits to ""Ownership"" of Aquatic Ecosystems, in Wet Growth: Should Water Law Control Land Use?, pg. 244)

4. "Non-Ownership" of Wildlife: Consequences and Implications Several legal implications flow from the realization that states do not own wildlife populations but can regulate their use under inherent police power authority. First, and most obviously, if the sovereign cannot "own" wildlife species or populations (as opposed to individual members of a species when lawfully captured or killed under relevant federal and state laws and regulations), a fortiori neither do private landowners. This corollary, of course, is entirely consistent with the traditional "capture" doctrine in wildlife law, but for different and more fundamental reasons. Under traditional principles, individuals cannot own wildlife until it is reduced to physical possession, and hence control, through lawful kill or capture. Under the non-ownership doctrine as announced in Hughes and its predecessors, wildlife in its natural state is inherently incapable of ownership. Indeed, such ownership would then be inconsistent with the state's more appropriate status as a legal guardian of wildlife resources. If the state "owned" wildlife in the sense that one can own a mineral, presumably it would have the power to deplete it entirely if it determines that it is in the state's (and society's) best economic or other interests to do so. 207 If it only has the authority to regulate and protect the resource "as between a State and its inhabitants," it does so more in the position of a legal guardian rather than as a trustee "owner" with the rights normally attendant thereto. The guardianship analogy is still imperfect, but it is superior to the public trust notion with respect to the nonhuman values inherent in wildlife and other ecosystem resources and to the extent that those natural objects are viewed as having rights of their own. As a matter of property law, a "trustee ... has title to trust property; a guardian of property does not have title to the property, but has only certain powers and duties to deal therewith for the benefit of the ward, the ward having title to the property. "208 The state as guardian cannot confer on private individuals, through its system of property law or otherwise, an ownership interest in what it is guarding. Nor can it simply dispose of that "property." ln contrast, dispositions of trust property are restricted.

#### Expanding PTD causes recessions and destroys the environment – it shatters the entire legal-regulatory balance

Huffman 15 [James L. Huffman is Dean Emeritus of Lewis & Clark Law School and a Visiting Fellow at the Hoover Institution. He holds degrees from Montana State University (BS), The Fletcher School of Tufts University (MA) and the University of Chicago (JD). "WHY LIBERATING THE PUBLIC TRUST DOCTRINE IS BAD FOR THE PUBLIC." https://law.lclark.edu/live/files/19611-45-2huffman]

Since the beginning of the modern environmental movement in the 1960s, environmental advocates have been in search of ways to circumvent the twin obstacles of political compromise and vested property rights. In a 1970 article, Professor Joseph Sax suggested that the common law public trust doctrine might provide an avenue for judicial intervention in the name of claimed public rights in a wide array of natural resources. Because the traditional doctrine was narrowly limited in terms of both public rights and affected resources, Sax published a second article ten years later, calling for courts to liberate the public trust doctrine from its historical parameters. While a few judges responded with generally limited extensions of the doctrine, Sax’s plea has been ignored by most courts—but not by academics. A flood of law review articles have resorted to shoddy history, retrospective theorizing about the origins and purposes of the doctrine, appeals to higher law and moral imperatives, and confusion of the idea of public trust in representative government with the public rights protected by the public trust doctrine in efforts to persuade courts to liberate the doctrine. Implicit, if not explicit, in all of these arguments is the claim that the common law origins of American law and the American judicial system vest courts with authority to amend old law and make new law. At risk in this vast and imaginative effort to liberate the public trust doctrine from its common law confines are the constitutional separation of powers, the rule of law, due process and secure property rights, and the economic prosperity on which environmental protection ultimately depends.

#### Failed recovery causes global crises and extinction

McClennan ’21 [Marsh, writing with the SK and Zurich Insurance Groups; 2021; Global Professional Services firm, advised by the National University of Singapore, the Oxford Martin School at Oxford University, Wharton Risk Management and Decision Processes Center at the University of Pennsylvania; World Economic Forum, “The Global Risks Report 2021,” <https://www3.weforum.org/docs/WEF_The_Global_Risks_Report_2021.pdf>]

Executive Summary

The immediate human and economic cost of COVID-19 is severe. It threatens to scale back years of progress on reducing poverty and inequality and to further weaken social cohesion and global cooperation. Job losses, a widening digital divide, disrupted social interactions, and abrupt shifts in markets could lead to dire consequences and lost opportunities for large parts of the global population. The ramifications—in the form of social unrest, political fragmentation and geopolitical tensions—will shape the effectiveness of our responses to the other key threats of the next decade: cyberattacks, weapons of mass destruction and, most notably, climate change.

In the Global Risks Report 2021, we share the results of the latest Global Risks Perception Survey (GRPS), followed by analysis of growing social, economic and industrial divisions, their interconnections, and their implications on our ability to resolve major global risks requiring societal cohesion and global cooperation. We conclude the report with proposals for enhancing resilience, drawing from the lessons of the pandemic as well as historical risk analysis. The key findings of the survey and the analysis are included below.

Global risks perceptions

Among the highest likelihood risks of the next ten years are extreme weather, climate action failure and human-led environmental damage; as well as digital power concentration, digital inequality and cybersecurity failure. Among the highest impact risks of the next decade, infectious diseases are in the top spot, followed by climate action failure and other environmental risks; as well as weapons of mass destruction, livelihood crises, debt crises and IT infrastructure breakdown.

When it comes to the time-horizon within which these risks will become a critical threat to the world, the most imminent threats – those that are most likely in the next two years – include employment and livelihood crises, widespread youth disillusionment, digital inequality, economic stagnation, human-made environmental damage, erosion of societal cohesion, and terrorist attacks.

Economic risks feature prominently in the 3-5 year timeframe, including asset bubbles, price instability, commodity shocks and debt crises; followed by geopolitical risks, including interstate relations and conflict, and resource geopolitization. In the 5-10 year horizon, environmental risks such as biodiversity loss, natural resource crises and climate action failure dominate; alongside weapons of mass destruction, adverse effects of technology and collapse of states or multilateral institutions.

Economic fragility and societal divisions are set to increase

Underlying disparities in healthcare, education, financial stability and technology have led the crisis to disproportionately impact certain groups and countries. Not only has COVID-19 caused more than two million deaths at the time of writing, but the economic and long-term health impacts will continue to have devastating consequences. The pandemic’s economic shockwave—working hours equivalent to 495 million jobs were lost in the second quarter of 2020 alone—will immediately increase inequality, but so can an uneven recovery. Only 28 economies are expected to have grown in 2020. Nearly 60% of respondents to the GRPS identified “infectious diseases” and “livelihood crises” as the top short-term threats to the world. Loss of lives and livelihoods will increase the risk of “social cohesion erosion”, also a critical short-term threat identified in the GRPS.

#### Applying an American legal concept to other countries doesn’t work – interpretive differences, local institutions, and cultural distinctions make the plan meaningless abroad

Cheng 12 [Thomas, assistant professor at the Faculty of Law of the University of Hong Kong. "Convergence and Its Discontents: A Reconsideration of the Merits of Convergence of Global Competition Law." https://chicagounbound.uchicago.edu/cgi/viewcontent.cgi?article=1362&context=cjil]

The characteristics of developing countries require adjustments to specific competition law doctrines and principles. While it may be argued that these characteristics can be adequately taken into account by shifting enforcement priorities, only doctrinal changes can adequately reflect these characteristics. Take the patent-competition interface as an example. The lack of innovative capacity in a developing country means that patent competition law rules need to pay much less attention to innovation incentives, and there are much weaker reasons to incur short-term consumer welfare loss to generate these incentives. More concretely, this may mean that unilateral refusal to license is more susceptible to challenges in developing countries than in developed nations. This may be especially so if the product at issue is a basic necessity, the access to which significantly contributes to poverty alleviation and improved well-being of the poor. A more interventionist approach to unilateral refusal to license intellectual property would not be possible with a mere adjustment in enforcement priorities. It would require a doctrinal shift that may preclude substantive convergence on this prominent issue in competition law.

### 1NC – DA

#### Appropriations pass now but floor time and bipartisanship are key

Bolton 1/13 [Alexander, staff reporter for The Hill, “Negotiators report progress toward 2022 spending deal” https://thehill.com/policy/finance/589599-negotiators-report-progress-on-reaching-2022-spending-deal]

Senate and House negotiators say they are getting closer to a deal on setting the top-line spending number for an appropriations package to fund government past Feb. 18 and avoid a shutdown.

The top Democrats and Republicans on the Senate and House Appropriations Committees met Thursday morning to chart a path for reaching agreement on a fiscal year 2022 omnibus government funding bill and said they would meet again soon.

Negotiators in the so-called “Four Corners” say they’re optimistic about reaching an agreement.

“I think of we have a good chance coming together on this,” Rep. Kay Granger (Texas), the top-ranking Republican on the House Appropriations Committee, told reporters as she headed into the meeting.

One Democratic senator said he had been told that Senate Appropriations Committee Chairman Pat Leahy (D-Vt.) and Sen. Richard Shelby (Ala.), the top-ranking Republican on the Senate panel, already have a tentative deal on the parameters of the legislation and now need to bring their House counterparts on board.

Leahy told The Hill before the meeting that “we’re trying to” get an agreement between Senate and House negotiators wrapped up soon.

“We realize time is running out,” he said.

Leahy, however, declined to comment on any understandings he has with Shelby or on the negotiating dynamics between the Senate and House.

Shelby told reporters after the meeting that Congress’s top-four appropriators had laid out the path for the talks, something they hadn’t done before.

“The four of us had constructive talks of where we go and how we get there and how we start,” he said. “We hadn’t worked that out yet.”

“We’ll continue to talk and meet,” he said, adding that Leahy and House Appropriations Committee Chairwoman Rosa DeLauro (D-Conn.) will reconvene the group soon to resume negotiations.

Shelby warned that another stopgap funding measures is “looming” if they fail to hammer out a deal by early next month.

Leahy described the meeting as a “worthwhile discussion” and said he hoped to get a deal done in the next few weeks.

Leahy and Shelby met with Senate Majority Leader Charles Schumer (D-N.Y.) and Minority Leader Mitch McConnell (R-Ky.) Wednesday to discuss the parameters of the spending package, which is weeks behind schedule.

The 2021 fiscal year ended at the end of September and lawmakers uncharacteristically left Washington for Christmas without passing the annual appropriations bills because Democrats were focused on finishing work on President Biden’s sweeping climate and social spending bill, Build Back Better, which remains stalled in the Senate.

The Senate is scheduled to be in recess next week in observance of Martin Luther King Jr. Day but DeLauro said the group would meet again soon in order to have a better chance of reaching a deal by Feb. 18.

“That’s my goal,” she said. “We’re going to continue speaking.”

Asked if she feels more hopeful after the meeting, she said “I’m hopeful always.”

#### Large President-led national space policies incite immense partisan backlash that spills over to kill the entire political agenda

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 bipartis

an 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.

#### Congress will backlash to unpopular decisions

Dr. Alicia Uribe 13, Lecturer in Political Science at University of Illinois, PhD University of Washington St. Louis, “The Influence of Congressional Preferences on Legislative Overrides of Supreme Court Decisions”, Law & Society Review, <http://faculty.ucmerced.edu/thansford/Articles/congress_reaction_to_court.pdf>

Conclusion Congress and the Supreme Court interact in a separation-of-powers framework as each attempts to shape policy. While the broader congressional politics literature provides convincing empirical evidence that legislative preferences have a significant effect on Members’ votes and the passage of legislation (e.g., Poole and Rosenthal 2007), no systematic evidence demonstrates legislative overrides of Supreme Court opinions result from congressional preferences. This lack of empirical support exists despite the widespread application of a spatial modeling approach to understand Congress-Court relations, which assumes overrides occur when Court decisions are ideologically distant from Congress. Our first goal was to show, consistent with existing spatial models in the literature, that Congress is more likely to pass laws overriding Supreme Court decisions the further ideologically removed a decision is from the legislative gridlock interval. Our statistical results, for the first time, demonstrate Congress overrides Court decisions the further ideologically removed it is from them. A two standard deviation shift around the mean of the ideological distance of Congress from a Court decision increases the likelihood of an override by 66.4%. This result indicates Congress takes notice of the policy import of a Court decision and is more likely to reject those it dislikes on ideological grounds. We therefore provide evidence in support of a core part of SOP models, showing Congress does indeed respond to Court decisions based on its preferences. This result is important because it confirms a fundamental component of nearly all SOP explanations of the relationship between Congress and the Court. Future studies can now be confident that their assertion that legislative preferences influence overrides is on a strong empirical footing. We further demonstrate Congress does not act strategically by avoiding legislative overrides when the Court is likely to reject them. The implication is that Congress is motivated by position-taking goals rather than the ultimate effect of its policy actions and the separation-ofpowers. That is, our data suggest Congress cares more about the short-term gains from overriding legislation (e.g., passing the legislation for electoral purposes) than the ultimate shape of the policies it chooses to override. This result suggests the Court may, at least when it concerns the ultimate effect of override legislation, have greater influence on the ultimate location of public policy. Of course, this conclusion is tempered by the fact that Congress and the Court rarely disagree about whether the status quo should be altered; Congress wishes to override a Court decision preferred by the Court only 2.5% of the time in our data. As Dahl (1957) famously declared, the Court is not often out-of-step with the elected branches, and as a result Congress and the Court tend to agree on the desirability of previously decided Court cases. Finally, we show the effect of ideological distance matters for all types of Court decisions, including constitutional ones. Thus, while the Court may, as some suggest (e.g., King 2007), attempt to insulate its decisions from congressional override by using constitutional interpretation, it appears this tactic does not work. When Congress is ideologically distant from a Court decision, regardless of whether the decision is based on constitutional, statutory or common law interpretation, it is more likely to override it. This result is new to the literature, and it means subsequent studies cannot exclusively focus on statutory cases.

#### Yearlong CR ruins UAVs for decades—that undermines strategic competition

Wynne 1/14 [Brian Wynne, Federal Aviation Administration’s Drone Advisory Committee and Management Advisory Council, "A yearlong continuing resolution will hinder unmanned systems integration", 1/14/22, https://www.defensenews.com/opinion/commentary/2022/01/14/a-yearlong-continuing-resolution-will-hinder-unmanned-systems-integration/]

With fiscal 2022 well underway and the current continuing resolution set to expire without congressional consensus on a way forward on appropriations, the U.S. Department of Defense is preparing for the possibility of operations under a full-year CR stopgap measure. Let’s be clear: That will hinder the continued integration of unmanned systems into the U.S. military and ultimately harm our preparedness for strategic competition.

During a hearing this week of the House Appropriations Committee’s Defense Subcommittee, appropriators rightly acknowledged that a full-year CR would make our military less agile and curtail our ability to prepare for current security challenges. Members of Congress must also realize that failure to pass funding bills will create a domino effect that will harm U.S. national security for years to come by damaging the growing unmanned systems industry.

As the Pentagon moves resources and dollars to address this new era of strategic competition, unmanned systems — in the air, in space, in the sea and on land — will be the tip of the sword for our sailors, Marines, soldiers and airmen against rising geopolitical threats.

Launched last year, the Navy’s Unmanned Campaign Plan and related task force are two examples that demonstrate the extent to which DoD leaders understand the unparalleled value uncrewed systems will provide in achieving the vision presented in the National Defense Strategy.

However, the new normal of cycles of CRs results in real-dollar budget reductions and program delays that threaten the progress of this vision — and these losses harm both U.S. strategic competitiveness and the defense-industrial base. As Adm. Mike Gilday stated during the House Appropriations Committee hearing: “Every day matters in this critical decade.”

Appropriators must understand that the importance of full funding for the research, development, test and evaluation as well as the procurement of uncrewed systems at this moment cannot be overstated.

A full-year CR will prevent critical, new uncrewed systems programs from being initiated. This includes authorization of $57 million for the Marine Corps’ Group 5 UAS development project; projects totaling $52.5 million for the development of counter-small UAS capabilities; and $57.6 million dedicated to the maturation of technologies under the AFWERX prime project. By operating at FY21 funding levels, the program for small unmanned undersea vehicles will see only a third of its FY22 authorized budget.

These cuts represent significant losses of time and capital th

at the unmanned systems industry has spent in preparing systems for field action. The defense-industrial base has made investments in the technology, supply base, workforce, supply chain and infrastructure based on the DoD’s vision for the future.

Companies working to advance the front lines of innovation already face a “procurement trough” caused by delays and gaps in new programs. A full-year CR would set off an irreversible ripple effect that would deepen this trough for years to come.

Simply put, saddling companies nationwide with long-standing Capital Beltway problems prevents the development and adoption of critical tools. Smaller and midsized companies feel the impacts of these delays most, and continued delays will force them to move their investments away from unmanned systems to other, more predictable markets.

Until Congress puts American warfighters before political concerns, the U.S. will fall behind in the development, fielding and adoption of modern tools that support a full range of missions.

The time is now to make the DoD’s strategic visions reality by accelerating investments in air, surface and subsurface platforms. Congressional leaders must immediately work to build consensus in support of stable funding that enables the development and integration of uncrewed systems. The country is looking for assertive congressional leadership — now is the time to step up.

#### That causes nuclear war with Russia and china

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.

### 1NC – Case

#### They get theory but it’s not DTD- 1ar time advantage- that was above, abuse is self-imposed b/c they could always better develop the shell in the 1ar, over-punishment- reading theory cancels out the abuse, and no reason short speech means drop the debater- just get more efficient, short shells already force 2n split

#### 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.

How bad could Kessler Syndrome in High LEO be?

Let’s imagine a worst case scenario.

An evil alien intelligence chops up everything in High LEO, turning it into 1cm cubes of death orbiting at 1000km, spread as evenly across the surface of this sphere as orbital mechanics would allow. Is humanity cut off from space?

I’m guessing the world has launched about 10,000 tons of satellites total. For guessing purposes, I’ll assume 2,500 tons of satellites and junk currently in High LEO. If satellites are made of aluminum, with a density of 2.70 g/cm3, then that’s 839,985,870 1cm cubes. A sphere for an orbit of 1,000km has a surface area of 682,752,000 square KM. So there would be one cube of junk per .81 square KM. If a rocket traveled through that, its odds of hitting that cube are tiny - less than 1 in 10,000.

So even in the worst case, we don’t lose access to space.

Now though you can travel through the debris, you couldn’t keep a satellite alive for long in this orbit of death. Kessler Syndrome at its worst just prevents us from putting satellites in certain orbits.

In real life, there’s a lot of factors that make Kessler syndrome even less of a problem than our worst case though experiment.

* Debris would be spread over a volume of space, not a single orbital surface, making collisions orders of magnitudes less likely.
* Most impact debris will have a slower orbital velocity than either of its original pieces - this makes it deorbit much sooner.
* Any collision will create large and small objects. Small objects are much more affected by atmospheric drag and deorbit faster, even in a few months from high LEO. Larger objects can be tracked by earth based radar and avoided.
* The planned big new constellations are not in High LEO, but in Low LEO for faster communications with the earth. They aren’t an issue for Kessler.
* Most importantly, all new satellite launches since the 1990’s are required to include a plan to get rid of the satellite at the end of its useful life (usually by deorbiting)

So the realistic worst case is that insurance premiums on satellites go up a bit. Given the current trend toward much smaller, cheaper micro satellites, this wouldn’t even have a huge effect.

I’m removing Kessler Syndrome from my list of things to worry about.

#### It takes centuries and adaptation solves

Ted Muelhaupt 19, Associate Principal Director of the Systems Analysis and Simulation Subdivision (SASS) and Manager of the Center for Orbital and Reentry Debris Studies at The Aerospace Corporation, M.S., B.S. Aerospace and Aeronautical Engineering & Mechanics, University of Minnesota - Twin Cities, Senior Member of the American Institute of Aeronautics and Astronautics, “How Quickly Would It Take For the Kessler Syndrome To Destroy All The Satellites In LEO? And Could You See This Happening From Earth?”, Quora, 2/28/2019, https://www.quora.com/How-quickly-would-it-take-for-the-Kessler-Syndrome-to-destroy-all-the-satellites-in-LEO-And-could-you-see-this-happening-from-Earth

The dynamics of the Kessler Syndrome are real, and most people studying it agree on the concept: if there is sufficient density of objects and mass, a chain reaction of debris breaking up objects and creating more debris can occur. But the timescale of this process takes decades and centuries. There are many assumptions that go into these models. Though there is still argument about this, many people in the field think that the process is already underway in low earth orbit. But others, including myself, think we can stop it if we take action. This is a slow motion disaster that we can prevent.

But in spite of hype to the contrary, we will never “lose access to space”. Certain missions may become impractical or too expensive, and we may decide that some orbits are too risky for humans. Even that depends on the tolerance for the risk. But robots don’t have mothers, and if we feel it is worthwhile we will take the risk and fly the satellites where we need to.

To the specifics of the question, it will take many decades. It will not destroy all satellites in LEO. You won’t be able to see it from the ground unless you were extraordinarily lucky, and you happened to see a flash from a collision in the instant you were looking, with just the right lighting.

#### Squo tracking, shielding, and removal plans solve

Dr. Brian Koberlein 16, Professor of Physics at the Rochester Institute of Technology and PhD in Astrophysics from the University of Connecticut, “Cascade Effect”, 5-4, https://archive.briankoberlein.com/2016/05/04/cascade-effect/index.html

In the movie Gravity the driving force of the plot is a catastrophic cascade of space debris. An exploding satellite sends high speed debris into the path of other satellites, and the resulting collisions create more space debris until everything from a space shuttle to the International Space Station faces an eminent threat of destruction. Not unexpectedly, the movie portrayal of such a situation is not particularly accurate, but the risk of a debris cascade is very real.

It’s known as the Kessler syndrome, after Donald Kessler, who first imagined the scenario in the 1970s. The problem comes down to the fact that small objects in Earth orbit can stay in orbit for a very long time. If an astronaut drops a bolt, it can stay in orbit for decades or centuries. Because the relative speed of two objects in orbit can be quite large, it doesn’t take a big object to pose a real threat to your spacecraft. On the highway a small pebble can chip your car windshield. In space it can be done by a chip of paint traveling at thousands of kilometers per hour. In the history of the space shuttle missions, there were more than 1,600 debris strikes. Because of such strikes, more than 90 space shuttle windows had to be replaced over the lifetime of shuttle missions.

While that might sound alarming, it’s actually quite manageable. Upgrades and maintenance were quite common on the shuttle missions, and we tend to err on the side of caution when it comes to replacing parts. Modern spacecraft also have ways to mitigate the risk of small impacts, such as Whipple shields made of thin layers of material spaced apart so that objects disintegrate when hitting the shield rather than the spacecraft itself. We also have a tracking system that currently tracks more than 300,000 objects bigger than 1 cm, so we can make sure that most spacecraft avoid these objects.

But the risk of big collisions isn’t negligible. In 2009 the Iridium 33 and Kosmos-2251 satellites collided at high speed, destroying both spacecraft and creating more dangerous debris. It wouldn’t take many collisions like this for the debris numbers to rise dramatically, and more debris means a greater risk of collisions. In Gravity the cascade happens very quickly, triggered by a single event. The reality is not quite so grave. Instead of happening overnight, Kessler syndrome would occur gradually, raising collision risks to the point where certain orbits become logistically impractical. It could occur so gradually that we might not notice it early on, and there are some that argue it’s already underway.

The good news is that we’re aware of the threat. And, as the old saying goes, knowing is half the battle. Already we take steps to limit the amount of debris created. New spacecraft include end of life plans to remove them from orbit, either by sending them into Earths atmosphere to burn up, or sending them to a “graveyard orbit” that poses little risk to other spacecraft. There are also plans on the drawing board to clear orbits of debris, particularly in low-Earth orbit where the risk is greatest. The cascade effect is a real risk, but it’s also one we can likely manage with a bit of ingenuity.

#### Monitoring networks are robust and ensure no collisions

Dave Mosher 9-3, Deputy Editor of Science Coverage and Senior Correspondent at Business Insider, Former Contributor at Wired, “Satellite Collisions May Trigger A Space-Junk Disaster That Could End Human Access To Orbit. Here's How.”, Business Insider, 9/3/2019, https://www.businessinsider.com/space-junk-kessler-syndrome-chain-reaction-prevention-2018-3

The Kessler syndrome plays center-stage in the movie "Gravity," in which an accidental space collision endangers a crew aboard a large space station. But Gossner said that type of a runaway space-junk catastrophe is unlikely.

"Right now I don't think we're close to that," he said. "I'm not saying we couldn't get there, and I'm not saying we don't need to be smart and manage the problem. But I don't see it ever becoming, anytime soon, an unmanageable problem."

There is no current system to remove old satellites or sweep up bits of debris in order to prevent a Kessler event. Instead, space debris is monitored from Earth, and new rules require satellites in low-Earth orbit be deorbited after 25 years so they don't wind up adding more space junk.

"Our current plan is to manage the problem and not let it get that far," Gossner said. "I don't think that we're even close to needing to actively remove stuff. There's lots of research being done on that, and maybe some day that will happen, but I think that — at this point, and in my humble opinion — an unnecessary expense."

A major part of the effort to prevent a Kessler event is the Space Surveillance Network (SSN). The project, led by the US military, uses 30 different systems around the world to identify, track, and share information about objects in space.

Many objects are tracked day and night via a network of radar observatories around the globe.

Optical telescopes on the ground also keep an eye out, but they aren't always run by the government. "The commercial sector is actually putting up lots and lots of telescopes," Gossner said. The government pays for their debris-tracking services.

Gossner said one major debris-tracking company is called Exoanalytic. It uses about 150 small telescopes set up around the globe to detect, track, and report space debris to the SSN.

Telescopes in space track debris, too. Far less is known about them because they're likely top-secret military satellites.

Objects detected by the government and companies get added to a catalog of space debris and checked against the orbits of other known bits of space junk. New orbits are calculated with supercomputers to see if there's a chance of any collisions.

Diana McKissock, a flight lead with the US Air Force's 18th Space Control Squadron, helps track space debris for the SSN. She said the surveillance network issues warnings to NASA, satellite companies, and other groups with spacecraft, based on two levels of emergency: basic and advanced.

The SSN issues a basic emergency report to the public three days ahead of a 1-in-10,000 chance of a collision. It then provides multiple updates per day until the risk of a collision passes.

To qualify for such reporting, a rogue object must come within a certain distance of another object. In low-Earth orbit, that distance must be less than 1 kilometer (0.62 mile); farther out in deep space, where the precision of orbits is less reliable, the distance is less than 5 kilometers (3.1 miles).

Advanced emergency reports help satellite providers see possible collisions much more than three days ahead. "In 2017, we provided data for 308,984 events, of which only 655 were emergency-reportable," McKissock told Business Insider in an email. Of those, 579 events were in low-Earth orbit (where it's relatively crowded with satellites).

When a space company receives a SSN alert, they typically move their satellite into a different orbit — and out of harm's way — by burning a little propellant.

Although companies like SpaceX are launching more and more objects into space, McKissock said "our everyday concern isn’t something as catastrophic as the Kessler syndrome."

d to vacuum instead of allowing fuels to stew for years. SpaceX has its upper stages de-orbit most of the time.

#### Hoots is inevitable – 1AC Fabian says most satellites are active by the airforce and the past 20 years has seen a rise in state-satellite deployments

#### No retal or escalation from satellite attacks

Eric J. Zarybnisky 18, MA in National Security Studies from the Naval War College, PhD in Operations Research from the MIT Sloan School of Management, Lt Col, USAF, “Celestial Deterrence: Deterring Aggression in the Global Commons of Space”, 3/28/2018, https://apps.dtic.mil/dtic/tr/fulltext/u2/1062004.pdf

PREVENTING AGGRESSION IN SPACE

While deterrence and the Cold War are strongly linked in the public’s mind through the nuclear standoff between the United States and the Soviet Union, the fundamentals of deterrence date back millennia and deterrence remains relevant. Thucydides alludes to the concept of deterrence in his telling of the Peloponnesian War when he describes rivals seeking advantages, such as recruiting allies, to dissuade an adversary from starting or expanding a conflict.6F6 Aggression in space was successfully avoided during the Cold War because both sides viewed an attack on military satellites as highly escalatory, and such an action would likely result in general nuclear war.7F7 In today’s more nuanced world, attacking satellites, including military satellites, does not necessarily result in nuclear war. For instance, foreign countries have used high-powered lasers against American intelligence-gathering satellites8F8 and the United States has been reluctant to respond, let alone retaliate with nuclear weapons. This shift in policy is a result of the broader use of gray zone operations, to which countries struggle to respond while limiting escalation. Beginning with the fundamentals of deterrence illuminates how it applies to prevention of aggression in space.

#### Accidental war or miscalc is impossible

--self-deterrence – basic assumption of survival interest doesn’t require assumption of broader rationality

--opportunity for revising judgments – can “undo” escalation

--physical safeguards – Permissive Action Locks

--organizational checks – layers of communication and control double-checks

--overwhelming empirics – hundreds of near-accidents demonstrate safety, not risk

Michael **Quinlan 9**. Distinguished Former British Defence Strategist and Former Permanent Under-Secretary of State. 2009. “Thinking About Nuclear Weapons.” p. 63-69

Even if initial nuclear use did not quickly end the fighting, the supposition of inexorable momentum in a developing exchange, with each side rushing to overreaction amid confusion and uncertainty, is implausible. It fails to consider what the situation of the decisionmakers would really be. Neither side could want escalation. Both would be appalled at what was going on. Both would be desperately looking for signs that the other was ready to call a halt. Both, given the capacity for evasion or concealment which modern delivery platforms and vehicles can possess, could have in reserve significant forces invulnerable enough not to entail use-or-lose pressures. (It may be more open to question, as noted earlier, whether newer nuclear-weapon possessors can be immediately in that position; but it is within reach of any substantial state with advanced technological capabilities, and attaining it is certain to be a high priority in the development of forces.) As a result, neither side can have any predisposition to suppose, in an ambiguous situation of fearful risk, that the right course when in doubt is to go on copiously launching weapons. And none of this analysis rests on any presumption of highly subtle or pre-concerted rationality. The rationality required is plain. The argument is reinforced if we consider the possible reasoning of an aggressor at a more dispassionate level. Any substantial nuclear armoury can inflict destruction outweighing any possible prize that aggression could hope to seize. A state attacking the possessor of such an armoury must therefore be doing so (once given that it cannot count upon destroying the armoury pre-emptively) on a judgement that the possessor would be found lacking in the will to use it. If the attacked possessor used nuclear weapons, whether first or in response to the aggressor's own first use, this judgement would begin to look dangerously precarious. There must be at least a substantial possibility of the aggressor leaders' concluding that their initial judgement had been mistaken—that the risks were after all greater than whatever prize they had been seeking, and that for their own country's survival they must call off the aggression. Deterrence planning such as that of NATO was directed in the first place to preventing the initial misjudgement and in the second, if it were nevertheless made, to compelling such a reappraisal. The former aim had to have primacy, because it could not be taken for granted that the latter was certain to work. But there was no ground for assuming in advance, for all possible scenarios, that the chance of its working must be negligible. An aggressor state would itself be at huge risk if nuclear war developed, as its leaders would know. It may be argued that a policy which abandons hope of physically defeating the enemy and simply hopes to get him to desist is pure gamble, a matter of who blinks first; and that the political and moral nature of most likely aggressors, almost ex hypothesis, makes them the less likely to blink. One response to this is to ask what is the alternative—it can only be surrender. But a more positive and hopeful answer lies in the fact that the criticism is posed in a political vacuum. Real-life conflict would have a political context. The context which concerned NATO during the cold war, for example, was one of defending vital interests against a postulated aggressor whose own vital interests would not be engaged, or would be less engaged. Certainty is not possible, but a clear asymmetry of vital interest is a legitimate basis for expecting an asymmetry, credible to both sides, of resolve in conflict. That places upon statesmen, as page 23 has noted, the key task in deterrence of building up in advance a clear and shared grasp of where limits lie. That was plainly achieved in cold-war Europe. 11 vital interests have been defined in a way that is clear, and also clearly not overlapping or incompatible with those of the adversary, a credible basis has been laid for the likelihood of greater resolve in resistance. It was also sometimes suggested by critics that whatever might be indicated by theoretical discussion of political will and interests, the military environment of nuclear warfare—particularly difficulties of communication and control—would drive escalation with overwhelming probability to the limit. But it is obscure why matters should be regarded as inevitably so for every possible level and setting of action. Even if the history of war suggested (as it scarcely does) that military decision-makers are mostly apt to work on the principle 'When in doubt, lash out', the nuclear revolution creates an utterly new situation. The pervasive reality, always plain to both sides during the cold war, is 'If this goes on to the end, we are all ruined'. Given that inexorable escalation would mean catastrophe for both, it would be perverse to suppose them permanently incapable of framing arrangements which avoid it. As page 16 has noted, NATO gave its military commanders no widespread delegated authority, in peace or war, to launch nuclear weapons without specific political direction. Many types of weapon moreover had physical safeguards such as PALs incorporated to reinforce organizational ones. There were multiple communication and control systems for passing information, orders, and prohibitions. Such systems could not be totally guaranteed against disruption if at a fairly intense level of strategic exchange—which was only one of many possible levels of conflict— an adversary judged it to be in his interest to weaken political control. It was far from clear why he necessarily should so judge. Even then, however, it remained possible to operate on a general fail-safe presumption: no authorization, no use. That was the basis on which NATO operated. If it is feared that the arrangements which a nuclear-weapon possessor has in place do not meet such standards in some respects, the logical course is to continue to improve them rather than to assume escalation to be certain and uncontrollable, with all the enormous inferences that would have to flow from such an assumption. The likelihood of escalation can never be 100 per cent, and never zero. Where between those two extremes it may lie can never be precisely calculable in advance; and even were it so calculable, it would not be uniquely fixed—it would stand to vary hugely with circumstances. That there should be any risk at all of escalation to widespread nuclear war must be deeply disturbing, and decision-makers would always have to weigh it most anxiously. But a pair of key truths about it need to be recognized. The first is that the risk of escalation to large-scale nuclear war is inescapably present in any significant armed conflict between nuclear-capable powers, whoever may have started the conflict and whoever may first have used any particular category of weapon. The initiator of the conflict will always have physically available to him options for applying more force if he meets effective resistance. If the risk of escalation, whatever its degree of probability, is to be regarded as absolutely unacceptable, the necessary inference is that a state attacked by a substantial nuclear power must forgo military resistance. It must surrender, even if it has a nuclear armoury of its own. But the companion truth is that, as page 47 has noted, the risk of escalation is an inescapable burden also upon the aggressor. The exploitation of that burden is the crucial route, if conflict does break out, for managing it to a tolerable outcome—the only route, indeed, intermediate between surrender and holocaust, and so the necessary basis for deterrence beforehand. The working out of plans to exploit escalation risk most effectively in deterring potential aggression entails further and complex issues. It is for example plainly desirable, wherever geography, politics, and available resources so permit without triggering arms races, to make provisions and dispositions that are likely to place the onus of making the bigger and more evidently dangerous steps in escalation upon the aggressor who wishes to maintain his attack, rather than upon the defender. (The customary shorthand for this desirable posture used to be 'escalation dominance'.) These issues are not further discussed here. But addressing them needs to start from acknowledgement that there are in any event no certainties or absolutes available, no options guaranteed to be risk-free and cost-free. Deterrence is not possible without escalation risk; and its presence can point to no automatic policy conclusion save for those who espouse outright pacifism and accept its consequences. Accident and Miscalculation Ensuring the safety and security of nuclear weapons plainly needs to be taken most seriously. Detailed information is understandably not published, but such direct evidence as there is suggests that it always has been so taken in every possessor state, with the inevitable occasional failures to follow strict procedures dealt with rigorously. Critics have nevertheless from time to time argued that the possibility of accident involving nuclear weapons is so substantial that it must weigh heavily in the entire evaluation of whether war-prevention structures entailing their existence should be tolerated at all. Two sorts of scenario are usually in question. The first is that of a single grave event involving an unintended nuclear explosion—a technical disaster at a storage site, for example, or the accidental or unauthorized launch of a delivery system with a live nuclear warhead. The second is that of some event—perhaps such an explosion or launch, or some other mishap such as malfunction or misinterpretation of radar signals or computer systems—initiating a sequence of response and counter-response that culminated in a nuclear exchange which no one had truly intended. No event that is physically possible can be said to be of absolutely zero probability (just as at an opposite extreme it is absurd to claim, as has been heard from distinguished figures, that nuclear-weapon use can be guaranteed to happen within some finite future span despite not having happened for over sixty years). But human affairs cannot be managed to the standard of either zero or total probability. We have to assess levels between those theoretical limits and weigh their reality and implications against other factors, in security planning as in everyday life. There have certainly been, across the decades since 1945, many known accidents involving nuclear weapons, from transporters skidding off roads to bomber aircraft crashing with or accidentally dropping the weapons they carried (in past days when such carriage was a frequent feature of readiness arrangements—it no longer is). A few of these accidents may have released into the nearby environment highly toxic material. None however has entailed a nuclear detonation. Some commentators suggest that this reflects bizarrely good fortune amid such massive activity and deployment over so many years. A more rational deduction from the facts of this long experience would however be that the probability of any accident triggering a nuclear explosion is extremely low. It might be further noted that the mechanisms needed to set off such an explosion are technically demanding, and that in a large number of ways the past sixty years have seen extensive improvements in safety arrangements for both the design and the handling of weapons. It is undoubtedly possible to see respects in which, after the cold war, some of the factors bearing upon risk may be new or more adverse; but some are now plainly less so. The years which the world has come through entirely without accidental or unauthorized detonation have included early decades in which knowledge was sketchier, precautions were less developed, and weapon designs were less ultra-safe than they later became, as well as substantial periods in which weapon numbers were larger, deployments more widespread and diverse, movements more frequent, and several aspects of doctrine and readiness arrangements more tense. Similar considerations apply to the hypothesis of nuclear war being mistakenly triggered by false alarm. Critics again point to the fact, as it is understood, of numerous occasions when initial steps in alert sequences for US nuclear forces were embarked upon, or at least called for, by indicators mistaken or misconstrued. In none of these instances, it is accepted, did matters get at all near to nuclear launch—extraordinary good fortune again, critics have suggested. But the rival and more logical inference from hundreds of events

stretching over sixty years of experience presents itself once more: that the probability of initial misinterpretation leading far towards mistaken launch is remote. Precisely because any nuclear-weapon possessor recognizes the vast gravity of any launch, release sequences have many steps, and human decision is repeatedly interposed as well as capping the sequences. To convey that because a first step was prompted the world somehow came close to accidental nuclear war is wild hyperbole, rather like asserting, when a tennis champion has lost his opening service game, that he was nearly beaten in straight sets. History anyway scarcely offers any ready example of major war started by accident even before the nuclear revolution imposed an order-of-magnitude increase in caution. It was occasionally conjectured that nuclear war might be triggered by the real but accidental or unauthorized launch of a strategic nuclear-weapon delivery system in the direction of a potential adversary. No such launch is known to have occurred in over sixty years. The probability of it is therefore very low. But even if it did happen, the further hypothesis of its initiating a general nuclear exchange is far-fetched. It fails to consider the real situation of decision-makers, as pages 63-4 have brought out. The notion that cosmic holocaust might be mistakenly precipitated in this way belongs to science fiction.

#### No miscalc or escalation

James Pavur 19, Professor of Computer Science Department of Computer Science at Oxford University and Ivan Martinovic, DPhil Researcher Cybersecurity Centre for Doctoral Training at Oxford University, “The Cyber-ASAT: On the Impact of Cyber Weapons in Outer Space”, 2019 11th International Conference on Cyber Conflict: Silent Battle T. Minárik, S. Alatalu, S. Biondi, M. Signoretti, I. Tolga, G. Visky (Eds.), <https://ccdcoe.org/uploads/2019/06/Art_12_The-Cyber-ASAT.pdf>

A. Limited Accessibility Space is difficult. Over 60 years have passed since the first Sputnik launch and only nine countries (ten including the EU) have orbital launch capabilities. Moreover, a launch programme alone does not guarantee the resources and precision required to operate a meaningful ASAT capability. Given this, one possible reason why space wars have not broken out is simply because only the US has ever had the ability to fight one [21, p. 402], [22, pp. 419–420]. Although launch technology may become cheaper and easier, it is unclear to what extent these advances will be distributed among presently non-spacefaring nations. Limited access to orbit necessarily reduces the scenarios which could plausibly escalate to ASAT usage. Only major conflicts between the handful of states with ‘space club’ membership could be considered possible flashpoints. Even then, the fragility of an attacker’s own space assets creates de-escalatory pressures due to the deterrent effect of retaliation. Since the earliest days of the space race, dominant powers have recognized this dynamic and demonstrated an inclination towards de-escalatory space strategies [23]. B. Attributable Norms There also exists a long-standing normative framework favouring the peaceful use of space. The effectiveness of this regime, centred around the Outer Space Treaty (OST), is highly contentious and many have pointed out its serious legal and political shortcomings [24]–[26]. Nevertheless, this status quo framework has somehow supported over six decades of relative peace in orbit. Over these six decades, norms have become deeply ingrained into the way states describe and perceive space weaponization. This de facto codification was dramatically demonstrated in 2005 when the US found itself on the short end of a 160-1 UN vote after opposing a non-binding resolution on space weaponization. Although states have occasionally pushed the boundaries of these norms, this has typically occurred through incremental legal re-interpretation rather than outright opposition [27]. Even the most notable incidents, such as the 2007-2008 US and Chinese ASAT demonstrations, were couched in rhetoric from both the norm violators and defenders, depicting space as a peaceful global commons [27, p. 56]. Altogether, this suggests that states perceive real costs to breaking this normative tradition and may even moderate their behaviours accordingly. One further factor supporting this norms regime is the high degree of attributability surrounding ASAT weapons. For kinetic ASAT technology, plausible deniability and stealth are essentially impossible. The literally explosive act of launching a rocket cannot evade detection and, if used offensively, retaliation. This imposes high diplomatic costs on ASAT usage and testing, particularly during peacetime. C. Environmental Interdependence A third stabilizing force relates to the orbital debris consequences of ASATs. China’s 2007 ASAT demonstration was the largest debris-generating event in history, as the targeted satellite dissipated into thousands of dangerous debris particles [28, p. 4]. Since debris particles are indiscriminate and unpredictable, they often threaten the attacker’s own space assets [22, p. 420]. This is compounded by Kessler syndrome, a phenomenon whereby orbital debris ‘breeds’ as large pieces of debris collide and disintegrate. As space debris remains in orbit for hundreds of years, the cascade effect of an ASAT attack can constrain the attacker’s long-term use of space [29, pp. 295– 296]. Any state with kinetic ASAT capabilities will likely also operate satellites of its own, and they are necessarily exposed to this collateral damage threat. Space debris thus acts as a strong strategic deterrent to ASAT usage.