# Implementation T RTBF

## 1NC generic

### 1NC Generic Implementation

#### Interpretation – Resolved means the affirmative must defend the implementation of a policy action by a government

Parcher 1 (Jeff, Fmr. Debate Coach at Georgetown University, February, http://www.ndtceda.com/archives/200102/0790.html)

(1) Pardon me if I turn to a source besides Bill. American Heritage Dictionary: Resolve: 1. To make a firm decision about. 2. To decide or express by formal vote. 3. To separate something into constituent parts See Syns at \*analyze\* (emphasis in orginal) 4. Find a solution to. See Syns at \*Solve\* (emphasis in original) 5. To dispel: resolve a doubt. - n 1. Frimness of purpose; resolution. 2. A determination or decision. (2) The very nature of the word "resolution" makes it a question. American Heritage: A course of action determined or decided on. A formal statemnt of a deciion, as by a legislature. (3) The resolution is obviously a question. Any other conclusion is utterly inconcievable. Why? Context. The debate community empowers a topic committee to write a topic for ALTERNATE side debating. The committee is not a random group of people coming together to "reserve" themselves about some issue. There is context - they are empowered by a community to do something. In their deliberations, the topic community attempts to craft a resolution which can be ANSWERED in either direction. They focus on issues like ground and fairness because they know the resolution will serve as the basis for debate which will be resolved by determining the policy desireablility of that resolution. That's not only what they do, but it's what we REQUIRE them to do. We don't just send the topic committee somewhere to adopt their own group resolution. It's not the end point of a resolution adopted by a body - it's the prelimanary wording of a resolution sent to others to be answered or decided upon. (4) Further context: the word resolved is used to emphasis the fact that it's policy debate. Resolved comes from the adoption of resolutions by legislative bodies. A resolution is either adopted or it is not. It's a question before a legislative body. Should this statement be adopted or not. (5) The very terms 'affirmative' and 'negative' support my view. One affirms a resolution. Affirmative and negative are the equivalents of 'yes' or 'no' - which, of course, are answers to a question.

#### Civil right is an enforceable right

Legal Information Institute no date [(small research, engineering, and editorial group housed at the Cornell Law School)“civil rights: an overview” Cornell University] AT

A civil right is an enforceable right or privilege, which if interfered with by another gives rise to an action for injury. Examples of civil rights are freedom of speech, press, and assembly; the right to vote; freedom from involuntary servitude; and the right to equality in public places. Discrimination occurs when the civil rights of an individual are denied or interfered with because of their membership in a particular group or class. Various jurisdictions have enacted statutes to prevent discrimination based on a person's race, sex, religion, age, previous condition of servitude, physical limitation, national origin, and in some instances sexual orientation.

#### ground:

#### the right is a policy, not a philosophical theory, so it has to considered by what the policy would look like, imagining the world under that policy. There is literally no way to debate it in the abstract since it assumes real-world constructs like governments, court rulings, search engines, etc – i.e., features of this world.

#### Even means-based theories are affected by implementation – how and whether the government would do it affects the act since obligations depend on type of agent or what action is in question by the agent.

#### Ground – aims incentivizes the aff to nullify neg ground – all proposals are intended to good things, not bad ones. Evaluating the aim means the aff auto-wins since the aim is obviously good and doesn’t violate any NCs.

#### Impact turn ground isn’t feasible since they don’t apply to means-based standards. No one says rights are actively bad, just that they’re less important if there’s a violation of another right.

#### Literature – the majority of the lit discusses how the policy will affect privacy or free speech. The nature of a violation depends on the specifics of the policy – their interp kills the vast majority of topic discussion.

#### Implementation is a key part of the ruling – affects how the right can be balanced

DelBianco 14 [(Steve DelBianco is executive director for NetChoice) “No Easy Answer For Enforcing The European "Right To Be Forgotten"” Forbes 10/06/2014] AT

The European Court of Justice’s “Right to be Forgotten” ruling upsets a foundational principle regarding openness of the Internet – it has always been viewed as a platform to express one’s opinion and access information. This ruling converts websites from intermediaries into censors, forcing them to balance Europeans’ right to information against individuals’ demands to suppress lawfully published information about them. The European court gave little practical guidance on how search services should strike this balance. So Google, the first Internet business to be targeted by the ruling, created a panel of legal, policy, and technological experts to address the challenge. The expert group began its tour of Europe in Madrid last week with a public discussion of how to implement the right to be forgotten in a manner least harmful to another European right – access to information. The problem, of course, is the virtual impossibility of harmonizing the court ruling with even the most basic concepts of Internet freedom. Mass suppression of data through search blocking is wholly antithetical to the right to access information. In democratic nations, the question of how to balance sometimes-competing principles of privacy and free expression has historically been the province of elected leaders and of courts. Forcing that responsibility onto private companies raises serious questions about the future of online privacy and free expression – not just in Europe – but everywhere in the world as the reach of this ruling expands. Some Internet advocates are calling on European courts and lawmakers to void the ruling, but Internet businesses are still saddled with the immediate challenge of implementation. The first step is to establish guidelines around the court’s overbroad definition of the sorts of data that qualify for removal from search results. If search sites suppress everything about an individual that they deem “inadequate, irrelevant, no longer relevant, or excessive,” there won’t be much of an Internet left for authorities to regulate. Setting a high bar for what may be suppressed is an important first step to slow the deluge of right to be forgotten requests pouring into Google since the ruling was announced. By early September, Google had received over 120,000 requests for suppression of nearly half a million online information sources. And while the focus of the ruling has largely surrounded Google’s implementation, it certainly has far-reaching resonance for all online search services. The right to be forgotten could apply to every search engine, including Yelp, Twitter, LexisNexis, and countless more. Google may be paving the way but other search services are watching closely as they may soon be forced to struggle with compliance on their own platforms.

#### Topic discussion is key to education – it’s a unique chance to discuss a policy that affects people’s lives, and teaches us about real-world issues. Key to fairness – they gut core neg prep which forces me to read weaker, less evidenced positions.

#### 2. Limits – my interp doesn’t exclude any ground but it allows for policies – critical thinking also requires examining policies, not principles in isolation – educational activities should foster an informed citizenry

Harwood 5 [(Karey, associate professor in the Department of Philosophy and Religious Studies) “Teaching Bioethics through Participation and Policy-Making” Essays on Teaching Excellence Toward the Best in the Academy Vol. 16, No. 4, 2004-2005 A publication of The Professional & Organizational Development Network in Higher Education] AT

Teaching bioethics to undergraduate students in the humanities and social sciences differs from teaching ethics to medical students or residents. One primary difference is that undergraduates are removed from the clinical setting, where a clinically-based case method of teaching is widely practiced and where students can develop their decision-making skills "at the bedside" through the mentoring of more senior physicians. Another difference is that undergraduates are not in training to join a profession, in this case a profession that has developed a fairly stable body of principles that are "applied" to real-life moral dilemmas (Jonsen, Siegler, & Winslade, 2002; Wear, 2002). Instead, as part of a liberal arts education, an undergraduate course in bioethics should aim to prepare students for life as an engaged citizen in a democratic society (Callahan & Bok, 1980; Kohlberg, 1981) by developing skills in critical thinking and encouraging active engagement in the deliberation of issues in the areas of medicine and biotechnology. Critical thinking, most plainly, is the ability to make well-considered judgments. Critical thinking involves the analysis of concepts and arguments and the interpretation of concrete data or evidence (APA, 1990); but it also requires capacities for self-criticism, moral imagination, and empathy (Momeyer, 2002). It enables the discernment of better and worse arguments or better and worse courses of action, and thus rests on the premise that such judgments of value are possible. It is an essential set of skills, not because it is immediately applicable to a chosen career, but because "wide-awake, careful, thorough habits of thinking" (Dewey, 1933, p. 274) are important in all areas of human life, both individual and social. How to Teach Bioethics One way to foster the development of critical reasoning skills in the undergraduate setting is to provide groups of students with the opportunity to research, analyze, discuss, and propose public policy on emerging topics in bioethics. This type of activity simulates the work of a national bioethics commission and encourages students to view themselves as participants in a significant public debate. For example, a group of students might study stem cell research or international research on AIDS, acquiring enough scientific, medical, and historical background on these topics to be able to identify potential ethical questions. Some questions that might be considered include: Do the benefits of stem cell research justify the use of human embryos? Are all sources of human stem cells morally equivalent? Are the existing safeguards to protect human subjects adequate for international research on AIDS? Should developing countries be able to benefit from AIDS research when their citizens serve as research subjects? Without necessarily working to achieve complete agreement, students try to reach enough of a consensus to propose a policy or regulation. A group might decide that allowing stem cell research from "leftover" embryos created in the context of in vitro fertilization is acceptable, for example, but that creating embryos for the sole purpose of research is not. Students must give reasons for their regulations; and, in searching for and articulating these reasons, students are encouraged to examine the moral values and commitments that underlie their positions. An in-class presentation of the group’s work serves as the culminating exercise, and other students are invited to challenge and contribute to the debate about what ought to be done. Students typically relish this opportunity, seeing themselves not as a passive audience to be fed neutral information but as participants in a debate that matters. In other words, they exhibit the traits of engaged citizens. These activities are highly participatory and inquiry-guided, which means the learning is driven by the task of solving a problem: devising a public policy. Students are invested in and motivated by the group’s task and discover together what they need to learn about their topic. Included in this learning process is the integration of abstract ethical theories and concepts — ideally studied throughout the entirety of the course — into the concrete details of the case at hand. It is not a matter of simply "applying" the principle of justice to the topic of international research on AIDS, for example, just for the sake of getting something done (Evans, 2000). Students must ask: what does justice look like in this case? Does conducting an experiment to see how cheaply an individual in a developing country can be treated for AIDS promote justice, as we understand it? In asking these substantive questions, students in an undergraduate bioethics course are engaged in what Callahan calls "foundational" bioethics (Callahan, 1999). They are not merely engaged in means-end reasoning: how best to achieve an already settled goal (Wear, 2002). They are examining the goals themselves, and thus considering "a multiplicity of ultimate values" (Momeyer, 2002). Developing a Wide-awake Citizenry As any teacher of undergraduate ethics can attest, this kind of substantive discussion of "ultimate values" or "the good" can be murky territory. The allure of moral relativism is strong and the resources for challenging it seem limited. As Momeyer observed, "Students frequently arrive in our classrooms with very limited ways of morally engaging problematic situations, by, for instance, appealing to religious dogmas or a relentless subjectivism and/or relativism, or by privileging – as well enculturated Americans seemingly must, – the exercise of individual autonomy over all other values"(p. 412). Regardless of how one explains the allure of relativism, what is clear is that undergraduates need to develop skills in critical thinking if they are to be able to make the well-considered judgments that are inevitable and necessary in life. One benefit of a simulated bioethics commission is that it directs students’ attention toward a problem of public policy, which is to say a problem of societal significance. Discussing classic cases in medical ethics that focus on an individual patient’s dilemma, such as, famously, whether Dax Cowart’s requests to die after suffering severe burns over most of his body should have been honored by his physicians, provide essential occasions to learn about important concepts like informed consent, competence, and respect for autonomy. Indeed, effective teaching of ethics in any setting arguably requires a dynamic balance between conceptual analysis and concrete engagement of cases. But undergraduates also need opportunities to learn that their critical thinking skills will be needed in shaping the social policies of the future. Why is critical thinking a legitimate and valuable goal? And why is active engagement or participation in shaping social policies important? As Dewey once argued, the point of education is to teach students to think on their own because conscious thinking and participation are the hallmarks of democratic citizenship. Others have followed Dewey’s pragmatic sensibilities, including the developmental psychologist, Lawrence Kohlberg, whose "just community" schools were an outgrowth of his belief that democratic participation in the making of rules for everyone in a community fosters students’ moral development. The writings of Jürgen Habermas (1995) on discourse ethics have also influenced legions of teachers to examine anew the value of a consensus-seeking dialogue that is widely inclusive and highly participatory. Conclusion If we are to avoid living in an "administered society," where we passively receive what is handed down to us from others, it is important to develop a sense of engagement in the social policies that are made and to practice the critical reasoning skills necessary to make well-considered judgments (Bellah, et al., 1991). Fortunately, continuing developments in medicine and biotechnology offer an abundance of ethical issues to debate. Teaching bioethics in the undergraduate setting is about paying attention to these debates and having a stake in their outcome.

#### Education outweighs fairness – it’s the only thing we take away from debate – fairness won’t matter after we leave the activity. Prefer my carded evidence to their blippy analytics.

### 1NC Civil Right = Government

#### Civil right is an enforceable right

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#### Upheld by law

Collins dictionary [“Civil right”] AT

(Law) the personal rights of the individual citizen, in most countries upheld by law, as in the US

#### they have to defend government implementation – only legal rights are enforceable, moral rights aren’t; and the Collins evidence says they’re upheld by law.

#### Violation---

#### Standards

#### Most predictable – it’s the most common use of the term civil right

#### LII cites multiple legal documents including the Constitution, international treaties, and federal statutes – variety of sources means it’s more likely to be correct rather than drawing on false information

#### That definition is the first hit on Google – it’s the most commonly used, which makes it more accessible and easy to predic

#### Consensus – every other legal definition agrees with this one, they all imply enforceability or legal definitions – their authors are fringe and unpredictable

#### Key to fairness – determines what pre-round prep we write which ensures I can make arguments.

#### Core neg ground – non-legal definitions means the neg can’t get solid links since there’s no change in the law, allowing the aff to delink disads, counterplans, and NCs since they don’t change anything. The only neg offense left is defense proving there isn’t a right to be forgotten without proving it’s bad, which allows the aff to auto-win on risk of offense, or by defending their claims and disproving the neg’s defense. Key to fairness – ensures the neg has arguments to make against the aff.

#### Precision – legal definitions capture civil rights as a term of art – the right to be forgotten was established in a legal decision by the EU court so legal definitions capture its meaning the best. Key to jurisdiction – it determines

### 1NC Implementation vs FW Dependent

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#### Debatability – Presumed consent is a policy, not a philosophical theory, so it has to considered by what the policy would look like and do, which requires implementation; ie imagining the world under that policy. There is literally no way to debate it in the abstract since it assumes real-world constructs like governments, medical institutions, patients, etc – i.e., features of this world.

#### 2. Logical policymaking – my interp doesn’t exclude any ground but it allows for policies – critical thinking also requires examining policies, not principles in isolation – educational activities should foster an informed citizenry

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Others have followed Dewey’s pragmatic sensibilities, including the developmental psychologist, Lawrence Kohlberg, whose "just community" schools were an outgrowth of his belief that democratic participation in the making of rules for everyone in a community fosters students’ moral development. The writings of Jürgen Habermas (1995) on discourse ethics have also influenced legions of teachers to examine anew the value of a consensus-seeking dialogue that is widely inclusive and highly participatory. Conclusion If we are to avoid living in an "administered society," where we passively receive what is handed down to us from others, it is important to develop a sense of engagement in the social policies that are made and to practice the critical reasoning skills necessary to make well-considered judgments (Bellah, et al., 1991). Fortunately, continuing developments in medicine and biotechnology offer an abundance of ethical issues to debate. 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#### Making the advocacy dependent on the framework dilutes a policy discussion - their interp makes the debate about 2 policies instead of one which leaves half the time for each policy. That’s key to education, which requires examining philosophies in the context of policies, not in isolation of those frameworks.

#### They change the terms of discussion depending on which framework is won which is illogical since the point of framework debate is to determine how to evaluate the desirability of a policy, and winning that evaluation doesn't logically change what is being discussed – they cause unfocused and illogical evaluations.

#### Education outweighs fairness – it’s the only thing we take away from debate – fairness won’t matter after we leave the activity. Prefer my carded evidence to their blippy analytics.

#### 3. Framework strategy – they shut down strategic framework debate which allows the aff to auto-win their offense with a good framework.

#### I can’t make their framework collapse into another framework that cares about implementation; this is key to use their assumptions to prove a different theory; otherwise they can auto-win framework by having foundational starting assumptions. I should be able to strategically pick what parts of the aff to focus on rather than having to get spread thin on all of it.

#### If the policy we’re evaluating changes based on the framework, I can’t weigh the strength of link to one framework against the credence in another framework – for example, I should be able to say conceded util offense wins if the other offense is unclear even if I’m slightly behind on util – this argument is key to check affs with stacked frameworks that give them an easy win without having to engage the neg contention which kills neg strategy.

## Implementation Frontlines

### A2 Definition of Ought

#### Counter-interpretation – “ought to be” implies a comparison of states of affairs

Finlay and Snedegar 12, Finlay, S. [Associate Professor of Philosophy at USC] & Snedegar, J. [PhD candidate in philosophy at the University of Southern California], (2012). One Ought Too Many. Philosophy and Phenomenological Research. JMN

‘Ought’ sentences seem ambiguous in a variety of ways. We can distinguish normative readings from epistemic readings, moral from prudential readings, and more. Not all of these differences present a challenge for the Uniformity Thesis, as we’ll explain. The challenge is motivated by one difference in particular, which can be observed between paradigmatic examples of nonagential sentences, like (1) It ought to be that every election is free and fair. (2) It ought to be that Larry wins the lottery. and of agential sentences, like (3) Bill ought to kiss Lucy. (4) Vince ought to stop driving drunk. The nonagential sentences (1) and (2) say that certain states of affairs ought to be the case (the “ought-to-be”). Here ‘ought’ is commonly glossed as meaning it is best that…, 4 so we can call these readings evaluative. 5

### Textuality Weighing

#### The definition of “resolved” is key – it sets up the context for what the rest of the sentence is about.

### A2 Have to Defend solvency

#### Not relevant – affs also have to win framework and impacts to it, similarly solvency is just part of what you need to win to make a complete argument… this isn’t abusive

#### Turn – the neg also has to defend that their advocacy best links to their standard, which the aff can turn – forcing the aff to defend solvency, which the neg can answer, makes this requirement apply to both sides which is more reciprocal

#### You can defend a means-based theory – you wouldn’t have to solve then

#### turn – that forces the aff to do topic research instead of recycling the same generic frameworks every topic – forces new information exposure which is more educational than repeating framework debates

### A2 Koops definition

#### 1. Goes neg – concedes it can be a policy

Koops 11 [(Koops, Bert-Jaap) "Forgetting Footprints, Shunning Shadows. A Critical Analysis of the "Right to Be Forgotten" in Big Data Practice." Script-ed 8, no. 3 (2011): 1-28] AT

Let us briefly look at the two components of the term “right to be forgotten”. First, although it is often proposed as a right,5 some authors frame it rather as an ethical or social value,6 or as a virtue or policy aim.7 Rouvroy uses the interesting formulation of “a ‘right’ or rather a ‘legitimate interest to forget and to be forgotten’”. 8 Thus, although it may be conceived as a legal right (de lege lata or de lege ferenda), it can also be seen as a value or interest worthy of protection or a policy goal to be achieved by some means or other, whether through law or through other regulatory mechanisms.

#### 2. you don’t define it in the context of a civil right – even if the right can be a goal or policy, if it’s a civil right then it must be a policy

#### 3. Koops frames the aims view as a minority view taken by only some authors – proposing it as a right is done “often” which implies my interp is more predictable

#### 4. best evidence goes neg

Koops 11 [(Koops, Bert-Jaap) "Forgetting Footprints, Shunning Shadows. A Critical Analysis of the "Right to Be Forgotten" in Big Data Practice." Script-ed 8, no. 3 (2011): 1-28] AT

To flesh out in more detail what a right to be forgotten entails – and I will henceforth focus particularly on the conceptualisation as a legal right – we must look at how the current policy and literature presents this right. This, however, turns out to be surprisingly sparse. The major policy proposal is European Commissioner Viviane Reding’s mention of the right as an element of the review of the Data Protection Directive (95/46/EC), which envisions strengthening the so-called “right to be forgotten”, ie the right of individuals to have their data fully removed when they are no longer needed for the purposes for which they were collected or when he or she withdraws consent or when the storage period consented to has expired.14 It is telling that Reding uses the formulation “strengthening”, implying that the right to be forgotten exists and is in need of reinforcement. Thus conceptualised, it seems that she understands the right to be forgotten to be nothing more or less than the current obligations in data-protection law to delete personal data when no longer relevant or inaccurate, or following a justified objection by the data subject.15 The focus on data-deletion obligations is largely in line with Victor Mayer- Schönberger’s vision, who has presented the most comprehensive discussion of the right to be forgotten in academic literature to date. His main proposal to recalibrate the shifting balance between memory and forgetting, in addition to existing mechanisms that foster forgetting, is to “introduce the concept of forgetting in the digital age through expiration dates for information”.16 The same stress on the right to be forgotten consisting of deletion of old or irrelevant data can be found in much literature.17

#### This gives me 3 internal links to predictability

#### specificity – it says policy best fleshes out the details of the right which is key to nuanced debate about the right’s operation – preserves ground on both sides

#### accuracy – the best discussion on the topic goes neg – this is more likely to comprehensively account for all perspectives and sides which is more accurate and inclusive of the best literature

#### breadth – MUCH literature sides with the neg so the greater majority of authors go neg – my view is easier to predict in topic research

## spec

### A-spec

#### Interpretation – the affirmative must specify who implements the right to be forgotten

#### Standards

#### Neg ground – “civil right” is open to confusion, the aff can say they’re a government-enforced right or a non-enforceable human right in the 1AR to shift out of neg offense. Disad links depend on who implements it; a law gives different links and CPs than a principle, so shifts nullify my offense.

#### Philosophy ground – most theories are agent-specific by prescribing duties to a certain kind of agent. The actor also determines whether moral or political philosophy applies – it’s impossible to begin a philosophy debate without knowing WHAT we’re talking about. Key to education since we compare moral theories, which affect how we’ll choose to act throughout life.

### 1NC Spec

#### Interpretation: The aff must have an explicit advocacy text in which they specify their model of the right to be forgotten and the country/ countries that the aff defends. This includes what type of data is removed, who is managing the removal, country/ countries of the advocacy, and methods of implementation.

#### Violation.

#### Standards

#### 1. Ground

#### The right to be forgotten is vague – specifying is key to neg ground

Ambrose 13 [Meg Ambrose, Professor Communication-Georgetown U., 2013, "Speaking of Forgetting: Analysis of Possible Non-EU Responses to the Right to be Forgotten and Speech Exception," Telecommunications Policy TPRC 2013, [http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=2238602], p. 6

Conceptual arguments that the right should be limited only to user initiated data minimization and meant only to cure the issues with consent online are put forth by Paul Bernal, (2011) and Jef Ausloos (2012) emphasizing that the right is only meant to offer more user control in big data practices. On the other end of the spectrum, Napoleon Xanthoulis (2012) argues that the right should be conceptualized as a human right, not a control right and Norberto Nuno Gomes de Andrade (2012) argues that the right should be one of identity, not privacy, stating the right to be forgotten is the “right to convey the public image and identity that one wishes.” Karen Eltis (2011) describes the conflicts between civil law and common law concepts surrounding the right in order to help explain the distribution of duties and responsibilities. Finally, Chris Conley (2010) investigates establishing the right within U.S. law concluding it should be conceptualized as a property right.

#### Scope of ground is key to fairness and education since even if I have more or less ground it’s useless if I can’t leverage it against the aff.

#### And, saying that what policies you defend is implied or that you defend all of them is bad

#### contradictory ground - you allow inconsistent opt-out policies like forcing people to pay to opt-out and allowing families to opt-out without paying - contradictory ground is the strongest link to fairness and education since you make the round undebatable if you defend two mutually exclusive actions.

#### stable ground - The topic is vague as to what constitutes “the right to be forgotten” absent you specifying exactly what you defend. They can shift out of disads, solvency deficits, Ks, and counterplans by clarifying their reparations scheme in the 1AR. Kills fairness because they can moot the entire value of the 1nc by shifting advocacy. *[Also means you kill CP ground since it’s unclear what would be competitive with the aff - I can’t contest your perms since you didn’t have a text in the AC. This is in-round abuse because it skewed the strategy behind the positions I chose*] Stable ground outweighs predictability or quantity of ground since even if I can make arguments, they’re nullified if you can just delink in the 1ar.

#### And having a text is key:

#### Accountability- Prefer text because it’s objective and I can hold you to it, but CX can’t be accessed later.

#### Just defense- Showing CX is good doesn’t mean text is bad – net benefit to doing both means vote neg

#### Time skew- I need CX to get strategic concessions, not specify what should have been in the AC. Outweighs time specifying in the AC- a) that takes seconds as opposed to a line of questioning that can last minutes, b) it’s your responsibility so your time should be spent not mine

#### Prep skew- I can’t decide my NC strat until after the AC is over