# 1NC

## Off

### 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.]

#### Vote neg for 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

#### 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

#### Aspec is a voting issue – they didn’t – key to ground and clash else the 1AR can redefine who the actor is to spike out of neg ground and counterplan competition – means stick them with all our disads since anything else 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 – DA

#### 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.

#### Rule of law causes extinction

Feldman ‘8 [Noah; September 28; Professor of Law at Harvard University School of Law; New York Times, “When Judges Make Foreign Policy,” lexis]

Why We Need More Law, More Than Ever

So what do we need the Constitution to do for us now? The answer, I think, is that the Constitution must be read to help us remember that while the war on terror continues, we are also still in the midst of a period of rapid globalization. An enduring lesson of the Bush years is the extreme difficulty and cost of doing things by ourselves. We need to build and rebuild alliances — and law has historically been one of our best tools for doing so. In our present precarious situation, it would be a terrible mistake to abandon our historic position of leadership in the global spread of the rule of law.

Our leadership matters for reasons both universal and national. Seen from the perspective of the world, the fragmentation of power after the cold war creates new dangers of disorder that need to be mitigated by the sense of regularity and predictability that only the rule of law can provide. Terrorists need to be deterred. Failed states need to be brought under the umbrella of international organizations so they can govern themselves. And economic interdependence demands coordination, so that the collapse of one does not become the collapse of all.

From a national perspective, our interest is less in the inherent value of advancing individual rights than in claiming that our allies are obligated to help us by virtue of legal commitments they have made. The Bush administration’s lawyers often insisted that law was a tool of the weak, and that therefore as a strong nation we had no need to engage it. But this notion of “lawfare” as a threat to the United States is based on a misunderstanding of the very essence of how law operates.

Law comes into being and is sustained not because the weak demand it but because it is a tool of the powerful — as it has been for the United States since World War II at least. The reason those with power prefer law to brute force is that it regularizes and legitimates the exercise of authority. It is easier and cheaper to get the compliance of weaker people or states by promising them rules and a fair hearing than by threatening them constantly with force. After all, if those wielding power really objected to the rule of law, they could abolish it, the way dictators and juntas have often done the world over.

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#### SOP decline causes global nuke war

Dr. G. John Ikenberry 15, PhD in Political Science from the University of Chicago, Albert G. Milbank Professor of Politics and International Affairs at Princeton University in the Department of Politics and the Princeton School of Public and International Affairs, “Getting Hegemony Right”, in Korean Attitudes Toward the United States: Changing Dynamics, Ed. Steinberg, p. 17-18

A critical ingredient in stabilizing international relations in a world of radical power disparities is the character of America itself. The United States is indeed a global hegemon, but because of its democratic institutions and political traditions it is--or can be--a relatively benign one. Joseph Nye's arguments on "soft power" of course come to mind here, and there is much to his point. But, in fact, there are other, more significant aspects of the American way in foreign policy that protect the United States from the consequences of its own greatness.

When other major states consider whether to work with the United States or resist it, the fact that it is an open, stable democracy matters. The outside world can see American policymaking at work and can even find opportunities to enter the process and help shape how the overall order operates. Paris, London, Berlin, Moscow, Tokyo and even Beijing--in each of these capitals officials can readily find reasons to conclude that an engagement policy toward the United States will be more effective than balancing against U.S. power.

America in large part stumbled into this open, institutionalized order in the 1940s, as it sought to rebuild the postwar world and to counter Soviet communism. In the late 1940s, in a pre-echo of today's situation, the United States was the world's dominant state--constituting 45 percent of world GNP, leading in military power, technology, finance and industry, and brimming with natural resources. But America nonetheless found itself building world order around stable and binding partnerships. Its calling card was its offer of Cold War security protection. But the intensity of political and economic cooperation between the United States and its partners went well beyond what was necessary to counter the Soviet threat. As the historian Geir Lundestad has observed, the expanding American political order in the half century after World War II was in important respects an "empire by invitation." The remarkable global reach of American postwar hegemony has been at least in part driven by the efforts of European and Asian governments to harness U.S. power, render that power more predictable, and use it to overcome their own regional insecurities. The result has been a vast system of America-centered economic and security partnerships.

Even though the United States looks like a wayward power to many around the world today, it nonetheless has an unusual ability to co-opt and reassure. Three elements matter most in making U.S. power more stable, engaged and restrained. First, America's mature political institutions organized around the rule of law have made it a relatively predictable and cooperative hegemon. The pluralistic and regularized way in which U.S. foreign and security policy is made reduces surprises and allows other states to build long-term, mutually beneficial relations. The governmental separation of powers creates a shared decision-making system that opens up the process and reduces the ability of any one leader to make abrupt or aggressive moves toward other states. An active press and competitive party system also provide a service to outside states by generating information about U.S. policy and determining its seriousness of purpose. The messiness of a democracy can, indeed, frustrate American diplomats and confuse foreign observers. But over the long term, democratic institutions produce more consistent and credible policies--policies that do not reflect the capricious and idiosyncratic whims of an autocrat.

### 1NC – DA

#### SCOTUS will avoid sweeping ruling in West Virginia v. EPA – a broad ruling wrecks climate response and turns the case

Farah 11-1 [Niina H. Farah, E&E News legal reporter, 11-1-2021 https://www.eenews.net/articles/what-the-supreme-courts-move-means-for-epa-climate-rules/]

The Supreme Court may be poised to put new guardrails on the Biden administration’s climate agenda after justices agreed last week to consider the extent of EPA’s authority to regulate carbon emissions.

The court sent shock waves through the legal world when it agreed Friday to consider a consolidated challenge from Republican-led states and coal companies. The challenge stemmed from a federal court ruling that struck down a Trump-era regulation gutting EPA’s climate rule for power plants (E&E News PM, Oct. 29).

When the justices issue their ruling in the EPA case, which is expected by next summer, the decision could provide the first indication of how the court’s new 6-3 conservative majority will approach questions of the federal government’s role in curbing global climate change.

“This is likely to result in one of the most significant environmental rulings the court has ever reached,” said Robert Percival, director of the Environmental Law Program at the University of Maryland’s law school.

The court’s decision could place new limits on how expansively EPA can interpret its authority to use the Clean Air Act to address climate change.

Friday’s order coincided with the beginning of global climate negotiations at the 26th Conference of the Parties, or COP, in Glasgow, Scotland. It also comes as Congress is negotiating a Democratic spending package that would pump more than $500 billion into addressing climate change. The Biden administration’s goal is to cut U.S. greenhouse gas emissions in half by 2030 and put the electricity sector on a path to zeroing out carbon emissions by 2035.

West Virginia Attorney General Patrick Morrisey (R) praised the justices’ decision to review the ruling earlier this year by the U.S. Court of Appeals for the District of Columbia Circuit, which scrapped the Trump administration’s Affordable Clean Energy rule and handed the Biden team a clean slate to draft a new regulation for coal-fired power plant emissions (Greenwire, Jan. 19).

“This is a tremendous victory for West Virginia and our nation. We are extremely grateful for the Supreme Court’s willingness to hear our case," Morrisey said in a statement Friday.

"This shows the Court realizes the seriousness of this case and shares our concern that the D.C. Circuit granted EPA too much authority," he continued. "Given the insurmountable costs of President Biden’s proposals, our team is eager to present West Virginia’s case as to why the Supreme Court should define the reach of EPA’s authority once and for all."

White House national climate adviser Gina McCarthy said yesterday that the administration believes the high court will uphold EPA’s ability to regulate carbon emissions across the electricity sector.

"The courts have repeatedly upheld the EPA’s authority to regulate dangerous power plant pollution," she told reporters on a call. She noted that the appeals court had struck down the Trump-era rule that would have weakened power plant regulations.

McCarthy said the White House is confident that the Supreme Court will rule in a way that affirms that “EPA has not just the right but the authority and responsibility to keep our families and communities safe from pollution."

Critics of the Supreme Court decision to hear the case said that in most instances, federal courts wait for an agency to enact a rule before they weigh in on a legal controversy around the agency’s power to regulate.

"In that sense, this seems like a power grab. But we don’t know yet," said Bethany Davis Noll, executive director of the State Energy & Environmental Impact Center at New York University School of Law.

Instead of reinstating the Obama-era Clean Power Plan — which interpreted the "best system of emission reduction" to include emissions trading or shifting generation to renewable energy — EPA under Biden opted to start from scratch. The power sector has already surpassed the 2015 Clean Power Plan’s emissions reductions target a decade early.

The agency under Biden has yet to publish a draft proposal, and observers says it may now choose to wait for the Supreme Court’s decision before writing a new carbon rule.

EPA did not respond to a request for comment on the Supreme Court’s order but agency Administrator Michael Regan defended the agency’s authority Friday on Twitter.

"Power plant carbon pollution hurts families and communities, and threatens businesses and workers," he tweeted. "The Courts have repeatedly upheld EPA’s authority to regulate dangerous power plant carbon pollution."

Agency powers

Several observers said the Supreme Court’s eventual ruling in the case could be limited to power plants, while others predicted a bigger blow to emissions regulation for other sectors.

"The issue just gets dumped back in Congress’ lap," said Jeff Holmstead, a partner at the law and lobbying firm Bracewell LLP, of the possible consequences of the court’s limiting EPA’s power.

"Any kind of meaningful regulatory program could be well off the table," he said.

A more concerning — but less likely — possibility would be if the high court used the case to more broadly undermine the regulatory authority of federal agencies.

"It’s possible that what the court is seeking to review here is Section 111(d) itself," said Michael Burger, executive director of Columbia Law School’s Sabin Center for Climate Change Law.

He referred to the part of the Clean Air Act that EPA used to regulate carbon emissions from existing power plants under former presidents Obama and Trump.

"If that’s the case, the broadest threat here is not just about climate change, or about EPA’s authority, but it’s about the power of the court to review congressional authorizations of agency action," he said.

In a worst-case scenario, the high court could give itself authority to tell Congress "in almost any instance" that it has to be more specific about delegating authority to agencies, Burger added.

In their petitions to the Supreme Court, the coal companies and states targeting EPA’s power to regulate raised concerns about whether Congress had clearly given the agency the authority to address utility emissions on a broad, systemwide basis.

The challengers also asked the justices to weigh in on whether Congress could lawfully allow EPA to act on emissions under Section 111(d) of the Clean Air Act under the non-delegation doctrine, which says that lawmakers cannot hand off their legislative authority to executive agencies. The Supreme Court’s conservative wing has expressed interest in reviving the long-dormant legal doctrine.

That argument could threaten not only Biden’s rule proposals, but also existing regulations.

#### But he could flip based on institutional capital.

Biskupic ’19 [Joan; March 26; Visiting Law Professor at the University of California-Irvine, interviewing Chief Justice Roberts and quoting Judge Luttig; The Chief: The Life and Turbulent Times of Chief Justice John Roberts, “Prologue,” Hachette Book Group]

ROBERTS HAS AN UNCANNY ABILITY TO SIZE UP A SITUATION AND calibrate his responses. His longtime associates compare him to a master of three-dimensional chess who anticipates all the possible moves his opponents might make. “John Roberts has always seen everything with pristine clarity, and almost instantly,” said J. Michael Luttig, whose career paralleled Roberts’s from the Reagan administration to the federal appellate court level to the day in July 2005 that they were both interviewed by President George W. Bush as part of the nomination process for the Supreme Court.12

The chief justice is appointed for life, as are the eight associate justices. Like each of them, he is entitled to a single vote on cases. But the chief justice has special authority to oversee oral arguments and set the agenda for the justices’ private sessions. He regularly decides who writes the opinions that become the law of the land. As such, the chief justice has been called “the first among equals.” To appreciate the influence of a chief justice, one need only understand that while there have been forty-five presidents of the United States, there have been only seventeen chief justices.

The chief justice position is mentioned only once in the Constitution, and that mention is not in Article III, which establishes the judiciary. It is in Article I, covering Congress, and says the chief justice presides over the Senate during any impeachment trial of the president. The power of the position has grown over time and today the chief justice runs the Judicial Conference of the United States, a group that sets policy for federal courts nationwide. The chief justice also chooses the individual judges who sit on the Foreign Intelligence Surveillance Court and other select panels.13

Even from the beginning of his tenure, Roberts could count on four like-minded votes for most of his positions: those of Scalia, Kennedy, Thomas, and Alito. Of course, Kennedy split off on some social issues, most notably involving gay rights and abortion. But Roberts prevailed, with Kennedy’s vote, to eliminate campaign finance regulations, erode the federal Voting Rights Act, and expand opportunities for the expression of religion in public places. Two decisions that defined the Roberts Court were the 2010 Citizens United v. Federal Election Commission and the 2013 Shelby County v. Holder.

Respectively, these rulings made it easier for corporations and labor unions to influence the outcome of elections and sharply reduced the ability of African Americans and other minorities to block discriminatory electoral practices. Shelby County capped Roberts’s decades-long effort (sometimes obvious, sometimes subtle) to limit the reach of the Voting Rights Act.14

Those and a series of other 5–4 rulings, including the decision that would transform labor union funding in June 2018, buttressed the perception that the Court majority was politically motivated and that Roberts was engaged in the partisanship he claimed to abhor. If the chief justice had a single message for the public, it was that the Court was above politicking. “We don’t work as Democrats or Republicans,” he told one audience in 2016.15

Roberts understood that public regard was crucial to the Supreme Court’s stature in American life. He had studied the reputations of past chief justices and had worried, too, about what history would make of him. “You wonder if you’re going to be John Marshall or you’re going to be Roger Taney,” he had said in an earlier appearance, referring to the revered forefather of judicial review and to the reviled author of the Dred Scott decision that said slaves were not citizens. “The answer is, of course, you are certainly not going to be John Marshall. But you want to avoid the danger of being Roger Taney.”16

ROBERTS HAS ALMOST ALWAYS HAD PERFECT TIMING. WHEN HE CAME to Washington in 1980 and teamed up with Dean Colson in Rehnquist’s chambers, conservatism was on the rise. He participated in the Reagan and George H.W. Bush administrations’ efforts to select individuals for the federal bench who fit their agenda of less government regulation and less intervention on social issues to help the needy.

Indeed, behind Roberts’s affable demeanor and his calibrated opinions is a judge with deep ideological roots. Like other conservatives, Roberts believes in a “color-blind” approach, and therefore favors an end to affirmative action and other racial remedies launched in the 1960s. “The way to stop discrimination on the basis of race is to stop discriminating on the basis of race,” he wrote in an opinion soon after becoming chief justice. He likened the programs that benefited minorities to the segregation that was prohibited in the landmark 1954 decision in Brown v. Board of Education.17

Yet Roberts has at times set aside his ideological and political interests on behalf of his commitments to the Court’s institutional reputation and his own public image. In 2012, when he voted to uphold the health-care overhaul known as the Affordable Care Act, sponsored by President Obama, he outraged conservatives. He had, in fact, first voted behind closed doors with other conservative justices to invalidate the law. But then he changed his vote.

That episode, involving not just one but a series of switched votes, revealed in full for the first time, forms a central part of this book exploring the work and motivations of the most powerful judge in America. It is also an example of one of two possible paths now before Roberts: to hew even more to his conservative roots or to work for common ground.

At sixty-four, Roberts is grayer, although he still has the upright carriage that makes him look taller than his five feet and nine inches. He moves with tight discipline, arms close to his sides, shoulders squared. He favors white dress shirts, nondescript ties, and gold cuff links. When he addresses audiences outside the Court, his core message remains the same: the justices do not advance political positions.

#### **Only the court can expand PTD – all past expansions prove – at worst, its normal means**

Rollins 21 [Brigit, staff writer for The National Agricultural Law Center and environmental lawyer, “The Public Domain: Basics of the Public Trust Doctrine” https://nationalaglawcenter.org/the-public-domain-basics-of-the-public-trust-doctrine/]

One of the main underpinnings of environmental law in the United States is the Public Trust Doctrine (“PTD”). The doctrine, which is found primarily in state common law, requires states to manage certain natural resources for the benefit of the public. While the PTD has traditionally been used to manage water resources, recent lawsuits have sought to expand the doctrine to include natural resources that have been impacted by climate change.

What Is the PTD?

The United States’ PTD is commonly viewed as having roots in Roman civil law. In the sixth century, Roman law texts that “by the law of nature these things are common to all mankind: the air, running water, the sea, and consequently the shores of the sea.” This has been interpreted to mean that air, water, and beaches were common property which would be owned by no one and instead belonged to people as a whole. That idea was reaffirmed in the Magna Carta and eventually incorporated into English common law. However, when this concept was assumed into English common law it was altered slightly by assigning ownership of common property to the king to keep as a trustee for the benefit of the people. When the United States was developing its legal system, it adopted the English common law, in some cases refining certain aspects of the law as the country developed. When courts began to consider the PTD, they reasoned that ownership of water and underlying lands had transferred to citizens of states when the state gained statehood, ultimately interpreting the PTD much closer to the original Roman concept.

The first Supreme Court case to address the PTD, Martin v. Waddell, 41 U.S. 367 (1842), affirmed the doctrine and held that the public maintained a common right to fish in navigable and tidal water because those waters and their underlying lands were kept in trust by the state for the common use of the people. In this case, the Supreme Court established the basic concept of the PTD in the United – that resources subject to the PTD are entrusted to the care of government to be managed in trust for the benefit of the public. Traditionally, the PTD was applied to navigable waters, submerged lands beneath navigable waters, and tidelands. Those resources were managed to protect the public’s right to engage in commerce, navigation, and fishing.

The Supreme Court revisited the PTD again in both Illinois Central R. Co. v. Illinois, 146 U.S. 387 (1892), and Greer v. Connecticut, 161 U.S. 519 (1896). In Illinois Central R. Co., the Court considered the responsibility of the states as trustees under the PTD. First, the Court reaffirmed that states held navigable waters and the lands beneath them in trust for the benefit of the public, but went on to note that states may allow private entities to use trust resources, and to obtain property rights in those resources. However, even though states may allow private entities to use and acquire rights to trust resources, the PTD still required that as trustees the states must ensure that the underlying purposes of the public trust are fulfilled.

In Greer, the Supreme Court expanded the PTD to include wildlife. Specifically, the Court concluded that states held all the wildlife within their borders in public trust, and could therefore regulate the management and harvest of wildlife. Although the application of Greer has evolved, the general idea that wildlife can be managed according to the PTD remains. Prior to this case, the PTD had primarily been viewed as applying to waterways and the lands beneath them. Greer showed that the doctrine had the potential to be more expansive.

#### PTD link – expanding PTD to the federal government is overwhelmingly political

Juhn 21- J.D. Candidate, 2022, Fordham University School of Law; B.A., 2013, Wellesley College (Mina, “Taking a Stand: Climate Change Litigants and the Viability of Constitutional Claims,” Fordham Law Review Vol. 89 Issue 6 Article 14 (2021), Accessed Online at <https://ir.lawnet.fordham.edu/cgi/viewcontent.cgi?article=5868&context=flr>, Accessed Online on 7-21-21, DG)

The public trust doctrine, another source of legal rights for environmental plaintiffs, is a foundational legal principle derived from ancient Roman law.126 The doctrine contends that a sovereign’s natural resources constitute an ecological trust or endowment and that the government is its trustee, responsible for maintaining and protecting these resources for the public welfare.127 Some scholars argue that constitutional underpinnings justify the public trust doctrine, characterizing the public trust as based on the inherent and inalienable rights of the citizenry that the Constitution preserves through its social contract.128 American courts recognize that states have certain obligations under the public trust doctrine.129 Recently, environmentalist plaintiffs and commentators have argued that the states’ responsibility to hold natural resources in trust, as well as the federal government’s holding of public trust resources via its control over territories, the seas, and waters, justifies the extension of the public trust doctrine to the atmosphere.130 This movement seeks to establish the recognition of an “atmospheric trust doctrine” that would impose a legal and fiduciary duty on governments to protect the atmosphere and implement policies to reduce carbon dioxide emissions.131 Proponents of the atmospheric trust doctrine contend that the atmosphere is “a single public trust asset in its entirety” and seek a judicial remedy to compel governments to implement emissions policies that would ensure the preservation of this natural resource.132 Thus far, lawsuits brought under the public trust doctrine are often dismissed on procedural grounds.133 For example, in Clean Air Council, the plaintiffs alleged that the Trump administration’s regulatory rollbacks violated the public trust doctrine and constitutional due process.134 The district court dismissed the plaintiffs’ public trust argument for lack of standing and, in the alternative, for failure to state a claim.135 Similarly, in Sanders-Reed ex rel. Sanders-Reed v. Martinez,136 an environmental nonprofit and a minor plaintiff sued the state of New Mexico, seeking a judgment declaring that the public trust doctrine imposes a duty on the state to regulate greenhouse gas emissions.137 The court granted summary judgment for the state and held that, despite the state’s duty to protect the atmosphere under the New Mexico Constitution,138 the case required a political, rather than a judicial, resolution.139 In other instances, courts have disputed the extension of a state’s obligations under the public trust doctrine to the federal government. In Alec L. v. Jackson,140 minor plaintiffs sued the federal government for violating the public trust doctrine and sought to compel stronger action to reduce greenhouse gas emissions.141 The district court dismissed the suit, rejecting the existence of a federal public trust doctrine and holding that even if the doctrine existed, it was displaced under the CAA.142 The court wrote that granting the plaintiffs’ request for declaratory and injunctive relief would amount to the judicial branch making, implementing, and monitoring policy to regulate carbon dioxide emissions, a decision that the court held was better left to the political branches.143 Thus, atmospheric trust litigation has often been stymied by justiciability doctrines and the general judicial consensus that the public trust doctrine only imposes state obligations.

#### Biden delegation key to every impact – especially key to end COVID, solve climate change, manage nuclear waste, and regulate Juul

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Joe Biden promised us an FDR-sized presidency—starting with bold action to halt the spread of COVID-19, end the worst economic downturn in decades, and stop the climate crisis. Biden could use regulation and executive action to move quickly to decarbonize the economy, cancel student loan debt, and raise wages. But a Biden administration has an even bigger problem than two long-shot special elections in Georgia: the new 6–3 conservative majority on the Supreme Court may soon burn down the federal government’s regulatory powers.

At least five conservative justices have signaled that they are eager to revive the “non-delegation doctrine,” the constitutional principle that Congress can’t give (“delegate”) too much lawmaking power to the executive branch. On paper, the rule requires Congress, when delegating power to an agency, to articulate an “intelligible principle” (like air pollution regulation needed “to protect public health”) to guide the agency’s exercise of that power. But in practice, the nondelegation doctrine is effectively dead. The court has only struck down two statutes on nondelegation grounds—and none since 1935.

Today, most of the government’s work is done through the “administrative state,” the administrative agencies and offices, like the Environmental Protection Agency, the Department of Labor, and the Department of Education, which issue regulations and enforce laws. Congress doesn’t have the capacity to pass laws that nimbly address complex, technical, and ever-changing problems like air pollution, COVID-19 exposure in workplaces, drug testing, and the disposal of nuclear waste. So Congress tasks agencies staffed with scientists and other specialists to craft regulations that directly address those problems. This division of responsibility—Congress legislates policy goals and agencies implement them effectively—is the foundation of functional government.

Take, for example, the Clean Air Act. In 1963, Congress ordered the EPA to regulate air quality standards “at a level that is requisite to protect public health.” Based on that authority, the EPA routinely issues lifesaving regulations limiting lead in the air, air pollutants coming from chemical plants, and, critically, greenhouse gasses. Biden can use the CAA to start tackling the climate crisis on Day One. The dormant nondelegation doctrine is the foundation of thousands of regulations across dozens of agencies, allowing agencies to make technical decisions about, say, hospital reimbursement rates to administer Medicare or wage and hour rules that protect workers from exploitation.

But last year, in a case called Gundy v. United States, four conservative justices announced that they wanted to bring the nondelegation doctrine back to life. Gundy arose out of a national sex offender registry law that explicitly applied to everyone convicted after the law took effect but delegated authority to the Department of Justice to determine when and how it applied to people convicted before the law took effect. Herman Gundy, who was convicted before the registry law took effect, argued that the law violated the nondelegation doctrine. The court upheld the law. But in a dissent joined by Chief Justice John Roberts and Justice Clarence Thomas, Justice Neil Gorsuch wrote that the court should revive the dormant nondelegation doctrine.\* Gorsuch’s dissent argued that Congress may only delegate policymaking power to agencies under three narrow circumstances: to “fill up the details” of a legislative scheme; for executive fact-finding to determine the application of a rule; and to assign nonlegislative responsibilities to the executive and judicial branches. Justice Samuel Alito wrote separately to say he’d like to “reconsider” the nondelegation doctrine—just not in a case about sex offenders’ rights.

Justice Brett Kavanaugh wasn’t on the court in time to hear Gundy. But last fall, in a separate opinion, he signaled his support for Gorsuch’s new, revived nondelegation doctrine. That makes five votes for resurrecting the nondelegation doctrine and taking a hatchet to landmark labor, environmental, and consumer protection law—even without Justice Amy Coney Barrett, who, administrative law experts warn, shares the conservative justices’ hostility to the administrative state.

As Justice Elena Kagan pointed out in Gundy if the conservative justices bring back the nondelegation doctrine, “most of Government is unconstitutional.” Exactly how much government would be unconstitutional, though, isn’t clear. What does Gorsuch mean when he writes that Congress may give agencies the power to “fill up the details” of a legislative scheme? What does Kavanaugh’s test—that Congress may not delegate “major policy questions” to agencies—actually forbid in practice? Would Biden’s EPA be permitted to issue regulations about greenhouse gasses or new, dangerous chemicals leaking into our public waters? Congress relies on OSHA experts to set workplace safety standards that are “reasonably necessary or appropriate to provide safe or healthful employment.” Does that “delegate” too much power to OSHA to act fast to issue COVID-19 safety standards for transportation, grocery stores, and meatpacking workers, as Joe Biden has promised to do? What about the EEOC’s power to interpret anti-discrimination to address workplace dress codes that discriminate against Black women’s natural hair? What about the FDA’s authority under the Family Smoking Prevention and Tobacco Control Act to subject “any” tobacco products to federal regulations—is “tobacco products” narrow enough under Gorsuch and Kavanaugh’s tests? Or would an FDA decision to regulate Juul just like cigarettes be a “major policy question” outside agencies’ powers?

The uncertainty alone could give special interests like fossil fuel companies and Juul grounds to sue to stop, or at least hold up, lifesaving regulations issued by the Biden administration. They’re already trying—just last year, e-cigarette company “Big Time Vapes” argued that the FDA’s power to regulate “any” tobacco product violated the nondelegation doctrine. The U.S. Court of Appeals for the 5th Circuit rejected that challenge. But in its opinion, the 5th Circuit hinted that similar challenges could soon be successful, as the Supreme Court “might well decide—perhaps soon—to reexamine or revive the nondelegation doctrine.” And if that happens, all bets are off.

Such a decision would not only threaten existing regulations. It endangers every piece of future progressive legislation, too. Big, transformative legislative packages, like a Green New Deal or “Medicare for All,” would require a million and one technical decisions that Congress is poorly positioned to make. Biden and Congress can pass legislation phasing the United States toward 100 percent clean energy by 2030—but someone will have to actually sweat the details about which engines can be included in which cars.

Government doesn’t work without the administrative state. But that’s sort of the point. The conservative justices have long been hostile to regulation and executive action. And now they may finally have the votes to bring virtually any regulation to a halt. At least five justices are ready to drop a 1,000-pound anvil on any Biden administration rule that displeases them.

### 1NC – DA

#### Russia’s international ambitions are low now due to space sector failures.

AFP **19** (Agence France-Presse - international news agency headquartered in Paris, “Moscow, we have a problem: theft plagues Russia’s space sector,” https://www.scmp.com/news/world/russia-central-asia/article/3012088/moscow-we-have-problem-theft-plagues-russias-space)

With millions of dollars missing and officials in prison or fleeing the country, Russia’s space sector is at the heart of a staggering embezzlement scheme that has dampened ambitions of recovering its Soviet-era greatness. For years, Moscow has tried to fix the industry that was a source of immense pride in the USSR. While it has bounced back from its post-Soviet collapse and once again become a major world player, the Russian space sector has recently suffered a series of humiliating failures. And now, massive corruption scandals at state space agency Roscosmos have eclipsed its plans to launch new rockets and lunar stations. “Billions (of roubles) are being stolen there, billions,” Alexander Bastrykin, the powerful head of Russia’s Investigative Committee – Russia’s equivalent of the FBI – said in mid-May. Investigations into corruption at Roscosmos have been ongoing “for around five years and there is no end in sight,” he added. In the latest controversy, a senior space official appears to have fled Russia during an audit of the research centre he headed. Yury Yaskin, the director of the Research Institute of Space Instrumentation, left Russia for a European country in April where he announced his resignation, the Kommersant paper reported. He feared the discovery of malpractice during an inspection of the institute, according to the newspaper’s sources. Roscosmos confirmed that Yaskin had resigned but did not clarify why. His Moscow institute is involved in developing the Russian satellite navigation system GLONASS designed to compete with the American GPS system. Corruption has particularly affected Russia’s two most important space projects of the decade: GLONASS and the construction of the country’s showpiece cosmodrome Vostochny, built to relieve Moscow’s dependence on Baikonur in ex-Soviet Kazakhstan. Almost all major companies in the sector, including rocket builders Khrunichev and Progress, have been hit by financial scandals that have sometimes led to prison sentences for large-scale fraud. Russia’s Audit Chamber, a parliamentary body of financial control, estimated that 760 billion roubles (around US$11.7 million) was misappropriated from Roscosmos in 2017, or nearly 40 per cent of the total misappropriated from the entire economy that year. Roscosmos said that “eradicating corruption” is one of its “primary goals”, adding that it regularly cooperates with investigations by the authorities. In mid-April, President Vladimir Putin stressed the need to “progressively resolve the obvious problems that slow down the development of the rocket-space sector.” “The time and financial frameworks to realise space projects are often unjustified,” the Russian leader Rebooting the space sector is a matter of prestige for the Kremlin. It symbolises its renewed pride and ability to be a major global power, especially in the context of increased tensions with the United States.

#### Space cooperation with the U.S. boosts Russia’s diplomatic leverage and international prestige

Juul 19 (Peter - senior policy analyst at the Center for American Progress, “Trump’s Space Force Gets the Final Frontier All Wrong,” 3/20/19, <https://foreignpolicy.com/2019/03/20/trumps-space-force-gets-the-final-frontier-all-wrong/>)

But funding isn’t everything, and in the new geopolitical context, democracy must be seen to work effectively. When it comes to space exploration, that means ratcheting back U.S. space cooperation with Russia as well as forgoing any equally intimate cooperation with China and its secretive space agency. The fact that the head of Russia’s space agency remains under U.S. sanctions for his role in Moscow’s military intervention in Ukraine illustrates the hazards involved in working with autocracies in space. Deep cooperation with autocratic powers in space gives autocracies a major point of diplomatic leverage over the United States, and more generally allows them to poach unearned international prestige by working on goals set and largely carried out by the United States. In today’s world, there’s no reason for the United States to give Russia or China this sort of standing by association.

#### Increased international prestige lays the foundation for Russian territorial expansion and foreign policy aggression

Gurganus 19 (Julia - nonresident scholar with the Russia and Eurasia Program at the Carnegie Endowment for International Peace & Eugene Rumer - senior fellow and the director of Carnegie’s Russia and Eurasia Program, “Russia’s Global Ambitions in Perspective,” 2/20/19, https://carnegieendowment.org/2019/02/20/russia-s-global-ambitions-in-perspective-pub-78067)

. Elsewhere, long-term conflicts, such as those in Afghanistan, Iraq, and Libya, or the unfinished business of post-conflict reconstruction, such as in the Balkans, have presented Russia with opportunities to insert itself and create new facts on the ground. In the United States and Europe, growing political divisions, the proliferation of information providers, and popular frustration with governing elites in the wake of the 2008 global financial crisis have exposed targets for Russian interference. Russian agents did not cause these long-term conflicts or cleavages inside Western societies, but they have used them to advance their goals, which vary depending on the circumstances. In many instances, the Kremlin has relied on a diverse toolkit that creates the appearance of operating one step removed from the Russian government (through a range of actors including state-owned corporations such as Rosatom and Rosneft, private security companies such as the Wagner Group, organized crime syndicates, hackers, and information operation organizations such as the Internet Research Agency). Western perceptions of post-Soviet Russia have been heavily affected by the country’s economic and political implosion and foreign policy retreat during the 1990s. Against that backdrop, the ambition and dynamism of Russian foreign policy since Putin’s 2012 return to the presidency appears to be a relatively new phenomenon. It isn’t. Moscow’s post-2012 foreign policy fits comfortably in the long-standing historical and intellectual tradition of Soviet and even pre-Soviet Russian foreign policy. THE TROIKA OF RUSSIAN FOREIGN POLICY Contemporary Russian foreign policy displays the unmistakable presence of three centuries-old drivers of Moscow’s posture on the world stage. Chief among these drivers is Russia’s quest for strategic depth and secure buffers against external threats, which, considering the country’s geography and absence of natural protective barriers between it and neighboring powers, has guided its geographic expansion. Along with physical insecurity and expansion, the second key driver of Russian foreign policy has been its ambition for recognition as a great power, which the Kremlin has long seen as necessary for legitimizing its geographic conquests and geopolitical ambitions. The third driver, related to the first two, is Russia’s complicated relationship with the West, which combines rivalry with the need for cooperation. These recurrent themes are important. They highlight the degree to which Russian foreign policy in the Putin era is a continuation of many pursuits that are, by turns, decades- and centuries-old and were embraced by previous Russian governments regardless of their political persuasion. The historical record also performs an important legitimizing function for the citizens of the Russian state, which is less than three decades old, cementing the state’s claim to be the heir to a long, illustrious tradition dating back centuries. References to this tradition thus legitimize the Putin government’s ambitious overseas pursuits and present them as a matter of historical continuity and as an integral part of what Russia is. GEOGRAPHY AND STRATEGIC DEPTH It is hard to overestimate the role of geography as a driver behind Russia’s foreign policy. The Russian state and its security policy have been shaped by the absence of natural geographic barriers—oceans, rivers, or mountains.2 Geography has shaped Russian identity and its rulers’ understanding of security throughout the entire existence of the Russian state. Throughout the centuries, contemporary Russia, the Soviet Union, imperial Russia, and the principality of Muscovy have all faced the challenge of securing a vast stretch of territory from neighbors perceived to be hostile to the west, south, and east. To secure its territory, the Russian state acquired more territory, which, in turn, had to be secured from ever-present external threats of one kind or another. In the words of historian Stephen Kotkin, “Whatever the original causes behind early Russian expansionism—much of which was unplanned—many in the country’s political class came to believe over time that only further expansion could secure the earlier acquisitions. Russian security has thus traditionally been partly predicated on moving outward, in the name of preempting external attack.”3 The loss of territory, as was the case after the two great dislocations Russia experienced in the twentieth century—first after the 1917 revolution and the 1918 Brest-Litovsk Treaty, and later after the 1991 breakup of the Soviet Union—resulted in a profound sense of Russian insecurity and a renewed quest to regain strategic depth. Regaining that depth was the key task of the Soviet government as soon as the country began to recover from the trauma of the revolution and the civil war, and again after Moscow regained a measure of strength after the collapse of the 1990s. GREAT POWER AMBITIONS The quest for recognition as a great power has been both the result of Russia’s geographic expansion and its driver. Geographic expanse was and is, in the eyes of Russian leaders, central to their claim to recognition as a great power. Such recognition, in turn, has been needed to lend a veneer of legitimacy to territorial conquests. Perhaps precisely because they have had to struggle repeatedly for such recognition, Russia’s rulers have been particularly sensitive to any suggestion that Russia does not belong in the ranks of major powers. In the mid-nineteenth century, Russian historian and writer Nikolay Danilevsky complained about Russia’s unfair treatment by Europe, which had turned a blind eye to Prussian and Austrian aggression against Denmark following the annexation of two Danish provinces yet criticized Russia’s efforts to protect the rights of its coreligionists in “barbaric” Turkey.4 Danilevsky’s complaint was, in effect, a precursor of Putin’s lament about the West’s double standards in dealing with Russia’s annexation of Crimea and the severing of Kosovo from Serbia.5 For the leaders of the independent Russia that emerged from the Soviet collapse, the Soviet and Russian imperial legacy appeared to serve as both an inspiration and a justification for their claim to great power status. They found ample philosophical rationales for their claim. In the words of noted Russian political philosopher Nikolai Berdyaev, empire and great power status constitute the essence of Russian identity even when the country is experiencing challenges and setbacks, in large part because of its spiritual and material wealth.6 As early as 1993, the official Foreign Policy Concept of the Russian Federation included, among other foreign policy priorities, the objectives of “furthering integration of the Commonwealth of Independent States” and ensuring Russia’s active role on the world stage as a “great power.”7 With Primakov’s rise to the helm of the Russian foreign policy establishment in 1996, great power ambitions again became the Kremlin’s driving force. In his first news conference as foreign minister, Primakov said, “Despite the present difficulties, Russia was and is a great power and its foreign policy should correspond with that.”8 Putin embraced this vision when he became president in 2000, and it has served as a cornerstone of his leadership ever since. Of particular importance to the Putin government has been the military record of the Russian state and its numerous conquests. Putin issued a presidential order in 2012 reconstituting the Russian Military-Historical Society.9 Long-serving Russian Culture Minister Vladimir Medinsky has been an active patron of the society as well. The expansion of the Russian state by force of arms—including numerous victories over Poland, Sweden, the Ottoman Empire, and Central Asia—make up an integral part of the foundational narrative of the contemporary Russian state. This narrative is reinforced by a sprawling state propaganda apparatus, official government activities, and educational curricula. Several historical events are featured prominently in this narrative. Russia’s defeat of Napoleon has been treated as a uniquely important event because of its significance to the European order in the nineteenth century, as well as for being an accomplishment that cemented Russia’s status as a great power. The victory over Nazi Germany in World War II is treated as the crowning achievement of the Soviet state, which saved not just the Soviet Union and Europe but the whole world from fascism. This triumph presently makes up the most important part of Russia’s national narrative. As a whole, this legacy provides both the justification and the motivation for Russia to pursue its ambitions not just around its vast periphery but well beyond its shores. UNEASY RELATIONS WITH THE WEST Moscow’s uneasy relationship with the West for centuries has been one of the most prominent features of its foreign policy. On the one hand—from Peter the Great’s founding of the new Russian capital on the Baltic shores to Catherine the Great’s engagement with leading European Enlightenment thinkers of the day, Czar Alexander I’s securing Russia’s place in the circle of major European powers to Joseph Stalin’s consolidation of the Soviet Union’s hold on Eastern Europe—Russia long has been an integral part of Europe and its political and security fabric. On the other hand, throughout Russian history since the time of Peter the Great, Russian elites, political thinkers, and cultural figures have questioned Russia’s European choice and relationship with Europe. In a more recent and very telling sign of that ambivalence, Foreign Minister Lavrov wrote in 2016 that, over the centuries, Russia has seen itself as part of Europe and the West, as better than the West, as different and unique from the West, and as representing a crucial link between the East and the West.10 The biggest obstacle that has kept Russia from having a closer and more stable relationship with Europe, according to Lavrov, has been Europe’s inability or unwillingness to simply let Russia be Russia, and its insistence on having Moscow conform to European norms—something that no Russian leader or the people of Russia would ever accept. Moscow’s claim to great power status has derived from its victories in the West, against Napoleon and Hitler. But Russia’s biggest setbacks too have been delivered by the West—in the Crimean War and in the Cold War—and these setbacks remain the biggest drivers of Moscow’s security and defense policy.11 As was the case during the Cold War, Russian policy toward the West has long had an important ideological dimension. During the Soviet era, the ideological competition was between Soviet communism and democratic capitalism. After a relatively brief period when Russia attempted to join the West, Moscow has embraced an overtly anti-Western ideology. Communism has been replaced by a mix of nationalist, authoritarian, and state-capitalist ideas as an alternative to the West’s notion of liberal democratic capitalism. The concept of Russia as a besieged fortress facing hostile Western designs and influences is a key tool the regime uses to mobilize the political support of Russian elites and ordinary citizens alike. OLD HABITS DON’T DIE In addition to a legacy of complicated geopolitics, great power ambitions, and a difficult relationship with the West, the new Russian state has inherited from its Soviet predecessor a time-tested foreign policy toolkit. While some elements of this toolkit fell into disuse early in the post-Soviet period when Russia was struggling with a series of domestic crises, these tools have been taken up again by the country’s foreign policy and national security establishment as Moscow has returned to the world stage as an increasingly assertive actor. George Kennan wrote in “The Sources of Soviet Conduct”: . . . the Kremlin is under no ideological compulsion to accomplish its purposes in a hurry . . . and it can afford to be patient. These precepts are fortified by the lessons of Russian history: of centuries of obscure battles between nomadic forces over the stretches of a vast unfortified plain. Here caution, circumspection, flexibility and deception are the valuable qualities . . . Its [the Soviet Union’s] political action is a fluid stream which moves constantly, wherever it is permitted to move, toward a given goal. . . . The main thing is that there should always be pressure, unceasing constant pressure, toward the desired goal. There is no trace of any feeling in Soviet psychology that that goal must be reached at any given time.12 Russian foreign policy in the Putin era fits Kennan’s description from more than half a century ago. The Kremlin’s approach has involved the relatively low-cost, limited use of military force in combination with other nonmilitary instruments of national power. Information operations, propaganda and disinformation, cyber operations, trade embargoes, and a vast array of other tools have been integrated into what has become commonly known as hybrid warfare. The current policy discussions in Western capitals often create the impression that Moscow has come up with a fundamentally new toolkit. In reality, an extensive reliance on such tools has long been a feature of Russian domestic politics and foreign policy.

#### Russian territorial expansion causes nuclear war with the U.S. and NATO

O’Hanlon 19 (Michael – PhD from Princeton in Public and International Affairs and currently a senior fellow at the Brookings Institute, “The Senkaku Paradox: Risking Great Power War Over Small Stakes,” p. 34-37, 4/30/19, Dartmouth Libraries)

As such, the United States and NATO partners would undoubtedly feel intense pressure, at the first sign of visible preparations for attack by Russia, to disable Russia’s surveillance and command and control capabilities and to preempt any missiles or aircraft or submarines before they could get within range of the target. That could, of course, entail direct attacks against airfields, ports, and other facilities on Russian soil, not just those that happened to be directly involved in the Baltic state occupation. In other words, NATO might strike first, rather than leave itself vulnerable to ambush. In light of the alliance’s consensus decision-making procedures, that possibility seems unlikely—but it must also be remembered that this scenario is premised on a situation in which Russian forces occupy at least a small swath of NATO territory, so certain thresholds would already have been crossed by enemy action. Regardless, the stage would be set for an extremely dangerous dynamic. If any initial conventional engagements went against its interests, Russia might also consider limited nuclear employment options. Indeed, some of its strategists currently entertain an “escalate to de-escalate” concept that would attempt to intimidate NATO allies into reversing their plans. Russia might detonate a nuclear weapon high in the atmosphere to create a powerful nuclear-induced electromagnetic pulse (EMP) that could prove lethal to air defense radars, military communications systems, and much civilian infrastructure over a region many hundreds of kilometers in radius. A Russian EMP burst using a high-altitude nuclear weapon would be an extremely provocative and risky move, to be sure.57 But some Russian leaders could argue that it was not strictly speaking a nuclear attack, since no humans would be killed by the direct explosive effects of such a weapon—and thus might delude themselves into thinking it was a relatively low-risk option. In fact, the risks could be very high. Some types of EMP attacks (or even cyberattacks) by Russia could disable large chunks of the U.S. or European electricity grids for many months.58 A severe attack of this type might even lead to a U.S. nuclear response, in light of the new nuclear doctrine of the Trump administration.59 Beyond the EMP option, Russia could use nuclear weapons directly against ships that carried military equipment, missile defense radars, or other capabilities. Indeed, it threatened to target nuclear missiles at any Danish ships joining the U.S.-led missile defense effort in 2015. Again, the provocation would be enormous—but the direct human stakes might be fairly limited, since only dozens of sailors, or at most a couple hundred, might be on a given naval vessel.60 Moscow might, perhaps delusionally, think the risks were acceptable. Of course, there would be enormous significance and risk to crossing the nuclear threshold in any way. But if weapons were used against isolated military targets (as both sides contemplated in various ways during the Cold War), Moscow again might convince itself, rightly or wrongly, that escalation risks could be tolerated and managed. That might be particularly true for attacks limited to the kinds of target sets that posed disproportionate vulnerability and dependence for NATO. These could include cargo ships at sea, rail marshaling yards where train tracks change gauge (necessitating unloading and reloading) at the Poland-Lithuania border, or particularly weak bridges without nearby alternative routes.61 If Russia could limit NATO fatalities to hundreds of sailors and not itself present any target sets that were characterized by a similar combination of relatively high military importance and relatively great separation from vulnerable civilian populations, NATO might not have a good recourse. Moscow might hope as much, at least—and so elect to roll the dice. Such a decision would be reckless and foolish, but perhaps not beyond the pale of how human beings have behaved historically in wars they felt they were otherwise likely to lose. The Outcome of the Scenario: Toward a Net Assessment With all these factors in motion, how would this kind of conflict likely play out? A NATO military response to the postulated Russian aggression seems very likely. Perhaps evidence of its preparations to move forces into position to defend its ally and liberate its territory from Russian occupation would be enough to catalyze a diplomatic resolution of the crisis. If not, however, the stage would be set for the possible eruption of World War III. Russia might try to impede a deployment through cyber-, space, and other such attacks, which would likely only slow the deployment, not stop it. Thus escalation could easily result.62 Once shots were fired, NATO would be unlikely to back down. Not every nation would necessarily send significant military forces, to be sure, but some key countries would probably remain resolute. Much more likely than acceptance of defeat would be a redoubled commitment to complete the mission—and, if Russian nuclear weapons had been used by that point, even in a limited attack, to respond in kind. Put differently, if Russia did choose to try to physically prevent the deployment of large forces into eastern NATO territory in likely preparation for a counterattack, there would be two possibilities. If that attempt failed, a showdown in the east on land would still loom. If it succeeded, NATO would then face a momentous decision: accept defeat, or reinforce dramatically with conventional forces (perhaps after a period of repairing damage and building more equipment and weaponry, depending on how many losses it had already suffered), or escalate to the nuclear level. In situations of this sort, the parties to the conflict might find themselves living scenarios like those that nuclear theorists pondered throughout the Cold War. They could be engaged in behavior that Thomas Schelling might have described as “the threat that leaves something to chance” or that Herman Kahn might have placed on the lower rungs of a nuclear escalation ladder that reached potentially to all-out war.63 American planners saw these kinds of escalatory ladders and options as ideas that might serve U.S. interests; thus it would not be too surprising to see Russian planners invoke them now.64 And whatever the dangers during the deployment phase, they would snowball during any actual maneuver warfare in eastern Europe. For example, it is entirely imaginable that an operation designed to liberate a Baltic state from a Russian occupation would trespass onto Russian territory to cut off supply lines and possible reinforcements.65 Moscow may or may not simply take NATO’s word that it has no designs on the country’s government. In other words, it might even fear that NATO’s counteroffensive could aspire to regime change in Russia. It may or may not have a clear picture of the kind of attack it is experiencing, as command and control systems would be compromised in the course of conventional battle, quite possibly including those systems commonly used for nuclear weapons.66 I conclude that, for a hypothetical conflict occurring sometime in the near future, enough uncertainties exist to make the outcome of the war somewhat unpredictable. One cannot simply assert that NATO’s numerous advantages guarantee a victory. The Baltics’ exposed geographic location, NATO’s limited means of deploying reinforcements to the region reliably, Russia’s options in domains ranging from cyberspace to outer space, and the possible use of nuclear weapons even in just a limited, tactical role make it uncertain that NATO could confidently expect victory despite collectively outspending Russia by more than ten to one in the military arena. For example, it is not clear that the United States could safely send most of its major ocean transport vessels to ports of debarkation and unload supplies there in the face of a conventional military threat. And if it lost a substantial fraction of its top-line supplies and ships to Russian attacks in its first attempt, the United States might need time to prepare for a second effort, which might then have to begin further west in Europe where disembarking and marshaling of forces could be carried out more safely, before those forces gradually made their way eastward. NATO would probably win such a conventional war, but it could take many months or even years. And even then, the deep uncertainties associated with possible nuclear escalation make it unclear whether victory could even be meaningful. Few would say that a few thousand square kilometers of Baltic territory logically warrant nuclear risks. But human beings are not always logical. Nuclear brinkmanship over a limited-war scenario in eastern Europe would not be unthinkable, based on what we know of history and human nature. And if nuclear weapons were ever used, even in small numbers at first, all bets are off as to where and how the conflict would end.

## Heritage Adv

### 1NC – Resources

**Space resources are projected to run out in 60 years – means their impact inevitable either way  
Khan 19** Sieeka Khan [Providing the latest research, discoveries and scientific breakthroughs for science enthusiasts.], 5-15-2019, "Space Mining Could Ruin Our Solar System, Researchers Warn," Science Times, <https://www.sciencetimes.com/articles/21813/20190515/space-mining-could-ruin-our-solar-system-researchers-warn.htm> DD AG

The government has been passing laws regarding the protection of the Earth's most vulnerable places from the ravages of different industries, but a new study suggests **that our planet is not the only one that needs protecting** from human exploitation. A study published on April 16 in the journal Acta Astronautica makes a case for designating **at least 85% of the solar system should be protected** wilderness similar to the Earth's national parks. This leaves just 1/8th of moons, asteroids and eligible planets free to be mined or developed by human interest.In the study, it mention **if the growth of space economy is similar to the exponential growth of terrestrial economies since the Industrial Revolution, then humans could deplete the solar system of all its iron, water and other resources that are mineable, in a matter of centuries. This could potentially leave the solar system all dried up in just 500 years.** "On a timescale of less than a millennium **we could have super-exploitation of the entire solar system out to its most distant edges," the authors wrote. "**Then, we are done." **Limiting the exploitation of resources on other planets now, before the space economy progresses, is needed to avoid what the authors call "a crisis of potentially catastrophic proportions".** Limiting the galactic consumption to 1/8th of the available resources may sound like a bad deal, but space is a huge place and even a small fraction of our solar system's bounty could set humans up for generations."One-eighth of the iron in the asteroid belt is more than a million times greater than all of the Earth's currently estimated iron ore reserves," the authors wrote, "and it may well suffice for centuries." The researchers looked at the estimated iron use on Earth since the beginning of the Industrial Revolution and come up with the "1/8th principle". According to a survey in 1994 regarding the environmental impacts of the revolution, the global production of crude iron increased from half a million tons in 1800 to half a billion tons of steel produced in 1994. This rate is equivalent to the world's iron production doubling once every 20 years. The new data from the U.S Geological Survey supports this estimate as the world's iron production increased from 1 billion tons in 994 to 2.2 billion tons in 2016.If humans show the same level of industriousness when mining the resources on moons, asteroids and nearby planets, we could reach the hypothetical 1/8th point after 400 years. If the production continues to double every 20 years after **that, all of the resources in the solar system would be depleted in just 60 years**. This would give humans 60 years to change from a space resource-based economy to an unhopeful prospect, given the nonchalant response to the current environmental crises that we are facing, such as climate change and population growth.

#### No shortage and markets adjust—best sources

Jason Miklian 11, researcher at the Peace Research Institute Oslo, January 21, 2011, “I Was a Rare Earths Day Trader,” online: <http://www.foreignpolicy.com/articles/2011/01/21/i_was_a_rare_earths_day_trader?page=full>

Cooler heads have weighed in on rare earths, but since the frenzy began they've largely been ignored. Six months before the China-Japan incident, the U.S. Geological Survey issued a report showing that the world has a 1,000-year global supply ofproven rare-earth reserves, 63 of them outside China. The U.S. Defense Department released its own assessment in November saying that the national security implications of China's rare-earth lockdown -- a key factor in the initial burst of panic -- had been overblown. Demand for rare earths, meanwhile, is almost totally inelastic, and the market is already adjusting to concerns over a Chinese monopoly. The big buyers in Japan started importing from India and Vietnam three years ago, and Molycorp alone may be delivering more than six times what the United States needs by 2012.

#### China uses space coop to bolster perception of credible leadership – that causes nuclear war and conventional conflict in the SCS

Fisher 15 Richard D. Fisher 2-8-2015 “China’s Military Ambitions in Space and America’s Response” <http://www.uscc.gov/sites/default/files/Fisher_Testimony_2.18.15.pdf> (President of Pacific Strategies, Inc)//Elmer

As with the former Soviet Union, China’s pursuit of regional and then global military power is not rooted in an existential threat, but in the CCP’s fears for its power position. This requires a CCP-led “rejuvenation” of China, entailing mobilization for greater power, ever more control over its own people, and then increasing control over others. Another result is China’s choice to be hostile to Western rules or concepts that may constrain China’s power. This justifies an essential Chinese rejection of American or Western conceptions of transparency and restraint, or verifiable weapons control in space which might constrain its power. This mirrors the CCP/PLA’s repeated refusal of U.S. requests to consider real nuclear weapons transparency and control, transparency over its nuclear and missile exports, and --from many of its neighbors and Washington -- fair settlement of territorial disputes which threaten war. The latter, especially in the South China Sea, is instructive. As it has gained military power in the South China Sea, China has sought to change the strategic environment and dictate new rules to increase its security at the expense of others. Once it gains commanding strength and position in space, will China do the same? For the United States, cooperation with China in space may yield some benefits, but it likely will have little impact on the direction and severity of terrestrial conflicts which will dominate relations with China. One can see the value of meeting with Chinese space officials, especially higher CCP and PLA leaders, to advance concerns over their actions in space and to promote transparency. But at this juncture, before China has achieved levels of “space dominance”, it is crucial to link any real cooperation with China to its behavior in space and elsewhere which threatens U.S. security. Furthermore, allowing China increasing access to U.S. space technology, space corporations, or government institutions at this time presents two risks. First it could encourage China to advance an illusion of cooperation with the U.S. and the West while differences on Earth become sharper. This could become useful for Beijing to deflect criticism on other issues, or even to obtain leverage over U.S. options and actions. Second, as has been proven repeatedly, China will exploit any new access for espionage gains to strengthen its own space and military sectors. 2 China’s increasing space power, however, like its growing economic and political power, cannot be “contained.” Russia appears ready to greatly expand space and military cooperation with China as part of a larger strategic alignment, while the European Space Agency is edging toward greater cooperation with China. These attractions may only increase if China has the only LEO manned space station in the mid-2020s. Already a top commercial space service and technology provider, China will use its gathering space diplomacy tools to aid its pursuit of economic, political and military influence in critical regions like Africa and Latin America. The challenge for the United States is to maintain the means to compete with China in space both in military and non-military endeavors. China’s potential for developing new space combat systems means the U.S. must be able to rapidly develop appropriate deterrent capabilities. There should also be a more developed U.S. capability to rapidly repopulate satellite systems taken down by PLA attacks, and there should be more terrestrial or airborne systems to compensate for lost navigation, communication and surveillance satellites. In addition, as the PLA moves substantially out to deep space, the Moon, or to the Lagrangian Points, it will be necessary for the U.S. to consider a compensating presence that is affordable, attractive to a coalition of democracies, and helps to deter China from seeking strategic advantage. Strategic priorities would suggest that a presence on or near the Moon is of greater importance than going to Mars. A multinational government-private presence on the Moon is one option, as is the likely less expensive option of a far cis-lunar presence to further develop manned deep space capabilities. As was the case with the former Soviet Union, relative peace on Earth or in space will not truly be possible until China evolves beyond its Leninist dictatorship. In its final years, the Soviet Union was on the cusp of deploying multiple space combat systems despite years of U.S.-Soviet space diplomacy. Real space cooperation between Russia the West became possible only after the fall of the Soviet Union, and may again become threatened by Russia’s slide into authoritarian aggression. Substantive cooperation with China in space offers no assurance that China will change its threatening behaviors on Earth or in space, but does create opportunities for China to exploit U.S. and Western space technology to gain potential military advantages.

#### No water wars

* Most water crises don’t cause conflict
* Often results in collaboration through water sharing agreement development
* Main causation for water wars is weak institutional capacity and political and economic dynamics

Gleick 18 [Peter Gleick, MacArthur “Genius” Fellowship and was elected to the U.S. National Academy of Sciences, world-renowned expert, innovator, and communicator on water and climate issues, cofounded the Pacific Institute, which he led as president until mid-2016, pHd from UC Berkeley, and Charles Iceland, s Director, Global and National Water Initiatives with WRI’s Food, Forests, and Water Programs, “Water, Security, & Conflict”, https://pacinst.org/wp-content/uploads/2018/08/Water-Security-and-Conflict\_Aug-2018-2.pdf]

3.2. The Role of Governance in Water Security

Most water crises do not end in conflict, migration, or acute food insecurity. Instead, people muddle through until the crises recede. Some crises even generate cooperation among local or regional parties. Understanding why water crises lead to adverse outcomes in some places and better outcomes in others will help inform strategies for reducing the risks of conflict. Why, for example, did Syria sink into civil war following a record-breaking five-year drought, while .Iordan and Lebanon avoided strife

following that same drought (Adams et al. 2018)? This requires integrating analyses of meteorological and resource-related events with the diverse social, political, and economic dynamics at play.

We can postulate—based on research conducted by Wolf and his colleagues (2003) on transboundary basins— that when rapid change, either on the institutional side or in the physical system, outpaces the institutional capacity to absorb that change, the stage is set for possible water insecurity. Therefore, when we go looking for water insecurity, we need to be on the lookout for large-scale water-related change and low capacity to handle such change (this Is what the Water, Peace, and Security [WPS] consortium is attempting to do via the development of a near realtime global early warning system for potential water-related threats to human security—more on this further on in this brief).

## Norming Adv

### NC – Norms Fail

#### It’s all resilient – everyone has a vested interest in preserving conflict norms

Tatum 17 [Dillon Stone Tatum, Assistant Professor in the Department of Political Science and Geography at Francis Marion University, Duck of Minerva, May 9, 2017, “Is the Liberal World Order Finished?”, http://duckofminerva.com/2017/05/is-the-liberal-world-order-finished.html#more-30758]

First, liberal world order has a much longer history than it is given credit for. Scholars of liberal empire have traced this idea of global international order to the nineteenth century, and perhaps even earlier. Beate Jahn’s new book on liberal internationalism traces these ideas back to John Locke in the seventeenth century, and Duncan Bell’s impressive new collection of essays on liberal empire shows not just the intellectual development of liberal order in the nineteenth century, but also the way that liberalism was an important component of empire. Liberal order has a long history that is not limited to just the institutions of the post-1945 period.

Second, though liberal world order today looks significantly different from the nineteenth century, many of its central components remain intact. Liberal world order has almost always been constituted around three big themes: civilization and progress, opposition to totalitarianism, and a general concern with global development of underdeveloped societies. While post-1945 institutions often associated with this liberal world order fulfill other important functions, the ideas that underlie them have been a central feature of world politics for centuries. These ideas, and institutions, are not as fragile as analysts might have us believe.

Third, liberal world order has never been based on consensus. Nineteenth century liberal empire hosted a variety of contradictory and competing visions. American visions of liberal order in the late-nineteenth and early twentieth centuries, as well, were in consistent conflict with European understandings—often understandings based on reconsiderations of empire. And, as my own research has shown, the post-1945 period saw big divisions emerge between developmental liberals obsessed with the spread of democracy, and more “minimalist” liberals: who worried that a “crusading” liberalism shared similarities to the very same totalitarianisms that WWII was fought over. The assumption underlying arguments about the decline of liberal world order today depend on the idea that there is one liberal world order, one vision, one framework. This has never been the case.

What this demonstrates, rather conspicuously, is that liberal world order has weathered significant storms. More than that, our praise of the values of a liberal international system often ignores the historical connection between liberalism on the one hand, and empire, war, and racism on the other. Democratic peace theory suggests that democracies do not go to war with each other, but liberal visions of world politics have.

### NC – AT: Space War

#### No space war – it’s hype and systems are redundant

Johnson-Freese and Hitchens 16 [Dr. Joan Johnson-Freese is a member of the Breaking Defense Board of Contributors, a Professor of National Security Affairs at the Naval War College and author of Space Warfare in the 21st Century: Arming the Heavens. Views expressed are those of the author alone. Theresa Hitchens is a Senior Research Scholar at the Center for International and Security Studies at Maryland (CISSM), and the former Director of the United Nations Institute for Disarmament Research (UNIDIR) in Geneva, Switzerland. Stop The Fearmongering Over War In Space: The Sky’s Not Falling, Part 1. December 27, 2016. https://breakingdefense.com/2016/12/stop-the-fearmongering-over-war-in-space-the-skys-not-falling-part-1/]

In the last two years, we’ve seen rising hysteria over a future war in space. Fanning the flames are not only dire assessments from the US military, but also breathless coverage from a cooperative and credulous press. This reporting doesn’t only muddy public debate over whether we really need expensive systems. It could also become a self-fulfilling prophecy. The irony is that nothing makes the currently slim possibility of war in space more likely than fearmongering over the threat of war in space.

Two television programs in the past two years show how egregious this fearmongering can get. In April 2015, the CBS show 60 Minutes ran a segment called “The Battle Above.” In an interview with General John Hyten, the then-chief of U.S. Air Force Space Command, it came across loud and clear that the United States was being forced to prepare for a battle in space — specifically against China — that it really didn’t want.

It was explained by Hyten and other guests that China is building a considerable amount of hardware and accumulating significant know-how regarding space, all threatening to space assets Americans depend on every day. If viewers weren’t frightened after watching the segment, it wasn’t for lack of trying on the part of CBS.

Using terms like “offensive counterspace” as a 1984 NewSpeak euphemism for “weapons,” it was made clear that the United States had no choice but to spend billions of dollars on offensive counterspace technology to not just thwart the Chinese threat, but control and dominate space. While it didn’t actually distort facts — just omit facts about current U.S. space capabilities — the segment was basically a cost-free commercial for the military-industrial complex.

In retrospect though, “The Battle Above” was pretty good compared to CNN’s recent special, War in Space: The Next Battlefield. The latter might as well have been called Sharknado in Space – because the only far-out weapons technology our potential adversaries don’t have, according to the broadcast, seems to be “sharks with frickin’ laser beams attached to their heads!”

First, CNN needs to hire some fact checkers. Saying “unlike its adversaries, the U.S. has not yet weaponized space” is deeply misleading, like saying “unlike his political opponents, President-Elect Donald Trump has not sprouted wings and flown away”: A few (admittedly alarming) weapons tests aside, no country in the world has yet weaponized space. Contrary to CNN, stock market transactions are not timed nor synchronized through GPS, but a closed system. Cruise missiles can find their targets even without GPS, because they have both GPS and precision inertial measurement units onboard, and IMUs don’t rely on satellite data. Oh, and the British rock group Pink Floyd holds the only claim to the Dark Side of the Moon: There is a “far side” of the Moon — the side always turned away from the Earth — but not a “dark side” — which would be a side always turned away from the Sun.

More nefariously, the segment sensationalized nuggets of truth within a barrage of half-truths, backed by a heavy bass, dramatic soundtrack (and gravelly-voiced reporter Jim Sciutto) and accompanied by sexy and scary visuals.

Make no mistake there are dangers in space, and the United States has the most to lose if space assets are lost. The question is how best to protect them. Here are a few facts CNN omitted.

The Reality

The U.S. has all of the technologies described on the CNN segment and deemed potentially offensive: maneuverable satellites, nano-satellites, lasers, jamming capabilities, robotic arms, ballistic missiles that can be used as anti-satellite weapons, etc. In fact, the United States is more technologically advanced than other countries in both military and commercial space.

That technological superiority scares other countries; just as the U.S. military space community is scared of other countries obtaining those technologies in the future. The U.S. military space budget is more than 10 times greater than that of all the countries in the world combined. That also causes other countries concern.

More unsettling still, the United States has long been leery of treaty-based efforts to constrain a potential arms race in outer space, as supported by nearly every other country in the world for decades. Indeed, under the administration of George W. Bush, the U.S. talking points centered on the mantra “there is no arms race in outer space,” so there is no need for diplomat instruments to constrain one. Now, a decade later, the U.S. military – backed by the Intelligence Community which operates the nation’s spy satellites – seems to be shouting to the rooftops that the United States is in danger of losing the space arms race already begun by its potential adversaries. The underlying assumption — a convenient one for advocates of more military spending — is that now there is nothing that diplomacy can do.

However, it must be remembered that most space-related technologies – with the exception of ballistic missiles and dedicated jammers – have both military and civil/commercial uses; both benign — indeed, helpful — and nefarious uses. For example, giving satellites the ability to maneuver on orbit can allow useful inspections of ailing satellites and possibly even repairs.

Further, the United States is not unable to protect its satellites, as repeated during the CNN broadcast by various interviewees and the host. Many U.S. government-owned satellites, including precious spy satellites, have capabilities to maneuver. Many are hardened against electro-magnetic p

ulse, sport “shutters” to protect optical “eyes” from solar flares and lasers, and use radio frequency hopping to resist jamming.

Offensive weapons, deployed on the ground to attack satellites, or in space, are not a silver bullet. To the contrary, U.S. deployment of such weapons may actually be detrimental to U.S. and international security in space (as we argued in a recent Atlantic Council publication, Towards a New National Security Space Strategy). Further, there are benefits to efforts started by the Obama Administration to find diplomatic tools to restrain and constrain dangerous military activities in space.

These diplomatic efforts, however, would be undercut by a full-out U.S. pursuit of “space dominance.” This includes dialogue with China, the lack of which Gen. William Shelton, retired commander of Air Force Space Command, lamented in the CNN report.

Given CNN’s “cast,” the spin was not surprising. Starting with Ghost Fleet author Peter Singer set the sensationalist tone, which never altered. The apocalyptic opening, inspired by Ghost Fleet, posited a scenario where all U.S. satellites are taken off-line in nearly one fell swoop. Unless we are talking about an alien invasion, that scenario is nigh on impossible. No potential adversary has such capabilities, nor will they ever likely do so. There is just too much redundancy in the system.