# **Delay CP**

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### **1NC**

#### **Delaying till Romney announces his running mate means the plan avoids perception**

Baltimore Sun 7/2 (Baltimore Sun, “Congress does something while nobody's looking,” [http://www.baltimoresun.com/news/opinion/editorial/bs-ed-congress-20120702,0,7751744.story](http://www.baltimoresun.com/news/opinion/editorial/bs-ed-congress-20120702,0,7751744.story" \t "_blank), 7/2/12)

A funny thing happened in Washington last week: Congress approved several significant pieces of legislation on bipartisan votes and hardly anybody seemed to notice — or care (which might just explain how so much work got done). Certainly, it's not that the actions were unimportant or lacked controversy. On Friday, Congress approved a package of bills to authorize the federal transportation program for another two years, maintain the interest rate on Stafford loans for college students at 3.4 percent and to extend for five years the National Flood Insurance Program, which subsidizes insurance for millions of Americans who live in flood-prone neighborhoods. The transportation measure represents at least $100 billion in spending alone, and because Congress refused to increase the two-decade-old federal gas tax of 18.4 cents per gallon, lawmakers had to find additional ways to pay for it. That included changes in how pension plan liabilities are calculated and raising premiums paid into the Pension Benefit Guaranty Corporation. And that wasn't the only fee that Congress was willing to raise. Flood insurance policyholders will be paying about $2.7 billion more, and government help will be curtailed to some properties such as vacation homes. Students don't come out completely unscathed either. Undergraduates have to finish their degrees in six years or pay higher rates. There are any number of theories for how actual work somehow managed to get done in the notoriously do-nothing, politically-gridlocked body, but here's the best one: It was hiding behind two major Supreme Court decisions (over immigration and health care reform) and a lot of hot air over Attorney General Eric H. Holder Jr. and a contempt of Congress vote. Even on the 24-hour cable stations, there's just so much room to breathlessly dramatize events out of the nation's capital. Fox News, in particular, was far too outraged over Chief Justice John Roberts and his "betrayal" of conservatives in the court's 5-4 "Obamacare" opinion to shoehorn in much about highway spending that will provide employment to an estimated 2.8 million Americans or the student loan extension that will save some 7.4 million students an average of $1,000 in interest costs. Not that Republicans and Democrats alike couldn't easily have been attacked over their votes under different circumstances. At one time, GOP lawmakers were insisting that the transportation authorization include government approval of the Keystone XL oil pipeline and revoke EPA regulations regarding the use of coal ash (it doesn't). Democrats had insisted that transportation money be spent on conservation and "transportation enhancements" such as bike paths and sidewalks (the budget for both of which was ultimately reduced). But the usual suspects were too worked up over President Barack Obama's won-loss record in the nation's highest court as well as a Fast and Furious investigation that focuses not on the botched performance of the Bureau of Alcohol, Tobacco, Firearms and Explosives but on what Congress was told about it afterward. They just couldn't manage to pay much attention to student loans, flood insurance or transportation. So here's a modest suggestion. It's clear that Congress will only get things done when it has some kind of high-heat firestorm of debate is going on to suck up all the media-supplied oxygen, so members need to mark some dates on their calendar to take advantage. The day Mitt Romney selects his running mate looks good. Acceptance speeches at the political conventions and the subsequent presidential debates might work, too (especially if there's a good flub or two by the candidates). Such odd hours might not fit the usual Congressional calendar, but that's just too bad. Admittedly, it probably didn't hurt that the White House was publicly pressuring Congress to act on transportation, student loans and flood insurance, and failure to pass those items would have been hugely embarrassing for an elected body that's already held in low-esteem by the public. But there is an even more painful prospect ahead — the so-called "fiscal cliff" of tax hikes and deep spending cuts that could go into effect on January 1 unless Congress takes action. That might be politically impossible to address between now and the election, but laying the groundwork now so the lame duck Congress can craft a reasonable solution is not. Without such action, Washington might just slip the economy back into recession. And no amount of bloviation is going to allow lawmakers to hide from that.

### 2NC A2: Delay

#### **Romney will announce his running mate before the end of August at the latest- no solvency deficit**

Zelney and Parker 6/17

[Jeff zeleny](http://topics.nytimes.com/top/reference/timestopics/people/z/jeff_zeleny/index.html) and [Ashley parker](http://topics.nytimes.com/top/reference/timestopics/people/p/ashley_parker/index.html), The New York Times, June 17, 2012, “On and Off the Romney Bus, Tryouts for a Spot on the Ticket,” http://www.nytimes.com/2012/06/18/us/politics/auditions-for-a-romney-running-mate.html?pagewanted=all

Mr. Romney is weighing the advantages of making an announcement well before the party’s nominating convention in Florida at the end of August, several Republicans said. The benefits include having a second candidate to send to fund-raising events and to respond to the Obama administration, leaving Mr. Romney more time to prepare for debates and to pace himself for the grueling fight ahead.

### 2NC Delay Good

Delay counterplans legitimate if they have a solvency advocate for the delay:  
A) TESTS IMMEDIACY OF THE AFF – ENSURES NEGATIVE LINKS BASED IN STATUS  
QUO LITERATURE, PREVENTS AFF FROM ARBITRARILY CHOOSING FUTURE PASSING DATES  
  
B) LEVELS PLAYING FIELD – AFF SPEAKS FIRST AND LAST, CHOOSES THE  
TOPIC, AND HAS PREP TIME SPECIFICALLY TO ANSWER GENERIC COUNTERPLANS.

#### C.) SOLVENCY ADVOCATE JUSTIFIES- IT CONTAINS BOTH THE SUBJECT OF THE RESOLUTION AND THE SUGGESTED DATE- IT PROTECTS FROM ARBITRARY DATES

#### D) TESTS RESOLVED AND SHOULD – THE COUNTERPLAN IS THE REASON WHY YOU SHOULD NOT ACT IMMEDIATELY TO ELIMINATE SUBSIDIES, AND WHY YOU SHOULD NOT BE RESOLVED TO ACT IMMEDIATELY. E) AFF GETS PREDICTABLE GROUND – CAN READ ADVANTAGES WITH A SHORT TIME-FRAME, OR TURN SHORT-TERM NET-BENEFITS

#### F) Literature/Real World/Predictable – PROVEN BY EXISTANCE OF EVIDENCE G) REJECT THE ARGUMENT NOT THE TEAM – PUNISHMENT DOESN'T FIT THE CRIME, VOTING AFF ON THEORY IS A NON-STARTER BECAUSE IT DOESN'T AFFIRM THE RESOLUTION

### 2NC A2: Perm Do CP

#### **The permutation is severance- it severs the immediate nature of the plan- that’s where we generate all our DA and CP links**

#### **Our interpretation is that counterplans only need to be functionally competitive. All our offense answers their both textual and functional interp-**

#### **A.) Uniqueness counterplans- ban the plan key to check against an aff biased topic and inevitability arguments and to preserve core neg DA’s**

#### **B.) Advantage counterplans- key to test intrinsicness of advantages to the plan- leads to the best policy option- only competitive by excluding the function of the aff**

#### **C.) Functional PICs- critical to check against vague plans that are written to make best PICs not textually competitive- that’s key to neg flex and to in-depth topic research**

#### **Permutations have to be topical- our 1NC was in the context of a topical aff- let’s them shift the frame of the 1AC**

#### A.) Violates substantially- means real at present- key to prevent unpredictable shfits of aff timeframe

**Words & Phrases 64** (40 W&P 759)

**The words** “outward, open, actual, visible, **substantial**, and exclusive,” in connection with a change of possession, mean substantially the same thing. They **mean** not concealed; not hidden; exposed to view; free from concealment, dissimulation, reserve, or disguise; **in full existence**; denoting that which not merely can be, but is **opposed to potential**, apparent, constructive, and imaginary; veritable; genuine; certain; absolute; **real at present time**, as a matter of fact, not merely nominal; opposed to form; actually existing; true; not including admitting, or pertaining to any others; undivided; sole; opposed to inclusive.

**B.) That mean the perm severs “should” – it’s “must” and “immediate**

Summers 94

Justice – Oklahoma Supreme Court, “Kelsey v. Dollarsaver Food Warehouse of Durant”, 1994 OK 123, 11-8, http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287#marker3fn13

¶4 The legal question to be resolved by the court is whether the word "should"[13](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287#marker3fn13) in the May 18 order connotes futurity or may be deemed a ruling in praesenti.[14](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287#marker3fn14) The answer to this query is not to be divined from rules of grammar;[15](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287#marker3fn15) it must be governed by the age-old practice culture of legal professionals and its immemorial language usage. To determine if the omission (from the critical May 18 entry) of the turgid phrase, "and the same hereby is", (1) makes it an in futuro ruling - i.e., an expression of what the judge will or would do at a later stage - or (2) constitutes an in in praesenti resolution of a disputed law issue, the trial judge's intent must be garnered from the four corners of the entire record. [CONTINUES – TO FOOTNOTE] [13](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287#marker2fn13) "*Should*" not only is used as a "present indicative" synonymous with *ought* but also is the past tense of "shall" with various shades of meaning not always easy to analyze. See 57 C.J. Shall § 9, Judgments § 121 (1932). O. JESPERSEN, GROWTH AND STRUCTURE OF THE ENGLISH LANGUAGE (1984); St. Louis & S.F.R. Co. v. Brown, 45 Okl. 143, 144 P. 1075, 1080-81 (1914). For a more detailed explanation, see the Partridge quotation infra note 15. **Certain contexts mandate a construction of the term "should" as** more **than merely indicating** preference or **desirability**. Brown, supra at 1080-81 (jury instructions stating that jurors "should" reduce the amount of damages in proportion to the amount of contributory negligence of the plaintiff was held to imply an *obligation* *and to be more than advisory*); Carrigan v. California Horse Racing Board, 60 Wash. App. 79, [802 P.2d 813](http://www.oscn.net/applications/oscn/deliverdocument.asp?box1=802&box2=P.2D&box3=813) (1990) (one of the Rules of Appellate Procedure requiring that a party "should devote a section of the brief to the request for the fee or expenses" was interpreted to mean that a party is under an *obligation* to include the requested segment); State v. Rack, 318 S.W.2d 211, 215 (Mo. 1958) **("should" would mean the same as** "shall" or **"must"** when used in an instruction to the jury which tells the triers they "should disregard false testimony"). [14](http://www.oscn.net/applications/oscn/DeliverDocument.asp?CiteID=20287#marker2fn14) ***In praesenti* means literally "at the present time."** BLACK'S LAW DICTIONARY 792 (6th Ed. 1990). In legal parlance **the phrase denotes** that which in **law is** *presently* or *immediately effective*, **as opposed to something that** ***will*** or *would* **become effective *in the future*** *[in futurol*]. See Van Wyck v. Knevals, [106 U.S. 360](http://www.oscn.net/applications/oscn/deliverdocument.asp?box1=106&box2=U.S.&box3=360), 365, 1 S.Ct. 336, 337, 27 L.Ed. 201 (1882).

### 1NC T

#### **Resolved means to make a firm decision about**

Collins English Dictionary 98

General Consultant: JM Sinclair, HarperCollins, pg 1568.

Resolved: fixed in purpose or intention; determined

#### Failure to specify time of enactment makes the aff conditional- it’s not fixed in purpose

#### Vote Neg- contains the aff to defending a single time frame for the aff- prevents introduction of multiple unpredictable plans that eliminate DA ground

### 2AC

#### Perm: do the counterplan

#### Perm do the plan when Romney makes his running mate announcement

**A.) Subtantially means significantly- it’s a check on topic explosion**

NRC 3

Office of Nuclear Material Safety and Safeguards Policy and Procedures, April 2003. <http://www.fontana.org/main/dev_serv/planning/ventana_eir/appendix_e.pdf>

“Substantial increase” means “important or significant in a large amount, extent, or degree,” and not resulting in insignificant or small benefit to the public health and safety, common defense and security, or the environment, regardless of costs. However, this standard is not intended to be interpreted in a way that would result in disapproval of worthwhile safety or security improvements with justifiable costs.2

B.) Should means desirable or recommended, not mandatory

Words and Phrases 2

Words and Phrases: Permanent Edition” Vol. 39 Set to Signed. Pub. By Thomson West. P. 372-373

Or. 1952. Where safety regulation for sawmill industry providing that a two by two inch guard rail should be installed at extreme outer edge of walkways adjacent to sorting tables was immediately preceded by other regulations in which word “shall” instead of “should” was used, and word “should” did not appear to be result of inadvertent use in particular regulation, use of word “should” was intended to convey idea that particular precaution involved was desirable and recommended, but not mandatory. ORS 654.005 et seq.----Baldassarre v. West Oregon Lumber Co., 239 P.2d 839, 193 Or. 556. ---Labor & Emp. 2857

**Aff gets to define the scope of the plan’s mandates- it’s critical to prevent terrible definitions to create contrived T arguments**

**And, perms don’t have to be topical- it checks against hypotesting and counterwarrants that undercut clash**

#### Counterplans must be functionally and textually competitive. Predictable for the aff and solves the counterplan race to the bottom: delay, condition, steal funding, etc. while also limiting out word PICs.

**Delay counterplans are cheating, even if they have a solvency advocate-**

**A.) Steal aff ground- eliminate potential solvency deficits- no time sensitive advantages exist for the difference between July and August enactment**

**B.) Crushes offense to the CP and not educational- not important distinctions from one month to the next- impossible to generate external offense- forces the aff to impact turn the net benefit to win**

**C.) Solvency advocate arbitrary- could find any evidence that argues a specific date provides political cover- still allows infinite different unpredictable delay options**