# Delay CP

## 1NC

**Text: The USfg will forego the passage of [insert the merits of the plan] until after the November 3rd 2020 elections. The 116th Congress of the United States will not pass the aforementioned mandates during the lame duck session. The 117th Congress of the United States will then enact the aforementioned mandates.**

**Biden is planning to implement broad CJR as soon as he gets into office; his plan is to repudiate parts of the 94 crime bill. Astor, 20** [Maggie Astor is a political reporter based in New York. Previously, she was a general assignment reporter and a copy editor for The Times and a reporter for The Record in New Jersey. @MaggieAstor. “Quandary for 2020 Democrats: Which Criminal Justice Changes Get Priority?” 2 March 2020, https://www.nytimes.com/2020/03/02/us/politics/Criminal-justice-2020-Democrats.html] Cgilbert

The very premise of the questionnaire would have been nonsensical a few years ago: that a presidential candidate might propose criminal justice overhauls so sweeping that it would become reasonable to ask them to prioritize. Welcome to 2020, featuring an entire Democratic field that wants to reduce or eliminate mandatory minimum sentences, divert low-level offenders from jail, end or at least modify the cash bail system, change drug laws and remove an array of legal barriers that restrict people’s lives after they have served their time. It is, of course, possible to include all of these measures in a single, comprehensive piece of criminal justice legislation, but huge bills are difficult to pass. And if there is a need to compromise to get a bill across the finish line, priorities will come into play. This was the reality the Justice Action Network — a bipartisan coalition of bedfellows as strange as the Center for American Progress, a liberal think tank, and Grover Norquist’s Americans for Tax Reform, a conservative group — had in mind when it asked the Democratic candidates to identify, for instance, the first criminal justice legislation they would propose, the first executive action they would take, and their top priority among several bills pending in Congress. Five of the six remaining candidates — all but Representative Tulsi Gabbard of Hawaii — completed the questionnaire, and the Justice Action Network shared their responses with The New York Times. The survey shows a wholesale shift from previous election cycles, in terms of both specific policies and the lens through which the candidates discuss the issue. It also provides an unusually clear picture of how they would go about accomplishing what they say they want to accomplish. The candidates all spoke about criminal justice as a matter of racial justice, and most said that was the primary reason they supported an overhaul. They argued unanimously for aggressive new policies, not small steps. “Our current system is a result of dozens of choices that we’ve made,” Senator Elizabeth Warren of Massachusetts wrote. “Simply put, we have criminalized too many things. We send too many people to jail. We keep them there for too long. We do little to rehabilitate them. And we do all of this despite little evidence that our harshly punitive system makes our communities any safer.” “We cannot rectify this,” she said, “by nibbling around the edges.” The candidates focused heavily on changes to sentencing, such as reversing harsh mandatory minimums and expanding diversion programs to keep low-level offenders out of jail. Most indicated that a top priority would be to give states financial incentives to reduce incarceration: a direct repudiation of the 1994 crime bill, which gave incentives to increase incarceration. In fact, former Vice President Joseph R. Biden Jr., who played a key role in passing the 1994 legislation, said a bill to create the opposing incentives would be his first proposal to Congress related to criminal justice, as did former Mayor Michael R. Bloomberg of New York.

# Solvency

## Comprehensive Reform

**Biden is pushing for more comprehensive reform in the squo; he will pass a better version of the aff. Detrow, 20** [Scott Detrow is a political correspondent for NPR. He covers the 2020 presidential campaign and co-hosts the NPR Politics Podcast. Detrow joined NPR in 2015. He reported on the 2016 presidential election, then worked for two years as a congressional correspondent before shifting his focus back to the campaign trail. Before that, he worked as a statehouse reporter in both Pennsylvania and California, for member stations WITF and KQED. He also covered energy policy for NPR's StateImpact project, where his reports on Pennsylvania's hydraulic fracturing boom won a DuPont-Columbia Silver Baton and national Edward R. Murrow Award in 2013. Detrow got his start in public radio at Fordham University's WFUV. He graduated from Fordham, and also has a master's degree from the University of Pennsylvania's Fels Institute of Government. “Joe Biden Has Come A Long Way On Criminal Justice Reform. Progressives Want More,” 10 June 2020, https://www.npr.org/2020/06/10/873509374/joe-biden-has-come-a-long-way-on-criminal-justice-reform-progressives-want-more] Cgilbert

Former Vice President Joe Biden has mostly responded to the aftermath of George Floyd's death by contrasting his governing and leadership style with President Trump's. But the presumptive Democratic presidential nominee has also laced his speeches, interviews and campaign statements with policy specifics. Biden has called for a federal ban on police chokeholds, a new federal police oversight commission, new national standards for when and how police use force, more mandatory data collection from local law enforcement, and more power for the Department of Justice to investigate local police departments, among other changes. "Let us vow to make this, at last, an era of action to reverse systemic racism with long overdue and concrete changes," Biden said in a speech last week. And while Biden has rejected progressive demands for something that Trump is eager to tie his fall opponent to — "defunding" police departments — Biden has said that federal funding for law enforcement should be "based on whether or not they meet certain basic standards of decency and honorableness." "I've long been a firm believer in the power of community policing — getting cops out of their cruisers and building relationships with the people and the communities they are there to serve and protect," Biden wrote in a USA Today op-ed Wednesday. "That's why I'm proposing an additional $300 million to reinvigorate community policing in our country. Every single police department should have the money they need to institute real reforms like adopting a national use of force standard, buying body cameras, and recruiting more diverse police officers." Two members of a task force charged with pulling Biden's campaign platform to the left are encouraged by Biden's initial statements and demands but remain hopeful the onetime author of tough-on-crime bills will embrace even broader policing and criminal justice reforms. "I'm encouraged that he's getting specific and trying to meet the moment," said Chiraag Bains, who worked in the Department of Justice's Civil Rights Division during the Obama administration. Vermont Sen. Bernie Sanders tapped Bains to co-chair the criminal justice reform committee the Sanders and Biden campaigns set up at the end of their primary contest as part of a broader effort to try to reach more policy consensus between the progressive and moderate wings of the Democratic Party. "It's not enough to speak to people's pain and utter the right words," said Bains, who emphasized he was speaking for himself, not the task force. Bains said Biden's statements and speeches have been the right start and have been well-received — especially when contrasted to the president. "But we need a specific agenda and it needs to be bold," he said. "I do see that the vice president is moving that direction. I just think we need to do more." Bains wants Biden to expand on already-announced proposals on ending mandatory-minimum prison sentences and ramping up the use of clemency. He's also pushing for the restoration of federal parole and the legalization of marijuana, among other policies.

## Death Penalty

**Biden will implement broad CJR like ending the use of the death penalty and changing sentencing laws that disproportionately affect black people. Beaumont & Schor, 19** [Thomas Beaumont and Elena Schor are contributing writers to the Associated Press, “Biden's new criminal justice plan reverses portions of controversial 1994 crime bill,” 23 July 2019, https://www.usatoday.com/story/news/politics/elections/2019/07/23/joe-biden-criminal-justice-plan-reverses-some-1994-crime-bill/1802797001/] Cgilbert

Joe Biden plans to propose a criminal justice agenda that would reverse key provisions of the 1994 crime bill that he helped write as a senator and that his rivals for the Democratic presidential nomination have blamed for the mass incarceration of racial minorities since then. Most notably, the former vice president is endorsing an end to the disparity that placed stricter sentencing terms on offenses involving crack versus powder cocaine as well as an end to the federal death penalty, which the 1994 crime bill authorized as a potential punishment for an increasing number of crimes. The criminal justice policy, which Biden plans to outline Tuesday during an appearance in New Orleans, comes as he works to reinforce his support among African American voters. The timing is important, especially after rival California Sen. Kamala Harris impugned Biden's civil rights record during last month's Democratic presidential debates. It also comes as Biden prepares for next week's presidential debates, when he will face Harris and New Jersey Sen. Cory Booker, both of whom have sharply criticized his role in the Clinton-era crime law. Biden campaign chairman Cedric Richmond called the plan "the most forward-leaning criminal justice policy proposed." Richmond, a Louisiana representative and former public defender, praised it for building on Virginia Democratic Rep. Bobby Scott's SAFE Justice Act, which would reserve prison space for violent offenders and offer a wider range of non-prison sentencing alternatives. Scott's bipartisan bill is co-sponsored by other members of the Congressional Black Caucus. By building on Scott's bill, Biden, who represented Delaware in the U.S. Senate for decades, is moving significantly to the left but not quite as far as endorsing the type of sweeping overhaul championed by Booker. Booker unveiled a proposal this year that would go beyond the criminal justice measure that President Donald Trump signed into law last year by slashing mandatory minimum sentences.

## Repudiate 94 Crime Bill

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# Theory

## Delay Good F/L

**Our interpretation is that the negative should be allowed to run timeframe counterplans so long as they will defend a specified timeframe of delay- this prevents shifty dates and arbitrary time periods and takes out most of their offense.**

**A. Offense**

1. **Increases in-depth education and plan focus- the debate now becomes a question of the time sensitiveness of the plan and its advantages allowing for a critical interrogation of the warrants of their evidence- they shouldn’t be allowed to weigh a totalitarianism advantage if the harm wouldn’t happen for 100 years**
2. **Best policy option- debate is about a search for the best policy option this solves all of their fairness and education arguments, if the counterplan is better then the plan then all of their arguments are arbitrary and don’t apply**
3. **Key to negative flexibility – we should be able to use any means to prove an advocacy better than the affirmative**
4. **Key to solve arbitrary 2AC add-ons – without them, the aff would always be able to get around any counterplan by reading a new add-on which is infinitely worse for debate**

**B. Defense**

1. **Reject the argument, not the team– the punishment paradigm rewards theory over substance, decreasing education. Plus, they can’t prove a reason why we jacked their ability to beat the rest of our positions.**
2. **Its predictable and justified- fiat implies that the plan should be done immediately- our counterplan merely delays that action- they should be ready for the disad debates anyway and can still weigh their time-sensitive advantages which takes out all their offense**
3. **Most real world- If it only makes sense to do the plan in 3 days, 3 months, or 3 years, then that is how it is done- not immediately**
4. **Potential abuse is not a voter– we didn’t do it and it’s impossible to quantify. Since the ballot doesn’t set a precedent, in-round abuse is the fairest way to judge theory.**
5. **Err neg on theory-**
6. **Structural side bias – the aff has first and last speech, picks the framework for the debate, and has infinite prep.**
7. **Topic specific side bias – infinite things that could be a reduction in restrictions in legal immigration; err neg on ground.**

## Delay Offense

**1. Delay is an opportunity cost: Acting now forgoes the option of acting post the midterm elections – this is a legitimate opportunity cost of the aff. They must provide a theoretical model for their interpretation otherwise it is not a predictable decreases education**

**2. Increases education: Voting neg on the counterplan and politics forces the aff to go do research on politics and current events. It also forces them to research why the plan must pass now.**

**3. Aff must defend the entirety of the plan: including the timeframe when it is passed. The counterplan is critical to test this.**

**4. Timeframe is key to debate: When a plan is passed is almost as important as what is passed. If plan was passed during an unfavorable political climate it is the neg’s job to point it out. If Abe Lincoln passed the Emancipation Proclamation during a different time – it would completely change the effect.**

**5. Competition checks abuse – The net benefit is predictable and not obscure. If they win the net benefit, the counterplan is moot. There is no reason they cannot debate the CP.**

**6. Keeps the debate focused – The CP keeps the focus on the case and whether it should pass now. There is no reason they should not have ground to debate the immediacy of the plan with all the research they did on their case.**

## PICs Good

**Counter-interpretation- The negative should get one conditional or dispositional PIC- this is both fair and educational because it gives the neg flexibility and still maintains a predictable advocacy.**

**A. Offense**

1. **Key to fairness – PICs are part of a critical neg strategy necessary against increasingly vague plans**
2. **Key to in-depth education and focus – uniquely justified on this topic due to different congressional and judicial jurisdiction**
3. **Forces the affirmative to defend all aspects of the plan – this increases better plan writing and critical thinking which are good for education and debate**
4. **Best policy option – debate is about a search for the best policy option this solves all of their fairness and education arguments, if the counterplan is better then the plan then all of their arguments are arbitrary and don’t apply**

**B. Defense**

1. **Their interpretation makes all counterplans PICS – it is impossible to have action that does not do some part of the plan – this kills fairness destroying a core negative strategy**
2. **“Authority” checks – this topic uniquely justifies PICS because different actors can decrease authority in different ways with different advantage ground stemming from each one**
3. **Potential Abuse isn’t a voter- we didn’t do it and its impossible to quantify. Since the ballot doesn’t set a precedent, in-round abuse is the fairest, most objective way to judge theory.**
4. **Reject the argument, not the team- the punishment paradigm rewards theory over substance, decreasing education. Plus, they can’t prove a reason why we jacked their ability to beat the rest of our positions.**
5. **Err neg on theory-**
	1. **Structural side bias- first and last speech, framework choice, and infinite prep**
	2. **Topic specific side bias- infinite things that could be detained and lack of K links off of a decrease in authority guts neg ground.**

## Fiat = Immediate Passage

**There’s a few things wrong with the assumption that fiat does not mean now:**

**1. Destroys negative ground: We can’t get uniqueness for our disads.**

**2. Allows aff to pass plan in past or far in the future: Allowing the affirmative to determine their own timeframe means they can pass plan either far in the past or future.**

**3. Justified contradictory counterplans in the same round: Means the negative could run the do it now counterplan with delay in order to figure out when the affirmative plan passes.**

**4. Resolved means: To make a firm decision about. Webster’s Online Dictionary 2006. Failing to pass plan now violates the word resolved and makes them non-topical. This crushes negative ground and predictability. This is a voting issue for ground.**

# Aff Answers

**Notes:**

**- You want to make solvency deficits against the CP. Argue that the aff is so pressing that the loss of lives before the installation of the new Congress and/or new President isn’t outweighed by the risk of whatever impact the neg is going for.**

**- A lot of judges will have a low threshold for responding to this argument**

**- Don’t forget to ask for the status of the CP in CX of the 1N**

## Delay Bad

**Timeframe counterplans are illegitimate and a voting issue:**

1. **Steals aff ground – the plan is the focus of the debate; timeframe counterplans moot the entirety of the 1AC by simply adding time to the counterplan which puts them in a double-bind**
	1. **We don’t get weigh our case because they functionally do it- proves the abusiveness of the counterplan- it destroys all of our offense and is artificially competitive**
	2. **We get full access of our case impacts- the time it would take to do the counterplan HAS to be long enough to justify our ability to weigh 100% of the case against their disads**
2. **Intellectual plagiarism- they moot 8 minutes of our offense and steal our work decreasing strategic pre-round thinking.**
3. **Infinitely regressive- they could delay the plan by 2 seconds and any minute risk of a crappy disad and they win- its impossible to prepare for counterplans that can encompass an infinite number of time sequences destroying predictability- Justifies timeframe permutation- perm: do the counterplan and then the plan**
4. **Should doesn’t justify- should doesn’t imply now- I can say we should feed the starving people of Africa but right now we’re going to win the theory debate**
5. **Its solely textually competitive- time is not a true method of competition- this is bad**
	1. **Infinitely regressive- there is no brightline as to where textual competition starts or begins- changing the wording of the letters in the counterplan text could be considered a competitive policy option exploding possible neg ground that the aff would never be ready to debate- leads to negs adding “reject plan” at the bottom of non-competitive counterplans**
	2. **Functional competition solves their offense- its possible to pass conflicting legislation at the same time- only by evaluating how both advocacies would interact on a functional level can we truly determine their competitiveness**
6. **Disads check their offense– they can run the net benefit by itself, reducing artificial inflation of the risk of a link – rejecting timeframe counterplans still allows for the same amount of education while preserving ground on both sides.**
7. **It’s a voter to ensure competitive equity and education**

**[ ] Perm: do the counterplan- the counterplan adds the aspect of time- all the permutation does is take that time and put it before the plan- it is not intrinsic or severance**