## NC Lib (2:15)

## Framework:

I Negate the resolution resolved: The appropriation of outer space by private entities is unjust.

#### My value is justice because of the word just in the resolution.

#### In setting an end, every agent must recognize freedom as a necessary good, Gewirth 84 bracketed for grammar and gendered language

[Alan Gewirth, () "The Ontological Basis of Natural Law: A Critique and an Alternative" American Journal Of Jurisprudence: Vol. 29: Iss. 1 Article 5, 1984, https://scholarship.law.nd.edu/ajj/vol29/iss1/5/, DOA:9-10-2018 // WWBW Recut LHP AV]

Let me briefly sketch the main line of argument that leads to this conclusion. As I have said, the argument is based on the generic features of human action. To begin with, **every agent acts for purposes [t]he[y] regards as good.** Hence, **[t]he[y] must regard as necessary goods the freedom** and well being **that [is]** are the generic features and **necessary conditions of** his **action** and successful action in general. From this, it follows that **every agent logically must hold or accept** that he has **rights to these conditions**. For if he were **to deny** that he has **these rights**, then he **would** have to **admit that it is permissible** for other persons **to remove** from him the very **conditions** of freedom and well-being **that**, as **an agent**, he **must have**. But **it is contradictory** for him **to hold both that [t]he[y] must have these conditions and also that he may not have them.** Hence, on pain of self-contradiction, every agent must accept that he has rights to freedom and well-being. Moreover, **every agent must further admit that all other agents also have those rights, since all other actual or prospective agents have the same general characteristics of agency** on which he must ground his own right-claims. What I am saying, then, is that every agent, simply by virtue of being an agent, must regard his freedom and well being as necessary goods and must hold that he and all other actual or prospective agents have rights to these necessary goods. Hence, every agent, on pain of self-contradiction, must accept the following principle: Act in accord with the generic rights of your recipients as well as of yourself. The generic rights are rights to the generic features of action, freedom, and well-being. I call this the Principle of Generic Consistency (PGC), because it combines the formal consideration of consistency with the material consideration of the generic features and rights of action.

#### Preserving free choice to decide what is best for oneself is the best way to be ethical, because people have differing opinions of what is ethical. Accordingly, my criterion is preserving freedom.

#### People are not merely pawns of society, but real people with goals, dreams, and interests. It’s simply unethical to use one human against their will for the benefit of others. Nozick 74

Nozick 74, Robert Nozick, [American political philosopher, former professor at Harvard University], Anarchy, State, and Utopia, 1974.

**Side** **constraints express the inviolability of other persons**. But why may not one violate persons for the greater social good? **Individually, we each sometimes choose to undergo some pain or sacrifice for a greater benefit or to avoid greater harm: we go to the dentist to avoid worse suffering later; we do some unpleasant work for its results; some persons diet to improve their health or looks; some save money to support themselves when they are older. In each case, some cost is borne for the sake of the greater overall good**. Why not, similarly, hold that some persons have to bear some costs that benefits other persons more, for the sake of the overall social good? **But there is no social entity with a good that undergoes some sacrifice for its own good. There are only individual people, different individual people, with their own individual lives. Using one of these people for the benefit of others, uses him and benefits others. Nothing more**. **What happens is that something is done to him for the sake of others. Talk of an overall social good covers this up.** (Intentionally?) To use a person in this way does not sufficiently respect and take account of the fact that he is a separate person, that **his is the only life he has**. He does not get some overbalancing good from his sacrifice, and **no one is entitled to force this upon him--least of all a state or government that claims his allegiance** (as other individuals do not) **and that therefore scrupulously must be neutral between its citizens.**

#### Individuals have rights, so people must respect your actions and cannot restrict you, meaning the government’s only obligation is to protect rights. Philosophy professor Edward Feser writes:

Feser, Edward, (Professor of Philosophy at Pasadena City College), IEP, <https://www.iep.utm.edu/nozick/>. [ajv].

The various programs of the modern liberal welfare state are thus immoral, not only because they are inefficient and incompetently administered, but because they make slaves of the citizens of such a state. Indeed, **the only** sort of **state that can be moral**lyjustified **is** what Nozick calls a***minimal*** *state*or "night-watchman" state, a government **which protects individuals**, via police and military forces, from force, fraud, and theft, **and administers courts** of law, but does **nothing else**. In particular, such **a state cannot** regulate what citizens eat, drink, or smoke (since this would **interfere with their right to use their** self-owned **bodies** as they see fit), cannot control what they publish **or** read (since this would interfere with their right to use the **property** they've acquired with their self-owned labor- e.g. printing presses and paper - **as they wish**), cannot administer mandatory social insurance schemes or public education (since this would interfere with citizens' rights to use the fruits of their labor as they desire, in that some citizens might decide that they would rather put their money into private education and private retirement plans), and cannot regulate economic life in general via minimum wage and rent control laws and the like (since such actions are not only economically suspect - tending to produce bad unintended consequences like unemployment and housing shortages - but violate citizens' rights to charge whatever they want to for the use of their own property).

#### Prefer –

#### A] performativity – argumentation requires the assumption that freedom is good – else agents would be unable to make arguments

#### B] prerequisite – condoning any action requires condoning the freedom required to take that action – so my theory’s a prerequisite to theirs and my offense acts as a side-constraint to your framework.

#### C] culpability – absent a conception of free will, people can just claim they were acting of desires they can’t control.

#### D] probability – it’s logically contradictory to deny my framework because that would use freedom to do so. Therefore, it’s impossible for my framework to be false

## Contention 1: Rights

#### Appropriation is establishing property rights in something formerly un‐owned

**Dominiak 17**

Łukasz Dominiak (Associate Professor at Nicolaus Copernicus University in Poland; he holds a PhD and habilitation in political philosophy and is a Fellow of the Mises Institute). “Libertarianism and Original Appropriation.” Historia i Polityka, 29/2017: 22. Pp. 43‐56. JDN. https://apcz.umk.pl/HiP/article/view/HiP.2017.026/13714

Ownership1 , or property, on the other hand is a normative concept. To own a thing is to have a right to possess it, i.e. to be in such a juridical position that one’s claim to deal with the thing at will is a justified claim whereas claims of other persons are unjustified or less justified than the owner’s. As Barnett puts it, “rights are those claims a person has to legal enforcement that are justified, on balance, by the full constellation of relevant reasons, whether or not they are actually recognized and enforced by a legal system” (2004). To recognise someone’s ownership is therefore to assert that his possession of a thing is just, rightful, lawful, licit or reasonable etc., is to conclude that he ought to possess the thing if such is his will, even if he actually does not possess it. As Kinsella writes, “ownership is the right to control, use, or possess, while possession is actual control” (2009). Thus, ownership is a threefold normative or juridical relation between the owner, the thing owned and the rest of mankind such as the owner may control the thing to the exclusion of others because he has the best title to do it. Hence, the distinction between possession and ownership is a distinction between factual and normative relation. Having drawn the above distinction between possession and ownership, we are ready to define original appropriation. Thus, original appropriation is acquiring ownership of unowned things. To originally appropriate is to establish property rights, i.e. justified claims to physical things that at the moment of acquisition are unowned. What is important to underline again, is that original appropriation is not about taking factual possession of things that are unpossessed or unowned – this process is called occupation and can be conceived as one of the possible investitive facts that can result in original appropriation but should not be confounded with the latter. Neither is it about acquiring ownership of things already owned. It is about instituting new property rights to unowned things. As Nozick puts it, the topic of “original acquisition of holdings, the appropriation of unheld things includes the issues of how unheld things may come to be held” (2014), i.e. come to be owned. Hence, original appropriation is about creating normative relations between persons and things.

#### Injustice requires someone wronged, but initial acquisition doesn’t violate any entity’s rights– therefore, private appropriation of outer space cannot be unjust, Feser 05:

Edward Feser, [Associate Professor of Philosophy at Pasadena City College] “THERE IS NO SUCH THING AS AN UNJUST INITIAL ACQUISITION,” 2005 //LHP AV

The reason **there is no such thing as an unjust initial acquisition** of resources is that there is no such thing as either a just or an unjust initial acquisition of resources. The concept of **justice**, that is to say, simply **does not apply** to initial acquisition. **It applies only after initial acquisition has already taken place**. In particular, it applies only to transfers of property (and derivatively, to the rectification of injustices in transfer). This, it seems to me, is a clear implication of the assumption (rightly) made by Nozick that **external resources are initially unowned**. Consider the following example. **Suppose** **an individual** **A seeks to acquire some previously unowned resource R**. **For it to be** the case that A commits an **injustice** in acquiring R, it would also have to be the case that **there is some individual** **B** (or perhaps a group of individuals) **against whom A commits the injustice**. **But for B to have been wronged** by A’s acquisi- tion of R, **B would have to have had a rightful claim over R,** **a right to R**. By hypothesis, **however**, **B did not have a right to R, because no one had a right to it—it was unowned, after all**. So B was not wronged and could not have been. In fact, **the very first person who could conceivably be wronged by anyone’s use of R would be, not B, but A himself, since A is the first one to own R**. Such a wrong would in the nature of the case be an injustice in transfer—in unjustly taking from A what is rightfully his—not in initial acquisition. **The same thing, by extension, will be true of all unowned resources: it is only after some- one has initially acquired them that anyone could unjustly come to possess them, via unjust transfer**. It is impossible, then, for there to be any injustices

#### The question of whether it is just or not to appropriate outer space relies on property rights. Because people have a right to own themselves/property, it CANT be unjust to appropriate outer space.

**Walker-Werth**, Thomas. “Elon Musk Is Right: Governments Shouldn't Control Land on Other Planets: Thomas Walker-Werth.” *FEE Freeman Article*, Foundation for Economic Education, 26 Jan. 20**22**, https://fee.org/articles/elon-musk-is-right-governments-shouldn-t-control-land-on-other-planets/.

Furthermore, the idea that a treaty can apply to all of outer space is ridiculous. If people invented a craft that could fly beyond the reach of any government, how can they possibly be subject to its rules? Space is gigantic, and the fact governments think they can pass laws that apply from here to Andromeda speaks to the boundless self-righteousness and hubris of governments. This invites an important question. If the governments of Earth shouldn’t have jurisdiction in space, how should people decide who can do what on new worlds like Mars? Does anyone have the right to own them? This may seem like a legal question, but fundamentally it’s a moral one—a question of property rights. For that we can turn to the father of liberty and the philosophic originator of the principles behind the American founding: [John Locke](https://plato.stanford.edu/entries/locke/). In his [Second Treatise on Government](https://wwnorton.com/college/history/archive/resources/documents/ch04_03.htm#:~:text=Though%20the%20earth%20and%20all,any%20right%20to%20but%20himself.&text=It%20being%20by%20him%20removed,common%20right%20of%20other%20men.), Locke discusse[s] the nature of property rights: "Though the earth. . . be common to all men, yet every man has a property in his own person: this no body has any right to but himself. The labour of his body, and the work of his hands, we may say, are properly his. Whatsoever then he removes out of the state that nature hath provided, and left it in, he hath mixed his labour with, and joined to it something that is his own, and thereby makes it his property. It being by him removed from the common state nature hath placed it in, it hath by this labour something annexed to it, that excludes the common right of other men." What Locke was saying is that a person has a right to own those things that they create with their effort, and the unowned natural resources around us belong to those who take them out of a state of nature and turn them into something productive. As philosopher [Ayn Rand demonstrated](http://aynrandlexicon.com/lexicon/property_rights.html), this right to property is essential for human beings to be able to use their minds and live fully

#### This proves that unowned natural resources, like outer space, must be governed through property rights, and private entities ought to have those rights.

## 2 – Extra T

#### Interp: the aff must only defend the appropriation of outer space by private entities being unjust

#### Violation:

#### Unjust refers to a negative action – it means contrary.

Black Laws No Date "What is Unjust?" <https://thelawdictionary.org/unjust/> //Elmer

Contrary to right and justice, or to the enjoyment of his rights by another, or to the standards of conduct furnished by the laws.

#### The Aff is a positive action – it creates a new concept for Space. Topical to disallow ownership, but in addition establishing a leasing program AND who can own ORBITAL SLOTS

#### They go beyond disallowing appropriation or claiming it is unjust to also creating this leasing program.

#### “Appropriation of outer space” by private entities refers to the exercise of exclusive control of space.

TIMOTHY JUSTIN **TRAPP**, JD Candidate @ UIUC Law, **’13**, TAKING UP SPACE BY ANY OTHER MEANS: COMING TO TERMS WITH THE NONAPPROPRIATION ARTICLE OF THE OUTER SPACE TREATY UNIVERSITY OF ILLINOIS LAW REVIEW [Vol. 2013 No. 4]

The issues presented in relation to the nonappropriation article of the Outer Space Treaty should be clear.214 The ITU has, quite blatantly, created something akin to “property interests in outer space.”215 It allows nations to exclude others from their orbital slots, even when the nation is not currently using that slot.216 This is directly in line with at least one definition of outer-space appropriation.217 [\*\*Start Footnote 217\*\*Id. at 236 (“**Appropriation of outer space**, **therefore, is ‘the exercise of exclusive control or exclusive use’ with a sense of permanence, which limits other nations’ access to i**t.”) (quoting Milton L. Smith, The Role of the ITU in the Development of Space Law, 17 ANNALS AIR & SPACE L. 157, 165 (1992)). \*\*End Footnote 217\*\*]The ITU even allows nations with unused slots to devise them to other entities, creating a market for the property rights set up by this regulation.218 In some aspects, this seems to effect exactly what those signatory nations of the Bogotá Declaration were trying to accomplish, albeit through different means.219

#### Appropriation is taking control, that is all the aff is allowed to defend instead they create this whole new leasing program and ownership of it which is extremely unfair and abusive.

#### Standards:

#### a] Precision – they eliminate a topical stasis point, justifying the aff talking about anything which explodes neg prep burden and nullifies any engagement. Nowhere does the resolution prescribe active action, so there’s no basis for reasonable negative ground – hold the line.

#### Extra-T Explodes limits – it justifies people reading advocacies that ban anything other than appropriation i.e. things like racism, or appropriation with regulation. I have no frontlines since allowing UN leasing isnt banning appropriation– all my arguments are for things like mining or satellite destruction, but they can shift out of it by saying they only regulate private appropriation and don’t ban things like private mining –

#### Links to predictability: making it impossible to negate.

#### Links to grounds: What grounds can I have if they aren’t affirming.

#### Fairness is a voter – debate is a game no one would play if it was ungair.

#### Education is a voter it’s the terminal impact of debate

#### Drop the debater future abuse and it’s topicality

#### No rvis logic im fair vote for me doesn’t make sense baiting

#### Competing interps reasonability’s arbitrary invites judge intervention

## On case:

#### 1] Performativity hijack🡪 cant read their fw without having freedom, so preserving freedom comes first which means util collapses to lib

#### 2] Extinction is and has been used as a justification to do many morally repugnant things, don’t buy their claims of any risk. they say a 0.000000001% chance of extinction justifies infringement on human rights. Thisnis exactly wha the Naxis did,deployed extinction threats to infringe on Jew’s rights.

#### 3] Infinite consequences🡪 Everyothing some one does has some sort of chance to lead to extinction, every single thing, cant calculate all consequences and trying to freexes action, consequences cant alone be used

#### 4] Freedom matters more because it determines the goodness of living in the first place. Life is meaningless when people are stripped of their rights – in order to care about maximizing expected lives, we first have to care about the freedom of people living.

#### alive.

#### On Mecklin 22 + 3: Is no impact people have been saying that since start of medieval period, people have become desensitive to this threat as it has been long overused to justify horrendous things (ex: Nazi)

#### LBL ON ADV:

#### OV on Solvency: we already have this program! The ITU Sucks and doesn’t solve the aff, they say they’ll entrust it with power by making it a part of the UN, but it already is.

<https://theconversation.com/theres-a-parking-crisis-in-space-and-you-should-be-worried-about-it-83479>

Finding a parking spot in space **Orbital slots** – the “parking spots” of space – **are allocated** to telecom operators via national administrations (such as the UK’s OFCOM) **by the** [**International Telecommunications Union**](https://www.esoa.net/cms-data/positions/Sats_ITU.pdf) **(ITU**). **There is no cost for an orbital slot, but allocation is on a first-come, first-served basis**. **If an operator’s competitor files by just a day before them, then they have priority**. **Although the allocation of a slot does not come with an ownership right to the areas of space**, it does grant an operator [exclusive rights](https://illinoislawreview.org/wp-content/ilr-content/articles/2013/4/Trapp.pdf) to the resource for the lifetime of its satellite (usually [15 years](https://link.springer.com/content/pdf/10.1007/978-1-4419-7671-0_5.pdf)). **Typically, the operators then keep refiling for the slot and replace old satellites with new ones. So, for all practical purposes, they keep the orbital slot indefinitely. This blocks other players in the market, who are left to beg, buy or lease if they need a slot that has already been allocated.** Historically, buying or leasing orbital slots involved the exchange of significant sums of money. In 1988, for example, the Kingdom of Tonga auctioned five of its six orbital slots for [US$2m](http://heinonline.org/HOL/Page?handle=hein.journals/jalc62&div=16&g_sent=1&casa_token=LJW-zPGoOqcAAAAA:uEE_nRrecuO4MHMZSYuUO4GIQ0cDDVe-dmLNp9on94q8hpjR0JECR_aSrGF2aGFLsKxwpukpAw&collection=journals) per year, since the capacity exceeded its own requirement. This equated to a daily cost to the buyer of the slot of approximately US$5,480, which makes hospital car parking fees seem relatively [cheap](http://www.bbc.co.uk/news/uk-england-birmingham-39802331) in comparison. The ITU is now far more rigorous in its checks to avoid cases such as this. They try to ensure that there are “genuine” intentions for orbital slots. Nevertheless, **satellite operators regularly file for more slots than they can physically use, claiming they are insuring against** [**risk of failure**](http://www.agcs.allianz.com/insights/expert-risk-articles/covering-space-risks/)**. In reality, they apply for these slots to obstruct their competitors from accessing them – or use them as bargaining chips to trade for more favourable slots.** Empty spaces **This means that lots of the parking spots in space are not actually being used, obstructing future operators and countries from entering the market**. **Consequently, the ITU have recently stipulated that operators have five years to bring a satellite into use (with a maximum two-year extension) before their parking spot expires. But because operators are not financially penalised for an eventual no-show of their satellite, in fact they still have nothing to lose by keeping empty spots**. **This is particularly worrying given how overcrowded the geostationary orbit is becoming**. The finite number of geostationary slots pushes telecommunications operators to pack as much as they can into their parking spots, stacking a number of different antennae onto a single satellite to increase capacity. But there is only so far such an approach can take you. One [UK-based operator](http://spaceflight101.com/spacecraft/o3b/) is also exploring the possibility of launching its telecom satellites into medium Earth orbit. This innovative approach is disregarded by other operators because of the high levels of radiation and the complexities resulting from the higher speed of the medium-Earth-orbit. **So the only real way for operators to overcome these restrictions is to** [**buy other telecommunications companies**](http://spacenews.com/36546satmex-acquisition-gives-eutelsats-latin-america-presence-a-jolt-of/)**. This limit on parking therefore means that there are an increasingly small number of telecommunication operators in the market. As such, calls for a complete overhaul of the** [**regulatory framework**](http://www.unoosa.org/oosa/en/ourwork/spacelaw/treaties/introregistration-convention.html)**, which was written in 1975, are growing. Currently, your satellite television provider is likely to be dependent on a single operator that has rights to the space above your home – and this is not helping the cost of your monthly bill.**

**The aff isnt changing anything, and the thing they are defending is not a good policy.**

#### Plan/Solvency LBL.

#### [1] Johnson: --A] The plan means private appropraiton is unjust, only public entitites have access to outer space, anything else is inherently non T –B] IF individual satelites take up place in space, they are appropriation too –C] They can’t solve any impacts, if they still allow private entites to put up megaconstellations they especially don’t solve

#### [2] Eymork 12: --A] Agreements get violated all the time, especially by the US: International Law violations happen all the time, the United States CONSTANTLY violates, proves NO escalation from breaking international law, XINHUA 21

“Facts on U.S. Breaching International Rules.” Xinhua, 20 Apr. 2021, http://www.xinhuanet.com/english/2021-04/20/c\_139893941.htm?scrlybrkr=66a9b7be.

BEIJING, April 20 (Xinhua) -- Indulging in the superiority as the world's superpower, the United States habitually claims itself as the "defender of international law", blames unscrupulously other countries and slaps arbitrary sanctions on them under the pretext of safeguarding international rules. However, the United States in fact makes its selfish political gains first and puts its national law above international laws. The self-righteous country willfully breaks treaties and withdraws from international organizations, changing like a weathercock. Under the pretense of democracy and human rights, Washington constantly interferes in other countries' internal affairs, blatantly wages wars to encroach upon other countries' sovereignty, flagrantly undermines international order, and poses a grave threat to international security. What the U.S. has done has severely violated international rules including the United Nations (UN) Charter. The U.S. attempt to press other countries to "abide by rules" is in fact nothing but force them to yield to a unipolar world order dominated by the United States. 1.INTERFERENCE IN OTHER COUNTRIES' INTERNAL AFFAIRS, VIOLATING OTHER COUNTRIES' SOVEREIGNTY ◆ The principle of non-interference in other countries' internal affairs is an important principle of the UN Charter and the basic norm governing international relations. However, the U.S. government, under the guise of so-called democracy and human rights, has long interfered in China's internal affairs on issues related to ideology, Taiwan, Hong Kong, Xinjiang and Tibet. Through arm sales to and official contacts with Taiwan, and with statements or acts that connive at "Taiwan independence", the U.S. government has been creating obstacles to the reunification of the two sides of the Taiwan Strait. After China resumed exercise of sovereignty over Hong Kong, the United States colluded with a fraction of opposition forces in Hong Kong and incited social unrest there. It also wantonly smeared China's policy of governance in Xinjiang, as well as the central government's counter-terrorism and de-extremism efforts in the region, viciously slandered Xinjiang's human rights situation, and imposed unilateral sanctions on related Chinese individuals and entities. Lawrence Wilkerson, chief of staff of former U.S. Secretary of State Colin Powell, personally admitted that the so-called Xinjiang Uygur issue is nothing but a strategic plot of the United States to destabilize and contain China from the inside. ◆ Being a co-sponsor of the 1267 counter-terrorism committee of the UN Security Council to list the East Turkestan Islamic Movement (ETIM) as a terrorist organization, the U.S. flip-flopped on the UN designation in November 2020 by removing the ETIM from its list of terrorist organizations, and brazenly whitewashed the terror group. For years, the United States has been providing shelter to forces like the so-called "pro-democracy movement," the ETIM and Falun Gong, which have conspired to destabilize China. U.S. politicians also met with people from those forces for multiple times as a gesture of endorsement, which exposed their real purpose of meddling with China's internal affairs in the name of "democracy and freedom." ◆ It is an international consensus that the principle of state sovereignty applies to cyberspace. But the United States, with its advantage in information technology and cyber military power, has time and again intruded and attacked other countries' cyber systems, which violated their sovereignty. In June 2013, the PRISM scandal systematically revealed the fact that the United States had long been hacking into other countries' network systems, and conducting massive network surveillance and espionage. ◆ The United States and other Western countries have been preaching and peddling the so-called system of freedom and democracy by promoting "color revolutions" across the world. The Arab Spring backed and engineered by the U.S. has created continuous turmoil in many countries in West Asia and North Africa. The United States has also long been carrying out intelligence infiltration and subversive activities in Venezuela, Panama and many Middle East countries, and has assisted opposition forces in those countries to plot coups, which seriously interfered in other countries' internal affairs. ◆ The United States is a signatory to international conventions such as the Hague Evidence Convention (also known as the Convention on the Taking of Evidence Abroad in Civil or Commercial Matters), the United Nations Convention Against Corruption and the United Nations Convention Against Transnational Organized Crime. It has also ratified 69 criminal judicial assistance treaties with foreign countries. However, under the pretext of avoiding low efficiency and excessive restrictions in judicial assistance procedures, the United States established a subpoena ad testificandum system through domestic legislation and judicial precedents to conduct frequent extraterritorial evidence collections, which has been exercised via the Patriot Act Subpoenas and the Bank of Nova Scotia Subpoenas, and seriously undermined the judicial sovereignty and legal dignity of other countries. ◆ Since the COVID-19 pandemic broke out, there have been a number of abusive lawsuits in the United States seeking compensation from the Chinese government for the COVID-19 impact. According to international law experts, the U.S. courts' acceptance of these lawsuits against the Chinese government violated the principle of sovereign equality of states enshrined in the UN Charter and the principle of sovereign immunity in international law, and gravely infringed on China's national sovereignty and dignity.

#### [3] Perishing 19: --A] This cant solve any of their impacts, if we send satelites up for 4 years or so they could still be prone to collision under the aff, making clean up impossible –B] No warrant for how we can just pick up satelites and take them back down –C] Appropriation isn’t defined here, the card doesn’t define appropriation so prefer mine, they don’t link to leasing, proves they are not topical here either and link to the t standards again

#### Appropriation

**Bohm 13** [JEFF BOHM, Chief Judge. In re Cowin, 492 B.R. 858 (Bankr. S.D. Tex. 2013).] TDI

1. Application of the Facts in the Instant Disputes to Embezzlement under Section 523(a)(4) (i) "The Debtor appropriated funds." **"Appropriation" is defined as "the exercise of control over property; a taking of possession."** BLACK'S LAW DICTIONARY 98 (7th ed. 1999). In connection with its analysis under the TTLA in section C.2.b., supra, this Court has determined that the Debtor appropriated the excess proceeds from the foreclosure sales of the Countrywide Property, the Chase Property, and the WMC Property that rightfully belonged to the Plaintiffs. Not only did the Debtor control the disposition of the excess proceeds via the WCL and Dampkring Deeds of Trust, but he ensured that the proceeds were deposited to Perc and TRH, entities controlled by his co-conspirator Allan Groves. Thus, the first element is satisfied. (ii) "The appropriation was for the Debtor's use or benefit." This element does not require a showing that the Debtor himself personally benefitted by the amounts that the Plaintiffs were damaged. For example, in affirming a bankruptcy court's decision that a debt was nondischargeable due to embezzlement under section 523(a)(4), the Sixth Circuit stated:

#### [4] Hickman 2: --A] Crossapply every arg prior on perishing

#### [5] Van Fossen 99: --A] no warrant for why microstates wont engage in international law –B] The plan cant solve