## A. Interpretation—the aff must specify the agent that implements the plan.

## B. Violation they don’t specify an agent in the AC, to clarify they could’ve met this by saying, that the judicial branch carries out the plan, or that it’s done by the DoJ or the department of the interior etc. But they didn’t do that.

## C. Reasons to Prefer 1. Ground – I lose politics Disads, agent Disads, core agent CPs, and defense about the effectiveness of certain agencies, if I don’t know the agent because all of these are contingent upon certain agents that they may or maynot be defending, also outweighs I actually have these prepped. 2. Strat skew, they can de-link out of Disads, by saying they don’t apply to the agent which means I have to be way more carful with what I read then I otherwise would, which is bad for fairness. 3. Education – debating the division of authority is key to understanding our government, which is necessary to shape it in the future. Lewis, 98[[1]](#footnote--1)

Mr. Chairman, Members of the Subcommittee, first let me thank you for allowing me to participate in this important debate. As I understand it, **the debate before us today is** one about power. Not power in the raw political sense, but **in terms of the allocation of government authority between each branch of government**-- or more specifically, between Congress and the Judiciary. **In a federal system that relies on checks and balances between the three branches to protect our liberty, having this debate is fundamental to understanding what kind of government we have, or more important, aspire to**. Indeed, **it is a debate** and conversation **that has been taking place since our founding**.

## 4. Topicality – the plan is not a definite course of action because it’s unclear who implements it According to american heritage dictionary resolved means “to make a firm decision to do somehting”[[2]](#footnote-0). Textuality is an independent voter, the AFF has a prima face burden to be topical in the same way they have to follow the speech times, and because the resolution is the only basis for mutual pre-round prep.

D. Voter fairness is a voter because debate is a competitive activity and therefore requires the element of being fair, education is a voter because schools house and fund debate under the impression that it is educational.

Drop the debater

1. The NC was skewed. I can’t redo it after the 1AR shifts.

2. Key to deterrence, otherwise debaters will keep running stuff for a time skew, and in case it doesn’t get caught

3. It’s the only option, the argument would be the whole AC, so they would functionally lose there.

4. Depth. Reject-the-arg theory forces us to cover theory and substance which leads to shallow theory debates that set worse norms for the activity.

Evaluate with competing interpretations, because with reasonability theory becomes arbitrary, and impossible to adjudicate without intervention. Also, in any other debate context it makes no sense nobody would say “vote AFF because while I don’t outweigh the disad I’m *really* close”

**AT CX Solves**

## 1. It doesn’t – too many judges aren’t paying attention and in most of their eyes it’s not binding

## 2. Wastes CX time – I need to use it to questions warrants and specifics

## 3. Irrelevant – it still destroys pre-round prep and prep during the 1AC

## 4. Specification in the plan is key to textual competition for agent counterplans – otherwise they could perm even if they functionally allow it to compete. Textual competition is best – it’s most objective and avoids the thousands of bad counterplan. Agent counterplans are key to negative strategy because disads alone can’t outweigh large AFF harm areas on this topic

## 5. Encourage vague plan writing – this justifies advocacy shifts and decreases education

## 6. They are still not topical which is a voting issue –

## A. Policy – The plan does not implement a true policy which needs to specify which part of an administrative mechanism does the plan. Without knowing who the agent is, it’s impossible to know if the plan creates a policy and increases the number of persons in the program

## B. Resolved – the plan is not a definite course of action because it’s unclear who implements it

## AT No Resolutional Basis

## 1. It’s a bad standard – not all arguments have them – teams could never win on conditionality bad if all arguments needed a resolution basis

## 2. I do have resolutional basis –

## A. The plan does not implement a true policy which needs to specify which part of an administrative mechanism does the plan. Without knowing who the agent is, it’s impossible to know if the plan creates a policy and increases the number of persons in the program

## B. Resolved – the plan is not a definite course of action because it’s unclear who implements it

## 3. Censure the resolution – if they win that there is no resolutional basis for Aspec and we win specifying the agent is good, than you should vote negative to censure the resolution

# A2: Infinitely Regressive

## 1. It does not regress – just specify the agent – that is clearly explained in our interpretation

## 2. The alternative it worse – vague plan give no hope to the negative – at least in a world of regression debates would become specific

## 3. Only hold us accountable for what our interpretation requires – just because other crazy debaters like Greenstein go for signature specification it doesn’t mean we will

# A2: You Cause PICS/They’re Bad

## 1. PICS are vital to test the entirety of the plan. To exclude these PICs on this topic means we’d ignore the most important questions

## 2. Whether PICs are good or bad is totally irrelevant—you can beat PICs with theory arguments why they’re bad—you don’t have a right to deliberately dodge them with plan vagueness. Vagueness destroys education, and education is the primary purpose of scholastic debate

## 3. Being vague to avoid PICs hurts all other negative ground—I lose all of our disad and case turn links

## 4. Also PICS are good for education PICs increase depth of education because I can focus on one specific issue each round instead of touching briefly on each aspect of the topic. Depth is better than breadth. If we go in-depth on a *different* issue each round, then we’ll get a breadth of info any way, but if I spread myself thin discussing a breadth of issues each round, we’ll never have an in-depth discussion of the topic.

## 5. This is a double bind, Either PICs are good then this isn’t offence for you because it doesn’t matter that I cause them, or PICs are bad and you can win that theory argument if I run one, so this doesn’t matter.

# A2: CI – “Specify For DA, Not For Agent CP”/ No Right To Agent CP

## 1. The counter interpretation is arbitrary, and my interpretation isn’t- my interpretation is grounded in our interpretation of “policy”—it makes agent questions central to the topic because policy is requires specification of the agent

## 2. Arbitrary counter interpretations should be rejected – It is the equivalent of saying that they will defend that heg is good, unless I run heg bad on them, or that they’ll defend the agent for the purposes of case pimps, but not disads, because they think we have no right to disads – this makes all debate utterly stupid

## 3. Even if they are normally right – my interpretation has a resolutional basis this year, their’s doesn’t – the impact to evade the separation of powers debate is not gaining topic specific education and misunderstanding the national service debate – this also takes out your solvency

## 4. Agent CPs are good-

## a. Search for best policy option- I can find out the best actor to implement the plan which is key to effective solvency extend the Lewis ’98 evidence

## b. Net benefits check abuse- you can straight turn them

## c. Key to topic specific education about agencies of government

## d. Even if I don’t win that Agent CPs are good, I will win that they don’t get to tell me what kind of ground I deserve- agent CP are the core of negative strategy on this topic – they are the most efficient means of producing a net benefit based on a policy and are key to balance a huge Aff bias

## e. DAs aren’t enough – I’d never be able to overcome the overwhelming amount of advantages they could read from parts of the Aff that don’t stem from the agent – the only way to truly test the agent is by isolating the it via a CP

## f. Any of their arguments about not having a right to agent CP are not unique to this topic- Debates over the agent of action are equally important as the mandates of the plan. Stoddard, 97[[3]](#footnote-1)

Typically, the absence of any one of these factors will forestall the possibility of "culture-shifting," although, as the story of DOMA indicates, there are exceptions. I have already expressed my view that in most circumstances, change through the legislature is more likely to engender "culture-shifting" than change through a court or an administrative agency, and that legislative change is therefore - in general - preferable to other forms of change. It is deeper and lasts longer. Conversely, it is also harder to attain, since legislatures are rambunctious places that operate slowly, untidily, and often illogically. Legislative change certainly does not assure "culture-shifting," but it does make it more feasible. Many of **my colleagues seeking social justice have deliberately avoided legislatures in recent decades**, both **because of the difficulty of making change** there and because of the perception that politicians will not be receptive to their claims. **They have turned by and large to the courts**. While applauding the changes these lawyer-activists have helped to bring about, and while acknowledging the shortcomings and frustrations of legislative change, I submit that those of us in the business of "culture-shifting" should upend our traditional preference for judicial activity and embrace the special advantages of legislative change. E.M. Forster appended to the title page of his novel Howard's End the enigmatic aphorism: "Only connect ..." n46 It is an apt injunction to lawyers like me. **If we lawyer-activists truly seek deep, lasting change, we have to "connect" with the public**. We have to accord as much attention to public attitudes as we do to the formal rules that purport to guide or mold those attitudes. **That means thinking as concertedly about process as we do about substance. Process matters. How a new rule comes about may, in the end, be as important as what it says.**

# A2: CI – “The” USFG

## 1. Power is divided amongst the three branches, not monolithically in the entire “USFG”

## 2. All of the other arguments from the NC apply – this would promote vague plans and affirmative conditionality which both destroy negative strategy and are voting issues

## 3. Individual agency actions are still considered “federal government” actions—the mass noun characterization is irrelevant Words and Phrases, 4[[4]](#footnote-2)

N.D.Ga. 1986. **Action against the Postal Service, although an independent establishment of the executive branch of the federal government, is an action against the “Federal Government”** for purposes of rule that plaintiff in action against government has right to jury trial only where right is one of terms of government’s consent to be sued; declining to follow Algernon Blair Industrial Contractors, Inc. v. Tennessee Valley Authority, 552 F.Supp. 972 (M.D.Ala.). 39 U.S.C.A. 201; U.S.C.A. Const.Amend. 7.—Griffin v. U.S. Postal Service, 635 F.Supp. 190.—Jury 12(1.2).

# A2: Agent CP Bad

## 1. None of their arguments apply because my warrants are unique to this resolution- The word resolved mandates a discussion of the agent

## 2. Agent CPs are key to education – my evidence is very specific as to WHY debates about policy require the discussion of the agent in order to learn about the separation of powers – that’s Lewis

## 3. Agent Counterplans are crucial in gaining topic specific education and effective solvency debates over the agent of action are equally important as the mandates of the plan Stoddard, 97[[5]](#footnote-3)

Typically, the absence of any one of these factors will forestall the possibility of "culture-shifting," although, as the story of DOMA indicates, there are exceptions. I have already expressed my view that in most circumstances, change through the legislature is more likely to engender "culture-shifting" than change through a court or an administrative agency, and that legislative change is therefore - in general - preferable to other forms of change. It is deeper and lasts longer. Conversely, it is also harder to attain, since legislatures are rambunctious places that operate slowly, untidily, and often illogically. Legislative change certainly does not assure "culture-shifting," but it does make it more feasible. Many of **my colleagues seeking social justice have deliberately avoided legislatures in recent decades, both because of the difficulty of making change** there and because of the perception that politicians will not be receptive to their claims. **They have turned by and large to the courts**. While applauding the changes these lawyer-activists have helped to bring about, and while acknowledging the shortcomings and frustrations of legislative change, I submit that those of us in the business of "culture-shifting" should upend our traditional preference for judicial activity and embrace the special advantages of legislative change. E.M. Forster appended to the title page of his novel Howard's End the enigmatic aphorism: "Only connect ..." n46 It is an apt injunction to lawyers like me. **If we lawyer-activists truly seek deep, lasting change, we have to "connect" with the public**. We have to accord as much attention to public attitudes as we do to the formal rules that purport to guide or mold those attitudes. **That means thinking as concertedly about process as we do about substance. Process matters. How a new rule comes about may, in the end, be as important as what it says.**

4. Best policy option – it is what debate is a search for and sometimes finding the best policy requires testing the agent

5. Negation Theory – as the negative all I have to do is prove the affirmative is bad

# A2: Not A Voter – “Test of CP Competition”

## 1. The time I have invested into this argument means that it a voting issue to rectify the in-round abuse and set a precedent for future debates in which debaters cannot get away with not specifying their agents and cheating the negative out of CP and DA ground that they deserve.

## 2. There IS in round abuse- cross apply the ground loss from the overview.

## 3. Just because they didn’t visibly spike out of something doesn’t mean there’s no abuse- the only reason they didn’t is because I specifically tailored my strategy to prevent it, which limited my options—this is the strategy skew argument.

## 4. That is just defense – they still lose for decreasing education and a solvency deficit.

# A2: Normal Means

## 1. Normal means is vague and arbitrary- they can still shift out of what their definition of normal means is, this also wastes my prep and cross-x time

## 2. This causes bad debates – they become about who the agent is instead whether or not a particular agent is good or bad

## 3. They don’t meet because they don’t have the words “normal means” in the plan text

## 4. There is no normal means for [topic]—either the Congress or the Court can do it. It’s a question of which is more desirable, but policies like their plan aren’t normally implemented

# A2: 1AR Clarification

## 1. It’s too little, too late- the damage has already been done, I based my strategy off of what I heard in the AC and you have completely skewed my time and strategy skew.

## 2. Justifies aff conditionality- they can sever out of any part of their plan to spike out of my disads- this destroys competitive equity.

## 3. If they specify in the 1AR it means they intended to be abusive- make them pay for not putting it in their plan text or clarifying in CX, they might have had a chance then, but now its game over on the abuse story.

## A2: Run New Arguments

## 1. Kills education and strategy- I can’t develop any position fully or have good debate. 2. They skewed my 1N strategy- being able to run a few new arguments don’t make up for it. 3. It’s too late now- all I have left is rebuttals, I can’t do anything new.

1. (Ron, Congressman, “Prepared Testimony of Congressman Ron Lewis Before the House Judiciary Committee Subcommittee on the Constitution”, Federal News Service, January 29th) [↑](#footnote-ref--1)
2. https://www.ahdictionary.com/word/search.html?q=resolved&submit.x=0&submit.y=0 [↑](#footnote-ref-0)
3. (Thomas, professor of law at New York University, 72 New York University Law Review 967, “BLEEDING HEART: REFLECTIONS ON USING THE LAW TO MAKE SOCIAL CHANGE”, lexis) [↑](#footnote-ref-1)
4. (Cummulative Supplementary Pamphlet, v. 16A, p. 42) [↑](#footnote-ref-2)
5. (Thomas, professor of law at New York University, 72 New York University Law Review 967, “BLEEDING HEART: REFLECTIONS ON USING THE LAW TO MAKE SOCIAL CHANGE”, lexis) [↑](#footnote-ref-3)