# 1NC vs Harker AM

## 1NC

### 1

#### A] Interpretation: On the 2022 January February LD Topic, the affirmative may not gain offense from outside the scope of the resolution.

#### SS in the doc –

A screenshot of a computer

Description automatically generated with medium confidence

#### Actor – the resolution does not have a rational agent capable of making decisions – it only indicates the resolution as a general principle. That makes the resolution a values question since policymaking requires an actor to pass.

#### B] Violation: They defend implementation with a state actor.

#### C] Standards:

#### 1] Textuality –

#### 2] Predictability

#### D] Voter:

### 2

#### A] Interpretation: If the affirmative defends anything other than “The appropriation of outer space by private entities is unjust.,” then they must provide a counter-solvency advocate for their specific advocacy. *(To clarify, you must have an author that states we should not do your aff, insofar as the aff is not a whole res phil aff)*

#### B] Violation:

#### C] Standards:

#### 1] Fairness – This is a litmus test to determining whether your aff is fair –

#### a) Ground

#### b) Limits –

### 3

#### Desire from lack projects identity which we can never fully reach which urges the political to determine which identities are legitimate. Thus, the role of the ballot is to vote for the debater with the best method of traversing the fantasy.

**Edelman 04** (Lee Edelman, No Future: Queer Theory and the Death Drive, 2004, Duke University Press, p. 7-9) SJCP//JG

Like the network of signifying relations that forms the Lacanian Sym-bolic —the register of the speaking subject and the order of the law—politics may function as the framework within which we experience so-cial reality, but only insofar as it compels us to experience that reality in the form of a fantasy: the fantasy, precisely, of form as such, of an order, an organization, that assures the stability of our identities as sub-jects and the coherence of the Imaginary totalizations through which those identities appear to us in recognizable form. Though the material conditions of human experience may indeed be at stake in the various conflicts by means of which differing political perspectives vie for the power to name, and by naming to shape, our collective reality, the cease-less conflict of their social visions conceals their common will to install, and to install as reality itself, one libidinally subtended fantasy or another intended to screen out the emptiness that the signifier embeds at the core of the symbolic. Politics, to put this another way, names the space in which Imaginary relations, relations that hark back to a misrecognition of the self as enjoying some originary access to presence (a presence retroactively posited and therefore lost, one might say, from the start), compete for Symbolic fulfillment, for actualization in the realm of language to which subjectification subjects us all. Only the mediation of the signifier allows us to articulate those Imaginary relations, though always at the price of introducing the distance that precludes their realization: the distance inherent in the chain of ceaseless deferrals and substitutions to which language as a system of differences necessarily gives birth. The signifier, as alienating and meaningless token of our Symbolic constitution as subjects (as token, that is, of our subjectification through subjection to the prospect of meaning); the signifier, by means of which we always inhabit the order of the Other, the order of a social and linguistic reality articulated from somewhere; the signifier, which calls us into meaning by seeming call us to ourselves: this signifier only bestows a sort of promissory identity, one with which we can never succeed in fully coinciding because we, as subjects of the signifier, can only, be signifiers ourselves, can only ever aspire to catch up to [be what] whatever it is we might signify by closing the gap that divides us and, paradoxically, makes us subjects through that act of division alone. This structural inability of the subject to merge with the self for which it sees itself as a signifier in the eyes of the Other necessitates various strategies designed to suture the subject in the space of meaning where Symbolic and Imaginary overlap. Politics names the social enactment of the subject's attempt to establish the conditions for this impossible consolidation by identifying with something outside of itself in order to enter the presence, deferred perpetually, of itself. Politics, that is, names the struggle to effect a fantasmic order of reality in which the subject's alienation would vanish into the seamlessness of identity at the endpoint of the endless chain of signifiers lived as history. If politics in the Symbolic is always therefore a politics of the Symbolic, operating in the name and in the direction of a constantly anticipated futurity, then the telos that would, in fantasy, put an end to these deferrals, the presence toward which the metonymic chain of signifiers always aims, must be recognized, nonetheless, as belonging to an Imaginary past. This means not only that politics conforms to the temporality of desire, to what we might call the inevitable historicity of desire- the successive displacements forward of nodes of attachment as figures of meaning, points of intense metaphoric investment, produced in the hope, however vain, of filling the constitutive gap in the subject that the signifier necessarily installs- but also that politics is name for the temporalization of desire, for its translation into a narrative, for its teleological determination. Politics, that is, by externalizing and configuring in the fictive form of a narrative, allegorizes or elaborates sequentially, precisely as desire, those overdeterminations of libidinal positions and inconsistencies of psychic defenses occasioned by what disarticulates the narrativity of desire: the drives, themselves intractable, unassimilable to the logic of interpretation or the demands of meaning-production; the drives that carry the destabilizing force of what insists outside or beyond, because foreclosed by, signification.

#### **Politics and futurism is built on the premise that any negation of the signifier of the child is essential in order to fulfill desire from lack which deems queerness out of the political – the impact is reproductive futurism which is a system of structural overkill that places queerness in a position of ontological exclusion.** They don’t get to weigh case – if we win their starting point is violent, they don’t get to weigh their end point since we indict the process of how they got there – serves as a link and indict.

**Edelman 2** (Lee Edelman, No Future: Queer Theory and the Death Drive, 2004, Duke University Press, p. 10-13) SJCP//JG

This surplus, compelling the Symbolic to enact a perpetual repeti- tion, remains specirai, "unreal," or impossible insofar as it insists out-side the logic of meaning that, nonetheless, produces it The drive holds the place of what meaning misses in much the same way that the signi-fier preserves at the heart of the signifying order the empty and arbitrary letter, the meaningless substrate of signification that meaning intends to conceal. Politics, then, in opposing itself to the negativity of such a drive, gives us history as the continuous staging of our dream of eventual self-realization by endlessly reconstructing, in the mirror of desire, what we take to be reality itself. And it does so without letting us acknowledge that the future, to which it persistently appeals, marks the impossible place of an Imaginary past exempt from the deferrals intrinsic to the operation of the signifying chain and projected ahead as the site at which being and meaning are joined as One. In this it enacts the formal repetition distinctive of the drive while representing itself as bringing to fulfillment the narrative sequence of history and, with it, of desire, in the realization of the subject's authentic presence in the Child imagined as enjoying unmediated access to Imaginary wholeness. Small wonder that the era of the universal subject should produce as the very figure of politics, because also as the embodiment of futurity collapsing undecidably into the past, the image of the Child as we know it: the Child who becomes, in Wordsworth's phrase, but more punitively, "father of the Man." Historically constructed, as social critics and intellectual historians including Phillipe Aries, James Kincaid, and Lawrence Stone have made clear, to serve as the repository of variously sentimentalized cultural identifications, the Child has come to embody for us the telos of the social order and come to be seen as the one for whom that order is held in perpetual trust. In its coercive universalization, however, the image of the Child, not to be confused with the lived experiences of any historical children, serves to regulate political discourse-to prescribe what will count as political discourse-by compelling such discourse to accede in advance to the reality of a collective future whose figurative status we are never permitted to acknowledge or address. From Delacroix's iconic image of Liberty leading us into a brave new world of revolutionary possibility- her bare breast making each spectator the unweaned Child to whom it's held out while the boy to her left, reproducing her posture, affirms the absolute logic of reproduction itself-to the revolutionary waif in the logo that miniaturizes the "politics" of Les Mis (summed up in its anthem to futurism, the "inspirational" "One Day More"), we are no more able to conceive of a politics without a fantasy of the future than we are able to conceive of a future without the figure of the Child. That figural Child alone embodies the citizen as an ideal, entitled to claim full rights to its future share in the nation's good, though always at the cost of limiting the rights "real" citizens are allowed. For the social order exists to preserve for this universalized subject, this fantasmatic Child, a notional freedom more highly valued than the actuality of freedom itself, which might, after all, put at risk the Child to whom such a freedom falls due. Hence, whatever refuses this mandate by which our political institutions compel the collective reproduction of the Child must appear as a threat not only to the organization of a given social order but also, and far more ominously, to social order as such, insofar as it threatens the logic of futurism on which meaning always depends. So, for example, when D. James, in her novel Children of Men, imagines a future in which the human race has suffered a seemingly absolute loss of the capacity to reproduce, her narrator, Theodore Faron, not only attributes this reversal of biological fortune to the putative crisis of sexual values in late twentieth-century democracies-"Pornography and sexual violence on film, on television, in books, in life had increased and became more explicit but less and less in the West we made love and bred children," he declares-but also gives voice to the ideological truism that governs our investment in the Child as the obligatory token of futurity: "Without the hope of posterity, for our race not for ourselves, without the assurance that we being dead yet live," he later observes, "all pleasures of the mind and senses sometimes seem to me no more than pathetic and crumbling defences shored up against our ruins."12 While this allusion to Eliot's "The Waste Land" may recall another of its well-known lines, one for which we apparently have Eliot's Wife, Vivian, to thank-"What you get married for if you don't want children?"-it also brings out the function of the child as the prop of the secular theology on which our social reality rests: the secular theology that shapes at once the meaning of our collective narratives and our collective narratives of meaning. Charged, after all, with the task of assuring "that we being dead yet live," the Child, as if by nature (more precisely, as the promise of a natural transcendence of the limits of nature itself), exudes the very pathos from which the narrator of The Children of Men recoils when he comes upon it in nonreproductive "pleasures of the mind and senses." For the "pathetic" quality he projectively locates in non-generative sexual enjoyment-enjoyment that he views in the absence of futurity as empty, substitutive, pathological-exposes the fetishistic figurations of the Child that the narrator pits against it as legible in terms identical to those for which enjoyment without "hope of posterity" is peremptorily dismissed: legible, that is, as nothing more than "pathetic and crumbling defences shored up against our ruins." How better to characterize the narrative project of The Children of Men itself, which ends, as anyone not born yesterday surely expects from the start, with the renewal of our barren and dying race through the miracle of birth? After all, as Walter Wangerin Jr., reviewing the book for the New York Times, approvingly noted in a sentence delicately poised between description and performance of the novel's pro-procreative ideology: "If there is a baby, there is a future, there is redemption."13 If, however, there is no baby and, in consequence, no future, then the blame must fall on the fatal lure of sterile, narcissistic enjoyments understood as inherently destructive of meaning and therefore as responsible for the undoing of social organization, collective reality, and, inevitably, life itself.

#### Ignore statistics regarding material progress for queerness – they’re geared at hiding the truth of the situation which means only our ontology claim explains the reality of overkill.

Stanley 11 (Eric Stanley, Near Life, Queer Death: Overkill and Ontological Capture, 2011, p. 5-6) SJCP//JG

Can one find what was not ever there—the missing head of a black queer or the identity of an unnamed transwoman whose body is never claimed? How do we measure the pain of burying generations of those we love or even those we never knew? Brazell’s bloody end asks these questions through its calculus of trauma. This kind of loss orders a precarious orga- nization, a kind of trace of that which was never there, a death that places into jeopardy the category of life itself. The numbers, degrees, locations, kinds, types, and frequency of attacks, the statistical evidence that is meant to prove that a violation really happened, are the legitimizing measures that dictate the ways we are mandated to understand harm. However, statistics as an epistemological project may be another way in which the enormity of antiqueer is disap- peared. Thinking only, or primarily, statistically about antiqueer violence is both a theoretical and a material trap. Although statistical evidence is important to make strong knowledge claims about the severity of violence, “statistics” seem to have a way of ensuring that the head of Brazell is never found. Ironically, because his head has yet to be recovered, the “actual” cause of death cannot be officially determined. Furthermore, this indeter- minate cause of death bars Brazell from being entered into hate crimes statistics. Not yet dead, Brazell has never been counted as a casualty of “hate violence.”13 Currently the FBI, through the Criminal Justice Information Ser- vices (CJIS) Division, collects the only national data on “hate violence.” These data on hate violence (or hate crimes, as they are more commonly called) contain categories for religious, racial, and disability “bias” and antihomosexual (male and female), antibisexual, and antiheterosexual incidents (in the 2008 statistics, 2 percent of reported hate crimes were antiheterosexual incidents, while 1.6 percent were antibisexual).14 This hate violence reporting is optional for local jurisdictions; the FBI collects no statistics on trans/gender variant incidents; and the 2008 statistics report that only ten “victims” experienced “multi-bias” incidents. The 2008 report also counted only 1,706 incidents based on “sexual orienta- tion,” which comprised infractions ranging from vandalism to murder. It would seem misguided at best to suggest that the number 1,706 can really tell us anything about the work of antiqueer violence. Reported attacks on “out” queer folks, such as these data, can of course only work as a swinging signifier for the incalculable referent of the actualized violence. This is not simply a numerical issue; it is a larger question of the friction between measures and effect. Not unlike the structuring lack produced by any representation that offers us, the viewers, the promise of the real, statistics can leave us with only a fragmented copy of what they might index. “Reports” on antiqueer violence, such as the “Hate Crime Statis- tics,” reproduce the same kinds of rhetorical loss along with the actual loss of people that cannot be counted. The quantitative limits of what gets to count as antiqueer violence cannot begin to apprehend the numbers of trans and queer bodies that are collected off cold pavement and highway underpasses, nameless flesh whose stories of brutality never find their way into an official account beyond a few scant notes in a police report of a body of a “man in a dress” discovered.15

#### The alternative is to embrace the death drive – a full affirmation of queer negativity in which we adopt political apostasy and embrace radical queer jouissance.

baedan 12 baedan, 2012, “baedan,” Journal of Queer Nihilism, The Anarchist Library, <https://theanarchistlibrary.org/library/baedan-baedan> SJBE

Leftist notions of reform, progress, tolerance, and social justice always come up against the harsh reality that any progressive development can only mean a more sophisticated system of misery and exploitation; that tolerance means nothing; that justice is an impossibility. Activists, progressive and revolutionary alike, will always respond to our critique of the social order with a demand that we articulate some sort of alternative. Let us say once and for all that we have none to offer. Faced with the system’s seamless integration of all positive projects into itself, we can’t afford to affirm or posit any more alternatives for it to consume. Rather we must realize that our task is infinite, not because we have so much to build but because we have an entire world to destroy. Our daily life is so saturated and structured by capital that it is impossible to imagine a life worth living, except one of revolt. We understand destruction to be necessary, and we desire it in abundance. We have nothing to gain through shame or lack of confidence in these desires. There cannot be freedom in the shadow of prisons, there cannot be human community in the context of commodities, there cannot be self-determination under the reign of a state. This world—the police and armies that defend it, the institutions that constitute it, the architecture that gives it shape, the subjectivities that populate it, the apparatuses that administer its function, the schools that inscribe its ideology, the activism that franticly responds to its crises, the arteries of its circulation and flows, the commodities that define life within it, the communication networks that proliferate it, the information technology that surveils and records it—must be annihilated in every instance, all at once. To shy away from this task, to assure our enemies of our good intentions, is the most crass dishonesty. Anarchy, as with queerness, is most powerful in its negative form. Positive conceptions of these, when they are not simply a quiet acquiescence in the face of a sophisticated and evolving totality of domination, are hopelessly trapped in combat with the details of this totality on its own terms. In No Future, Edelman appropriates and privileges a particular psychoanalytic concept: the death drive. In elaborating the relationship of “queer theory and the death drive” (the subtitle of No Future), he deploys the concept in order to name a force that isn’t specifically tied to queer identity. He argues that the death drive is a constant eruption of disorder from within the symbolic order itself. It is an unnameable and inarticulable tendency for any society to produce the contradictions and forces which can tear that society apart. To avoid getting trapped in Lacanian ideology, we should quickly depart from a purely psychoanalytic framework for understanding this drive. Marxism, to imagine it another way, assures us that a fundamental crisis within the capitalist mode of production guarantees that it will produce its own negation from within itself. Messianic traditions, likewise, hold fast to a faith that the messiah must emerge in the course of daily life to overthrow the horror of history. The most romantic elaborations of anarchism describe the inevitability that individuals will revolt against the banality and alienation of modern life. Cybernetic government operates on the understanding that the illusions of social peace contain a complex and unpredictable series of risks, catastrophes, contagions, events and upheavals to be managed. Each of these contains a kernel of truth, if perhaps in spite of their ideologies. The death drive names that permanent and irreducible element which has and will always produce revolt. Species being, queerness, chaos, willful revolt, the commune, rupture, the Idea, the wild, oppositional defiance disorder—we can give innumerable names to what escapes our ability to describe it. Each of these attempts to term the erratic negation intrinsic to society. Each comes close to theorizing the universal tendency that any civilization will produce its own undoing. Explosions of urban rioting, the prevalence of methods of piracy and expropriation, the hatred of work, gender dysphoria, the inexplicable rise in violent attacks against police officers, self-immolation, non-reproductive sexual practices, irrational sabotage, nihilistic hacker culture, lawless encampments which exist simply for themselves—the death drive is evidenced in each moment that exceeds the social order and begins to rip at its fabric. The symbolic deployment of queerness by the social order is always an attempt to identify the negativity of the death drive, to lock this chaotic potential up in the confines of this or that subjectivity. Foucault’s work is foundational to queer theory in part because of his argument that power must create and then classify antagonistic subjectivities so as to then annihilate any subversive potential within a social body. Homosexuals, gangsters, criminals, immigrants, welfare mothers, transsexuals, women, youth, terrorists, the black bloc, communists, extremists: power is always constructing and defining these antagonistic subjects which must be managed. When the smoke clears after a riot, the state and media apparatuses universally begin to locate such events within the logic of identity, freezing the fluidity of revolt into a handful of subject positions to be imprisoned, or, more sinisterly, organized. Progressivism, with its drive toward inclusion and assimilation, stakes its hope on the social viability of these subjects, on their ability to participate in the daily reproduction of society. In doing so, the ideology of progress functions to trap subversive potential within a particular subject, and then to solicit that subject’s self-repudiation of the danger which they’ve been constructed to represent. This move for social peace fails to eliminate the drive, because despite a whole range of determinisms, there is no subject which can solely and perfectly contain the potential for revolt. The simultaneous attempt at justice must also fail, because the integration of each successive subject position into normative relations necessitates the construction of the next Other to be disciplined or destroyed. Rather than a progressive project which aims to steadily eradicate an emergent chaos over time, our project, located at the threshold of Edelman’s work, bases itself upon the persistent negativity of the death drive. We choose not to establish a place for queers, thereby shifting the structural position of queerness to some other population. We identify with the negativity of the drive, and thereby perform a disidentification away from any identity to be represented or which can beg for rights. Following Edelman further: To figure the undoing of civil society, the death drive of the dominant order, is neither to be nor to become that drive; such a being is not the point. Rather, acceding to that figural position means recognizing and refusing the consequences of grounding reality in denial of that drive. As the death drive dissolves those congealments of identity that permit us to know and survive as ourselves, so the queer must insist on disturbing, on queering, social organization as such—on disturbing, and therefore on queering ourselves and our investment in such organization. For queerness can never define an identity; it can only ever disturb one. And so, when I argue, as I aim to do here, that the burden of queerness is to be located less in the assertion of an oppositional political identity than in opposition to politics as the governing fantasy of realizing identities, I am proposing no platform or position from which queer sexuality or any queer subject might finally and truly become itself, as if it could somehow manage thereby to achieve an essential queerness. I am suggesting instead that the efficacy of queerness, its real strategic value, lies in its resistance to a symbolic reality that only ever invests us as subjects insofar as we invest ourselves in it, clinging to its governing fictions, its persistent sublimations, as reality itself. This negative queerness severs us from any simple understanding of ourselves. More so, it severs us from any formulaic or easily-represented notions of what we need, what we desire, or what is to be done. Our queerness does not imagine a coherent self, and thus cannot agitate for any selves to find their place within civilization. The only queerness that queer sexuality could ever hope to achieve would exist in a total refusal of attempts at the symbolic integration of our sexuality into governing and market structures. This refusal of representation forecloses on any hope that we ever have in identity politics or positive identity projects. We decline the progressive faith in the ability for our bodies to be figured into the symbolic order. We decline the liberal assurance that everything will turn out right, if we just have faith. No, instead we mean to “unleash negativity against the coherence of any self-image, subjecting us to a moral law that evacuates the subject so as to locate it through and in that very act of evacuation, permitting the realization, thereby, of a freedom beyond the boundaries of any image or representation, a freedom that ultimately resides in nothing more than the capacity to advance into emptiness.” A non-identitarian, unrepresentable, unintelligible queer revolt will be purely negative, or it won’t be at all. In the same way, an insurrectionary anarchy must embrace the death drive against all the positivisms afforded by the world it opposes. If we hope to interrupt the ceaseless forward motion of capital and its state, we cannot rely on failed methods. Identity politics, platforms, formal organizations, subcultures, activist campaigns (each being either queer or anarchist) will always arrive at the dead ends of identity and representation. We must flee from these positivities, these models, to instead experiment with the undying negativity of the death drive. Edelman again: The death drive’s immortality, then refers to a persistent negation that offers assurance of nothing at all: neither identity, nor survival, nor any promise of the future. Instead, it insists both on and as the impossibility of Symbolic closure, the absence of any Other to affirm the Symbolic order’s truth and hence the illusory status of meaning as defense against the self-negating substance of jouissance… [Queerness] affirms a constant, eruptive jouissance that responds to the inarticulable real, to the impossibility of sexual rapport or of ever being able to signify the relation between the sexes. [Queerness] then, like the death drive, engages, by refusing, the normative stasis, the immobility, of sexuation… breaks down the mortifying structures that give us ourselves as selves and does so with all the force of the Real that such forms must fail to signify… the death drive both evades and undoes representation… the gravediggers of society [are] those who care nothing for the future. We’ll return soon to the concepts of futurity and of jouissance, but to conclude this point, we’ll assert that an insurrectionary process can only be an explosion of negativity against everything that dominates and exploits us, but also against everything that produces us as we are.

### 4

#### The US commercial space industry is booming – private space companies are driving innovation

**Lindzon 2/23** [(Jared Lindzon, A FREELANCE JOURNALIST AND PUBLIC SPEAKER BORN, RAISED AND BASED IN TORONTO, CANADA. LINDZON'S WRITING FOCUSES ON THE FUTURE OF WORK AND TALENT AS IT RELATES TO TECHNOLOGICAL INNOVATION) "How Jeff Bezos and Elon Musk are ushering in a new era of space startups," Fast Company, 2/23/21, https://www.fastcompany.com/90606811/jeff-bezos-blue-origin-elon-musk-spaces-space] TDI

In early February, Jeff Bezos, the founder of Amazon and one of the planet’s wealthiest entrepreneurs, dropped the bombshell announcement that he would be stepping down as CEO to free up more time for his other passions. Though Bezos listed a few targets for his creativity and energy—The Washington Post and philanthropy through the Bezos Earth Fund and Bezos Day One Fund—one of the highest-potential areas is his renewed commitment and focus on his suborbital spaceflight project, Blue Origin. Before space became a frontier for innovation and development for privately held companies, opportunities were limited to nation states and the private defense contractors who supported them. In recent years, however, billionaires such as Bezos, Elon Musk, and Richard Branson have lowered the barrier to entry. Since the launch of its first rocket, Falcon 1, in September of 2008, Musk’s commercial space transportation company SpaceX has gradually but significantly reduced the cost and complexity of innovation beyond the Earth’s atmosphere. With Bezos’s announcement, many in the space sector are excited by the prospect of those barriers being lowered even further, creating a new wave of innovation in its wake. “What I want to achieve with Blue Origin is to build the heavy-lifting infrastructure that allows for the kind of dynamic, entrepreneurial explosion of thousands of companies in space that I have witnessed over the last 21 years on the internet,” Bezos said during the Vanity Fair New Establishment Summit in 2016. During the event, Bezos explained how the creation of Amazon was only possible thanks to the billions of dollars spent on critical infrastructure—such as the postal service, electronic payment systems, and the internet itself—in the decades prior. “On the internet today, two kids in their dorm room can reinvent an industry, because the heavy-lifting infrastructure is in place for that,” he continued. “Two kids in their dorm room can’t do anything interesting in space. . . . I’m using my Amazon winnings to do a new piece of heavy-lifting infrastructure, which is low-cost access to space.” In the less than 20 years since the launch of SpaceX’s first rocket, space has gone from a domain reserved for nation states and the world’s wealthiest individuals to everyday innovators and entrepreneurs. Today, building a space startup isn’t rocket science. THE NEXT FRONTIER FOR ENTREPRENEURSHIP According to the latest Space Investment Quarterly report published by Space Capital, the fourth quarter of 2020 saw a record $5.7 billion invested into 80 space-related companies, bringing the year’s total capital investments in space innovation to more than $25 billion. Overall, more than $177 billion of equity investments have been made in 1,343 individual companies in the space economy over the past 10 years. “It’s kind of crazy how quickly things have picked up; 10 years ago when SpaceX launched their first customer they removed the barriers to entry, and we’ve seen all this innovation and capital flood in,” says Chad Anderson, the managing partner of Space Capital. “We’re on an exponential curve here. Every week that goes by we’re picking up the pace.”

#### The plan creates a restriction that encourages companies to move their operations to states with lower standards where their regulation does not apply

Albert 14 [(Caley Albert, J.D. Loyola Marymount University) “Liability in International Law and the Ramifications on Commercial Space Launches and Space Tourism,” Loyola of Los Angeles International and Comparative Law Review, 11/1/14, <https://digitalcommons.lmu.edu/cgi/viewcontent.cgi?article=1708&context=ilr>] TDI

A parallel can be drawn here between the commercial space industry and the maritime law concept of the Flag of Convenience. The term has evolved over time, but in this day and age, it is commonly used to mean the owner of a vessel does not want to create an obligation with a country with stricter standards for registry; hence, the owner will register strictly for economic reasons with a country that has a more convenient registry.133 By flying a Flag of Convenience, ship owners are able to avoid taxation on earnings of ships registered under these flags, and in some cases, they can also receive relief from stricter crew standards and corresponding operating costs.134 A Flag of Convenience is flown by a vessel that is registered in one state, which the vessel has little if any connection to, when in reality the vessel is owned and operated from another state.135 This way the vessel avoids any unfavorable economic requirements from its true home state.136 In this sense, “flag shopping” is similar to “launch forum shopping,” similar in that Flags of Convenience are utilized for economic reasons, such as to avoid high taxes and compliance with certain restrictive international conventions, commercial space companies will forum shop when choosing which country to launch from. As of today, there has yet to be a catastrophic commercial launch incident, so for now commercial space companies do not have an incentive to forum shop, but if there is, the indemnification policies described above may lead companies to seek out countries that provide more coverage so they pay less in the event something goes wrong. This comparison to Flags of Convenience brings up two separate yet equally important issues. First, launch companies may try to follow the Flags of Convenience model and soon catch on to the wisdom of their maritime predecessors by “registering” in countries with more favorable conditions. Of course, in this case the concern is not with registration so much as launching. If launch companies follow the Flags of Convenience model, they will seek out the most convenient state for launch, most likely the state that provides the most liability coverage and has the least safety precautions. Launching from states with low safety standards increases the potential for catastrophic launch events. This, in turn, will place states that are potentially incapable of paying for damages from launch disasters in a position they would not normally assume if these commercial companies had not been drawn to their shores with the promise of more favorable regulations. Second, launch customers may also seek out companies located in states with lower cost liability regimes (lower insurance policy limits) since those companies will presumably charge less to launch their payloads. In this scenario, instead of the launch companies seeking out states with lower liability caps and softer regulations, the launch customers themselves will seek companies located in states with lowcost liability regimes. Here, the effect will be the same as above. Under the Liability Convention, the launching state will be liable for any damage caused by a vehicle launched from within its borders; hence, if customers start engaging in “launch forum shopping,” states will be incentivized to put in place low-cost liability regimes, which in turn will increase the states’ potential payout in the event of a catastrophic launch incident. Looking at the indemnification program the United States has in place in comparison to other countries, it is possible to see how either launch companies or launch customers could engage in “launch forum shopping” when a catastrophic launch incident ever occur. It is also important to keep in mind that various factors go into where a company or customer decides to launch from. A state’s indemnification program is just one factor in this decision. With this in mind, it is clear that if a launch incident did occur in the United States, the commercial launch company would be liable for much more than it would in another country. For instance, why would a commercial space company launch in the United States, where it would be liable up to $500 million and the additional costs that the government would not cover? The argument can be made that a catastrophic space incident has yet to occur, and even if it did, it is unlikely to cost above the $2.7 billion covered by the United States government. Other states like Russia or France, which has the two-tier liability system, would simply cover all claims above the initial insurance, which is much lower than the $500 million mark required by the United States. In that case, the commercial company would never have to pay more than the initial liability insurance. If there ever is a catastrophic commercial space incident in the future, it is easy to see why commercial companies or launch customers might be drawn to “launch forum shop” outside the United States.

#### Maintaining US space dominance requires a homegrown commercial space industry – private companies offshoring gives China the advantage they need

**Cahan and Sadat 21** [(Bruce Cahan, J.D) (Dr. Mir Sadat, ) "US Space Policies for the New Space Age: Competing on the Final Economic Frontier," based on Proceedings from State of the Space Industrial Base 2020 Sponsored by United States Space Force, Defense Innovation Unit, United States Air Force Research Laboratory, 1/6/21, https://www.politico.com/f/?id=00000177-9349-d713-a777-d7cfce4b0000] TDI

Today, China’s commercial space sector is in its infancy but is set to grow with continued national and provincial support, which have been rapidly increasing over the past three years.64 Since 2004, the United States and China accounted for 74% of the $135.2 billion venture capital (VC) invested in commercial space. 65 The early 2020s are pivotal, as it would be far cheaper for China and Chinese commercial space firms to acquire space technologies from the United States or allied nation companies seeking revenues or facing cashflow constraints, than to build the companies and their teams and technologies from scratch in China. The tight coupling of Chinese military goals and an economy organized to achieve those goals magnifies the economic threats and market disruptions that the United States must immediately address, in order for DoD and national security operations to rely on US commercial space capabilities. 3. ISSUES AND CHALLENGES Peaceful Uses of Space and Space Exploration Space has been primarily a shared, not a warfighting, domain.67 With each passing second of Planck time,68 space enables a modern way of life, provides instantaneous global imagery, assures telecommunications, and captures humanity’s imagination for civil space exploration. As a result, space is a burgeoning marketplace and territory for commercial ventures and investors. Strengthening the US commercial space industrial base is vital to and beyond US national security. Civil space activities are a source of US “soft power” in global commerce, cooperation, and investment. 69 The civil space sector, led by NASA, is fundamental to America’s national security. 70 NASA is on an ambitious critical path to return to the Moon by 2024,71 along with developing the capabilities and infrastructure for a sustained lunar presence. NASA’s lunar plans provide a lunar staging area for missions to Mars and beyond. They offer a strategic and economic presence for the United States on the Moon. Congress, the White House, DoD, and NASA must recognize that economic and strategic dominance in service of national security requires catalyzing and accelerating growth of a vibrant, private US industrial and cultural expansion into the Solar System. Human visitation and eventual settlement beyond the Earth require sustaining visionary leaders, aided by, and aiding, US national security. A recurring theme in US policy is “maintaining and advancing United States dominance and strategic leadership in space” because US global competitors and adversaries are competent and capable of outpacing American space capabilities. 72 The stakes are high: At this historic moment, there is a real race for dominance over cislunar access and resources. Regulations Should Foster US Commercial Space as a National Asset Leveraging the reimagination and disruption of terrestrial industries, the US commercial space industry is pushing the frontiers of the United States and global space economics and capabilities. A pre-COVID19 assessment by the US Chamber of Commerce projected that the US space market will increase from approximately $385 billion in 2020, to at least $1.5 trillion by 2040. 73 This projection represents a seven percent (7%) annual compound average growth rate (CAGR), driven largely by expanded business opportunities in Low Earth Orbit (LEO). Total addressable market (TAM) for US commercial space companies could be far larger were they to have federal and financial support for initiating cislunar space operations and opportunities. Recent advancements in commercial space technologies and business models have driven down costs and unlocked new areas of economic growth and space capabilities that outpace and de-risk acquiring capabilities through traditional US government economic development, research and development (R&D), procurement and regulatory policies and processes. US regulations must ensure that US companies lead in commercial space. In specific, technological advances that lower access costs and expand space mission capabilities, content, continuity, and redundancies must be fully supported by or incorporated into US government programs, budgets, requirements, and acquisition processes. Until commercial space offerings are fully incorporated, and federal acquisition policies and personnel commit to innovation, US government fiscal buying power, intelligence and program support will lag and remain inadequate in comparison to US private sector companies and the nation’s global competitors and adversaries in space. Addressing COVID-19’s Impact on US Commercial Space The COVID-19 pandemic damaged and still challenges the US space industrial base. US domestic investors’ funding of space R&D remains inconsistent across the lifecycle of New Space companies and the spectrum of technologies necessary to grow the space economy. To date, public R&D, government procurements and visionary space entrepreneurs have played a major role in establishing and funding the New Space industrial base. In the last five years, $11 billion of private capital has been invested.74 Traditional private investors may become reluctant to fund space technologies due to perceptions of higher risk over longer time horizons before receiving profitable returns on their capital. Institutional and long-horizon investors who manage patient capital have an appetite for illiquid, but higher yielding, terrestrial alternative asset investments such as commodities, private equity limited partnerships and real estate.75 The COVID-19 pandemic has created economic uncertainties making the New Space’s funding model unreliable. COVID-19 significantly impacted venture capital (VC)-backed companies: the pace of VC space investments fell 85% between April - June, as compared to January – March, in 2020. 76 Pre-COVID-19, the New Space industrial base confronted multiple challenges in raising later stages of venture capital such as (1) the lag between having an early-stage startup with an idea and commercializing a viable revenue-generating product, (2) the lack of market liquidity for founder and private equity space investments to attract and retain talented teams, and (3) the lack of a market to re-sell contracts for space goods and services when customers buy more capacity than needed. Even prior to the COVID-19 pandemic, federal financing of US R&D was at a historically minor level, as compared to businesses and universities.77 US government support for basic research has steadily declined as a percent of GDP. The federal government will experience near- to medium-term budget constraints.78 The vibrant venture community in the United States has taken up a portion of this slack by increasing R&D investment in later-stage and applied research. However, founding teams and VC financing rely on government to fund earlier R&D for basic science and engineering. Therefore, government must resume the sustainable and impactful past levels of support for basic research, an essential role in the space economy’s public-private partnership that ensures US leadership in space. Space as Existential Terrain for National Security In this Digital Era, space integrates and drives all elements of US national security. The Cold War may be over, but since the early 2010s, a renewed era of great power competition has emerged across terrestrial land, air, sea, and cyber domains. This competition extends into space, where a great game ensues.79 Space is no longer an uncontested or sanctuary domain. Competent and capable global competitors and peer adversaries are challenging US military, commercial, and civil space interests. The United States, along with its allies and partners, has had to accept and anticipate that space may be a warfighting domain, as suggested primarily by Russian and Chinese counter-space capabilities, military operations, and declarative statements. On December 20, 2019, the bipartisan National Defense Authorization Act (NDAA) for Fiscal Year 202080 authorized the creation of the US Space Force, under the Department of the Air Force, to secure US national interests in an increasingly contested domain.81 Back in October 1775, the Continental Congress established the US Navy to ensure that commercial and government fleets could freely navigate the Atlantic coastline - today, that includes the South China Sea. Likewise, the USSF’s mission is to ensure unfettered access to and the freedom to operate in space. The 2017 National Security Strategy considers space to be a “priority domain.”82 Freedom of navigation is a sovereign right that nations have fought to achieve and defend. 83 The USSF’s main role is to organize, train and equip, as well as to protecting US space interests and supporting terrestrial and joint warfighters (e.g., US Space Command). Thus, USSF must secure US national interests in space, whether military, commercial, scientific, civil, or enhancing US competitiveness for cislunar leadership.

#### US space dominance prevents global war

**Zubrin 15** [(Robert Zubrin, president of Pioneer Energy, a senior fellow with the Center for Security Policy) “US Space Supremacy is Now Critical,” Space News, 1/22/15, <https://spacenews.com/op-ed-u-s-space-supremacy-now-critical/>] TDI

The United States needs a new national security policy. For the first time in more than 60 years, we face the real possibility of a large-scale conventional war, and we are woefully unprepared. Eastern and Central Europe is now so weakly defended as to virtually invite invasion. The United States is not about to go to nuclear war to defend any foreign country. So deterrence is dead, and, with the German army cut from 12 divisions to three, the British gone from the continent, and American forces down to a 30,000-troop tankless remnant, the only serious and committed ground force that stands between Russia and the Rhine is the Polish army. It’s not enough. Meanwhile, in Asia, the powerful growth of the Chinese economy promises that nation eventual overwhelming numerical force superiority in the region. How can we restore the balance, creating a sufficiently powerful conventional force to deter aggression? It won’t be by matching potential adversaries tank for tank, division for division, replacement for replacement. Rather, the United States must seek to totally outgun them by obtaining a radical technological advantage. This can be done by achieving space supremacy.To grasp the importance of space power, some historical perspective is required. Wars are fought for control of territory. Yet for thousands of years, victory on land has frequently been determined by dominance at sea. In the 20th century, victory on both land and sea almost invariably went to the power that controlled the air. In the 21st century, victory on land, sea or in the air will go to the power that controls space. The critical military importance of space has been obscured by the fact that in the period since the United States has had space assets, all of our wars have been fought against minor powers that we could have defeated without them. Desert Storm has been called the first space war, because the allied forces made extensive use of GPS navigation satellites. However, if they had no such technology at their disposal, the end result would have been just the same. This has given some the impression that space forces are just a frill to real military power — a useful and convenient frill perhaps, but a frill nevertheless. But consider how history might have changed had the Axis of World War II possessed reconnaissance satellites — merely one of many of today’s space-based assets — without the Allies having a matching capability. In that case, the Battle of the Atlantic would have gone to the U-boats, as they would have had infallible intelligence on the location of every convoy. Cut off from oil and other supplies, Britain would have fallen. On the Eastern front, every Soviet tank concentration would have been spotted in advance and wiped out by German air power, as would any surviving British ships or tanks in the Mediterranean and North Africa. In the Pacific, the battle of Midway would have gone very much the other way, as the Japanese would not have wasted their first deadly airstrike on the unsinkable island, but sunk the American carriers instead. With these gone, the remaining cruisers and destroyers in Adm. Frank Jack Fletcher’s fleet would have lacked air cover, and every one of them would have been hunted down and sunk by unopposed and omniscient Japanese air power. With the same certain fate awaiting any American ships that dared venture forth from the West Coast, Hawaii, Australia and New Zealand would then have fallen, and eventually China and India as well. With a monopoly of just one element of space power, the Axis would have won the war. But modern space power involves far more than just reconnaissance satellites. The use of space-based GPS can endow munitions with 100 times greater accuracy, while space-based communications provide an unmatched capability of command and control of forces. Knock out the enemy’s reconnaissance satellites and he is effectively blind. Knock out his comsats and he is deaf. Knock out his navsats and he loses his aim. In any serious future conventional conflict, even between opponents as mismatched as Japan was against the United States — or Poland (with 1,000 tanks) is currently against Russia (with 12,000) — it is space power that will prove decisive. Not only Europe, but the defense of the entire free world hangs upon this matter. For the past 70 years, U.S. Navy carrier task forces have controlled the world’s oceans, first making and then keeping the Pax Americana, which has done so much to secure and advance the human condition over the postwar period. But should there ever be another major conflict, an adversary possessing the ability to locate and target those carriers from space would be able to wipe them out with the push of a button. For this reason, it is imperative that the United States possess space capabilities that are so robust as to not only assure our own ability to operate in and through space, but also be able to comprehensively deny it to others. Space superiority means having better space assets than an opponent. Space supremacy means being able to assert a complete monopoly of such capabilities. The latter is what we must have. If the United States can gain space supremacy, then the capability of any American ally can be multiplied by orders of magnitude, and with the support of the similarly multiplied striking power of our own land- and sea-based air and missile forces be made so formidable as to render any conventional attack unthinkable. On the other hand, should we fail to do so, we will remain so vulnerable as to increasingly invite aggression by ever-more-emboldened revanchist powers. This battle for space supremacy is one we can win. Neither Russia nor China, nor any other potential adversary, can match us in this area if we put our minds to it. We can and must develop ever-more-advanced satellite systems, anti-satellite systems and truly robust space launch and logistics capabilities. Then the next time an aggressor commits an act of war against the United States or a country we are pledged to defend, instead of impotently threatening to limit his tourist visas, we can respond by taking out his satellites, effectively informing him in advance the certainty of defeat should he persist. If we desire peace on Earth, we need to prepare for war in space.

## On Case