ST. Mark’s TS – 2AC AT Counterplans (1/8/12)

## Shameless Plug

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## 2AC CP Consult – Generic

**Clarifying the plan mirrors real world policymaking—this is best**

**UN 3** – United Nations Youth and Student Association (Resolution Writing, http://afa.at/vimun/resolution1.doc, AG)

The precise wording of the resolution must be examined carefully when you are debating how to vote. The references in the preamble should be checked. If your country opposed a certain UN resolution or opposes items mentioned in the Preamble, than you should voice your opposition to the working paper. If your country´s policies support the general goal of the resolution, but you have reservations about the wording of certain sections in the resolution, you should attempt to seek changes in the language to make the resolution more acceptable. Rule 6 Amendments An amendment is a clarification or a change in a resolution that incorporates additional interests or concerns after the resolution has been formally submitted to a committee. Basically, an amendment is a proposal that does no more than add to, delete (strike out) or substitute from part or a phrase of the current draft resolution.

**Resolved isn’t in the plan – military definition**

**DOD 6** – US Department of Defense (6/28, The Colon, http://64.233.167.104/search?q=cache:CRkgc8Pi1TsJ:www.dod.state.hi.us/HIARNG/298rti/298rti/l230is\_app\_d.pdf, AG)

The colon introduces the following: [continues] g. A formal resolution, after the word "resolved:" Resolved: (colon) That this council petition the mayor.

**Should isn’t mandatory**

**Taylor and Howard 5** - Resources for the Future, Partnership to Cut Hunger and Poverty in Africa (Michael and Julie, “Investing in Africa's future: U.S. Agricultural development assistance for Sub-Saharan Africa”, 9/12, http://www.sarpn.org.za/documents/d0001784/5-US-agric\_Sept2005\_Chap2.pdf)

Other legislated DA earmarks in the FY2005 appropriations bill are smaller and more targeted: plant biotechnology research and development ($25 million), the American Schools and Hospitals Abroad program ($20 million), women’s leadership capacity ($15 million), the International Fertilizer Development Center ($2.3 million), and clean water treatment ($2 million). Interestingly, in the wording of the bill, Congress uses the term *shall* in connection with only two of these eight earmarks; the others say that USAID *should* make the prescribed amount available. The difference between *shall* and *should* may have legal significance—one is clearly mandatory while the other is a strong admonition—but it makes little practical difference in USAID’s need to comply with the congressional directive to the best of its ability.

## 2AC CP Consult – Russia

**Alt cause—START**

**Lugar 8** (Richard, Washington Times, 7/18)

By contrast, administration officials testified to the importance of START during Senate consideration of the Moscow Treaty in 2003. This is not a mere technical issue - the foundation of the U.S.-Russian strategic relationship is about to expire and with it, the key basis for trust between the two sides.

**Consultation on Korea solves**

**Syneder et al 10** (Council of Foreign Relations Task Force, “U.S. Policy Toward the Korean Peninsula”, Independent Task Force Report No. 64, ZBurdette)

Despite accepting the six-party framework established by the George W. Bush administration as the main vehicle for pursuing negotiations, the Obama administration has signaled a shift from past policy by emphasizing reassurance of South Korean and Japanese allies. This is partly a response to the perception in the region that the George W. Bush administration leaned too heavily on bilateral negotiations with North Korea at the expense of alliance consultation. Special Representative Bosworth has engaged in frequent policy consultations with North Korea’s neighbors, including China and Russia, to promote regional cohesion in response to North Korea’s nuclear pursuits. When North Korea initiated a “charm offensive” in the latter part of ŒŸŸ‹ by renewing diplomatic outreach to the United States and South Korea, the Obama administration responded by sending Bosworth to Pyongyang in December ŒŸŸ‹ to convey the message that North Korea should return to the denuclearization path by coming back to the Six Party Talks.

## 2AC CP Executive Order

**Links to politics**

**Atlantic wire 10** (http://www.theatlanticwire.com/opinions/view/opinion/How-Obama-Can-Repeal-Dont-Ask-Dont-Tell-2400)

The Case Against an Executive Order Liberal blogger John Cole argues that letting the Pentagon and Congress take charge, even if it takes longer, frames repeal as "not 'if' it will be repealed but 'when.'" He warns Obama against simply issued an executive order, "causing a huge congressional and military backlash with a media narrative about nothing but Obama over-reaching his mandate and the accompanying backlash."

**Courts will strike down**

**Cooper 2**—receiver of Charles A Levin Award from the American Society for Public Administration, Professor of Public Administration in the Hatfield School of Government at Portland, PhD in government (Phillip, University of Vermont, By Order of the President: The Use and Abuse of Executive Direct Action, p. 77)

Despite the apparent deference by the judiciary to the president's orders, this chapter has plainly demonstrated any number of instances in which the White House has lost in court. Executive orders, both legal and illegal, can expose officials to liability. It is an old argument, developed long before the battle over the so-called Nuremberg defense, that illegal orders do not insulate a public official from liability for his or her actions. The classic example harks back to Little v. Barreme 13 1 during the Washington administration. Even legal orders can expose the government to liability. Though the federal courts have often upheld dramatic actions taken by the president during difficult periods, they have not been hesitant to support claims against the government later. The many cases that were brought involving the U.S. Shipping Board Emergency Fleet Corporation after World War I provide examples of just how long such postorder legal cleanup can take and how much it can Cost. 112 Later, in a 1951 case, the Supreme Court subjected government to claims by business for the damages done to their interests during the government's operation of the coal mines during World War II after FDR seized the mines in 1943.133 Thus, the legal issues that may arise are concerned with both the validity of orders and with addressing the consequences of admittedly legitimate decrees.

**Internal link turn—excessive prez power causes congressional backlash making prez power ineffective**

**Dean 2** – former counsel to the President, JD from Georgetown (John, HOW THE WAR ON TERRORISM IS SHRINKING CONGRESSIONAL POWERS, http://writ.news.findlaw.com/dean/20021011.html, AG)

From this observer's point of view, Cheney's efforts are unnecessary. If anything, it is the presidency that has become too powerful. It is also misguided as a matter of political strategy. History shows that every time a modern president reaches for more power at the expense of Congress it ultimately raises Congressional ire. This brings inevitable repercussions, sooner or later. Rather than the President's getting more done, he actually gets less accomplished. And given the fluke that put the Bush administration in power, Cheney hardly has a mandate for realigning power in Washington.

**Uniqueness overwhelms—status quo is an unparalleled extension of prez power**

**Dean 4** – former counsel to the President, JD from Georgetown (John, The U.S. Supreme Court and The Imperial Presidency, http://www.commondreams.org//views04/0116-11.htm, AG)

Its "preemptive" and "preventive" military policy, its contentions that it can go to war regardless of whether Congress approves, its policies calling for American world domination, and its unprecedented blending of national security policy and domestic law enforcement. In my view, these policies and positions not only easily establish the Bush presidency as imperial, they also rank it beyond anything in the annals of the modern American presidency. This may be the most imperial Presidency our history has yet seen. I've spoken with Arthur Schlesinger about it -- asking him if he thought the Bush presidency fit his description of an imperial presidency. In response, he chuckled, and said, "I'd certainly say this is an imperial presidency." The fact that five cases currently before the Supreme Court address the question of presidential powers -- and whether or not the Bush presidency has exceeded them -- speaks for itself. Bush has had almost twice as many such cases before the Court as Nixon had, in half the time.

## 2AC CP Hardening

**Near space is the only way to truly provide hardening**

**Tomme, US Airforce Lieutenant Colonel, 5** (Ed, PhD in plasma physics, “CADRE Quick-Look”, http://www.au.af.mil/au/awc/awcgate/cadre/ari\_ql2004-25.pdf, mrs)

Satellite assets are also notoriously unresponsive to rapidly changing operational conditions. While minor changes in orbits are possible and are routinely accomplished, major changes are either impossible to do or can be done only at the cost of substantially reducing the life of the asset. Satellite launch responsiveness is similarly constrained. Currently it takes months for an existing satellite to be mated to its launch vehicle and moved to the pad for launch. Efforts to employ so-called tactical satellites with significantly reduced costs, design schedules, and launch times, while laudable, seem rather fantastic in the near term. Satellites are also generally unmaintainable; once they fail they will never be repaired. The technology that is frozen into their designs years to decades before their end of service life cannot be changed. Satellites do, however, have a freedom of overflight that near-space platforms likely would not enjoy.

Solution/Possible Courses of Action. Near-space assets, on the other hand, seem ideally suited to satisfy the requirements of operational and tactical commanders. They are relatively inexpensive, costing thousands to millions of dollars per platform (excluding payloads) instead of tens of millions to billions of dollars. They can provide stay-and-stare persistences on the order of days, weeks, and months. They can be on station within hours of being called for by a commander and do not have predictable flight paths that would allow an adversary to defeat them by the timing of his actions. They can be returned to base and repaired. Near-space is the operationally responsive space that warfighters have been pursuing for years.

**Counterplan solves comparatively better – responsiveness**

**Tomme, US Airforce Lieutenant Colonel, 5** (Ed, http://www.au.af.mil/au/awc/awcgate/cadre/ari\_2005-01.pdf, The Paradigm Shift to Effects-Based Space:

Near-Space as a Combat Space Effects Enabler”, ZBurdette)

Once on orbit, satellites are all but unresponsive. It takes an enormous amount of energy to change the orbit of a satellite. To change the plane of a satellite in orbit by 60 degrees takes almost as much energy as it took to get the satellite into the original orbit. If the space shuttle burned all of its onboard fuel, it could only change its inclination by 2½ degrees.105 It is these huge energy costs that all but prohibit repositioning of satellites at the whim of a commander. Satellites are also non-responsive to launch, currently taking from an advertised eight days for the newest evolved expendable launch vehicles (EELV), the Delta IV or Atlas V, up to 200 days to process a Titan IV launch site.106 These numbers are also predicated on having a satellite built, checked out, and available for mating to the launch vehicle. The Joint Warfighting Space concept calls for much more responsive launches of small satellites, ideally within hours of notification. However the problems involved in the co-located warehousing of the appropriate satellites and launchers required to achieve this goal seem quite formidable at the present time. The capacity of the nation’s budget to sustain the heavy blow dealt by requiring a large number of “tactical” satellites and launchers to be kept in warehouses “just in case” is another serious flaw with this program that is seldom addressed by proponents. Even if24these sobering troubles could be overcome, they do not obviate the on-orbit non-responsiveness of satellites.

Air-breathers, both manned and unmanned, are extremely responsive. They can be launched in minutes to hours, and once on station they can be redirected at will. During Operation IRAQI FREEDOM, UAVs were the choice for real-time information. Their video feeds were watched live by commanders, at least one of whom personally commanded a real-time weapons release on a high-sensitivity target to ensure responsibility for a potential high-visibility mistake would not fall upon his subordinates.107 Near-space platforms are also extremely responsive compared to satellites and almost as responsive as air-breathers to launch and redirect. In general, near-space platforms require about a minute per thousand feet to ascend,108 so it takes about two hours for them to be on-station at 120,000 ft. They also cruise more slowly than most air-breathers, so getting to their assigned stations will take longer. However, once they are there, they can stay there for a very long time. Operational risk is substantially reduced because of the single launch and recovery cycle that produces months of duration on station.

## 2AC CP PIC Pegasus Launch Vehicles

**Zero net benefit—Pegasus is used internationally now**

**Orbital Science 8** - industry leader in small- and medium-class space and rocket systems (2008, Orbital Science Corporation, “Pegasus”, http://www.orbital.com/spacelaunch/pegasus/)

On April 5, 1990, Orbital began a new era in commercial space flight when our Pegasus rocket was launched for the first time from beneath a NASA B-52 carrier aircraft in a mission that originated from Dryden Flight Research Center in California. In the decade since its maiden flight, Pegasus has become the world's standard for affordable and reliable small launch vehicles. It has conducted 40 missions, launching over 80 satellites.

The three-stage Pegasus is used by commercial, government and international customers to deploy small satellites weighing up to 1,000 pounds into low-Earth orbit. Pegasus is carried aloft by our "Stargazer" L-1011 aircraft to approximately 40,000 feet over open ocean, where it is released and then free-falls in a horizontal position for five seconds before igniting its first stage rocket motor. With the aerodynamic lift generated by its unique delta-shaped wing, Pegasus typically delivers satellites into orbit in a little over 10 minutes.

This patented air-launch system reduces cost and provides customers with unparalleled flexibility to operate from virtually anywhere on Earth with minimal ground support requirements. Pegasus launches have been conducted from six separate sites in the U.S., Europe and the Marshall Islands, the first time a space launch vehicle has demonstrated such operational flexibility.

## 2AC CP PPWT

**PPWT fails**

**Listner** **4-25**-2011 (Michael is a legal and policy analyst with a focus on issues relating to space law and policy. Michael has numerous writings on the topic published in legal and online journals and also writes a regular column on space law and policy at Examiner.com. Michael received his JD in 2001 from Regent University of School of Law in Virginia Beach, “An exercise in the Art of War: China’s National Defense white paper, outer space, and the PPWT” http://www.thespacereview.com/article/1828/1) BW

The proffered purpose in the preamble of the PPWT6 by the Russian Federation and China is to address the deficiency of Article IV of the Outer Space Treaty.7 Article IV bans the placement of nuclear weapons and other weapons of mass destruction in orbit of the earth, but it is silent concerning weapons that are non-nuclear or otherwise do not reach the destructive potential of a weapon of mass destruction.

The PPWT offers the following definition of a space weapon:

The term “weapon in outer space” means any device placed in outer space, based on any physical principle, which has been specially produced or converted to destroy, damage or disrupt the normal functioning of objects in outer space, on the Earth or in the Earth’s atmosphere, or to eliminate a population or components of the biosphere which are important to human existence or inflict damage on them;

The PPWT goes on to say that:

A weapon shall be considered to have been “placed” in outer space if it orbits the Earth at least once, or follows a section of such an orbit before leaving this orbit, or is permanently located somewhere in outer space;

The PPWT then defines the “use of force” or the threat of “use of force” as:

The “use of force” or the “threat of force” mean any hostile actions against outer space objects including, inter alia, actions aimed at destroying them, damaging them, temporarily or permanently disrupting their normal functioning or deliberately changing their orbit parameters, or the threat of such actions.

The PPWT prohibits space weapons as defined by stating that:

[t]he States Parties undertake not to place in orbit around the Earth any objects carrying any kinds of weapons, not to install such weapons on celestial bodies and not to place such weapons in outer space in any other manner; not to resort to the threat or use of force against outer space objects; and not to assist or induce other States, groups of States or international organizations to participate in activities prohibited by this Treaty.

More important than what the PPWT prohibits is what it does not prohibit or address. An August 18, 2009, letter from the Russian Federation and PRC delegation to the Disarmament Conference addressed concerns with the PPWT raised by other members. In particular, the letter asserts that:

The PPWT prohibits the use or threat of force against “outer space objects”, but it does not prohibit the use or threat of force in outer space.

The PPWT does not alter the right to self-defense allowed under Article 51 of the UN Charter; so long as that weapon is not prohibited by international law and is not used against a signatory of the PPWT.

The PPWT does not prohibit, the development, testing, and deployment of anti-satellite weapons (ASATs) so long as they do not meet the definition of “weapon in outer space” as defined by the PPWT.

The PPWT does not prohibit the development, testing and deployment of ground-based lasers and electronic suppression systems.

The PPWT does not address the issue of “dual-purpose” space technologies that could be employed both for peaceful or aggressive purposes.

The PPWT does not include any mechanism for verification.

The wording and interpretation of the PPWT works to the PRC’s advantage by allowing it to continue to develop and deploy direct-ascent ASAT technology and other ground-based ASAT techniques. On the other hand, countries such as the United States would be limited in the means it could use to develop and deploy defenses specifically if the means of defense might be defined as a space weapon under the PPWT.

## 2AC CP Privatization – Generic

**Government is key**

**Larrimore 7** – Lt Col, USAF (April, Scott C., Air Force Fellows Air University, “Operationally Responsive Space: A New Paradigm or Another False Start?”

https://www.afresearch.org/skins/rims/q\_mod\_be0e99f3-fc56-4ccb-8dfe-670c0822a153/q\_act\_downloadpaper/q\_obj\_5ea32116-b119-43ab-8fcb-9565110bb741/display.aspx?rs=enginespage)RK

Recommendation 5: Purchase and store several small launch vehicles.

By purchasing several small boosters and putting them in storage, the United States begins forming its space tactical reserve. The boosters are ready if called upon in contingency support of joint forces or if needed to replace a damaged satellite. Furthermore, science and technology experimental satellites (e.g. TacSats) can draw upon this reserve, providing launch stability for the science program and offering an opportunity to exercise the operational launch team. Satellites developers could then optimize their spacecraft to the provided rocket. Replacement boosters would be acquired each year and placed into the reserve. This is a similar concept of operation used for Thor launchers supporting Program 437 ASAT mission and ballistic missile tests.4 It is doubtful that resources would allow more than one booster model to be stored and supported.

Recommendation 6: Organize ORS Program Office as standalone joint organization

The Congressionally mandated ORS Program Office should be established as a joint DOD/NRO organization. A joint program office will increase synergy and integration with established on-orbit national space systems while forming another path for emerging operational requirement to be passed to on-orbit systems. Furthermore, providing some ownership of the ORS solution potentially helps obtaining “buy-in” from the Intelligence Community. An organization falling completely under DOD auspices would hinder this needed integration.

A standalone system decoupled from SMC’s Space Development and Test Wing will prevent Congress’ perception of poor performance from the current Joint Warfighter Space (JWS)/ORS from bleeding over into the new ORS Program Office. DOD should disband the current JWS/ORS Program Office upon the new Program Office’s establishment.

Recommendation 7: Organize the Joint ORS Program Office with 2 Components

The ORS Program Office should be expanded to include a joint technology demonstration program office, the focus of current initiatives, as well as a joint reconstitution program office. A reconstitution program office under ORS auspices will allow synergy between technology development, experimentation, and a reconstitution system.

Recommendation 8: Form a Joint Reconstitution Program Office.

A reconstitution capability is an insurance policy to minimize loss of critical space assets. To date, the nation has not needed this insurance due to operational redundancy or geopolitical stability. As ASAT technology proliferates, the number of actors that can affect United States’ space systems grows. A modest reconstitution capability is becoming a wise and prudent investment in a growing multi-polar and fractured world.

A joint DOD/NRO program office should acquire this reconstitution capability. The NRO is the owner and operator of potential adversaries’ most likely targets while the DOD ORS Program Office and associated organizations are the purveyors of responsive space launch systems and technologies. Both organizations would bring to the new program offices their respective technical, operational, and institutional expertise ensuring the reconstitution space system can work with established tasking and dissemination systems.

Recommendation 9: Develop a government-controlled responsive launch operations team.

The nation may not have the time to wait for a launch contractor to provided launch services. That contractor may have conflicting priorities and insufficient staff to support time critical ORS launch requirements. The government should form a government or “blue suit” launch operations team to provide the needed responsiveness. If contracted out, support to contingency launches should be explicit in the contract. This team would be responsible for integrating a small launcher, processing, and checking out a satellite aboard the booster, and launch operations. Besides training for contingency launches, the team would gain valuable experience launching periodic technology demonstration satellites. Due to the inherently local nature of the launch support, the Air Force Reserves in the state in which the launch facility is located may be well suited for this mission.

Recommendation 10: Develop a government-controlled responsive satellite operations team.

Once the ORS satellite is launched, it will need to be commanded. The satellite will need to be expeditiously deployed, checked out, and readied for operational use and then placed into nominal operation. A government or “blue suit” team should provide this capability. The team would have to exercise with simulators to develop proficiency operating reconstitution and augmentation spacecraft. Depending upon similarity with stored contingency satellites, the space operations team could operate technology demonstration satellites as well. If the reconstitution capability includes reconnaissance spacecraft, the satellite operations organization should be Joint. Due to the potential for surge operations, this may be a mission well suited to the Air Force Reserves. Satellite operations location can be independent from launch site. Further discussion is required with operating organizations to determine the appropriate command relationship and authorities.

**CP links to politics**

**Hillhouse 11** - BSE and MSE in Aerospace Engineering at the University of Texas at Austin, worked as an undergraduate and graduate assistant with the GNC group at the Center for Space Research (3/6/11, Jim, America Space, “Moon Race: China Gears Up While US Downshifts,” http://www.americaspace.org/?p=7003)RK

In Fast Company’s China Gears Up for Lunar Space Race With World’s Biggest Rocket Factory, China is setting its sites on winning the next Moon Race. Meanwhile, in Washington the Administration wants to let a thousand commercial space companies bloom even as it ignores the will of Congress by not following either in spirit or letter the 2010 NASA Authorization Act. At least, that’s the charitable explanation for the disconnect between the President’s 2012 NASA Budget and the 2010 NASA Act that the President signed last fall. Last week, in separate testimony before the House Space Appropriations and Authorization committees, NASA Administrator Bolden made clear that he didn’t “get it” that Congress had spoken to what the nation’s space policy would be when it passed the 2010 NASA Authorization Act. Instead, NASA’s budget inverts the policy priorities outlined by Congress in the 2010 Act so that national space is sacrificed in favor of continued subsidies for commercial space.

While taking the same basic path that the Administration took last year, one is left guessing that the Administration must believe that this time, unlike in 2010, the battle to outsource our nation’s human space flight program will turn-out differently. The response from Congress, as evidenced from the hearings of both of the House committees last week, must be leaving some in the Administration with a sense of deja vu all over again. If insanity is indeed defined as doing the same thing but expecting a different outcome, it may be time to hold a mental competency hearing for some in the Administration responsible for developing its 2012 NASA Budget.

## 2AC CP Privatization – Prizes

**Prizes fail – don’t spur sufficient investment or innovation.**

**Kalil 6** (Thomas Special Assistant to the Chancellor for Science and Technology at UC Berkeley, December, “Prizes for Technological Innovation,” <http://www.brookings.edu/views/papers/200612kalil.pdf>)

Prizes have significant limitations. In most circumstances, they should not be the policy instrument of choice for science and technology. Since only winning teams receive prizes, and only after they have won, all entrants must have or raise the funds necessary to compete. Most researchers and small and medium-sized companies find it difficult to self-finance or raise external funding. For example, offering a prize for a breakthrough in high-energy physics would not work if it required physicists to raise billions of dollars to build a new particle accelerator. Furthermore, it may be impossible to clearly specify in advance what the victory conditions are, since the outcomes of fundamental research are, by definition, unknowable or difficult to quantify in advance. Many of the most interesting discoveries in science are serendipitous. Even when the goals of a prize are generally understood, it may be difficult to develop appropriately specific proxies for those goals, such as an improvement in the price-to-performance ratio of a given technology, or widespread market acceptance. Finally, prizes are more likely than traditional funding mechanisms to lead to duplication of effort, although this effect can be mitigated through careful program design (Newell and Wilson 2005).

## 2AC CP Stratosats/Below the Mesosphere

**Counterplan is vulnerable to Chinese and Russian attack**

**Hall 6** (Kurt D., “Near Space: Should Air Force Space Command Take Control of Its Shore?” http://www.au.af.mil/au/awc/awcgate/maxwell/mp38.pdf, mat)

Despite its smaller radar cross section, an airship possesses a distinctive infrared signature due to the high temperature of the skin and internal gases. Moreover, normal communications broadcasting or surveillance-radar emissions produce radio-frequency signatures. If the design drives the operating ceiling to 65,000 feet, Russian SA-5, SA-10, SA-12, SA-20, and Chinese MIM-104 2000 missiles could reach these vehicles. Although tests show that a small, nonrigid airship could withstand numerous bullet holes and perform a controlled landing, the design requires sufﬁcient strength to prevent “unzipping” or a tear propagating across the fabric.

**Space is superior**

**JFSC 9** (1/23, Joint Forces Staff College, “Space Operations,” http://blackboard.jfsc.ndu.edu/ajpme\_lessons/lesson57/s057/sco060/s057\_sco060\_003.html, mat)

Space systems provide the ultimate high ground without overflight restrictions. There are no geographical boundaries or physical obstructions. Therefore, space affords military forces global access and extensive advantage. The operational use of space is generally from 90 to 22,300 miles above the surface of the earth. The 1967 International Space Treaty dictates that satellites on orbit must be allowed free passage over countries. Nations cannot claim the space above them as their own, as they can the airspace. This allows the United States, other countries, and commercial entities to orbit satellites that freely traverse or occupy space. Global access is one of the key advantages that space forces offer. Most spacecraft can serve multiple combatant commanders and/or users around the world simultaneously (e.g., missile warning satellites).

**Overflight restrictions kill responsiveness**

**IWAR No Date** (Information Warfare Site, “Anti-access: Political Threats,” http://www.iwar.org.uk/military/resources/aspc/text/aa/pol\_thrt.htm, mat)

Action: The graphic is removed and the background becomes a faded picture of an F-111 on the ground that had been forced to fly an extra 1300 nautical miles from the UK to Tripoli because of overflight restrictions on El Dorado Canyon. The first of the following bullet points is shown on the left side of the screen, along with its sub-bullets:

Overflight restrictions

Slow deployment schedule

Increase air refueling requirements

Base access problems

Deny access to facilities

Limit base usage

Limited base infrastructure

Limit total capacity

Limit throughput

Voice: Overflight restrictions can force US Air Forces to take longer routes to a theater of operations. This slows the deployment schedule and increases the air refueling requirements for both airlift and strike sorties.

**Overflight restrictions block access to crisis areas and kill responsiveness**

**Dadant 78** (January, PM, RAND “Shrinking International Airspace as a Problem for Future Air Movements,” http://www.rand.org/pubs/reports/2005/R2178.pdf, mat)

Currently, the Air Force is able to deploy air units or airlift equipment to any place in the non-Communist world, using only US.-owned and final-destination bases, if the only route restriction is to avoid overflying Communist territory. New route restrictions could arise, however, particularly during a time of international tension or crisis, that could have three effects: 1) There would be no air access to some areas without violating some overflight stipulation. 2) Some areas would lie beyond the range of current and projected aircraft if they use circuitous routes to avoid certain overflights. 3) Longer routes to some areas that remain in range would substantially increase deployment times and aerial tanker requirements. The second and third of these effects apply most notably to destination in and around the Indian Ocean.

**Space is key- assets in near space are constrained by oversight rules- the perm solves best**

**Tomme 5** (Edward B., 1/2005, Airpower Research Institute, “The Paradigm Shift to Effects-Based Space,” http://www.au.af.mil/au/awc/awcgate/cadre/ari\_2005-01.pdf, mat)

Freedom of overflight is another weak area for near-space. ICAO treaties cover the airspace up to 60,000 ft. Satellites enjoy free overflight via other treaties and US national policy.63 However, the legal status of the near-space regime is a grey area that to our knowledge is not directly addressed by treaty or policy.64 Near-space is not a new legal regime; the question is only whether it falls under air law, where nations claim sovereignty over their airspace, or space law, where overflight rights exist. Due to lack of clear legal precedent governing the near-space regime, there is considerable disagreement among legal analysts over whether overflight rights exist,65 although a recent memo from the Air Force General Counsel addressing the matter can be paraphrased to say “although we have not defined the boundary between air and space, it will be higher than nearspace.” 66 In other words, the Air Force position is that near-space over a country will be treated as sovereign territory and air law will prevail. It is problematic whether the United States should even push for such overflight rights for our systems. Such rights may open up the near-space environment over our own country to reciprocal overflights by foreign powers. Space is an expensive game to get into, so only a few nations can afford to place assets over us now. The low costs of near-space could greatly expand this list of countries.

**SAMs can take down assets in near-space**

**Dinerman 4** (9/20, Taylor, “Near Space: a new area of operation or a new Pentagon buzzword,” http://www.thespacereview.com/article/230/1, mat)

In near space such craft would perform radar and multispectral imaging missions, as communications nodes (sort of a mini-Milstar), and, in the future, could even relay laser beams from a ground-based source against a wide assortment of targets. This type of airship would be very large and would carry an equally large payload. Based at between 20,000 and 21,500 meters they would be within range of any number of surface-to-air missiles (SAMs), not to mention enemy fighters, such as the MiG-25.