# 1NC

## 1

### Theory

#### Interpretation – Affirmatives must define *private entities* in a delineated card in the 1AC.

UpCounsel ND – “Private Entity: Everything You Need to Know”. UpCounsel (interactive online service that makes it faster and easier for businesses to find and hire legal help). No Date. Accessed 12/17/21. <https://www.upcounsel.com/private-entity> //Xu

A private entity can be a partnership, corporation, individual, nonprofit organization, company, or any other organized group that is not government-affiliated. Indian tribes and foreign public entities are not considered private entities.

Unlike publicly traded companies, private companies do not have public stock offerings on Nasdaq, American Stock Exchange, or the New York Stock Exchange. Instead, they offer shares privately to interested investors, who may trade among themselves.

Private Company vs. Private Entity

The Companies Act of 2013 governs the registration of private companies.

This type of company is formed by following the steps laid out by this law.

Private entities are determined not by this law but by ownership and holding. For example, sole proprietorships and partnerships are designed as private entities.

A private entity is not necessarily a private company, but all private companies are private entities.

How Private Entities Work

Although private companies can be of any size, they often include a small group of chosen investors who may include employees, colleagues, friends and family, and other interested parties. If this type of company needs funding to grow, it may seek it from venture capital firms or from large institutional investors. Some private companies eventually decide to go public with an initial public offering (IPO) of stock shares on a public exchange. Sometimes, public companies go private when a large investor buys a bulk of the outstanding stock shares and plans to remove them from public exchanges.

How FOIA Affects Private Entities

The Freedom of Information Act (FOIA) is a federal law that requires certain agencies to provide certain types of records to any person who asks. Major government bodies such as federal courts and Congress are exempt from FOIA. Some state agencies are also exempt depending on state laws governing public records. In general, FOIA applies to:

Federal, state, and local government agencies, such as the Federal Communications Commission.

Certain state legislatures depending on the laws in those states.

Most private entities are not bound by federal FOIA laws. However, these laws may apply to private entities involved in government business. This situation occurred in Colorado in 2000, when a nonprofit corporation was required by the state's Court of Appeals to share documents related to a project it was working on with the city of Denver.

**Prefer:**

#### 1 – Stable Advocacy – they can redefine in the 1AR to wriggle out of DAs which kills high-quality engagement. We lose access to Tech Race DAs, Asteroid DAs, case turns, and core Process CPs that have varying definitions – outweighs on reversibility since the 2NR can’t compensate after absurd 1AR shifts.

#### CX can’t resolve this because (A) Not flowed so it’s non-verifiable (B) Skews 6 min of prep during the AC which is irreciprocal (C) They can lie and no way to check (D) Debaters are trained by coaches to be shifty.

#### 2 – Real World – Policy makers must specify the entity that they are recognizing. It also means zero solvency – absent spec, private entities can circumvent since there is no delineated way to enforce the aff and means their solvency can’t actualize.

#### 3 – Resolvability – Constantly morphing advocacies makes debate impossible because the judge doesn’t know what you defend or if a DA even links – comes first because the judge has to pick a winner and loser.

#### Independently, P-Spec isn’t regressive since (1) Determines the scope of the AFF which is core topic lit (2) Novices specify details about the plan which proves it’s grounded in LD norms. Also, infinite regress tailors optimal norms which outweighs on duration.

## 2

### T

#### Interpretation – affirmatives must enact the resolution through a three-tier process.

Reid-Brinkley 8 – PhD from UGA, professor of communications at the University of Pittsburgh (Shanara, “THE HARSH REALITIES OF “ACTING BLACK”: HOW AFRICAN-AMERICAN POLICY DEBATERS NEGOTIATE REPRESENTATION THROUGH RACIAL PERFORMANCE AND STYLE”)

The process of signifyin’ engaged in by the Louisville debaters is not simply designed to critique the use of traditional evidence. As Green argues, their goal is to “challenge the relationship between social power and knowledge.”57 In other words, those with social power within the debate community are able to produce and determine “legitimate” knowledge. These legitimating practices usually function to maintain the dominance of normative knowledge-making practices, while crowding out or directly excluding alternative knowledge-making 83 practices. The Louisville “framework looks to the people who are oppressed by current constructions of power.”58 Jones and Green offer an alternative framework for drawing claims in debate speeches, they refer to it as a three-tier process: A way in which you can validate our claims, is through the three-tier process. And we talk about personal experience, organic intellectuals, and academic intellectuals. Let me give you an analogy. If you place an elephant in the room and send in three blind folded people into the room, and each of them are touching a different part of the elephant. And they come back outside and you ask each different person they gone have a different idea about what they was talking about. But, if you let those people converse and bring those three different people together then you can achieve a greater truth.59 Jones argues that without the three tier process debate claims are based on singular perspectives that privilege those with institutional and economic power. The Louisville debaters do not reject traditional evidence per se, instead they seek to augment or supplement what counts as evidence with other forms of knowledge produced outside of academia. As Green notes in the double-octo-finals at CEDA Nationals, “Knowledge surrounds me in the streets, through my peers, through personal experiences, and everyday wars that I fight with my mind.”60 The thee-tier process: personal experience, organic intellectuals, and traditional evidence, provides a method of argumentation that taps into diverse forms of knowledge-making practices. With the Louisville method, personal experience and organic intellectuals are placed on par with traditional forms of evidence. While the Louisville debaters see the benefit of academic research, they are also critically aware of the normative practices that exclude racial and ethnic minorities from policy-oriented discussions because of their lack of training and expertise. Such exclusions prevent radical solutions to racism, classism, sexism, and homophobia from being more permanently addressed. According to Green: bell hooks talks about how when we rely solely on one perspective to make our claims, radical liberatory theory becomes rootless. That’s the reason why we use a three-tiered process. That’s why we use alternative forms of discourse such as hip hop. That’s also how we use traditional evidence and our personal narratives so you don’t get just one perspective claiming to be the right way. Because it becomes a more meaningful and educational view as far as how we achieve our education.61 The use of hip hop and personal experience function as a check against the homogenizing function of academic and expert discourse. Note the reference to bell hooks. Green argues that without alternative perspectives, “radical libratory theory becomes rootless.” The term rootless seems to refer to a lack of grounded-ness in the material circumstances that academics or experts study. In other words, academics and experts by definition represent an intellectual population with a level of objective distance from that which they study. For the Louisville debaters, this distance is problematic as it prevents the development of a social politic that is rooted in the community of those most greatly affected by the status of oppression.

#### Vote Neg:

#### 1 – Distancing DA – normative knowledge-making practices are steeped in expert vernaculars that crowd-out minority participation.

#### 2 – Access – our interp forces privileged debaters to acknowledge the structural advantages of their social location and mobilize as accomplices to minority debaters.

#### 3 – Presumption – absent an affective connection towards space exploration, minority debaters become parasitically invested in imaginary futures – turns case.

#### 4 – Pornotroping – the 1AC utilizes suffering as a currency to trade in exchange for ballots which commodifies experience and fosters ivory tower detachment from material suffering – turns the aff because they recreate cruel optimism.

#### 5 – TVA – Defend radical poetry as a method of entrenched, performative resistance against the logic of space exploration or introduce a petition towards the same goal.

#### Reject the team – (1) No argument to drop and (2) Strongest internal link to better norms through deterrence.

**No RVIs – (1) Going all in on theory kills substance education which outweighs on timeframe (2) Discourages checking real abuse which outweighs on norm-setting (3) Encourages theory baiting – outweighs because if the shell is frivolous, they can beat it quickly (4) Its illogical for you to win for proving you were fair – outweighs since logic is a litmus test for other arguments (5) Kills norm setting since debaters can never admit they’re wrong – outweighs since norm setting is the constitutive purpose of theory (6) They are the logic of criminalization that over-punish people-of-color for trying to create productive discourse.**

#### Competing interpretations – (1) Reasonability is arbitrary – impossible to know what is reasonable until you establish a brightline (2) Bites judge intervention – they have to gut check what they think is good

**1NC theory first – (1) If I was abusive, it was because the 1AC was (2) You have persuasive advantages in the 2AR on top of infinite prep time.**

## 3

### NC

#### Theoretical justifications outweigh: 1 – Frameworks are essentially T debates about the word ought which means you should prioritize arguments as to the preferable model of debate. 2 – Turns substance – it doesn’t matter how true a philosophy is if it can’t be engaged or is impossible to learn from – even if the AC framing was correct, we shouldn’t use their philosophy in debate specifically. 3 – Exclusionary rule – insofar as the AC framework is unfair, all their substantive arguments should be presumed false – the only reason they seem true is because it was impossible to engage in the first place.

#### 4 – No 1AC stance means shouldn’t get 1AR clarification – skews the entirety of the time I spent reading the NC.

#### The standard is consistency with libertarianism. Prefer:

#### 1 – Constitutivism – argumentation presupposes freedom to prove claims as valid. Being able to objectively decide between arguments and evaluate them necessitates a higher framework which is libertarianism.

#### 2 – Our framework ensures big squads don’t have a comparative advantage since debates become about quality of arguments rather than quantity – their model crowds out small schools because we have to prep every argument with carded responses.

#### 3 – Pedagogy – our framework allows students to pursue their own creative pursuits by maximizing freedom and respecting mutual ends.

#### 4 – Topic Ed – Libertarianism is the only applicable approach to space.

Broker 20 – (Tyler, work has been published in the Gonzaga Law Review, the Albany Law Review and the University of Memphis Law Review.) “Space Law Can Only Be Libertarian Minded,” Above the Law, 1-14-20, <https://abovethelaw.com/2020/01/space-law-can-only-be-libertarian-minded/>, Agastya

The impact on human daily life from a transition to the virtually unlimited resource reality of space cannot be overstated. However, when it comes to the law, a minimalist, dare I say libertarian, approach appears as the only applicable system.

In the words of NASA, “2020 promises to be a big year for space exploration.” Yet, as Rand Simberg points out in Reason magazine, it is actually private American investment that is currently moving space exploration to “a pace unseen since the 1960s.” According to Simberg, due to this increase in private investment “We are now on the verge of getting affordable private access to orbit for large masses of payload and people.” The impact of that type of affordable travel into space might sound sensational to some, but in reality the benefits that space can offer are far greater than any benefit currently attributed to any major policy proposal being discussed at the national level. The sheer amount of resources available within our current reach/capabilities simply speaks for itself. However, although those new realities will, as Simberg says, “bring to the fore a lot of ideological issues that up to now were just theoretical,” I believe it will also eliminate many economic and legal distinctions we currently utilize today.

For example, the sheer number of resources we can already obtain in space means that in the rapidly near future, the distinction between a nonpublic good or a public good will be rendered meaningless. In other words, because the resources available within our solar system exist in such quantities, all goods will become nonrivalrous in their consumption and nonexcludable in their distribution. This would mean government engagement in the public provision of a nonpublic good, even at the trivial level, or what Kevin Williamson defines as socialism, is rendered meaningless or impossible. In fact, in space, I fail to see how any government could even try to legally compel collectivism in the way Simberg fears.

Similar to many economic distinctions, however, it appears that many laws, both the good and the bad, will also be rendered meaningless as soon as we begin to utilize the resources within our solar system. For example, if every human being is given access to the resources that allows them to replicate anything anyone else has, or replace anything “taken” from them instantly, what would be the point of theft laws? If you had virtually infinite space in which you can build what we would now call luxurious livable quarters, all without exploiting human labor or fragile Earth ecosystems when you do it, what sense would most property, employment, or commercial law make? Again, this is not a pipe dream, no matter how much our population grows for the next several millennia, the amount of resources within our solar system can sustain such an existence for every human being.

Rather than panicking about the future, we should try embracing it, or at least meaningfully preparing for it. Currently, the Outer Space Treaty, or as some call it “the Magna Carta of Space,” is silent on the issue of whether private individuals or corporate entities can own territory in space. Regardless of whether governments allow it, however, private citizens are currently obtaining the ability to travel there, and if human history is any indicator, private homesteading will follow, flag or no flag. We Americans know this is how a Wild West starts, where most regulation becomes the impractical pipe dream. But again, this would be a Wild West where the exploitation of human labor and fragile Earth ecosystem makes no economic sense, where every single human can be granted access to resources that even the wealthiest among us now would envy, and where innovation and imagination become the only things we would recognize[d] as currency. Only a libertarian-type system, that guarantees basic individual rights to life, liberty, and the pursuit of happiness could be valued and therefore human fidelity to a set of laws made possible, in such an existence.

### Offense

#### 1 – Our model mandates a market-oriented approach to space – that negates.

Broker 20 – Tyler, work has been published in the Gonzaga Law Review, the Albany Law Review and the University of Memphis Law Review.) “Space Law Can Only Be Libertarian Minded,” Above the Law, 1-14-20, <https://abovethelaw.com/2020/01/space-law-can-only-be-libertarian-minded/>

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#### 2 – Private entities dedicate resources to appropriate space – prohibition inhibits their ability to use property to set ends in space and their freedom to explore unknown horizons.

#### 3 – Neg Offense Choice for the NC/AC framing – key to robust Phil debates and prevents splitting the debate which promotes clash and prevents a 2AR collapse that wins off judge psychology.

## 4

### NC

#### Yes Act-Omission Distinction:

#### 1 – Infinite Obligations – no act-omission means you’re culpable for every possible omission implying they’re immoral for debating instead of curing cancer which is untenable. Answering this means you negate – (A) The 1AC is suboptimal compared to some alternative (B) State action would be frozen b/c they wouldn’t be able to decide b/t alternatives so the plan wouldn’t pass and you vote on presumption.

#### 2 – Trolley Problem – Omissions allow us to escape culpability in otherwise unavoidable situations like when someone pulls the lever to kill 1 instead of 2 – otherwise we’re always categorically wrong which makes morality inaccessible, only the distinction solves. Outweighs on Bindingness, if an agent is permanently violating their ethical standard, they can’t take moral action.

#### Negate – Omitting out of the aff is legitimate to avoid infinite culpability. Even if there isn’t a distinction, negate since either (A) The 1ACs harms are valid, in which they cannot rectify their impacts before they actualize so you vote negative on presumption or (B) Their harms are constructed for alarmism so you vote negative on principle.

## 5

### K

#### Pragmatist philosophy discounts the materiality of racism and legitimizes institutional violence.

**Jones 12:** John Wesley Jones. John Dewey and Cultural Racism. University of Illinois, 2012. [https://www.ideals.illinois.edu/bitstream/handle/2142/42217/John\_Jones.pdf?sequence=1](about:blank). RW

In this section I will discuss more about Dewey’s failure to meaningfully deal with the subject of race, and what implication that failure might have had for his educational theory and for American culture. It is not true to say that Dewey did not have anything at all to say about race and racism; however, the analysis he did offer was scant and weak in some crucial areas. In regards to race, this inability to adequately theorize the phenomenon itself was probably Dewey’s greatest fault. Dewey was without a doubt, if not the most famous intellectual, then one of the most famous intellectuals in the United States in the early part of the 20th century. Had he actually dealt with the issue of race and racism in a more forceful and proactive manner, then a space could have been opened for others to discuss the issue seriously. Of course, we cannot be sure that others would have followed his lead, but it might be safe to guess that other intellectuals would have had to at least counter his claims publicly if they disagreed with him. As outlined in the previous section, Dewey was among the first intellectuals to reject scientific racism and biological theories of racial difference; however, without resorting to biological race, Dewey drew upon theories of cultural development and evolution which allowed him to make some distinctions between different groups of people; distinctions which in many ways corresponded to those made by scientific and biological racists. Dewey was a post-Boasian intellectual who relied on the concept of culture to explain differences in human behavior. Yet, it is this very notion of culture which in some ways became the new mechanism by which individuals could be differentiated into “races”. In some ways “culture”, as a set of behaviors and modes of thought, simply took the place of biological race, it did not replace it is terms of its utility in making distinctions about what type of education is suitable for different populations. This is why the lack of a robust analysis of race by Dewey is so critical. While it is true that race, conceived biologically, is a pseudo-scientific fiction, race still exists as a social phenomenon. Race as a social reality impacts the lives of everyone in a racist society in very real ways; some might benefit from a particular racial system, while others are punished. Race behaves very much like the anthropological concept of the fetish; however, instead of a society attributing great power to an object, the power resides in a concept which is represented physically by a constellation of different phenotypic, and sometimes behavioral, characteristics. To an outsider, a crucifix or a small wooden doll or talisman may be just an object, but such objects hold great importance for the individuals who are members of the societies that revere them. It would be a mistake on the part of an anthropologist to disregard such objects when studying a foreign culture, simply because he thinks that the fact that an inanimate object cannot hold such power should be self-evident to anyone. Likewise, when studying American or any other racist society, the taboo or fetish of race should not be disregarded simply because it may have become obvious that the concept of race has no biological or “real” basis. Dewey and other scholars like him had reached the conclusion, correctly, that race has no biological or scientific basis and is a social construct, and therefore, much like a non-believer who looks on in bemusement as a Christian reveres a crucifix, decided that anyone who believed that such an object actually holds power is acting irrationally. Likewise, any attempts at describing how the crucifix has power and what the effect of that power is would also be irrational and fruitless because the line of inquiry is based on the mistaken belief in the nonexistent power of the ordinary object. Therefore, Dewey neglected to deeply theorize race, because an in-depth analysis of an unscientific phenomenon would itself be an unscientific endeavor. However, to forego an inquiry into the power of the object or belief as it affects believers would require that one ignore the very power of the belief to condition the behaviors of those who adhere to it. Moreover, in the very denial of the existence of race, one must admit that there exists something called race which exists in a sense, yet is not “real”. This situation is much like that described by Quine, regarding the Platonic riddle of nonbeing. In order for one to make the claim that “x does not exist”, one has to first posit (implicitly) the “x” one wishes to argue does not exist. The question is then, if race does not exist, why are we able to talk about it and why do so many people behave as if it does? The important task of any individual who wishes to comment on race is to not first of all to determine whether the phenomenon of race has any verifiable biological or physical basis so that if such a basis is found to be lacking then further inquiry into the problem can be stopped. Rather, the proper task is to try to understand the practical and actual effects that the concept has. This would be the pragmatic way to pursue the issue of race, in the true sense of pragmatic inquiry following from Pierce’s formulation of the pragmatic maxim. Focusing too much on the metaphysical or ontological “reality” of race will lead one to the conclusion that race does not exist, yet in doing so one will ignore the very real practical and social consequences of the phenomenon, which are very significant and tangibly negative for many people. If one wishes to ameliorate or eliminate those consequences, the question of the being of race is not as important as how the problem can be solved. Of course, it is important to understand that in Dewey’s time the question of race really was a scientific one for most scholars. The challenge at that time was to overcome the naturalistic fallacy of the scientific racists, the idea that if Blacks and other races could be proven to be somehow inferior to Europeans then this was justification for their subordinate position in society. At the time, for Dewey to throw his support behind the position claiming the irrationality of the question of the biological reality of race was a victory in itself. This could have very well been one reason why Dewey did not theorize race; maybe he could see no further need for analysis because up until that time, the whole of the question of race seemed to consist of the question of its biological or scientific reality. However, Dewey did realize the importance of the social and political aspects of race, and he addressed those questions a few times, although he did not so much theorize their importance as he explained it. I think that Dewey’s belief in recapitulation theory and cultural evolution combined with a rather superficial and inadequate understanding of race led him to ignore the most brutal racially motivated violence and to support exclusionary and racist policies. Also, I wish to argue that Dewey’s gradualist approach to addressing racism would never have succeeded in solving the race question in the United States. This is because Dewey ignores the entrenched nature of racism and also fails to understand the many ways in which racism can be modified in responses to changes in the society at large. As Margonis notes in his article, the results of a database search of all of Dewey’s published work returned few, if any, references to racism, lynching, discrimination, etc... (26). Dewey did, however, produce at least two relatively major documents outlining his thoughts on race, both created during the latter part of his career. The first is the essay “Racial Prejudice and Friction” (1922) and the second is his “Address to the National Association for the Advancement of Colored People” from 1932. Both of these documents deal more with political and economic issues, and Dewey does not really deal with the issues of pedagogy, curriculum, and education in them. However, these documents are important for showing some of Dewey’s ideas about race in the later stage of his career, and by examining them we can gain an understanding of what relation these thoughts might have to his ideas about pedagogy and curriculum. The essay “Racial Prejudice and Friction” might be Dewey’s strongest effort to give a concise analysis of race24. However, the essay does not offer as much of an analysis of race and racism as it does an analysis of the geopolitical and economic situation that existed at the time of its writing. Upon a close reading of the essay, I was struck by how little Dewey said about race and how much he said about nationalism and other topics. While not unrelated to a discussion of race, it seems to me that this essay was prompted more by the events of the First World War and of the tense global political situation that existed in the interbellum years.

Implications:

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#### 1] controls the form of argumentation – every arg you make is skewed because you justified them with flawed rhetoric

#### 2] prevents debaters from engaging in your arguments – if you’re arguments justify these things, they may be sensitive to debaters who identify with those groups and prevent them from effectively engaging.

## 6

### Hedge

#### Justifying the aff getting 1ar theory is a voting issue:– a) forces judge intervention to determine which arguments are good enough b) justifies shells to auto-win c) incentivizes 1AR restarts which moots the 1N and topic ed d) infinite neg abuse doesn’t make sense since you can read 1AC theory, uplayer with other 1AR offs like Ks, and time-constraints mean I can’t be infinitely abusive e) there’s a 7-6 skew – outweighs cuz theory is mainly about coverage f) the 2AR can blow up dropped arguments and always win g) speaking last means they get judge psychology advantage – that’s uniquely bad in the context of DTD arguments.

#### Doesn’t come first – a) if it’s a true shell, then it can be won quickly b) 2-1 speech skew means they can structurally pre-empt my answers and respond but I can’t do either d) efficiency solves time skew.

#### Give the neg an RVI on 1AR and 1AC theory: To clarify this includes your spikes:

#### [1] Strat Skew – No RVI incentivizes you to read blippy undeveloped spikes solely as a time suck screwing my strategy. Strat screw key to equal access to the ballot.

#### [2] Infinite abuse – absent an RVI, the aff can read game over arguments like evaluate the theory debate after the 1ar putting the NC in a double-bind: either I answer them and waste time or concede them and auto loose.

#### [3] Ableism – Having an RVI on spikes is key to ensure that you don’t use them in a exclusionary manner, such as hiding them inside other spikes, which shuts people with flowing disabilities outside of debate.

#### [4] Norms – Under competing interps we should create the best norms for debate. RVIS encourage debaters to actually test issues, including the spikes you are trying to defend as good norms.

#### [5] Clash – Forcing them to go for their interp ensures debaters won’t just spam spikes, but instead only preempt genuine abuse, which means A] We spend more rounds on substance and B] People read shorter under-views and more substance.