

**First Affirmative Speaker  
(1A)**

**Lunar Property Rights  
Affirmative**

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## **Table of Contents (1A File)**

<b>1AR BLOCKS (CONTINUED)</b>
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-Page Reserved for Additional Blocks

## **Table of Contents (1A File)**

<b>1AR BLOCKS (CONTINUED)</b>
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## **Table of Contents (1A File)**

<b>1AR BLOCKS (CONTINUED)</b>
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<b>GENERAL INSTRUCTIONS</b>
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**How to Use This System**

These are general instructions on how to use The Forensics Files’s CX Hybrid File System. The System comes with files for all four speaker positions: the first affirmative speaker (1A), the second affirmative speaker (2A), the first negative speaker (1N), and the second negative speaker (2N). Ordinarily, you will be assigned to one speaker position per side: so *either* the 1A *or* the 2A AND *either* the 1N *or* the 2N.

This is the System’s File for the 1A. You should have received this File from your teacher only if you are the 1A. If you believe that you are going to be the 2A speaker, then you have the wrong File. Included within this File is: (1) these general instructions; (2) the Lunar Property Rights 1AC and explanation; and (3) blocks for the 1AR.

These **GENERAL INSTRUCTIONS** are designed to help you understand and use the system. This File also comes with **INSTRUCTIONS ON UPDATING THIS SYSTEM** that will teach you how to maintain your organization and preparation throughout the year.

The **LUNAR PROPERTY RIGHTS 1AC** is a pre-written speech for your first speech. At tournaments, you will debate both sides of the topic. For each round, you will either be on the affirmative side or the negative side. Whenever you and your partner are scheduled to debate on the affirmative side, you will always read this 1AC. The rest of this File and the 2A File are predicated on your reading of this pre-written speech during the 1AC. **If you do not read this 1AC, then the System will not work.** Because you will always be reading this 1AC, make sure that you have practiced reading it and can read it in the eight minutes that you have for your speech.

It is also **imperative** (necessary) that you read the **EXPLANATION OF THE LUNAR PROPERTY RIGHTS 1AC** at least once, but preferably several times, before you go to the debate tournament.

The remainder of the File contains the **1AR BLOCKS**. “Blocks” simply refer to your pre-written list of responses that you will read when the negative team makes certain arguments. Each block will come with Instructional Notes that will help you know when to read what blocks. You will have a 1AR Block for almost every type of argument that the negative team might make. However, this System, like all others, requires updating when you hear new arguments that you do not have pre-written list of responses (“a block”) to.

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**Instructions on Updating this System**

This File also contains **INSTRUCTIONS ON UPDATING THIS SYSTEM**. Fortunately, TFF has already done most of the grunt work in terms of setting up and scripting the standard arguments you will make against most positions. For example, this File includes blocks that you will read again and again. Some, like your 1AC, you will read every affirmative round. This is *good* because you will familiarize yourself with your arguments very quickly, and, eventually, you will be able to use the model this system provides to write and expand upon your own affirmative cases in future years.

The most important goal when you are still learning debate, after learning what to do for each speech, is to stay organized. If you have spent tens of hours preparing, it will not matter unless you are able to easily locate what you have prepared. This File contains instructions for adding new blocks to positions (like topicality, disadvantages, kritiks, etc.).

Whenever you update your File, you will need to do the following:

(1) SIT DOWN WITH YOUR PARTNER, THE 2A, AND DRAFT THE 2AC BLOCKS **FIRST**. Refer to the instructions for the particular type of position (topicality, disadvantage, kritik, etc.) included in this File in the **INSTRUCTIONS FOR ADDITIONAL BLOCKS**.

(2) USING THE 2AC BLOCKS, WRITE YOUR 1AR BLOCKS extending the arguments from the 2AC Blocks. Your goals are to be concise, technically proficient, and persuasive. Fortunately, 1AR Blocks follow a format. Refer to the pre-written 1AR Blocks included in this File. They all follow a format that you should follow:

1. Extend 2AC number \_\_\_. [Followed by a short restatement of the argument].  
[Followed by a short statement about what the argument gets you, if you win the argument].  
[Followed by the next extension, see number 2]
2. Extend 2AC number \_\_\_. [and so on and so forth]

(3) UPDATE THIS FILE by adding your newly written 1AR blocks in a place where you can find them easily. This means putting them in the File where they go. Refer to the **TABLE OF CONTENTS**. Each type of position has a “-” where you would insert your new blocks. For example:

Kritiks  
-Capitalism Bad Kritik  
-[Reserved]

The second dash is where you would put your new 1AR Blocks for the new kritik you heard. When you write a new block, you add it below the most recently added 1AR Block.

(4) THEN UPDATE THE TABLE OF CONTENTS: If you’re keeping an electronic version, update by re-inserting the page numbers (in Word, “Insert” then navigate to “page numbers”) this will re-paginate for you. If you are keeping your File in a hard copy, use a modified pagination system.

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**Instructions on Updating this System**

So, for example, if your topicality answers end on page 10 and disadvantage answers start on page 11, your “modified page number” for your new blocks will start on “10A-1.” If there are multiple pages in your blocks for the topicality argument (this will be more common with the 2A File), then page 2 of the blocks for the topicality argument will be “10A-2.” For the next blocks you write for the next topicality violation you don’t have a block for, add those behind the blocks you have already added. The modified page number for the second disadvantage blocks you right will be “10B-1, “10B-2” etc.



<b>INSTRUCTIONS FOR ADDITIONAL BLOCKS</b>
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**Topicality & Theory**

**Overview.** The topicality blocks provided in the AFF Files will address most good topicality arguments. We use “most” and “good” deliberately. There may be some other good topicality arguments that do not define a word in the resolution following the word “should,” but as stated in the overview to this file, the affirmative burden regarding topicality is very, very low.

That fact will not preclude negative teams from running squirrely arguments based on the word “its” or “should” or “and/or” and have absurd definitions for other words. Moreover, teams will also argue positions like “agent specification good/bad” etc. Thus, these instructions are included on how to write blocks for those positions.

**Instructions.** First, make sure into include at least one “we meet” argument that explains why your plan is topical under their interpretation. If you can think of a reasonable argument, come up with and make a bad argument. When responding to an argument that is as serious as topicality, regardless of how silly the interpretation might be, it’s better to have something than nothing.

Second, come up with a reasonable alternative interpretation that includes your affirmative case. This case could easily meet reasonable interpretations of all words in the resolution. You don’t necessarily need a dictionary for your definition, as long as the definition you give is something one might expect to find in a dictionary. For example, don’t say “increase” means to “make smaller,” as that would not be a reasonable interpretation one would expect to find in the dictionary of the word “increase.”

Third, incorporate the arguments in the topicality blocks in the Affirmative file regarding reasonability. This probably the strongest argument you can make against any other topicality argument. Most of the good topicality violations will be answered by the topicality block in the Affirmative File. For all others, just copy and paste the reasonability arguments and the effectuality arguments from those blocks.

Make sure to file them in an organized manner. The 2A will need to write the 2AC block and the 2AR block and put both in the 2A File. The 2A should put them behind the current topicality block and make sure to number the pages and indicate where the blocks are located on the table of contents. Similarly, the 1A should file the 1AR blocks in the 1A File. A modified page number will be needed. So, for example, if your topicality answers end on page 10 and disadvantage answers start on page 11, your “modified page number” for your new blocks will start on “10A-1.” If there are multiple pages in your blocks for the topicality argument (this will be more common with the 2A File), then page 2 of the blocks for the topicality argument will be “10A-2.” For the next blocks you write for the next topicality violation you don’t have a block for, add those behind the blocks you have already added. The modified page number for the second disadvantage blocks you right will be “10B-1, “10B-2” etc. Then update your table of contents so that you can easily find where your blocks are. Alternatively, use Microsoft Word if it’s available and if you are comfortable with using the page number and table of contents functions.

<b>LUNAR PROPERTY RIGHTS AFFIRMATIVE</b>
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**Explanation**

**I. Introduction**

This affirmative case offers the plan that the United States will start to formally recognize individuals' claims of property rights on the moon.

**A. Current International Law & Lack of Protection for Property Rights**

Current international law, particularly the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and other Celestial Bodies (also known as, "the Outer Space Treaty") forbids countries from claiming the moon and other celestial bodies (like other planets, other planets' moons, asteroids, etc.) as their own land. For example, under the Outer Space Treaty, which the United States signed and ratified in the late 1960s, the United States cannot simply claim the entire moon as its own.

The Outer Space Treaty, however, does not expressly prohibit individuals from making claims to the moon or other celestial bodies. There was another treaty called the Moon Treaty, but the United States did not sign or ratify that treaty. Under the property law system in the United States, the property that an individual claims must be U.S. territory. This means that the United States must have a "sovereign" claim to that land. The idea of sovereignty is simply that a nation's government has the supreme and independent authority over a geographical area. So, if the Outer Space Treaty does not prohibit individuals from claiming property rights on the moon, how are those property rights protected if that area is not technically part of the United States sovereign territory?

The clearest answer is that they are not protected. There are at least two types of theories of property rights. The first is the theory of private property as a natural right of individuals. These rights exist absent government recognition by virtue of the individual's claim of right to the land. Under this theory, a person has a natural right in property if he develops the property, say, by planting trees or building a house on the property. Under the legal positivist theory, property rights may exist, but they have little meaning outside the context of government recognition and protection. The rationale of this theory is that natural rights are fine and acceptable, but without government protection, the rights have no meaning because without the laws and protection of the government, any other individual could infringe the property rights of another.

**B. Moon Home Hypothetical**

Consider the following, pertinent hypothetical example. Adam and Betty are each trillionaires who both plan on inhabiting the moon. They both build spaceships and head for the moon. Adam gets there first. Using the technology he has developed, he builds a moon station that he intends to use as his home. He puts up a fence and a sign saying "no trespassing." A few days later, Betty arrives and lands half a mile away from Adam. Betty decides that she does not want to build her own home, so she gets a gun and goes to Adam's moon home and tells him to get out

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**Explanation**

or she will kill him. Wanting to live, Adam leaves and takes his space ship to another part of the moon to build another station.

Under the theory of natural rights, one could judge Betty's actions as wrong because Adam, who had developed the land on the moon for his new home, had a property right, a natural right, in his home on the moon. But what could Adam do about it? Under the Outer Space Treaty, no nation can claim to own the moon. As a result, no nation is "sovereign" over the land on the moon. This means that no nation would have the jurisdictional authority to either send the police to arrest Betty and protect Adam's property rights. Thus, the legal positivist theory would hold that Adam does not have any property rights in his moon home because no government has sovereignty over the moon and thus no jurisdiction to recognize or protect his property rights.

**C. The Primary Problem With Lack of Property Rights**

The previous hypothetical situation involving Adam and Betty illustrates the basic problem associated with the inability of the United States to claim the moon as land subject its sovereign claim: the Outer Space Treaty eliminates legal protection for property rights in outer space. Think of the implications of this. If you discovered land that no one owned, would you go build a house and a garden on the property if you knew that someone else, like Betty in the above hypothetical, could come by and take it and leave you with no recourse? Probably not.

As such, you can probably see why the United States' failure and inability to recognize property rights in outer space would hinder the exploration and development of space beyond the Earth's mesosphere. The problem is exacerbated with outer space because, unlike driving a car or taking plane trip to undeveloped land on Earth, travelling to space is unexplainably expensive. Thus, the cost for the opportunity to go into space, and to reach the moon or Mars, could never be justified if there was no credible legal protection for property rights claims in outer space.

**II. The Plan**

The plan that is included in this year's files offers to finally recognize property rights in outer space. In order to do so, the United States must find some way to handle its current obligations under the Outer Space Treaty. Article 2 of the Outer Space Treaty prevents a signatory country, like the United States, from claiming the land on the moon as its own. However, Article 16 of the Outer Space Treaty provides a procedure that permits any signatory country to withdraw from the treaty. By withdrawing from Article 2 of the treaty by way of Article 16, the United States could claim land on the moon as land over which it has a sovereign claim to. Thus,

This does not entail the United States claiming the entire moon, however. Pursuant to the plan text, the United States would only immediately claim land that the United States federal government has previously explored on previous missions to the moon, such as the land covered by the Apollo 11, during which Neil Armstrong implanted the U.S. flag into the moon. On the other hand, it would enable the United States to claim more parts of the moon that it sends

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**Explanation**

missions to. It would also enable other nations to send missions to the moon for the purpose of claiming their areas of the moon.

More importantly for the purpose of this case, it would enable private individuals to go to the moon and start claiming moon land for themselves. Thus, the area on the moon that the United States has previously landed on, and the areas that other individuals claimed on behalf of the United States would become U.S. territory. The area of the moon that other nations landed on and developed would be the territories of those other nations. This would thereby encourage the exploration and development of the moon.

Private individuals and companies could thereby register their property claims with local governments in the United States. Almost all of the counties in the United States have a clerk's office that keeps extensive recording of all of the property title in the United States. "Title" is simply a legal term for the right to land. The clerk's keep track of who has claimed land, who has purchased land, and who has sold land. The records are usually kept in order of the particular land in issue. Thus, individuals could register their property claims with the United States government to secure their property claims on the moon.

### **III. Topicality**

After reading this plan, one may wonder, "So how this plan is topical?" Fortunately for affirmative teams this year, the resolutorial burden is very, very low. As long as a plan is dealing with outer space, such as the moon, then the affirmative team only needs to prove that what the United States federal government is doing in outer space is increasing its "exploration" and "development."

With this observation in mind, there are several arguments for the topicality of this plan. First, the plan is facially topical because it necessarily increases the United States federal government's development on the moon. By claiming parts of the moon to be U.S. territory, the mere act of claiming that land will have necessarily developed the U.S. territory by extending it to areas of the moon. Second, by claiming parts of the moon to be U.S. territory, the U.S. could then further base its future exploration and development of the moon based on its territorial claims.

Third, the plan increases exploration and development of the moon by recognizing private parties' property rights to areas of the moon that they explore and develop. Those areas will further develop outer space by being declared U.S. territory. This argument requires an understanding of sovereign claims to areas of the moon. As previously discussed, the U.S. can only recognize and enforce property rights on the moon if the U.S. has a sovereign claim to that land on which it can exercise its supreme authority to enforce the property rights of those individuals. Finally, much of the literature on the recognition of property rights on the moon argue that recognizing property rights in the moon is a necessary prerequisite to any exploration and/or development of the moon.

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**Explanation**

**IV. Inherency**

Another important element of an affirmative case is its inherency. Traditionally, there have been three types of inherency. The first is “existential inherency.” This aspect of inherency is simply that the plan has not already being done in the status quo. The second type is “attitudinal inherency,” meaning that the current government is opposed to doing the plan in the future. The third is “structural inherency,” meaning that there are laws or other barriers to enacting the plan.

In this case, there are all types of inherency. First, there is existential inherency because the United States is currently a member signatory to the Outer Space Treaty, which prohibits the United States from making sovereign, territorial claims to the moon and thus prohibits the United States from recognizing and enforcing property rights on the moon. Second, attitudinal inherency is covered because the government has not shown any indication that it is willing to withdraw from Article 2 of the treaty or to otherwise recognize private property claims on the moon. Third, the Outer Space Treaty satisfies the structural inherency element because that is the legal barrier to the United States recognizing property rights on the moon.

**V. Harms / Advantages**

The strongest affirmative cases have been the product of out-of-the-box thinking and strategizing. They also take advantage of the fact that most negative teams do not directly respond to the merits of the affirmative case and, instead, rely on off-case positions. In an attempt to provide a strong affirmative case, this file includes a case that takes that approach.

In essence, the sole advantage of this case is that it offers the protection of property rights where the United States has not protect property in the past. The strategic value in this comes from outweighing the negative arguments on governmental legitimacy level. What that means is that the government’s protection of property rights is a necessary precondition to a legitimate government, and, as a result, is more important than the consequences that might results.

**A. “Should” As Indicating Obligation**

The operative word in the resolution is “should.” Resolved: The United States federal government *should* substantially increase its exploration and/or development of space beyond the Earth’s mesosphere. The word “should” means “ought (to be or do something);” it “[i]ndicates that the subject of the sentence has some obligation to execute the sentence predicate.” The subject of the resolution is “The United States federal government” and the predicate is “substantially increase its exploration and/or development of space beyond the Earth’s mesosphere.” Thus, the word “should” requires the debate to focus on whether the United States federal government “has some obligation to” increase its exploration and/or development of space beyond the Earth’s mesosphere. Most affirmative cases will attempt to show that this US federal government “has some obligation to” explore/develop space with the

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**Explanation**

advantages that will occur a consequence of enacting the plan. However, this case is different because it bases the obligation on a different theory of determining obligations.

**B. Utilitarianism vs. Principled Action**

Take the following example as an illustration. Carl is walking along the street and sees a drowning baby. Based on the principle that people should help other people in mortal danger if they can do so without harm to themselves, Carl decides to save the drowning baby's life and return the baby to his mother. Based on the principle of helping others in mortal danger, Carl's action is a good idea and it should be done because it is the right thing to do regardless of the unknown and unlikely consequences of saving the baby's life. Further assume that that baby grows up and turns out to be Adolph Hitler, who was responsible for the death of millions of people. Would this affect the morality of Carl's choice to save the drowning baby?

Utilitarian theories would argue, yes, of course. Under the moral theory of utilitarianism, an action should not be taken if would do more harm than good. According to that theory, Carl committed a wrongful act because by saving the life of the baby, Carl saved one life, but his action resulted in the killing of millions of lives. Because one is less than a million, utilitarian theorists would say Carl committed a wrongful act.

Others who believe that the principle driving the action determines whether the action is right or wrong, would argue that Carl's decision to save the drowning baby was a morally right decision to make. They would start with the premise that individuals have an obligation to help others who are in mortal danger. They would then analyze the situation as follows. Carl is an individual who is capable of helping the baby. The baby is in mortal danger. Thus, it must follow based on our principle and the facts before us that Carl has an obligation to help the baby. Phrased alternatively, Carl "should" help the baby.

So how do principled action theorists come to grips with the fact that Carl just saved Hitler? Ordinarily, principled action theorists do not make their moral determinations in a vacuum. Instead, there is a long list of things that humans should always do and things humans should never do. Saving a person in mortal danger is an obligation humans always should have; taking the life of an innocent human is something a human should never do. Thus, principled action theorists would accord moral blameworthiness as follows. Carl followed the principle of helping others in mortal danger; the baby, who grows up to be Hitler, violated the principle of killing an innocent human. Thus, it is Hitler, not Carl, who is morally blameworthy. It would make no sense to blame Carl for the deaths of all the millions that Hitler killed.

More simply, this merely represents the idea that an individual or government should be held accountable only for its actions based on the principle driving the action. The individual or government's action should not be deemed moral or immoral based on the actions of another. When you think about it, this is the most logical way to think about assessing morality and whether or not someone should do or should not do a particular action.

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Explanation

**C. Drunk Driver Hypothetical**

This is also consistent with the way that the law currently works. Take the following hypothetical example. One night after dinner, you ask your parents to get you ice cream at the store. On the way to the store, your parents are injured by a drunk driver who smashes his car in to your parents' car. Ask yourself, "Who is to blame for your parents being injured?" You? Of course not, you did nothing wrong. Your parents? Probably not unless they were also recklessly driving. The drunk driver? Absolutely. Driving drunk is a criminal and morally reprehensible act. The drunk driving is what caused the action.

But isn't it also true that none of that would have happened if you did not ask your parents to get ice cream? Yes. However, that does not make your decision to ask your parents to get ice cream a wrong decision. That is why the law would acknowledge that your parents *would be* able to sue the drunk driver for their injuries. Your parents *could not sue you* for asking them to get ice cream for you. And obviously, the drunk driver could not sue you for asking your parents to get you ice cream. This is all true, even though the whole accident would not have happened if you did not ask your parents for ice cream. The reason that this is true is because the drunk driver is the one who did the wrong act; everyone else was not behaving immorally. Thus, all of the blame is on the drunk driver.

**C. Intervening Actor**

This idea is known as an "intervening actor." The moral blame is on the intervening actor, not on you. As such, you should not be held responsible for the intervening actor's actions.

With the preceding discussion in mind, you can see that the trick of getting out of disadvantages from a principled action perspective is simply to identify a morally blameworthy intervening agent. Read the impact evidence carefully; maybe it's North Korea launching nukes at South Korea, China invading Taiwan, or India and Pakistan exchanging nuclear blows. In nearly 99.9% of disadvantages and kritiks, there is an *always, always, always* an intervening actor who is morally wrongful.

As such, the United States federal government should not be held responsible for those actors' wrongful acts. While the US federal government's actions may cause other people to feel a certain way, the US federal government is not responsible for how other individuals or other governments choose to respond to their actions.

**D. Principled Action of Government & Property**

After identifying the strength of the principled action theory, and the strength of the lunar property rights affirmative, the discussion will now focus on the relevant principled action of the lunar property rights affirmative: protection of private property.



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**Explanation**

Modern theorists, including John Locke and his followers, believe the government’s primary objective is to protect individual rights, including the right to life and property. If the government protects life and property, the government is acting morally. Thus, according to these theorists, the United States federal government *should* protect private property. This obligation is distinct from a positive right to someone else’s property.

For example, property rights are usually expressed in the negative, meaning that your property is mine and you have a *right to not have others interfere* with your rights. It does not include the idea of a positive property right, meaning that you have a *right to someone else’s property*. The positive theory of property rights and the negative theory of property are contradictory. You cannot be free from having others interfere with your private property if other people have a right to take your private property.

**E. Conclusion: Strategy**

The principle that we have is that “the US federal government should protect private property rights.” If the US federal government protects property rights to people’s claims to land on the moon, then that is something that it *should* do. Any disadvantages that result from the actions of an intervening third party cannot be the responsibility of the US federal government for protecting property rights.

Thus, the US federal government has the obligation to protect property rights (i.e., the US federal government should “should” protect property rights) in the negative sense. The government’s obligation is to recognize private property rights and to enforce them against invalid claims by others to that property. If an action requires the US federal government to protect property rights, then the US federal government “should” take that action.

**VI. Overall Conclusion**

With the foregoing in mind, you should be able to answer most of the questions you would get during cross-examination about this affirmative case. It should be strategic enough that you can actually win several debates just by following the directions in this file. The Forensics Files wishes you the best of luck this year.



<b>Lunar Property Rights Affirmative</b>
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1AC (1 of 5)

[INSTRUCTIONAL NOTE: Always Read]

**We begin with our first observation regarding The Affirmative Burden**

Because we are the affirmative team, our only burden is to “affirm” the resolution. This means that we only have to prove that the following resolution is true: **Resolved:** The United States federal government should substantially increase its exploration and/or development of space beyond the Earth’s mesosphere.

The operative word is the word “should.” According to the American Heritage Dictionary of the English Language, “should,” in this context, is “Used to express obligation or duty.” Importantly, excluded from the definition of “should” is any indication of desirability. This is a good definition for at least two reasons. First, our definition is from a dictionary that describes the common and reasonable understanding of what “should” means. Second, it excludes subjective conclusions about the desirability of exploring or developing space because this could vary from one person to the next.

Thus, we do not have the burden to prove that *it is desirable* for the US federal government explore or develop space, only that there is an obligation or duty to do so. In case this distinction is not apparent, consider the following example. I may have the obligation or duty by virtue of truancy laws to show up to class on time, but I might not find it desirable to wake up at 7 am to do so. Thus, based on this, our only burden is to prove that the US federal government has an obligation or duty to explore or develop space.

**Our second observation is that the U.S. federal government has the obligation to protect property rights.**

**First, a government’s must protect the rights of its citizens rather than adopt a utilitarian calculation of what’s good for the greatest number of people. Otherwise, every action could be justified and simultaneously not justified, depending on the circumstances. This results in logical contradictions that must be rejected. George Kateb, Professor of Philosophy at Princeton writes in 1992<sup>1</sup>:**

I do not mean to take seriously the idea that utilitarianism is a satisfactory replacement for the theory of rights. The well-being (or mere preferences) of the majority cannot override the rightful claims of individuals. In a time when the theory of rights is global it is noteworthy that some moral philosophers disparage the theory of rights. The political experience of this century should be enough to make them hesitate; it is not clear that, say, some version of utilitarianism could not justify totalitarian evil. It also could be fairly easy for some utilitarians to justify any war and any dictatorship, and very easy to justify any kind of ruthlessness even in societies that pay some attention to rights. There is no end to the immoral permissions that one or another type of utilitarianism grants. Everything is permitted, if the calculation is right.

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<sup>1</sup> The Inner Ocean, pg. 12.

**LUNAR PROPERTY RIGHTS AFFIRMATIVE — 1AR BLOCKS**

**1AR Block Topicality: “Increase Its Exploration and/or Development of Space”**

**[INSTRUCTIONAL NOTE:** Read only if 1NC read this position and the negative team has extended it into the block. If the negative block made this argument for the first time, then ask your partner for the 2AC Block to this argument.]

1. Extend 2AC #1: They don’t contest that the moon and other celestial bodies are beyond the Earth’s mesosphere; so we meet for four reasons. One, plan claims the moon as U.S. territory. This very act develops the moon by making it US territory. Cross-apply Gruner 04 from the 1AC. Two, the US can bas its exploration and development from its territory in the moon. Third, private individuals can claim land on the moon, which would thereby extend US territory further. Fourth, Wasser & Jobs explain that protecting property is a prerequisite to all space development and exploration.
2. Extend 2AC #2, our counter-interpretation. Even if we don’t meet their over-technical definition, we meet our definitions.
3. Extend 2AC #3, even if we don’t meet their definition, you don’t vote on topicality if we meet our interpretation. This is because you should not judge based on competing interpretations. First, limits is a bad standard because anything could be more limiting than another interpretation. Second, reasonability checks back their predictability and ground arguments because a reasonable interpretation would correspondingly provide predictable ground. Third, the strongest possible argument is that our plan might encourage judge intervention, but judge intervention is inevitable because you will have to make a subjective determination about whether our plan meets their plan text. It’s not an objective standard. Also there’s no impact to this kind of subjectivity because it is harmless; we don’t presume that our judges are going to act in bad faith and or be biased.
4. Extend 2AC #4, that the topic requires effectually topical plans. First, the resolution says the US should increase development and exploration, not that the US should explore and develop space. Thus, the framers and NFL members intent is that there is a process by increasing development and exploration. Second, development and exploration both indicate a process requiring steps. Extend our definition of these words.

[If they argue extra topicality]

5. Extend 2AC #5, withdrawing from Article II is not extra topical because it results in an increase of exploration and development of space.

# **Second Affirmative Speaker (2A)**

## **Lunar Property Rights Affirmative**

## **Table of Contents (2A File)**

<b>GENERAL INSTRUCTIONS</b>
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- How to Use this System
- Instructions on Updating this System

<b>INSTRUCTIONS FOR ADDITIONAL BLOCKS</b>
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- Topicality & Theory
- Case Arguments
- Disadvantages
- Kritiks
- Counterplans

<b>1AC &amp; CX of 2N</b>
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- Explanation of the Lunar Property Rights 1AC
- Lunar Property Rights 1AC
- 1AC Pre-flow
- CX Questions for after 2NC

<b>2AC &amp; 2AR BLOCKS</b>
-----------------------------

**Topicality & Theory Arguments**

- USFG Should Increase Its Exploration/Development
- [Reserved]

**Case Extensions**

- General\* [You will always read this block]
- [Reserved]

**Disadvantages & Kritiks**

- General\* [If the negative reads any disad or kritik, you will need to read this]

Disadvantages

- Politics Disadvantages
- Economy Disadvantages
- [Reserved]

Kritiks

- Capitalism Bad Kritik
- [Reserved]

**Counterplans**

- General\* [If the negative reads any counterplan, you will need to read this]
- [Reserved]

## **Table of Contents (2A File)**

<b>2AC &amp; 2AR BLOCKS (CONTINUED)</b>
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-Page Reserved for Additional Blocks

<b>GENERAL INSTRUCTIONS</b>
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**How to Use This System**

These are general instructions on how to use The Forensics Files’s CX Hybrid File System. The System comes with files for all four speaker positions: the first affirmative speaker (1A), the second affirmative speaker (2A), the first negative speaker (1N), and the second negative speaker (2N). Ordinarily, you will be assigned to one speaker position per side: so *either* the 1A *or* the 2A AND *either* the 1N *or* the 2N.

This is the System’s File for the 2A. You should have received this File from your coach only if you are the 2A. If you believe that you are going to be the 1A speaker, then you have the wrong File. Included within this File is: (1) these general instructions; (2) the Lunar Property Rights 1AC and explanation; (3) blocks for the 2AC and 2AR.

These GENERAL INSTRUCTIONS are designed to help you understand and use the system. This File also comes with INSTRUCTIONS ON UPDATING THIS SYSTEM that will teach you how to maintain your organization and preparation throughout the year.

The LUNAR PROPERTY RIGHTS 1AC is a pre-written speech for your partner’s first speech. At tournaments, you will debate both sides of the topic. For each round, you will either be on the affirmative side or the negative side. Whenever you and your partner are scheduled to debate on the affirmative side, your partner will always read this 1AC. The rest of your partner’s File and all of this File are predicated on your partner reading the pre-written speech during the 1AC. **If your partner does not read this 1AC, then the System will not work.** Because your partner will always be reading this 1AC, make sure that you are familiar with it just as much as your partner.

It is also imperative (necessary) that you read the EXPLANATION OF THE LUNAR PROPERTY RIGHTS 1AC at least once, but preferably several times, before you go to the debate tournament.

The remainder of the File contains the 2AC BLOCKS and 2AR BLOCKS. “Blocks” simply refer to your pre-written list of responses that you will read when the negative team makes certain arguments. Each block will come with an **INSTRUCTIONAL NOTE** that will help you know when to read what blocks. You will have a 2AC Block and 2AR Block for almost every type of argument that the negative team might make. However, this System, like all others, requires updating when you hear new arguments that you do not have pre-written list of responses (“a block”) to.

<b>GENERAL INSTRUCTIONS</b>
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**Instructions on Updating this System**

This File also contains **INSTRUCTIONS ON UPDATING THIS SYSTEM**. Fortunately, TFF has already done most of the grunt work in terms of setting up and scripting the standard arguments you will make against most positions. For example, this File includes blocks that you will read again and again. Some you will read every affirmative round. This is *good* because you will familiarize yourself with your arguments very quickly, and, eventually, you will be able to use the model this system provides to write and expand upon your own affirmative cases in future years.

The most important goal when you are still learning debate, after learning what to do for each speech, is to stay organized. If you have spent tens of hours preparing, it will not matter unless you are able to easily locate what you have prepared. This File contains instructions for adding new blocks to positions (like topicality, disadvantages, kritiks, etc.).

Whenever you update your File, you will need to do the following:

(1) SIT DOWN WITH YOUR PARTNER, THE 1A, AND DRAFT THE 2AC BLOCKS **FIRST**. Refer to the instructions for the particular type of position (topicality, disadvantage, kritik, etc.) included in this File in the **INSTRUCTIONS FOR ADDITIONAL BLOCKS**.

(2) USING THE 2AC BLOCKS, ASSIST YOUR PARTNER IN WRITING THE 1AR BLOCKS extending the arguments from the 2AC Blocks. The goals are to be concise, technically proficient, and persuasive. Fortunately, 1AR Blocks follow a format. Refer to the pre-written 1AR Blocks included in this File. They all follow a format that you should follow:

1. Extend 2AC number \_\_\_. [Followed by a short restatement of the argument].  
[Followed by a short statement about what the argument gets you, if you win the argument].  
[Followed by the next extension, see number 2]
2. Extend 2AC number \_\_\_. [and so on and so forth]

(3) USING THE 2AC BLOCKS AND 1AR BLOCKS, DRAFT THE **2AR BLOCKS**. The goals for the 2AR blocks is to combine groups of your arguments to tell a story. Make sure you extend all of your strongest points and elaborate on them enough. Use the blocks in this File as a model for how to write 2AR Blocks.

(4) UPDATE THIS FILE by adding your newly written 2AC and 2AR blocks in a place where you can find them easily. This means putting them in the File where they go. Refer to the **TABLE OF CONTENTS**. Each type of position has a “-[Reserved]” where you would insert your new blocks. For example:

Kritiks  
-Capitalism Bad Kritik  
-[Reserved]

<b>GENERAL INSTRUCTIONS</b>
-----------------------------

**Instructions on Updating this System**

The second dash is where you would put your new 2AC Blocks and 2AR Blocks for the new kritik you heard. When you write a new block, you add it below the most recently added set of Blocks that you made.

(4) THEN UPDATE THE TABLE OF CONTENTS: If you're keeping an electronic version, update by re-inserting the page numbers (in Word, "Insert" then navigate to "page numbers") this will re-paginate for you. If you are keeping your File in a hard copy, use a modified pagination system.

So, for example, if your topicality answers end on page 10 and disadvantage answers start on page 11, your "modified page number" for your new blocks will start on "10A-1." If there are multiple pages in your blocks for the topicality argument (this will be more common with the 2A File), then page 2 of the blocks for the topicality argument will be "10A-2." For the next blocks you write for the next topicality violation you don't have a block for, add those behind the blocks you have already added. The modified page number for the second disadvantage blocks you right will be "10B-1, "10B-2" etc.



INSTRUCTIONS FOR ADDITIONAL BLOCKS
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### Topicality & Theory

**Overview.** The topicality blocks provided in the AFF Files will address most good topicality arguments. We use “most” and “good” deliberately. There may be some other good topicality arguments that do not define a word in the resolution following the word “should,” but as stated in the overview to this file, the affirmative burden regarding topicality is very, very low.

That fact will not preclude negative teams from running squirrely arguments based on the word “its” or “should” or “and/or” and have absurd definitions for other words. Moreover, teams will also argue positions like “agent specification good/bad” etc. Thus, these instructions are included on how to write blocks for those positions.

**Instructions.** First, make sure into include at least one “we meet” argument that explains why your plan is topical under their interpretation. If you can think of a reasonable argument, come up with and make a bad argument. When responding to an argument that is as serious as topicality, regardless of how silly the interpretation might be, it’s better to have something than nothing.

Second, come up with a reasonable alternative interpretation that includes your affirmative case. This case could easily meet reasonable interpretations of all words in the resolution. You don’t necessarily need a dictionary for your definition, as long as the definition you give is something one might expect to find in a dictionary. For example, don’t say “increase” means to “make smaller,” as that would not be a reasonable interpretation one would expect to find in the dictionary of the word “increase.”

Third, incorporate the arguments in the topicality blocks in the Affirmative file regarding reasonability. This probably the strongest argument you can make against any other topicality argument. Most of the good topicality violations will be answered by the topicality block in the Affirmative File. For all others, just copy and paste the reasonability arguments and the effectuality arguments from those blocks.

Make sure to file them in an organized manner. The 2A will need to write the 2AC block and the 2AR block and put both in the 2A File. The 2A should put them behind the current topicality block and make sure to number the pages and indicate where the blocks are located on the table of contents. Similarly, the 1A should file the 1AR blocks in the 1A File. A modified page number will be needed. So, for example, if your topicality answers end on page 10 and disadvantage answers start on page 11, your “modified page number” for your new blocks will start on “10A-1.” If there are multiple pages in your blocks for the topicality argument (this will be more common with the 2A File), then page 2 of the blocks for the topicality argument will be “10A-2.” For the next blocks you write for the next topicality violation you don’t have a block for, add those behind the blocks you have already added. The modified page number for the second disadvantage blocks you right will be “10B-1, “10B-2” etc. Then update your table of contents so that you can easily find where your blocks are. Alternatively, use Microsoft Word if it’s available and if you are comfortable with using the page number and table of contents functions.

<b>LUNAR PROPERTY RIGHTS AFFIRMATIVE</b>
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**Explanation**

**I. Introduction**

This affirmative case offers the plan that the United States will start to formally recognize individuals' claims of property rights on the moon.

**A. Current International Law & Lack of Protection for Property Rights**

Current international law, particularly the Treaty on Principles Governing the Activities of States in the Exploration and Use of Outer Space, Including the Moon and other Celestial Bodies (also known as, "the Outer Space Treaty") forbids countries from claiming the moon and other celestial bodies (like other planets, other planets' moons, asteroids, etc.) as their own land. For example, under the Outer Space Treaty, which the United States signed and ratified in the late 1960s, the United States cannot simply claim the entire moon as its own.

The Outer Space Treaty, however, does not expressly prohibit individuals from making claims to the moon or other celestial bodies. There was another treaty called the Moon Treaty, but the United States did not sign or ratify that treaty. Under the property law system in the United States, the property that an individual claims must be U.S. territory. This means that the United States must have a "sovereign" claim to that land. The idea of sovereignty is simply that a nation's government has the supreme and independent authority over a geographical area. So, if the Outer Space Treaty does not prohibit individuals from claiming property rights on the moon, how are those property rights protected if that area is not technically part of the United States sovereign territory?

The clearest answer is that they are not protected. There are at least two types of theories of property rights. The first is the theory of private property as a natural right of individuals. These rights exist absent government recognition by virtue of the individual's claim of right to the land. Under this theory, a person has a natural right in property if he develops the property, say, by planting trees or building a house on the property. Under the legal positivist theory, property rights may exist, but they have little meaning outside the context of government recognition and protection. The rationale of this theory is that natural rights are fine and acceptable, but without government protection, the rights have no meaning because without the laws and protection of the government, any other individual could infringe the property rights of another.

**B. Moon Home Hypothetical**

Consider the following, pertinent hypothetical example. Adam and Betty are each trillionaires who both plan on inhabiting the moon. They both build spaceships and head for the moon. Adam gets there first. Using the technology he has developed, he builds a moon station that he intends to use as his home. He puts up a fence and a sign saying "no trespassing." A few days later, Betty arrives and lands half a mile away from Adam. Betty decides that she does not want to build her own home, so she gets a gun and goes to Adam's moon home and tells him to get out

<b>LUNAR PROPERTY RIGHTS AFFIRMATIVE</b>
--

**Explanation**

or she will kill him. Wanting to live, Adam leaves and takes his space ship to another part of the moon to build another station.

Under the theory of natural rights, one could judge Betty's actions as wrong because Adam, who had developed the land on the moon for his new home, had a property right, a natural right, in his home on the moon. But what could Adam do about it? Under the Outer Space Treaty, no nation can claim to own the moon. As a result, no nation is "sovereign" over the land on the moon. This means that no nation would have the jurisdictional authority to either send the police to arrest Betty and protect Adam's property rights. Thus, the legal positivist theory would hold that Adam does not have any property rights in his moon home because no government has sovereignty over the moon and thus no jurisdiction to recognize or protect his property rights.

**C. The Primary Problem With Lack of Property Rights**

The previous hypothetical situation involving Adam and Betty illustrates the basic problem associated with the inability of the United States to claim the moon as land subject its sovereign claim: the Outer Space Treaty eliminates legal protection for property rights in outer space. Think of the implications of this. If you discovered land that no one owned, would you go build a house and a garden on the property if you knew that someone else, like Betty in the above hypothetical, could come by and take it and leave you with no recourse? Probably not.

As such, you can probably see why the United States' failure and inability to recognize property rights in outer space would hinder the exploration and development of space beyond the Earth's mesosphere. The problem is exacerbated with outer space because, unlike driving a car or taking plane trip to undeveloped land on Earth, travelling to space is unexplainably expensive. Thus, the cost for the opportunity to go into space, and to reach the moon or Mars, could never be justified if there was no credible legal protection for property rights claims in outer space.

**II. The Plan**

The plan that is included in this year's files offers to finally recognize property rights in outer space. In order to do so, the United States must find some way to handle its current obligations under the Outer Space Treaty. Article 2 of the Outer Space Treaty prevents a signatory country, like the United States, from claiming the land on the moon as its own. However, Article 16 of the Outer Space Treaty provides a procedure that permits any signatory country to withdraw from the treaty. By withdrawing from Article 2 of the treaty by way of Article 16, the United States could claim land on the moon as land over which it has a sovereign claim to. Thus,

This does not entail the United States claiming the entire moon, however. Pursuant to the plan text, the United States would only immediately claim land that the United States federal government has previously explored on previous missions to the moon, such as the land covered by the Apollo 11, during which Neil Armstrong implanted the U.S. flag into the moon. On the other hand, it would enable the United States to claim more parts of the moon that it sends

<b>LUNAR PROPERTY RIGHTS AFFIRMATIVE</b>
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**Explanation**

missions to. It would also enable other nations to send missions to the moon for the purpose of claiming their areas of the moon.

More importantly for the purpose of this case, it would enable private individuals to go to the moon and start claiming moon land for themselves. Thus, the area on the moon that the United States has previously landed on, and the areas that other individuals claimed on behalf of the United States would become U.S. territory. The area of the moon that other nations landed on and developed would be the territories of those other nations. This would thereby encourage the exploration and development of the moon.

Private individuals and companies could thereby register their property claims with local governments in the United States. Almost all of the counties in the United States have a clerk's office that keeps extensive recording of all of the property title in the United States. "Title" is simply a legal term for the right to land. The clerk's keep track of who has claimed land, who has purchased land, and who has sold land. The records are usually kept in order of the particular land in issue. Thus, individuals could register their property claims with the United States government to secure their property claims on the moon.

### **III. Topicality**

After reading this plan, one may wonder, "So how this plan is topical?" Fortunately for affirmative teams this year, the resolutorial burden is very, very low. As long as a plan is dealing with outer space, such as the moon, then the affirmative team only needs to prove that what the United States federal government is doing in outer space is increasing its "exploration" and "development."

With this observation in mind, there are several arguments for the topicality of this plan. First, the plan is facially topical because it necessarily increases the United States federal government's development on the moon. By claiming parts of the moon to be U.S. territory, the mere act of claiming that land will have necessarily developed the U.S. territory by extending it to areas of the moon. Second, by claiming parts of the moon to be U.S. territory, the U.S. could then further base its future exploration and development of the moon based on its territorial claims.

Third, the plan increases exploration and development of the moon by recognizing private parties' property rights to areas of the moon that they explore and develop. Those areas will further develop outer space by being declared U.S. territory. This argument requires an understanding of sovereign claims to areas of the moon. As previously discussed, the U.S. can only recognize and enforce property rights on the moon if the U.S. has a sovereign claim to that land on which it can exercise its supreme authority to enforce the property rights of those individuals. Finally, much of the literature on the recognition of property rights on the moon argue that recognizing property rights in the moon is a necessary prerequisite to any exploration and/or development of the moon.

<b>LUNAR PROPERTY RIGHTS AFFIRMATIVE</b>
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**Explanation**

**IV. Inherency**

Another important element of an affirmative case is its inherency. Traditionally, there have been three types of inherency. The first is “existential inherency.” This aspect of inherency is simply that the plan has not already being done in the status quo. The second type is “attitudinal inherency,” meaning that the current government is opposed to doing the plan in the future. The third is “structural inherency,” meaning that there are laws or other barriers to enacting the plan.

In this case, there are all types of inherency. First, there is existential inherency because the United States is currently a member signatory to the Outer Space Treaty, which prohibits the United States from making sovereign, territorial claims to the moon and thus prohibits the United States from recognizing and enforcing property rights on the moon. Second, attitudinal inherency is covered because the government has not shown any indication that it is willing to withdraw from Article 2 of the treaty or to otherwise recognize private property claims on the moon. Third, the Outer Space Treaty satisfies the structural inherency element because that is the legal barrier to the United States recognizing property rights on the moon.

**V. Harms / Advantages**

The strongest affirmative cases have been the product of out-of-the-box thinking and strategizing. They also take advantage of the fact that most negative teams do not directly respond to the merits of the affirmative case and, instead, rely on off-case positions. In an attempt to provide a strong affirmative case, this file includes a case that takes that approach.

In essence, the sole advantage of this case is that it offers the protection of property rights where the United States has not protect property in the past. The strategic value in this comes from outweighing the negative arguments on governmental legitimacy level. What that means is that the government’s protection of property rights is a necessary precondition to a legitimate government, and, as a result, is more important than the consequences that might results.

**A. “Should” As Indicating Obligation**

The operative word in the resolution is “should.” Resolved: The United States federal government *should* substantially increase its exploration and/or development of space beyond the Earth’s mesosphere. The word “should” means “ought (to be or do something);” it “[i]ndicates that the subject of the sentence has some obligation to execute the sentence predicate.” The subject of the resolution is “The United States federal government” and the predicate is “substantially increase its exploration and/or development of space beyond the Earth’s mesosphere.” Thus, the word “should” requires the debate to focus on whether the United States federal government “has some obligation to” increase its exploration and/or development of space beyond the Earth’s mesosphere. Most affirmative cases will attempt to show that this US federal government “has some obligation to” explore/develop space with the

<b>LUNAR PROPERTY RIGHTS AFFIRMATIVE</b>
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**Explanation**

advantages that will occur a consequence of enacting the plan. However, this case is different because it bases the obligation on a different theory of determining obligations.

**B. Utilitarianism vs. Principled Action**

Take the following example as an illustration. Carl is walking along the street and sees a drowning baby. Based on the principle that people should help other people in mortal danger if they can do so without harm to themselves, Carl decides to save the drowning baby's life and return the baby to his mother. Based on the principle of helping others in mortal danger, Carl's action is a good idea and it should be done because it is the right thing to do regardless of the unknown and unlikely consequences of saving the baby's life. Further assume that that baby grows up and turns out to be Adolph Hitler, who was responsible for the death of millions of people. Would this affect the morality of Carl's choice to save the drowning baby?

Utilitarian theories would argue, yes, of course. Under the moral theory of utilitarianism, an action should not be taken if would do more harm than good. According to that theory, Carl committed a wrongful act because by saving the life of the baby, Carl saved one life, but his action resulted in the killing of millions of lives. Because one is less than a million, utilitarian theorists would say Carl committed a wrongful act.

Others who believe that the principle driving the action determines whether the action is right or wrong, would argue that Carl's decision to save the drowning baby was a morally right decision to make. They would start with the premise that individuals have an obligation to help others who are in mortal danger. They would then analyze the situation as follows. Carl is an individual who is capable of helping the baby. The baby is in mortal danger. Thus, it must follow based on our principle and the facts before us that Carl has an obligation to help the baby. Phrased alternatively, Carl "should" help the baby.

So how do principled action theorists come to grips with the fact that Carl just saved Hitler? Ordinarily, principled action theorists do not make their moral determinations in a vacuum. Instead, there is a long list of things that humans should always do and things humans should never do. Saving a person in mortal danger is an obligation humans always should have; taking the life of an innocent human is something a human should never do. Thus, principled action theorists would accord moral blameworthiness as follows. Carl followed the principle of helping others in mortal danger; the baby, who grows up to be Hitler, violated the principle of killing an innocent human. Thus, it is Hitler, not Carl, who is morally blameworthy. It would make no sense to blame Carl for the deaths of all the millions that Hitler killed.

More simply, this merely represents the idea that an individual or government should be held accountable only for its actions based on the principle driving the action. The individual or government's action should not be deemed moral or immoral based on the actions of another. When you think about it, this is the most logical way to think about assessing morality and whether or not someone should do or should not do a particular action.

LUNAR PROPERTY RIGHTS AFFIRMATIVE
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Explanation

**C. Drunk Driver Hypothetical**

This is also consistent with the way that the law currently works. Take the following hypothetical example. One night after dinner, you ask your parents to get you ice cream at the store. On the way to the store, your parents are injured by a drunk driver who smashes his car in to your parents' car. Ask yourself, "Who is to blame for your parents being injured?" You? Of course not, you did nothing wrong. Your parents? Probably not unless they were also recklessly driving. The drunk driver? Absolutely. Driving drunk is a criminal and morally reprehensible act. The drunk driving is what caused the action.

But isn't it also true that none of that would have happened if you did not ask your parents to get ice cream? Yes. However, that does not make your decision to ask your parents to get ice cream a wrong decision. That is why the law would acknowledge that your parents *would be* able to sue the drunk driver for their injuries. Your parents *could not sue you* for asking them to get ice cream for you. And obviously, the drunk driver could not sue you for asking your parents to get you ice cream. This is all true, even though the whole accident would not have happened if you did not ask your parents for ice cream. The reason that this is true is because the drunk driver is the one who did the wrong act; everyone else was not behaving immorally. Thus, all of the blame is on the drunk driver.

**C. Intervening Actor**

This idea is known as an "intervening actor." The moral blame is on the intervening actor, not on you. As such, you should not be held responsible for the intervening actor's actions.

With the preceding discussion in mind, you can see that the trick of getting out of disadvantages from a principled action perspective is simply to identify a morally blameworthy intervening agent. Read the impact evidence carefully; maybe it's North Korea launching nukes at South Korea, China invading Taiwan, or India and Pakistan exchanging nuclear blows. In nearly 99.9% of disadvantages and kritiks, there is an *always, always, always* an intervening actor who is morally wrongful.

As such, the United States federal government should not be held responsible for those actors' wrongful acts. While the US federal government's actions may cause other people to feel a certain way, the US federal government is not responsible for how other individuals or other governments choose to respond to their actions.

**D. Principled Action of Government & Property**

After identifying the strength of the principled action theory, and the strength of the lunar property rights affirmative, the discussion will now focus on the relevant principled action of the lunar property rights affirmative: protection of private property.



<b>LUNAR PROPERTY RIGHTS AFFIRMATIVE</b>
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**Explanation**

Modern theorists, including John Locke and his followers, believe the government’s primary objective is to protect individual rights, including the right to life and property. If the government protects life and property, the government is acting morally. Thus, according to these theorists, the United States federal government *should* protect private property. This obligation is distinct from a positive right to someone else’s property.

For example, property rights are usually expressed in the negative, meaning that your property is mine and you have a *right to not have others interfere* with your rights. It does not include the idea of a positive property right, meaning that you have a *right to someone else’s property*. The positive theory of property rights and the negative theory of property are contradictory. You cannot be free from having others interfere with your private property if other people have a right to take your private property.

**E. Conclusion: Strategy**

The principle that we have is that “the US federal government should protect private property rights.” If the US federal government protects property rights to people’s claims to land on the moon, then that is something that it *should* do. Any disadvantages that result from the actions of an intervening third party cannot be the responsibility of the US federal government for protecting property rights.

Thus, the US federal government has the obligation to protect property rights (i.e., the US federal government should “should” protect property rights) in the negative sense. The government’s obligation is to recognize private property rights and to enforce them against invalid claims by others to that property. If an action requires the US federal government to protect property rights, then the US federal government “should” take that action.

**VI. Overall Conclusion**

With the foregoing in mind, you should be able to answer most of the questions you would get during cross-examination about this affirmative case. It should be strategic enough that you can actually win several debates just by following the directions in this file. The Forensics Files wishes you the best of luck this year.



<b>Lunar Property Rights Affirmative</b>
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1AC (1 of 5)

[INSTRUCTIONAL NOTE: *Your partner reads this NOT YOU. Use this to follow along.*]

**We begin with our first observation regarding The Affirmative Burden**

Because we are the affirmative team, our only burden is to “affirm” the resolution. This means that we only have to prove that the following resolution is true: **Resolved:** The United States federal government should substantially increase its exploration and/or development of space beyond the Earth’s mesosphere.

The operative word is the word “should.” According to the American Heritage Dictionary of the English Language, “should,” in this context, is “Used to express obligation or duty.” Importantly, excluded from the definition of “should” is any indication of desirability. This is a good definition for at least two reasons. First, our definition is from a dictionary that describes the common and reasonable understanding of what “should” means. Second, it excludes subjective conclusions about the desirability of exploring or developing space because this could vary from one person to the next.

Thus, we do not have the burden to prove that *it is desirable* for the US federal government explore or develop space, only that there is an obligation or duty to do so. In case this distinction is not apparent, consider the following example. I may have the obligation or duty by virtue of truancy laws to show up to class on time, but I might not find it desirable to wake up at 7 am to do so. Thus, based on this, our only burden is to prove that the US federal government has an obligation or duty to explore or develop space.

**Our second observation is that the U.S. federal government has the obligation to protect property rights.**

**First, a government must protect the rights of its citizens rather than adopt a utilitarian calculation of what’s good for the greatest number of people. Otherwise, every action could be justified and simultaneously not justified, depending on the circumstances. This results in logical contradictions that must be rejected. George Kateb, Professor of Philosophy at Princeton writes in 1992<sup>1</sup>:**

I do not mean to take seriously the idea that utilitarianism is a satisfactory replacement for the theory of rights. The well-being (or mere preferences) of the majority cannot override the rightful claims of individuals. In a time when the theory of rights is global it is noteworthy that some moral philosophers disparage the theory of rights. The political experience of this century should be enough to make them hesitate; it is not clear that, say, some version of utilitarianism could not justify totalitarian evil. It also could be fairly easy for some utilitarians to justify any war and any dictatorship, and very easy to justify any kind of ruthlessness even in societies that pay some attention to rights. There is no end to the immoral permissions that one or another type of utilitarianism grants. Everything is permitted, if the calculation is right.

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<sup>1</sup> The Inner Ocean, pg. 12.

**LUNAR PROPERTY RIGHTS AFFIRMATIVE — 2AC & 2AR BLOCKS**

**2AC Block Topicality: “Increase Its Exploration and/or Development of Space”**

**[INSTRUCTIONAL NOTE:** Read only if 1NC read this position. If the negative block made this argument for the first time, then give this to your partner for the 1AR.]

1. **We meet:** Plan only recognizes property rights in outer space celestial bodies such as the moon, and other planets. None of these are within the Earth’s mesosphere. Plan increases US exploration or development of those celestial bodies in four ways.
  - a. Plan is prima facie topical because by claiming parts of the moon, that land becomes U.S. territory. Thus, the plan, on its face, is developing U.S. territory on the moon. For an explanation of the legal effect of claiming property in outer space, cross-apply Gruner 04 from the 1AC.
  - b. By claiming parts of the moon as U.S. territory, the U.S. will increase its exploration and development of space because of those territorial claims.
  - c. Plan increases exploration and development of the moon by recognizing private parties’ property rights to areas of the moon that they explore and develop. Those areas will further develop outer space by being declared U.S. territory.
  - d. Recognizing property rights on the moon is a necessary prerequisite to any exploration and/or development of the moon. Cross-apply Wasser & Jobses from the 1AC.
2. **Counter-Interpretation:** All definitions are from the Random House Dictionary 2011: “Increase” is “to become greater,” “its” is possessive, referring to the United States federal government; to “develop” means to “bring to a more advanced or effective state”; to “explore” means “to traverse or range over for the purpose of discovery.” We only have to show that plan has the US federal government enact a policy that expands its presence in outer space. Cross-apply the “we meets” from above
3. **Prefer reasonableness to competing interpretations:** We should only have to prove that we meet a reasonable interpretation of the topic; not every definition or even the purported best definition. Meeting a reasonable definition checks their claims as to predictability. Competing interpretations permits unreasonable
4. **The topic requires effectually topical plans:** the phrase “increase its development and/or exploration” manifests the framer’s intent and the voting NFL members’ intention that the resolution permit it not require effectually topical plans because (a) To increase something requires steps; (b) “development” is “the act or process of developing;” and (c) exploration is “an act or instance of exploring or investigating.” The resolution says the US should increase its development or exploration; it doesn’t say the “USFG should substantially explore or develop space.” Both exploration and development are direct objects, not verbs, contemplating that steps must be taken to those effect direct objects.

**[INSTRUCTIONAL NOTE:** Read only if they argue extra topicality]

5. **Pulling out of Article II is not extra topical:** it effectuates an increase in development or exploration of space.

**LUNAR PROPERTY RIGHTS AFFIRMATIVE — 2AC & 2AR BLOCKS**

**2AR Block Topicality: “Increase Its Exploration and/or Development of Space”**

**[INSTRUCTIONAL NOTE:** Read only if the 2NR extends this topicality argument.]

We meet their interpretation for four reasons. First, plan is topical on its face. It claims the moon as US territory, thereby “developing” the moon by making it US territory. The moon is just unclaimed land. But by claiming parts of it, the US itself, and the reach of the US federal government expands to that area. This is the only way that any plan, without steps, can expand the USFG’s development of space. Second, by claiming parts of the moon as US territory, the US can then send people and technology there to develop. Claiming the land is the necessary first step to actually developing the moon. Third, private individuals can fly to the moon and claim that land. By recognizing private property rights in the moon, those individuals claimed land would extend US territory to those lands. Extend Gruner, he explains how territorial claims expands the sovereignty of the government. Finally, cross-apply Wasser & Jobes from the 1AC, recognizing property rights on the moon is a necessary prerequisite to any exploration and/or development of the moon. Finally, pulling out of Article II is not extra topical.

We win on topicality if we win that any of these “we meets” will eventually lead to US space development or exploration. Extend that this topic requires effects topicality. We are out-warranting them here. Extend that the phrase “increase its development and/or exploration” manifests the framer’s intent and the voting NFL members’ intention that the resolution permit it not require effectually topical plans because (a) to increase something requires steps; (b) “development” is “the act or process of developing,” and (c) exploration is “an act or instance of exploring or investigating.” The resolution says the US should increase its development or exploration; it doesn’t say the “USFG should substantially explore or develop space.”

Even if we don’t meet their interpretation we provide several counter-definitions. The negative does not contest the fact that we meet those, which are reasonable. Extend our argument that you should prefer reasonableness to competing interpretations. Our argument is not that our case is “reasonably topical,” but that we provide reasonable definitions of the words in the resolution. We have offense to our interpretation. competing interpretations provides for arbitrary definitions because they could say that “Development” meant that the only topical affirmative plan was for the US to put blue cheese on Mars. That would not be a reasonable definition of the resolution, but it is arguably good limits and possibly ground. Permitting arbitrary definitions precludes predictable and educational debate. Moreover, we also have tons of defense. First, a reasonableness standard checks back their predictable ground and limits arguments. Second, it would not require a net increase of judge intervention. Definitions are rarely objective. One example of total objectivity would be substantially “means a 20% increase.” You could look at a plan and that definition and clearly, almost to a mathematical degree of certainty, say it is or isn’t topical. Competing interpretations still requires a subjective intervention. Next, there’s no impact to subjectivity. Even if there is net subjectivity with a reasonability standard, we would disagree that this is actually a bad form of intervention. Intervening is only bad if it biased, like disregarding topicality because you don’t like my shoes. However, we can’t just assume that all judges will be biased and will act in bad faith. Thus, reasonability is a good standard to use and you should vote aff because we are topical based on our reasonable interpretations.

# CX Hybrid File System

AFFIRMATIVE

# Before the Round

1A	2A
<ol style="list-style-type: none"><li>1. <b>Prepare the 1AC Speech.</b> Double Check that All Cards Are in Order and that Your Plan Is Included If You Gave Your Plan Text to the Other Team Before the Round, Make Sure to Get it Back</li><li>2. <b>Set Your Timer</b> for Eight Minutes “8:00”</li><li>3. <b>Set Up a Podium.</b> It should not be so low that you are leaning over on it. It should not be so high that the judge cannot see your face.</li><li>4. <b>Prepare Your Workspace.</b> Make sure you have your 1A File accessible.</li><li>5. <b>While Preparing the 1AC and Podium, listen to the Judge’s Paradigm.</b> Your partner should be asking questions about it.</li><li>6. <b>Pull Out Pre-Flows of the 1AC for you and your partner.</b></li><li>7. <b>Do NOT take prep time before the round. But start when the judge is ready.</b></li><li>8. <b><u>You Are in Charge of tracking the round on this System.</u></b> Once each segment of the debate is done, turn to the next slide.</li></ol>	<ol style="list-style-type: none"><li>1. <b>Decide On Disclosure.</b> The other team may ask you to disclose your case, plan text, and/or advantages. If the NEG asks you to do so, ask them if they will disclose arguments that they have previously argued. If they won’t, then you should not feel obligated to do so either.</li><li>2. <b>Research Your Opponents.</b> Ask teammates, your coach, or friends if they know what the other team or school tends to argue. Refer to your Opponent Info Book for any information you or your teammates have collected about your opponent.</li><li>3. <b>Locate Relevant 2AC Blocks.</b> Based on your research of your opponents, make sure you know exactly where your blocks to those positions are.</li><li>4. <b>Ask for the Judge’s Paradigm.</b> Based on what you know about the likely arguments to be made, ask the judge <i>relevant</i> questions. For example, if your case is not similar to a kritk, don’t as the judge how he or she feels about critical affirmatives. Listen to your opponents’ questions to determine whether they are likely to run a particular position.</li></ol>

# 1AC

1A	2A
<ol style="list-style-type: none"><li>1. <b>Start the Time &amp; then Read the 1AC.</b></li><li>2. <b>Make Sure that You Present Well.</b> Your presentation will affect your speaker points, which frequently determine whether or not your team will advance to the elimination rounds.</li><li>3. <b>Make Frequent Eye Contact with the Judge.</b></li><li>4. <b>Do Not Go So Fast that the Judge Loses You.</b> Start slowly and then build up speed, if your judge is not opposed to spreading.</li></ol>	<ol style="list-style-type: none"><li>1. <b>Follow your Preflow.</b> Double check with the 1AC in your 2A File that your partner is reading the case in order, and that your partner has read the plan text.</li><li>2. <b>Watch the Judge's Reaction to Your Partner.</b> If the judge looks like he or she cannot follow your partner, take note of this, slow down in your speech so that do a good job of clearly explaining your position.</li><li>3. <b>Watch the Other Team's Reaction to Your Partner.</b> If your partner starts to read a card in the case, and the other team pays particular attention to it, or starts pulling out different files in response, then you might be able to pick up clues about what they might argue against in your case.</li></ol>

# CX of 1A

1A	2A
<ol style="list-style-type: none"><li>1. Right after the 1AC, <b><u>Set AND Start the timer for three minutes</u></b> (3:00).</li><li>2. <b>Give direct answers to the questions you're asked.</b> Being shiftily will only make you look less credible with the judge, and that will hurt your speaker points.</li><li>3. <b>Don't Shy Away from Tough Questions.</b> If the other team asks you a straight forward question that might reflect poorly on your case, answer the question directly and confidently. <u>Don't say, "I don't know what you mean" or "Can you rephrase the question?" unless you really don't know what you are being asked.</u></li><li>4. <b>Stick in There &amp; Keep Your Cool.</b> If you have studied your case and have read <b>and re-read</b> the 1AC Explanation in the 1A File, have confidence in yourself and your answers. Don't let the other team anger or discourage you with their CX techniques!</li></ol>	<ol style="list-style-type: none"><li>1. <b>Do NOT Take Over Your Partner's CX.</b> Let your partner answer the questions. Answering for your partner will not only hurt your partner's credibility and speaker points, it will hurt yours as well. If your partner answers a question incorrectly, don't worry about correcting it unless it is highly likely to cost you the round.</li><li>2. <b>Notice the Questions Being Asked.</b> If the other team keeps asking about a particular aspect of your case, it is likely they are going to attack that part. For example, if the other team asks, "Does your plan spend any money?" locate your disadvantage blocks because they are likely to run an economy disadvantage. If they ask, "Doesn't your plan endorse capitalism?" locate your blocks to kritiks to have ready.</li></ol>

# Prep Time Before the 1NC

1A	2A
<p><b>Relax and Get Your Bearings, but Stay Focused.</b> You just finished the large majority of what you will do during the debate. However, the toughest parts are yet to come. Drink some water, if you need it, and organize your workspace so that you can assist the 2A's preparation for the 2AC during the 1NC and the prep time before the 2AC.</p>	<p><b>Ensure that you have the easiest possible access to all your blocks in your 2A File.</b></p>



# 1NC

1A	2A
<ol style="list-style-type: none"><li>1. <b>Flow.</b> Flow off-case positions separately, and on-case arguments, if any, next to the corresponding parts of your case.</li><li>2. <b>Flow EVERYTHING.</b> Do not stop flowing the 1NC. Your partner might decide to not keep a complete flow so that he or she can prepare for the 2AC.</li><li>3. <b>Assist the 2A.</b> If your partner asks for help, provide it so that your partner can concentrate on preparing for the 2AC. But don't lose track of your flow.</li><li>4. Before the 1NC ends, <b>pull out your list of CX Questions of the 1NC from your 1A File.</b> Refer to your 1A File table of contents.</li></ol>	<ol style="list-style-type: none"><li>1. <b>Flow.</b> Flow off-case positions separately, and on-case arguments next to the corresponding parts of your case.</li><li>2. <b>Flow JUST ENOUGH.</b> Flow just enough so that you know the gist of the 1NC's argument.</li><li>3. <b>Pull Blocks.</b> Once you have identified the type of position and main points, quickly pull your block for that position or case argument. If you cannot identify them, wait for your partner to cross-examine the 1N.</li><li>4. <b>Pre-Flow Your Responses for Arguments You Don't Have Blocks For.</b> Hopefully, this will just be some case arguments. But if you hear a position you have not heard before, make sure you understand the position fully and then start writing responses. If you don't fully understand the position, immediately retrieve the cards the 1N is reader after the 1N has read them and read them over yourself. If you still don't understand, tell your partner to ask your questions in CX .</li></ol>

**First Negative Speaker  
(1N)**

**Space Topic Negative**

## **Table of Contents (1N File)**

<b>GENERAL INSTRUCTIONS</b>
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-How to Use this System  
-Instructions on Updating this System

<b>1NC Positions &amp; Extensions</b>
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**Topicality**

Its – 1NC

Its – 2NC/1NR Overview

Exploration Beyond the Earth's Mesosphere – 1NC

Exploration Beyond the Earth's Mesosphere – 2NC/1NR Overview

Burden of Proof – 1NC

Burden of Proof – 2NC/1NR Overview

**Topicality 2NC/1NR Blocks: Answers to (A/T):**

Topicality Is Not A Voter Without Abuse

Reasonability

Effectuality Is Legitimate

Extra Is Legitimate

Grammar Standard Is Bad

**Disadvantages**

NASA Administration DA – 1NC

NASA Administration DA – 2NC/1NR

**Counterplans**

Private Sector CP – 1NC

Private Sector CP – 2NC/1NR

**General Case Arguments**

Inherency – 1NC

Inherency – 2NC/1NR

Space Technology – 1NC

Space Technology– 2NC/1NR

Aliens – 1NC

Aliens – 2NC/1NR

**Other**

-CX Questions for after the 2AC

## **Table of Contents (1N File)**

<b>1NC POSITIONS &amp; EXTENSIONS (CONTINUED)</b>
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-Page Reserved for Additional Positions & Extensions

<b>GENERAL INSTRUCTIONS</b>
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**How to Use This System**

These are general instructions on how to use The Forensics Files’s CX Hybrid File System. The System comes with files for all four speaker positions: the first affirmative speaker (1A), the second affirmative speaker (2A), the first negative speaker (1N), and the second negative speaker (2N). Ordinarily, you will be assigned to one speaker position per side: so *either* the 1A *or* the 2A AND *either* the 1N *or* the 2N.

This is the System’s File for the 1N. You should have received this File from your teacher only if you are the first negative speaker, 1N. If you believe that you are going to be the 2N speaker, then you have the wrong File. Included within this File is: (1) these general instructions; (2) arguments for the 1NC; and (3) extensions for the 1NR. The extensions for the 1NR may also be used in the 2NC, because the arguments presented in these two speeches (2NC & 1NR) are interchangeable. Thus, the extensions are labeled 2NC/1NR

These **GENERAL INSTRUCTIONS** are designed to help you understand and use the system. This File also comes with **INSTRUCTIONS ON UPDATING THIS SYSTEM** that will teach you how to maintain your organization and preparation throughout the year.

The 1NC positions contained in this File are pre-written scripts for your first speech. At tournaments, you will debate both sides of the topic. For each round, you will either be on the affirmative side or the negative side. Whenever you and your partner are scheduled to debate on the **negative** side, you will always read the 1NC positions that you and your partner have agreed to. The rest of this File and the 2N File are predicated on your reading of these pre-written positions during the 1NC. **If you do not read the positions as contained in this File or other updated positions that you insert into this File as per the directions, then the System will not work.** Because you will always be reading the 1NC positions from this File and others that you create, make sure that you have practiced reading the and can read them in the time allotted for the 1NC.

The remainder of the File contains the **2NC/1NR EXTENSIONS**. “Extensions” simply refer to your pre-written script that you will read when the affirmative team responds to your positions. Your 2NC/1NR Extensions will address most, if not all, arguments that the affirmative team might make. However, this System, like all others, requires updating when you want to run new positions.

<b>GENERAL INSTRUCTIONS</b>
-----------------------------

**Instructions on Updating this System**

This File also contains **INSTRUCTIONS ON UPDATING THIS SYSTEM**. Fortunately, TFF has already done most of the grunt work in terms of setting up and scripting the standard arguments you will make against many affirmative cases. For example, this File includes 1NC positions and extensions that you will read again and again. Some you will read every negative round. This is *good* because you will familiarize yourself with your arguments very quickly, and, eventually, you will be able to use the model this system provides to write and expand upon your own affirmative cases in future years.

The most important goal when you are still learning debate, after learning what to do for each speech, is to stay organized. If you have spent tens of hours preparing, it will not matter unless you are able to easily locate what you have prepared. This File contains instructions for adding new positions (like topicality, disadvantages, kritiks, etc.) and extensions for those positions.

Whenever you update your File, you will need to do the following:

(1) SIT DOWN WITH YOUR PARTNER, THE 2N, AND DRAFT THE NEW 1NC POSITION **FIRST**.

(2) USING THE 1NC POSITION, WRITE YOUR 2NC/1NR EXTENSION that extends the arguments from the 1NC. Your goals are to be concise, technically proficient, and persuasive. Fortunately, the Extensions follow a format. Refer to the pre-written 2NC/1NR Extensions included in this File. They all follow a format that you should follow:

1. Extend the first part of the 1NC Position (e.g., interpretation for topicality, uniqueness for disadvantage, link for kritik, etc.). Explain the argument and card read in support of the argument, if any.
2. Group all of the affirmative arguments in response. Explain why your argument is better in light of their argument.
3. Repeat for each part of the position and explain why the position, if you win it, is a reason to vote for you.

(3) UPDATE THIS FILE by adding your newly written 1NC positions and Extensions blocks in a place where you can find them easily. This means putting them in the File where they go. Refer to the **TABLE OF CONTENTS**. Each type of position has a “-” where you would insert your new positions and blocks. For example, put all of your kritiks together, all of your disads together, all of your topicality arguments together, and all of your counterplans together.

(4) THEN UPDATE THE TABLE OF CONTENTS: If you’re keeping an electronic version, update by re-inserting the page numbers (in Word, “Insert” then navigate to “page numbers”) this will re-paginate for you. If you are keeping your File in a hard copy, use a modified pagination system.

<p style="text-align: center;"><b><u>Topicality “Its” = NASA</u></b> 1NC</p>
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A. **Definition:** The word “its” means, “belonging to or associated with a thing previously mentioned or easily identified.” Oxford Dictionary 2011. The “thing previously mentioned” in the resolution is the U.S. federal government. NASA is the only federal agency that explores and develops space. NASA explains in 2003: “NASA is the sole federal agency that conducts planetary exploration, and is a major contributor to studying the universe beyond our solar system.”<sup>1</sup> This means plan must go through NASA.

B. **Violations:**

1. Plan text does not specify that NASA will implement the mandates of the plan.
2. Plan is extra topical because the advantages demonstrate how the plan is intended to benefit the private sector. In the implementation of federal laws, they are interpreted based not only on the text of the plan, but also on the justifications for the plans. Litwack explains in 2006<sup>2</sup>: “Legislative history is one tool a court may use to interpret ambiguous statutory language or to determine the intent of the legislature in writing the law and wording it in the way it did.”

C. **Prefer Our Interpretation:**

1. Resolutional Context: we properly analyze the definition of its in context of the entire resolution. This means our definition is the most predictable and accurate.
2. Historical Context: NASA is the only agency that has the authority under federal law to explore or develop space. This also makes our definition more predictable and accurate.
3. Predictable Ground: NASA’s implementation is the most predictable rather than implementation through the private sector or another federal agency because it is the sole existing federal agency designed to develop and explore space.

D. **Topicality is a voter** because the affirmative’s job is to affirm the resolution. If they don’t meet the best interpretation of the resolution, then they are not affirming the resolution.

E. **Extra topicality is a voter** because the affirmative’s job is to affirm the resolution. If they don’t meet the best interpretation of the resolution, then they are not affirming the resolution.

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<sup>1</sup> National Aeronautics and Space Administration, [www.gpoaccess.gov/usbudget/fy03/pdf/bud27.pdf](http://www.gpoaccess.gov/usbudget/fy03/pdf/bud27.pdf)

<sup>2</sup> <http://www.nesl.edu/research/rsguides/web1.htm>

**Topicality Its = NASA**  
2NC/1NR Extension

**Extend our definition and interpretation.** The Oxford Dictionary 2011 defines “its” in the resolution “belonging to or associated with a thing previously mentioned or easily identified.” The resolution reads, “Resolved: the United States federal government should increase its exploration and/or development of space beyond the Earth’s mesosphere.” The thing previously mentioned or easily identified in the resolution is the US federal government. Extend our NASA 2003 evidence stating that NASA is the exclusive federal agency to explore and develop space. There is more evidence from The Brady Report Online as of 2010, “NASA, for half a century, has existed as the sole agency, to both the American and international community, for space exploration and the development of related technologies.”<sup>3</sup> Thus, the resolution means that NASA must be the one exploring and/or developing space on behalf of the US federal government. More easily conceptualized, the resolution sets up a two-part “FUBU” test. The plan must be one, “For the US federal government,” and two “By the US federal government.”

**Group their we meet arguments, if any, and extend our violation. I’ll answer them here to keep the structure of the 1NC. The plan does not meet our interpretation** because plan text does not specify that NASA will implement the plan. IT also contains no other limiting language indicating that the plan meets the “FU” part of the “FUBU” test, that the plan is for the benefit of the US federal government. Plan text must specify NASA’s implementation; otherwise, the plan text is ambiguous. After plan is passed, Litwack in 06 explains that courts will interpret the ambiguity in light of the justifications and advantages contained in the 1AC. There is no indication from the advantages that NASA will be the agency implementing the plan. Plan text could be reasonably interpreted as creating an additional federal space agency to just oversee the plan mandates. NetIndustries explains in 2011, “The federal and state constitutions implicitly give the legislatures the power to create administrative agencies. Administrative agencies are necessary because lawmakers often lack detailed knowledge about important issues, and they need experts to manage the regulation of complex subjects.”<sup>4</sup> Also, normal means is too ambiguous to really indicate the intent of the plan. None of their arguments address our specific violation.

**Group their counter-interpretation and counter-standards, if any, and extend our reasons to prefer our interpretation.** I’ll answer their rgument here to keep the structure of the 1NC. First, we provide both resolitional and historical context. We properly analyze the definition of the word “its” in context of the entire resolution. Moreover, NASA is currently the only agency that has the authority under federal law to explore or develop space. This context makes our definition the most predictable and accurate. This trumps any limits or reasonability arguments. Predictability is more important than limits because limits and reasonability are arbitrary standards. Also, we provide better ground than any alternative interpretation because our ground is predictable. NASA’s implementation is the most predictable rather than implementation through the private sector or another federal agency because it is the sole existing federal agency designed to develop and explore space.

**Group their arguments that topicality might not be a voter, I’ll answer them here to keep the 1NC structure. Extend our argument that topicality is a voter** because the affirmative’s job is to affirm the resolution. If they don’t meet the best interpretation of the resolution, then they are not affirming the resolution.

**[Usage Note:** If the 2AC read any specific arguments for why topicality is not a voter, pull the blocks to those arguments and read those after you are done reading this extension.]

<sup>3</sup> <http://www.relativityonline.com/home/the-brady-report-nasa-vision/>

<sup>4</sup> <http://law.jrank.org/pages/8091/Law-Agency-Regulations-Executive-Orders.html>



# **Second Negative Speaker (2N)**

## **Space Topic Negative**

## **Table of Contents (2N File)**

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-Instructions on Updating this System

<b>2NC EXTENSIONS &amp; 2NR EXTENSIONS</b>
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**Topicality**

Its – 2NC/1NR Extension  
Its – 2NR Extension

Exploration Beyond the Earth’s Mesosphere – 2NC/1NR Extension  
Exploration Beyond the Earth’s Mesosphere – 2NR Extension

Burden of Proof – 2NC/1NR Extension  
Burden of Proof – 2NC/1NR Overview

**Topicality 2NR Extension: Answers to (A/T):**

Topicality Is Not A Voter Without Abuse  
Reasonability  
Effectuality Is Legitimate  
Extra Is Legitimate  
Grammar Standard Is Bad

**Disadvantages**

NASA Administration DA – 2NC/1NR Extension  
NASA Administration DA – 2NR Extension

**Counterplans**

Private Sector CP – 2NC/1NR Extension  
Private Sector CP – 2NR Extension

**General Case Arguments**

Inherency – 2NC/1NR Extension  
Inherency – 2NR Extension

Space Technology – 2NC/1NR Extension  
Space Technology– 2NR Extension

Aliens – 2NC/1NR Extension  
Aliens – 2NR Extension

**Other**

-CX Questions for after the 1AC

## **Table of Contents (2N File)**

<b>2NC EXTENSIONS &amp; 2NR EXTENSIONS (CONTINUED)</b>
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-Page Reserved for Additional 2NC/1NR and 2NR Extensions

<b>GENERAL INSTRUCTIONS</b>
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This is the System’s File for the 2N. You should have received this File from your teacher only if you are the second negative speaker, 2N. If you believe that you are going to be the 1N speaker, then you have the wrong File. Included within this File is: (1) these general instructions; (2) extensions for the 2NC/1NR; and (3) extensions for the 2NR. The extensions for the 2NC may also be used in the 1NR, because the arguments presented in these two speeches (2NC & 1NR) are interchangeable. Thus, the extensions are labeled 2NC/1NR

These **GENERAL INSTRUCTIONS** are designed to help you understand and use the system. This File also comes with **INSTRUCTIONS ON UPDATING THIS SYSTEM** that will teach you how to maintain your organization and preparation throughout the year.

The extensions contained in this File are pre-written scripts for your speeches. At tournaments, you will debate both sides of the topic. For each round, you will either be on the affirmative side or the negative side. Whenever you and your partner are scheduled to debate on the **negative** side, you will always read the extensions for the positions that you and your partner have agreed to. The rest of this File and the 1N File are predicated on your partner’s reading of the positions for 1NC. **Otherwise this system will not work.**

The remainder of the File contains the **2NC/1NR EXTENSIONS** and **2NR Extensions**. “Extensions” simply refer to your pre-written script that you will read when the affirmative team responds to your positions and the 2NR extension of the positions that you will “go for” in the 2NR. Your 2NC/1NR Extensions will address most, if not all, arguments that the affirmative team might make. However, this System, like all others, requires updating when you want to run new positions.

<b>GENERAL INSTRUCTIONS</b>
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**Instructions on Updating this System**

This File also contains **INSTRUCTIONS ON UPDATING THIS SYSTEM**. Fortunately, TFF has already done most of the grunt work in terms of setting up and scripting the standard arguments you will make against many affirmative cases. For example, this File includes 2NC/1NR and 2NR extensions that you will read again and again. Some you will read every negative round. This is *good* because you will familiarize yourself with your arguments very quickly, and, eventually, you will be able to use the model this system provides to write and expand upon your own affirmative cases in future years.

The most important goal when you are still learning debate, after learning what to do for each speech, is to stay organized. If you have spent tens of hours preparing, it will not matter unless you are able to easily locate what you have prepared. This File contains instructions for adding new positions (like topicality, disadvantages, kritiks, etc.) and extensions for those positions.

Whenever you update your File, you will need to do the following:

(1) SIT DOWN WITH YOUR PARTNER, THE 2N, AND DRAFT THE NEW 1NC POSITION **FIRST**.

(2) USING THE 1NC POSITION, WRITE YOUR 2NC/1NR EXTENSION AND 2NR EXTENSIONS that extends the arguments. Your goals are to be concise, technically proficient, and persuasive. Fortunately, the Extensions follow a format. Refer to the pre-written 2NC/1NR Extensions included in this File. They all follow a format that you should follow:

1. Extend the first part of the 1NC Position (e.g., interpretation for topicality, uniqueness for disadvantage, link for kritik, etc.). Explain the argument and card read in support of the argument, if any.
2. Group all of the affirmative arguments in response. Explain why your argument is better in light of their argument.
3. Repeat for each part of the position and explain why the position, if you win it, is a reason to vote for you.

(3) UPDATE THIS FILE by adding your newly written 1NC positions and Extensions blocks in a place where you can find them easily. This means putting them in the File where they go. Refer to the **TABLE OF CONTENTS**. Each type of position has a “-” where you would insert your new positions and blocks. For example, put all of your kritiks together, all of your disads together, all of your topicality arguments together, and all of your counterplans together.

(4) THEN UPDATE THE TABLE OF CONTENTS: If you’re keeping an electronic version, update by re-inserting the page numbers (in Word, “Insert” then navigate to “page numbers”) this will re-paginate for you. If you are keeping your File in a hard copy, use a modified pagination system.

**Topicality Its = NASA**  
2NC/1NR Extension

**Extend our definition and interpretation.** The Oxford Dictionary 2011 defines “its” in the resolution “belonging to or associated with a thing previously mentioned or easily identified.” The resolution reads, “Resolved: the United States federal government should increase its exploration and/or development of space beyond the Earth’s mesosphere.” The thing previously mentioned or easily identified in the resolution is the US federal government. Extend our NASA 2003 evidence stating that NASA is the exclusive federal agency to explore and develop space. There is more evidence from The Brady Report Online as of 2010, “NASA, for half a century, has existed as the sole agency, to both the American and international community, for space exploration and the development of related technologies.”<sup>1</sup> Thus, the resolution means that NASA must be the one exploring and/or developing space on behalf of the US federal government. More easily conceptualized, the resolution sets up a two-part “FUBU” test. The plan must be one, “For the US federal government,” and two “By the US federal government.”

**Group their we meet arguments, if any, and extend our violation. I’ll answer them here to keep the structure of the 1NC. The plan does not meet our interpretation** because plan text does not specify that NASA will implement the plan. IT also contains no other limiting language indicating that the plan meets the “FU” part of the “FUBU” test, that the plan is for the benefit of the US federal government. Plan text must specify NASA’s implementation; otherwise, the plan text is ambiguous. After plan is passed, Litwack in 06 explains that courts will interpret the ambiguity in light of the justifications and advantages contained in the 1AC. There is no indication from the advantages that NASA will be the agency implementing the plan. Plan text could be reasonably interpreted as creating an additional federal space agency to just oversee the plan mandates. NetIndustries explains in 2011, “The federal and state constitutions implicitly give the legislatures the power to create administrative agencies. Administrative agencies are necessary because lawmakers often lack detailed knowledge about important issues, and they need experts to manage the regulation of complex subjects.”<sup>2</sup> Also, normal means is too ambiguous to really indicate the intent of the plan. None of their arguments address our specific violation.

**Group their counter-interpretation and counter-standards, if any, and extend our reasons to prefer our interpretation.** I’ll answer their rgument here to keep the structure of the 1NC. First, we provide both resolutional and historical context. We properly analyze the definition of the word “its” in context of the entire resolution. Moreover, NASA is currently the only agency that has the authority under federal law to explore or develop space. This context makes our definition the most predictable and accurate. This trumps any limits or reasonability arguments. Predictability is more important than limits because limits and reasonability are arbitrary standards. Also, we provide better ground than any alternative interpretation because our ground is predictable. NASA’s implementation is the most predictable rather than implementation through the private sector or another federal agency because it is the sole existing federal agency designed to develop and explore space.

**Group their arguments that topicality might not be a voter, I’ll answer them here to keep the 1NC structure. Extend our argument that topicality is a voter** because the affirmative’s job is to affirm the resolution. If they don’t meet the best interpretation of the resolution, then they are not affirming the resolution.

**[Usage Note:** If the 2AC read any specific arguments for why topicality is not a voter, pull the blocks to those arguments and read those after you are done reading this extension.]

<sup>1</sup> <http://www.relativityonline.com/home/the-brady-report-nasa-vision/>

<sup>2</sup> <http://law.jrank.org/pages/8091/Law-Agency-Regulations-Executive-Orders.html>

<b><u>Topicality Its = NASA</u></b> 2NR Extension
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**Extend our definition and interpretation.** “Its” means “belonging to or associated with a thing previously mentioned or easily identified.” The thing previously mentioned or easily identified in the resolution is the US federal government. Extend our NASA 2003 and the Brady Report 2010 evidence stating that NASA is the exclusive federal agency to explore and develop space. Thus, the resolution means that NASA must be the one exploring and/or developing space on behalf of the US federal government. Extend our conceptualization of this definition as a two-part “FUBU” test. First, the plan must be **“FOR** the benefit of the US federal government. This is because, if the plan is for the benefit of the private sector, as made clear by the IAC advantages, then our Litwack evidence explains that courts will use this “legislative history” to interpret the ambiguous plan text to be for the private sector, and thus, be more than just the US federal government’s exploration and development. The second part of the FUBU test is **“BY** the US federal government.” The space exploration or development must be conducted by the US federal government. If plan does not meet these two parts, then it is not topical and you should vote negative.

**Extend our violation and group any we meet arguments the 1AR extended.** The plan text does not specify that NASA will implement the plan. The plan also contains no other limiting language indicating that the plan meets the “FU” part of the “FUBU” test, that the plan is for the benefit of the US federal government. Thus, because plan text does not specify NASA the plan is ambiguous and courts can permit the private implementation of the plan or a non-NASA implementation. Extend our NetIndustries 2011 evidence that plan could be interpreted as creating another federal agency designed to implement the mandates of the plan. Extend Litwack in 06 arguing that courts will interpret the ambiguity in light of the justifications and advantages contained in the IAC. There is no indication from the advantages that NASA will be the agency implementing the plan. Also, normal means is too ambiguous to really indicate the intent of the plan. None of their arguments address our specific violation.

**Extend our reasons to prefer our interpretation and group any counter-interpretation and counter-standards the 1AR extended.** First, our interpretation takes into account resolutional and historical context. We analyze “its” in context of the entire resolution. Moreover, NASA is currently the only agency that has the authority under federal law to explore or develop space. This makes our definition the most predictable and accurate. Predictability and accuracy trump or outweigh any limits, ground, or reasonability arguments. Predictability is more important than limits because limits and reasonability are arbitrary standards. Also, we provide better ground than any alternative interpretation because our ground is predictable. NASA’s implementation is the most predictable rather than implementation through the private sector or another federal agency because it is the sole existing federal agency designed to develop and explore space.

**Group their arguments that topicality might not be a voter and extend ours that topicality is a voter** because the affirmative’s job is to affirm the resolution. If they don’t meet the best interpretation of the resolution, then they are not affirming the resolution.

**[Usage Note:** If the 1AR extended or made any specific arguments for why topicality is not a voter, pull the blocks to those arguments and read those after you are done reading this extension.]

# CX Hybrid File System

NEGATIVE



# Before the Round

1N

1. **Set up your negative files.** Pull out your arguments for the negative that you may need in this debate. Make sure to have everything.
2. **If the AFF discloses, prepare your arguments against their case.** If you have pre-written answers, locate those and have those ready to go. If you do not, think of arguments that you can make against their case anyway and write those down.
3. **If the AFF does not disclose, make sure you can easily access all of the 1NC arguments** so that you can reduce the amount of prep time you need to take.
4. **If the AFF gives you their plan text and you and your partner decide to run a counterplan, write the counterplan text based on the plan text.**
5. **Give the 2N your input about the 1NC strategy.**
6. **Keep track of this powerpoint.** It is your responsibility to turn to the next page/slide at the end of each part of the debate.

2N

1. **Ask the other team to disclose their case.** It has become a custom in debate for teams to disclose their affirmative case to the negative team. However, some teams refuse to do so. It never hurts to ask. Sometimes the other team will tell you generally what case they run; others will give you their plan text and tell you their case advantages.
2. **Research your opponents.** Refer to your Opponent Database for any information you or your teammates have collected about your opponents to see what case they run and arguments they tend to make. Ask teammates, your coach, or friends if they know what the other team or school tends to argue.
3. **If the AFF discloses, prepare the 1NC strategy.** This entails strategizing based on what you know about the other team's weaknesses and strengths as you should have learned through research of your opponent. If you know nothing, go with a standard strategy.
4. **Collaborate with your partner on the 1NC strategy.** Remember that you will have to split the block, so you cannot argue all of the positions in the 2NC.

# 1AC

1N

2N

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| <ol style="list-style-type: none"><li>1. <b>Flow the 1AC.</b></li><li>2. If the AFF has not disclosed, then think of the off-case positions that you should pull out to argue against the AFF case and pull out those 1NC positions. Ask the 2N during the 1AC to see if you should run the off-case position that you think of.</li><li>3. Write down on-case arguments that directly refute the aff case as you think of those arguments.</li><li>4. <b>Continue to prepare the 1NC Shells for the off-case positions you plan to read and put them in order of priority:</b> Topicality, Disads, Counterplans, Kritiks, then Case Arguments. Remember that you <b><u>do not need</u></b> to read one position of each type. But if you read more than one off-case position, make sure they are in this order.</li></ol> | <ol style="list-style-type: none"><li>1. <b>Flow the 1AC.</b> Sit next to the 1AC and read the tags of the cards the 1A is reading so that you are fully clear on the arguments the AFF is making in its case.</li><li>2. <b>Pull out the 2N Questions for CX of the 1AC,</b> and have those ready to go for immediately after the 1AC.</li><li>3. Write down additional questions that you have about the 1AC.</li><li>4. <b>Confer with your partner about the 1NC strategy.</b> If the AFF discloses, you should already have the 1NC strategy ready to read. If the AFF does not disclose, then make sure that you and your partner agree on the position to read. <b>DO NOT WAIT</b> until prep time to do this.</li></ol> |
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# CX of 1A

1N

2N

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| <ol style="list-style-type: none"><li>1. Continue to think of arguments against the AFF case and write those down.</li><li>2. Double check that the number of off case positions you want to read is manageable. Remember that you will only have eight minutes!</li><li>3. <b>Continue to prepare for your speech.</b> Make sure that all of the 1NC arguments are in order of priority. Find your timer and set it for 8:00.</li><li>4. <b>Have your roadmap ready.</b> Your roadmap is essentially “where you will be going.” A roadmap ordinarily has two components: first, the number of off case positions; second, whether you will make on-case arguments or not. For example, “3 off case, no on-case” or “2 off case, and case arguments on inherency.”</li></ol> | <ol style="list-style-type: none"><li>1. <b>Ask the questions of the 1AC as you have them. Refer to the CX Questions for the 1AC.</b> Don’t be afraid to ask follow up questions if you have them. It is better to ask and take the risk that the other team might think you ask dumb questions, then to not ask and run arguments in the 1NC that clearly don’t apply to the 1AC.</li></ol> |
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# Prep Time Before the 1NC

## 1N

1. Ordinarily, you should NEVER take prep time before the 1NC. But some debates will require it if (1) the AFF has not disclosed; and/or (2) you and your partner have not agreed on a 1NC strategy.
2. If you must take prep time, make sure to keep it limited. You do not need to tell the judge how many minutes you will need. Just tell the judge that you will need prep time and let the judge know when you are done with your prep time. Make sure that you keep track of how much time you have used.
3. During prep time, continue to prepare the 1NC. Decide what positions to run and put them in order of priority: Topicality, Disads, Counterplans, Kritiks, then Case Arguments.

## 2N

1. Ordinarily, you should NEVER take prep time before the 1NC. But some debates will require it if (1) the AFF has not disclosed; and/or (2) you and your partner have not agreed on a 1NC strategy.
2. If you must take prep time, make sure to keep it limited. You do not need to tell the judge how many minutes you will need. Just tell the judge that you will need prep time and let the judge know when you are done with your prep time. Make sure that you keep track of how much time you have used.
3. During prep time, continue to prepare the 1NC. Decide what positions to run and put them in order of priority: Topicality, Disads, Counterplans, Kritiks, then Case Arguments.

Judge Name	Tournament	Round	Date	Team	Side	Opponent	Win/Loss	Comments on Style	Reason 4 Decision
Jason Smith Examples									
Graduated from McKinley HS in 1985 , did LD for 2 years, volunteers each year at this tournament	McKinley HS	2	3-Oct-10	Sanford AB	AFF	Roosevelt HH	W	Read the 1AC too fast. Prefers slow debate and hates rapid fire.	Did not review the arguments, but voted the other team down because they spoke faster than we did
	McKinley HS	4	4-Oct-10	Sanford CD	NEG	Marquette NV	W	We all spoke really well. Need to focus on refuting the other teams' arguments.	Thought that the other team did not sufficiently address our points on inherency. Hates RVTs on topically.
Wanda Crawford									
Graduated from McKinley in 2008. Debates at Harvard University. Home for Christmas Break	McKinley HS	Octs	4-Oct-10	Sanford AB	NEG	Sandeeville RS	2-1 (Bottom)	None	Thought we won on topically because the other team dropped it in the 2AR. Other two judges did not buy the argument
New Judge Judge Info									