**Debate – Limits kill the activity**

**Rowland 84 -** (Robert C., Baylor U., “Topic Selection in Debate”, American Forensics in Perspective. Ed. Parson, p. 53-4)

The first major problem identified by the work group as relating to topic selection is the decline in participation in the National Debate Tournament (NDT) policy debate. As Boman notes: There is a growing dissatisfaction with academic debate that utilizes a policy proposition. Programs which are oriented toward debating the national policy debate proposition, so-called “NDT” programs, are diminishing in scope and size.4 This decline in policy debate is tied, many in the work group believe, to excessively broad topics. The most obvious characteristic of some recent policy debate topics is extreme breath. A resolution calling for regulation of land use literally and figuratively covers a lot of ground. Naitonal debate topics have not always been so broad. Before the late 1960s the topic often specified a particular policy change.5 The move from narrow to broad topics has had, according to some, the effect of limiting the number of students who participate in policy debate. First, the breadth of the topics has all but destroyed novice debate. Paul Gaske argues that because the stock issues of policy debate are clearly defined, it is superior to value debate as a means of introducing students to the debate process.6 Despite this advantage of policy debate, Gaske belives that NDT debate is not the best vehicle for teaching beginners. The problem is that broad policy topics terrify novice debaters, especially those who lack high school debate experience. They are unable to cope with the breadth of the topic and experience “negophobia,”7 the fear of debating negative. As a consequence, the educational advantages associated with teaching novices through policy debate are lost: “Yet all of these benefits fly out the window as rookies in their formative stage quickly experience humiliation at being caugh without evidence or substantive awareness of the issues that confront them at a tournament.”8 The ultimate result is that fewer novices participate in NDT, thus lessening the educational value of the activity and limiting the number of debaters or eventually participate in more advanced divisions of policy debate. In addition to noting the effect on novices, participants argued that broad topics also discourage experienced debaters from continued participation in policy debate. Here, the claim is that it takes so much times and effort to be competitive on a broad topic that students who are concerned with doing more than just debate are forced out of the activity.9 Gaske notes, that “broad topics discourage participation because of insufficient time to do requisite research.”10 The final effect may be that entire programs either cease functioning or shift to value debate as a way to avoid unreasonable research burdens. Boman supports this point: “It is this expanding necessity of evidence, and thereby research, which has created a competitive imbalance between institutions that participate in academic debate.”11 In this view, it is the competitive imbalance resulting from the use of broad topics that has led some small schools to cancel their programs.

#### “For” should be read as a term of exclusion – prefer our interp over generic dictionary defintions

Allegra 2**.** (Francis M., Judge – United States Court of Federal Claims, “Usibelli Coal Mine, Plaintiff, v. The United States, Defendant”, 11-8, 2002 U.S. Claims LEXIS 307, , Lexis)

The cynosure here is the phrase "for any overpayment in respect of any internal revenue tax" in section 2411. Defendant does not seriously contest that the Coal Tax, which is contained in the Code, is an "internal revenue tax." See Int'l Bus. Mach. Corp. (IBM) v. United States, 201 F.3d 1367, 1371-72 (Fed. Cir. 2000), [\*\*25] cert. denied, 531 U.S. 1183, 148 L. Ed. 2d 1025, 121 S. Ct. 1167 (2001). Nor does there appear to be much doubt that plaintiffs' payments of the Coal Tax resulted in "overpayments" once that tax was determined to be unconstitutional, as applied to plaintiffs, under the Export Clause. 14 And, it is even relatively clear that such an overpayment is "in respect of" an internal revenue tax. This leaves us with the innocent little three-letter word that, in the court's view, causes most of the mischief here -- the treacherous preposition "for." In other words, the issue here boils down to whether a suit that under Cyprus Amax is viewed as seeking money damages, so as to avoid the sweeping limitations of section 7422(a), is one "for" an overpayment. FOOTNOTES 14 Neither the Code nor the Treasury regulations contain an all-inclusive definition of the term "overpayment." See Estate of Baumgardner v. Commissioner, 85 T.C. 445, 449 (1985). The Supreme Court, however, has construed that term on several occasions, each time applying the broad common meaning thereof. For example, in construing the statute of limitations on filing a refund claim, HN19the Court defined that term as -any payment in excess of that which is properly due. Such an excess payment may be traced to an error in mathematics or in judgment or in interpretation of facts or law. And the error may be committed by the taxpayer or by the revenue agents. Whatever the reason, the payment of more than is rightfully due is what characterizes an overpayment. Jones v. Liberty Glass Co., 332 U.S. 524, 531, 92 L. Ed. 142, 68 S. Ct. 229 (1947). Later, in Dalm, 494 U.S. at 609 n. 6, the Supreme Court stated that "the commonsense interpretation is that a tax is overpaid when a taxpayer pays more than is owed, for whatever reason or no reason at all." [\*\*26] The American Heritage Dictionary and other familiar lexicons are not particularly helpful on this count, as they offer literally dozens of definitions, and variations thereof, for the word "for." 15 To be sure, it is not far-fetched for plaintiffs to argue that the word "for" should be given the broader meaning "in connection with" and to assert that this lawsuit is thus "for an overpayment" because an overpayment gave rise to the suit and the monetary damages awardable are obviously tied, at least in part, to the amount of that overpayment. See Rex v. Hutner, 20 N.J. 489, 140 A.2d 753, 754 (N.J. 1958). But, it is just as logical to view the same language in section 2411 as more confining, applying only to suits whose object is the actual recovery of an illegal exaction -- where the government has the plaintiff's money in its pocket and the claimant wants it back. Under this more limited reading of the statute, the case sub judice is not "for" an overpayment, but rather "for" damages in lieu of an overpayment. On account of this pesky preposition, then, the statutory language is susceptible of several constructions. In choosing among these, several interpretative [\*\*27] guides are useful. FOOTNOTES 15 Among the alternative definitions in The American Heritage Dictionary of the English Language 686 (4th ed. 2000), ranked in order of usage, are "used to indicate the object, aim, or purpose of an action or activity," "used to indicate the object of a desire, intention or perception;" "used to indicate equivalency or equality," "as a result of; because of;" and "as regards, concerning." [\*381] First, the more limited reading of section 2411 offered by defendant is consistent with the doctrine of sovereign immunity. Thus, in dealing with an analogous interest claim, the Supreme Court observed -HN20There can be no consent by implication or by use of ambiguous language. Nor can an intent on the part of the framers of a statute … to permit the recovery of interest suffice where the intent is not translated into affirmative statutory … terms. The consent necessary to waive the traditional immunity must be express, and it must be strictly construed.

**.) Infinitely regressive**

**Stone ’23 –** [Justice in the Circuit Court of Appeals, 8th Circuit. Sussex Land & Live Stock Co v. Midwest Refining Co, 1923. Lexis//GBS-JV]

Where the use of land affects others, the use must be "reasonable" to escape liability for resultant damage to others. What is "reasonable" depends upon a variety of considerations and circumstances. It is an elastic term which is of uncertain value in a definition. It has been well said that "reasonable," means with regard to all the interest affected, his own and his neighbor's and also having in view public policy. But, elastic as this rule is, both reason and authority have declared certain limitations beyond which it cannot extend. One of these limitations is that it is "unreasonable" and unlawful for one owner to physically invade the land of another owner. There can be no damnum absque injuria where there is such a trespass.