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BEYOND THE LOOKING GLASS: THE APPLICATION OF PUBLIC CHOICE THEORY TO U.S.  
COMMERCIAL COMMUNICATION SATELLITE EXPORT CONTROLS

**Abstract**

Resolving the future challenges of space law requires not only an understanding of the law itself, but also the process through which law and policy is chosen. As legal scholars, we should complement our legal knowledge with public administration and public choice theory.

This article undertakes a public choice case-study of U.S. commercial communication satellite export control law and policy, focusing on two particular regulatory choices: the 1999 Strom Thurmond Defense Act Satellite Export Control Amendment and the 1990 Tiananmen Square Sanctions boycott on Chinese launch services. This case study analyzes both the initial choice to implement these regulations and also the choice to maintain them in light of strong empirical evidence against their cost-benefit effectiveness. Specific models of public choice are demonstrated to explain and predict future U.S. export control regulatory decision. The findings of this case study are thereafter extrapolated to examine how public choice may operate in light of future challenges in outer space.