## AC – Policy

### AC – Plan

#### Plan: Private entities ought to prohibit asteroid mining involving artificial asteroid capture.

#### Restriction isn’t ban

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In Morrison, the Court, in effect, overrules the essential Myers holding that Congress may not limit the President's removal power over executive officers. The distinction between Myers and Humphrey's Executor had [\*611] always been considered that between "purely executive" officers (where the Constitution vested the President with unfettered removal power) and officers exercising "quasi-legislative" and "quasi-judicial" powers (where Congress could limit Presidential power to removal for cause). In the Morrison opinion, this settled distinction is abandoned: "our present considered view is that the determination of whether the Constitution allows Congress to impose a 'good cause'-type restriction on the President's power to remove an official cannot be made to turn on whether or not that official is classified as 'purely executive.'" n160 Instead, the test is not "the functions served by the officials at issue:" "the real question is whether the removal restrictions are of such a nature that they impede the President's ability to perform ~~his~~ [their] constitutional duty, and the functions of the officials in question must be analyzed in that light." n161 The Morrison Court finds that the "good cause" provision does not unduly limit the removal power: "we cannot say that the imposition of a 'good cause' standard for removal by itself unduly trammels on executive authority." n162 It does not impermissibly burden the President's power to control the independent counsel, as an executive official. "Rather, because the independent counsel may be terminated for 'good cause', the Executive, through the Attorney General, retains ample authority to assure that the counsel is competently performing her statutory responsibilities in a manner that comports with the provisions of the Act." n163

#### Restrictions are limits – that’s distinct from prohibition – prefer an explicit intent to distinguish

Colinvaux 12 [Roger Colinvaux, Associate Professor, Columbus School of Law, The Catholic University of America; Legislation Counsel, Joint Committee on Taxation, U.S. Congress, 2001-2008. ARTICLE: THE POLITICAL SPEECH OF CHARITIES IN THE FACE OF CITIZENS UNITED: A DEFENSE OF PROHIBITION, 62 Case W. Res. 685. Spring, 2012. Lexis]

The Reece Committee held sixteen hearings, 49 the last of which occurred the day Senator Johnson first proposed his political activities amendment. 50 In its final written report, the Reece Committee concluded that:

It is the opinion of this Committee that the wording of the tax law regarding the prohibition of political activity should be carefully re-examined. We recognize that it is extremely difficult to draw the line between what should be permissible and what should not. Nevertheless, the present rule, as interpreted by the courts, permits far too much license. While further study may be indicated, we are inclined to support the suggestion that the limiting conditions of the present statute be dropped--those which restrict to the prohibition of political activity "to influence legislation" and those which condemn only if a "substantial" part of the foundation's funds are so used. These restrictions make the entire prohibition meaningless. We advocate the complete exclusion of political activity, leaving it to the courts to apply the maxim of de minimis no curat lex. Carefully devised exceptions to this general prohibition against political activity might be made in the case of certain special types of organizations, such as bar associations. 51

### AC – Advantage

#### Mining is inevitable down the line regardless of capital limits because of oligopolistic consolidation

Ahadi 2/10/20 [Blake Ahadi works in project finance and operations at a private renewable energy developer. Before this, he worked in private banking, advising on investments, lending, and estate planning to clients in the Chicago private equity industry. He holds a B.A. in Economics from the University of Michigan and is pursuing an M.S. in Space Resources from the Colorado School of Mines. "Alternative financing for lunar mining exploration." https://www.thespacereview.com/article/3880/1]

The proliferation of a lunar economy rests upon patient access to capital and fostering innovative ideas for large-scale development. At the moment, capital requirements for lunar miners are too high for companies to succeed in a perfectly competitive market. For the lunar economy, the emergence of large, vertically integrated companies will lead to the economies of scale necessary for proliferation. Terrestrially, when an industry becomes mature and beholden to traditional economics, like scarcity, a focus on profit margins takes over, and limitations emerge in the form of price manipulation and a lack of competition. As mentioned, the lunar economy will operate privately, and independent of scarcity, using profit margins to increase cash flow for innovation. An oligopoly of dedicated space holding companies, each comprised of diverse companies along the value chain, funded by the parent company and incentivized by prizes, will maintain a culture of innovation and competition. Rather than a few concentrated entities, each sacrificing their identity to their acquirer, the lunar economy will be an oligopoly of teams.

#### It causes dangerous space mining and deregulation globally.

Edd Gent 20, freelance science and technology writer, “Space Mining Should Be a Global Project—But It's Not Starting Off That Way,” Singularity Hub, 10-12-2020, https://singularityhub.com/2020/10/12/the-us-is-trying-to-hijack-space-mining-and-there-could-be-disastrous-consequences/

Exploiting the resources of outer space might be key to the future expansion of the human species. But researchers argue that the US is trying to skew the game in its favor, with potentially disastrous consequences. The enormous cost of lifting material into space means that any serious effort to colonize the solar system will require us to rely on resources beyond our atmosphere. Water will be the new gold thanks to its crucial role in sustaining life, as well as the fact it can be split into hydrogen fuel and oxygen for breathing. Regolith found on the surface of rocky bodies like the moon and Mars will be a crucial building material, while some companies think it will eventually be profitable to extract precious metals and rare earth elements from asteroids and return them to Earth. But so far, there’s little in the way of regulation designed to govern how these activities should be managed. Now two Canadian researchers argue in a paper in Science that recent policy moves by the US are part of a concerted effort to refocus international space cooperation towards short-term commercial interests, which could precipitate a “race to the bottom” that sabotages efforts to safely manage the development of space. Aaron Boley and Michael Byers at the University of British Columbia trace back the start of this push to the 2015 Commercial Space Launch Competitiveness Act, which gave US citizens and companies the right to own and sell space resources under US law. In April this year, President Trump doubled down with an executive order affirming the right to commercial space mining and explicitly rejecting the idea that space is a “global commons,” flying in the face of established international norms. Since then, NASA has announced that any countries wishing to partner on its forthcoming Artemis missions designed to establish a permanent human presence on the moon will have to sign bilateral agreements known as Artemis Accords. These agreements will enshrine the idea that commercial space mining will be governed by national laws rather than international ones, the authors write, and that companies can declare “safety zones” around their operations to exclude others. Speaking to Space.com Mike Gold, the acting associate administrator for NASA’s Office of International and Interagency Relations, disputes the authors’ characterization of the accords and says they are based on the internationally-recognized Outer Space Treaty. He says they don’t include agreement on national regulation of mining or companies’ rights to establish safety zones, though they do assert the right to extract and use space resources. But given that they’ve yet to be released or even finalized, it’s not clear how far these rights extend or how they are enshrined in the agreements. And the authors point out that the fact that they are being negotiated bilaterally means the US will be able to use its dominant position to push its interpretation of international law and its overtly commercial goals for space development. Space policy designed around the exploitation of resources holds many dangers, say the paper authors. For a start, loosely-regulated space mining could result in the destruction of deposits that could hold invaluable scientific information. It could also kick up dangerous amounts of lunar dust that can cause serious damage to space vehicles, increase the amount of space debris, or in a worst-case scenario, create meteorites that could threaten satellites or even impact Earth. By eschewing a multilateral approach to setting space policy, the US also opens the door to a free-for-all where every country makes up its own rules. Russia is highly critical of the Artemis Accords process and China appears to be frozen out of it, suggesting that two major space powers will not be bound by the new rules. That potentially sets the scene for a race to the bottom, where countries compete to set the laxest rules for space mining to attract investment. The authors call on other nations to speak up and attempt to set rules through the UN Committee on the Peaceful Uses of Outer Space. Writing in The Conversation, Scott Shackelford from Indiana University suggests a good model could be the 1959 Antarctic Treaty, which froze territorial claims and reserved the continent for “peaceful purposes” and “scientific investigation.” But the momentum behind the US’ push might be difficult to overcome. Last month, the agency announced it would pay companies to excavate small amounts of regolith on the moon. Boley and Byers admit that if this went ahead and was not protested by other nations, it could set a precedent in international law that would be hard to overcome. For better or worse, it seems that US dominance in space exploration means it’s in the driver’s seat when it comes to setting the rules. As they say, to the victor go the spoils.

#### Dangerous mining greatly increases the risk of space debris.

Sarah Scoles 15, “Dust from asteroid mining spells danger for satellites,” New Scientist, 5-27-2015, https://www.newscientist.com/article/mg22630235-100-dust-from-asteroid-mining-spells-danger-for-satellites/

NASA chose the second option for its Asteroid Redirect Mission, which aims to pluck a boulder from an asteroid’s surface and relocate it to a stable orbit around the moon. But an asteroid’s gravity is so weak that it’s not hard for surface particles to escape into space. Now a new model warns that debris shed by such transplanted rocks could intrude where many defence and communication satellites live – in geosynchronous orbit. According to Casey Handmer of the California Institute of Technology in Pasadena and Javier Roa of the Technical University of Madrid in Spain, 5 per cent of the escaped debris will end up in regions traversed by satellites. Over 10 years, it would cross geosynchronous orbit 63 times on average. A satellite in the wrong spot at the wrong time will suffer a damaging high-speed collision with that dust. The study also looks at the “catastrophic disruption” of an asteroid 5 metres across or bigger. Its total break-up into a pile of rubble would increase the risk to satellites by more than 30 per cent (arxiv.org/abs/1505.03800). That may not have immediate consequences. But as Earth orbits get more crowded with spent rocket stages and satellites, we will have to worry about cascades of collisions like the one depicted in the movie Gravity. Handmer and Roa want to point out the problem now so that we can find a solution before any satellites get dinged. “It is possible to quantify and manage the risk,” says Handmer. “A few basic precautions will prevent harm due to stray asteroid material.”

#### Clustering makes the risk of collisions *uniquely high* and the risk is understated

Dr. Darren McKnight 17, Ph.D., Technical Director for Integrity Applications, Previously Senior Vice President and Director of Science and Technology Strategy at Science Applications International Corporation, “Proposed Series of Orbital Debris Remediation Activities,” 3rd International Conference and Exhibition on Satellite & Space Missions, 5/13/2017, https://iaaweb.org/iaa/Scientific%20Activity/debrisminutes03166.pdf [graphics omitted]

In the future, this population will be added to primarily from collisions between large objects in orbit as the number of LNT produced is proportional to the mass involved in a collision (or explosion).2 Cataloged debris produced from a catastrophic collision will be liberated at about 1-3 fragments per kilogram of mass involved while LNT production is around 10-40 fragments per kilogram of mass involved. The Iridium/Cosmos collision involved a total mass of 2,000kg and produced over 3,000 trackable fragments and likely 10,000-15,0003 LNT debris. The Feng-Yun purposeful collision yielded over 2,200 trackable fragments and likely over 30,000 LNT from only ~850kg of mass involved. While it is important to prevent these types of events from occurring in the future, the consequence of a collision (based on number of LNT produced) will be proportional to the mass involved in the collision. The term “mass involved” implies a good coupling of the impactor mass with the target mass. For a large fragment (e.g., several kilograms) striking a typical payload (that is densely built) in its main satellite body (vice striking a solar array or other appendage) at hypervelocity speeds (i.e., above 6km/s) will result in all the mass being “involved” in the debris. However, a large fragment striking a derelict rocket body, due to the way that the mass is concentrated at the ends of a rocket body, will likely not result in all of the mass being “involved” in the liberated debris. However, it is likely that when two large derelicts, either rocket bodies or payloads, collide with each other, then all of the mass will be involved due to the likely direct physical interaction between the mass. The table below summarizes the mass involvement scenarios which highlight why the massive-on-massive collisions are the focus of our analyses. Therefore, it is best to prevent the collision of the most massive objects with each other (higher consequence) and the ones that are the most likely (higher probability) since risk is probability multiplied by consequence. Our ability to model and predict the rate of collisions is based empirically upon only one catastrophic accidental collision event and a model developed on the kinetic theory of gases (KTG). However, clusters of massive objects that have identical inclinations plus similar and overlapping apogees/perigees may indeed have a greater probability of collision than predicted by the KTG-based algorithms as they are not randomly distributed and their orbital element evolution (e.g., change in right ascension of ascending node and argument of perigee) is also similar. It is hypothesized that these similarities could result in resonances of collision dynamics that may lead to larger probability of collision values than predicted with current algorithms. The not well-known fact is that many of the most massive objects are in tightly clumped clusters that will likely produce greater probability of collision than estimated by the KTG approach (see attached paper) and with the much larger consequence (i.e., creation of catalogued LNT fragments). The attached paper that studied this possibility shows some initial indications that this may indeed be true but much more analysis is needed to provide this conclusively. This table of clusters represents well over 50% of the total derelict mass in LEO. However, no one is currently monitoring these potential events. It is proposed that it would be a prudent risk management approach for space flight safety to monitor and characterize this inter-cluster collision risk. The Massive Collision Monitoring Activity (MCMA) is proposed whereby the encounters between members of these clusters are constantly monitored and close encounter information collected, plotted, analyzed, and shared. This would provide a rich research base for scientists and a predictive service for spacefaring countries. I am currently executing a subset of this proposed activity in an ad hoc fashion in conjunction with JSpOC. I have been monitoring the interaction dynamics between the SL-16 population in the 820- 865km altitude region for the last nine months.

#### Debris cascades cause global nuke war

Les Johnson 13, Deputy Manager for NASA's Advanced Concepts Office at the Marshall Space Flight Center, Co-Investigator for the JAXA T-Rex Space Tether Experiment and PI of NASA's ProSEDS Experiment, Master's Degree in Physics from Vanderbilt University, Popular Science Writer, and NASA Technologist, Frequent Contributor to the Journal of the British Interplanetary Sodety and Member of the American Institute of Aeronautics and Astronautics, National Space Society, the World Future Society, and MENSA, Sky Alert!: When Satellites Fail, p. 9-12 [language modified]

Whatever the initial cause, the result may be the same. A satellite destroyed in orbit will break apart into thousands of pieces, each traveling at over 8 km/sec. This virtual shotgun blast, with pellets traveling 20 times faster than a bullet, will quickly spread out, with each pellet now following its own orbit around the Earth. With over 300,000 other pieces of junk already there, the tipping point is crossed and a runaway series of collisions begins. A few orbits later, two of the new debris pieces strike other satellites, causing them to explode into thousands more pieces of debris. The rate of collisions increases, now with more spacecraft being destroyed. Called the "Kessler Effect", after the NASA scientist who first warned of its dangers, these debris objects, now numbering in the millions, cascade around the Earth, destroying every satellite in low Earth orbit. Without an atmosphere to slow them down, thus allowing debris pieces to bum up, most debris (perhaps numbering in the millions) will remain in space for hundreds or thousands of years. Any new satellite will be threatened by destruction as soon as it enters space, effectively rendering many Earth orbits unusable. But what about us on the ground? How will this affect us? Imagine a world that suddenly loses all of its space technology. If you are like most people, then you would probably have a few fleeting thoughts about the Apollo-era missions to the Moon, perhaps a vision of the Space Shuttle launching astronauts into space for a visit to the International Space Station (ISS), or you might fondly recall the "wow" images taken by the orbiting Hubble Space Telescope. In short, you would know that things important to science would be lost, but you would likely not assume that their loss would have any impact on your daily life. Now imagine a world that suddenly loses network and cable television, accurate weather forecasts, Global Positioning System (GPS) navigation, some cellular phone networks, on-time delivery of food and medical supplies via truck and train to stores and hospitals in virtually every community in America, as well as science useful in monitoring such things as climate change and agricultural sustainability. Add to this the [destruction] ~~crippling~~ of the US military who now depend upon spy satellites, space-based communications systems, and GPS to know where their troops and supplies are located at all times and anywhere in the world. The result is a nightmarish world, one step away from nuclear war, economic disaster, and potential mass starvation. This is the world in which we are now perilously close to living. Space satellites now touch our lives in many ways. And, unfortunately, these satellites are extremely vulnerable to risks arising from a half-century of carelessness regarding protecting the space environment around the Earth as well as from potential adversaries such as China, North Korea, and Iran. No government policy has put us at risk. It has not been the result of a conspiracy. No, we are dependent upon them simply because they offer capabilities that are simply unavailable any other way. Individuals, corporations, and governments found ways to use the unique environment of space to provide services, make money, and better defend the country. In fact, only a few space visionaries and futurists could have foreseen where the advent of rocketry and space technology would take us a mere 50 years since those first satellites orbited the Earth. It was the slow progression of capability followed by dependence that puts us at risk. The exploration and use of space began in 1957 with the launch of Sputnik 1 by the Soviet Union. The United States soon followed with Explorer 1. Since then, the nations of the world have launched over 8,000 spacecraft. Of these, several hundred are still providing information and services to the global economy and the world's governments. Over time, nations, corporations, and individuals have grown accustomed to the services these spacecraft provide and many are dependent upon them. Commercial aviation, shipping, emergency services, vehicle fleet tracking, financial transactions, and agriculture are areas of the economy that are increasingly reliant on space. Telestar 1, launched into space in the year of my birth, 1962, relayed the world's first live transatlantic news feed and showed that space satellites can be used to relay television signals, telephone calls, and data. The modern telecommunications age was born. We've come a long way since Telstar; most television networks now distribute most, if not ali, of their programming via satellite. Cable television signals are received by local providers from satellite relays before being sent to our homes and businesses using cables. With 65% of US households relying on cable television and a growing percentage using satellite dishes to receive signals from direct-to-home satellite television providers, a large number of people would be cut off from vital information in an emergency should these satellites be destroyed. And communications satellites relay more than television signals. They serve as hosts to corporate video conferences and convey business, banking, and other commercial information to and from all areas of the planet. The first successful weather satellite was TIROS. Launched in 1960, TIROS operated for only 78 days but it served as the precursor for today's much more long-lived weather satellites, which provide continuous monitoring of weather conditions around the world. Without them, providing accurate weather forecasts for virtually any place on the globe more than a day in advance would be nearly impossible. Figure !.1 shows a satellite image of Hurricane Ivan approaching the Alabama Gulf coast in 2004. Without this type of information, evacuation warnings would have to be given more generally, resulting in needless evacuations and lost economic activity (from areas that avoid landfall) and potentially increasing loss of life in areas that may be unexpectedly hit. The formerly top-secret Corona spy satellites began operation in 1959 and provided critical information about the Soviet Union's military and industrial capabilities to a nervous West in a time of unprecedented paranoia and nuclear risk. With these satellites, US military planners were able to understand and assess the real military threat posed by the Soviet Union. They used information provided by spy satellites to help avert potential military confrontations on numerous occasions. Conversely, the Soviet Union's spy satellites were able to observe the United States and its allies, with similar results. It is nearly impossible to move an army and hide it from multiple eyes in the sky. Satellite information is critical to all aspects of US intelligence and military planning. Spy satellites are used to monitor compliance with international arms treaties and to assess the military activities of countries such as China, Russia, Iran, and North Korea. Figure 1.2 shows the capability of modem unclassified space-based imaging. The capability of the classified systems is presumed to be significantly better, providing much more detail. Losing these satellites would place global militaries on high alert and have them operating, literally, in the blind. Our military would suddenly become vulnerable in other areas as well. GPS, a network of 24-32 satellites in medium-Earth orbit, was developed to provide precise position information to the military, and it is now in common use by individuals and industry. The network, which became fully operational in 1993, allows our armed forces to know their exact locations anywhere in the world. It is used to guide bombs to their targets with unprecedented accuracy, requiring that only one bomb be used to destroy a target that would have previously required perhaps hundreds of bombs to destroy in the pre-GPS world (which, incidentally, has resulted in us reducing our stockpile of non-GPS-guided munitions dramatically). It allows soldiers to navigate in the dark or in adverse weather or sandstorms. Without GPS, our military advantage over potential adversaries would be dramatically reduced or eliminated.

#### Unregulated mining causes space war and turns DA’s

Fengna Xu 20, Law School, Xi’an Jiaotong University, “The approach to sustainable space mining: issues, challenges, and solutions,” Fengna Xu 2020 IOP Conf. Ser.: Mater. Sci. Eng. 738 012014

3.1. Conflicts between multiple States Space resources, as res communis [3], can be appropriated to some extent on the basis of freedom of exploration and use of the outer space. However, it is likely to follow a ‘first come, first served’ approach to space resources activities. In fact, the ‘first come, first served’ approach drove early and rapid development of oil industry of the US in the 19th century, although a frenetic race among surface owners followed and led to an extraordinary waste of oil and gas. Given that so far there are no agreement or property rights on space resources, they are essentially in a ‘state of nature’. Allocation by the ‘first come, first served’ approach is simple and requires very little government involvement to deter another one (called a ‘junior’) from displacing the rightful first comer (called a ‘senior’). However, overprotecting the senior by priority rights could run the risk of disorder, waste, inequality, and even monopoly. The Outer Space Treaty, requires State parties to conduct all their activities in outer space ‘with due regard to the corresponding interests of all other States Parties’. Without specific coordinating rules, conflicts between multiple States are likely to happen. Private entities may choose to arm themselves to safeguard their own interests. In extreme cases, States may also protect them by placing weapons of mass destruction in outer space if necessary [4]. As a result, priority rights should not be absolute but subjected to some arrangements. 7

#### That goes nuclear – the domain is fragile and offense dominant, so even small incidents escalate

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Why space is a particular problem for crisis stability

For a number of reasons, space poses particular challenges in preventing a crisis from starting or from being managed well. Some of these are to do with the physical nature of space, such as the short timelines and difficulty of attribution inherent in space operations. Some are due to the way space is used, such as the entanglement of strategic and tactical missions and the prevalence of dual-use technologies. Some are due to the history of space, such the absence of a shared understanding of appropriate behaviors and consequences, and a dearth of stabilizing personal and institutional relationships. While some of these have terrestrial equivalents, taken together, they present a special challenge.

The vulnerability of satellites and first strike incentives

Satellites are inherently fragile and difficult to protect; in the language of strategic planners, space is an “offense-dominant” regime. This can lead to a number of pressures to strike first that don‘t exist for other, better-protected domains. Satellites travel on predictable orbits, and many pass repeatedly over all of the earth‘s nations. Low-earth orbiting satellites are reachable by missiles much less capable than those needed to launch satellites into orbit, as well as by directed energy which can interfere with sensors or with communications channels. Because launch mass is at a premium, satellite armor is impractical. Maneuvers on orbit need costly amounts of fuel, which has to be brought along on launch, limiting satellites‘ ability to move away from threats. And so, these very valuable satellites are also inherently vulnerable and may present as attractive targets.

Thus, an actor with substantial dependence on space has an incentive to strike first if hostilities look probable, to ensure these valuable assets are not lost. Even if both (or all) sides in a conflict prefer not to engage in war, this weakness may provide an incentive to approach it closely anyway.

A RAND Corporation monograph commissioned by the Air Force15 described the issue this way:

First-strike stability is a concept that Glenn Kent and David Thaler developed in 1989 to examine the structural dynamics of mutual deterrence between two or more nuclear states.16 It is similar to crisis stability, which Charles Glaser described as ―a measure of the countries‘ incentives not to preempt in a crisis, that is, not to attack first in order to beat the attack of the enemy,‖17 except that it does not delve into the psychological factors present in specific crises. Rather, first strike stability focuses on each side‘s force posture and the balance of capabilities and vulnerabilities that could make a crisis unstable should a confrontation occur.

For example, in the case of the United States, the fact that conventional weapons are so heavily dependent on vulnerable satellites may create incentives for the US to strike first terrestrially in the lead up to a confrontation, before its space-derived advantages are eroded by anti-satellite attacks.18 Indeed, any actor for which satellites or space-based weapons are an important part of its military posture, whether for support missions or on-orbit weapons, will feel “use it or lose it” pressure because of the inherent vulnerability of satellites.

Short timelines and difficulty of attribution

The compressed timelines characteristic of crises combine with these “use it or lose it” pressures to shrink timelines. This dynamic couples dangerously with the inherent difficulty of determining the causes of satellite degradation, whether malicious or from natural causes, in a timely way.

Space is a difficult environment in which to operate. Satellites orbit amidst increasing amounts of debris. A collision with a debris object the size of a marble could be catastrophic for a satellite, but objects of that size cannot be reliably tracked. So a failure due to a collision with a small piece of untracked debris may be left open to other interpretations. Satellite electronics are also subject to high levels of damaging radiation. Because of their remoteness, satellites as a rule cannot be repaired or maintained. While on-board diagnostics and space surveillance can help the user understand what went wrong, it is difficult to have a complete picture on short timescales. Satellite failure on-orbit is a regular occurrence19 (indeed, many satellites are kept in service long past their intended lifetimes).

In the past, when fewer actors had access to satellite-disrupting technologies, satellite failures were usually ascribed to “natural” causes. But increasingly, even during times of peace operators may assume malicious intent. More to the point, in a crisis when the costs of inaction may be perceived to be costly, there is an incentive to choose the worst-case interpretation of events even if the information is incomplete or inconclusive.

Entanglement of strategic and tactical missions

During the Cold War, nuclear and conventional arms were well separated, and escalation pathways were relatively clear. While space-based assets performed critical strategic missions, including early warning of ballistic missile launch and secure communications in a crisis, there was a relatively clear sense that these targets were off limits, as attacks could undermine nuclear deterrence. In the Strategic Arms Limitation Treaty, the US and Soviet Union pledged not to interfere with each other‘s ―national technical means‖ of verifying compliance with the agreement, yet another recognition that attacking strategically important satellites could be destabilizing.20 There was also restraint in building the hardware that could hold these assets at risk.

However, where the lines between strategic satellite missions and other missions are blurred, these norms can be weakened. For example, the satellites that provide early warning of ballistic missile launch are associated with nuclear deterrent posture, but also are critical sensors for missile defenses. Strategic surveillance and missile warning satellites also support efforts to locate and destroy mobile conventional missile launchers. Interfering with an early warning sensor satellite might be intended to dissuade an adversary from using nuclear weapons first by degrading their missile defenses and thus hindering their first-strike posture. However, for a state that uses early warning satellites to enable a “hair trigger” or launch-on-attack posture, the interference with such a satellite might instead be interpreted as a precursor to a nuclear attack. It may accelerate the use of nuclear weapons rather than inhibit it.

#### Commercialized proximity mining operations create dual-use deflection risks – inherent interoperability makes dangerous repurposing easy and likely

Howe 15 [Jim Howe is a writer and policy analyst who focuses on space and national security issues. He works in the nuclear power industry. COMMON GROUND: Asteroid Mining and Planetary Defense. Summer 2015. https://space.nss.org/media/Asteroid-Mining-And-Planetary-Defense.pdf]

Extensive and prolonged proximity operations will be an essential element of most types of planetary defense mitigation missions. The most technologically mature method for fragmentation or deflection of a hazardous object is through a surface, subsurface, or stand-off nuclear explosion: The tremendous impulsive force of the blast and resulting surface ablation could, in one moment, deliver the necessary velocity change to the body to miss its future collision with Earth. Time permitting, to assure exact positioning and maximum deflective or fragmentation effect, the nuclear device would be buried, anchored to the surface, or orbiting just above the asteroid, an effort that would involve precise proximity operations.

On the opposite end of the spectrum for deflecting an inbound body are the “slow push" methods, which would deliver a minute but steady deflective force to the asteroid or comet, over time providing a cumulative change in velocity. With few exceptions, every proposed slow push technique would be dependent on extended operations in close proximity to the body. Gravity tractors would hover a spacecraft near the asteroid for years or decades, slowly imparting a deflective gravitational force; an enhanced gravity tractor would first collect boulders or regolith from the threatening body, to increase the mass and gravitational pull of the spacecraft. Laser or solar ablation methods would require the stationing of a spacecraft near the asteroid to direct the ablative beam. Using thrusters or a space tug would require direct physical contact with the body for years on end, nudging it to alter its velocity. Mass driver systems would land and anchor a robotic mining apparatus on the asteroid’s surface, to cast a steady stream of regolith into space and produce a minute but steady deflective counterforce.

Similarly, asteroid or comet mining would rely entirely on the ability to conduct reliable, long-term, repetitive proximity operations. Several mining concepts have been analyzed. The most common concept would land and anchor robotic mining and support systems on the asteroid or comet; these systems would methodically drill, scrape, crush, lift, or scoop the desired minerals or ice from the body. Support systems would discard unwanted tailings and transport the ore to a processing station or collection facility. The mining operation could occur on the surface, in pits, or in caverns cut into the interior of the asteroid or comet.

Alternative mining methods include leaching minerals through the injection of high pressure steam, fully encapsulating a small asteroid or comet and capturing the escaping water as the container is heated by the Sun, and collecting water vapor from a passing comet using a spacecraft stationed in a trailing position behind it. Each of these activities would require the ability to operate on and near the surface of the body for long periods.

The commonalities between planetary defense and asteroid mining are extensive for the wide range of proximity operations. For both endeavors, hovering, orbiting, landing, and anchoring on the space body are essential competencies. The same base technologies that can be used to mine metals could be employed in burying a nuclear device to fragment an asteroid, or as a mass driver apparatus used in deflection. The technologies that could be employed to secure thrusters or a solar sail to a tumbling asteroid to change its orbit could be adapted to anchor a full suite of mining equipment to the surface of a resource-rich body.

#### That increases the risk of accidental collisions, astro-terror, and space weaponization

Mares 15 [Miroslav Mares, Professor, at the Division of Security and Strategic Studies, Masaryk University, Czech Republic. Jakub Drmola PhD student, at the Divison of Security and Strategic Studies, Masaryk University, Czech Republic. Revisiting the deflection dilemma. October 1, 2015. https://academic.oup.com/astrogeo/article/56/5/5.15/235650]

Sooner or later, in order to avoid the fate of the dinosaurs, humanity needs to develop scientific and technological capabilities to prevent extinction-level impact events. But most solutions bring about new challenges, because new technologies rarely have only one application. Here lies the dilemma: any technology allowing us to deflect asteroids from a collision trajectory with the Earth could also be used to direct them towards the Earth. This means we could potentially turn any future near-miss into an impact, with all its devastating consequences.

Sagan & Ostro (1994b) concluded that this is a risk not worth taking. Considering the very low probabilities of impacts with objects larger than 1 km (generally less than 1 in 5000 for a given century), they were more worried about the misuse of such trajectory-altering technology than the undiverted asteroids themselves. Humans visited a great deal of violence upon each other during the 20th century; war has been prevalent and increasingly technological. The beginning of the 21st century does not seem overly promising either. The risk that one of humanity's irrational totalitarian powers decides to have some nearby asteroid steered towards Earth might simply be too high. Many people still see the default cosmic odds as preferable to the lessons of recent history.

Later on, a modification of sorts to the deflection dilemma appeared, positing that the “real” dilemma (Schweickart 2004, Morrison 2010) lies in putting various parts of the Earth and its population in harm's way during a deflection attempt. Inevitably, any mission to deflect an object that is on a collision course with the Earth will involve moving its supposed point of impact across the surface until it misses the planet entirely. Should such a deflection attempt fail to modify the trajectory sufficiently, the impact would still occur, albeit in a different area. This could expose to risk countries that were not originally threatened by the asteroid (depending on its size and path), while diminishing the risk to those living near the original point of impact. The damage and casualties around this new and modified point of impact would then, to some extent, be caused by those who tried but failed to deflect the asteroid. The repercussions of such an event would certainly be grave.

Privatization and industry

Both of these versions of the deflection dilemma are essentially state-centric and neither presumes that this technology might be wielded by private companies and non-state actors. But the current trend of greater involvement of private companies in space suggests that states might be unable (or unwilling) to maintain their exclusive hold on the advanced space technologies. The private sector is currently hot on the heels of national and international space agencies in exploring feasible and economically viable options. At the moment, private companies are already in the business (or at least in the process of making it a profitable business) of resupplying the International Space Station, taking tourists to the edge of space and operating communication satellites. And, recently, a new area of potential commercialization of space, asteroid mining, has received increased attention and investment. It has already spawned private companies (such as Deep Space Industries and Planetary Resources, Inc.); this industry is highly relevant to the deflection dilemma (Ostro 1999).

While the idea of mining asteroids carries with it an air of science fiction (as all space-based endeavours do, at some stage), it is based on science fact. One of the most significant facts on which to base a space mining industry is the apparent abundance of highly valued raw materials in asteroids. Platinum, rhodium and other precious metals are extremely useful because of their catalytic and electrical properties, but are also exceedingly rare in the Earth's crust. While such metals sank deep into the planet during core formation, asteroids retained their original composition and even delivered much of the accessible reserves to our planet in the form of meteorite bombardment (Willbold et al. 2011). Some of the largest known deposits of these metals on Earth are found within ancient impact craters. Platinum-group metals are deemed critical to our modern technology-based civilization, without substitutes in many applications, and their supply is at risk of “geopolitical machinations” (Graedel 2013). The combination of natural scarcity and industrial demand leads to their high price, which easily rivals that of gold. Because space missions are inherently expensive, these precious metals are prime high-value candidates for economically viable asteroid mining. Since the projected market value of these metals within an asteroid is in the order of billions or even hundreds of billions of US dollars (depending on the size of the asteroid), the success of the industry comes down to developing technically feasible and cost-effective methods of mining them and retrieving them (Blair 2000, Gerlach 2005). The other interesting and potentially worthwhile resource we could harvest from asteroids is water. Not only is liquid water required by astronauts to survive, but it can also be broken down into oxygen and hydrogen to be used as fuel. And, while water is abundant and cheap here on Earth, it is very expensive to transport it to orbit. It costs $3000–$10 000 per kilogramme to launch water (or anything else) to low Earth orbit and about two or three times more for geostationary transfer orbit (Jain & Trost 2013). It is not the prospect of procuring something we covet here on the surface of the Earth that makes this venture attractive, but rather the idea of not having to wage an expensive battle with Earth's gravity each time we want to make use of something as mundane as water in space. If the costs associated with mining water from asteroids can be brought below the cost of launching water from Earth, this seemingly counter-intuitive industry might take off and become profitable. Additionally, through the use of some form of refuelling depots, it would probably in turn make space endeavours more affordable and sustainable. The same would apply if some of the more common metals found in asteroids (such as iron or nickel) were used to build structures directly in orbit instead of launching them from the Earth. The risks of mining asteroids There are two basic ways to go about moving the resources contained within a given asteroid to the Earth. They can be extracted from the asteroid during its natural orbit and then transported to the Earth, or the entire asteroid might be moved closer to a more convenient location before starting mining. Thus repositioned, it might even be used as a shielded habitat, once hollowed out (Ostro 1999). There are different speculative costs and benefits associated with either option, which would vary with the size, orbit and composition of the asteroid. But, crucially, the second option would entail putting asteroids into orbit around the Earth, the Moon or possibly at one of the Earth's Lagrangian points. Indeed, NASA has already planned a mission to capture a small asteroid and place it in a high cislunar orbit, where it would serve as a destination for future manned missions and experiments. This “Asteroid Redirect Mission” is to take place in the next decade and is being pitched mainly as a stepping stone towards a future mission to Mars (see box “NASA's Asteroid Redirect Mission”; Brophy et al. 2012, Burchell 2014, Gates et al. 2015).

Programmes to redirect asteroids and, especially, plans to mine asteroids on an industrial scale essentially resurrect the deflection dilemma. But it is no longer a matter of superpowers intentionally misusing technology designed to prevent dangerous impacts. It becomes an issue of proliferation among private entities. Once private mining companies acquire the technical ability to redirect suitable NEOs (Baoyin et al. 2011) in order to extract platinum or water from them, perilous inflections become more likely.

The probability of accidents will rise with the number of asteroids whose trajectories we decide to manipulate. Such accidents might be very unlikely, but even a tiny technical or human error in the execution of an inflection meant to place an asteroid into the lunar or geocentric orbit might send it crashing into the Earth with potentially devastating consequences. And while we might find solace in the low probabilities associated with such an accident, even contemporary industries which are considered very safe suffer from unlikely tragedies. Despite being dependable and reliable, airliners do crash; there are a lot of them flying and very improbable accidents do happen if the dice are rolled often enough. Undoubtedly, we will not be steering as many asteroids as we steer planes any time soon, but industries tend to be more accident-prone during their infancy. Furthermore, a single asteroid can do a lot more damage than a single plane. And who is to say how much metal or water we are going to need in space over the course of the 21st century, or the next?

The second source of risk is the intentional misuse, similar to the original deflection dilemma. But the entry barrier for asteroid weaponization gets much lower if mining them and moving them around becomes a common industrial activity. This is in stark contrast to the original scenario which envisioned this technology to be used solely for planetary defence and under control of a very small number of the most powerful countries (Morrison 2010). If such a powerful technology becomes widely and commercially available, even rogue states and well-funded terrorist groups might be tempted to use it for an unexpected and devastating attack. In addition, an active asteroid mining industry would make it more difficult to detect any hostile inflection attempts among the number of legitimate and benign ones.

#### The dilemma causes the most power WMD ever – it’s more likely than natural hits and structurally outweighs

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While asteroids loom large in the horizons of habitat and some military expansionists, they receive little attention from arms controllers and most global security thinkers. As a planetary defense project, diverting asteroids seems a logical part of a Whole Earth Security program and international space infrastructure security cooperation, but opponents of military space expansion are sharply divided about asteroidal diversion. In part these disputes carry over from Cold War nuclear debates, with Edward Teller, Darth Vader for arms controllers, pushing nuclear solutions to the asteroid threat, and arms controllers raising alarms.

An important analysis of the dangers inherent in the deflection of asteroidal bodies is provided by Carl Sagan and Stephen Ostro.67 Few figures of the Space Age have been as productive and prominent as Sagan, a planetary astronomer, science educator, and SF author.68 Over the later decades of the twentieth century Sagan’s work on planetary science, particularly Mars, his television series Cosmos, and his science fiction, most notably Contact (coauthored with Ann Druyan), made him an international celebrity and influential voice for science and space exploration. Unlike virtually all other space scientists and engineers of his era, Sagan also was active in advancing nuclear arms control, studying— and publicizing—the “nuclear winter” hypothesis and promoting cooperation in space to improve Soviet-American relations.69 Although a strong supporter of the larger habitat expansionist vision, Sagan insists large-scale space activities should occur only after nuclear disarmament and planetary habitat stability have been achieved because of an ominous asteroid “deflection dilemma.”70

The essence of the deflection dilemma is simple: species and civilizational survival inevitably will eventually require the development of the ability to deflect asteroids and comets away from Earth, but this technology also inherently creates the possibility that such objects could be directed toward the Earth. The existential stakes are clear: “the destructive energy latent in a large near-Earth asteroid dwarfs anything else the human species can get its hands on,” making them potentially “the most powerful weapon of mass destruction ever devised”71 (see Table 7.4. A and B).72 Once the population of these bodies is fully mapped, and technologies to deflect them are developed, Sagan argues, the prospects for collision increase over the natural rate due to the possibility of intentional bombardment. Given these possibilities, perhaps the reason the dinosaurs lasted for nearly two hundred million years is because they did not have a space program.

In his major book on the human space future, Pale Blue Dot, Sagan lays out several scenarios for intentional collisions. His arguments are essentially the arguments of nuclear arms controllers. Madmen exist, and some “achieve the highest levels of political power in modern industrial nations.”'3 Recalling the extreme destruction caused by Hitler and Stalin, Sagan posits the possibility that a “misanthropic psychopath” or a “megalomaniac lusting after ‘greatness’ or glory, a victim of ethnic violence bent on revenge, someone in the grip of severe testosterone poisoning, some religious fanatic hastening the Day of Judgment, or just some technicians incompetent or insufficiently vigilant” will bring about a catastrophic collision.74 Earth-approaching asteroids amount to “30,000 swords of Damocles hanging over our heads,” for which “there is no acceptable national solution.”75 And, like Cole and Salkeld (not mentioned), Sagan points to the possibilities of clandestine use of this technology.

#### Accidental and intentional deflection attacks outweigh the threat of conventional hits – only building in response time with enhanced tracking and attribution solves rogue strikes that bypass conventional deterrence

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Ignoring accidental deflection, which might occur when an asteroid is moved to an Earth or Lunar orbit for research or mining purposes (see this now scrapped proposal to bring a small asteroid in to Lunar orbit), there are two categories of actors that might maliciously deflect such a body; state actors and terrorist groups.

A state actor might be incentivised to authorise an asteroid strike on an enemy or potential enemy in situations where they wouldn’t necessarily authorise a nuclear strike or conventional invasion. For example, let us consider an asteroid of around 20 m in diameter. Near Earth orbit asteroids of around this size are often only detected several hours or days before passing between Earth and the Moon. If a state actor is able to identify an asteroid that will pass near Earth in secret before the global community has, they can feasibly send a mission to alter its orbit to intersect with Earth in a way such that it would not be detected until it is much too late. Assuming the state actor did its job well enough, it would be impossible for anyone to lay blame on them, let alone even guess that it might have been caused by malicious intent.

An asteroid of this size would be expected to have enough energy to cause an explosion 30 times the strength of the nuclear bomb dropped over Hiroshima in WWII.

Footnote

\* An ‘existential threat’ typically refers to an event that could kill either all human life, or all life in general. A ‘catastrophic threat’ refers to an event that would cause substantial damage and suffering, but wouldn’t be expected to kill all human life, which would eventually rebuild.

#### Even limited deflection failures cause nuke war because they look like preemptive strikes and the risk is inversely proportion to size

Lovett 19, [Richard Lovett is a Cosmos contributor, The biggest danger about an asteroid strike? Lawyers, Blasting away at incoming space rock raises real risks of nuclear war, experts say. Richard A Lovett reports, May 7, https://cosmosmagazine.com/space/the-biggest-danger-about-an-asteroid-strike-lawyers]

Governments and space agencies seeking to protect the Earth by changing the courses of potentially hazardous asteroids might face major legal hurdles, even if our planet is in the crosshairs of a bolide big enough to kill millions, experts say. One problem is what would happen if one country, worried about protecting its own citizens, attempted to deflect the asteroid, screwed up, and accidentally dumped it on a neighbour. Space law, says David Koplow of Georgetown University Law Centre, Washington DC, is based on the principle of strict liability. “The concept is that space activities are hazardous and therefore the harm should not fall on an innocent bystander,” Koplow says. Another problem stems from the fact that only a few countries have the technological ability to deflect an incoming asteroid, and there is, at present, no international authority tasked with making sure everyone else is represented in the decision-making process. In fact, says Cordula Steinkogler, a space law expert at the University of Vienna, Austria, current treaties don’t even require nations to share information about such hazards, let alone act to protect each other. She notes, however, that the United Nations charter does establish a “very general” duty for them to act toward solving international problems that affect economic, social, cultural, educational, and health wellbeing. Failure to share information can be more than just an inconvenience. To start with, says Petr Boháček, of Charles University in Prague in the Czech Republic, it could make countries wonder if, instead of international cooperation, the rule is actually everyone for themselves. It’s a particularly important problem, he says, because the nations at risk of being hit by an asteroid may not be the ones with the greatest geopolitical power. “Asteroids do not discriminate,” he notes. The nation-state concept of sovereignty, he adds, dates back several hundred years. “I’m not sure how many concepts from the seventeenth century you use in your decision-making,” he says, “but making decisions for planetary defence based on this dinosaur method of decision-making may not be the best choice.” Another problem is that the nation hit by an asteroid might see it as an attack by a foe, and retaliate. “[It] could look like the damage of a nuclear attack,” says Seth Baum, executive director of the Global Catastrophic Risk Institute, a US-based think tank, “so the prospect [of] a counterattack seems like something worth taking very seriously.” Ironically, the risk of this is probably inversely proportional to the size of asteroid. A big asteroid, capable of wiping out an enormous swath of territory, would be seen coming well in advance, and have generated a media frenzy (assuming people didn’t brand it as “fake news”).

#### They cause nuke war, miscalc, and extinction

Baum 19 (Executive director of the Global Catastrophic Risk Institute,“Risk-Risk Tradeoff Analysis of Nuclear Explosives for Asteroid Deflection,” May 31, 2019, https://onlinelibrary.wiley.com/doi/epdf/10.1111/risa.13339.)

The most severe asteroid collisions and nuclear wars can cause global environmental effects. The core mechanism is the transport of particulate matter into the stratosphere, where it can spread worldwide and remain aloft for years or decades. Large asteroid collisions create large quantities of dust and large fireballs; the fire heats the dust so that some portion of it rises into the stratosphere. The largest collisions, such as the 10km Chicxulub impactor, can also eject debris from the collision site into space; upon reentry into the atmosphere, the debris heats up enough to spark global fires (Toon, Zahnle, Morrison, Turco, & Covey, 1997). The fires are a major impact in their own right and can send additional smoke into the stratosphere. For nuclear explosions, there is also a fireball and smoke, in this case from the burning of cities or other military targets.

While in the stratosphere, the particulate matter blocks sunlight and destroys ozone (Toon et al., 2007). The ozone loss increases the amount of ultraviolet radiation reaching the surface, causing skin cancer and other harms (Mills, Toon, Turco, Kinnison, & Garcia, 2008). The blocked sunlight causes abrupt cooling of Earth’s surface and in turn reduced precipitation due to a weakened hydrological cycle. The cool, dry, and dark conditions reduce plant growth. Recent studies use modern climate and crop models to examine the effects for a hypothetical IndiaPakistan nuclear war scenario with 100 weapons (50 per side) each of 15KT yield. The studies find agriculture declines in the range of approximately 2% to 50% depending on the crop and location.11 Another study compares the crop data to existing poverty and malnourishment and estimates that the crop declines could threaten starvation for two billion people (Helfand, 2013). However, the aforementioned studies do not account for new nuclear explosion fire simulations that find approximately five times less particulate matter reaching the stratosphere, and correspondingly weaker global environmental effects (Reisner et al., 2018). Note also that the 100 weapon scenario used in these studies is not the largest potential scenario. Larger nuclear wars and large asteroid collisions could cause greater harm. The largest asteroid collisions could even reduce sunlight below the minimum needed for vision (Toon et al., 1997). Asteroid risk analyses have proposed that the global environmental disruption from large collisions could cause one billion deaths (NRC, 2010) or the death of 25% of all humans (Chapman, 2004; Chapman & Morrison, 1994; Morrison, 1992), though these figures have not been rigorously justified (Baum, 2018a).

The harms from asteroid collisions and nuclear wars can also include important secondary effects. The food shortages from severe global environmental disruption could lead to infectious disease outbreaks as public health conditions deteriorate (Helfand, 2013). Law and order could be lost in at least some locations as people struggle for survival (Maher & Baum, 2013). Today’s complex global political-economic system already shows fragility to shocks such as the 2007- 2008 financial crisis (Centeno, Nag, Patterson, Shaver, & Windawi, 2015); an asteroid collision or nuclear war could be an extremely large shock. The systemic consequences of a nuclear war would be further worsened by the likely loss of major world cities that serve as important hubs in the global economy. Even a single detonation in nuclear terrorism would have ripple effects across the global political-economic system (similar to, but likely larger than, the response prompted by the terrorist attacks of 11 September 2001).

It is possible for asteroid collisions to cause nuclear war. An asteroid explosion could be misinterpreted as a nuclear attack, prompting nuclear attack that is believed to be retaliation. For example, the 2013 Chelyabinsk event occurred near an important Russian military installation, prompting concerns about the event’s interpretation (Harris et al., 2015).

The ultimate severity of an asteroid collision or violent nuclear conflict use would depend on how human society reacts. Would the reaction be disciplined and constructive: bury the dead, heal the sick, feed the hungry, and rebuild all that has fallen? Or would the reaction be disorderly and destructive: leave the rubble in place, fight for scarce resources, and descend into minimalist tribalism or worse? Prior studies have identified some key issues, including the viability of trade (Cantor, Henry, & Rayner, 1989) and the self-sufficiency of local communities (Maher & Baum, 2013). However, the issue has received little research attention and remains poorly understood. This leaves considerable uncertainty in the total human harm from an asteroid collision or nuclear weapons use. Previously published point estimates of the human consequences of asteroid collisions12 and nuclear wars (Helfand, 2013) do not account for this uncertainty and are likely to be inaccurate.

Of particular importance are the consequences for future generations, which could vastly outnumber the present generation. If an asteroid collision or nuclear war would cause human extinction, then there would be no future generations. Alternatively, if survivors fail to recover a large population and advanced technological civilization, then future generations would be permanently diminished. The largest long-term factor is whether future generations would colonize space and benefit from its astronomically large amount of resources (Tonn, 1999). However, it is not presently known which asteroid collisions or nuclear wars (if any) would cause the permanent collapse of human civilization and thus the loss of the large future benefits (Baum et al., 2019). Given the enormous stakes, prudent risk management would aim for very low probabilities of permanent collapse (Tonn, 2009).

### AC – Framing

#### The standard is maximizing expected well-being.

#### Uncertainty and social contract require governments use util

Goodin, 1995 **(**Robert, philsopher at the Research School of the Social Sciences, Utilitarianism as Public Philosophy. P. 62-63)

Consider, first, the argument from necessity. Public officials are obliged to make their choices under uncertainty, and uncertainty of a very special sort at that. All choices—public and private alike—are made under some degree of uncertainty, of course. But in the nature of things, private individuals will usually have more complete information on the peculiarities of their own circumstances and on the ramifications that alternative possible choices might have on them. Public officials, in contrast, are relatively poorly informed as to the effects that their choices will have on individuals, one by one. What they typically do know are generalities: averages and aggregates. They know what will happen most often to most people as a result of their various possible choices. But that is all. That is enough to allow public policy-makers to use the utilitarian calculus—if they want to use it at all—to choose general rules of conduct. Knowing aggregates and averages, they can proceed to calculate the utility payoffs from adopting each alternative possible general rules.