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Agent Specification—1nc

A. Interpretation: The affirmative should specify the branch of government that implement their plan

B. Violation: They don’t

C. Vote Negative—

 1.Kills CP ground. Lack of specification destroys agent CP ground which is core negative ground. Also key to in depth education about the opportunity costs of agency implemtation. This is critical civic education and is a key internal link to all their educational claims

 2. Crushes solvency debates—no in-depth solvency debates about the who, what, when, and hows of the plan. Some of these agencies are better able to solve an aff than others.

 3. Lack of specification is severance—allows them to say not us—allows them to jack our link grd to agency DA’s that is core topic ground and makes the plan a moving target. This jacks education and fairness and makes debate boring—leaves us with statism args.

 4. Vote Neg on presumption—90% of solvency in specification of the plan

Elmore 80

Richard Elmore, Political Science Quarterly, Vol. 94, No. 4 (Winter, 1979-1980), pp. 601-616

The emergence of implementation as a subject for policy analysis coincides closely with the discovery by policy analysts that decisions are not self-executing. Analysis of policy choices matters very little if the mechanism for implementing those choices is poorly understood. In answering the question, "What percentage of the work of achieving a desired governmental action is done when the preferred analytic alternative has been identified?" Allison estimated that, in the normal case, it was about 10 percent, leaving the remaining 90 percent in the realm of implementation. Hence, in Nelson's terms, "the core of analysis of alternatives becomes the prediction of how alternative organizational structures will behave over . .. time."6 But the task of prediction is vastly complicated by the absence of a coherent body of organizational theory, making it necessary to posit several alternative models of organization.7

Overview

Well always win that we are entitled to core negative arguments—which their lack of specification crushes—we will give you a list

CP-courts, congress, executive order, federal courts, military, JCS, ONI, Pentagon, and other agency cp’s

DA’s—Politics, Judicial Activism, Court politics, Specific Armed Force Overstretch DA’s, Coast Guard DA’s

And these are voting issues

Extend the Elmore evidence—that is 90% of solvency means EVEN IF they prove that they don’t HAVE to spec their agent —specification is still key to 90% of their solvency—any risk of a da is a reason to vote negative

 Prefer our list—it shows what they stop us from running—this is core negative ground

ALSO, the internal link to competitive equity only goes in one direction--they can’t prove how they increase negative ground only that they decrease it—this is a unique link turn to all their offensive education and ground claims-so even if the education debate is a wash they can never win ANY competitive equity offense.

Star this argument—Process CPs and PX are key to protect negatives against new affirmatives Without these arguments negatives would lose every outround—you have to protect our neg ground and strat flex—which outweighs the advantages to vague unpredictable plan writing

A2: CX Checks

1. Most judges don’t listen to CX
2. Encourages vauge plan writing—means we have to spend all our time in Cross ex figuring out how the plan works instead of talking aobut the substance of the debate.
3. Plan text is key—only way to stick you to an advocacy—otherwise the aff is a moving target and aff conditionality is always worse.

A2: Overspec

1. Turn: Increase PIC grd— over-specification ensures an increase PIC ground and PIC grd is key to negative ground
2. Over-spec is better than under specification—even if we force you to spec the agency and other parts of your aff it only increase your chance of solvency and gives us all a chance at a unique form of debate education—the process of implementation.
3. Over-spec is inevitable—K’s prove that when you read the aff there every word you say is a form of specification. No unique offense.

A2: USFG Counterinterp

1. Not real world—no policy is implemented by all three branches at the same time.
2. Not an answer—Even if their interpretation is correct that the USFG is all three branches it doesn’t change that fact that immigration policy is not implemented by the judiciary. Instead they have to prove that their use of a particular branch is key to solvency of the plan
3. Crushes CP grd—Lack of specification crushes out ability to use on of those agents that is critical neg ground
4. Crushes DA ground—means we can’t run judicial activism, court stripping, congressional stripping or any other branch specific DA

A2: PICS bad

*Offense*:

1. Make the aff defend their whole plan, they’ve had infinite prep to find what would best advantage them
2. Depth better than breadth: Plan focus makes better debate on key issues of the topic
3. Key to check extra-topical plan planks
4. Forces better plan writing- they’ll learn to defend against PIC’s
5. Education- Our literature proves that this is a legitimate option to learn about and its most real world, this is how congressmen propose policy;
	1. Real world is key to education because it’s the only thing that gets taken beyond each round and
	2. education outweighs fairness because the rules were made to maximize education, if we find a way to increase education, we should restructure the rules

*Defense*:

1. Most counterplans are PICS anyway: They use the same agent in the USFG and are enforced the same way.
2. Details are not trivial details: Separation of powers, federalism, etc are the key to the country, not just random stuff
3. Net benefits check abuse: part of the plan has a disad to it—defend it, turn the net benefit
4. Aff chooses the ground for debate- They get the plan we get everything else.
5. Not a reason we should lose: reject the counterplan, give us back that status quo

A2: Agent CPs bad

*The Offense…*

1. Key to negative ground, half of all CP’s run are agent CP’s
2. Cross apply the elmore evidence from the shell
3. Gives the affirmative ground- They can run any DA’s they have to our agent
4. Makes the aff defend their plan, why would they specify \_\_\_\_\_\_\_\_\_\_\_\_ if we can’t have a debate on it.

*The Defense…*

1. Its predictable, they’re constantly run and we didn’t pick some obscure actor
2. Lit checks abuse- There aren’t many agencies that someone will advocate should do the plan
3. Debate has changed. As topics got bigger, affs defended plans instead of the whole resolution, reciprocally, It’s now only the negatives job to disprove the plan.
4. Not a voter- Its an argument to reject the CP

A2: No Educational Benefit

* 1. Key to education—critical to policy making education because it allows policy makers to map and navigate organizations

Elmore 80

Richard Elmore, Political Science Quarterly, Vol. 94, No. 4 (Winter, 1979-1980), pp. 601-616

Defining implementation analysis as a choice between market and nonmarket structures diverts attention from, and trivializes, an important problem: how to use the structure and process of organizations to elaborate, specify, and define policies. Most policy analysts, economists or not, are trained to regard complex organizations as barriers to the implementation of public policy, not as in-struments to be capitalized upon and modified in the pursuit of policy objec-tives. In fact, organizations can be remarkably effective devices for working out difficult public problems, but their use requires an understanding of the reciprocal nature of authority relations. Formal authority travels from top to bottom in organizations, but the informal authority that derives from expertise, skill, and proximity to the essential tasks that an organization performs travels in the opposite direction. Delegated discretion is a way of capitalizing on this reciprocal relationship; responsibilities that require special expertise and proximity to a problem are pushed down in the organization, leaving more generalized responsibilities at the top. For purposes of implementation, this means that formal authority, in the form of policy statements, is heavily dependent upon specialized problem-solving capabilities further down the chain of authority. Except in cases where a policy requires strict performance of a highly structured routine (for example, airline safety inspections), strong hierarchical controls work against this principle of reciprocity. To use organizations effec-tively as instruments of policy, analysts and policymakers have to understand where in the complex network of organizational relationships certain tasks should be performed, what resources are necessary for their performance, and whether the performance of the task has some tangible effect on the problem that the policy is designed to solve. Analysts and policymakers do not need to know how to perform the task, or even whether the task is performed uniform-ly; in fact, diversity in the performance of the task is an important source of knowledge about how to do it better.

A2: No Abuse

* 1. Strategy skew—lack of specification has already jacked the 1nc—it forced us to run this argument instead of our sick agency tradeoff DA’s
	2. Also crushes CP grd
	3. Finally its not about what you do—its what you justify—which is vague plan writing and death of policy debate

A2: Not a voting Issue

* + 1. 3 Reasons to vote negative
1. Presumption—that is elmore
2. Crushes ground and education that is the shell
3. At best they will win that you should reject the argument and not the team in which case you reject the plan and vote negative
	1. The damage is done—their refusal to specify their agent crushed pre-round prep, 1nc strategy—we will never get those back—the only recourse is to vote negative to protect us.

A2: Normal means

1. Normal means is vague and could be anything

Britsch, Professor of History, 95

 R. Lanier Britsch \*, 1995, 1995 B.Y.U.L. Rev. 347, Brigham Young University Law Review, INTERNATIONAL CHURCH-STATE SYMPOSIUM: ARTICLE: The Current Legal Status of Christianity in China, \* Professor of History and Director of the David M. Kennedy Center for International Studies at Brigham Young University; Ph.D., Claremont Graduate School, 1968.

Considerable discussion has focused on the word normal, most observers concluding that the intended meaning is "legal  [\*354]  religious activities." [n16](http://www.lexisnexis.com.floyd.lib.umn.edu/us/lnacademic/frame.do?reloadEntirePage=true&rand=1276843960365&returnToKey=20_T9577822804&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.216606.05375346987" \l "n16) In other words, normal means whatever the state or its representatives allow. [n17](http://www.lexisnexis.com.floyd.lib.umn.edu/us/lnacademic/frame.do?reloadEntirePage=true&rand=1276843960365&returnToKey=20_T9577822804&parent=docview&target=results_DocumentContent&tokenKey=rsh-20.216606.05375346987" \l "n17)

1. Guts Solvency
	1. Ensures IBC

Garenstein and Warganz 90

David W. Gartenstein and Joseph F. Warganz, RICO'S "PATTERN" REQUIREMENT: VOID FOR VAGUENESS?, Columbia Law Review, MARCH, 1990, 90 Colum. L. Rev. 489,

The vagueness doctrine n124 is a judicial response to legislative abdication of responsibility for setting standards of conduct. n125 When a legislature drafts vague statutory language, it cedes vast authority to the judiciary to determine what conduct has been prohibited, an authority the courts may be loath to assume. n126 The vagueness doctrine demonstrates that "attempts of the legislative authority to pass to the courts . . . the awesome task of making . . . the criminal and the constitutional law understandably meet substantial judicial [\*506] opposition." n127

* 1. Crushes solvency--Interbranch battles hold up agency action – major delays on implementation

.**Cooper 2** [Phillip, Professor of Public Administration @ Portland State University, *By Order of the President: The Use and Abuse of Executive Direct Action”* 232-233]

The rulemaking orders have tied administrative agencies up in knots for years and have trapped them in a cross fire between the Congress that adopted statutes requiring regulations to be issued and presidents who tried to measure their success by the number of rulemaking processes they could block. Reagan's NSD 84 and other related directives seeking to impose dramatically intensified controls on access to information and control over communication during and after government employment incited a mini rebellion even among a number of cabinet level officials and conveyed a sense of the tenor of leadership being exercised in the executive branch that drew fire from many sources. The Clinton ethics order was meant to make a very public and political point, but it was one of the factors contributing to the administration's inability to staff many of its key positions for months.

1. 1ar clarification is worst—normal means still links to the violation because there is not discussion in the plan what that is—now only the 1ar can clarify how the plan works—late debates suck crush strategy, ground, and education
2. Key to solve tyranny

Garenstein and Warganz 90

David W. Gartenstein and Joseph F. Warganz, RICO'S "PATTERN" REQUIREMENT: VOID FOR VAGUENESS?, Columbia Law Review, MARCH, 1990, 90 Colum. L. Rev. 489,

The issue of institutional competence is closely related to judicial protection of individual freedoms. In the words of Justice Brennan, "The requirement that government articulate its aims with a reasonable degree of clarity ensures that state power will be exercised only on behalf of policies reflecting an authoritative choice among competing social values." n128 The vagueness doctrine often reflects a judicial balancing of interests, in which the decision whether or not to find a statute unconstitutionally vague depends on the type of conduct that the legislature is seeking to prevent. n129 For example, in Papachristou v. City of Jacksonville, n130 the Court invalidated a vagrancy ordinance on vagueness grounds because the ordinance criminalized "activities [that] are historically part of the amenities of life as we have known them," n131 including strolling, wandering and walking at night. n132 In contrast, in Grayned v. City of Rockford, n133 an antinoise ordinance that prohibited making noise near a school in session that "tended to disturb" the school's functioning was upheld against a vagueness challenge because the law's purpose was to prevent the disruption of normal school activity. n134 In general, statutes restricting conduct seen by the Court as within the legitimate realm of government regulation tend to survive [\*507] vagueness challenges, n135 while statutes exceeding the legitimate reach of government control tend to fall as overly vague. n136

Normal Means includes riders

Stephen F. Ross, Professor of Law at Uov ILL, 1989 U. Ill. L. Rev. 399

While these arguments have some merit, there is yet another oft-stated argument against the use of legislative history that is entirely unpersuasive. That argument, pressed most vigorously by Justice Scalia, is based on the factual assertion (probably true, from my own experience as a congressional staff member) that only a small minority of elected members of Congress actually read committee reports or listen to floor debates on most legislation. For example, in [Blanchard v. Bergeron, 109 S. Ct. 939, 946-47 (1989)](http://www.lexisnexis.com.floyd.lib.umn.edu/us/lnacademic/mungo/lexseestat.do?bct=A&risb=21_T9597000945&homeCsi=7411&A=0.04796329502467189&urlEnc=ISO-8859-1&&citeString=109%20S.%20Ct.%20939,at%20946&countryCode=USA) (Scalia, J., dissenting), Justice Scalia suggests that:

[a]s anyone familiar with modern-day drafting of congressional committee reports is well aware, the [matters at issue in the case] were inserted, at best by a committee staff member on his or her own initiative, and at worst by a committee staff member at the suggestion of a lawyer-lobbyist . . . .

(Does Justice Scalia suggest that because law clerks insert many footnotes in judicial opinions on their own initiative such notations should not be considered authoritative?) Justice Scalia has republished a Senate floor colloquy designed to show that senators do not read committee reports and therefore, these reports should not have any effect on interpretation. See [Hirschey v. Federal Energy Regulatory Comm'n, 777 F.2d 1, 7-8 n.1 (D.C. Cir. 1985).](http://www.lexisnexis.com.floyd.lib.umn.edu/us/lnacademic/mungo/lexseestat.do?bct=A&risb=21_T9597000945&homeCsi=7411&A=0.04796329502467189&urlEnc=ISO-8859-1&&citeString=777%20F.2d%201,at%207&countryCode=USA) The republication has caused considerable judicial and academic attention. See, e.g., [Wallace v. Christensen, 802 F.2d 1539, 1559-60 n.2 (9th Cir. 1986)](http://www.lexisnexis.com.floyd.lib.umn.edu/us/lnacademic/mungo/lexseestat.do?bct=A&risb=21_T9597000945&homeCsi=7411&A=0.04796329502467189&urlEnc=ISO-8859-1&&citeString=802%20F.2d%201539,at%201559&countryCode=USA) (Kozinski, J., concurring in the judgment, citing with approval); W. ESKRIDGE & P. FRICKEY, supra note 46, at 715-16; Farber & Frickey, Legislative Intent and Public Choice, [74 VA. L. REV. 423, 439-41 n.60 (1988)](http://www.lexisnexis.com.floyd.lib.umn.edu/us/lnacademic/mungo/lexseestat.do?bct=A&risb=21_T9597000945&homeCsi=7411&A=0.04796329502467189&urlEnc=ISO-8859-1&&citeString=74%20Va.%20L.%20Rev.%20423,at%20439&countryCode=USA) (citing more extensive quotation from same Senate colloquy in arguing that the senators did not mean to diminish legislative history as Justice Scalia suggested).

Aff Answers

First offense

1. Arbitrary. Their interp is always that we have to specify one more thing than is in plan. This kills aff predictibility, so to meet we would need an 8 minute plan text and the neg would always win on plan doing nothing.
2. Counter Interp: agent is normal means. This solves their offense by allowing debates about what normal means is, and is most predictable because it’s in the literature.
3. Neg ground. With thousands of USfg agencies, we could specify them into bad or unpredictable ground.
4. Counter interp: we can specify status quo plan implementation in cross x. This gives the neg link ground to agent DAs.
5. Checks neg bias Topic.
	1. No aff advantage areas.
	2. Generics. Ks, politics, and domestic agent cps link to everything.
	3. Structural. The neg block puts the 1ar at a time disadvantage, preventing good arguments for the 1ar or good extensions for the 2ar.
6. Justifies agent Counterplans. This is a voter
	1. Utopian. No utopian decision maker means that counterplan isn’t a test of opportunity cost.
	2. Limits. Real world decision framework is the only non-arbitrary way to limit CP’s.
	3. Ground. No lit assumes a choice between two different agents.
	4. Topic education. We already know about courts, we’re here to research Africa.

And, the defense

1. Potential abuse isn't a voter. There is potential that the neg runs a new counterplan in the 2nr.
2. DAs solve their offense. We still learn about implementation.
3. Not 90% of solvency. Elmore is talking about solvency mechanism and implementation, not just the agent.
4. No impact to ground loss. They only lose bad ground.
5. Still resolved.
	1. Resolved means we just have to be definite in affirming the resolution, not about the agent. Their interp means that we are indefinite because we wrote Sub-Saharan Africa instead of listing all the countries.
	2. Resolved is before the colon. That means that the USfg is resolved about passage. This is best because theirs allows an infinite number of k frameworks.

‘Federal Government’ means all three branches

BLACK'S LAW DICTIONARY 90

(6th Edition, 1990, p.695, http://debate.uvm.edu/handbookfile/immigration/1topicality.html)

In the United States, government consists of the executive, legislative, and judicial branches in addition to administrative agencies. In a broader sense, includes the federal government and all its agencies and bureaus, state and county governments, and city and township governments.

And the US federal government is the institution created by the Constitution

Gretchen **Feltes** is the Reference Librarian at the New York University School of Law Library . **2003**.007.21 “Update to A Guide to the U.S. Federal Legal System:  Web-Based Publicly Accessible Sources” http://www.llrx.com/features/us\_fed2.htm

The Constitution is the founding document for the United States federal government. It is the basic and "supreme law of the land." It defines the structure of the federal government, provides the legal foundation on which all its actions must rest, and guarantees the rights due to its citizens. No laws may contradict any of the Constitution's principles. The federal courts have jurisdiction to interpret the Constitution and evaluate the constitutionality of federal and state laws.