

# ***Keys to Team-Policy Debate***

*Reason, argumentation, and strategy for winning policy debate*

by

Vance Trefethen

Monument Publishing  
Monument, Colorado

[www.trainingminds.org](http://www.trainingminds.org)

***Keys to Team-Policy Debate***  
***Reason, argumentation and strategy for winning policy debate***  
***1st Edition***

Published by  
**Monument Publishing**  
P.O. Box 3527  
Monument, CO 80132

Copyright © 2012 by Vance Trefethen

No part of this publication may be reproduced, stored in a retrieval system, or transmitted in any form or by any means electronic, mechanical, photocopying, recording, scanning or otherwise, except as permitted under Sections 107 or 108 of the 1976 United States Copyright Act, without either the prior permission of the Publisher. Requests to the Publisher for permission should be either addressed through mail at the address above, or through e-mail at [info@monumentpublishing.com](mailto:info@monumentpublishing.com).

Library of Congress Control Number:  
ISBN: 978-1-936147-29-8

Manufactured in the United States of America  
First Edition, March 2012

**[www.monumentpublishing.com](http://www.monumentpublishing.com)**

## Keys to Team-Policy Debate

# Table of Contents

<b>FOREWORD BY CHRIS JEUB .....</b>	<b>9</b>
<b>KEY #1: UNDERSTAND THE PURPOSE.....</b>	<b>11</b>
DECISION-MAKING IN A “REAL WORLD” SITUATION:.....	11
1. <i>Preparation and Research</i> .....	12
2. <i>Stay on Topic</i> .....	13
3. <i>A Clear Proposal</i> .....	13
4. <i>What’s the Problem?</i> .....	13
5. <i>Maybe It Will Work Itself Out</i> .....	13
6. <i>Will the Change Work?</i> .....	13
7. <i>Unpleasant Side-effects</i> .....	14
8. <i>Is There a Better Way?</i> .....	14
POLICY DEBATE IMITATES “REAL WORLD” DECISIONS .....	14
1. <i>Preparation and Research</i> .....	14
2. <i>Stay on Topic</i> .....	15
3. <i>A Clear Proposal</i> .....	15
4. <i>What’s the Problem?</i> .....	15
5. <i>Maybe It Will Work Itself Out</i> .....	16
6. <i>Will the Change Work?</i> .....	16
7. <i>Unpleasant Side-effects</i> .....	16
8. <i>Is There a Better Way?</i> .....	16
DEBATERS AS ACTORS AND ADVOCATES .....	17
HIGH SCHOOL DEBATE LEAGUES .....	17
SUMMARY .....	18
KEY #1 SYLLABUS LESSON .....	19
<i>Student Preparation:</i> .....	19
<i>Goals:</i> .....	19
<i>Teaching Outline:</i> .....	19
<i>Student Questions &amp; Exercises</i> .....	19
<b>KEY #2: MASTER YOUR SPEAKING RESPONSIBILITIES.....</b>	<b>21</b>
FIRST AFFIRMATIVE CONSTRUCTIVE (1AC): 8 MINUTES .....	21
CROSS-EXAMINATION OF THE 1A BY THE 2N: 3 MINUTES .....	22
FIRST NEGATIVE CONSTRUCTIVE (1NC): 8 MINUTES .....	23
CROSS-EXAMINATION OF THE 1N BY THE 1A: 3 MINUTES .....	24

## 4 *Keys to Team-Policy Debate*

SECOND AFFIRMATIVE CONSTRUCTIVE (2AC): 8 MINUTES .....	24
CROSS-EXAMINATION OF THE 2A BY THE 1N: 3 MINUTES .....	25
SECOND NEGATIVE CONSTRUCTIVE (2NC): 8 MINUTES .....	25
CROSS-EXAMINATION OF THE 2N BY THE 2A: 3 MINUTES .....	26
FIRST NEGATIVE REBUTTAL (1NR): 5 MINUTES .....	26
FIRST AFFIRMATIVE REBUTTAL (1AR): 5 MINUTES .....	27
SECOND NEGATIVE REBUTTAL (2NR): 5 MINUTES .....	28
SECOND AFFIRMATIVE REBUTTAL (2AR): 5 MINUTES .....	28
KEY #2 SYLLABUS LESSON .....	29
<i>Student Preparation:</i> .....	29
<i>Goals:</i> .....	29
<i>Teaching Outline:</i> .....	29
<i>Student Questions &amp; Exercises</i> .....	31
<b>KEY #3: WRITE CASES THAT WIN</b> .....	<b>33</b>
SELECTING A TOPIC .....	33
PHILOSOPHY OF CHOOSING THE BEST AFFIRMATIVE CASE .....	37
THE ELEMENTS OF AN AFFIRMATIVE CASE .....	38
<i>The Introduction</i> .....	39
<i>Definition of Terms</i> .....	40
<i>Harms and Case Formats</i> .....	41
<i>Elements of a Successful Plan</i> .....	49
SAMPLE AFFIRMATIVE CASE .....	54
KEY #3 SYLLABUS LESSON .....	59
<i>Student Preparation:</i> .....	59
<i>Goals:</i> .....	59
<i>Teaching Outline:</i> .....	59
<i>Student Questions &amp; Exercises</i> .....	60
<b>KEY #4: LEVERAGE THE POWER OF FIAT</b> .....	<b>61</b>
AFFIRMATIVE USE OF FIAT .....	61
NEGATIVE RESPONSES TO FIAT .....	62
NEGATIVE FIAT WITH A COUNTERPLAN .....	65
KEY #4 SYLLABUS LESSON .....	65
<i>Student Preparation:</i> .....	65
<i>Goals:</i> .....	65
<i>Teaching Outline:</i> .....	65
<i>Student Questions &amp; Exercises</i> .....	66
<b>KEY #5: STAY WITHIN THE BOUNDS OF TOPICALITY</b> .....	<b>67</b>
THE RESOLUTION .....	68
THE WHOLE RESOLUTION .....	71
NOTHING BUT THE RESOLUTION - THE PROBLEM OF “EXTRA-TOPICALITY” .....	71
JUDGING PHILOSOPHIES ABOUT TOPICALITY .....	73
KEY #5 SYLLABUS LESSON .....	74

<i>Student Preparation:</i> .....	74
<i>Goals:</i> .....	74
<i>Teaching Outline:</i> .....	74
<i>Student Questions &amp; Exercises</i> .....	75
<b>KEY #6: IDENTIFY YOUR BARRIERS OF INHERENCY</b> .....	77
TYPES OF INHERENCY .....	77
NEGATIVE ATTACKS ON INHERENCY .....	79
RECOGNIZING THE DIFFERENCE BETWEEN INHERENCY AND HARMS .....	80
NEGATIVE CROSS-EXAMINATION ABOUT INHERENCY .....	81
KEY #6 SYLLABUS LESSON.....	82
<i>Student Preparation:</i> .....	82
<i>Goals:</i> .....	82
<i>Teaching Outline:</i> .....	82
<i>Student Questions &amp; Exercises</i> .....	83
<b>KEY #7: SOLVE SIGNIFICANT PROBLEMS</b> .....	85
1. DOES THE SOLVENCY EVIDENCE <u>SPECIFICALLY</u> LINK TO THE AFFIRMATIVE PLAN? .....	85
2. DOES THE SOLVENCY EVIDENCE <u>DIRECTLY</u> LINK TO THE AFFIRMATIVE PLAN? .....	86
3. DOES THE SOLVENCY EVIDENCE CLEARLY PROVIDE A SOLUTION TO THE PROBLEM? .....	87
4. DOES THE AFFIRMATIVE TEAM SOLVE FOR <u>ALL</u> THE HARMS THEY RAISE IN THEIR CASE? .....	87
5. ARE THEY ATTEMPTING TO FIAT THEIR OWN SOLVENCY? .....	88
6. DOES THE SOLVENCY DEPEND ON SOMETHING NOT UNDER THE AFFIRMATIVE TEAM'S CONTROL? .....	89
7. IS THE PROBLEM TOO BIG TO BE SOLVED? .....	90
8. DOES ANYONE BESIDES THE AFFIRMATIVE TEAM SAY IT WILL WORK? .....	91
KEY #7 SYLLABUS LESSON.....	92
<i>Student Preparation:</i> .....	92
<i>Goals:</i> .....	92
<i>Teaching Outline:</i> .....	92
<i>Student Questions &amp; Exercises</i> .....	92
<b>KEY #8: USE THE PERSUASIVE POWER OF DISADVANTAGES</b> .....	95
ELEMENTS OF A DISADVANTAGE .....	96
1. <i>Link</i> .....	96
2. <i>Brink</i> .....	100
3. <i>Uniqueness</i> .....	101
4. <i>Impact</i> .....	103
KEY #8 SYLLABUS LESSON.....	105
<i>Student Preparation:</i> .....	105
<i>Goals:</i> .....	105
<i>Teaching Outline:</i> .....	105
<i>Student Questions &amp; Exercises</i> .....	105

## 6 *Keys to Team-Policy Debate*

<b>KEY #9: MASTER THE ART OF CROSS-EXAMINATION .....</b>	<b>107</b>
PREPARING THE CX .....	107
ASKING THE RIGHT QUESTIONS.....	108
QUESTIONS TO AVOID.....	112
EFFECTIVE USE OF CROSS-EXAMINATION RESULTS.....	116
ANSWERING QUESTIONS IN CROSS-EXAMINATION.....	117
KEY #9 SYLLABUS LESSON.....	122
<i>Student Preparation:</i> .....	122
<i>Goals:</i> .....	122
<i>Teaching Outline:</i> .....	122
<i>Student Questions &amp; Exercises</i> .....	123
<b>KEY #10: BACK UP WITH EVIDENCE .....</b>	<b>125</b>
WHY IS EVIDENCE IMPORTANT?.....	125
MYTHS AND MISCONCEPTIONS ABOUT DEBATE EVIDENCE .....	126
ELEMENTS OF EVIDENCE .....	128
CREDIBILITY OF EVIDENCE.....	130
PHANTOM EVIDENCE .....	132
EVIDENCE ETHICS.....	133
1. <i>Incorrect Dates.</i> .....	134
2. <i>Omissions</i> .....	134
3. <i>Additions</i> .....	135
4. <i>Context</i> .....	136
5. <i>Source citation</i> .....	136
WHAT TO DO WHEN YOU SUSPECT UNETHICAL EVIDENCE .....	142
ADDITIONAL TIPS ABOUT EVIDENCE.....	144
KEY #10 SYLLABUS LESSON.....	144
<i>Student Preparation:</i> .....	144
<i>Goals:</i> .....	144
<i>Teaching Outline:</i> .....	144
<i>Student Questions &amp; Exercises</i> .....	145
<b>KEY #11: FLOW EVERY TIME.....</b>	<b>147</b>
WHAT IS FLOWING AND WHY IS IT IMPORTANT? .....	147
HOW DO ARGUMENTS GET FLOWED CORRECTLY? .....	148
KEY #11 SYLLABUS LESSON.....	160
<i>Student Preparation:</i> .....	160
<i>Goals:</i> .....	160
<i>Teaching Outline:</i> .....	160
<i>Student Questions &amp; Exercises</i> .....	160
<b>KEY #12: REFUTE THE ARGUMENTS .....</b>	<b>161</b>
WHAT IS REFUTATION?.....	161
THE RHYTHM OF SUMMARY AND RESPONSE .....	161

RESPOND, NOT REPEAT .....	162
ARGUING THE EVIDENCE .....	164
REFUTATION PITFALLS TO AVOID.....	167
KEY #12 SYLLABUS LESSON.....	168
<i>Student Preparation:</i> .....	168
<i>Goals:</i> .....	168
<i>Teaching Outline:</i> .....	168
<i>Student Questions &amp; Exercises</i> .....	169
<b>KEY #13: GIVE JUDGES WHAT THEY'RE LOOKING FOR.....</b>	<b>171</b>
THE SPEECH INTRODUCTION/OVERVIEW .....	171
ORGANIZED SPEAKING AND "SIGNPOSTING" .....	172
SPEAKER POINTS.....	173
<i>Persuasiveness</i> .....	173
<i>Organization</i> .....	173
<i>Delivery</i> .....	174
<i>Evidence</i> .....	174
<i>Refutation</i> .....	174
<i>Cross-Examination</i> .....	174
MISCELLANEOUS TIPS ON SPEAKING STYLE & PERSUASION .....	175
KEY #13 SYLLABUS LESSON.....	176
<i>Student Preparation:</i> .....	176
<i>Goals:</i> .....	176
<i>Teaching Outline:</i> .....	177
<i>Student Questions &amp; Exercises</i> .....	177
<b>KEY #14: WRITE SOLID NEGATIVE BRIEFS.....</b>	<b>179</b>
KEY #14 SYLLABUS LESSON.....	181
<i>Student Preparation:</i> .....	181
<i>Goals:</i> .....	181
<i>Teaching Outline:</i> .....	181
<i>Student Questions &amp; Exercises</i> .....	181
<b>KEY #15: RUN COUNTERPLANS AND MINOR REPAIRS WISELY.....</b>	<b>183</b>
WHAT IS A COUNTERPLAN?.....	183
WHEN AND WHY WOULD A NEGATIVE OFFER A COUNTERPLAN? .....	183
THEORY AND PHILOSOPHY OF THE COUNTERPLAN.....	188
OUTLINE FOR DESIGNING COUNTERPLANS.....	190
DEFEATING A COUNTERPLAN .....	191
WHAT IS A "MINOR REPAIR"? .....	192
KEY #15 SYLLABUS LESSON.....	194
<i>Student Preparation:</i> .....	194
<i>Goals:</i> .....	194
<i>Teaching Outline:</i> .....	194
<i>Student Questions &amp; Exercises</i> .....	194

## 8 *Keys to Team-Policy Debate*

<b>KEY #16: UNDERSTAND KRITIKS.....</b>	<b>197</b>
<b>KEY #17: CHOOSE &amp; USE QUALITY SOURCEBOOKS.....</b>	<b>201</b>
CHOOSING EVIDENCE SOURCEBOOKS.....	202
USING EVIDENCE SOURCEBOOKS .....	203
<i>In the Affirmative</i> .....	203
<i>In the Negative</i> .....	204
KEY #17 SYLLABUS LESSON.....	206
<i>Student Preparation:</i> .....	206
<i>Goals:</i> .....	206
<i>Teaching Outline:</i> .....	206
<i>Student Questions &amp; Exercises</i> .....	206
<b>KEY #18: STRATEGIZE: SAMPLE DEBATE.....</b>	<b>209</b>
FIRST AFFIRMATIVE CONSTRUCTIVE .....	209
<i>Cross-Examination of 1A by the 2N:</i> .....	212
FIRST NEGATIVE CONSTRUCTIVE .....	214
<i>Cross-Examination of the 1N by the 1A:</i> .....	218
SECOND AFFIRMATIVE CONSTRUCTIVE.....	219
<i>Cross-Examination of the 2A by the 1N.....</i>	222
SECOND NEGATIVE CONSTRUCTIVE .....	224
<i>Cross-Examination of the 2N by the 2A.....</i>	227
FIRST NEGATIVE REBUTTAL .....	229
FIRST AFFIRMATIVE REBUTTAL.....	231
SECOND NEGATIVE REBUTTAL .....	233
SECOND AFFIRMATIVE REBUTTAL.....	235
<b>AFTERWORD.....</b>	<b>237</b>
<b>ABOUT THE AUTHOR .....</b>	<b>240</b>
<i>“Coach Vance” Trefethen</i> .....	240



## Foreword by Chris Jeub

# Training for Action

I cannot say enough about Vance Trefethen, and I don't think I can put my support behind another book as strongly as I can *Keys to Team-Policy Debate*.

Vance and I have been writing one of the bestselling sourcebooks on the market, referred to often in this text as *Blue Book*. At the time of this text's printing, we will have had 11 years of sourcebook material published. We'll likely keep writing it together till one of us dies (hopefully many years from now!). Every year when the leagues release their resolutions, the two of us begin strategizing how to develop the best resource possible for team-policy debaters. I stick with basic topical research and Vance plows through writing the foundational cases and negative briefs. We always pump out an awesome sourcebook, and we always "top" the year before.

Also referenced in this book is Training Minds Ministry, the organization of which I am privileged to serve as president. In fact, at the bottom of every page is its website address, [www.trainingminds.org](http://www.trainingminds.org). Training Minds offers camps to students who want to take this team-policy debate seriously (as well as other speech and debate events). Vance heads up the team-policy program, and many of his core sessions are transcribed in this book.

I'm super glad you have this book. You will find the keys to champion debating in these pages, keys that aren't found elsewhere in the competitive speech and debate world. But I have higher hopes that you will attend our camp and be coached by the "great one," Coach Vance Trefethen. The techniques in this book are one thing, but to have him lean over your shoulder as you're assembling your speeches, to have him critique your arguments unlike anyone you'll ever encounter in competition, to have him flow your round on a whiteboard as he coaches you through the scrimmage – I'm telling you, there is no better way to learn the ropes. Camp truly sharpens your mind and makes you the champion you (and Vance and I) know you can become.

Allow me to share with you a bit of the vision Vance and I have had since Day 1. Training Minds is a *ministry*. We launch from 1 Peter 1:13, "train the mind for action," a biblical mandate that calls Christians to the higher calling of *thinking*, *speaking* and *persuading*. Vance and I (and a host of other champion coaches) want nothing more than to see you take the top award at Nationals, but that's not all. We want you to excel beyond competition and take off into the life God has in store for you. With the training you receive in this book, the activity of team-policy debate, and the coaching you receive at camp, there is no telling what exciting life you'll be equipped to plow through.

## 10 *Keys to Team-Policy Debate*

An interesting reality is taking shape for Vance and me. We're noticing some of our former students do some daring, fantastic, awesome things in their young lives. We find ourselves chatting, "Hey, remember so-and-so? Well, they're doing such-and-such for Dr. Bigshot in Washington." Our stories are gathering<sup>1</sup>, and so they should! These aren't puffy pageant skills we're teaching you here. We're teaching you how to *think*, *speak* and *persuade*! These fundamentals will empower you to take on the great journey of life that awaits you after your competitive years.

Honestly, I cannot think of a better life-training activity than team-policy debate. Vance goes into this right off the bat in Chapter 1, and the rest of the book fleshes out the details. The activity of team-policy debate is the *best* training for young people to *train for action*. *I'm sure of it*. Vance and I *will* – in the not too distant future – be able to say, "Yep, judged him just a few years back," or "She was a fantastic debater back in the day, and look at her now!"

And I bet that you will be one of those students. Do you see yourself as such a person? Get used to that picture in your mind, the idea that you're going to be someone great. Imagine Vance and I, someday, kicking back in the judges lounge at some tournament back in your hometown talking with others about how you used to shake it up in debate. You'll be inspiration for the next generation, that's for sure.

As you read this book, know you're being coached by the best. Highlight it, apply its drills, do its exercises – I'm telling you, *devour this book*. Consider yourself in training. Someday your peers will reference your name and say, "Yep, we debated back in the day." They will be proud to have known you, even prouder that they played the game of debate with you.

Chris Jeub  
President, Training Minds Ministry

---

<sup>1</sup> In fact, the ministry posts a lot of these stories on its website [www.trainingminds.org](http://www.trainingminds.org).  
**www.trainingminds.org**

## Key #1

# Understand the Purpose

Policy debate is an academic competition that stretches the mind and provides skills that last a lifetime. While it functions like a competitive sport during a tournament, with awards and win-loss records on the line, its competitors also learn valuable skills like public speaking, note-taking, research, logical thinking, and grace under pressure. High school debate does more to prepare young people for life than any other single scholastic activity available at that age, and those who participate use its skills throughout their lives. I know because I was a high school debater, and I am still benefiting from it over three decades later.

Policy debate at its foundation is about making a choice between two competing governmental policy options that a hypothetical decision-maker (the judge) can make. The judge will either be persuaded by a pair of debaters who advocate changing public policy in a direction indicated by the debate topic (the Affirmative team), or else he will be persuaded by another pair who deny that this change should be made (the Negative team). Policy debate's origins and foundations are in the clash of prosecutor and defense in the courtroom and in the chambers of power in the legislatures and parliaments of the world.

## **Decision-Making in a “Real World” Situation:**

---

The clash between new policies versus old, change versus status quo<sup>2</sup>, are not only of concern to politicians and juries. This same clash, and the methods by which decisions are made to resolve that clash, unfold every day among people in all walks of life. Each week business managers, parents, churches, volunteer organization leaders, and other decision-makers have to resolve choices that boil down to the age-old question: Do we try this proposed change? Or do we stick with the way we've been doing it?

Human beings are constantly torn between two conflicting desires within themselves. On the one hand, we all wish things could be better than they are. We wish problems could be solved, suffering could be relieved, prosperity could be increased, etc. The goal of all public policies (whether they actually achieve it or not) is to make the world a better place. And the goal of the choices we make every day in our families or our businesses is to make people happier, make more money, achieve new benefits we didn't have before, or solve some problem. People will

---

<sup>2</sup> “Status Quo” means “the way things are right now in the present system without any changes.”

## 12 *Keys to Team-Policy Debate*

take incredible risks and do difficult things in the hope of making a better life for themselves or their children.

But there is another side to human nature that we also must deal with: comfort with the status quo. The problem with making things better is that something must change. Humans fear change as much as they fear death and public speaking.

I once participated in a conference call with a business customer in which the customer was very upset with the status quo. In the customer's opinion, some software was running too slowly and was causing significant harm to their productivity. We made some studies and came back with several recommendations in the next call, with specific changes they could make to improve things. Their response was enlightening: They refused to do anything because they could not accept the risk of making any changes to the system. If anything went wrong, someone would get in trouble. They continued to demand that performance be improved, but they wanted the improvements to happen without any risk of changing anything!

Debaters sometimes call this attitude “presumption” because it defines the default that we take if we are not persuaded to change. Normally people don't make changes unless they are sure they will get significant benefits from the change. If they are not persuaded, they stick with the status quo. In the policy debate round, the teams enter the round with the “presumption” that the judge will vote Negative (for the status quo) if the Affirmative fails to persuade him. Negatives can raise risk of change and the lack of clear and substantial reasons for change as a reason to vote their way.

Human beings are like that: We all want things to get better, but we don't want anything to change. Policy debate is about the conflicts we all face every day between those two mutually exclusive desires.

Let's take a realistic example of a situation where a high school student might want a “policy change” to be accepted by a decision-maker and see how the decision might be made. Imagine Doug, the Debater, works at McKing-Fil-A, a fast food establishment, when he's not doing school work or going to debate tournaments. His pay is \$8.00 per hour. It wasn't bad for starters, but he's been there two years now and hasn't gotten a raise. He believes he's deserving of a substantial increase in pay and he's summoning the courage to talk to Ben, the Boss, about giving him that raise.

### **1. Preparation and Research**

Before he has that talk with Ben, Doug collects his thoughts and organizes his reasoning. The first thing he does is some research to find out what other fast food employees with his level of experience are being paid. He also jots down notes from conversations he's had with other employees at McKing-Fil-A about how long they worked there before they got raises. He also has a list of employees who don't work half as hard as he does, so he can compare himself favorably to them if the need should arise. A friend of his once told him “Knowledge is Power,” and he believes it. Doug intends to be well-prepared before he goes into this talk with Ben.

## **2. Stay on Topic**

Ben is very busy and Doug knows that when Ben has five minutes of free time, he will have to go right to the heart of the matter. He can't waste time talking about the weather or sports; he must stick directly to the issue of why he should get a substantial increase in pay. Wasting time about other matters will hurt Doug's chances of being persuasive on the issue that is important to him.

## **3. A Clear Proposal**

Doug also intends to go in with a specific dollar value in mind. He is going to propose that Ben give him a \$2/hour raise. He reached this conclusion based on his research about what other employees are getting. And he doesn't want to talk to Ben in vague generalities about just "getting a raise." What if Doug says "yes" and gives him 10 cents/hour? He wants to have a specific number on the table for discussion and not leave it up to chance.

## **4. What's the Problem?**

Doug has to start by showing why there's a problem. Ben is busy and his philosophy in life is, "If it ain't broke, don't fix it." Doug has thought of the two most important reasons why he should get that raise. The first is fairness: Other workers who have been there less time than he has have already gotten raises, while he has been passed over. That seems unjust, and if Ben has any sense of what's right, he should correct that. The second reason is the hardship Doug is suffering without the raise. The unjust denial of his raise is hurting Doug's family because his mom has cancer and his dad just lost his job. Doug wants to give some of this money to help his family. If he doesn't get the raise, his family will suffer.

## **5. Maybe It Will Work Itself Out**

Doug has heard a rumor that McKing-Fil-A is considering revamping its pay scales. It's possible that all employees will get put on slightly higher pay scales at the beginning of next year. Doug considers carefully how he will answer if Ben uses this as an excuse not to give Doug a raise now. The new pay scales will only be 10% higher and won't take effect until many months in the future. Doug feels he deserves more money than that and he needs it now.

## **6. Will the Change Work?**

Ben is likely to have some reasons why Doug's proposed raise won't work. For example, two dollars an hour won't save Doug's family's financial situation. And Ben could easily say that there's not enough money in the budget to give that big of a raise right now.

## 14 *Keys to Team-Policy Debate*

### **7. Unpleasant Side-effects**

Of course, Ben might say, “Yes, you can have your raise, but...” and that will be followed with some unpleasant consequences. For example, Ben might give Doug the raise on the condition that Doug comes in on Saturday mornings at 6:00 AM to clean out the old greasy fry-o-lator. If Ben says that, Doug might just reconsider whether that raise was really worth it.

### **8. Is There a Better Way?**

Ben might suggest alternate ways that Doug’s issues could be resolved other than giving him a \$2 raise. For example, he could suggest that Doug transfer to the McKing-Fil-A over on the other side of town, where their pay scale is substantially higher. Or he might suggest that Doug take a second job at night, if he really needs a lot of money to help his family. Ben might sympathize with Doug’s situation and offer to just give him a few more hours of work each week, at the current rate of pay. Doug will have to consider these alternatives and explain why his proposed change is better than any of them.

## **Policy Debate Imitates “Real World” Decisions**

---

It won’t surprise you to learn that each of the elements described above will become a factor in the structure, “stock issues,” or rules of policy debate. While some students believe that rules and “stock issues” are irritations that interfere with fun debate, those with experience in the “real world” know that the issues in the scenario described above are repeated every day in thousands of people’s lives. Every decision that humans wrestle with is judged on these same basic elements. Let’s look at the elements we found above between Doug and Ben and see how debate imitates life.

### **1. Preparation and Research**

Debaters who have any intention of winning never go into a debate tournament without extensive preparation. A very large percentage of debates are won in the days and weeks preceding the tournament by the team that did the better job of research and preparation. Gathering facts to support their position and to counter the anticipated positions of the other teams gives a winning debate team the ammunition they need to win the battle that is policy debate. A team will present these facts, called “evidence” in the debate round, after carefully documenting and organizing them, to persuade the judge that the facts and the best evidence support their position. Doug will persuade his boss that the facts show his position to be justified. Debaters try to do the same with the judge during the round. We will discuss “evidence” more in a later chapter of this book.

## **2. Stay on Topic**

People with real-world experience know that decision-making meetings can be either tedious and boring or explosive and contentious. Either problem is worsened when someone rambles off topic and wastes everyone's time. A decision maker will be turned off by any participant who engages in off-topic discussion, and that individual will not get what he wants out of the meeting. Likewise, meeting organizers who call meetings with no clear agenda or topic risk a useless free-for-all that will surely be a waste of time. Smart decision-makers insist on a single topic and smart participants stay on that topic.

In the example above, Doug's situation could be described as a debate proposition: "Resolved, that Doug should receive a substantial hourly raise." This is a proposal for changing the status quo and it circumscribes the topic of discussion that Doug is going to raise with Ben during Ben's short attention span. Debaters call this aspect of debate "Topicality" and it is an important element in the debate round.

## **3. A Clear Proposal**

Real-world decision-making relies on people giving clearly articulated proposals for change, not just whining that "things are all messed up" or "someone ought to do something." Policy debate is no different. Affirmative debaters are responsible for generating a clearly explained, well-thought "Plan" that gives everyone a clear understanding of the specific change they want to make to public policy. In this case, Doug's plan for change, a \$2/hour raise, is a "substantial hourly raise" and would meet the definitions of the words in our proposed resolution, if this were a policy debate.

## **4. What's the Problem?**

Recall what we observed above about humanity's aversion to change. We don't change unless there's a really good reason to do so. There has to be some problem hurting us enough, or some benefit big enough, to get our attention and make us leave our comfort zone. No one is going to take action unless the perceived shortfall of the status quo is significant.

In Doug's case above, it took courage and effort to approach Ben about getting a raise. He put it off for a long time and only got the courage to do it when his sense of justice finally got irritated enough and his family's needs became great. The harms of continuing in the status quo finally became significant enough for him to propose a change.

Policy debaters use the same word, "significance," to describe this vital issue in the debate round. Every Affirmative debater must show that there is a significant issue, problem, or potential benefit to be achieved that justifies our attention and concern.

# 16 *Keys to Team-Policy Debate*

## **5. Maybe It Will Work Itself Out**

Decision-makers usually want to know why we can't just ignore the problem and hope it goes away. I've had that experience many times and have even recommended it a few times myself. They will ask why existing mechanisms, programs, policies, equipment, etc., can't already solve the problem without the need for any real changes to the way things are set up today. Remember, people fear change. If something is already happening within the framework of the status quo that looks like it could do just as much as the new proposal will do, decision-makers will usually take the status quo. Doug faced this problem because he knew Ben would say that the present pay scales are already being revised, so there will be no need to give Doug a raise. The status quo can already solve the problem – a perfect excuse not to change!

Debaters face this issue in debate rounds because Affirmative teams must prove that the problems they are presenting are “inherent” in the status quo – that is, that the structure of the present system is not doing what they are proposing nor is it doing anything that is equally as good. Left to itself, the problems will not go away nor be solved by some other means inherent within the present system. Debaters call this issue “inherency.”

## **6. Will the Change Work?**

Decision-makers won't go for a change unless they are assured that it will solve the problem that it was intended to solve. It's a big risky waste of time if it doesn't do that. Not surprisingly, debaters use the word “solvency” to describe this aspect of policy debate. Many debate rounds are won or lost on the issue of whether the plan actually solves the problems or achieves the benefits it was intended to achieve.

## **7. Unpleasant Side-effects**

Doug might have deeply regretted getting that raise he asked for, if Ben had given it to him with the extra workload on Saturday mornings. Every policy change has to take into account the possibility that it will generate unintended side-effects. Decision-makers are foolish indeed if they do not anticipate this possibility and do everything possible to minimize the risk of such occurrences. And if the risk is too high or the consequences too great, then the proposal will be denied because the benefits of the change are outweighed by the disadvantages. “Disadvantages” play an important role in the debate round, just as they do in real life.

## **8. Is There a Better Way?**

Decision-makers sometimes will agree that there's a problem but not agree with the proposed solution. If someone presents an alternative solution that is less risky, less bold, appears safer, and does not make such a big change, they will prefer that, rather than taking the risks of the big policy change that was proposed. In Doug's case, Ben would propose just giving Doug a few more work hours on the schedule. This would allow Doug to earn the extra money he needs without getting a raise. Debaters call these little alternatives “minor repairs.” Just as in real life,



minor repairs can be a way to solve problems without affirming the need for structural changes in the status quo.

Sometimes a decision-maker agrees that there's a problem and may also recognize that it's going to take big changes to fix it. However, there might be more than one way to solve the problem. If someone is proposing a change, it should be weighed not only against the problems of the status quo but against other possible changes that could also fix the problem as well. In the example above, Ben could propose that Doug transfer to a different store – a significant change to the status quo, but not the change Doug was proposing.

If there's a choice between two changes, the decision-maker should pick the change that best solves the problem, has the least risk, and generates the fewest disadvantages. Debaters call these alternate proposals "Counterplans," and we will see that they can be a useful tactic in some circumstances for Negative debaters.

## **Debaters as Actors and Advocates**

---

An important thing to realize before you get very far into policy debate is that debaters are assigned the position they will take, for or against the resolution, before the start of each debate round. When you debate in the Affirmative, you have all the time you want to prepare in advance the specific policy change you want to make, as long as it complies with the resolution. The plan you write or use is not in any way required to reflect your own personal beliefs, and no one at the end of the debate round should ascribe its beliefs to you (unless, of course, you want to discuss it with them outside the room and advocate for it privately).

Keep in mind that you will also be assigned to go Negative 50% of the time. You might very well be assigned to go Negative against a team that is running the same plan that you are using. Or, they might be running a plan that in real life outside of debate you think would be wonderful. When that happens, you have to stand up and become the best possible critic against that plan, and tell the judge how awful it is. Your honesty or personal integrity is not compromised if you advocate for public policies that you personally don't agree with, nor if you make an argument in the current round that is completely opposite to the way you argued in the round before. It happens all the time, and it's part of the game.

Policy debaters are like speech competitors who take on an acting persona and pretend to be some fictional character for the purpose of their competition. The policy debater acts the role of a skilled advocate for the position assigned in the round. Once the round is over and the judge has left the room, go ahead and tell folks what you really think, if you feel passionately about it.

## **High School Debate Leagues**

---

At the time of this writing, there are several widely known debate leagues that establish resolutions and organize competitive policy debate for high school students. There are also

**[www.trainingminds.org](http://www.trainingminds.org)**

## 18 *Keys to Team-Policy Debate*

numerous smaller associations and leagues that promote debate within the style, rules, or annual resolutions of one of the bigger leagues.

**NFL – National Forensics League.** Founded in 1925, NFL serves both public and private schools and is the largest speech and debate league in the U.S. While it once had a very large policy debate program, the other debate formats it offers have become more popular in recent years.

**NCFL – National Catholic Forensic League.** Originating among Catholic parochial schools in the 1950s, NCFL is now open to all public and private schools. It operates speech tournaments similar to those offered by NFL, including policy debate. They use the NFL policy debate resolution.

**UIL – University Interscholastic League.** Limited to the state of Texas, the UIL regulates all interscholastic competition among public schools in that state. Debate became the first “sport” to come under its purview in 1910. UIL uses the NFL policy resolution.

**NCFCA – National Christian Forensics & Communication Association.** Founded in 1996, NCFCA is the oldest debate league exclusively for homeschooled students. NCFCA writes its own resolution each summer.

**Stoa** – A debate league that originated in California in 2009, it now sanctions speech and debate events in many parts of the country, exclusively for homeschooled students. Stoa writes its own resolution.

**CCofSE – Christian Communicators of the Southeast.** Another homeschool debate league, focused on the southeast region of the U.S. CCofSE has a mandatory “stock issues” judging paradigm and a shorter tournament schedule than the other homeschool debate leagues.

There are other leagues as well, but these are offered as a list of some of the better known that you may encounter. Each league may have minor variations in its rules that should be studied and taken into account by the debater. For example, some leagues allow laptop computers to be used inside the round, while others ban them. Some allow “tag team” cross-examination, where the partners who are not speaking may intervene with questions or answers to help their partner; other leagues do not allow this.

## Summary

---

Policy debate draws its issues from the way real people interact every day. Although its terminology can sometimes seem a bit arcane, after a little study you can easily see where the elements of policy debate come from and why they are important. Sometimes students feel they can advance beyond the stock issues of debate or avoid them by using alternative terminology. We will see in the chapters that follow that these basic issues, under whatever name you give

them, will return again and again – not because a committee of old grouchy debate coaches commanded it, but because they are the building blocks of real-life decision-making.

## KEY #1 SYLLABUS LESSON

---

### Student Preparation:

1. Read Chapter 1

### Goals:

1. Understand the elements of the decision-making process
2. Understand the conflict between “change” and “status quo”
3. Understand how the elements of decision-making relate to policy debate

### Teaching Outline:

- I. *Decision-Making in a Real-World Situation*
  - A. Preparation and Research
  - B. Stay on topic
  - C. Clear proposal
  - D. Maybe it will work itself out
  - E. Will the change work?
  - F. Unpleasant side-effects
  - G. Is there a better way?
- II. *Policy Debate imitates real-world situations*
  - A. Preparation and Research (evidence)
  - B. Stay on topic (topicality)
  - C. Clear proposal (plan)
  - D. Maybe it will work itself out (inherency)
  - E. Will the change work? (solvency)
  - F. Unpleasant side-effects (disadvantages)
  - G. Is there a better way? (minor repairs & counterplans)
- III. *Debaters as Actors and Advocates*
- IV. *High School Debate Leagues*

### Student Questions & Exercises

1. What is the basic conflict that decision-making must resolve?
2. Why do people want change?
3. Why do people resist change?
4. What do advocates of change do before coming up with their proposal?
5. What constrains the discussion and what do debaters call this issue?

## 20 *Keys to Team-Policy Debate*

6. What must the advocate of change prove before anyone will think about change?
7. What do debaters call the issue involving whether the status quo can solve the problem by itself?
8. What are “disadvantages”? Which team would raise them in a debate round?
9. What is a “minor repair”?
10. What is a “counterplan”?
11. What is the role of the debater in advocating for or against political positions in the round?

## Key #2

# Master Your Speaking Responsibilities

The information outlined below is based on perspectives, customs, and current practice of team policy debaters at the time this book was written. Leagues modify their rules and formats, so you should check with your coach or tournament director for any changes that might apply at the time of your actual debate. This chapter – as well as throughout this book – I layout the basic practices that may be adapted for all team-policy debates.

Policy debate consists of two teams of two debaters each, competing against each other in front of a neutral observer (the Judge) to persuade him or her to vote for their position at the end of the debate round. The Affirmative team upholds the resolution and presents a proposal to change public policy that conforms to the wording and intent of that resolution. There are two Affirmative speakers, the “First Affirmative” (1A) and the “Second Affirmative” (2A). The Negative team responds to the Affirmative plan and denies that it should be adopted. There are two Negative speakers, the “First Negative” (1N) and the “Second Negative” (2N).

It is important for each speaker in a debate round to understand how he fits into the overall flow of the debate. Knowing the way a debate is organized and what issues each speaker is expected to cover will help advanced debaters make the right assignments of debaters to their role (i.e. which debater should be 1A or 2A, 1N or 2N), which can significantly improve a team’s chance of winning. As you will see below, it can be critical to assign a debater to the role that best uses his strengths and avoids his weaknesses. Some debaters might do much better if they are always used as the 2A speaker in Affirmative rounds, for example, while the same debater might do well as the 1N in Negative rounds.

Realize that at a competition you will be assigned which side of the debate you will argue, and that this assignment will come perhaps five minutes before the round starts. You do not have the luxury of preparing only Affirmative or only Negative arguments.

## **First Affirmative Constructive (1AC): 8 minutes**

---

Always a pre-packaged, completely scripted speech, this is the easiest and best-prepared speech in the entire round. However, this does not necessarily mean that the weaker Affirmative speaker

## 22 *Keys to Team-Policy Debate*

should deliver it. While it is easy enough to read the 1AC speech, bear in mind that the 1A must also be able to explain and defend it in cross-examination. Harder still, the 1A speaker must deliver the critical First Affirmative Rebuttal (see below), arguably the hardest and most important speech in the whole round. For those reasons, I typically recommend that the stronger Affirmative speaker do the 1A. I have seen good 1A cases shredded under cross-examination by a sharp 2N who questions a 1A who read a plan written by his partner, and which he does not understand.

The 1AC is the foundation of the entire round and provides the material around which the debate will occur. It is the duty of the 1AC to present a *prima facie* case that the status quo is flawed, offer a topical plan to fix it, and show that the plan would be better than the status quo.

Before the tournament, the 1A should spend a good bit of time getting familiar with the 1AC. Practice reading it over and over again and make sure you understand all the words it contains. Get the delivery smooth and ensure that it fits into exactly 8 minutes. Since the speaker has had unlimited prep time to deliver it, I expect the 1AC to be delivered flawlessly.

Practice answering questions about the case and work with other debaters on your team to brainstorm the kind of issues, objections, and cross-examination questions that will be raised so that you can mentally prepare answers. And here's a valuable tip: Always write a Negative brief against your own Affirmative cases. Do this for two reasons: 1) it will force you to consider what things you need to prepare to win when in the Affirmative – you will know what evidence and arguments are available to others who know about your case; 2) since other debaters are as smart as you and may have also thought of the same case, you are prepared to oppose the case if you ever have to go Negative against it.

### **Cross-Examination of the 1A by the 2N: 3 minutes**

---

The Second Negative speaker cross-examines the 1A about the case and plan. This is a crucial cross-examination because it is the 2N's job to generate material for his partner to use in the next speech to begin the attack on the Affirmative's case. Notice that this cross-examination is conducted by the 2N, not the 1N, because the 1N will be the next person to speak, hence he cannot speak twice in a row and so his partner must perform this cross-examination.

During the 1AC, both Negative debaters should be writing down possible questions to ask for this cross-examination. During the cross-examination itself, the 1N is outlining and organizing his upcoming 1NC speech, but he will adjust his preparations based on any revelations that come out in the cross-examination. Meanwhile, he should be going through his evidence and organizing what he will say and what he will leave for his partner to cover in 2NC. Though he keeps an ear open to what his partner is doing in the cross-examination, this can be an added 3 minutes of prep time for the 1N if he uses it carefully.

## **First Negative Constructive (1NC): 8 minutes**

---

There are several key issues that must be raised in the 1NC if they are to be raised at all by the Negative. If the Negative plans to challenge the topicality (whether the case given by the Affirmative was within the boundaries of the resolution) of the Affirmative's plan, they must do it here. In addition, any Negative counterplan (a case meant to replace the Affirmative's plan) must be raised in the 1NC. The Negative does not have to bring up these items if they don't want to, but if they are going to raise these issues they must be raised in 1NC.

Traditionally, the 1NC is responsible for explaining an overall outline or philosophy of the Negative team for the current debate. This requires the 1N to have a general idea of what types of arguments he and the 2N are going to raise in the round. This requires some prep time to be taken before 1NC to allow him time to understand what evidence is available, what arguments they can make, and how the division of labor will be accomplished between the 1N and 2N speeches.

Although there is no rule that would limit the 1NC from covering all aspects of the Negative case, 1NCs traditionally have focused their arguments on the "case side" of the Affirmative's speech, although that is less common in debate rounds today. By that I mean that 1NC's primary responsibility for attacking harms and inherency (along with topicality and a counterplan, if applicable), leaving the "plan side" issues (solvency and disadvantages) to the 2N. This involves logical analysis of flaws in the Affirmative's evidence, gaps in reasoning, missing links, or other problems that can be logically argued from the material presented in 1AC, as well as reading evidence to deny the harms or inherency of the 1AC.

It is very helpful if the 1NC links his arguments to specific points in the outline of the 1AC, so that everyone can flow the arguments and see exactly where both teams are going. Each point should be labeled as falling under harms, inherency, topicality, etc.

The 1NC can also cover "plan side" issues such as solvency and disadvantages if he has time left over. It is better to find more issues to talk about and use up the full 8 minutes than to refrain from bringing up something because you are saving it for 2NC. After all, the 2NC will have at least 22 more minutes before he has to speak, during which time he can think up something else to say. If the 1N and 2N are not equally balanced in skill, the 1N can be performed by the weaker debater, using more of the prepared briefing materials, leaving more of the in-depth analysis for his partner to cover in 2NC.

During the 2N's cross-examination of 1A and during the prep time before 1NC, the 1N should be "pre-flowing" his 1NC onto his flow sheet. That is, he should be making notes of what all his arguments are going to be – the admissions made in cross-examination that he is going to bring out and the evidential and/or logical responses he is going to make, notated with a link to the 1AC arguments that they relate to, so that he has them written down both for reference during the speech and for the rest of the round.

## 24 *Keys to Team-Policy Debate*

### **Cross-Examination of the 1N by the 1A: 3 minutes**

---

As in the previous cross-examination, this one should also generate material for the other partner to use in the next constructive.

### **Second Affirmative Constructive (2AC): 8 minutes**

---

This speech should not be a difficult one, but it must be done correctly or else the Affirmative can lose everything. All the 2AC must do is cover, line-by-line, point-by-point, everything that the 1NC brought up. Remember that if the 2AC fails to respond to something brought up in 1NC, it will be lost for the rest of the round (as long as the Negative at some point just mentions it again and reminds the judge that the Affirmative dropped it). First Affirmative Rebuttal could be considered too late to respond to something that 2AC should have covered, because it denies the 1NR the opportunity to respond.

I have judged many debates that were lost in the 2AC because of an inadequate job in covering the 1NC material. Often this is due to poor note-taking (called “flowing”). If the Affirmative team does not accurately flow all the 1NC’s arguments, they will miss some things in 2AC that will cost them the round. Sometimes it is due to lack of organization, if the 2A has flowed everything but has not made himself an outline of what he is going to say in response to every point in the 1NC.

The 2AC is also a speech for which it is easy to prepare in advance. Affirmative debaters who win always generate a surplus of evidence supporting their case and save some of it in reserve for the 2A to use to respond to anticipated Negative attacks. They also spend time trying to anticipate what the attacks will be, and they go back to the drawing board after every Affirmative round to find more evidence to defeat anything that the Negative used against them. Advanced preparation for anticipated arguments in the 2AC will also pay big dividends by reducing to a minimum (as little as possible but definitely 1.5 minutes or less) the amount of prep time needed to prepare for 2AC. Save up most of your prep time for 1AR because that’s when you’re really going to need it.

The most common pitfall I have seen in 2ACs is over-reliance on “canned” material and inattention to the specific details brought up by the 1NC. The 2AC can (and should!) have material prepared in anticipation of Negative 1NC attacks, but he should not blindly read all of this material if it is not relevant to what the 1NC brought up. Also, 2AC needs to explain how his material defeats the specific arguments 1NC made, rather than just reading a brief and sitting down, as if he had not heard the 1NC at all.

Another mistake to avoid: Do not simply re-read evidence from the 1AC. You can explain why the 1AC evidence was better than what 1NC provided, and you can read new evidence to back up the 1AC evidence, but do not re-read cards from 1AC. This is of absolutely no value in proving your case. After all, everyone in the room is already aware of that evidence because



your partner just read it a few minutes ago. What are you adding to the debate by reading it again? As a judge, I am somewhat insulted by it because it suggests that you think I wasn't listening the first time.

There is one exception to the "don't re-read evidence" rule: If there was a specific challenge to the wording or meaning of the words in a piece of evidence. In that case, you should re-read the part that was challenged to clear up that issue. But if you just need to remind the judge that a point was covered in a previous piece of evidence, summarize what it said and point out that the other team never responded or show why their response was inadequate. Don't re-read it.

As noted above for the 1NC, the 2A should also be "pre-flowing" his upcoming speech during the preceding cross-examination and the prep time before 2AC.

## **Cross-Examination of the 2A by the 1N: 3 minutes**

---

This is the last chance for the Negative to challenge in cross-examination any doubtful points, or to wring any admissions out of an Affirmative speaker. 1N should look for areas where the 2A was weak in responding to Negative arguments or challenge responses that were unsupported by evidence or evidence that didn't support the arguments for which it was used.

## **Second Negative Constructive (2NC): 8 minutes**

---

The role of the 2N speaker here will depend to some extent on what material he has to work with. If he and his partner have prepared well for the particular Affirmative case, he should have a stack of material left that was not brought up in 1NC, and he can begin "piling on" to what his partner already dumped on the Affirmative.

In traditional debate theory, the 2NC would completely ignore the 1NC and the 2AC and begin an entirely new line of attack against the Affirmative case by raising issues of solvency and disadvantages. I have seen this done with strong effect (and a Negative ballot). In practice, it often doesn't work this way because the 2NC doesn't have enough material to make 8 minutes of new arguments. If he does have 8 minutes of new material, I'd recommend he use it, because the 1NR can respond to everything brought up by the 2AC completely legally and within the rules of debate. Maybe I'm cruel, but I don't feel sorry for Affirmatives who have to respond to 2NC and 1NR, 13 minutes of speaking with 8 minutes of new arguments, all in the First Affirmative Rebuttal. After all, they got to choose the topic, and probably did so with every effort to surprise the Negative team. If the Negative surprises them back by being so well prepared that the 2NC hammers them with 8 minutes of new material, so be it. There's no rule that makes the Affirmative immune to surprises or prepared Negative debating. The 2NC is, after all, a "constructive," and hence the 2N is free to "construct" as many new arguments as he wants. He is free to let the 1NR "rebut" the 2AC if he wants to.

## 26 *Keys to Team-Policy Debate*

Because the 2N may have to do more “ad lib” or scrambling to generate his own material after the pre-packaged briefs he left for his partner to use in 1NC are gone, and because the 2N gets the opportunity to cross-examine the 1AC, I recommend that the stronger debater take the 2N position and leave the weaker debater to do the 1N. Since most debate teams do not know about the strategy of using the stronger debater for the 1A, this also sets up an interesting cross-examination: the powerful 2N cross-examining the weak 1A – a situation that can leave the Affirmative case in shreds if done correctly. If you are going Negative and your opponents have not read this book, the debate round might effectively be over after the cross-examination of the 1AC is finished! The 1N can immediately get up and start talking about all the things that the poor 1A just admitted in cross-examination, and the poor 2A will have to spend his entire speech un-explaining all the mistakes his partner made. Then, the 2N can come up in 2NC, ignore the whole fiasco, and begin piling on new solvency arguments and disadvantages. And who then has to come up and respond now? The poor 1A in the First Affirmative Rebuttal!

If he has time left after raising all the new arguments on plan side that he wants to raise (and the more evidence he can read, the better), 2NC can give logical (good) and/or evidential (better) responses to the 2AC. If evidence is going to be used to rebut the 2AC and if the 2NC has time left, it is better to use that evidence in 2NC because time will be short in 1NR. Also, if the 1N is a weaker debater and the 2AC raised arguments that 2N knows will require a lot of difficult analysis to answer, 2N can help out his partner by doing some of the work for him in the 2NC, thus saving some of the effort needed in the 1NR. This opportunity to scope out the workload and ease the burden of 1NR is another reason to let the stronger debater be the 2N. But if 2N knows that his partner can handle everything in 1NR, 2N would better spend his time simply piling on more new constructive arguments on plan side.

Apply the remarks above about “pre-flowing” here, too, to the 2NC.

### **Cross-Examination of the 2N by the 2A: 3 minutes**

---

This is the Affirmative’s chance to set up arguments to be made in 1AR in response to any new material 2NC raised or to find flaws in responses to older material. The key here is that this cross-examination *must* generate material for 1AR to use. If the 2NC brought up new disadvantages, this cross-examination needs to focus on finding weaknesses in those disads. Challenge the links, the impacts, anything that will provide the 1AR with a quick response like “He admits in cross-examination that this disad has no impact...” so that 1AR can spend time on something else.

### **First Negative Rebuttal (1NR): 5 minutes**

---

This speech will be boring if all he does is repeat the 2NC. That’s one of the reasons we hope for the 2NC to generate new material and leave responding to 2AC to the 1NR. In any event, 1NR should cover any specific 2AC material that the Negative has not yet responded to. This requires

good flowing and good organization. It's also helpful if the 1NR gives an overview of all the issues covered in the round so far and explain why the Negative's philosophy is winning, why the stock issues are flowing Negative in the round, and what the key voting issues will be.

The 1NR begins the second half of the debate in which no new arguments may be introduced into the round. The debate now shifts to analysis and refutation of all the material that has been brought up so far. The prohibition against new "arguments" does not prohibit new "evidence" from being introduced. Although there will be much less use of evidence in rebuttals than there was in the constructive speeches, it is possible to introduce additional evidence to support an existing argument, in order to refute arguments made by the other side.

The primary duty of the 1NR is to respond to the 2AC. He should go down line by line over what the 2AC covered or failed to cover. But note what I wrote above in the advice for the 2AC about not re-reading evidence. This applies throughout rebuttals too – there is rarely any need to re-read evidence in rebuttals. This is a gross waste of time and an insult to an attentive judge. You don't have time to re-read cards in rebuttals. Instead, you should be telling the judge why your evidence was better than your opponents' evidence, or, if necessary, introduce one more piece of new evidence to add on to what was given. Re-reading evidence should only be done if the specific wording of the text was questioned by the other side in an earlier constructive or rebuttal.

## **First Affirmative Rebuttal (1AR): 5 minutes**

---

The 1AR determines the outcome of more debates than any other single speech and is the most difficult speech in the round. Because the Affirmative has the burden of proof, and because the Negative has just had 13 minutes to hammer away at the Affirmative case, if the 1AR cannot resurrect the Affirmative position in these 5 minutes, the Affirmative will likely lose the round. This is the price the 1A must pay for having enjoyed the element of surprise in 1AC by introducing any topical subject area and expecting the Negative to scramble to meet it. Now that the Negative has met it, 1A must defend and rebuild the Affirmative case.

How can he do it? First, the 1AR must give quick responses to all new arguments brought up in 2NC. This may require reading a piece of evidence if required to refute some factual claim the 2N made. Time will be short, so find the best piece of evidence and read it, then move on. There is no time for lengthy explanations. If responding to logical or analytical arguments made in 2NC for the first time, a short explanation of why 1AC evidence defeats these arguments or why the arguments are flawed will be required. Covering all the arguments briefly is better than covering only some of the arguments in depth.

Second, the 1AR must cover all responses to 2A that 2NC or 1NR gave. He must show why those responses fail to answer the 2A's evidence or analysis, or why they are weak logically or why they are refuted by the evidence.

## 28 *Keys to Team-Policy Debate*

The key to a successful 1AR is (need I say it again?) good flowing, but combined with good organization. 1A must have an accurate list of all the arguments made by the Negative and prioritize them in order of importance. Start with the arguments that are guaranteed to lose the round if not answered, like Topicality for example, then prioritize the others, making sure that you can answer them all. The 1AR will probably need more prep time than any other Affirmative speech, so ensure you have plenty saved at this point and don't be afraid to use it.

### **Second Negative Rebuttal (2NR): 5 minutes**

---

This is the last chance for the Negative to have their say. The 2NR must summarize all the major items left in the round and show why the argumentation thus far on each point favors the Negative. He must cover each of the stock issues line by line and explain in quick summary why the Negative has won on each one. If there were 5 disadvantages, for example, I would expect as a judge to hear the 2NR to name them in order and tell me why the Negative won them. Note that this is not just the same as asserting "we win the disadvantages," but tell the judge why the Negative wins each one and what the impact on the round will be – why does the Negative team win the debate? What is the overall benefit to voting Negative? What was the Negative's philosophy of the round and why is it better than the Affirmative? What philosophical or practical benefits do I get from a Negative ballot?

### **Second Affirmative Rebuttal (2AR): 5 minutes**

---

Here's a secret that some advanced debaters might have already guessed: It is often the case that the judge has already made up his mind about the debate before the 2AR begins. That's because the issues that the Affirmative has clearly lost are often lost because they dropped them earlier in the round. If that's the case, then 2AR has lost the right to address them – it's too late to bring up new arguments. If there are issues that the Affirmative has clearly won, then there is nothing more 2AR needs to do to be persuasive, since they are already solidly in the Affirmative's column. In my judging experience, about 90 percent of the time I know who is going to win the round before 2AR starts.

So, why bother with the 2AR? The 2AR is important for those times when the round is hanging by a thin margin and the judge is still undecided. In my judging experience, in those situations I am looking for the 2AR to convince me about some critical issue on which the two sides are evenly matched, or to "tip the scales" with evidence showing more benefits than disadvantages if I vote Affirmative. If the Negative has brought up multiple disadvantages, I want 2AR to persuade me that their solvency and advantages outweigh them. If the Negative has challenged inherency, I want 2AR to show me that their inherency evidence updates the Negative's or shows why the status quo can't solve.

The 2AR is going to have to use some analytical skills to determine what the most important issues are and clear them up. This is more than just repeating what was said earlier, a common error

made in many rebuttals. You can review the arguments that have been made, but then *explain to me why your analysis is better*.

## Key #2 Syllabus Lesson

---

### Student Preparation:

1. Read Chapter 2
2. If possible, listen to a tape or watch a video of an entire debate round, or attend a round of debate

### Goals:

1. Understand the structure of a debate round
2. Understand the burdens and responsibility of both Affirmative and Negative teams
3. Understand the responsibilities of each of the speakers: 1A, 2A, 1N and 2N
4. Develop a strategy for assigning 1A/2A and 1N/2N role based on skills of the debaters
5. Learn a few introductory, easy tips on winning debate

### Teaching Outline:

- I. *The First Affirmative Constructive*
  - A. What it must cover
  - B. Strategy for deciding who should be the 1A speaker
  - C. Preparation for the 1AC
    - Practice delivering it
    - Practice answering questions about it
    - Research Negative responses to it
- II. *Cross-Examination of the 1A by the 2N*
  - A. Who does it
  - B. How to prepare for it
  - C. What it must cover
  - D. Results expected: must generate material for 1N to use
  - E. What the 1N is doing during CX
- III. *The First Negative Constructive*
  - A. Topicality & Counterplan, if going to be raised, must be raised here
  - B. Other duties & responsibilities of the 1NC
  - C. Explaining an overall strategy or summary of the Neg position in the round
  - D. Division of labor between 1N and 2N
  - E. Explaining the link between all 1N arguments and the outline of the Aff plan

## 30 *Keys to Team-Policy Debate*

- IV. *Cross-Examination of the 1N by the 1A*
  - A. Who does it
  - B. Results expected: must generate material for 2A to use
- V. *The Second Affirmative Constructive*
  - A. Line by line *coverage* of 1NC material
  - B. Organization and flowing
  - C. Duties expected of 2AC
  - D. Advance preparation for 2AC
  - E. Common pitfalls
    - Blind reading of canned material
    - Simply rereading evidence from 1AC
- VI. *Cross-Examination of the 2A by the 1N*
  - A. Who does it
  - B. Results expected must *generate* material for 2N to use
- VII. *The Second Negative Constructive*
  - A. Plan side arguments, if available (Solvency + Disads)
  - B. Strategy/Division of labor between 1N and 2N
  - C. Management of time during 2NC
- VIII. *Cross-Examination of the 2N by the 2A*
  - A. Who does it
  - B. Results expected must *generate* material for 1AR to use
- IX. *The First Negative Rebuttal*
  - A. Line by line answer to the 2AC
  - B. Overview of Negative philosophy
  - C. No new arguments
- X. *The First Affirmative Rebuttal*
  - A. Most important speech in the round
  - B. Organize by stock issue
  - C. Prioritize
    - 1. Respond to new material brought up in 2NC
    - 2. Respond to 1NR or 2NC's responses to 2AC
  - D. Cover everything briefly better than covering a few things deeply
- XI. *The Second Negative Rebuttal*
  - A. Summary of Negative position
  - B. Coverage of Stock Issues
  - C. Line-by-line response to 1AR
  - D. Respond, not repeat: Why your evidence was better, or your arguments more reasonable not just repetition of tag lines
- XII. *The Second Affirmative Rebuttal*
  - A. Sometimes, the round is already over
  - B. When is the 2AR important
  - C. Priorities
  - D. Recognize close issues and "tip the scales"
  - E. Explain why your analysis is better: Respond, not repeat

## **Student Questions & Exercises**

1. What is the easiest speech in the round to deliver?
2. What is the most difficult, and most important, speech in the round?
3. What are the differences between rebuttals and constructives?
4. When is the only situation where it is advisable to reread evidence?
5. What is the primary purpose of cross-examinations?
6. Explain the duty of the 1NC.
7. Explain the duty of the 2AC.
8. Explain the duty of the 2NC.
9. Explain the duty of the 1NR.
10. Explain the duty of the 1AR.
12. Explain the duty of the 2NR.
13. Explain the duty of the 2AR.
14. Exercise: Listen to a tape or video of a debate round and flow it as if it were a live debate. Identify the elements discussed in this lesson as the debate unfolds.





## Key #3

# Write Cases That Win

Traditionally, most debaters, when they have a choice, prefer to take the Affirmative side in scholastic debate. Frequently the sides of the final round of a big tournament will be assigned by coin toss, and the winner almost always chooses to go Affirmative. The reason is simple: Every debater would much rather use the material he has practiced and prepared, rather than take his chances on whatever surprises the other team has in store.

This unlimited preparation time and complete familiarity that every debater should have with his Affirmative case should produce the result that the debater is more likely to win when in the Affirmative. My old debate partner told me when I was learning debate that our win/loss record would be determined by how many Negative debates we would win, since we had to expect to win every Affirmative.

The First Affirmative Constructive (1AC) is the only speech in every debate round that is 100-percent written and planned in advance and read verbatim from the notes. There is no excuse for Affirmatives to be unprepared, surprised, or otherwise caught off guard in a debate round. They are in the driver's seat – they have selected the specific topic, they have (probably) more evidence on it, they have had unlimited time to prepare, and they have the element of surprise. The Negative will have to answer countless hours of Affirmative preparation with only a few minutes of their own preparation.

All of these factors make Affirmative debating more appealing, but they come at a cost. The Affirmative bears the burden of proof to show that there is a positive reason to risk changing the status quo in favor of the Affirmative plan. If the judge is undecided at the end of the round, classical debate theory would award a Negative ballot. In other words, the Negative wins all ties.

## Selecting a Topic

---

Many resolutions have “obvious” subject matter that everyone will think of when the resolution is released. Then again, there are always lots of obscure and weird topics (often called “squirrel cases”) that debaters dig up with the hope of confusing the Negative team or catching them off guard. Here are some guidelines to help in selecting a topic for your Affirmative case:

*1. Make it bullet-proof on topicality.* If you anticipate that you will have to spend most of every debate arguing dictionary definitions and weird meanings of words to try to fit your topic into the resolution, then pick something else. Judges will become quickly bored with such

## 34 *Keys to Team-Policy Debate*

argumentation, not to mention the simple risk of losing on the topicality issue itself. Almost every non-topical case is a squirrel, but not every squirrel is non-topical. It's OK to use a case that the Negative team isn't familiar with, but it's not OK to use one that is so weird that no one can figure out what it has to do with the proposition. The best Affirmative cases never have a serious topicality challenge.

2. *Make it something you understand.* I'd be a wealthy man if I had a nickel for every time an Affirmative debater I was judging said they didn't know about some aspect of how their plan worked during Cross-Examination. Worse yet, I've seen debaters completely throw their plan away in cross-examination by "explaining" something totally different from what they actually proposed in their speech. If you don't understand the case – completely, fully, 100% understand – then don't run it.

Here's an easy way to test whether you're ready to do a 1AC: Put all your papers face-down on the desk and explain to someone else what your case is about, in general terms. "Our case is about Policy X. The status quo is having all these problems, such as A, B and C, and they aren't being fixed because of D. Our plan is to change policy X to be Y and the benefit of that is that we achieve E, F, and G." If you understand it well enough to explain that without reference to notes, then you've made a good start.

3. *Make it something that would be a reasonable policy in real life.* The very best Affirmative cases would make good public policy if Congress actually enacted them. Part of what makes such cases win is that no one can think of many bad things to say about them. Don't think in narrow, partisan political terms here. I'm not referring to a plan that one party believes is good policy, but rather a policy change that almost anyone could agree would be better than the status quo. This is a hard guideline to follow because usually debate resolutions are written about things on which there are multiple points of view. And if everyone already supported a policy change, chances are it would already be enacted! But if you can find a real-life policy issue with widespread popular support that is not yet implemented into law, it is a good candidate for your Affirmative case.

Some Affirmative teams come up with policy changes that may be interesting but are so far off the wall that there is no likelihood that they ever could or would be implemented in the real world. A guy on my debating team once came up with a plan to safeguard Americans from dangerous consumer products by having NASA move every U.S. citizen onto a gigantic orbiting space platform. While the Affirmative may have some "killer" evidence for something weird, judges are not likely to buy into things like that.

4. *Keep it simple.* You shouldn't have to explain deep theories of nuclear physics or some other arcane topic in order to show why we need to adopt your plan. Even if you understand it, the time you have to spend explaining it – and the risk that the judge won't understand it – makes it advisable to find another topic.

5. *Select more than one topic and write more than one case.* There are two reasons to never go to a tournament with only one Affirmative case in your folder. First, you will likely meet debaters whom you met at a previous tournament and who have heard your case before, or who heard

about it in the hallway at the last tournament. They have now had time to become well prepared for it. If you meet one of them in the Affirmative, you might be well advised to choose a different case to run, in order to maintain the element of surprise. As a student debater, I always carried at least two and sometimes as many as four different Affirmative cases with me to tournaments, and sometimes changed plans from one Affirmative round to the next within the same tournament. Teams that fail to do this pay the price. By coincidence, going Negative I encountered the same team five times at various tournaments my last year as a student debater. They ran the same plan all five times, and they lost all five times. Laziness costs debate rounds.

Second, there is always the risk of a “killer” piece of evidence showing up that renders your case useless. I once judged a team that had what appeared to be a fairly good new policy change for solving an international problem – until the INC whipped out an article from last week’s paper stating that the President had just signed that very policy into law. I hope they had another case to use for the rest of their rounds that day, because that case instantly became a loser. That leads to the next point....

*6. Make it timely and stay up to date on the research.* Look for case material that deals with a topic of current interest – but not necessarily one that is likely to change at any moment. When I was a student debater, we were writing Affirmative cases dealing with international issues during the time when American diplomats were being held captive in Iran. Our coach commanded us not to write any cases dealing with Iran because he was worried that a sudden change in the situation (perhaps while we were driving to a tournament!) would render our plan useless. I think someone could have a plan dealing with a “hot” issue like that today, but they had better have a second plan in their briefcase and be listening to the car radio all the way to the tournament.

Stay up to date on the facts of your case if you continue to use a case at more than one tournament. Don’t make the mistake of just researching once at the beginning of the year and never checking for further developments on your topic. You might find even more evidence, or better evidence, or you might discover that the situation has changed and that new evidence now exists that would easily defeat your plan. Rest assured that if you can find new evidence, so can the teams you are debating against.

Along with this, be sure to write a case based on recent evidence. We’ll talk about evidence and dates later in this book, but understand that recent evidence is almost always better than old evidence. And a 1AC based on old evidence is usually a poor speech. I get worried when I see a 1AC that contains evidence that is more than three years old, and most of it should be from within two years ago to the current year. Above all, be sure that whatever change you’re making or problem you’re solving hasn’t already been done in the status quo before you go to a tournament with that plan.

*7. Know when to change plans.* If an Affirmative case is winning, stay with it. You can certainly change plans at any time, just for variety or surprising the other team, but there are certain times when you should definitely change. First, if a case isn’t winning at least 80% of the time, you should consider a new case. The teams that get to final rounds and win tournaments are teams that win all of their Affirmatives and as many Negatives as possible. If your plan isn’t capable of

## 36 *Keys to Team-Policy Debate*

getting you there, find a new one. Second, you should change whenever it becomes obvious that someone (even if it's only one team) has found a way to seriously defeat your plan with new evidence or a powerful argument. I'm not talking here about a plan that loses in a close round. I'm referring to a case like the one in #5 above where a new piece of evidence surfaces that demolishes the plan, or a smart Negative discovers a serious logical flaw. Even if only one team has made this discovery, it is only a matter of time before others discover it too, or the gleeful Negative team shares it with the world. Few things in life are more fun than winning a debate in the Negative, and the joy will be spread quickly if you don't take the opportunity away by changing plans.

8. *Let the evidence tell you what the case topic should be.* One of the funniest things I ever heard was a debater who said: "I have this really fantastic idea for a new Affirmative case! I just don't have any evidence for it yet." Sorry to be blunt, but if you don't have any evidence for it, then you don't have a great case idea.

Such thinking puts the cart way in front of the horse. The debater who thinks that way will waste a lot of time looking for evidence that might not exist, when he could have spent his time working on a more realistic and winnable plan idea. Debaters who sit around trying to think up great case ideas and then run off to find evidence for them are doing it exactly backwards because they have failed to recognize one important fact: Few of us are qualified to propose great new public policies off the top of our heads (even though we may think we are). The bad news is: You will have to do a lot of background reading before you are ready to write a solid Affirmative case of your own. The reason is simple: You have to find out what the experts on the topic are saying about what should be changed in public policy. Those are the people whom you are going to quote when you cite them as evidence in your 1AC and for backup evidence later in the round.

Read as much as you can about the topic, and at some point something surprising will happen. You will come across an expert who says something like, "If only we had X, it would solve all these problems..." Take that expert's article and use it as the basis for a new plan idea. You know it's a "great plan idea" because there's actually an expert who said it! Look for other articles by that expert and see what else he wrote about it. Look for other articles or experts that he cited in his article and see if there are others who back him up. These articles taken together will become the evidence from which you can write a good Affirmative case.

9. *Let the evidence tell you what case format to use.* Similar to the mistake in #8 above, some students say to themselves, "I'm going to go write a *Blah* format case," before they have even started researching. Sometimes they mistakenly believe that harms/solvency cases aren't cool enough or advanced enough and they want to run whatever format is cool this year. This is the same mistake as above for the same reason: Until you have read the evidence, you have no good idea what kind of case format you should use.

Evidence tells you what case format to use by the style, phraseology or factual claims it makes. If an expert says that adopting policy X would "significantly improve US relations with Russia," you might have the makings of a comparative advantage case. He's talking about an improvement over the status quo, not completely solving a specific harm. If, on the other hand,

the evidence says that adopting policy X would “stop the denial of civil rights in Puerto Rico,” then you’ve got a piece of solvency evidence for a possible harms/solvency case.

*10. Don’t be afraid to use or adapt a case from a sourcebook.* Some people worry that students just run cases out of a sourcebook and don’t do any of their own thinking. Tongue in cheek, I sometimes wish this were true, after hearing some of the cases I have judged. Sometimes I get requests to critique students’ cases that have been developed based on the ideas or evidence from a sourcebook case. Often, my advice ends up being, not in so many words, to make the case look more like the sourcebook version.

There’s a reason why we publish sample or model cases in sourcebooks: to show students a good example of how to use the topic, the stock issues, the different case formats, the evidence, etc., and put them all together to make a reasonably good IAC. It’s just like a cookbook and a recipe: A beginning cook (= novice debater) will, if she is smart, follow a recipe (= debate case) in a cookbook (= debate sourcebook) virtually to the letter and will get the results described in the cookbook (= a reasonably good affirmative position).

No one would think to criticize that novice cook for not “doing her own thinking” about coming up with her own recipe. Instead, they would congratulate her for making the effort to learn how to cook and compliment the good taste of her brownies.

Later, when she has followed the cookbook on several successful food products, she will discover that she has her own ideas and will start experimenting – a little at first, then more as she gains confidence and discovers how to achieve results as good or better than the basic recipes from the cookbook. Again, no one will criticize her for having started with the cookbook as the basis for her own additions or experiments. Instead, they will compliment her advancing skills and delight in the taste of her new food creations. And, as my wife (an excellent cook) can attest: Even after many years of experimentation and creativity, expert chefs still buy cookbooks. Not to substitute for their own thinking, but to stimulate it.

## Philosophy of Choosing the Best Affirmative Case

---

Here’s how I would summarize a feeling that I get from many debaters who use my published debate evidence materials: “Yeah, we like the evidence, but what we really wanted to see was an unbeatable Affirmative case with no evidence against it.”

My experience as a debater and as a coach is that teams struggle most with Negative debating. Sure, it’s challenging to write a good Affirmative case, but there are lots of models and ideas out there and you have unlimited time to prepare. But going Negative means you have no idea what the others guys are going to throw at you. So, you have to rely more on published material to have a stock of stuff handy that you can refer to. Often publishers think of things (topics, arguments, responses, evidence) that you didn’t think of, so the pay-off for buying published debate material is that you are better prepared for Negative debate.

## 38 *Keys to Team-Policy Debate*

To get back to my theory about what Affirmatives want: I think there's an unwritten but common idea in many debaters' minds that there is such a thing as a "Holy Grail" Unbeatable Affirmative Case. Understand that while there are no unbeatable cases, there are some nearly unbeatable debaters. While I encourage Affirmative debaters to use cases that have a minimal amount of Negative evidence, I also encourage them not to be surprised by any evidence the Negative has. Preparation wins rounds when going Affirmative, just like it does when going Negative.

What happens when you are Affirmative and the Negative has some evidence against your case? *We find out how good a debater you are.* You will actually have to beat them by debating them, rather than by surprising or squirreling them. You will have to show that your arguments are better, your analysis is better, your evidence is better, your logic is better, etc.

When Negatives have as much evidence as possible, it allows this clash to happen and sharpens debaters – forcing Affirmatives to learn to actually debate rather than rely simply on squirrel or surprise – and giving Negatives the outline they need to debate rather than ask for the millionth time, "Where is your funding going to come from?" Affirmative teams who know and can argue their case and plan well enough will be champion debaters pretty much regardless of how much evidence the other team has. They aren't obligated to pick cases that have lots of evidence for the other side, but they need not be frightened when that is the case.

### **The Elements of an Affirmative Case**

---

The elements of a traditional Harms/Solvency Affirmative case are:

1. the introduction (somewhat optional)
2. definition of terms
3. harms
4. inherency
5. a plan
6. solvency or advantages

Other case formats have slightly different labels and outlines, but this will do for now as an introduction to the methodology of writing an Affirmative case. Affirmative cases are not always clearly marked out in six steps like this, but somewhere within a well-written IAC (First Affirmative Constructive) you will be able to find these elements. If you have written a IAC and you cannot find these items (or don't recognize what they are), you need to go back and review your case. Items 2, 3, 4 and 6 must ordinarily be supported by evidence. Some debaters also add a "Resolutional Analysis" as part of item 1 or item 2. I will include this with item 2 in my discussion below.

An Affirmative team must present a “prima facie” (pronounced: *pree-muh fay-shyuh*) case: one that affirms the resolution and all of the resolution, shows a harm, failure, or missed opportunities in the present system, the reasons why the status quo cannot solve and evidence that the status quo is not already doing what the Affirmative proposes, and shows why their plan is better. The case has to be structured such that if the 1AC were the only speech in the round (and the Negative disappeared or defaulted), there would be enough in that speech to completely justify the resolution without anything missing or any additional materials being needed later.

In this chapter we will cover the Harms and the overall outline of a case (including alternate case formats besides Harms/Solvency) and how to write a plan. In later chapters, we will go more into detail about the other elements of a case (inherency and solvency).

### The Introduction

There’s no hard and fast rule about what a debater must say to introduce himself. Some debaters, pressed for time due to the excessive lengths of their 1AC and a perceived need to talk at full speed, are leaving out the introduction altogether. As an old-timer, I like to hear a good (but brief) introduction. Tell me who you are and tell me a little story about what you’re going to be introducing today.

Some introductions go right into the subject matter of the Affirmative case. Here’s an example:

Good morning, my name is John Smith and I’m the first Affirmative speaker. Federal programs to aid sugar growers years ago were intended to help poor farmers get through hard times. But today, they operate more like Robin Hood in reverse, robbing from the poor to pay the rich. That’s why my partner and I stand Resolved: That the United States should substantially change its federal agricultural policy.

Other introductions tease the audience by describing a big problem and how dedicated the Affirmative is to solving it, without coming out and telling you what the problem is. I enjoyed using this kind of introduction when I was a student because I always figured it gave the Negative less time to prepare their case, since it would be that much longer before they figured out what my topic was. I don’t know if I ever won any rounds that way, but it was fun. Here’s an example:

Good morning, my name is John Smith and I’m the first Affirmative speaker. Although Abraham Lincoln described the United States as a government “of the people, by the people, and for the people,” the vast sums available in the Federal budget often tempt private interests to milk the government for private gain at the people’s expense. In opposition to private rip-offs of the public treasury, my partner and I stand Resolved: That the United States should substantially change its federal agricultural policy.

Would you guess that this introduction went with a plan to eliminate ethanol subsidies? But it does, in fact, describe the philosophy of the Affirmative and the general type of harm they are dealing with – corporate welfare and wasted taxpayer money. After this introduction and the

## 40 *Keys to Team-Policy Debate*

word definitions are finished, we will be almost 1 minute into the speech before the Negative team can start looking through their evidence folders for information about the topic.

Other introductions tell a story about some specific person or situation that exemplifies the tragic harms the Affirmative is setting out to solve. Here's an example:

Good morning, my name is John Smith, and I'd like you to consider the following story reported by Sam Snook in the Washington Journal in January of this year about the Jones family of Northridge, Illinois. "All our retirement plans were wiped out," said Mrs. Jones, "when we discovered that our Social Security numbers had been stolen and used to open fraudulent credit card accounts. We never dreamed this could happen to us." "Tragedies like this are happening every day, and that's why my partner and I stand Resolved: That the Federal Government should significantly increase protection of privacy.

This type of introduction gets past the sometimes dry format of legalistic debate and gives the audience a real-life situation to think about – to prove that the debate is not merely about hypothetical cases or speculative theories, but the lives of real people.

In other situations, you may want to greatly abbreviate the introduction; for example, when your 1AC is taking slightly more than 8 minutes to deliver. In that case, you might simply give your name and tell the judge that you and your partner stand for whatever the resolution is, and get right into your material.

### **Definition of Terms**

In addition to their evidence briefs, debaters should bring two things to the tournament: 1) a good dictionary; 2) a copy of the U.S. Constitution. The second one you will need someday and you'll wish you had it, if you don't carry it. The first you will need quite often – more often in the Negative, but Affirmatives need to have a dictionary handy too. Many debaters don't realize how important word definitions are to winning policy debates. A poor definition of a key word at the beginning of an Affirmative speech – or worse, *no* definition – can make the difference between winning and losing. The Affirmative has the burden to prove that they understand, clearly explain, and exactly uphold the resolution. Clear definitions are essential to that task.

Clear definitions of the key words in the proposition do several things for the Affirmative. First, they outline the scope of the proposition to show that the Affirmative subject area fits into the proposition, proving that the Affirmative is topical. Second, they preempt a smart Negative strategy of asserting their own definitions of words the Affirmative left out, and then claiming the plan is untopical or extra-topical because (surprise!) it doesn't meet the *Negative's* definitions. If the Affirmative has staked out clear, reasonable definitions in the 1AC, a reasonable judge will allow the Affirmative to proceed under their own definitions unless the Negative shows why they're faulty. If they came from reputable sources, that will be hard to do and the Affirmative will win on topicality.



Some teams include a “resolutional analysis” here – a brief statement or overview that shows how the Affirmative team expects to win the round, or how they will meet the terms of the resolution and the benefits they will bring. Sometimes, this can include an explanation of how their case material meets the dictionary definitions that they gave above.

## **Harms and Case Formats**

An Affirmative case based on solving harms needs to tell a story of trouble and woe. As a judge, the first substantive thing I want to hear from the Affirmative (after the introductory material discussed above) is: What’s wrong with the present system? If you don’t persuade me that the status quo is broken, then don’t expect an Affirmative ballot. Here are some sample Affirmative case outlines in which you can see some examples of how harms can be presented. Since the method of explaining harms is directly dependent on the format of the case, we will also cover several sample case formats here as well.

“Resolved: That the U.S. should substantially change its Federal agricultural policy.”

### **CASE #1: WEAK HARMS/SOLVENCY CASE [DO NOT FOLLOW THIS MODEL]**

#### **Contention 1: HARMS. Current Farm Subsidy Policy Is Bad**

1. Subsidies go to the largest farms
  - Top 10% of farms get 61% of the money
  - Wealthy landlords get subsidy checks
2. Small farms are harmed
  - Low-income farmers get nothing
  - U.S. can’t grow enough food without small farms
  - No uniformity or logic in status quo

## 42 Keys to Team-Policy Debate

### CASE #2: BETTER HARMS/SOLVENCY CASE

#### *Contention 1: Definitions and Topicality*

Word definitions

*Contention 2: Inherency:* Current farm subsidy policies support large farms at the expense of small farms

- A. Top 10% of farms get 61% of the money
- B. Wealthy landlords get subsidy checks
- C. Low-income farmers get nothing

*Contention 3: Harms:* Current farm subsidy policies are an economic and social disaster

- A. 21,000 Low-income farmers went bankrupt last year
- B. Small farming towns average 12% unemployment because of farm bankruptcies
- C. Moral harm: Subsidizing rich farms is unjust to both small farmers and taxpayers
- D. Food shortages will result if small farms are not supported

*PLAN:* Implement Agriculture Policy X

Agency, Mandates, Funding, Enforcement, Timing, Legislative Intent

*Contention 4: Solvency:* Policy X solves

- A. Fewer bankruptcies
- B. Save economies of farming communities
- C. Fairness to taxpayers and farmers
- D. No food shortages

Already, I hope you can see a difference between the Harms arguments being made in the two cases outlined above. Let's examine the problems with Case #1. The first link in the Harms contention, "Subsidies go to the largest farms," is a necessary element of this case. Apparently the Affirmative wants us to understand that current Federal farm subsidies are not being used effectively, so the natural first step is to show where the subsidies are going now. That's fine, but then notice sub-point 2, "Small farmers are harmed." How exactly are they harmed? This is an example of a case that sounds bad at first, but when you start asking questions, it falls apart. Did any small farmers go bankrupt last year? If so, was it because of federal farm subsidies? (Maybe they went bankrupt because of poor management, droughts, etc.?) And the claim that there is "No uniformity or logic in the status quo" is weak. Who is hurt by that? Why is that a harm?

What's missing is a critical element in any case: *Impact*. To each of the alleged harms of the status quo, a smart Negative team could ask: *So what?*

- Low income farmers get nothing – So what? Who's hurt by that? Are small farms going bankrupt?

## Key #3: Write Cases That Win 43

- The U.S. can't grow enough food without small farms – Can't we import food? How much is the food supply going down per year? Why can't large farms make up the difference? How many small farms are we losing? Is anyone starving?
- Status quo is non-uniform and illogical – So what? Does this cause higher food prices? Shortages? Wasted money?

It's unlikely the Affirmative has answers to these questions, because if they had evidence for these links and impacts, they would have put them into their case. This illustrates a common flaw in Affirmative case writing – the construction of an incomplete case that does not fully justify a change from the status quo because the harms aren't impacted. The case for change is being made on the basis simply of an emotional appeal about wealthy landlords or poor farmers, without explaining what the real problem is.

Case #2 is better. Notice how the description of status quo conditions is separated out into the Inherency contention. Notice also that the harms are specific, quantifiable, and full of impact. After hearing those harms, anyone would agree that we need to stop those things from happening, rather than wondering, "So what?" Of course, this case takes more time and effort to prepare, because the Affirmative has to do the research to find out those numbers, harms and impacts. But once they do, they've got a case that's much more likely to win.

In a Goals/Criteria case, harms or advantages are outlined a little bit differently, although the basic principle is the same. The Affirmative will propose one or more "criteria" that good public policy should achieve. These are usually stated as values that public policy should promote (or bad values that public policy should avoid), rather than specific harms. In such cases, the "harms" will stem from the status quo's failure to live up to the value(s) identified at the start of the round by the Affirmative team. The Affirmative could present a case similar to the outline below:

## 44 *Keys to Team-Policy Debate*

### CASE #3: GOALS/CRITERIA CASE

#### DEFINITIONS: Word Definitions

- A. Agriculture
- B. Policy

CRITERIA: Agricultural policy should promote stability and fairness

PLAN: Implement Plan X to reform U.S. Agriculture policy  
Agency, Mandates, Funding, Enforcement, Timing, Legislative Intent

GOAL 1: Agriculture policy should ensure stable prices for farm commodities

- A. Inherency: Status Quo has massive price fluctuations
- B. Harm: Price fluctuations hurt farmers and farm communities
- C. Solvency: Policy X eliminates price swings and stabilizes prices

GOAL 2: Agriculture policy should promote fair treatment for all farmers and taxpayers

- A. Inherency: Status Quo is unfair to taxpayers and farmers
- B. Harm: Unfairness is bad
- C. Solvency: Policy X is fair to farmers and taxpayers.

### CASE #4: GOAL CASE

#### DEFINITIONS: Word Definitions

GOAL: Tax fairness & efficiency

INHERENCY: Status Quo fails both goals

- 1. System lacks fairness
- 2. System lacks efficiency

PLAN: Congress enacts revenue-neutral Fair Tax  
Agency, Mandates, Funding, Enforcement, Timing, Clarify

GOALS ACHIEVED – Fair Tax is fair and efficient

#### ADVANTAGES

- 1. Restrain runaway spending and avoid economic collapse
- 2. Efficiency brings economic benefits.

## Key #3: Write Cases That Win 45

In the Comparative Advantage case, the “harms” are replaced with the observation that a significant improvement would be achieved over the status quo if the plan were implemented, as in the examples below. Sometimes, the Affirmative will show that the status quo is trying to do something, but we need to do it better or differently to achieve better results, as in the first example below. The Affirmative could also show that the status quo cannot achieve some benefit because of the policies that it is pursuing in the Inherency portion of their case. It might be the reduction of risk, or an increase in benefits, or a reduction (but not necessarily a complete solution) of a problem, as in the following examples.

### CASE #5: COMPARATIVE ADVANTAGE CASE

*OBSERVATION 1:* Definitions

*OBSERVATION 2:* The Goal of the Present System is Stability in Agricultural Commodity Markets

*OBSERVATION 3:* The Status Quo fails to achieve this goal

- A. Significance: Massive fluctuations in prices are occurring
- B. Inherency: Current policies cannot produce price stability

*PLAN:* Change Policy X to promote agriculture price stability  
Agency, Mandates, Funding, Enforcement, Timing, Legislative Intent

*OBSERVATION 4:* Advantages

1. Save farmers from bankruptcy
2. Improve economic health of thousands of farming communities
3. Increased world food supplies and reduced global hunger

## 46 *Keys to Team-Policy Debate*

### CASE #6: COMPARATIVE ADVANTAGE CASE

OBSERVATION 1: Definitions

OBSERVATION 2: Inherency: NATO is committed to expansion

- A. Georgia and Ukraine
- B. Albania, Croatia and Macedonia
- C. Indefinite future expansion

OBSERVATION 3: Expansion creates unnecessary risks

- A. Instability in Eastern Europe through violation of international law
- B. Global destabilization from US interventionism
- C. Breakdown of US relations with Russia

PLAN: NATO stops all further expansion

OBSERVATION 4: Advantages

- 1. Upholding international law reduces global risks
- 2. Reduced intervention reduces risk to the USA
- 3. Better relations with Russia

Another case format is the “Justification” format. At its foundation, it is a hybrid of advantages and harms, lumped together as justifications for why the plan should be enacted. Here’s an example:

### CASE #7: JUSTIFICATION CASE

DEFINITIONS: Word Definitions

INHERENCY: Mortgage interest deduction is entrenched and growing

PLAN: Repeal the mortgage interest deduction in the personal income tax

JUSTIFICATION 1. Housing market stability

JUSTIFICATION 2. Economic benefit

JUSTIFICATION 3. Home buyers benefit

JUSTIFICATION 4. Fairness

JUSTIFICATION 5. Deficit reduction

Some Affirmative teams try to improve their chances of winning with an Alternative Justification Analysis Case (with the acronym AJAC, also called Alternative Justification Analysis Affirmative Case, AJAAC, or Alternative Justification Affirmative Case, AJAC, whichever you prefer). While I don’t usually recommend such strategies, the outline for an AJAC looks like this:

CASE #8: AJAC MODEL

Word Definitions

FIRST CASE

*Contention 1: Inherency:* Current farm subsidy policies support large farms at the expense of small farms

*Contention 2. Harms:* Current farm subsidy policies are an economic and social disaster

A. 21,000 Low-income farmers went bankrupt last year

B. Small farming towns average 12% unemployment because of farm bankruptcies

*PLAN:* Implement Agriculture Policy X

Agency, Mandates, Funding, Enforcement, Timing, Legislative Intent

*Contention 3: Solvency:* Policy X solves

A. Fewer bankruptcies

B. Save economies of farming communities

SECOND CASE

*Contention 1: Inherency:* Current agriculture trade policies stifle Third World trade

*Contention 2: Harms:* Third World agriculture is devastated

A. 300,000 starvation deaths per year

B. Economic damage to Third World countries

*PLAN:* Implement Agriculture Policy Y

Agency, Mandates, Funding, Enforcement, Timing, Legislative Intent

*Contention 3: Solvency:* Policy Y solves

A. Lives saved

B. Economic harms solved

You can see that the Affirmative, under the AJAC model, actually presents two complete cases and hopes that the Judge will be persuaded by at least one of them. The goal is to throw so much at the Negative team that they won't be able to respond to it all and enough will slip by for an Affirmative win. Or, perhaps if the Negative has good responses to one case, they can win on the other one.

But there are some drawbacks to this Affirmative strategy that you should be aware of – drawbacks that, in my opinion, recommend against running it. First, judges sometimes get confused. They don't know whether you intend for both cases to be voted on together or separately, or what happens if you win one of them but lose the other one. When I'm judging these cases, I assume that if I vote Affirmative I will get both plans passed, and the Affirmative will get all the Solvency and all the disadvantages that accompany the sum of the two put together. If the total benefit is better than the total disadvantages, then I'll vote Affirmative (all other things being equal, such as topicality, of course). But other coaches and judges may have different philosophies.

Second, there is a reason why the 1AC is 8 minutes long. It takes that long to fully develop the harms, inherency, solvency, plan and advantages for a well-presented case. Compressing it into

## 48 *Keys to Team-Policy Debate*

4 minutes (so you can do it twice) inevitably leads to corners being cut and things not being argued as well as they should be. That leaves openings the Negative can exploit. It's better to have one really well-developed case than two independent half-cases that don't fully support the proposition.

The third reason is that they invite a "speed-and-spread" response by the Negative. After all, if the Affirmative starts this spiral toward speed by blasting the Negative with excess material in the 1AC, the Judge can hardly blame a Negative that responds in kind.

There's a more subtle and, in my opinion, more effective way to achieve a similar objective without inviting the problems of a "pure" AJAC case. While many debaters might still classify this as a form of the AJAC model (it can be described as a "pseudo-AJAC"), it has some advantages over AJAC format, while still presenting two independent reasons to vote Affirmative, either one of which should be sufficient to win. Consider the sample case outlined below, which is adapted from a real case that I went Negative against as a student:

"Resolved: That the Federal Government should initiate and enforce safety guarantees on consumer goods."

*Contention 1: Word Definitions*

*Contention 2: Harms: Cigarettes are a major consumer safety hazard*

- A. Cancer deaths
- B. Heart disease deaths
- C. Accidental fires = property damage and death

*Contention 3: Inherency: Current tobacco regulations are inadequate*

- A. Tobacco companies lobby against tobacco content regulations
- B. Congress fails to enact fire safety rules

*PLAN: Federal government passes the following regulations:*

- 1. Mandatory uniform federal low-tar & medium-nicotine levels in all cigarettes
- 2. Mandatory self-extinguishing chemicals added to all cigarettes

*Contention 4: Solvency: Cigarette safety plan solves*

- A. Low tar/medium nic. reduces cancer & heart disease
- B. Self-extinguishing = reduced accidental fires

What's tricky about this case? The Affirmative actually is claiming two independent avenues of harm and solvency, even though they're only dealing with one basic subject area and one plan. If they can show that their policy saves X lives from cancer and heart disease, it really doesn't matter if they win on solving for accidental fires or not. If they win on accidental fires, then even if they lose on solving for cancer and heart disease, they still have a viable case. Arguments against health harms won't answer the fire harms, and vice versa. The harms are independent and are solved by two separate planks in the plan.



Just in case you're wondering, here's how we used to beat this case: We had evidence that the status quo was moving towards low-tar/low-nicotine cigarettes, and we had evidence that these are the safest because they allow more people to quit smoking more easily. Thus, any change away from the status quo would result in more people still smoking, hence more deaths. We didn't have any evidence on fire hazards, so we argued that the turnaround on health hazards from fewer people being able to quit would more than outweigh the savings of life from fires, so on balance you save more lives by voting Negative. This is a typical way to beat an AJAC or pseudo-AJAC case when you can only deal effectively with one of the subject areas: load up disads on one of the cases and show that the impact of those disads outweighs the solvency on the other part of the case that you can't beat.

Whatever case format is used, the issue of "Significance" is critical, whether it is called that or not. Significance simply means: How much impact does this issue really have? If it's a case claiming harms, how big and bad are the harms? If it's a case claiming advantages, how great and wonderful are the advantages? This is critical because everything we do in life comes with an "opportunity cost." That is, the time spent doing something comes at the cost of what else we could have done with that time, since we can never get it back. An hour and a half wasted debating a plan that solves a \$1 harm or brings a \$1 advantage could have been put to much more productive use. Negatives will argue that Affirmative cases like that deserve to be rejected because they fail the test of "significance." The fact that the world would be a better place after an Affirmative ballot by itself does not justify the ballot unless the significance of the benefit justifies the time spent debating it.

## Elements of a Successful Plan

Old-time debaters referred to the elements of a plan as "planks," as if describing the planks of wood which, connected together, comprise the "platform" that you are standing on. The planks of the plan contain the necessary elements that every Affirmative plan must contain in order to meet the burden of presenting a solvent case in the 1AC. You don't have to call them planks – many debaters simply number them as outlined steps in the plan or else, instead of numbers, they label them by the type of plan element that they refer to (Agency, Funding, etc.).

*Agency.* The first item mentioned in your plan is the Agency – the (usually government) actor who passes or legislates the plan. This can either be mentioned in the first line item in your plan or it can be in the introduction to the plan. Here are some examples of plans being introduced after the harms and inherency have been proven, with the agency underlined:

“...For these reasons my partner and I offer the following plan, to be implemented by Congress and the President:”

“...For these reasons my partner and I offer the following plan: Plank 1. Congress and the President shall establish...”

“...For these reasons my partner and I offer the following plan: 1. Agency: The U.S. Supreme Court.”

## 50 *Keys to Team-Policy Debate*

The agency has to be some unit of government that has the power to carry out the changes required for your new policy to take effect. The agency should correspond to the evidence mentioned in your inherency and to the agent mentioned in the resolution (if there was one). If your inherency was that new Federal legislation is needed, then the agency needs to be Congress (which has the power to pass a law). If the inherency was based on rulings by Federal courts, then your agency should be the Supreme Court (which has power to reverse those rulings). If the problem is the wording of the Constitution, then the agency is Congress and the States (who have the power to pass a Constitutional amendment).

Sometimes the resolution names an agency, like the United Nations, for example. In that case, if your agency is anything other than some part of the UN that has the power to enact your plan, then it's going to lose on topicality. If the resolution says "U.S. federal government," then the agency could be any part of the federal government that has the power to do the mandates. For example, it could be the Supreme Court, the Army, Congress, the President, the EPA, the Attorney General, or many others.

*Mandates.* Mandates are the specific nuts-and-bolts of what policy you are changing. Describe a law or action you want to have implemented. You have to have at least one, but you can have more if you need them. They need to be few in number and short in length. When there are several mandates or they are complex, some debaters put a little quick summary at the start of each one to help everyone flow it more easily Examples:

"Plank 2. Mandate. Airbags shall be banned in all motor vehicles in the United States."

" 2. Mandates:

A. Airbags Banned. Airbags shall be banned in all motor vehicles in the United States.

B. Passive Belts Required. Passive seatbelts shall be required in all motor vehicles sold in the United States."

"2. Mandate: The Supreme Court shall reverse the *Oliphant v. Suquamish* decision."

*Funding.* Not all Affirmative plans need funding, but any plan that requires additional enforcement, any new government agents or agencies, any additional effort by any unit of government, or any money to be spent on anything requires that you tell us in your plan where this money will come from. If this is the case, it is usually wise to put a plank in your plan that explicitly says this so that the Negative team doesn't whine about it later and claim you "forgot" it. Examples of plans that need no funding are:

- Plans that stop doing something. Obviously, if the government is doing something now and your plan is simply to stop doing it, then there is no net cost (in fact, there's probably a net savings) from the plan.
- Plans that change the behavior of public officials without an increase in cost or spending. For example, it doesn't cost anything to reverse a court decision, since judges

## Key #3: Write Cases That Win 51

are already being paid in the status quo and making court decisions is a normal part of their job.

For plans that do require funding, there are several ways to obtain it:

(1) A tax increase. This can be effective if you have specific evidence on how much a proposed tax increase can generate. For example, when I was a student, we often used a “5 cent cigarette tax increase” to fund plans because we had a piece of evidence that said exactly how many billions of dollars it would generate.

(2) Cutting another program. There’s so much waste in the Federal government that it’s easy to look up line items in the Federal budget and know exactly how much can be gained by cutting one of them and transferring the savings over to your plan. Federal subsidies to Howard University, Federal funding for the Rock and Roll Hall of Fame, consolidation of Defense Department retail services, Pell Grants, the Department of Education, the Center of Excellence in Native Hawaiian Law...the list is almost endless. This is really my favorite because the numbers are well documented and if the program you cut is obscure or stupid enough, no one will be able to run any disadvantages on your funding, as they could if you did a tax increase. You can find Federal budget details online at [www.whitehouse.gov/omb/budget](http://www.whitehouse.gov/omb/budget).

(3) General Federal Revenues. Also known by its initials “GFR,” this simply means any and all money that the Federal government takes in. This can be useful in resolutions that involve the US federal government. Congress can (and frequently does) allocate money without saying where it’s coming from. They simply vote to spend it, and the government writes a check. If the money’s there, fine, if not, the deficit goes up a little bit and the money is borrowed to cover it. The beauty of using GFR is that you have the entire taxing and borrowing power of the Federal government at your disposal. Negative teams usually have trouble arguing that you can’t pay for your plan if you choose to use GFR.

(4) Self-funded plans. Occasionally, plans claim as one of their advantages that they save Federal money by doing something differently, so that the Affirmative can claim that the savings pay for the plan.

Here are some sample funding planks:

“Funding: Since this plan does not increase Federal spending in any way, no additional funding is needed.”

“Funding shall come from a 5 cent cigarette tax increase.”

“Funding shall come from cuts in Pell Grants and eliminating subsidies to Howard University.”

“Plank 3. Funding shall come from General Federal Revenues and/or eliminating Federal subsidies to the Rock and Roll Hall of Fame.”

## 52 *Keys to Team-Policy Debate*

*Enforcement.* Most plans need some kind of enforcement plank. This tells us what you will do if anyone doesn't obey the mandates. Some forms of enforcement are very simple because the plan is not dealing with the general public, but only with the behavior of government officials. For example, having Congress eliminate all import tariffs on raw sugar does not require "enforcement" in the sense of sending the police or FBI after someone. The only enforcement risk is what happens if some government official resists doing what you told them to do (e.g., some Customs official keeps trying to charge the sugar tax after you repealed it). In that case, all you need is an enforcement plank like this:

"Enforcement. Any public official not in compliance with this plan shall be disciplined through normal means.

However, many Affirmative cases require the general public to behave differently. Such plans require that you mention who will enforce that behavior and what will happen to those caught violating your new laws. Ensure that the agencies you mention for enforcement have the power and jurisdiction over the situation. Keep in mind that Congress cannot be used to enforce a plan because they are constitutionally separated from that power – only the Executive branch of government can enforce laws on the general public, although the Courts can be mentioned as the vehicle through which they do so. Here are some examples:

"Enforcement shall be by spot checks and inspections carried out by the Coast Guard and the Customs Service. Violators shall be arrested by the FBI and prosecuted by the Justice Department and shall receive 10 years imprisonment without parole if convicted."

"Enforcement shall be through the Justice Department and the FBI. Violators shall receive sentences equivalent to those existing for similar crimes."

For court decisions or new applications of Constitutional law, it can be appropriate for only the Courts to be mentioned as the means of enforcement. For example, if the rules of criminal justice are changed, then the courts could enforce that by throwing out cases that don't conform to your new policy:

"Enforcement shall be through the Federal courts. Any criminal case not conforming to the new standards of evidence shall be overturned and sent back to the original court for a new trial."

*Timing.* An Affirmative plan should state when it takes effect. This can matter if your plan requires a lot of activity that couldn't be done instantaneously; in that case, you would want to specify a "phase-in" period. The date for enacting a plan can also matter if there is some public event (such as an election) scheduled in proximity to when your plan takes effect, which could affect disadvantages offered by the Negative team. For example, in the chapter on disadvantages ("Breaking the Link #3"), I showed an example of a disadvantage that hinges on Congressional response to the success of the Affirmative plan. When I was coaching students who were

## Key #3: Write Cases That Win 53

vulnerable to this disadvantage, we found an easy way to beat it: Schedule the timing of the plan to take effect “one day after the next Congressional election.” Here are some sample timing planks:

“Timing. This plan takes effect immediately upon an Affirmative ballot.”

“This plan takes effect 30 days after an Affirmative ballot.”

“This plan shall be phased in over the next 5 years starting on January 1 next year.”

“This plan takes effect the day after the next Congressional election.”

*Clarification.* Many Affirmative teams have a final phrase in their plan that says something like “The Affirmative team reserves the right to expand on this plan in later speeches.” What they’re trying to do is a form of something in the real world called “Legislative Intent,” although there’s a more accurate way to do it. Technically, the Affirmative cannot “expand” the plan after the 1AC – that would be abusive to the Negative because the Affirmative could keep adding planks to it during the round in order to beat disadvantages or gain more solvency. But in the real world, when Congress passes a bill into law, disputes may arise years later when it comes to the interpretation of the law. A court faced with a lawsuit based on a doubtful section of law has to try to discern what Congress meant when they wrote it. They often do that by looking back at the Congressional debate to see what Congressmen said about the bill as they were debating it in order to get guidance for clarifying the intent of the legislation.

In a debate round, the Clarification line means the Affirmative can explain (but not add to) the plan in subsequent speeches or cross-examination. For example, if the Negative asks in cross-examination, “Does your vehicle safety plan cover all automobiles in the U.S. or only those used for private non-commercial transportation?” the Affirmative can answer with a clarification that is binding on the rest of the round and becomes part of the interpretation of the plan. Of course, they are then stuck with any disadvantages that might follow from that, but they also gain any benefits or avoid any problems that would follow from lack of clarity. They also have the right to clarify in the 2AC, if needed. Here are some sample Clarification lines:

“All Affirmative speeches shall have legislative intent for the purpose of clarifying the plan.”

“The Affirmative reserves the right to clarify the plan as needed in later speeches.”

# Sample Affirmative Case

---

## ABOLISH ASSET FORFEITURE

Maybe you grew up thinking that in America, people are innocent until proven guilty, and that the government can't come in the night and take your property if you haven't been convicted of a crime. While that's the way it should be, the sad reality is that these are both untrue in America today. That's why we urge you to affirm with us: That the United States federal government should substantially reform its revenue generation policies.

### OBSERVATION 1. We offer the following DEFINITIONS

**Substantial:** “3 *a* : possessed of means : well-to-do *b* : considerable in quantity : significantly great” (*Merriam-Webster Online Dictionary 2011*, <http://www.merriam-webster.com/dictionary/substantially>)

**Reform:** “*b* : to amend or improve by change of form or removal of faults or abuses “ (*Merriam-Webster Online Dictionary 2011*, <http://www.merriam-webster.com/dictionary/reform?show=0&t=1299637740>)

**Policy:** “*b* : a high-level overall plan embracing the general goals and acceptable procedures especially of a governmental body “ (*Merriam-Webster Online Dictionary 2011*, <http://www.merriam-webster.com/dictionary/policy?show=0&t=1299638054>)

### Asset Forfeiture:

*Stephen G. Rodriguez 2008. (Los Angeles criminal defense attorney) 9 Dec 2008 “Drug Related Asset Seizure” <http://www.lacriminaldefenseblog.com/asset-forfeiture/>*

[QUOTE] “In 1984, Congress enacted the Comprehensive Crime Control Act, which gave federal prosecutors new forfeiture provisions to combat crime. Also created by this legislation was the Department of Justice Assets Forfeiture Fund (AFF). The proceeds from the sale of forfeited assets such as real property, vehicles, businesses, financial instruments, vessels, aircraft and jewelry are deposited into the AFF and are subsequently used to further law enforcement initiatives.” [UNQUOTE]

Next we explain Revenue Generation by showing in context that asset forfeiture is federal revenue generation.

*Dr. Marian Williams, Dr. Jefferson Holcomb, Dr. Tomislav Kovandzic 2010. (Dr. Marian Williams PhD; assistant professor in the Department of Government and Justice Studies at Appalachian State University ; Dr. Jefferson Holcomb, PhD; professor at*

*Appalachian State Univ Dept of Political Science and Criminal Justice; Dr. Tomislav Kovandzic; PhD, professor at School of Economic, Political and Policy Sciences at Univ. of Texas-Dallas) Policing for Profit: The Abuse of Civil Asset Forfeiture” March 2010 INSTITUTE FOR JUSTICE, [http://www.ij.org/images/pdf\\_folder/other\\_pubs/assetforfeituretoemail.pdf](http://www.ij.org/images/pdf_folder/other_pubs/assetforfeituretoemail.pdf) (brackets and internal quotes in original)*

FBI agent and researcher Gregory Vecchi and criminal justice professor Robert Sigler note, “[W]hat is evident from their behavior is that federal, state, and local governments use assets forfeiture to generate revenue, despite their claims otherwise.”

### **OBSERVATION 2. INHERENCY, or the conditions of the present system.**

#### **A. Federal asset forfeiture is widespread and growing**

*Dr. Marian Williams, Dr. Jefferson Holcomb, Dr. Tomislav Kovandzic 2010. (Dr. Marian Williams PhD; assistant professor in the Department of Government and Justice Studies at Appalachian State University ; Dr. Jefferson Holcomb, PhD; professor at Appalachian State Univ Dept of Political Science and Criminal Justice; Dr. Tomislav Kovandzic; PhD, professor at School of Economic, Political and Policy Sciences at Univ. of Texas-Dallas) Policing for Profit: The Abuse of Civil Asset Forfeiture” March 2010 INSTITUTE FOR JUSTICE, [http://www.ij.org/images/pdf\\_folder/other\\_pubs/assetforfeituretoemail.pdf](http://www.ij.org/images/pdf_folder/other_pubs/assetforfeituretoemail.pdf)*

Federal reports also indicate widespread—and growing—use of asset forfeiture by federal agents and through equitable sharing. As Table 6 shows, from 2006 to 2008, currency deposits alone to the Department of Justice’s Assets Forfeiture Fund (AFF) exceeded \$1 billion each year, with tens or even hundreds of millions more in property forfeitures. Annual financial statements indicate that these years had a few exceptionally high-value forfeitures (a single case of \$337 million, three fraud cases totaling \$842 million, and \$443 million from five major cases); however, even after deducting the assets from these exceptional cases, deposits for these years are higher than in previous years.

#### **B. States enabled. Federal asset forfeiture enables state asset forfeiture when state law won’t allow it**

*THE ECONOMIST 2010. (respected British news magazine) 27 May 2010, “A truck in the dock,” <http://www.economist.com/node/16219747>*

Even in states where local rules make civil asset forfeiture hard, police can get around that problem by calling in the feds. After a joint operation by state and federal authorities, the proceeds are split. This is called “equitable sharing”. Police respond to these incentives exactly as you would expect them to. Where state law makes it tricky for them to seize property and hang on to it, they seize significantly more via “equitable sharing”,

## 56 *Keys to Team-Policy Debate*

according to Marian Williams and Jeff Holcomb of Appalachian State University and Tomislav Kovandzic of the University of Texas, Dallas. Total federal seizures have exploded from \$400m in 2001 to \$1.3 billion in 2008. State data are patchier, but the trend appears to be sharply upward.

### **OBSERVATION 3. HARMS. Asset forfeiture is really bad.**

#### **HARM 1. Property Rights Assaulted.**

##### **A. Punished for being a suspect. The police can take your property without charging you with a crime**

*Scott Bullock 2010. (senior attorney at the Institute for Justice a public interest law firm in Arlington, Virginia) introduction to "Policing for Profit: The Abuse of Civil Asset Forfeiture" March 2010 INSTITUTE FOR JUSTICE, [www.ij.org/images/pdf\\_folder/other\\_pubs/assetforfeituretoemail.pdf](http://www.ij.org/images/pdf_folder/other_pubs/assetforfeituretoemail.pdf)*

Civil forfeiture laws represent one of the most serious assaults on private property rights in the nation today. Civil forfeiture is the power of law enforcement to seize and keep property suspected of involvement in criminal activity. Under this power, it is not necessary for the government to demonstrate that a property owner is guilty of criminal misconduct. Indeed, civil forfeiture can take place even when criminal charges are never filed against a property owner.

##### **B. Quantification: 80% of forfeiture targets are never prosecuted for a crime**

*Dr. Marian Williams, Dr. Jefferson Holcomb, Dr. Tomislav Kovandzic 2010. (Dr. Marian Williams PhD; assistant professor in the Department of Government and Justice Studies at Appalachian State University ; Dr. Jefferson Holcomb, PhD; professor at Appalachian State Univ Dept of Political Science and Criminal Justice; Dr. Tomislav Kovandzic; PhD, professor at School of Economic, Political and Policy Sciences at Univ. of Texas-Dallas) Policing for Profit: The Abuse of Civil Asset Forfeiture" March 2010 INSTITUTE FOR JUSTICE, [http://www.ij.org/images/pdf\\_folder/other\\_pubs/assetforfeituretoemail.pdf](http://www.ij.org/images/pdf_folder/other_pubs/assetforfeituretoemail.pdf)*

In short, in the vast majority of states and at the federal level, the standard of proof required to forfeit an individual's property is lower than the standard required to prove that the individual was guilty of the criminal activity that supposedly justified the forfeiture in the first place. Given this situation, it is not surprising that upwards of 80 percent of forfeitures occur absent a prosecution.

#### **HARM 2. Policing for Profit.**

##### **A. Asset forfeiture leads to police abuse**



*Scott Bullock 2010. (senior attorney at the Institute for Justice, a public interest law firm in Arlington, Virginia) introduction to "Policing for Profit: The Abuse of Civil Asset Forfeiture" March 2010 INSTITUTE FOR JUSTICE, [www.ij.org/images/pdf\\_folder/other\\_pubs/assetforfeituretoemail.pdf](http://www.ij.org/images/pdf_folder/other_pubs/assetforfeituretoemail.pdf)*

The changes to civil forfeiture that gave law enforcement agencies a percentage of forfeiture proceeds while also giving them the upper hand in forfeiture proceedings have created a powerful incentive: seize, forfeit and profit. But this pecuniary interest and the other advantages granted the government under civil forfeiture laws have distorted law enforcement priorities, altered officer and prosecutor behavior and led to a number of police and prosecutorial abuses.

**B. Misguided law enforcement priorities. Instead of targeting violent crime, police target rich assets.**

*Eric Moores 2009. (J.D. Candidate, University of Arizona James E. Rogers College of Law) "REFORMING THE CIVIL ASSET FORFEITURE EFORMING THE CIVIL ASSET FORFEITURE REFORM ACT" ARIZONA LAW REVIEW [www.arizonalawreview.org/pdf/51-3/51arizrev777](http://www.arizonalawreview.org/pdf/51-3/51arizrev777).*

Opinion polls have shown that Americans prefer more vigorous enforcement of laws that threaten non-consenting parties, such as violence and fraud. Law enforcement agencies, however, have a greater incentive to pursue those who may be involved in drug crimes, as violent crime arrests produce fewer forfeitable assets than do drug crimes. For example, drug transactions that occur in houses present officers with the opportunity to seize the entire property. If they find drugs in an automobile they can pad a department's budget by selling the vehicle at auction.

**HARM 3. Guilty until proven innocent**

**A. The Problem: The burden is on the property owner to prove his innocence after his property is taken.**

*THE ECONOMIST 2010. (respected British news magazine) 27 May 2010, "A truck in the dock," <http://www.economist.com/node/16219747>*

An owner can usually challenge a seizure by arguing that he did not know his property was being used for criminal purposes. But in 38 out of 50 states, the burden of proof is on him to prove his innocence.

**B. The Impact: Presumption of Innocence is a basic human right.**

*Universal Declaration of Human Rights, 1948. (On December 10, 1948 the General Assembly of the United Nations adopted and proclaimed the Universal Declaration of Human Rights) <http://www.un.org/en/documents/udhr/index.shtml#a11>*

## 58 *Keys to Team-Policy Debate*

Everyone charged with a penal offence has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defence.

### **HARM 4. The innocent are punished. Innocent owners have property taken**

*Stephen G. Rodriquez 2008. (Los Angeles criminal defense attorney) "You Could Lose Everything to Forfeiture or Seizure" 16 July 2008*  
<http://www.lacriminaldefenseblog.com/asset-forfeiture/>

Often rental property or land owners don't realize that illegal activity is taking place on their property, yet their property can still be seized. Innocent buyers may unwittingly purchase illegally obtained possessions that can be summarily taken by police.

### **OBSERVATION 4. We offer the following PLAN**

1. Agency: Congress and the President.
2. Federal civil asset forfeiture is abolished except for enforcement of admiralty and customs laws.
3. Any asset forfeiture that remains in federal law must follow a criminal conviction of specific individuals.
4. Enforcement through the Justice Department and the federal courts. Any asset forfeiture cases not in compliance will be overturned by the Supreme Court.
5. No funding needed, since the plan is merely legislative and discontinues current actions.
6. Plan takes effect immediately upon an Affirmative ballot.
7. All Affirmative speeches may clarify the plan as needed.

### **OBSERVATION 5. SOLVENCY. The PLAN is the recommended way to fix the harms**

*Scott Bullock 2010. (senior attorney at the Institute for Justice a public interest law firm in Arlington, Virginia) introduction to "Policing for Profit: The Abuse of Civil Asset Forfeiture" March 2010 INSTITUTE FOR JUSTICE,*  
[www.ij.org/images/pdf\\_folder/other\\_pubs/assetforfeituretoemail.pdf](http://www.ij.org/images/pdf_folder/other_pubs/assetforfeituretoemail.pdf)

Given the undermining of property rights that civil forfeiture law inevitably entails, the abuses that have been documented in this report and elsewhere, and the research findings set forth here, what should be done? Here are some key recommendations: Ideally, civil forfeiture should be abolished, at least outside of its narrow historical use in enforcing admiralty and customs laws. Governments should have to tie forfeiture to criminal convictions of specific individuals.

## Key #3 Syllabus Lesson

---

### Student Preparation:

1. Read Chapter 3
2. Look at any Affirmative case in this year's Blue Book and identify the Topicality, Harms, Inherency, Solvency and/or Advantages issues raised in the case. Do not worry about the merits of the case, just identify the stock issues presented in a 1AC.

### Goals:

1. Understand the concept of "stock issues" in debate [Disadvantages are covered separately]
2. Introductory understanding of "Topicality"
3. Introductory understanding of "Harms" and "Significance"
4. Introductory understanding "Inherency"
5. Introductory understanding of "Solvency" and "Advantages"
6. Understand how to select an Affirmative case idea
7. Understand the elements of an Affirmative plan
8. Understand different case formats

### Teaching Outline:

- I. *What are the "Stock Issues" an Affirmative uses to justify an Affirmative ballot?*
  - A. Topicality (good definition of the resolution and a case that conforms to that definition)
  - B. Harms or Significance (the magnitude of either the problem to be solved or the benefits to be achieved)
  - C. Inherency (why can't the status quo solve the harms or get the benefits offered by the Aff.)
  - D. Solvency or Advantages (how the Aff. plan solves the harm or produces the benefits promised by the Aff.)
- II. *Affirmative case ideas*
  - A. Bullet-proof on topicality
  - B. Something you understand
  - C. Reasonable realistic policy
  - D. Simple
  - E. Write more than one plan
  - F. Timeliness
  - G. Know when to change plans
  - H. Evidence dictates plan ideas
  - I. Evidence dictates plan formats
  - J. Nothing wrong with sourcebook cases

## 60 *Keys to Team-Policy Debate*

### *III. Introduction to Harms*

- A. What is a “harm”
- B. Distinguish between what the status quo is doing and what’s wrong with what the status quo is doing
- C. Impacts
- D. Why is it a voting issue for the Affirmative
- E. What kind of cases don’t have “harms” and what do they have instead?

### *IV. Case Formats*

- A. Harms/Solvency
- B. Goal and Goal/Criteria
- C. Comparative Advantage
- D. Justification
- E. AJAC
- F. Pseudo-AJAC

### *V. Elements of a successful plan*

- A. Agency
- B. Mandates
- C. Funding
- D. Enforcement
- E. Timeline
- F. Clarify

## **Student Questions & Exercises**

1. What is the issue of Topicality concerned with?
2. What is Inherency?
3. What are Harms?
4. When is Solvency?
5. What are Advantages?
6. What are the elements of an Affirmative plan?
7. Describe the distinguishing characteristics of a Harms/Solvency case.
8. Describe the distinguishing characteristics of a Comparative Advantage case.
9. Describe the distinguishing characteristics of a Goals case.
10. Describe the distinguishing characteristics of a Justification case.
11. Describe the distinguishing characteristics of an AJAC case.
12. Describe the distinguishing characteristics of a pseudo-AJAC case.
13. Exercise: All students shut or put away all notes and materials. Instructor will pick a piece of evidence at random from any page of Blue Book briefs. Students will be asked to identify what stock issue is under consideration in this quote. They should be able to identify the issue addressed in the card without knowing anything more about the case or brief that the evidence pertains to. Repeat several times until all students are familiar with the stock issues and how evidence pertains to them.
14. Exercise: Discuss the model case presented in this chapter and ensure that all students can identify the presence of all the stock issues within the model 1AC.

## Key #4

# Leverage the Power of Fiat

## Affirmative Use of Fiat

---

“Fiat” is the Latin word for “Let it be” (as in the Bible, “Fiat lux” = “let there be light”), and it means the power to declare or assume the existence of something, to make something happen immediately. It is an important concept for understanding the theory behind policy debate because it can shape the kinds of arguments that both sides can make during the course of the round.

“Fiat” is the key to enabling debate resolutions that have the word “should” in them. Policy resolutions always say that somebody “should” change a policy. Affirmative teams get up in the 1AC and say, “Yes, we ‘should’ change that policy and here’s the change we ‘should’ make...” They then offer solvency arguments or advantages that are based on the assumption that the plan is implemented, and the Negative team offers disadvantages also based on the same assumption. Assuming this plan goes into effect, what would happen? The ability to make that assumption – the ability to declare that this plan gets enacted with an Affirmative ballot – is “fiat.” (By contrast, value debate, like Lincoln-Douglas, does not have to worry about fiat because they are debating only ideals, not actual policies, and there is no plan for change. If no one is proposing a plan to do anything, then we don’t have to make any assumptions about something being implemented.)

Affirmative teams are never required to prove that their plan “would” take effect, only that it “should,” and this is due to the magic of fiat power. This allows Affirmatives to propose policy changes that are against what the status quo is doing – things the status quo “wouldn’t” do, but “should” do. The Negative team never has the right to make a solvency argument that says something like: “Congress wouldn’t pass this plan because 68 Senators oppose this policy.” So what if Congress “wouldn’t” pass it? All the Affirmative has to prove is that they “should” because that’s all the resolution requires of them.

So, if the Affirmative thinks they “should” pass it, the Affirmative has the power to assume that it would be passed (if they get an Affirmative ballot) and the debate proceeds from there. Would it be a good policy? Would it be a significant change from the status quo? Would it produce disadvantages? Those issues can all be debated now because fiat power allows us to assume that this plan gets enacted at the end of the round if the Affirmative wins.

## 62 *Keys to Team-Policy Debate*

Affirmatives have the power to fiat anything that falls within the bounds of the resolution. If the resolution says that the federal government should change something, then they can use any and all parts of the federal government to implement their plan. They can change any policies that fall within the topical area of the resolution, simply by stating that somebody (Congress, the Supreme Court, the Department of Agriculture, etc.) changes a policy into something else.

They also have the power to fiat into their plan any incidental supporting planks that are needed for plan implementation, such as funding and enforcement, as long as they don't try to use those planks for any extra-topical purposes. For example, if the plan changes U.S. ocean policy and their funding is a 5-cent cigarette tax increase, they cannot claim advantages of reduced cancer deaths from the cigarette tax along with their ocean fisheries advantages. They can also fiat that the enforcement agencies will do their best to enforce their mandates.

### **Negative Responses to Fiat**

---

If Negatives want to argue that the public or Congress doesn't support the plan, they can't make a solvency argument based on that alone. Fiat allows the Affirmative to pass their plan.

However, the Affirmative has to accept the consequences of what will happen if an unpopular plan is implemented. In years past, Negative teams often came prepared with generic briefs describing lots of really bad things that would happen in society if some set of social policy changes were made against the popular will. One team that I recall had a "conservative backlash" argument that showed all kinds of things that would happen if too-liberal policies were implemented. Others have had disadvantages related to doing policy changes through the federal courts and the impact that policy-making through the courts has on our Constitution and our democracy. These kinds of arguments are useful as "generic" disadvantages in the 2NC if you don't have anything else to use, although on-case material is almost always better.

*1. Fiat and consequences.* Negatives cannot deny that an unpopular Affirmative change would get implemented, but they are welcome to argue that unpopular changes, when reacted to by the general public or by policy-makers in government, will have problems. Really unpopular policies will often be unenforceable (like Prohibition in the 1920s or many modern-day drug laws) and therefore lack solvency, or they may cause backlash (like abortion clinic bombings), leading to disadvantages.

*2. Fiat and enforcement.* Negative teams can make solvency arguments by catching the Affirmative team trying to fiat more than simply the implementation of their plan. The enforcement of plans is a particularly vulnerable spot where Negatives can sometimes detect Affirmative abuse. Affirmatives are welcome to say, for example, that "our drug smuggling reduction plan is enforced by the Drug Enforcement Administration and the FBI and the Coast Guard." But the Negative team, while conceding that the FBI, DEA and CG are going to enforce it, may argue that the enforcement will fail for any number of reasons (lack of budget, too many drug smugglers, too much coastline to patrol, too many drug users, incompetent investigators, etc.).

The Affirmative team cannot fiat that their enforcement will catch every single violator, only that those agencies can be used to make their best attempt at enforcing. The results of that enforcement are entirely debatable as to whether they will work or not. If the Negative offers solvency evidence that says the DEA can only catch 10% of the drug smugglers, the Affirmative cannot respond by saying that they fiat that the DEA will catch them all. That's an attempt to fiat the results of the plan, not the plan itself, and is abusive.

*3. Fiat and the Constitution - Solvency.* Another opportunity for Negative teams to check for fiat abuse is violations of the U.S. Constitution. There might be different schools of thought among coaches and judges and debaters on what to do when an Affirmative team proposes a plan that is arguably unconstitutional. A Negative can read evidence (for example, from law school articles or constitutional scholars or past court decisions) that shows the Affirmative plan could be ruled unconstitutional by the Supreme Court if it were enacted. The question then might be what kind of impact to argue from there. One school of thought would be to argue a Solvency impact: the plan will be overturned after it is implemented and will therefore disappear and not solve anything.

However, a sharp Affirmative team might respond that they claim the power to fiat their plan notwithstanding the constitutional issue, and that fiat saves the day: the plan gets implemented anyway, even if it appears to be unconstitutional (i.e., we fiat that the Supreme Court finds it to be constitutional, in addition to Congress voting for it, even though we didn't mention the part about the Court in our Agency or our Mandates in our 1AC). The Negative might then find itself drawn into a lengthy side debate about whether fiat covers things that are unconstitutional, or whether the Affirmative can add something into the Agency part of their plan that wasn't specifically mentioned in their 1AC. The judge might go to sleep while that debate rages on.

*4. Fiat and the Constitution - Disadvantages.* Another alternative might be to argue constitutional violations, not as solvency problems, but as disadvantages. Grant that the plan is enacted and stay out of the fiat discussion, but argue that the constitutional provisions that it violates are vital to freedom and democracy and prove, with evidence, that trampling on those parts of the constitution will cause civil rights disadvantages to American society. Sure, you can fiat your unconstitutional plan, but when you do, you will be causing disadvantages with big moral or human rights impacts. Going down this path, you may be able to keep the judge's attention and have a better chance of engaging in a more serious debate about the underlying issues of the round.

Another good feature of this approach is that it works even if the Affirmative puts a constitutional amendment or favorable court ruling into their plan. The harms of repealing key constitutional rights don't go away just because you changed them by a constitutional amendment rather than by ignoring them. For example, if Congress passed a law banning a religion, and the Courts ignored it, a major loss of freedom and civil rights would have occurred. But that impact would not be avoided if, instead, a 28th Amendment were passed that allows Congress to ban certain religions. Either way – by implicit fiat or by explicit legal means – the disadvantage of harm to civil rights can be argued. Likewise with the opportunity that is available to Negative teams whenever some constitutional value is being violated – either implicitly or explicitly – by an Affirmative team using the power of fiat. These situations create

## 64 *Keys to Team-Policy Debate*

opportunities for well-prepared Negative teams to bring evidentially supported arguments about the disadvantages of fiat plans that violate the letter or spirit of the US Constitution.

5. *Fiat and vagueness.* Fiat does not give Affirmative teams the right to put a plank in their plan that says “We create a new Federal agency that solves the problem” – or something equally vague. I have occasionally heard vagueness offered as a Negative argument, and even used it myself once or twice when I was a debater eons ago. It isn’t used very often, but it can be an effective argument when it holds water. Courts sometimes invalidate acts of the legislature as “void for vagueness.” Negative teams sometimes borrow that terminology and argue that the Aff plan is “void for vagueness” or sometimes just “too vague” and should be rejected for that reason.

Sometimes they’re right. For example: if the Aff has a plank that says something like, “Plank 3 - the US will replace the government of Slobonia with a democracy.” How? What kind of democracy? Military force? Lots of unanswered questions – the judge can’t vote for a plan without knowing more specifics. The argument is that it’s abusive for an Aff to run a plan like this because how can a Neg debate it effectively if Aff isn’t clearly explaining what their plan does? And how can the judge vote for it if he doesn’t exactly know what he’s getting when he votes Aff?

Be aware that the Negative argument on vagueness can itself be vague. Vagueness can be a valid argument but only if it’s not abused as a generic response to all Aff plans. If the Aff plan really is “vague” on some point, it is certainly legitimate for the Neg to complain about it, as long as they give an impact to that complaint. What will happen if Plank 3 is vague? Will the plan lose solvency? Will it open up a disad?

We had an exercise on that in our debate camp where my co-teacher, Mr. Parks, read a new case to the students and then we worked on challenging and cross-examining it. It was a plan to provide federal subsidies for buyers of “hybrid” (gasoline + electric) cars. One of the things he pointed out to them was that the IAC forgot to define what a “hybrid car” is, so he showed that Negatives can claim the plan’s vagueness will sabotage its solvency. For example, what if a bunch of people claim their car is a “hybrid” because it has a two-tone paint job? If Aff doesn’t define the term, then solvency issues arise (because they aren’t using the “real” hybrid cars that the Aff intended but didn’t specify) and so they don’t achieve the advantages. Follow through the vagueness argument all the way to an impact, and you just might have something.

There are at least three impacts vagueness can have:

1. *Abusiveness to the Negative team.* The plan cannot be debated rationally because no one knows exactly what it does. The Aff can be abusive because they can surprise everyone with new changes and clarifications all throughout the round.
2. *Solvency.* The plan leaves loopholes of interpretation or guesswork so that gaps in solvency could occur.



3. *Disadvantages.* For example, if the wording of the plan is such that it might change other things not intended in the Aff's case and trigger some bad side-effects.

In the vagueness example above (two-tone painted cars = hybrids), you could argue both #2 and #3. First #2 because if people want to claim a hybrid car tax credit for 2-tone cars, then they won't be saving the gasoline needed to gain the Aff's advantages. And next #3 because if there's a federal subsidy or credit for two-tone cars, that's a rip-off of the public treasury and a waste of taxpayer money.

## Negative Fiat With a Counterplan

---

The same kind of fiat power that an Affirmative team has with its topical plan is also available to the Negative to propose a non-topical counterplan. As long as the Negative team is proposing policy changes to things completely outside the resolution, they can offer those as alternatives and make the assumption that they would be implemented instead of the Affirmative's plan at the end of the debate with a Negative ballot. For example, while the Affirmative team has fiat power to change Federal policies if the resolution calls for that, the Negative has fiat over state policies if they want to propose a counterplan to have the states do something instead.

The counterplan is an unusual strategy (discussed more extensively in a later chapter). At least one debate league does not allow counterplans. Some coaches and debate leagues would not agree that the counterplan must deny the resolution.

## Key #4 Syllabus Lesson

---

### Student Preparation:

1. Review Chapter 3 and read Chapter 4.
2. Look at any Affirmative case in this year's Blue Book and use the model harms, solvency, etc. as an example for your own case
3. Write a 1AC speech

### Goals:

1. Understand "fiat" in affirmative plans.
2. Understand ways fiat can be argued during a debate round

### Teaching Outline:

- I. *Affirmative Fiat*
  - A. Assuming the adoption of the plan
  - B. Solving the "should/would" problem

## 66 *Keys to Team-Policy Debate*

### *II. Negative Responses to Fiat*

- A. Fiat and consequences
- B. Fiat and enforcement
- C. Fiat and the constitution: Solvency
- D. Fiat and the constitution: Disadvantages
- E. Plan vagueness

### *III. Negative Fiat With a Counterplan*

## **Student Questions & Exercises**

1. What is “fiat”?
2. What is the difference between proving the resolution “should” be adopted versus proving it “would” be adopted?
3. What are some of the consequences Affirmatives must accept that go with fiat?
4. What are the limits to how an Affirmative team can fiat enforcement of a plan?
5. What kind of solvency arguments can be made from an argument about violating the Constitution?
6. What kind of disadvantages can be made from fiating an unconstitutional plan?
7. How should the Negative team structure an argument about “plan vagueness”?

## Key #5

# Stay Within the Bounds of Topicality

Topicality is the first fundamental issue that every Affirmative case must resolve. The basic duty of the Affirmative team is to propose a plan that affirms the resolution. If they are not upholding the resolution, then they are (intentionally or not) being abusive toward the Negative team (by introducing unfair items into the round) and to the Judge (by falsely agreeing to affirm the resolution and then showing up with a plan to do something else). The Affirmative team that loses on the issue of topicality deserves to lose the debate round, regardless of how good their case may be on any other issues.

Affirmatives have many incentives to stray from the Resolution and it is the job of Negative teams to get them back on track (and the job of judges to punish straying Affirmatives by voting Negative against untropical cases). The biggest reason for Affirmatives to stray is the incentive of surprise: If a Negative team is unprepared for the subject matter of an Affirmative case, they are less likely to be able to come up with evidence and arguments against it. Another reason is evidence: Sometimes it is easier to find Affirmative evidence on something else besides what the resolution calls for, and Affirmative teams develop brilliant plans on things that are different from what the proposition says they're supposed to be working on.

Negative teams arguing topicality have to bring up this issue in the First Negative Constructive. If the Affirmative team really is being abusive of the resolution (and thus abusive of the other people in the room), that had better be the first thing the Negative team tells the judge. Although the 2NC is also a Constructive speech, debate leagues generally do not allow bringing up new topicality arguments after the 1NC. The 2NC can certainly respond to the answers that 2AC gave, though he doesn't necessarily have to (he could, and usually should, leave it to the 1NR to do that).

Negative teams can be abusive about topicality too. I have seen Negative teams blindly rattle off generic arguments on topicality that had no bearing on the Affirmative case; they were only designed to waste the Affirmative's time in having to respond to this critical "voting issue." The Negative doesn't have to challenge topicality in every round – in fact, it would be silly to do so. When cases appear to be abusive, the Negative certainly has every right to challenge them. But whining "topicality" in every round, no matter how ordinary the Affirmative case, can likely turn off the judge. I dislike it particularly when I see Negatives wasting time complaining against obviously topical cases, when they could have made much more convincing arguments on other stock issues had they simply done a little bit of analysis and preparation.

## 68 *Keys to Team-Policy Debate*

The specific planks or mandates in the Affirmative plan are the focal point for the question of topicality. The nature of the harms or the advantages that stem from the plan do not have to narrowly fit the topic area of the resolution. For example, if the resolution calls for “changing federal agriculture policy,” the Affirmative is welcome to bring up a harm like “economic recession from imported oil,” as long as they can solve it solely by changing federal agriculture policy. Likewise, once they make a change in the topically required policy, they can claim advantages anywhere in the world that they find them. If the resolution requires a change in criminal justice procedures, as long as they can prove that their criminal justice plan by itself would reduce unemployment or improve safety in space flight, they’re welcome to claim those as advantages. The issue for topicality is: Do the mandates of the plan implement “The Resolution,” “The Whole Resolution,” and “Nothing But the Resolution”?

### **The Resolution**

---

Do the Affirmative team’s mandates do specifically what the resolution says in each of the words or phrases that comprise it? Or has the Affirmative team altered or ignored the meaning of some of the words? Sharp Affirmative teams define the key words in the proposition at the start of the IAC so they can refer back to their meaning if topicality is questioned. As long as their case adheres to the definitions of the proposition as they defined it, and as long as their definitions are reasonable, the Affirmative deserves to be given the presumption that their case is topical. However, both of those issues (adherence to the definitions and reasonableness of definitions) are debatable.

*1. Adhering to the definitions.* Sometimes Affirmative teams give reasonable definitions but don’t actually follow them. Consider this example:

Resolved: That the Federal Government should significantly increase protection of privacy of medical records.  
Definition: “privacy” – the right or ability to prevent disclosure of personal information  
Plan: Stop the U.S. military from doing mandatory vaccinations of service members.

While this plan sounds like it fits the topic, careful reading of the Affirmative’s own definition could present a problem. This example is adapted from a case I judged where the Negative team made several topicality arguments. Unfortunately, they were all generic arguments that had no bearing on the actual case and the Negative team did no analysis to find the true topicality issue in the plan. The definition of privacy is perfectly valid, but the Negative could have easily won with one simple argument: Mandatory vaccinations do not to meet the definition of “disclosure of personal information.” After all, as long as the procedure is not “disclosed,” then there is no violation of privacy. If the medical records of the vaccination are kept undisclosed, the fact that the vaccination was mandatory or not doesn’t change anything about privacy (disclosure of information).

This is an example of where an Affirmative team gave a reasonable definition of the resolution, but their plan didn’t exactly match the definition. Negative teams have to listen carefully to the

## Key #5: Stay Within the Bounds of Topicality 69

wording of the Affirmative's definitions and think about whether the Affirmative is doing exactly what their definitions require. If the Affirmative fails to define a key word in the proposition, the Negative can always try to bring up its own definition in the 1NC and show that the Affirmative didn't meet it.

2. *Reasonable definitions.* A Negative team may find themselves up against an Affirmative that gave some definitions for its terms, but still there is something just not quite right about the case and its adherence to the topic. If the Affirmative adheres to its definitions, but the definitions are stupid, then they still may not be topical. A Negative that encounters a situation like one of these has the right to stand up in 1NC and explain why the Affirmative's definition is bad, read a better definition, and then show why the Negative's definition is better and how the Affirmative violates the more reasonable definition and therefore deserves to lose the round on topicality. The Negative cannot just get up and say, "Their definition of X is bad, so we win on topicality." You have to follow through all the implications of that bad definition and link it to the reasons why the Negative wins the round with a more reasonable definition. Some things that can go wrong with unreasonable definitions are:

A. *Bad sources.* A definition that comes from some weird source, or is simply made up by the Affirmative team's opinion, can easily be argued by the 1NC. All he has to do is open up his own dictionary that he brought to the round, read a better definition, explain why it is more reasonable or better qualified, and then show that the Affirmative team violates this more reasonable definition.

B. *Out of context.* Sometimes words have an obvious meaning that is indicated by the context of the other words in the proposition. For example, "United" means "joined or working together" and "States" means "countries or nations," but you could not define these separately and run a plan that changes the policies of the European Union simply because they are a group of nations that are working together. Resolutions that state "United States" mean the United States of America.

C. *Too broad.* Some definitions have wording that, if taken literally, would allow the Affirmative to run plans covering just about anything. Here are some examples:

Resolved: That the U.S. Federal Government should significantly change its policies towards one or more of its protectorates. Definition: Protectorate = a country that receives protection from a stronger country Plan: Change U.S. policy towards England.
---

Anyone looking at this case would be suspicious right at the start that England probably isn't a "protectorate" of the United States. But the Affirmative's definition, taken literally, would suggest that it is (since England is a member of NATO and the U.S. is obligated to "protect" fellow-members of NATO). When you get that feeling that "Something isn't right," it's often because the Affirmative's definition is too broad. The Negative team, in this case, should get up in 1NC and make an argument like this:

## 70 *Keys to Team-Policy Debate*

“Our first Topicality argument is that the Affirmative team is non-topical on the meaning of the word “Protectorate” because their definition is too broad. Judge, if you let them define it as any country that receives protection, that’s abusive because it allows literally dozens of countries to be topical and gives the Affirmative way too much subject area for their plans. And, since the U.S. could “protect” almost any country in the world, there’s really no end to the cases that could be run under this topic if you accept this definition. You have to use a more reasonable and restrictive definition, and we are going to offer you that right now. From Woobster’s Dictionary in 2004: Protectorate means “a weaker nation that has given up some of its sovereignty to a stronger nation in exchange for military protection.” This definition is better because it gives two clear tests of a protectorate – loss of sovereignty and military protection – which leaves the Affirmative with plenty of cases they can run but limits it to a reasonable number of countries so that the Negative isn’t abused. The Affirmative team violates this more reasonable definition because even if England is receiving U.S. protection, they haven’t lost any of their sovereignty to the U.S., so they’re not really a protectorate. The impact to this argument is that you should vote Negative because the Affirmative fails to affirm the resolution and deserves to lose for running an abusively non-topical case.”

While I’m not of the opinion that the labels and words below are buzzwords that have to be spoken for a topicality argument to be valid, I think you will find the elements, if not the phraseology, of all of them in the sample Topicality argument quoted above. The point is simple: it isn’t enough to get up and complain that the Affirmative team isn’t topical, therefore “we win.” You should explain it thoroughly with evidence, links, analysis, reasoning, and impact just like any other argument.

1. *Standards.* Explain what principle or standard of fairness is being violated by the Affirmative team in their definition of the resolution. Is it too vague? Is there no clear “Bright Line” between cases that would be topical and untropical? Is the definition bogus? Out of context?
2. *Counter-Definition.* The Negative asserts its own definition from a qualified source. This is not needed if you are asserting that the Affirmative failed to meet their own definition.
3. *Reasons to prefer the Counter-Definition.* Just asserting that you have a definition is meaningless unless you show why it’s better than the Affirmative’s definition. This is not needed if you are asserting that the Affirmative failed to meet their own definition.
4. *Violation.* The Affirmative team is changing \_\_\_\_\_ which violates our more reasonable definition (or the Affirmative’s own definition) of \_\_\_\_\_ because of \_\_\_\_\_.
5. *Impact.* The Judge should vote Negative because violations of topicality are abusive, reduce the educational value of debate by introducing things no one can prepare for, and should be penalized by loss of the round.

## The Whole Resolution

---

Some resolutions have several components that must be enacted in order for the Affirmative to prove that they are topical. While this usually isn't a problem, there are occasionally examples where an Affirmative affirms some, but not all, of the resolution:

Resolved: That the 16th Amendment to the Constitution should be repealed and that the income tax should be abolished and replaced with another system.

This resolution requires Affirmatives to do 3 things: 1) repeal the 16th Amendment; 2) repeal the income tax; 3) enact some other revenue source(s) to replace the income tax. An Affirmative team that only repeals the income tax and replaces it with a sales tax deserves to lose on topicality, because they forgot to repeal the 16th Amendment as the proposition required them to do.

## Nothing But the Resolution - The Problem of “Extra-Topicality”

---

Affirmatives are restricted in their plan mandates to doing only the things authorized by the literal wording of the resolution. But sometimes they do everything in the resolution, plus more. That “plus more” creates the problem of “Extra-Topicality,” because the Affirmative team is not allowed to go beyond the boundaries of the resolution.

At first glance, it doesn't seem like such a big deal. After all, as long as they affirmed all the resolution, what's the harm in doing more? Here's an extreme case that shows why it can't be allowed:

Resolved: That the United States should significantly change the rights of the accused in criminal cases

Plan:

1. Eliminate racial challenges to potential jurors
2. Launch a manned mission to Mars

Advantages:

1. Uphold racial equality and end discrimination
2. Conquest of space yields massive economic and social benefits

You can see the obvious problem, when it's put into this extreme situation. To avoid having any opportunity for Affirmatives to abusively broaden the grounds of the debate, any “extra-topical” material in the plan (like the Mars mission above) should be dropped from the round. The Negative team has the right to argue that the judge should refuse to consider any mandate in the

## 72 *Keys to Team-Policy Debate*

plan that is not covered by the resolution. After all, if you allow the Affirmative team to throw in any extra-topical mandates and advantages, it won't be long before the "real" case becomes a tiny portion of the 1AC, and all the "extra" stuff becomes the real purpose of the debate – a situation grossly abusive to the Negative team because they can never prepare for all the extraneous matters that an Affirmative might want to bring up.

But striking the bad mandate from the round is the only penalty that is assessed for extra-topical mandates. The Negative does not automatically win because they found something extra-topical in the plan. Instead, the Negative must show the consequences and impact of what happens when that item is dropped from the plan. For example, in this case, the Negative would make an argument like this:

"Now I'm going to make an Extra-Topicality argument. Plank 2 of the plan, the Mars mission, is clearly extra-topical because it does absolutely nothing about the rights of the accused in criminal cases. We have to strike this mandate from the round, and when we do that, the Affirmative team completely loses their second advantage on the benefits of space travel. So, judge, please take advantage 2 out of the round because it's abusive for them to go beyond the proposition in order to get an extra advantage."

Sometimes Affirmatives are subtler than to throw in something as wild as the example above. Consider this example:

Resolved: That the United States should significantly change the rights of the accused in criminal cases

Plan:

1. Eliminate racial challenges to potential jurors
2. Government compensation to victims of crime

Advantages:

1. Uphold racial equality and end discrimination
2. Increase justice by compensating crime victims

Notice that the Affirmative has done it again, just not as outlandishly this time. The extra-topical Plank 2, which produces Advantage 2, still doesn't comply with the resolution, although it does sound like it is in the same general ballpark as the subject of the resolution. But compensating victims, though a wonderful idea, is not the same as changing the rights of the accused. The accused are not the victims of crime; they are, usually, the perpetrators of the crime. Thus, the advantage of changing policy for "victims" is gained by extra-topical means and must be dropped.

Besides sneaking in extra advantages that they can't get just from staying within the proposition, why else would an Affirmative team put extra-topical planks in their plan? Here are some examples:



## Key #5: Stay Within the Bounds of Topicality 73

Resolved: That the United States should significantly change the rights of the accused in criminal cases

Plan:

1. Bail for those accused of felonies will be abolished
2. Federal government will provide \$50 million to fund construction of local jails

*Advantage:* No more repeat offenses by felons out on bail

This case sneaks in Plank 2 for prison construction funding. Why do they do that? The resolution doesn't say anything about jail construction. This plank is thrown in for the purpose of salvaging their solvency. The Affirmative team knows that Plank 1 (which is topical) won't work unless there are more prisons to hold all the accused who are today out on bail, because they've hit that argument raised by Negative teams in the past. So, to avoid a solvency problem, they try to "spike it" by putting something into their plan to prevent the argument from being made. Unfortunately, the extra plank needed to achieve solvency is, arguably, extra-topical. A sharp Negative team would demand that Plank 2 be dropped from the round and then argue that the impact is a Solvency argument that there aren't enough jails to hold all the accused felons, so the plan won't work.

Now consider this example:

Resolved: That the United States should significantly change its foreign trade policy with Mexico

Plan:

1. Raise tariffs on imported automobiles
2. \$100 million in foreign aid to displaced Mexican automobile industry workers

*Advantage:* Save 10,000 jobs in the U.S. auto industry

You might be able to guess why Plank 2 was thrown in: The Affirmative team got tired of having "loss of auto worker jobs in Mexico" used against them as a disadvantage. But now the Negative team will simply get up in the 1NC and argue that Plank 2 is extra-topical (because it changes "aid" not "trade"), maybe read a definition of "aid" that shows it to be different from "trade," ask that Plank 2 be stricken from the plan, and then go ahead and run the Mexican job-loss disadvantage anyway.

## Judging Philosophies About Topicality

---

Many judges dislike voting on the issue of topicality. Even though many debaters yell about how Topicality is a "Voting Issue" – look at it this way: so is solvency, so is inherency, so are harms, so are disadvantages. Topicality is the only one of the traditional "Stock Issues" that is "procedural" in nature and is not based on the merits of the policy itself. It is the only one of the

## 74 *Keys to Team-Policy Debate*

stock issues that was originally designed to deal with abusive behavior, and not to deal with actual policy clash (kritiks – covered in a later chapter – also frequently do that, or at least claim to). That's not to say that I never vote on it, only that I vote on it in far smaller proportion to the amount of time spent on it than any other issue, probably, over the course of all the rounds I have judged. Out of the hundreds of rounds I have judged, I can count on one hand the number of them that were decided on the topicality issue.

The reason for that is simple: 99% of the Affirmative cases I have judged are reasonable, arguably topical cases. Most Affirmatives make a reasonable estimate that the benefits of straying from the resolution (surprise, shortage of evidence) do not outweigh the risks (losing on topicality) and so they don't take the chance. The fact that the topicality voting issue exists, and that Affirmatives know it exists, is usually enough to check abuse and keep Affirmatives on the straight and narrow. The result is that many topicality arguments are merely time-wasting distractions offered by the Negative team.

Other judges may differ. I have heard of other judges that claim to love topicality arguments and eagerly invite them when asked about their judging philosophy before the round. I'm baffled as to why. I'd love to hear a good debate about public policy rather than a debate about whether something is topical. But maybe that's just me.

The bottom line: If the Affirmative is being abusive and straying beyond the topic, by all means tell the judge in the INC with a well-constructed topicality argument. You might win the round with it. But don't waste time on topicality arguments because you need to fill up the INC with something, and topicality has the magic aura of a "voting issue." Better preparation and research should give you lots of disadvantages, harms arguments, inherency arguments and other "voting issues" that could do much better.

## **Key #5 Syllabus Lesson**

---

### **Student Preparation:**

1. Read Chapter 5

### **Goals:**

1. Understand the basic concept behind Topicality: The Resolution, the Whole Resolution, and Nothing But the Resolution
2. Understand the use of word definitions in proving Topicality
3. Understand Negative attacks on Topicality
4. Understand Extra-Topicality

### **Teaching Outline:**

- I. *Introduction to Topicality*

- A. What is topicality
  - B. Why is it an important voting issue
  - C. Philosophy of when to argue topicality and when to leave it alone
  - D. The Resolution, the Whole Resolution, and Nothing But the Resolution
- II. *Affirming "The Resolution"*
- A. Adhering to definitions
  - B. Reasonable definitions challenging
    - 1. Word definitions
    - 2. Bad sources
    - 3. Out of context
    - 4. Too broad
  - C. Framing a Negative topicality argument
- III. *Affirming "The Whole Resolution"*
- IV. *Affirming "Nothing But the Resolution" – Extra Topicality*
- A. Extra mandates that go beyond what's authorized in the resolution
  - B. Penalty for introducing extra topical mandates: strike from the round, not a voting issue by itself
  - C. Reasons Affirmatives sometimes try to use extra-topical mandates

## Student Questions & Exercises

1. What is the issue of topicality?
2. What is "extra topicality"?
3. Why would Affirmative teams use plans that are not topical?
4. Why would Affirmative teams have parts of their plan that are extra-topical?
5. How should the Negative organize and outline a good topicality argument?
6. How should the Negative organize and outline a good extra-topicality argument?
7. What is the penalty if the Affirmative team loses on topicality?
8. What is the penalty if the Affirmative team loses on extra-topicality?



## Key #6

# Identify Your Barriers of Inherency

“Inherency” is a word seldom heard outside of a policy debate round, but the principle behind it is simple and used quite often in the public arena. For example, there is often public debate about the extent to which the government should regulate firearms, and various legislative proposals are often brought forth to attempt to reduce gun violence. Opponents of gun regulations often point out that the status quo already requires permits, bans automatic weapons, and has life-imprisonment or death sentences for murder. If such policies are already in place today, many wonder how new legislation proposing similar policies could represent a new “solution” to the problem.

Without using the word, what the gun-control debate is about is “inherency” – the question of the magnitude or quality of what the status quo is already doing about the problem versus what the advocates of change want to do differently. Does the status quo already have a program or policy in place to solve the harms raised by the Affirmative? Are there existing policies very much like what the Affirmative wants to do? If so, then a smart Negative team will argue that the Affirmative team should lose on the issue of inherency. To win, the Affirmative must prove that the harms of their case are “inherent” in the status quo – that the harms flow from an established (bad) policy that requires a significant change to overcome, and that left to itself, the status quo a) has no mechanism to solve them; and b) will not solve them in the future. They also have to prove that they are changing something, because policy resolutions always require “significant” or “substantial” change. If the Negative shows that the status quo is already doing most or all of what the Affirmative wants to do, then the Negative deserves to win the round.

## **Types of Inherency**

---

Proof that harms are inherent in the status quo can come from a number of avenues. Some examples of the ways an Affirmative can establish inherency are below:

*1. Statements by current political leaders about existing policies.* If the President currently in office makes a statement that it is currently U.S. policy to do X, then the Affirmative team can quote that statement and propose a plan to change it. A smart Negative team will research to find out what actions have been taken in pursuit of that policy, and will try to prove that even if the President said he wants “X,” that he hasn’t funded it in the budget, that Congress hasn’t voted for it, or that he has secretly been negotiating Y and Z with someone else, or that he simply hasn’t taken any action to carry out X.

## 78 *Keys to Team-Policy Debate*

2. *Current laws or Supreme Court decisions.* If there is a law that established some condition that the status quo must follow, this is one of the best Affirmative inherency arguments, because changes in law specifically require legislative or court action to solve – they cannot disappear by themselves (as political statements in example #1 sometimes do). Negative teams can attack this by giving evidence that the law is never enforced, or showing a more recent court case that overturns the law already in the status quo.

3. *Attitudinal inherency.* The Affirmative team may have evidence showing that some policy is good for the public, but that some attitude on the part of the public or the bureaucracy or elected officials is slowing or blocking it from being done. If everyone is afraid of the health risks of nuclear power, but the Affirmative has evidence showing it to be safer than all other sources, then the Affirmative can suggest attitudinal inherency as the reason the status quo will never promote nuclear energy. Even if there is no law against something, the status quo may have strong resistance to some policy, and that resistance can be used by the Affirmative as their inherency.

4. *Absence of law.* The lack of regulations governing some public hazard can be an inherent problem in the status quo. If significant problems are occurring because something is currently legal that should be banned or more tightly controlled, the Affirmative can argue that the absence of controls is a bad policy and should be changed.

5. *Established custom or practice.* If a practice exists with no law against it and no policy in the works to change it, the Affirmative can argue that this represents a situation that requires a policy change. Statements (supported by evidence, of course) of existing practice are things like:

“Russia currently stores radioactive waste in unsecured dump sites.”

These statements by themselves, even if well proven evidentially, are not “harms” because they have no impacts associated with them. They are simply statements about what the status quo is doing and are part of the Affirmative’s inherency. They describe current conditions. Proving why those conditions are bad (nuclear waste contaminates ground water) will require additional evidence and will probably show up as separate items in the Affirmative case.

The Negative can attack inherency by showing with evidence that these situations are reversing or stabilizing themselves in the status quo (waste sites are being cleaned up now). The Negative can *also* (and separately) attack the harms by arguing that *even if* some of these things are happening in the status quo, they aren’t that bad (ground water isn’t being contaminated). These examples illustrate an important distinction, often missed by the novice debater, between inherency (what’s happening in the status quo) and harms (what’s *wrong* with what’s happening in the status quo).

A point often missed by novice and even intermediate debaters is that it isn’t enough to show that harms exist in the status quo and that your plan claims to solve them. The IAC must also present an Inherency contention that shows why the status quo does not, cannot or will not carry out the policy changes mandated in the plan. For example, if the harm is damage to the economy in the status quo, the plan is a change in trade policy, and the solvency is economic

improvement, don't forget to also include a contention that shows that under the status quo this trade policy is not being carried out today.

## Negative Attacks on Inherency

---

Some avenues of attack against inherency have been suggested above. There are a number of other fruitful areas that Negatives can explore, most of which require research and preparation before the debate round starts. Inherency is something difficult for the Negative to win unless they come prepared for the Affirmative's topic with specific evidence showing what the status quo is doing. Here are some more suggestions for things the Negative can attack:

*1. State action vs. federal action.* Many debate propositions call for the federal government to change a policy affecting domestic laws or activities. Often, those policies can be implemented, regulated, or controlled by states, too. Education, agriculture, the environment, criminal justice, social welfare programs, firearms, civil rights – these are just a few examples of policy areas where both the states and the federal government exercise jurisdiction or influence. Sometimes an Affirmative team will have good inherency evidence showing that the federal government is doing nothing to solve a problem, only to lose on inherency when the Negative team produces evidence showing that the states are already solving the problem with legislation of their own.

*2. International action vs. U.S. action.* For propositions involving foreign policies, well-prepared Negative teams can sometimes show that other agents besides the U.S. are acting to solve some foreign or international problem. The United Nations, European Union, NATO, some other international body, or even some specific alternate country may already have a policy in place to deal with the situation. If the issue is "increased foreign aid," a sharp Negative may be able to show that some other country is already providing the aid. If the issue is peacekeeping or stability, the Negative may be able to show that some other country or international organization is sending troops or intervening to solve the harms.

*3. Updated evidence against Affirmative inherency.* Inherency is a topic where the date on a piece of evidence can determine the outcome of a round. I once judged a round where the entire result was determined by the date on inherency evidence, where the Negative team showed that the status quo had changed 6 months after the Affirmative's inherency evidence and that the problem had already been solved. I judged another round where a Negative team pulled out a quote from last week's paper showing that the Affirmative's "new" policy had just been signed into law by the President. Negatives with good research practices can bring up conflicting evidence showing alternative trends or different experts who claim that the problem is being reduced in the status quo (even if it's not an "update," it still can clash well against the Affirmative's inherency claims).

*4. Self-regulation or industry standards.* Policy changes that affect business behavior can be defeated by showing that the industry is regulating itself or is changing its practices in response to consumer pressure or market forces. Some industries or professions have trade associations

## 80 *Keys to Team-Policy Debate*

that set standards for their members, and these standards may act as a self-regulating device that prevents the Affirmative harms from occurring.

*5. Existing programs and agencies.* Sometimes Affirmative teams propose new policies or programs that duplicate existing yet obscure federal agencies or programs. Smart Negative teams will do research long before the debate round starts to understand and prove with evidence the current state of affairs on the Affirmative's topic. At the very least, documenting the existence of such programs, even if they are not enough to win the round on inherency, may be enough to show that the Affirmative is not topical because they are not changing a "policy," only the mechanisms or means by which a policy is implemented.

For example, suppose the Affirmative proposes a new policy to reduce groundwater contamination from nuclear waste, showing evidence that 100 lakes and streams are presently contaminated. The Negative, having wisely researched the topic beforehand, discovered an obscure Federal agency, the (imaginary) Federal Nuclear Groundwater Contamination Committee, charged with setting standards for water purity. Now, it may well be that this Federal agency has done little or nothing to protect water, but the Negative can make three arguments from the existence of this board: 1) inherency, because an agency with the power to solve the problem already exists; 2) topicality, because cleaning up nuclear contamination from groundwater is already federal policy, since there is already an agency charged with doing exactly that; 3) offer a minor repair, to just fund it better, or appoint more qualified staff members who will do their jobs better. If the resolution calls for "change in policy," then an existing, inherent agency, no matter how ineffectual, provides a foundation for a Negative to build their strategies upon. In this case, they can use that agency for inherency, topicality and a minor repair.

## **Recognizing the Difference Between Inherency and Harms**

---

Part of the problem with many Affirmative cases is that Affirmatives often are describing the status quo and calling some things "harms" that are really "inherency" issues. Descriptions of what the status quo is doing are points in support of Affirmative inherency – an essential element of a good case, to be sure, but not the same as a harm. Showing what's wrong with the status quo is proof of a "harm." The Affirmative case has to show why the status quo cannot solve the problem today. Inherency can stand on its own as an observation, or it can be mixed in (as long as it's labeled clearly) with each of the harms.

Distinguishing between evidence of inherency and evidence of harm is crucial. Many of the problems I see in cases stem from this mistake. For everything that you want to label a "harm" in your Affirmative case, ask yourself this question: Is this an inherency "fact" or is it a "harm?" If you find yourself realizing that it is a "fact not a harm," then either drop it in favor of something more persuasive (more harmful), or else move that "fact" into your inherency observations.



## Key #6: Identify Your Barriers of Inherency 81

“Facts” show what the status quo is doing. “Harms” show what’s wrong with what the status quo is doing. Consider the following examples and see if you can tell the difference:

John is standing in front of the cellar door. (FACT)

There are 5 people who are frustrated and angry because they want to get out of the cellar but cannot because John is blocking the door. (HARM)

The building has no fire escape. (FACT)

Buildings with no fire escape have 20% more fatalities from fires. (HARM)

Federal policies fail to address price stability in agriculture markets (FACT)

Agriculture price instability causes 5000 farm bankruptcies per year (HARM)

The US imports 1 million barrels of oil per day. (FACT)

Imported oil reduces economic growth and increases unemployment. (HARM)

Do you see the difference between inherency facts and harms? Bottom line: If I can say “so what?” to something, it’s probably an inherency fact. If I can’t say “so what?” to it, it’s probably a harm.

### **Negative Cross-Examination about Inherency**

---

One simple way to generate Inherency arguments for the 1N is for the 2N to ask this question in cross-examination: Why can’t the status quo do \_\_\_\_ [whatever the Aff offers as the solution to the harms]? And then follow up whatever answer is given with the next question: Where in your 1AC evidence did it say that? You’d be surprised how many Affirmative cases forget to include the basic evidence needed to prove this stock issue. If 1A can’t answer these questions, 1NC needs to make inherency arguments out of these fumbled cross-ex responses and try to carry them throughout the round. Since many teams make the mistake of using their weaker debater for the 1A, there are a lot of opportunities here.

Even if the 1A does have a reasonable answer to the Inherency question, some follow-up questions can still help generate material for 1NC to use:

## 82 *Keys to Team-Policy Debate*

Neg: Why can't the status quo do more nuclear reactors today?  
Aff: Because the public opposes it.  
Neg: So your inherency is just based on what the public thinks?  
Aff: Right.  
Neg: There's no law stopping it today, right?  
Aff: Well... no..  
Neg: OK, thanks.

This sets up the opportunity for the Neg to read a card that says the public supports nuclear power. He has already taken out of the round any concerns about any other inherency barriers that the Affirmative could bring up because 1A has admitted that public opposition is the only inherency issue in the round.

Even more fun for the Negative is the situation where the 1AC forgot to read any inherency evidence at all. If the Affirmative doesn't prove *prima facie* that the status quo isn't already doing their plan, Negatives can have fun with this in cross-examination and throughout the round.

Neg: Is the status quo promoting nuclear power today?  
Aff: No.  
Neg: Did your evidence say that?  
Aff: Well, it says we have energy shortages.  
Neg: You didn't claim in your 1AC that the status quo isn't trying to use nuclear power today already?  
Aff: Well... no..  
Neg: OK, thanks.

## Key #6 Syllabus Lesson

---

### Student Preparation:

1. Read Chapter 6

### Goals:

1. Understand the basic concept of inherency
2. Understand different ways to prove inherency
3. Understand Negative attacks on inherency

### Teaching Outline:

- I. *Introduction to Inherency*
  - A. What is inherency
  - B. Inherency in the real world a vital part of public policy decision making

- II. Types of Inherency*
  - A. Political statements
  - B. Current laws or court decisions
  - C. Attitudinal inherency
  - D. Absence of law
  - E. Established custom or practice
- III. Negative Attacks on Inherency*
  - A. State action vs. Federal action
  - B. International action vs. US action
  - C. Updated evidence
  - D. Self regulation or industry standards
  - E. Existing programs and agencies
- IV. Distinguishing between Inherency and Harms*
- V. Negative Cross Examination about Inherency*

## **Student Questions & Exercises**

1. What is the issue of inherency?
2. Why is inherency a voting issue for the Affirmative case?
3. What are the different ways an Affirmative can prove inherency?
4. What are ways a Negative team can argue against inherency?
5. What is the difference between inherency and harms?
6. Exercise: All students close all books. The instructor reads aloud a piece of evidence from either a “harm” or an “inherency” section of a Blue Book Affirmative case. The students must identify this evidence as inherency or a harm and explain why.



## Key #7

# Solve Significant Problems

Solvency is a voting issue for the Affirmative team because they must show that their plan meets and solves the harms that they document in the status quo. In a traditional Harms/Solvency case, the Affirmative team raises harms that are happening in the status quo and must prove that their plan solves each of those harms. In a Goals/Criteria case, the Affirmative has to show that its plan achieves the goals they claim in their case. In a Comparative Advantage case, they must show that the plan achieves the advantages they claim that would produce a better result than the status quo is presently achieving.

There would be no reason to vote for any Affirmative plan if it did not offer the promise of improving the world. This is a very simple concept to understand, and there are some basic principles that both sides need to watch for during a debate for the Affirmative to win on solvency and for the Negative to defeat it. It might surprise you to realize how often an observant Negative team can win on solvency, even without any evidence of their own, by simply challenging the Affirmative's solvency evidence.

Here are some areas to watch for when analyzing the issue of solvency during a debate round. Understand that the comments in this chapter apply to a Comparative Advantage or Goals/Criteria case as well, even if the evidence in those cases is labeled as "advantage" evidence. The issue is basically the same: Does the plan achieve the advantages or fulfill the goals? This is another way of phrasing the age-old stock issue of solvency, even if it isn't called that in the 1AC.

## **1. Does the Solvency Evidence Specifically Link to the Affirmative Plan?**

---

Sometimes Affirmatives have evidence, but the quotes talk about how some program or policy would solve – but it is something different from what they are proposing! It's important for the Negative to listen carefully to what Affirmative solvency evidence is really saying and to review it word for word during prep time after they get a copy of the 1AC. Here's an example of a piece of solvency evidence that a Negative team could attack in their constructive speech:

## 86 *Keys to Team-Policy Debate*

Steel trade reform saves thousands of U.S. jobs

Prof. E. Konomist, NATIONAL ECONOMIC REPORT, June 2004

It is clear that only major reform of this country's steel tariff policies can save the 10,000 jobs currently threatened by foreign competition in the steel industry.

While this is an interesting quote, an Affirmative team relying on it will quickly find themselves in trouble. This card says “reform” will solve, but what does that mean, exactly? Is it the exact type of reform advocated in the Affirmative plan? Affirmatives need to make sure that they have solvency evidence that specifically links up to their plan and solves all their harms.

### 2. Does the Solvency Evidence Directly Link to the Affirmative Plan?

---

Sometimes evidence is cited that a problem could solve if X, Y and Z were done or if all three conditions are met. But the Affirmative plan may not be able to guarantee X and Y, only Z. Sometimes the evidence will show that the harms would be solved if Z were done and the Affirmative offers a plan that will cause X to occur, which will probably cause Y to occur, which will likely lead to Z. Here's an example:

Harm: U.S. jobs being lost due to competition from imported steel

Plan: Increased tariffs on imported steel

Solvency: Steel tariffs save U.S. jobs

Steel tariffs would save thousands of U.S. jobs

Alan Brownspan, Associated Press, Sept 2011

Our studies show that increased U.S. steel tariffs, combined with lower interest rates and a favorable ruling from the World Trade Organization, would protect the 10,000 jobs currently threatened by competition from imported steel.

You can see the problem. The Affirmative plan solves for one of the conditions needed to fix the problem, but the other two factors (interest rates and the WTO) are not mentioned in the plan. Negative debaters should have their ears open to this kind of gap in Affirmative solvency evidence.

### 3. Does the Solvency Evidence Clearly Provide a Solution to the Problem?

---

Some evidence says that the harms “may be reduced” or “could be improved,” or other language that doesn’t clearly say “will be 100% totally solved.” Negatives can challenge evidence like this in cross-examination and see if the Affirmative has anything that actually says they solve the harms they raise. See the separate chapter on Evidence for tips on how to challenge evidence like this.

### 4. Does the Affirmative Team Solve for All the Harms They Raise in Their Case?

---

This is really tricky problem that I see frequently among students I am coaching for help with their Affirmative cases. Debaters need to train themselves to always look carefully through the harms – and not just the tag lines or the Observations or Contentions, but the specific harms named in each piece of evidence – to see if each and every harm is solved by the plan. Very often, Affirmative debaters raise harms that their plan doesn’t solve. Negatives can have a lot of fun with that. Here’s an example:

*Observation 1: INHERENCY - THE CURRENT POLITICAL STATUS OF GUAM*

- A. Unincorporated territory
- B. No representation in Congress

*Observation 2: HARMS - CURRENT STATUS IS BAD*

- A. Guam receives fewer Social Security benefits than States
- B. Lack of Congressional representation for U.S. citizens violates democracy
- C. Economic development is stagnated by territorial tax structure

*PLAN: 1. Upgrade Guam’s territorial status to Commonwealth*

- 2. Give Guam a voting member in the House of Representatives

*Observation 3: SOLVENCY*

- A. Upgraded status = better economic future for Guam
- B. Representation = fairness & justice

On the surface, this plan looks good, and indeed it could be a good plan. But it has some holes in the area of solvency because it raises harms it doesn’t solve. Can you spot them?

Notice the “A” harm: fewer Social Security benefits. That could be a really bad thing, but where does the plan solve for it? The plan doesn’t contain any planks that change Social Security benefits, so there’s no solvency for this harm.

Look at the “B” harm: lack of Congressional representation. The plan gives Guam a voting representative in the House, but nothing in the Senate. If the B harm evidence says that territories are mistreating U.S. citizens by not giving them full voting representation in

## 88 *Keys to Team-Policy Debate*

Congress, then the plan still maybe doesn't solve, since Guam is still not represented in the Senate. Perhaps only statehood could solve this harm.

Now look at the "C" harm: tax structure harms economic development. While the "A" solvency card may well say that their economy will improve with upgraded status, a Negative can have fun with this because, again, the plan doesn't change the thing that is causing the harm. Where does this plan change the tax structure? Negatives can use this as a dilemma – either the economic benefits come without solving for taxes (and Harm C drops out of the round), or else the economic benefits don't come without solving for taxes, in which case the first solvency point (better economic future) drops out of the round. If I were Negative, I'd hold them to Harm C and then claim that they lose Solvency A, since the economic benefits only come if you solve for Harm C.

### **5. Are They Attempting to Fiat Their Own Solvency?**

---

A really extreme example of this would be if the Affirmative team says Plank 1 of the plan is that Martians arrive with a spaceship full of gold and give everyone \$1 million and use magic powers to create world peace. I've never heard a plan that was literally that bad, but some were close. By "fiating their own solvency," I mean that sometimes Affirmatives attempt to fiat that the Agency they use in their plan solves the problem without actually telling us what the new policy or methodology will be for solving it. Here's an example:

Observation 1: HARMS

Current food inspection policies are inadequate

Thousands of food-borne illnesses every year

Observation 2: INHERENCY

U.S.DA inspections don't work

Other agencies failing to do the job

*Plan:* Create a new agency that will develop a policy for better food inspections

This plan appears to be stretching Affirmative "fiat" power by simply declaring that the new agency solves the problem at some point in the future. What specific policies will the new agency implement? More inspections? More inspectors? Different type of inspections? More thorough inspections? No one knows because the Affirmative plan doesn't really say how they will solve. They are just creating an agency that will solve the problem somehow. Negative teams cannot let Affirmatives get away with this.

Another example of this kind of mistake is when the Affirmative puts a line in their plan that is an outcome rather than an action. Affirmatives are required and allowed to specify what they are changing but they are not allowed to mandate the results. For example, notice mandate 2 in the sample plan below:



Observation 1: HARMS

Imported oil hurts the US economy

Oil revenues fuel terrorism

Observation 2: INHERENCY

Status Quo not using ethanol

*Plan:*

1. All gasoline must be at least 10% ethanol-blended

2. Oil imports will decrease by 10%

Mandate 2 above is the desired result of the policy change in Mandate 1. But it should not be stated as a mandate in the plan because it is not something that occurs by fiat. Instead, the Affirmative should read a piece of evidence in the Solvency portion of their 1AC that proves oil imports will decrease by 10% if an ethanol mandate is applied. Solvency should be proven evidentially, not stated by fiat.

## 6. Does the Solvency Depend on Something Not Under the Affirmative Team's Control?

---

Sometimes public policy plans that involve the “Federal government changing policy” also involve other actors. A “free trade” plan might require other countries to sign on to an agreement with the U.S., for example. A change in various laws or policies might require some local government to change its policies too.

Affirmative teams are always welcome to change federal policy and then show with evidence that the other actors will take the necessary action if the new federal policy is in place. That’s enough to win on solvency if they carry that argument, but it’s a vulnerability that the Negative can exploit. And the danger comes when Affirmatives fail to prove that the other actors “will” do the action and instead either assume that they will or worse, just ignore the issue altogether and hope that no one notices. Here’s an example:

Repeal of federal guidelines improves education of handicapped children

Johnny B. Goode, EDUCATION POLICY REVIEW, Summer 2011, p. 5

Repeal of the guidelines contained in the federal Education Act would allow States to implement various improvements to the education of handicapped children.

The Affirmative team may be able under its resolution to fiat that the federal government changes its policies, but the resolution might not say anything about changing what the states do. So, the tag line to this card exaggerates the solvency a bit. It should say: Repeal of federal guidelines allows the states to improve education of handicapped children. A sharp Negative will come up in cross-examination and ask something like this:

## 90 *Keys to Team-Policy Debate*

Q. Does your evidence say what the States will do when your plan takes effect?  
A. Sure, it says they'll improve handicapped children's education.  
Q. What would the States do differently?  
A. Well, they'd implement all these new programs --  
Q. Does your evidence say that?  
A. It says that the States could do it if the federal government would repeal current policy.  
Q. But you don't mandate that the States have to do it in your plan, right?  
A. No, that would be extra-topical. We're just changing federal policy.  
Q. Which States would implement the new programs?  
A. All of them.  
Q. Does the evidence say that?  
A. Well, no, but --  
Q. OK, thanks; now let's move on.

In the next speech, the Negative will make a powerful Solvency argument that the Affirmative hasn't proven that their plan will solve because solvency depends on something out of their control: the decisions made at the state level to implement new programs. Since they don't mandate it in their plan (and can't because it's extra-topical), they have no assurance of whether these new policies will be implemented or how many states will do it, or even which policies the various states will try.

It isn't against the rules to have plans that depend on other actors, as long as you can prove that they will act on their own once the Affirmative plan is passed, without having to fiat their actions as part of the plan. For example, the Affirmative could have beaten this argument above if they had a piece of evidence like this:

States will implement education reforms if federal policy is changed

Prof. Pierre Grandnez, EDUCATION QUARTERLY, Fall 2011, p. 1

Thirty-eight state governors have signed a petition to the President asking him to repeal the provisions of the federal Education Act that prevent them from reforming education of handicapped children. In their petition, the governors said that they are eager to begin reform of this vital policy and that the only thing standing in their way is the need for repeal of the federal regulations.

## 7. Is the Problem Too Big to be Solved?

---

One of my favorite "stealth" tactics in designing Negative briefs is to use a turnaround on the Affirmative's harms by showing that the problem is actually too big to be solved by the Affirmative plan, or that there are other factors also involved that make the problem unsolvable. There are a number of experts on various problems who will say that the situation is hopeless,

too complex, or too difficult for any one plan or any simple policy to solve. This can be particularly effective for situations where the harms are too big to raise very many Negative arguments against. Here's an example:

*OBSERVATION 1: HARMS: U.S. TRADE POLICY WITH AFRICA STIFLES ECONOMIC DEVELOPMENT*  
A. Millions in poverty due to lack of trade  
B. Can't increase trade to reduce poverty  
*OBSERVATION 2: INHERENCY: U.S. IS COMMITTED TO BAD TRADE POLICY WITH AFRICA*  
*PLAN: Implement trade policy X with Africa*  
*OBSERVATION 3: SOLVENCY: TRADE POLICY X SOLVES*  
A. No more poverty  
B. Increased economic opportunity in Africa

The Negative may not have any specific evidence against Policy X – maybe it's some squirrely new thing the Affirmative came up with – and they may not be able to minimize the harm of “poverty in Africa.” But they can still defeat this plan on Solvency. They prepared ahead of time some generic evidence on Africa with quotes like this:

African economic reform is hopeless

Dr. Guillaume Sans-Espoir, AFRICA POLICY REVIEW, July 2012, p. 1

As things stand today, economic improvement on the African continent is doomed to failure by numerous factors indigenous to Africa itself. Corrupt governments, multiple civil wars, lack of infrastructure and poor education all contribute to a cycle of economic despair that probably will not be turned around in any of our lifetimes.

A card like this can be quite effective as a generic piece of evidence against multiple Affirmative cases dealing with the subject area of the evidence. The Affirmative team can't solve a problem this big. Negative teams can win rounds by preparing evidence like this showing that the problems with various target areas (common subjects of Affirmative cases during the year) are hopeless, subject to too many factors, caused by too many root causes, etc., so that any Affirmative team with their one policy change is doomed to fail.

## 8. Does Anyone Besides the Affirmative Team Say it Will Work?

---

Look carefully at the 1AC and find out if they anywhere cite any experts who recommend their plan. If the plan is something the debaters cooked up themselves, chances are there will be no evidence that the plan is workable or advantageous. This is often called “plan advocacy,” meaning that the Affirmative should find an expert who advocates the mandates of their plan. If

## 92 *Keys to Team-Policy Debate*

they don't have this, Negatives can and should raise that issue in the round and argue that there's no evidence this plan will work because nobody with any expertise on this subject has recommended it.

If they do have some advocacy, check the card carefully. Who is the expert being cited? Is it just a journalist expressing an opinion (like the editorial page of a newspaper)? Is it somebody's blog page, or some activist web site with no actual credentials? Is it recommending the exact mandates that were in the Affirmative's plan, or something additional, or something different?

### **Key #7 Syllabus Lesson**

---

#### **Student Preparation:**

1. Read Chapter 7

#### **Goals:**

1. Understand the basic concept of solvency
2. Understand different ways to prove solvency
3. Understand Negative attacks on solvency

#### **Teaching Outline:**

- I. Introduction to Solvency*
- II. Solvency Issues*
  - A. Specific link to the Affirmative plan
  - B. Direct link to the Affirmative plan
  - C. Clearly provide a solution to the problem
  - D. Solve for all the harms raised in the case
  - E. Fiating their own solvency
  - F. Solving by a means not under control of the Affirmative team
  - G. Problem too big to be solved

#### **Student Questions & Exercises**

1. What is the issue of solvency?
2. Why is Solvency a voting issue for the Affirmative case?
3. What is a "specific" solvency link?
4. What is a "direct" solvency link?
5. What is "plan advocacy"?
6. What is the difference between clear and unclear solvency evidence?
7. How can a Negative challenge the solvency issue of solving for all the harms raised in the case?

## *Key #7: Solve Significant Problems* 93

8. Describe/explain the mistake of an Affirmative team attempting to fiat their own solvency.
9. How can an Affirmative team win on solvency when some of their solvency depends on actions not mandated in their plan or not under their control?
10. Why would a Negative team want to prove that the harms of the case are too big to be solved?



## Key #8

# Use the Persuasive Power of Disadvantages

Disadvantages are bad side effects that occur when a policy is implemented. They are one of the most powerful weapons in the Negative arsenal. One powerful disadvantage carried through the round and won by the Negative can swing the entire debate over to their side. When the judge is deciding who to vote for at the end of the round, disadvantages give the judge a “reason” – besides just “presumption” – to vote Negative. And if the disadvantages are significant and have provable harms and impacts, then the judge may find that the disadvantages outweigh any solvency and advantages that the Affirmative team carried through the round. Disadvantages are so powerful that if I were presenting a 2NC and I had only enough time left to make one more argument, if I had to choose between another disadvantage and any other stock issue, I would probably choose the disadvantage.

Finding and using disadvantages (commonly called “disads”) requires planning, research, preparation and careful presentation. One of the marks of novice debaters, or just unprepared debaters, is that they frequently fail to offer the judge any disadvantages when in the Negative. Advanced debaters are keen to find out what cases other teams in their area are running, not just for curiosity, but so that they can research briefs against them. And one of the primary fruits of that research should be the discovery of disadvantages, supported by lots of evidence, placed into an outline that is ready to be pulled out and used in the 2NC the next time they meet that case.

Debaters often run disadvantages in the 2NC for several reasons. First, there is no reason they “must” be run in 1NC, like topicality or a counterplan. This frees up 1NC’s time to do things he must do during that speech if they are to be done at all. Second, the 2NC comes after the Negative has had two opportunities to cross-examine the Affirmative and generate material that will feed into some possible disadvantages. They have had time to get anything cleared up that was unclear (so as not to run an erroneous disadvantage against something that is a misunderstanding of the Affirmative’s plan), and they have had time to trap both Affirmative speakers into admitting things that can be used against them. Third, evidentially supported disadvantages usually require an evidential response by the Affirmative. When can they give that response? Only in 1AR, when they are already pressed for time. There’s no sense giving the 2AC time to defeat disadvantages when we could make 1AR do it. There’s a fair chance 1AR will not have time to answer them all or will not be able to cover everything else if he does cover all the disadvantages.

## Elements of a Disadvantage

---

There are certain issues that must be handled when raising (or defeating) a disadvantage. At first these may seem like complex or arcane debate terminology. But after reflecting for a few moments, you will find that these are everyday issues that we consider (usually not in such formal terms) whenever we are weighing the advantages or disadvantages of any choice we make in life. The Negative team doesn't have to explicitly mention each of these issues every time a disadvantage is raised. But they should be aware that these elements exist and are subject to challenge by the Affirmative team, and they should be prepared to explain how they meet each of these elements in their construction of each disadvantage, if pressed to do so in cross-examination or in later speeches.

### 1. Link.

The disadvantage must directly "link" to something in the Affirmative plan – that is, the Negative must show that something in the plan directly causes the chain of events leading to the bad end result. The Negative needs a piece of evidence that says, "If you do X, then Y will result." A good example from my student debating days: The Affirmative plan issued licenses for U.S. companies to mine minerals from the ocean floor (despite the fact that other countries didn't want us to do it). Negative teams raised a disadvantage of Third World countries obtaining submarines and conducting sabotage against US mining operations. The evidence for this disadvantage came in two steps:

- A. Third World Countries have submarines  
 Dr. Joe Schmoe, UCLA, *Dangerous Trends in World Military Affairs*, 1976  
 "Many Third World countries are developing submarine fleets and have the capability to retaliate against any U.S. ocean mining operations."
- B. Retaliation is deadly  
 Dr. Kay O'Pectate, Harvard U., *Submarines and Sailors Quarterly*, 1977  
 "Retaliation against U.S. ocean floor mining could take the form of ramming surface vessels, disrupting mining operations, and even torpedo attacks against commercial or naval ships."

Negative teams ran this disadvantage against the case repeatedly, but they usually lost because a vital element is missing: *the link*. Read the evidence carefully and you will see that no expert actually says that anyone WILL retaliate. In other words, the link from the plan to the consequences actually occurring is missing. The facts that the capability exists and the impacts would be awful do not make a complete disadvantage until someone proves that it actually WILL happen when the Affirmative plan is enacted. In this case, "Link" evidence would be evidence that says, "If you start mining, countries X, Y and Z will bring out their submarines and attack." That is the level of proof that Affirmatives will challenge the Negative team to



## Key #8: Use the Persuasive Power of Disadvantages 97

produce in order to show that the disad links to their plan. After all, if the link to the disadvantage is broken, then the disad vanishes from the round.

How can Affirmatives effectively “break the link” of a disadvantage to their case? Even if a Negative reads evidence that appears to make the link between something bad happening and the Affirmative plan, there are some ways to challenge or defeat it. Whatever you do, make sure you respond to disads in the first speech following when the disad was presented (2AC or 1AR, whichever comes first after hearing the disadvantage):

**Breaking the Link #1: Challenge the evidence in Cross-Examination** (and follow-up in the next speech). Does that evidence say X “will” happen? Does it say it “might” happen? Does it say it “could” happen? Does it say it “could be more likely” to happen? Does it say people “fear” it would happen? Does it say “some believe” it would happen? Does it say “so-and-so threatens” to make it happen – is that threat credible? And how do we know it’s credible? And can you prove by evidence that it’s credible? Does it say it will “set a precedent” for something bad (but not actually causing the bad thing to happen)?

**Breaking the Link #2: Challenge the likelihood of the linking event.** Some disads require a chain of multiple events, while some only require one somewhat unlikely event. For situations that require only one event to occur, if the event sounds outlandish or unlikely, challenge it. Where you challenge depends on how good the evidence is. If the evidence is pretty good and tough to argue with, then don’t fight it in Cross Examination, but in the next speech. If you challenge it in Cross-Ex, here’s what will happen:

Bad Example:

Aff: You’re saying if we go against this UN policy that 15 countries will declare war us?

Neg: That’s right.

Aff: How do you know that?

Neg: Because the Smith evidence says it.

Aff: But how does Smith know they’ll do that?

Neg: Well, he’s a professor of international relations at Big University and he says...

With an argument like this, a smart Negative is always going to simply insist that it will happen because their expert says it will. But experts say all kinds of crazy things, and cross-examining the Negative about it won’t get you anywhere in this situation. Instead, raise this issue directly with the judge in your next speech and point out how unlikely and unreasonable it is that this would actually happen in the real world:

Better Example:

[in the 2AC or 1AR] “Now on his first disad, that 15 countries will declare war: He gives the Smith evidence where he claims these countries will get mad at us if we go against this Treaty on sea otters. But judge, look at it realistically: Even if they did get mad, these countries won’t actually risk an all-out war with the United States,

## 98 *Keys to Team-Policy Debate*

especially after what we've been doing in the Middle East, and risk that kind of destruction of lives, property and their own power, just over this one UN treaty. Judge, it's incredibly hard to believe that they would actually risk that, and all you have is Smith sitting in his office at Big University guessing that this will happen. Notice that they don't actually show any surveys of the leaders or diplomats of those countries or the actual delegates in their governments who are going to have to vote on this hypothetical war with the US. For the Negative to win this disad, they've got to show evidence that says the leaders of these countries would actually carry out this unlikely scenario and put their own lives on the line over this one treaty, and realistically that's never going to happen."

**Breaking the Link #3: Challenge one of the links in the chain.** If the occurrence of the disad requires several things to happen in a "chain of events" that starts with the Affirmative plan, then all the Aff has to do is successfully challenge the weakest link in the chain in order to deny that the disad will happen. For example, here's an actual disad I heard once while judging a round:

- A. If the Aff plan passes and succeeds, the President will become more popular
- B. If the President becomes more popular, his policies will be more likely to prevail
- C. If the President is more likely to win on policies, he will be more persuasive to Congress
- D. Congress is about to vote on a policy the President doesn't want: Nevada Nuclear Waste Storage
- E. The President will veto Nevada Nuclear Waste if there are enough votes to sustain the veto in the Senate
- F. The Senate has 66 votes to override the veto plus one Senator who is undecided
- G. If the President is more popular, he will persuade the 1 Senator not to override the veto
- H. If the Nuclear Waste plan is vetoed, waste will continue to be stored on-site at power plants
- I. If the waste is stored on-site, the plants will have to shut down in a few years when space is full
- J. If nuclear plants shut down, power plants will have to switch to coal
- K. If more coal is burned in the US, greenhouse gases will warm the environment
- L. If the environment warms up, the coastlines will flood and cities will be destroyed.

Obviously, if something has that many links, it ought to be easy to break the chain. Evidence or logical analysis can easily be found to defeat a disad that has this many prerequisites before it will happen. You don't have to worry about all 12 links; all you have to do is beat one of them to beat this disad.

**Breaking the Link #4: Alternate causality.** [Don't confuse that last word with "casualty," which is someone killed in a war. "Causality" means determining the exact reason why something happens.] This refers to finding some cause that triggers the harm other than the Affirmative plan. For example, if the Negative says the Plan will cause "decline in educational

quality,” which links to “increased crime,” the Affirmative can argue that there is an “alternate cause” of crime and thus it isn’t a disad of their plan. Maybe crime can be proven to be caused by economic recession, poor police strategies, general moral decline, or bad weather – but if the Aff can show that these things cause crime (either instead of or in addition to the link that the Neg made), then the Aff can argue that their plan isn’t the cause of the problem or that the problem will happen anyway.

**Breaking the Link #5: Internal contradiction.** Sometimes Negative teams raise arguments that appear to contradict each other. When that happens, the Affirmative can use this to raise doubt about the likelihood of the necessary link occurring. For example, suppose the Negative has raised a “harms” argument on an Affirmative foreign policy case that says “North Korea is not a threat to US national security.” Then they raise a disad that says “Changes in US policy will provoke a devastating war with North Korea.” You see the problem: If North Korea really isn’t a threat, then how could we end up in a devastating war with them?

**Breaking the Link #6: Empirical denial.** This is a fancy way of saying: When something like this happened in the past, it didn’t cause this disad to occur, so why should it happen this time? It challenges cause and effect by showing that the same “cause” has happened before but the “effect” (the disad and its impact) did not happen; therefore, the “cause” isn’t really linked to this effect. Example: The Neg argues that the Aff plan will increase the Federal deficit, causing higher interest rates, causing a recession, causing a loss of 2 million jobs. How does the Aff beat this? By reading evidence that shows that the last time the deficit went up, it didn’t cause a rise in interest rates. This means that the link between the deficit and interest rates is “empirically denied” – it is disproved by past experience.

**Breaking the Link #7: Challenge vague or generic links.** Affirmative teams will sometimes challenge the link to a disad by questioning whether the Negative’s evidence is specific to the exact measures called for in the Affirmative plan. Or is the Negative’s evidence too generic or vague to nail down how it links to the specific plan the Affirmative is running? For example, if the Negative’s evidence says, “Changes in U.S. trade policy run the risk of starting another trade war with Japan,” the Affirmative team will respond by challenging whether this evidence is actually referring to their trade policy changes or somebody else’s. Does the trade war occur if “any” change is made or does it in any way link to the specific topic of change proposed in the Affirmative plan? If the Affirmative is changing steel imports and the evidence doesn’t say anything about steel causing a trade war, the Affirmative will challenge the link from their plan to this disad.

**Breaking the Link #8: Means, Motive and Propensity.** Whenever a disad involves an outside actor performing some bad action in response to the Affirmative plan, the Aff can challenge the issues of Means, Motive and Propensity to defeat the disad. Disads involving outside actors are things like: another country declaring war; retaliatory terrorism by some radical group; trade sanctions by foreign countries in retaliation for US action; a response by the UN or some other foreign country that adversely affects the US.

*Means:* Does the outside actor have the means to carry out the threatened harmful action? For example, if the disad is that Slobonia would get mad and declare war on us, does Slobonia have

# 100 *Keys to Team-Policy Debate*

an army big enough to do anything? Do they have the means to transport troops to US soil? Do they have missiles that could hit us? Lots of people get mad about things but then don't have the means to carry out their threats. Such threats are not realistic disads to an Affirmative plan.

*Motive:* Does the outside actor have a motive to carry out the threatened action? Would the Affirmative's plan really make them so mad that they would take the risks involved in carrying out the threats? Would the Affirmative's plan's side effects really be so great as to generate such a powerful motive?

*Propensity:* Does the outside actor have a willingness to act? Just because someone has motive and means doesn't mean they will act. For example, there were lots of situations during the Cold War where the U.S. and the Soviet Union each had the motive and the means to start a devastating war on the other, but they held off because they did not have the "propensity" (willingness to act). Even when someone is really upset about something, they ordinarily take stock of the consequences and withhold action if the net result would be worse for them. In addition, there are situations where political factors hold back someone from acting, even if they would not themselves suffer any material harm (for example, the lack of US military retaliation for the 1983 bombing of the Marines in Lebanon). Other times, people (leaders, nations) just make empty threats that they have no intention of carrying out. They may have the motive and means, but if they lack the willingness to act, the disad will never happen.

## **2. Brink.**

Sometimes also referred to as "threshold," this refers to the issue of whether the Affirmative policy, even if it tends to provoke some undesirable side effect, would be enough to "push us over the brink" to where the harm actually takes place. Maybe it would take several things to cause the impacts to occur, and the Affirmative policy change is only one of them – not enough by itself to cause the harm.

Here's an example dealing with a common policy debate issue: federalism and states' rights. Domestic policy changes initiated by the Federal government are often subject to attack by Negatives on the grounds that they infringe on the powers of the 50 states. Infringing on states' rights can be linked to the destruction of our constitutional form of government, loss of personal liberties, and other bad things with evidence from multitudes of political commentators. A Negative can set up a disadvantage with evidence linked like this:

A. Affirmative plan to federalize XYZ policy infringes on states' rights

J.J. McNutt, Eastern Policy Analysis, 2011

"Traditionally, XYZ policy has been handled by the states and has not been considered within the domain of the Federal government."

B. Federal infringement on states' rights is bad

G. T. MacDonald, Imaginary Policy Review, 2012

"Federal infringement on policies traditionally owned by the states can lead to a general disregard for our constitutional form of government and a loss of the liberties and freedoms best protected by the smaller state governments that are more in touch with local citizens."

C. Impacts: Dictatorship and loss of Democracy

Etc. Etc...

Now, a smart Affirmative team will find the weak spot in this disad, which is the question of "brink." This evidence doesn't quite say that if the Federal government takes over exactly one more item, the entire democracy will collapse. In fact, it's hardly likely that such would occur. Thus, the Affirmative will challenge for evidence that we are standing today on the "brink" of either keeping or losing democracy and states' rights and that this one policy will push us into disaster. The Negative would like to have a piece of evidence like this for the 1NR or 2NR (or even to read in 2NC if time permits, as part of the chain of evidence proving the disadvantage initially):

Frank N. Earnest, Institute for Confusionary Studies, 2012

"The Republic stands today at a fork in the road regarding states' rights. Any policy changes initiated today by the federal government that take away any more power from the states will inevitably push us in the direction of an over powerful federal bureaucracy and the destruction of states' rights."

Some disadvantages don't really need a brink, and sharp Negatives will point that out if challenged about it. Disadvantages that propose incremental impacts based on incremental changes in policy can arguably be said to have no brink. For example, if the Negative argues that every 10% increase in defense spending causes a 1% drop in economic growth, then the two things are happening proportionally and there is no brink. Many situations in life are like the two ends of a see-saw: To the extent you push one side down, the other side goes up in direct proportion, and there is no waiting for a brink to occur before the other side is affected.

### **3. Uniqueness.**

This deals with the issue of whether the events described in the disadvantage will start happening only if the Affirmative plan is passed, or whether they are going to happen in the status quo no matter whether it passes or not. Sometimes Negatives will raise disadvantages that describe harms and problems that may already be happening today, even before the Affirmative

## 102 *Keys to Team-Policy Debate*

plan is accepted. Sometimes they raise harms that may have other causes in addition to the Affirmative's policy change, and so they might happen even if the Affirmative policy is not enacted. The Affirmative will argue that the judge gains no benefit by voting Negative to avoid the disadvantage if the disadvantage is going to happen anyway even if the status quo is left alone. It is certainly unfair for the Affirmative to be penalized with a disadvantage that is going to occur if their plan passes...and also if it doesn't.

**Defeating Uniqueness #1: Show that the link is already happening in the status quo.** Often, uniqueness problems are discovered by smart Affirmatives during cross-examination, as you can observe in the sample cross-examination text below. The Affirmative team changes U.S. foreign policy, and the Negative responds with a disad linking the change to anti-American sentiments in the Middle East and a possible war.

AFF: So, your disad is that the U.S. will become unpopular with Arab countries, right?  
NEG: Right.  
AFF: And that increases the likelihood of getting into a war, right?  
NEG: Right.  
AFF: Do those countries like us now?  
NEG: Which countries?  
AFF: The ones in your disad. Don't they all hate us now anyway?  
NEG: Well, they don't like us very much.  
AFF: So, what will happen after our plan is passed?  
NEG: We'll be even less popular.  
AFF: Has their hating us caused them to declare war on us in the past?  
NEG: No, I don't think so.  
AFF: But they've hated us for years, right?  
NEG: Right, but...  
AFF: OK, thanks, now let's move on...

The Negative in this exchange has grudgingly admitted that his disadvantage of these countries hating us is actually already happening in the status quo and hasn't caused the impacts that his evidence claims. How could things get any worse? If their hating us causes a war to break out, it would appear that such a war will happen soon anyway, regardless of whether we pass this plan or not. These are questions of "uniqueness" and they are a key leg that the Affirmative can kick out from under a disad to take it out of the round. The Affirmative in 1AR would cite the results of the cross-examination above and could even read additional evidence like the card below to destroy this disad on grounds of uniqueness:

F.L. Parker, Sleepy Times Policy Review, 2012  
"It is apparent that most Middle Eastern countries are going to hate the U.S. no matter what we do. It is futile for us to make policy changes on the basis of our popularity in that part of the world. We should instead just do whatever supports our national interest."

**Defeating Uniqueness #2:** Show that a new policy unrelated to the Affirmative plan is about to produce (or has already produced) the same linking event. To continue the example above, the Affirmative could beat the anti-American sentiment/Middle-East war disad by reading a piece of evidence like this:

Dr. Paul J. Haggerty, New Zoo Review, 2012  
The President announced yesterday his intention to carry out the next phase of his Operation Trashbag policy in the Middle East. Five regional governments denounced the plan, stating that it would needlessly inflame tensions and increase instability and the threat of war in the region.

If some other policy is going to cause the same problem to happen anyway, then it doesn't matter if the Affirmative plan is passed or not: the disad is not unique to the plan and will happen regardless of whether the judge votes Affirmative. Thus, the disad cannot be a reason to vote Negative.

#### **4. Impact.**

This is an often-overlooked element of a disadvantage that is essential to logical debates over public policy. Sometimes Negative teams think that if they read evidence that says something that sounds like something bad will happen if the plan is accepted, that they have now created a disadvantage and deserve to win. Politicians do this sometimes by claiming that something will happen if the other party's legislation passes, hoping that the threat of that "something" will be enough to scare people into voting against it. But every time a disadvantage is raised, the Affirmative team (and probably the judge) will, or should, ask: So what? So what if that event happens, who will get hurt? How bad will it be? Why is that result bad?

Here's an example. The Affirmative has offered a plan to reduce U.S. dependence on foreign oil by mandating a new fuel mixture in automobiles. Negative offers a "Global Warming" disadvantage like this:

- A. The new fuel mixture will emit excess amounts of greenhouse gas
- B. Greenhouse gases contribute to global warming

And then the Negative makes the mistake of moving on to their next point, having confidently proven that "Global Warming" is a disadvantage of the Affirmative plan.

Even if it's true that global warming would increase if the plan were passed – so what? This disadvantage has no impact until the Negative proves that global warming would actually hurt someone. Personally, I like warm weather and wouldn't mind being able to grow oranges in my back yard if the climate would get warm enough to allow me to do it. If the plan causes global warming, then bring it on! A smart Affirmative would respond evidentially to points A and B above if they have evidence for it, and then simply reply that the Negative gave no impact to the disadvantage. There's no proven economic harm, no injuries or deaths, nothing solid that shows why this is a bad thing. The lack of impact alone would be enough to defeat the disad.

## 104 *Keys to Team-Policy Debate*

If the Negative had been smarter, they would have read evidence for Point C: Global warming will destroy coastal cities and cause massive species extinction, and read something from some expert who claims that water levels will rise and cause flooding and disaster. There's an *impact!* And a smart Affirmative will come back with evidence showing that warming is already happening now and so it's not unique....

There are several general strategies Affirmative teams can use to defeat disadvantage impacts. Of course, if they can break the link and prove that the disad never happens at all, that's the first line of defense to use. Here are some others:

**Defeating the Impact #1: The Turnaround.** A really neat way to defeat a disadvantage is to argue that it's not really a disadvantage at all. If the disad happens, you argue that the "bad" impact would actually be a good thing, not a bad thing. For example, suppose the Negative argues that the plan will increase air pollution and cause global warming and climate changes that would wreck agriculture. The Aff can reply that, in fact, global warming (even if it occurs - remember, you can still challenge the link) is actually a good thing and that on balance it would do more good than harm (grow more crops in formerly cold climates, save heating fuel costs in northern latitudes, etc.). This strategy requires an Aff to have prepared ahead of time some evidence in response to anticipated disads that they know Negatives are going to raise.

**Defeating the Impact #2: Minimize the significance.** The last ditch defense against a disad that you can't eliminate is to minimize how much damage the disad will do. In this case, if you can't defeat the fact that the disad is going to happen, you accept the disad and simply argue that it doesn't have much harm and that the benefits of your plan outweigh it.

Try to nail down the Negative to force them to quantify the exact amount of harm it will cause: taxpayers money lost, billions of dollars of economic loss to the economy, number of lives lost, jobs lost, etc. If they can't quantify the amount of impact, then you are well on the road to defeating the disad, because lack of exact quantification gives you something to use to question the significance of the impact. If they can quantify it, then show that the vast benefits of your plan outweigh (use specific numbers from your IAC or other Aff evidence) and persuade the judge that, on balance, he is still better off voting Aff even if the Neg wins that disad.

This argument is not exclusive to other arguments against disads mentioned above. For example, you can argue that the disad won't happen (because one of the links doesn't work) and that even if it does happen, the impact won't be very significant. This gives the judge more reasons to vote for you and provides an alternate way to win in case you lose one argument or the other.

Disadvantages can be devastating to an Affirmative case if they're carried through the round, and can be some of the most obvious areas of clash for ideas and evidence. Disadvantages have a number of legs that must all be standing for them to walk across the flow, and Affirmatives have plenty of options when it comes to defeating them. If they fail to defeat them, the only other way they can win is to prove that even if the disadvantages occur, the benefits of the Affirmative plan outweigh them, and the judge would gain a net benefit by still voting Affirmative.



## Key #8 Syllabus Lesson

---

### Student Preparation:

1. Read Chapter 8

### Goals:

1. Understand the basic concept and strategy of disadvantages
2. Understand how a disadvantage must “link” to the Affirmative case
3. Understand Affirmative attacks on disadvantage links

### Teaching Outline:

- I. *Introduction to Disadvantages*
  - A. What are disadvantages?
  - B. Strategies for using and preparing disadvantages
  - C. When to run disadvantages during the debate round
- II. *Elements of a Disadvantage*
  - A. Link
  - B. Brink
  - C. Uniqueness
  - D. Impact
- III. *Affirmative Responses to Disadvantages: Ways to Break the Link*
  - A. Challenge the Link evidence in cross-examination
  - B. Challenge the likelihood of the linking event
  - C. Challenge one of the links in the chain
  - D. Alternate causality
  - E. Internal contradictions
  - F. Empirical denial
  - G. Challenge vague or generic links
  - H. Challenge “Means Motive & Propensity”
    1. Means = the ability to do bad stuff
    2. Motive = a reason to want to do bad stuff
    3. Propensity = willingness to act

### Student Questions & Exercises

1. How can disadvantages help a Negative team win a debate round?
2. Give the definition of a “link” to a disadvantage.
3. Give the definition of a “brink” in a disadvantage.
4. Give the definition of the “uniqueness” of a disadvantage.
5. Give the definition of the “impact” of a disadvantage
6. What is “alternate causality”?
7. What is “empirical denial”?



## Key #9

# Master the Art of Cross-Examination

Cross-examination can be one of the most fun times (if you're asking questions) and one of the most not-fun times (if you're answering them) in a policy debate. But skill at both answering and asking questions is something I guarantee you will use in everyday life long after you finish scholastic debate. For example, I am quite certain that I have gotten jobs based on successful job interviews – the most common form of “cross-examination” in non-courtroom life – thanks to the experience of surviving cross-examinations in high school debate. In addition, I sometimes find myself on the other side of the table, asking questions and probing for truth among vendors, job applicants, even uncooperative co-workers.

The truth is this: The ability to determine what questions to ask and how to ask them has proven its value time and time again. And by the way: Really advanced debaters learn to *enjoy* answering cross-examination questions, once they learn some of the secrets contained in this chapter.

## Preparing the CX

---

The 2NC has the first CX in policy debate, and there is one absolute prerequisite: good flowing. If you don't have an accurate outline of what the previous speaker said, you will 1) not be able to ask intelligent questions about it, and 2) probably make a fool of yourself. As a judge, I understand when a novice debater starts with a question like: “What was your Contention 2 and all of the subpoints?” However, that question immediately marks that debater as, indeed, a novice. If he were experienced at flowing, he would already know what that contention was and have an outline of all the subpoints. When he gets more experienced, his first question will be more like: “Now on your Contention 2 where you say the status quo can't solve, do you mean the Federal government can't solve, or the States can't solve it either?”

Another idea to try when preparing to give a CX: have a common notepad between you and your partner for both of you to write questions on for the upcoming CX. Since both of you are focused on flowing during the opponent's speech, you may not want to be conversing much. But having a notepad where your partner can suggest questions for you to use helps ensure that something he catches (an obvious inconsistency in their case, which perhaps you missed) gets brought up. If you wait until after the speech is over to start conferring, you may easily forget something. If you confer during the speech, you may miss some points on the flow. I found the common notepad an excellent aid when I was debating.

## Asking the Right Questions

---

I'm saddened as a judge whenever I see an examiner fail to use up the full three minutes of CX time. I usually have about a million questions I'd like to ask, but I can't because I'm judging. In coaching sessions, I've subjected students to cross-examinations of 15 or 20 minutes to show them how many questions can be generated from a single 8-minute constructive. Here are some CX tips when you're the examiner:

1. *Listen for inconsistencies between "tag lines" (the one sentence/phrase summary of a quote) and the actual evidence quotation.* During the speech, keep your ear tuned for a tag line like: "Millions will die when agriculture collapses" followed by a quote that says: "Professor John Smith, UCLA, 1998, It is likely that world food prices could be significantly affected by a downturn in the agricultural sector." They won't always be that obvious, but it is a rare debate case that doesn't have some inconsistencies like this. Real-world politicians do this all the time, and real-world debates about policy often hinge on challenging exaggerations like this.

The way to phrase a question based on this is:

Q. On your Contention 2, 'millions will die,' how many deaths does the card say will happen?  
 A. Well, I'm not sure.  
 Q. Does it say ANY will die?  
 A. Well, not exactly.  
 Q. OK, thank you.

2. *Challenge "implicit" assumptions.* Often quotes from experts predict or estimate something based on events that might or might not happen. Using the fake quote cited above:

Q. On your Contention 2, 'millions will die,' does that mean they will die if the status quo is left as is?  
 A. Yes! Absolutely!  
 Q. But isn't it conditioned on a downturn in the agricultural sector?  
 A. Well, I guess.  
 Q. Has the downturn happened yet?  
 A. Well, no.  
 Q. And doesn't the downturn have to produce higher prices?  
 A. Yeah, I guess.  
 Q. Do all downturns produce higher prices?  
 A. Um, I don't know.  
 Q. OK, thanks.

3. *Probe for missing links and missing impacts.* Every time you hear a harm mentioned (if you are Neg), or a disadvantage mentioned (if you are Aff), ask yourself, "So what?" So what if that happens? Who would be harmed? When will it happen? How bad will it be? Example:

Q. On your Contention 2 card, it says ‘food prices could be significantly affected’ right?  
A. Right.  
Q. Affected in which direction - up or down?  
A. Up.  
Q. Does the evidence say that?  
A. Well, no.  
Q. OK, now what would be the impact if food prices go up?  
A. Millions will die.  
Q. Does the card say that?  
A. Not exactly, but...  
Q. How long after the downturn does the change happen?  
A. Pretty fast!  
Q. Does the card say that?  
A. Well, no.  
Q. It says it’s ‘likely’ that it ‘could be affected’ – are there other factors that would turn that likelihood into reality?  
A. Well, I’m not sure.  
Q. OK, thanks.

4. *Set up arguments you (or your partner) are going to make.* For example, if you have evidence showing that higher agricultural prices are good for the economy, the farmers, etc., using the quote above you could ask:

Q. So, your Contention 2 card says that high prices are going to happen if we leave the status quo alone, right?  
A. Right.  
Q. And your plan is going to eliminate any chance of high prices, right?  
A. Right.  
Q. OK, thanks.

Note: You DO NOT advertise or disclose during your examination what evidence you have or are planning to bring up in later speeches. Let them guess and wonder. They’ll find out soon enough anyway. **This is actually the major purpose of the cross-examination. If you do not generate arguments for your partner to use in the next speech, the cross-examination is virtually worthless.**

5. *Ask for specifics.* For example:

“On Contention 2 where you claim civil rights are being denied: How many people last year were denied their 5th Amendment rights?”  
“On your economic stagnation harm: What specific part of the status quo is causing the economy to stagnate?”

## 110 *Keys to Team-Policy Debate*

Questions like these give you hooks for your partner to grab onto in the next speech, so that he can say things like this:

“On Contention 2, denial of Civil Rights: He admits in cross-ex that he can’t even cite one example of where this is happening, so there’s really no significance to this harm.”  
“On the economic stagnation harm: He admits in cross-ex that he doesn’t know all the specific factors that are causing this, so there’s no way he can possibly prove that his plan will solve.”

6. *When in doubt, ask “Why?”* For example:

Q. On Contention 2, the agricultural downturn, why do prices go up?  
A. Well, I think it’s because supply goes down.  
Q. Does the card say that?  
A. Well, no.  
Q. Why would the supply go down?  
A. Well, I’m not sure.

There’s almost no end to the things you can pry out from under the rocks when you start asking “Why?”

7. *If desperate, ask general questions.* Sometimes you may run out of things to ask, or the previous speech seems to lend itself to it. You can ask a question like: “What is the overall philosophy of the (Aff/Neg) in this debate?”

For example, if the Neg has argued how the status quo is solving everything just fine and then they propose a 10-plank \$30 billion counterplan that does all kinds of weird things, it might be good to get a clear answer on whether they believe their own inherency arguments (“our philosophy is that the status quo is just fine”) or their Counterplan (“we believe we need to fix things, but not in accordance with the resolution”). And then in the next speech you can get one of them blown out of the round, since they’ve disavowed it in CX.

8. *Ask questions that lead to a “single point of failure.”* A single point of failure is one fact on which some major issue depends and without which it will collapse. This is particularly effective in Negative cross-examination of the 1AC if you can get the Affirmative to admit that there is some single thing upon which a key stock issue depends, and without which they would lose that stock issue. This makes it easy to defeat that stock issue because it means you only have to have one piece of evidence, pertaining to that one fact, and you can claim victory on that stock issue based on the Affirmative’s own analysis of the issue in cross-ex. For example:

Q. On your inherency contention, are you claiming that the reason we aren’t increasing nuclear power today is because of legal barriers?  
A. We’re claiming attitudinal barriers - people are afraid of it, so they’re not building any more plants.  
Q. So that’s the only reason for the inherency in this case is public attitudes, right?

A. Right.  
Q. So public attitudes are the only thing stopping the status quo from doing your plan, right?  
A. Um... yeah, I guess so.  
Q. Thanks, let's move on.

Guess what card the INC will read as his one, and perhaps only, inherency argument? It will say "Public supports nuclear energy." Ordinarily that would be a pretty weak Negative inherency card, but since his partner got the entire inherency stock issue narrowed down in cross-ex to the "single point of failure" of public support, he has a pretty good chance of making it a winner. Based on this cross-ex, all the Negative has to do is show that the public does, indeed, support nuclear power and if they carry that argument, they should deserve to win on inherency. It shouldn't have been that easy, but the cross-examination to a single point of failure made it so. The Affirmative cannot come along in 2AC and say, "Oh, also there are all these new laws stopping nuclear power plants from being built." No, they got caught in cross-examination admitting to a single point of failure on inherency. Now they are stuck with it.

9. *Ask questions that lead to "multiple points of failure."* This is the reverse of the tactic above and it is usually most effective against Affirmative solvency or Negative disadvantage arguments. The goal is to get the responder to admit that there are several factors in a piece of evidence that must all come true in order for the conclusion to be valid. The examiner's partner will then in the next speech argue that they admitted in cross-examination that they had to prove, for example, three things in order to win the solvency in that card but their plan only has one of them. For example:

Q. Let's go back to the Smith evidence you read under Solvency. What does that card say we have to do to solve for bad foreign relations with Russia right now?  
A. Remove nuclear weapons from Europe, like our plan does.  
Q. In the last sentence, doesn't it also say we have to increase foreign aid to Ukraine and stop trade sanctions on Belarus?  
A. Um... yeah, I guess so.  
Q. And those aren't in your plan, right?  
A. No.  
Q. Thanks, let's move on.

Ultimately, you want to get to a point where you ask a question that shows a missing link, a logical lapse, a tag line not supported by the quote, or an inconsistency between two parts of their case. And with these ideas in mind, you should be able to think of things to ask besides "How are you going to get enough funding?" or "Tell me again who enforces your plan."

## Questions to Avoid

---

1. *Don't ask a question that allows the responder to ramble on with an extension of his constructive.* He already had 8 minutes – do you want to give him 9 or 10? Don't ask questions like: “Do you think these harms are really going to happen?” “Are your impacts significant?” “Is the harm really bad enough to justify your case?” There are no answers to those questions that will benefit you in any way.

2. *Don't ask for “more evidence” on some contention.* Be careful what you ask for, because you might get it! In a practice debate with some students, one of them asked my partner: “Do you have any more evidence to support that point?” He quickly replied: “Yes, I have 2 more cards, would you like me to read them?” Um, no, that's OK.

A similar mistake is when the examiner asks the responder to have his partner bring up “more evidence” in a later speech. Here's how a sharp responder would handle a bad question like that:

Q: Now on your Contention 2, what's the impact to higher food prices?  
 A. Food shortages in the Third World.  
 Q: Could you have your partner in the next speech bring up more evidence on the impact to that?  
 A. After we hear your response to the evidence we already gave, then we can certainly bring up more evidence if we need to.  
 Q. Um... OK.

A better way to challenge lack of evidence or assertions made by the other team is to ask the question like this:

Q: Now on your Contention 2, what's the impact to higher food prices?  
 A. Shortages and hunger in the Third World.  
 Q: [Knowing that the evidence didn't support that harm, he asks...] Did your evidence say that?  
 A. Well, it says that they'll have more trouble obtaining food.  
 Q. But did your evidence say hunger or shortages would happen?  
 A. No.  
 Q. OK, let's move on.

Notice that he's asking about the evidence that was already read into the round, not about hypothetical additional pieces of evidence (“phantom evidence”) that might not yet be available. (See #3 below for more on this.) Don't get into discussions about Phantom Evidence, only about what's already been introduced. Remember to have your partner hammer this evidence in the next speech by bringing up what they admitted in cross-examination.

3. *Don't ask about evidence that wasn't introduced into the round.* This is useless because the responder is not responsible for explaining evidence he didn't introduce. Usually the examiner



desperately wants to get some cool piece of information in front of the judge as soon as possible (perhaps something else that the same author said in a different context from the evidence that was read). Unfortunately, this is improper cross-examination and the examiner can look foolish if the responder knows what he is doing:

Q: Now on your first harm on global hunger, was that quote from Frank Smith at Big University?  
A. Yes.  
Q: Didn't Smith also say that global hunger would be resolved in the future by economic growth?  
A. No, my evidence didn't say that.  
Q: But didn't Smith say that in another article he wrote?  
A. If you want to bring up more quotes from Smith, you can certainly do it in your next speech and we'll be happy to respond to it.  
Q. Um... OK.

4. *Don't ask questions that aren't really questions* – e.g. simple direct statements or disguised restatements of arguments. For example: “Now your card says prices won't go up but didn't we say in 1N that prices would go up?” That's just asking him how well he can flow or remember your arguments; it has no value in showing anything wrong with his argument or his evidence. Ask him about his speech, not yours.

Don't argue in cross-ex. There's a difference between a debate cross-examination and a quarrel. One of the characteristics of a quarrel is that the questioner stops asking questions and starts arguing during the cross-ex. For example, don't do this:

Q. Does your evidence say that prices will go up when the agriculture market changes?  
A. Yes.  
Q. But prices can't go up if there's an oversupply!  
A. \_\_\_\_\_

What should the responder say to that remark? Nothing. It's not a question. He can just stand there silently staring at the judge until the examiner feels foolish and finally asks a question. That's what I'd do. If he wants to make the argument about prices going up, he can do it in constructive. But cross-ex is a time for asking questions, not making arguments. A better way to handle the cross-ex example above is like this:

# 114 *Keys to Team-Policy Debate*

Q. Does your evidence say that prices will go up when the agriculture market changes?  
A. Yes.  
Q. But didn't you say in your speech that there would be an oversupply?  
A. Well, yes, but --  
Q. And didn't your evidence say that oversupplies lead to lower prices?  
A. Well, yes...  
Q. OK, thanks.

Remember, the CX is used to “set up” arguments, not to make them. As a judge, I don't even flow the CX, because the arguments that come out of CX have to be made in the speeches that follow for them to have any weight in the round. It doesn't matter if the Affirmative concedes all harms and solvency in the first cross-examination – if the Negative constructives don't mention what they gave away in CX, nothing is held against them.

Here are some key phrases that should tell you that a bad cross-ex question is about to follow. Cross-ex questions should **never** begin with:

*“Does our plan say...”*

Bad question: Don't ask the Negative team to explain your plan. You won't like the way they do it! Since they didn't bring up your plan, they aren't responsible for explaining it.

*“Didn't our evidence say...”*

Bad question: You don't want the other team explaining your evidence. If they are smart, they will answer “no” to whatever this question is.

*“Did you hear our evidence that said...”*

Bad question: This is a debate, not a hearing test. A sharp responder will say: “No, what I heard was a weak card that you claimed said X, but really all it proved was...”

*“Did you know that...” or “Are you aware that...”*

Bad question: This is an attempt to introduce evidence by the personal testimony of the examiner – managing to make two mistakes in one sentence (asserting your own facts and arguing during cross-examination). A sharp responder will say: “No, I haven't seen any evidence introduced thus far in the round that proves that.”

5. *Don't ask questions after the point has been made.* Notice in the examples above, in each case after the point is made, the examiner says “Thanks” and MOVES ON. If you keep questioning something after you've gotten the answer you want, you give the responder more time to escape from the answers he gave, or to “explain” them so that their impact is reduced.

6. *(Usually) Don't waste time asking about their funding.* The vast majority of the time, in my experience, cross-examinations of the IAC about his funding are a big waste of time. There are

several reasons for this. First, Affirmative teams can “fiat” that the Federal government gets funding from almost anywhere in almost any amount. Sharp Affirmative teams can always throw in “General Federal Revenues” as one of their funding sources and claim that they have access to the entire Federal budget and all tax monies collected by the Feds. Only in very rare cases will an Affirmative team come up with a plan so enormous that it would exceed the entire resources of the Federal government. I’ve seen only one or two plans like that in hundreds that I’ve judged.

Second, questions about funding are only valuable if you are going to set up a disad or a solvency argument based on what you learned in cross-ex. If you aren’t planning to do that, don’t waste time asking about it.

Third, your first cross-ex question was “Can I have a copy of your 1AC” – right? So, you have everything in writing that he said about funding. What else do you need to know? Don’t ask for what you already have.

7. *Don’t ask questions for which you don’t need the other team’s answers.* For example, you don’t need the other team to admit general truths about the universe (the earth is round, humans breathe air, the government collects taxes, human life is valuable, etc.) so don’t ask questions to get the other guy to “admit” things like that. Ask him questions that are specific to their arguments and their evidence.

8. *Never ask for the other guy’s opinion about anything.* That’s like a quarterback asking a defensive player to hold the ball for him while he ties his shoe during a play. The opposing player is NOT going to help you! He’s going to take the ball (your question) and run in the opposite direction with it. The responder will, if he has any debate experience at all, respond with an opinion that supports his own position. You have no business helping him do that. Here are some really bad examples similar to those I have actually heard in debate rounds:

Q. On your Smith evidence that you read under solvency: Isn’t it possible that Smith could be biased?

A. No.

*Duh. What did you expect him to say?*

Q. Now, let’s compare international relations to what happens in a family. Let’s say you and your brother get into a fight. Isn’t it possible that you’d want your parents to mediate and give a fair resolution?

A. No, I’d rather beat him up.

*Personal opinions aren’t worth much, are they?*

## 116 *Keys to Team-Policy Debate*

You can ask him about his evidence, ask him about the claims he made, or ask him about the position his team is taking during the round, but don't ask him for his own personal opinion on anything. It simply will not help you and may make you look foolish.

### **Effective Use of Cross-Examination Results**

---

Above I mentioned that a major purpose of the cross-examination is to set up arguments that you or your partner will make in constructive speeches. This is a very difficult concept for the beginner to grasp because it is slightly different from the way similar situations work in "real life." Many novice debaters make the mistake of asking challenging questions in cross-examination, some of which their opponent fumbles, and then hope the judge will score in the examiner's favor on the ballot. Unfortunately, it doesn't often work that way.

In real life, when you ask someone difficult questions designed to show a flaw in their reasoning, you expect (and sometimes receive) immediate gratification. The responder says, "Oh, I see what you mean," and the problem is resolved. Sometimes, even if the responder doesn't agree with you, everyone else sees it and their estimation of you, or their willingness to agree with you, is raised. In debate, however, the examiner may elicit any number of damaging admissions, contradictory responses or faulty answers from the responder. But they have NO value until something is done with them in a following speech.

Let's see how a smart examiner (and his equally smart partner) would make the most of an effective cross-examination. A hypothetical quote says: Contention One: Millions Will Die When Agriculture Collapses - Prof. John Smith, UCLA, 1998. "Dramatic changes in agriculture commodity prices could significantly impact world food supplies and increase the risk of hunger for many of the world's poor."

Q: Now, on your Contention One, "Millions will die," how many people does it say will be harmed by agriculture price changes?

A: Well, I'm not sure but I think it's a lot.

Q: Does it actually say any will die?

A: Well no, but...

Q: OK, thank you, now let's move on...

This was a smart cross-examination by a debater who wisely kept his ears tuned for the frequent disparities between tag lines and evidence quotations that so often show up in policy debates. But it was all in vain unless his partner was listening closely and made a note on his flow to bring it up in the next speech. Smart cross-examinations can save your neck in difficult situations – for example, when you are going Negative and don't have any specific evidence against the Affirmative's topic. The cross-examination can (MUST) generate material for you to use in the constructives. Here's how our examiner's partner would use the 10-second exchange above to generate two solid arguments that might demolish one of the pillars of the Affirmative's case:

INC: “Now, going down to his Contention One, ‘Millions will die when Agriculture collapses.’ Notice two things about this card. First, he admits in the cross-ex that he doesn’t know how many people will actually be affected by the price changes. That means he can’t actually prove that his case is significant and he loses *prima facie* by not showing that the harms in the status quo are significant. Second, he also admits in cross-examination that the card doesn’t actually say that any deaths will occur. In other words, he’s admitting that the evidence doesn’t even support the impact that he’s claiming in his case. If his harms are insignificant and have no impact, then you have no reason to vote Affirmative because you don’t need a plan to solve them.”

## Answering Questions in Cross-Examination

---

Here are some principles to remember when you are on the receiving end of the cross-examination.

*1. Remember which side you’re on.* Sounds simple, but I’ve seen it missed many times. The examiner who is questioning you – at least in the debate round – is not your buddy, not your friend, not your ally. He’s out to get you (in the friendly spirit of competition, of course) and you gain nothing by showing a willingness to make his task easy. Your job is to disagree with him. Of course, you must show respect and courtesy in your demeanor and choice of words. But you are under no obligation to help him win his arguments. You should politely and quickly provide him with any papers or evidence he asks for, but you should not try to compromise or agree with him in order to win him over. Your job is to convince the judge of your position, not to reach an amicable settlement with the other team.

You should, for the purposes of competition, be entirely convinced that your position is 100 percent correct, and that it should be obvious (because you have explained it so well, right?) to everyone that your side’s case is right. Success at this concept requires some quick thinking when your case is weak or your examiner has, indeed, found a weak spot in your evidence. In the case of the sample cross-examination above, the responder wasn’t able to think quickly enough and gave in too easily by agreeing that the card didn’t support his contention. He should have stuck to his case and been a bit more sure of himself, like this:

Q: Now, on your Contention One, “Millions will die,” how many people does it say will be harmed by agriculture price changes?

A. Millions.

Q. Does the card say that?

A. Sure, it says that “many” people among the world’s poor will be affected – there are billions of poor people in the world. We’re talking about millions, maybe billions of people here.

Q. Does it actually say any will die?

A. People die from hunger every day, and the card says hunger will go up.

## 118 *Keys to Team-Policy Debate*

Although this card is, indeed, a weak card, the debater who introduced it now has his examiner on the run and willing to forget about it, all because he stood up for himself and remembered to respond aggressively (though politely) and “debate” the evidence, rather than simply agreeing that it’s a weak card that doesn’t prove anything. You probably won’t hear anything from the examiner’s partner about that weak card in the next speech, because the examiner hit a brick wall when he tried to critique that evidence.

2. *Turn the tables, occasionally.* Notice in the sample above, the responder eventually gets to the point where he is asking a question to the examiner. Although this can be abused and taken too far, when the context allows it can be possible for a smart responder to interject questions of his own that take the steam out of the examiner’s engine.

3. *Know what evidence you have in your files.* Winning debaters are highly familiar with what sorts of evidence they have in their files and how it is organized and how to find it quickly. In the sample above, the responder was able to come up with a witty reply that is based on a bluff (which it sounds like he can back up) that his partner can read evidence in the next speech to support something.

4. *Offer to re-read evidence.* When the examiner asks you a difficult or obtuse question about a piece of evidence, take the time to re-read it out loud. This allows several things: 1) it gives you time to think of an answer; 2) it allows you to refresh your understanding of the evidence and to see things in the quote that may quite easily answer the question or at least provide some kind of acceptable answer; 3) it takes time, of which the examiner has precious little.

Don’t use this as a stalling tactic – intentional stalling is never acceptable because it shows bad faith and poor sportsmanship and will look bad to the judge. But you need not be hasty in answering questions about evidence off the top of your head without having the opportunity to re-read the evidence. If you’re going to be challenged on some small point in a quote, it’s entirely fair for you to re-read out loud the quote to establish context and clear up misunderstandings.

5. *Sometimes “I don’t know” is the right answer.* One of the biggest things that distinguishes the experienced debater from the novice is the ability to confine himself to only the issues and evidence introduced into the round. When you step into a debate round, you are playing the role of an advocate for a position. Your goal is to debate the evidence that supports or opposes your position on the issues of the round, not to be an expert or an opinion-giver on other topics and certainly not to supply material or opinions that aid the other team.

Inexperienced debaters often try to bring in their own knowledge or opinions into the round to construct arguments for their side. Experienced debaters know better than to be drawn into such things by using careful responses in cross-ex, like the sample text shown below. Here, the Affirmative team has presented a case for changing the Federal government’s relationship with the Sioux Indian tribe and the Negative is exploring ways to defeat that:

Q. Wouldn't your plan create an imbalance in the way the Federal Government treats the Sioux as opposed to the Cherokee Indians?

A. I don't know.

[After all, the Affirmative's case is on the Sioux – they're not supposed to know anything about the Cherokee and if such an imbalance did exist, it would be up to the Negative to prove it. Since the Affirmative team members are not qualified experts on Cherokee Indians, they can certainly say they don't know how to provide an expert opinion on this.]

Q. But aren't there lots of Cherokee who live in the area near the reservations you're changing in your plan?

A. I don't know.

[Again, the Aff. is refusing to supply evidence to support whatever disadvantage the Neg wants to generate. Quite literally, the Affirmative debater cannot know of a certainty where the Cherokee Indians live. Even if he thought he knew, what if they all moved and relocated recently? He can't possibly know for sure.]

Q. But don't the Cherokee resent the fact that the Sioux Indians are getting special treatment from the Federal Government?

A. I haven't the foggiest idea.

[Now Neg is asking the Aff to be a mind reader. Aff knows better than to play that game. Don't guess or speculate, just say, "I don't know," especially when what they want you to speculate about is the evidence for their disad.]

Answers to questions should either be from general truths about the universe (and smart examiners never ask questions about those anyway) or from the evidence that was introduced into the round. If someone is asking about evidence not introduced into the round, you have the right to say, "I don't know," because, based on the evidence, you really don't. Any answer you give would merely be your own speculation, not knowledge based on evidence. Make the other team produce the evidence for their arguments, not extract it from your opinions during cross-ex.

6. *Make the cross-examination a contest between the examiner and the evidence, not between the examiner and you.* It's a good idea to answer a cross-examination question with "Well, our evidence says..." as the lead-in to your answer. This presupposes that you 1) read a lot of evidence (which you should have done) and 2) you know the evidence. This is especially applicable to you if you are the IAC being cross-examined about your case. You have had unlimited time to prepare and to come to a complete understanding of every piece of evidence that you read. Thus, you should be able to handle a cross-examination like this:

## 120 *Keys to Team-Policy Debate*

Q. Now on your Harm 1, what is the impact to urban sprawl?

A. Well, our evidence on that harm said that it causes economic harm and wastes taxpayer money.

Q. Do you think urban sprawl is increasing today?

A. Absolutely! That was under Inherency Subpoint 1 where our evidence says that it's increasing today.

Q. But why can't the status quo solve for it?

A. Well, our evidence under Inherency Subpoint 2 says that right now the status quo is committed to automobiles and highway construction and that this causes sprawl to increase.

Notice that the examiner cannot get past the brick walls that the 1A is putting up at every turn – but notice how polite and factual those brick walls are! Every time 2N asks a question, 1A always makes it “The Negative” versus “The Evidence” – even though he doesn't explicitly say that and he is perfectly polite and courteous throughout the whole exchange. The 1A here projects complete faith and confidence in his evidence and the Negative goes away frustrated and gains little or nothing from this cross-ex. The Affirmative simply refuses to speculate or guess at anything from his own opinion. He always refers back to his evidence, and he can't go wrong as long as he does so.

7. *(Politely) turn around demands for “evidence” about things that are impossible to prove or should be the burden of the other team.* For example, sometimes a Negative team may speculate about some disadvantage that they invented out of their imagination and then challenge the Affirmative to prove it won't happen.

Q. If we impose these sanctions in your plan, isn't it likely that Slobonia will get mad and destabilize the Balkan region?

A. I don't know.

Q. Well, can you prove that Slobonia won't retaliate if we pass your plan?

A. If you want to run that argument as a disadvantage in your next speech and prove it with evidence, then we'll be happy to respond.

8. *Give a sharp response when asked for “more evidence.”* Some debaters might make the mistake of not reading this book and they may ask the silly cross-ex question: “Do you have any more evidence for your argument...?” There are several sharp responses to this question that you can try if someone is foolish enough to ask you this:

*A. Immediately go to your brief and start reading some.* “Sure...just a minute.... Yeah, here's one from Prof. John Smith, Big State University, 2012, The immediate trade-related impact of the UN sanctions is estimated at \$4 billion over the next decade...blah blah blah” It won't be long before the examiner realizes, as you drone on with new evidence that wasn't in your constructive speech, that he has just handed you another couple minutes extension to your constructive, feels foolish, and stops you. Don't be in any rush to point this out to him.



*B. Counterattack.* “Actually, I’d like to hear your response to the evidence we already read on that point, and then once we hear that, my partner will know which evidence to bring up in response.” If they phrase the question as “Could you bring up more evidence on this in your next speech?” then this is your best reply. Notice that this promises more evidence but only on the condition that they respond adequately first. If they don’t make any response, then you are off the hook. If you don’t have any more evidence, then you can always show why their responses were inadequate to indict your original evidence and then show that there is “no need” to bring up more evidence since they didn’t really respond to your original evidence.

You should not make an unconditional cross-examination promise to bring up “more evidence” in your next speech, for two reasons. First, you are under no obligation to respond in a speech to a question raised in cross-examination, and you should have the confidence to stand up for yourself. Second, you will be conceding that the evidence you brought up initially was insufficient simply because someone whined about it in cross-examination, without any arguments being made against it. Don’t let them get away with downgrading your evidence that way. Make them respond in a regular speech to your evidence first before you feel obligated to back it up with anything more. If their argument isn’t worth any of their speech time outside of cross-ex, then it isn’t worth any of yours either.

*9. Know when to stop talking.* Some debaters really think that the entire round hinges on their being able to finish some key explanation that the examiner doesn’t want them to give. The problem is that, as they try to continue their answer, they unknowingly make the situation worse than it would be if they left the explanation unfinished. Now, in addition to whatever was left unfinished, they are also being rude and unprofessional and probably losing speaker points. If you are not finished with an answer you gave and want to keep talking after the examiner says “Thank you” – don’t. Here’s why:

- The damage may not be as bad as you think, and probably not as bad as the damage you are doing by your rudeness during cross-ex.
- The other team may not remember to bring up the issue in the next speech. If they forget to bring it up, then it never happened. If you don’t make a big deal about it, they may not notice that it was a big deal and may be more likely to forget it.
- You and your partner will have ample time to argue the issue later - you don’t have to argue it now. Since cross-ex isn’t the time for making arguments, save it for the appropriate time.
- Be professional. Look professional. Act professional. Professionals are courteous under fire, perfect under pressure. If the other guy says “Thank you,” you instantly stop talking, no matter where you were – in the middle of a sentence, or the middle of a thought, or the middle of a word. Most likely, it will make him look bad (for cutting you off), not you (for not finishing).

Cross-examination is a powerful tool for winning debates and a powerful learning experience for real-life skills that you will take with you long after debating is done. Learn it well, because

# 122 *Keys to Team-Policy Debate*

many debates can be won with good cross-examinations. The results of a good cross-examination can be equal to an entire folder full of evidence specifically against the other guy's position. Have fun!

## **Key #9 Syllabus Lesson**

---

### **Student Preparation:**

1. Read Chapter 9

### **Goals:**

- Learn how to ask the right questions during cross-examination
- Learn the kinds of questions to avoid during cross-examination
- Learn how to use cross-examination results effectively
- Learn how to answer cross-examination questions carefully and correctly

### **Teaching Outline:**

- I. Introduction to Cross-Examination*
  - A. Importance of cross-ex
  - B. Preparing for cross-ex
- II. Asking the Right Questions*
  - A. Inconsistencies between tag lines and evidence quotations
  - B. Challenge implicit assumptions
  - C. Missing links and missing impacts
  - D. Set up arguments you or your partner are going to make
  - E. Ask for specifics
  - F. When in doubt, ask "why?"
  - G. If desperate, ask general questions
- III. Questions to Avoid*
  - A. Allowing an extension of constructive
  - B. Asking for "more evidence"
  - C. Questions that aren't really questions
    - Didn't we say...?
    - Doesn't our plan say...?
    - Didn't our evidence say...?
    - Did you hear our evidence that said...?
    - Are you aware...?
  - D. Questions after the point has been made
  - E. (Usually) Don't waste time asking about funding
- IV. Effective Use of Cross-Examination Results*
  - A. Cross-ex results don't matter until brought up in other speeches

- B. Sample of effective follow-up by the next speaker
- V. *Answering Questions in Cross-Examination*
  - A. Remember which side you're on
  - B. Turn the tables occasionally
  - C. Know what evidence you have in your files
  - D. Offer to reread evidence
  - E. Sometimes "I don't know" is the right answer
  - F. Contest between the examiner and the evidence
  - G. Turn around improper demands for evidence
  - H. Deflect demands for "more evidence"
  - I. Know when to stop talking

## **Student Questions & Exercises**

1. When is the only time that a Negative needs to cross-examine the Affirmative about funding?
2. Have one student read their plan (or one they are familiar with from Blue Book) and have one student designated to cross-examine them for three minutes. The teacher should stop the examination if any of the "Questions to Avoid" are asked. After the cross-ex is over, the examiner must explain what arguments he and his partner would make in the next speech based on the answers that were given. Rotate to another set of two students and repeat the exercise as often as time permits.



## Key #10

# Back Up With Evidence

Having and using sufficient amounts and quality of evidence are critical elements of successful debate for both Affirmative and Negative debaters. One of the evaluation criteria on the ballots commonly used in debate tournaments contains a rating for “Evidence,” indicating that a speaker is to be judged based on how much and how well he used evidence to support his positions. A debater who fails to use evidence will get the lowest score on that criterion if I am judging. His chances of winning will be greatly reduced, and even if his team wins the round, he will still suffer in the competition for speaker points.

Evidence quotations are often referred to as “cards” by debaters, though many debaters probably don’t know why. When I began debating, a large percentage of our evidence quotations were, literally, printed on 3”x5” index cards filed in containers carried to the round. Often we would cut-and-paste quotations from source books or newspapers and put them onto these cards before a tournament. Today, it is more common (thanks to the widespread availability of computers and a general preference for organized briefs) for evidence to be grouped together in pages of briefs organized by topic. Hardly anyone still uses “cards” any more, but the term has persisted as a shorthand reference to a single evidence quotation.

## Why Is Evidence Important?

---

Recall that scholastic debate is intended to mirror skills and procedures used in the real world to arrive at good public policy decisions. One of the axioms of making good decisions in life is that our choices should always be based on the best information available to us at the time of the decision. Personal or public policy decisions based on guesswork, uninformed opinion, unqualified advice, personal whim, or emotional impulse are unlikely to lead to success. If there is no rational and informed basis for decisions, then there is no purpose having a debate. Debates that do not involve evidence are not debates at all. They are simply quarrels.

Evidence is needed because, presumably, the parties in the debate are not themselves qualified to speak authoritatively on the topic at hand. Rarely are high school students able, from their own credentials and experience, to speak as experts on public policy topics. Thus, in presenting arguments for and against policy changes, they will need to support those arguments with quotations from published sources that agree with the position they are taking.

A good debate round is one with lots of evidence on both sides. Aside from being interesting to watch and mentally stimulating for the judge to evaluate, it indicates that both sides were prepared for the debate and had a good clash on the issues.

## **Myths and Misconceptions About Debate Evidence**

---

Let's dispel a few myths before we start. I have seen problems with issues such as these during the course of my experiences as a debater, coach and judge over the years.

*"We can't run this Affirmative case because there's some Negative evidence against it."* The fact that there's some evidence against an Affirmative case doesn't mean the case is useless. It would be surprising to find any Affirmative case that had absolutely no evidence that could be used against it. Negative evidence should only dissuade you from using an Affirmative case in the following situations:

- When the amount of Negative evidence overwhelms the evidence in your case. If the Neg. has so much evidence that they can counter all or most of your major points with several pieces of good quality evidence, then choosing another Affirmative case topic would be advisable.
- When the quality of Negative evidence exceeds your Affirmative evidence. If your solvency evidence is a quote from a professor five years ago who says your policy will work, and the Negative has the results of a 20-year study published last week that says your plan will fail, you may be in trouble.
- If a particular piece of Negative evidence defeats a prima facie requirement of your case. The classic example of this is an updated Negative inherency card that says Congress just passed a law implementing your plan last week. I once judged a debate round in which the Affirmative team went down flames when a Negative team did exactly that.

*"The Affirmative has the burden of proof. The Negative doesn't have to read any evidence."* Some Negative teams apparently haven't noticed that the speaker point criterion labeled "Evidence" is the same on both sides of the ballot for Affirmative and Negative. A Negative speaker who reads no evidence into the round will get the lowest score on that criterion if I'm judging. This is a poor excuse for failure to prepare adequately and to do the research needed to have evidential Negative responses, even if they are simply generic Negative briefs.

The Affirmative has the burden to prove their case. **But every speaker has the burden to prove that the factual claims they are making are true.** If the Negative team makes any factual claims, they have a burden to prove them true with evidence. If they don't make any factual claims, then it is unlikely that they are "debating" in any meaningful sense of the word.

*“We’re using logical evidence.”* And I know a married bachelor who drives a car with square wheels. Logic is reasoning based on evidence and evidence is a fact from which you can reason logically. “Logical evidence” is a weird oxymoron that means nothing. If you are using logic, and using it well, then you will get high speaker points in the areas of analysis and/or persuasion. If you are using good evidence well, then you will get high points for use of evidence. If you are using one but not the other, then you will get good marks in one but not the other. Usually what people mean when they say they are using “logical evidence” is that they are using “logic, not evidence.” And that means they need to start using more evidence.

*“This evidence quote says X is true, therefore X is true, guaranteed to happen and undebatable.”* I don’t want to disillusion anyone, but the real world doesn’t work that way. Inexperienced debaters sometimes read a piece of evidence and then assume that this settles the matter for all time. Inexperienced judges, unfortunately, sometimes make the same assumption after hearing some particularly good or interesting piece of evidence. “It’s all over, they’ve got a card that says X.”

There’s a reason they call it “debate”: A piece of evidence is only powerful until it’s refuted or answered by another piece of evidence or by logical analysis. As a judge, I always assume that whatever the evidence says is true until someone refutes it. But teams should never be frightened by the fact that someone’s expert says something. In the real world, there are millions of experts, and among those can be found someone who will say just about anything on any subject whatsoever. That doesn’t mean there is no such thing as absolute truth in the real world. But it does mean that in the realm of quoting from “experts,” two can play that game and every quote from one expert can be answered by a quote from another expert. It is the debater’s job to A) present that opposing expert’s quote to the judge; and B) tell the judge why that opposing expert’s response is better than what the other team’s expert said.

*“The other team has tubs of evidence. We can’t beat them if they have that much stuff.”* I encourage debaters to come to the round with as much preparation and evidence as they can organize, understand, and effectively use. The more, the better. However, a little story from my coaching experience may be helpful here.

I was coaching some inexperienced debaters, two young ladies from a public school, at a National Forensic League debate tournament. They had a notebook of evidence that I had prepared and we had gone over it and organized it so that they understood what was in it. Approaching the room for the upcoming debate round, they stopped in the hallway and ran back to me. “Mr. Trefethen!” one of them shouted. “We can’t debate those guys,” she said, pointing down the hall at the other team that was just arriving at the door of the room. “Look at them! They’ve got carts with four tubs of evidence! They’ve got tubs! All we have is this notebook you gave us. We just can’t go against those guys!”

“Hold on a minute,” I said, calming them down. “First, that notebook has everything you need in it and you know where to find everything. Second, you need to know what’s in those tubs. See the first tub? That’s full of CDs and tapes for their boom box. The second tub? That’s got a bunch of stuff that the varsity guys gave them this morning on the bus. They don’t even know what’s in there and they’ll never use it. The third tub? There’s stuff all thrown in there and

## 128 *Keys to Team-Policy Debate*

disorganized so badly that they can't find any of it. The fourth tub is the one they're actually using and it probably doesn't have as much in it as your notebook does. Don't worry about those guys and their tubs."

I'm happy to say that after the round the girls caught up with me with big smiles on their faces. "Mr. Trefethen!" one of them shouted. "You were right! Those guys didn't have anything and we beat them with that notebook!"

### **Elements of Evidence**

---

These are the elements that each piece of evidence traditionally has to have in order to be considered valid in a debate round.

1. *Source.* A piece of evidence has to have something indicating who said the quote that is being offered. This should be obvious to the casual observer. Be aware that some perfectly valid sources only give a publication and do not name the specific author ("*The Economist*" magazine is a good example). This does not, in my opinion, harm their usefulness as debate evidence if the publication is reputable. Along with the source, evidence quotes often (and should whenever possible) provide qualifications for the source. If the author is a professor, journalist, economist, well-known political writer, etc., it is helpful to know that. Quotes that lack a qualification for the source can still be used in many cases, but the judge will have to weigh that against whatever the other team brings up in their evidence. If the other team's evidence is better qualified, then they will have a strong argument to make that they deserve to win on that basis.

2. *Publication.* You need more than just "Joe Schmoe says..." You need the publication where he said it and the name of the article.

3. *Date.* Except for citations from timeless reference sources like ancient philosophers, the Constitution or dictionaries (and even then, quoting from a really old dictionary might be a problem due to changes in word usage over time), dates are a critical element in evaluating the quality and evidential value of any quote introduced in a debate round. Evidence quotes need to show at least the year in which they were published, and if more precise dates are available (month, day) then those should be provided too.

4. *Tag line.* This is a phrase or sentence that the debater puts at the top of the card to summarize it in his own words. It should accurately summarize what the card is about so that you can instantly tell, during your prep time, how to use this card and what it pertains to. The tag line should be clearly separated from the actual evidence quotation.

5. *Quotation.* This is the actual text of what the published source said, honestly and accurately reproduced.

You should always know what the rules are in your debate league for how evidence should be cited. Keep in mind that there may be a difference between what you read out loud and what you



have written on the page, since some information is only needed for reference or to answer questions if challenged. Here's an example of how to cite evidence in a debate round that should work (but check the requirements of your debate league).

### **Federal asset forfeiture is widespread and growing**

*Dr. Marian Williams, Dr. Jefferson Holcomb, Dr. Tomislav Kovandzic 2010. (Dr. Marian Williams PhD; assistant prof. in the Dept of Government & Justice Studies at Appalachian State Univ; Dr. Jefferson Holcomb, PhD; professor at Appalachian State Univ Dept of Political Science and Criminal Justice; Dr. Tomislav Kovandzic; PhD, professor at School of Economic, Political and Policy Sciences at Univ. of Texas-Dallas) "Policing for Profit: The Abuse of Civil Asset Forfeiture" March 2010 INSTITUTE FOR JUSTICE, [www.ij.org/images/pdf\\_folder/other\\_pubs/assetforfeituretoemail.pdf](http://www.ij.org/images/pdf_folder/other_pubs/assetforfeituretoemail.pdf)*

Federal reports also indicate widespread—and growing—use of asset forfeiture by federal agents and through equitable sharing. As Table 6 shows, from 2006 to 2008, currency deposits alone to the Department of Justice's Assets Forfeiture Fund (AFF) exceeded \$1 billion each year, with tens or even hundreds of millions more in property forfeitures. Annual financial statements indicate that these years had a few exceptionally high-value forfeitures (a single case of \$337 million, three fraud cases totaling \$842 million, and \$443 million from five major cases); however, even after deducting the assets from these exceptional cases, deposits for these years are higher than in previous years.

Note the elements of this evidence. The bold introductory sentence at the top is the "tag line." It is a summary of what the card will prove, but it is not evidence in and of itself. It is there so that the debater can quickly identify what this card could be used for in the debate round, and so that he can read it as a quick summary to the Judge before he reads the evidence itself. The best tag lines use words taken directly from the evidence and do not make bold claims that go beyond the quote itself. Notice that all of the words in the tag line are taken literally from the text of the quote.

Next, look at the italicized words under the tag. This is the source – the experts who wrote the quote and a full explanation of where we found this publication. Note that we have a short reference to the experts and the date underlined. This underlined portion is what I would read in the round after the tag, no more and no less, for the source. But the rest of the source is there to prove the accuracy of the quote and to answer any questions that might arise.

Now look at the textual quote from the article. In the debate round, we plan to read only the underlined part of the quote. We aren't going to read about "Table 6" since we don't plan to introduce Table 6 into the round (visual charts are not admissible in policy debate in most debate leagues). And there are some sentences afterwards that we also are not going to read, since they merely elaborate with more details. It's good to have those extra details if anyone asks about them, but they aren't useful for the point we are trying to prove, so we don't plan to read them. Nothing in the unread portions of this quote contradicts the point we are trying to make. We

didn't cover up any words that we would be embarrassed to have read by the other team, which is a pretty good test of whether you have used underlining ethically.

## **Credibility of Evidence**

---

All evidence is not created equal. When we talk about the “credibility” of evidence, we are talking about how believable, or how persuasive it is. This is a direct measurement of the amount of power it projects and the amount of impact it could have on the round.

What are the criteria that debaters use to persuade judges that their evidence is more credible and the other team's is less credible? We have more on how to use these criteria in the chapter on Refutation (which is the applied science of the more abstract philosophy of credibility), but for now let's summarize what credibility is in the context of evidence.

**Date.** As mentioned above, a card that is more recent is arguably, in most circumstances, with only a very few exceptions, more credible than a card from an older date. Normally in the course of human events, we discover new information and become more enlightened over time. As an extreme example, nobody reads medical studies from 1900 to prove anything about treating patients today. New studies are always coming out and showing previously unknown information, or else refuting older theories with new facts. Every year we learn more, so having the most up to date evidence means having a higher likelihood of having the “right” answers, or at least the best ones available.

**Source.** It seems obvious that a debater who reads a piece of evidence from a federal judge about the problem of constitutional rights violations is going to be more credible than his opponent who reads evidence on the same topic written by a school janitor. No offense to janitors – the world needs them – but they are not credible when they write on constitutional law. Too many debaters cite evidence from unnamed or unqualified sources (“The Environment Advocacy Group says on their website...”) leaving the judge wondering, “Who are they? Why should I believe anything they say?” I have even seen homeless bums quoted in debate briefs, yes literally, as if they had credible comments to make on public policy.

**Warrants.** A mere statement of belief is less persuasive than a statement that gives the justifications for “why” it is true and what facts support that belief. In other words, conclusions that are warranted are more persuasive. The three made-up evidence quotes below are from equally qualified sources and equal dates, but consider which you find more persuasive:

*Dr. Frank J. Expert, PhD, prof. of criminology, Big University, 2011.*

“Although many in society believe otherwise, the simple fact is that the death penalty just does not deter capital crime.”

*Dr. Hamilton J. Haggerty, PhD, prof. of criminology, West University, 2011.*

“The death penalty doesn't deter capital crimes because most such crimes are

committed either by hardened criminals who don't fear the consequences or by addicts under the influence of drugs and not able to think clearly."

*Dr. Fleetwood Nicks, PhD, prof. of criminology, East University, 2011.*

"East University's Center for Justice recently concluded an eight-year study of murder rates in US states with and without the death penalty. We found less than 1% difference in murder rates over the course of the study and no evidence of any deterring effect resulting from the use of the death penalty."

The first quote from Dr. Expert merely states a conclusion without explaining the reasoning behind it. How does he know crime is not deterred? The second from Dr. Haggerty gives some explanations that justify the conclusion. And the third from Dr. Nicks, while it does not give "reasons," does give solid research (the eight-year study) that adds to the credibility of the controversial initial claim of "no deterrence."

**Clarity or equivocation.** Evidence containing clear, firm statements about something, or containing specific numbers, is often more credible than evidence with "weasel words" of equivocation, or verbage that sounds more vague and imprecise. For example, consider which of the following equally well-qualified experts you find more persuasive:

*Dr. G.T. MacDonald, PhD, prof of economics, Big University, 2012.*

"Repealing the corporate income tax may have a beneficial effect on the US economy over a five to ten-year period."

*Dr. Peter Marshall, PhD, prof. of economics, East University, 2012.*

"Repealing the corporate income tax would create 200,000 jobs over the next five years in the United States because it would increase business investment by 15% over current levels."

Good credible sources include:

- Professors, doctors or other researchers writing papers or studies about their area of expertise
- Politicians describing the state of the law or the state of political conditions they are trying to change. Quoting a politician's opinion that a new law would solve some problem is less persuasive, though it can be useful to show that it is not just the Affirmative debater advocating the plan but actual officials who know something about the situation.
- Journalists reporting on facts in existence in the world. Sometimes journalists venture into opinion (e.g., the editorial columns of newspapers like the New York Times); these are not so credible, since journalists have no more qualifications than anyone else to express opinions about the way things "should be."

## 132 *Keys to Team-Policy Debate*

- Journalists reporting the statements and opinions of experts. In this case, the credibility derives from the expert being quoted.
- Judges' statements in court decisions.
- Law Review articles.
- Subject matter experts, even if they are not professors or PhDs, when writing about subjects they have worked with extensively. For example, the leader of a food aid program who has spent years working among the poor in Africa: he may not have a PhD in foreign policy, but I would find him credible if he makes statements about hunger in Africa.
- Encyclopedias and dictionaries.

On the other hand, there are also sources that are less than credible:

- Blogs written by anonymous individuals or random members of the public. However, there are blogs written by some high-powered experts, so this is not a rejection of all blogs, just those for whom we do not know the qualifications of the author or if the author appears to have no actual expertise.
- Websites with no author's name listed. There are various articles posted on the Internet that do not list who wrote them or where they came from. Stay away from these.
- Wikipedia. You should not quote Wikipedia for any reason because anyone can add things to it. People have added joke entries to it just to see if they could. Wikipedia is useful for background reading and for its references to other websites. Go check out those other sites and if they are credible, use them.
- Emails. If you get an email from a subject matter expert, that does not qualify as a published source. If you are emailing someone with expert opinions, you should ask him for citations to some of his published works or websites you could go to for the information you need.

## **Phantom Evidence**

---

One problem I'm seeing far too often in competitive debate is the appearance (or non-appearance!) of "Phantom Evidence." The following are all bad examples of improper references to evidence that should NEVER be done in a debate round. Evidence that isn't cited and read is evidence that doesn't exist. The fact that you assure me that it exists or that you've seen it or you believe it – these are meaningless phantoms. Either read me the evidence or don't even bring up the subject in the first place. These are examples I have heard in debate rounds:

*“I have a piece of evidence here that says it would cost two trillion dollars to do the Affirmative’s plan and there’s no way we could pay for that. But I don’t have time to read it right now, so I’m going to move on...”* Sorry. If you don’t have time to read the evidence, then you don’t have time to make the argument. You lose speaker points on Persuasiveness.

*“Now my third solvency argument is that the technology for this plan isn’t commercially feasible yet. I had some evidence for this, but I left it over on the desk, but what it says is...”* Sorry. Guess what just happened to your speaker points under the category of Organization. Evidence over on the desk might as well be out in the car or on the moon as far as I care, if it wasn’t read into the round. If you hadn’t mentioned this phantom evidence, I wouldn’t have known that you had lost it over on the desk and I wouldn’t have known that you were disorganized. But now that I know, I’m going to cut your speaker point rating for wasting my time with phantom evidence.

*“Now on his evidence that there isn’t enough global platinum supply to run all the hydrogen fuel cells in the United States – well, I just built my own fuel cell last week and it didn’t have any platinum in it, and it’s working fine...”* It’s going to take a lot to persuade me that a high school student is a qualified scientist whose science project can be introduced as evidence into the debate round. If you cooked up something in your bathtub or shot off a rocket in your back yard, that’s great – but that’s not debate-worthy evidence.

*“Did you know that Peru has the most abundant iron supply in the world? And did you also know that Peru has the most successful ocean farming business in the world?”* This came from a debate round I heard once, and it is a perfect example of what not to do when you need a fact to support your case. No, in fact, I didn’t know that Peru has abundant iron supplies, and I still don’t. Why not? Because the Second Affirmative Speaker’s say-so is not evidence of anything. If you need to prove a fact for your case that isn’t basic common sense/common knowledge, read evidence to support it. It’s really that simple.

## Evidence Ethics

---

Phantom evidence is not an ethical problem, just weak debating. Unfortunately, I’m sorry to say that illegal evidence (tampered or manufactured evidence) is a big ethical problem in competitive policy debate. In one survey I did of a sample of Affirmative cases that were being run by debaters who had qualified to national invitational tournaments in their leagues, approximately 25% of them contained evidence that would have gotten them into ethical trouble had it been discovered during one of their qualifying debate rounds.

What constitutes unethical evidence? Award-winning debater and fellow Training Minds Coach Matthew Baker and I compiled and co-wrote the section below outlining five areas that illustrate the most common evidence frauds in policy debate along with some tips on how to spot such evidence.

## 1. Incorrect Dates.

Students are often tempted to cheat by putting incorrect dates on otherwise valid pieces of evidence. Not surprisingly, those dates are always much newer than when the evidence was actually written. Examples include:

**Failing to Note Updated/Accessed.** Whenever you read a pure date (i.e. May 11, 2006) you are indicating the date of publication. If you intended to cite the date accessed or the date updated, you must say “accessed May 11, 2006” or “updated May 11, 2006.” It is a fabrication to put down the date you looked it up and cite it as the article’s date. This would be like checking a 1968 book out of the library on 5 May 2012 and using this quote: “Dr. J. Expert, UCLA, 5 May 2012. ‘The US should immediately withdraw all its ground troops from Vietnam.’ “ The date you read the book is irrelevant. The date you looked it up online is also irrelevant.

**Altered dates.** Altering the date to some more recent date other than the actual publication date of the article is fraud. I have seen students do this.

## 2. Omissions

**Failing to use Underlines or Ellipses.** Omissions must always be noted, either with ellipses or, preferably, marking what to read with underlines and the non-read part left not-underlined. If you end a card in mid sentence or start a card in mid sentence you must show this with ellipses or underlines. Underlining what to read is best practice because it allows the other team to see the broader context. I strongly recommend you never insert your own ellipses into any debate quote, and at Blue Book we have a policy that requires this practice.

**Deleting a few or a lot of words.** Another way of saying the above is to say this: If you delete anything out of a quote, you cannot just merge the rest of the quote together and carry on. Deletions can be noted by underlining the parts to be read in-round and leaving the not-read parts in the printed text and not-underlined.

Another way to manage non-read sections, when they are lengthy, is to simply use two separate cards. For example, CARD 1 Dr. Expert, May 2012. “Many experts believe trade with Slobonia is vital to eliminating the negative factors detrimental to the US economy. It will have a 3 trillion dollar impact in the next decade.” [---at this point Dr. Expert prints 3 pages of boring paragraphs that you don’t cite in the round---] CARD 2. Dr. Expert then goes on to say later in the same context, quote “Slobonia’s trade is thus vital to our economic recovery, and we should establish a free trade agreement with them as soon as possible.”

**Abuse of ellipses.** Look again at the quote above and now see what happens when the other team quotes it with ellipses:

Dr. Expert, May 2012.

“Many experts believe trade with Slobonia is ...negative ...to the US economy...a 3 trillion dollar impact in the next decade.”

You can't use ellipses to reverse or alter the meaning of the card. I very strongly urge you never to add your own ellipses to any piece of evidence at all. If you never take words out of the interior of a quote, no one can ever accuse you of fraudulently taking words out. It's that simple.

### 3. Additions

**Paraphrasing (summarizing) without notation.** Evidence must be quoted directly. You cannot read a source citation and then give a paraphrase of what the article said without giving any indication that you are paraphrasing. Any time you give a citation in the debate round the presumption is that you are quoting. You certainly may and should summarize later in the round what the quote said to remind the judge about what you read earlier, but you have to read it word for word the first time. Your summary of an article or of an expert is not evidence and should never be used as such. It is dishonest.

**Analysis disguised as evidence.** Many times debaters fail to clearly designate where the evidence quotation ends and their own analysis begins. Here's an example:

Dr. J.P. Smith 2012 said "U.S. trade with India is poised to rise dramatically in the coming decade. The potential for job creation and economic growth is immense."  
That's why we need to enact a free trade agreement with India immediately.

When the evidence above is read in a debate round, the debater often fails or forgets to tell the judge that the Smith quote stopped at the word "immense." The advocacy for the free trade agreement is coming from the debater, not Dr. Smith. Nobody really knows whether Smith advocates free trade, and citing him this way is misleading and, in my opinion, constitutes cheating.

Best practices to avoid this mistake are 1) use quotation marks around the evidence and 2) enunciate "quote" and "end-quote" while orally reading the case in the round. This is actually one of the most common frauds in policy debate and I have seen it many times.

**Additions without Brackets.** Any words you add into the quotation must be denoted with brackets [ ]. These should be used sparingly. A legitimate use would be to denote to whom a pronoun refers or to spell out the letters of an acronym. Parentheses are not the same as brackets and should never be added to a quotation under any circumstances.

**Misuse of Brackets #1- Let me explain what the author really meant.** Some debaters try to help out Dr. Expert by telling the judge what Dr. Expert really meant, in different words that sound more like the point they are making in the debate round. Let's use the same card above for free trade to show how it also supports the environmental resolution: CARD 1 Dr. Expert, UCLA, May 2012. "Many experts believe trade [in environmental clean-up technology] with Slobonia is vital to eliminating the negative factors detrimental to the US economy [because clean air improves the economy]. It will have a 3 trillion dollar [environmental] impact in the next decade." This is a fraudulent attempt to put words into Dr. Expert's mouth. Using brackets doesn't make it right.

# 136 *Keys to Team-Policy Debate*

**Misuse of Brackets #2- In other words.** Some debaters substitute their own words for Dr. Expert's by simply replacing what he said with the words they need to have in the quotation. Again, from the same card: CARD 1 Dr. Expert, UCLA, May 2012. "Many experts believe trade with Slobonia is vital to eliminating the negative factors detrimental to the US [environment]. It will have a 3 trillion dollar impact in the next decade." Using brackets doesn't make it OK to change the word "economy" into "environment." It isn't what Dr. Expert said and it is a fabrication.

**Fabrication of quotations.** Simply making up sentences and attributing them to Dr. Expert and quoting those sentences in the round is fraud. It does not matter if you think that's what Dr. Expert would have said, or should have said, or really meant to say.

## 4. Context

**Omitting qualifiers.** Words like *frequently, normally, often, significant, might, could, may, maybe* should not be omitted.

**Hostile sources without notation.** It is ethical to cite sources that oppose your general position or advocate for the other team. However, it is essential that you note this while reading the card. For example:

"Although Professor Einstein generally supports the Affirmative position, even he acknowledges in 2012 that...<Insert Quote>"

Failing to acknowledge that the article you are citing generally supports the other team would be an ethics violation.

## 5. Source citation

**No source.** Just reading some blurb quote without any source is, at the very least, poor debating. It may or may not be fraud - no one can tell because you didn't read the source. A card without a source is worse than no card at all, because the time you wasted reading it could have spent making a good logical argument or reading some legitimate evidence.

**Tampered source.** If the quote is from Wee Willy and you cite it as being from Dr. J. Expert, you have misrepresented the evidence. Who said the quote is a vital part of how the evidence is evaluated in the round. Changing the source changes the evidence and is fraud.

**Qualifications altered.** If you quote "Dr. J. Expert, professor of Economics at Stanford" and the quote is really from Jimmy Expert, your next-door neighbor who dropped out of school in 3rd grade, you have unethically tampered with evidence.

Falsified and tampered evidence is a serious violation of the rules of every debate league and anyone who intentionally uses false evidence deserves to be sanctioned. No matter how tempted



you are, or how badly you need evidence, do not make the mistake of manufacturing your own evidence quotations or dates.

After we present this material, we are often asked, “How can I spot unethical evidence in a debate round, and what should I do about it if I do spot it?” Here are some tips for detecting unethical evidence:

### **Cross reference URLs with Dates**

Many news organizations indicate the date the article was published in the article, and the numbers are embedded inside the web site link. Crosscheck this information with the date the team is citing. Examples:

<http://www.nytimes.com/2010/05/11/us/politics/11court.html?hp>

<http://articles.latimes.com/2010/may/07/nation/la-na-court-kagan-20100508>

Here is a real example we encountered once:

The Heritage foundation September 13, 2009

<http://www.heritage.org/Research/Reports/2008/10/CO2-Emission-Cuts-The-Economic-Costs-of-the-EPAs-ANPR-Regulations> ‘

CO2-Emission Cuts: The Economic Costs of the EPA’s ANPR Regulations’

Look at the URL “2008/10.” Sure enough, this article was published October 29, 2008 when we looked it up online, even though the debater was citing it as Sept. 13, 2009. That was probably the date he looked it up.

Another way to catch altered dates is to listen for strange time references inside the quote. I caught a fraudulent date when judging one time when I heard a debater say something like this:

Castro is cracking down on dissidents.

Dr. John Smith in 2009 said quote, “In 1993 Castro imprisoned 300 dissidents and this year that awful record is expected to continue.”

No expert would have a 16 year gap in his dates like that if he were trying to prove the evils of Castro’s civil rights abuses. He would have up to date numbers. Sure enough, I looked this article up and it was written in 1994, just as you would expect from the contextual reference to 1993 followed by the transition into “this year.”

Major world events can also give away mistaken time references. For example:

Dr. Fred Weeble in 2011 said quote “The swearing in of the new President last week creates an historic opportunity for Congress to finally fix the immigration mess by fully funding a huge fence on the Mexican border.”

## 138 *Keys to Team-Policy Debate*

Obviously there was no new President sworn into office in the US in 2011. This card has clearly been tampered. It could be talking about President Eisenhower for all we know.

### **Cross Reference Article Name with Argument**

A way to catch evidence that is taken out of context is to see if the argument made by the evidence corresponds with the author's opinion as possibly expressed in the article title.

Example:

The US should get tough on Russia over human rights. From Dr. R.J. Expert in May 2011 quote "We need to get tough on Russia right now to put pressure on them about their human rights violations." Unquote.

*(Dr. R.J. Expert, PhD, professor of foreign relations, Big University, 5 May 2011, "Why getting tough on Russia won't work" OFFICIAL NEWS, [www.officialnews.com/rjexpert/](http://www.officialnews.com/rjexpert/))*

We suspect that if you look up Dr. Expert's article, you will find that he doesn't advocate getting tough with Russia and that the debater using this evidence may be up to some trickery. Even if this quote is contained in the article, it may well be that it is internally quoting someone else whom Dr. Expert thinks is a fool and Expert says so in the next sentence.

Another thing to watch for is evidence that seems to come from a source with a background or point of view that makes it unlikely they would take the position that the evidence claims. For example:

Obama's tax increase will solve for the deficit. *Dr. Jerry Rightwing, Heritage Foundation, 2012.* "Obama's new tax, passed by Congress last month, is sure to kick start the economy and solve the federal deficit crisis."

Huh? Nobody at Heritage Foundation is going to say that a tax increase will be good for anything or anyone. It's totally against their political philosophy developed over decades of their history and publications. A quote like this sounds very suspicious. This is an example of where general reading on the subject matter of your debate resolution would help you. If you know in general the major commentators and what positions they take, you can spot these kinds of issues.

We once caught a fraudulent evidence card citing a quote that claimed to be from a government agency because it described how the agency was failing to solve a major problem. News flash: Government agencies never report that they are failing at their mission. The debaters had cited some statistics from the agency and then wrote their own summary of what they thought it meant and cited their summary as a quote from the agency.

### **"Some People" / "Supporters of"**

Language that discusses how certain third party groups view a position may indicate that the author disagrees. Example: "Supports of offshore drilling say that new technology will prevent spills" as opposed to "New technology will prevent spills." Frequently, when building an

argument the author will establish an argument being made by a certain side, attribute it to that side, and then move on to refute it. Citing that position as the author's opinion is taking the evidence out of context and is misrepresenting the position of the author. Imagine a debater reading only the underlined part of the following quote in a debate round, and you would have an example of unethical use of evidence:

*Prof. Alston Einstein, PhD, physics, Big University "Atomic Science," 2012*

There are several reasons commonly cited by some advocates for the belief that a nuclear test ban would resolve international tensions. The success of past treaties, the heightened stresses caused by each nuclear test, and the reductions in nuclear weapons research all argue in favor of a test ban. But while a nuclear test ban was a great idea for resolving the Cold War tensions of the 1960s, in today's geopolitical situation, a test ban is neither practical nor desirable. The risks would far outweigh the benefits.

### **Check for "Add-ons" on dates**

I've seen a lot of cards where teams will note "updated May 11, 2012" or "accessed May 11, 2012" but read the card as from "May 11, 2012." The updated/accessed designation will actually be in the team's written notes. But they will fail to read it. You have to ask for their evidence to catch things like this.

### **Poor Formatting / Typographical Errors / Misspellings / Grammatical Errors**

Chances are strong that debaters who use tampered evidence are lazy researchers. This can be an advantage to the team attempting to identify them as such, for their laziness can be red flags for deeper tampering or fraud.

Though typographical errors can happen to anyone (there are probably some in this book) and do not always prove fraud, a student's general tendency to cut corners in neatness may well indicate a tendency to cut ethical corners with evidence. Tampered evidence often results from changing legitimate published sources, which means that an article that once was grammatically sound ends up having errors introduced during the tampering process. Those errors can be the clue that gives away the tampering, and we have caught students with tampered evidence by noticing that it contained punctuation marks in the wrong place or grammatical errors that no genuine published news article would have made.

### **Ending Punctuation**

Two things to look for: 1) Does the last sentence in the quote end with punctuation and 2) does the quote end with some funny punctuation like a comma, semicolon, or colon. No punctuation at the end of a sentence may indicate the debater is cutting off the quote mid-sentence. Ending a sentence with a comma, semicolon, or colon may indicate the debater has omitted clause. Real example:

**Advantage. 1. Economic benefit.**

## 140 *Keys to Team-Policy Debate*

Kimberly Dvorak [reporter] October 15, 2009 [*Published In San Francisco Examiner*]  
*<http://www.examiner.com/x-10317-San-Diego-County-Political-Buzz-Examiner-y2009m10d15-Whitman-looks-to-Californias-bread-basket-for-support>*

“California’s growers and ranchers are immense contributors to our state and nation. They generate more than \$100 billion a year in agriculture and related economic activity,”

Actual Quote:

“California’s growers and ranchers are immense contributors to our state. They help feed our nation and they generate more than \$100 billion a year in agriculture and related economic activity,” Whitman said. “We all want a strong future for California, and we must create a strong economy in which all of our key industries, including agriculture, can thrive.”

The comma at the end of the sentence was a flag that something was omitted. In this case, the debater tried to launder a politician’s (Whitman’s) plea for support into a reporter’s opinion. Incidentally, the debater also added wording into the card. There was no way to detect this upon first hearing it, but investigating minor problems like incorrect punctuation can often reveal major problems.

### **Quotation Marks**

Does the debater clearly denote with quotation marks what wording is from the quotation and what wording is the team’s personal analysis? Failure to use quotation marks to denote a quote may be an indication of evidence disguised as analysis: Real example:

#### **2. De-regulation will ensure the government stays within its pre-made boundaries**

*American Heritage Foundation, July 23 2009*

“Using the Clean Air Act to regulate CO<sub>2</sub> would likely be the most expensive and expansive environmental regulation in history and will bypass the legislative process completely. This kind of regulation would surpass the reason the EPA was created, and would have little effect in the environment but huge effect in the personal lives of American people.”

Actual Quote:

“Using the Clean Air Act to regulate CO<sub>2</sub> would likely be the most expensive and expansive environmental regulation in history and will bypass the legislative process completely. In essence, the decisions of few will drastically alter the lives of many--all for a change in the Earth’s temperature too small to ever notice.”

The debater has added analysis disguised as evidence at the end of this card. Significantly, the analysis is what supports the card’s tag. In this case, if you read the manufactured part written by

the debater, an advanced debater or coach can “sense” that something is wrong with it. “But huge effect” to me just doesn’t sound right, and investigation proved that it wasn’t.

### **Ellipses**

With the advent of word processors, there no longer is a legitimate need for ellipses in debate evidence. Although, the use of ellipses is not *prima facie* evidence of falsification it is an indicator that something may be wrong. Most policy teams now show omissions by underlining the part to be read and not-underlining the part not-read (keeping the entire original context in the card). The fact that the team fails to use this “best practice” is an indicator that you should dig deeper. Ask for the entire article. If they don’t have it, jot down the URL and go look it up after the round. Find out what they dropped out in those ellipses and see if it was something damaging to their case.

### **Sounds like Something A Debater Would Say**

You know what an amazing debate card sounds like. As a researcher, you also know that it can be pretty difficult to find a card that says precisely what you want, exactly how you want. The simple truth of the matter is that most people don’t talk like debaters. Debaters like specifics with absolute numbers and final clear answers. Every debater wants to have a card from someone with three PhD degrees that says: “It is 100% certain that passing the Economic Recovery Act will immediately solve the financial crisis in America for all time.”

However, academics are famous for being imprecise and nebulous. They are much more likely to say something like: “The Economic Recovery Act might be a positive factor among many in moving America in the direction of long-term financial recovery.”

Due to the complex nature of the issues academics deal with, they are often very balanced and open to being wrong. Words like significant, substantial, immediately, the only factor, will solve everything, inevitably leads to, etc. are generally not peppered throughout the published remarks of genuine experts. If a card is so good it sounds like it was written by a debater, it may in fact have been. If every card the other team reads sounds like a debater’s dream debate card, it is possible that the team is tampering with evidence to some degree (at a minimum, liberally removing context or qualifying words). Of course, brilliantly worded cards don’t prove a team is cheating. They are just a red flag.

### **Internal Inconsistencies**

For example, lists of “four factors” that actually contain five factors.

### **Too Good to Be True**

If a card contradicts a basic fact of life (the population of the U.S., the U.S. imports the majority of its oil, etc.) which you were previously 99% sure of, you might want to ask to see the card. Maybe you were wrong, maybe the team is accurately citing a clueless author, or maybe it was made up. Regardless of whether you’re concerned about the ethics of the card or not, it’s a good

idea to closely scrutinize cards that sound too out there to be true. If nothing else, maybe you can detect a flaw in the argument or pick up a good card for future use!

## **What To Do When You Suspect Unethical Evidence**

---

What should you do if you are in a debate round and you suspect the other team has used unethical evidence? Here are some tips:

1. Be gracious. Assume the best of other people until circumstances clearly prove otherwise. Start with this basic attitude before you proceed any further.
2. Ask to see the evidence. Always get the written evidence in front of you and scrutinize it closely. Copy down (or have your partner copy down if you are prepping for your next speech) the URL and as much of the quote as you can, so that at the very least you can investigate more fully after the round and be prepared for future debates. You have the right to lean over after a speech and ask for evidence during rebuttals, if that's when the evidence was read.
3. Ask about it in Cross-X. If it is in constructives, ask the other team about the card in Cross-Examination. This will give them a chance to clear up any honest mistake – and will dig their own grave by committing them to that piece of evidence if it turns out to be fraudulent. This is particularly effective if you have done Step 2 at a previous round (or someone has alerted you to an issue discovered by Step 2) and you are now confronting this evidence already armed with the knowledge that it may be unethical. Note that very often unethical evidence slips by the first few times it is used, and is only discovered after some time has passed and a debater has heard it more than once and begins to question it. Your cross-examination might go like this:

Q. On your Vietnam card, what was the date on it?

A. Two-thousand twelve.

Q. Was that the date the author wrote it?

A. Yes.

Q. It's not the date you looked it up, is it?

A. No.

Q. You're arguing in this debate round that Kissinger actually said in 2012 that we should withdraw all US ground troops from Vietnam?

A. Sure.

Q. Does it have the URL there on the quote?

A. Yes.

Q. OK, let me have that so my partner can look at it. Let's move on.

Notice that now the respondent is committed to that date. He can't back out later and say it was an "accessed date." He had his chance to say that, and he didn't take it.

4. Respond carefully. Next, your partner will follow up. In the next speech he may say something like this:

"Judge, on the Kissinger Vietnam troop withdrawal card. He said in cross-examination that this was from 2012 and that this was the actual date it was written. But Judge, I suspect there is a problem with this evidence and I believe it needs to be scrutinized more carefully. I think that card is taken from a context in the 1960s rather than 2012, and I would ask that you take whatever steps you need to take to verify for yourself that this evidence is being used properly. Now let's move on to my next argument..."

Note that we do not ask the Judge to stop the round nor do we make any specific accusation. We leave it up to the Judge what to do, and we will accept whatever he decides.

The response might be different if we "had the goods" on a debater's unethical evidence. In that case, the argument might go something like this:

"Judge, on the Kissinger Vietnam card, I have two responses. First, I have a copy of that article here with me and it says it was published on 8 June, 1968. Now, in cross-examination, he said for sure that he was claiming it was published in 2012. Judge, that's a serious matter that requires you to evaluate carefully how they are handling evidence in this round and the kind of claims they are making. Second, in the card my partner asked for in cross-ex, they cited it as saying QUOTE We should discontinue all foreign aid to Vietnam within the next 6 months. UNQUOTE In fact, this is not what Kissinger said, because I have the article and in that context it says QUOTE We should discontinue all military aid to Vietnam within the next 6 months and immediately double our economic aid. UNQUOTE Judge, again, I would ask you to investigate their use of evidence and take whatever steps you believe are appropriate based on your findings. I think all the evidence they have read needs to likewise be reviewed for accuracy and I would invite you to do so and allow these accuracy problems to weigh into your voting decision in today's debate. Keep in mind Judge that you have the right after the round to ask for and investigate all evidence that is read."

5. Discuss with your coach and/or parents. Discuss it with your coach and/or your parents before you make any accusations or publish anything outside of your team. Don't jump into the internet and publish statements or start calling anyone. If it happens during a tournament, bring it immediately to your coach or parent and ask them what to do. They should look it over and discuss it with tournament staff. Take a balanced approach: You're not "out to get" people, but at the same time if evidence fraud is not sanctioned, it will continue and grow, and debaters who win by cheating will think this is acceptable and learn a very bad lesson.

6. Warn your teammates. Once you have the goods (or even a good suspicion), warn your teammates in your club and ask them to be on the lookout. Prepare ahead by looking up the

# 144 *Keys to Team-Policy Debate*

actual article and pass out that brief among all your team members. Make sure everyone can nail evidence fraud the next time it happens.

## **Additional Tips About Evidence**

---

Listen carefully to sources quoted by the other team and make notes. Ask for particularly tough pieces of evidence in cross-ex and copy down the source; then go research them after the round. Often you'll find that the same source that provides excellent material for the other guys will later in the same article have statements that say "but on the other hand..." and will be very helpful to your cause if you ever meet that argument again. This can pay huge dividends: I once based a Negative brief around a quote extracted from a foreign policy article cited by the Affirmative as being the expert support for their plan to change US foreign policy toward Russia. Unfortunately for them, later in the article, their expert went on to say that in the specific scenario involving Russia, his policy recommendation should absolutely not be used and would cause more harm than good if applied to Russia.

Also following from careful attention to sources, do an internet search on the names given in the source and see if anyone has written articles responding to that person or calling them by name. This can open up the door to a source indictment if someone has cited them as unqualified or misguided in their methodology.

## **Key #10 Syllabus Lesson**

---

### **Student Preparation:**

1. Read Chapter 10

### **Goals:**

1. Learn how to properly cite and quote evidence
2. Learn to avoid myths and misconceptions about evidence
3. Recognize and avoid unethical evidence

### **Teaching Outline:**

- I. *Introduction to Evidence + Why is Evidence Important*
- II. *Myths and Misconceptions About Evidence*
  - A. What to do with an Affirmative case when some Negative evidence exists against it
  - B. The debate is not over because someone has a piece of evidence
  - C. Eliminating panic about how much evidence the other team has
- III. *Elements of Evidence*



- A. Source
- B. Publication
- C. Date
- D. Tag line
- E. Quotation
- IV. *Credibility of evidence*
  - A. Date
  - B. Source
  - C. Warrants
  - D. Clarity or equivocation
- V. *Phantom Evidence*
- VI. *Unethical Evidence*
  - A. What constitutes unethical evidence
  - B. How to spot unethical evidence
  - C. What to do when you suspect the other team is using unethical evidence
- VII. *Additional Tips About Evidence*

## Student Questions & Exercises

1. What are the elements of a good evidence citation?
2. The instructor selects one evidence quotation at a time from any brief in Blue Book.
  - A. The class discusses
    - 1) What type of issue is this evidence trying to prove? (Solvency, inherency, etc.)
    - 2) What elements of the evidence make it more credible or less credible as you listen to it and read it (including the source and qualifications)?
    - 3) Does it contain any underlines or brackets? How are they used?
3. [optional] Go through Blue Book evidence quotes and find ellipses and brackets. Discuss how they are used and what they add or subtract from the evidence. Look up the original source and see how the ellipses and/or brackets fit the context of the original quote.



## Key #11

# Flow Every Time

Several times already, we've observed that "good flowing" is essential to winning debate. Unfortunately there is no magic set of instructions about flowing that can make someone good at it. We can explain what it is, but success at it requires lots of practice, so you will have to be willing to put in the effort beyond just reading this chapter if you want to become good at flowing. Rest assured it will pay off. It is not a coincidence that winning debaters are always good at flowing.

## What Is Flowing and Why Is it Important?

---

Flowing is the process of writing down a well-organized, legible summary of all the arguments made by all the debaters in the constructives and rebuttals, including your own. **It is essential to effective debating and you should not bother competing in debate nor taking a debate class if you are not willing to do it.** Improved flowing is the single biggest thing most beginning debaters can do to improve their chances of winning debate rounds.

Why is flowing so important?

IF YOU DON'T FLOW IT, YOU DON'T KNOW IT

YOU HAVE TO FLOW  
EVERY TIME  
THAT, MY FRIENDS,  
IS THE BOTTOM LINE.

You will not be able to remember all the arguments the 1AC made 5 minutes after he made them. You will then not be able to remember all the arguments the 1NC made, and the problem keeps snowballing as the debate progresses. When the 2A gets up and says "Remember what my partner's card said in 1A about economic harms?" you will have no idea what he is talking about if you didn't flow it.

When I'm judging, I can tell when debaters aren't flowing well. I will hear a statement like this: "Now in the last speech, he said something about the economy." This tells me that the current speaker is trying to recall something off the top of his head but he really doesn't have an accurate summary of it written down and he probably doesn't know what he's talking about. He

## 148 *Keys to Team-Policy Debate*

can't tell me what stock issue it went with (because he didn't put it in an organized, labeled place on the flow). He can't tell me exactly what the argument was ("something about the economy" – that could be anything).

If his flow had been complete, he would have said it more like this: "Now in the last speech, his third disadvantage was that it would cause a recession and loss of 1 million jobs." See how much better that is? Notice how much more persuasive this guy sounds already? He's on the right track because he's flowing better.

### How Do Arguments Get Flowed Correctly?

---

The first step is to take a legal pad (11 inches x 14 inches) and turn it sideways. Draw or fold in such a way that there eight columns – four slightly larger and four slightly smaller, across the page. These represent the eight speeches in the debate round that must be flowed. Remember that cross-examination does not have to be flowed. Label the columns, if you like, for the speeches they represent (1AC, 1NC, 2AC, 2NC, 1NR, 1AR, 2NR, 2AR). You should have something that looks like this:

1AC	1NC	2AC	2NC	1NR	1AR	2NR	2AR

Once we know where all the speeches will go, we then focus on writing brief summaries of each argument, plus any additional information that might be needed to help us respond intelligently to the points made in the round. The 1AC is the first speech in the round, so let's consider an example of how it would be flowed. Below is a greatly simplified sample of a made-up 1AC, followed by a sample flow that a Negative debater would make while listening to this speech. The 1AC below is not offered as a perfect model for a 1AC, and it is incomplete in some ways. It is offered only for the purpose of illustrating flowing.

*"Good morning. My name is John Smith and I will be telling you today about an urgent problem facing the world today in which aid money intended for the poor in Africa ends up in the hands of corrupt elites and fuels civil wars and even terrorism.*

*These problems compel my partner and me to affirm: That the United States should significantly change its foreign aid policies.*

*Observation 1: We offer the following definitions, all from Woobster's 9<sup>th</sup> edition dictionary in 2005: Significant: having great meaning. Aid: assistance given to one in need. Foreign: pertaining to a country outside of one's own.*

*Observation 2: Inherency: the US donates billions of dollars to African governments. Prof. Alf Landon, UCLA Policy Review, 2006: "The US government donates around \$10 billion per year for assistance programs in Africa. Most of this money goes to the governments in the region."*

*Observation 3: Harms.*

*Harm 1: Aid given to governments fuels civil wars. Hank Haggerty, BOSTON GLOBE, 7 July 2006: "Civil wars in Ubanga and Obongo have been prolonged and worsened by the influx of cash from US government aid programs to the governments in the region."*

*Harm 2: Corrupt elites steal money intended for the poor. Wes Woozy, NEW YORK TIMES, 8 June 2007: "US aid officials estimate that around 50% of the poverty relief aid money donated to African governments last year was stolen by corrupt elites."*

*Harm 3: African aid fuels terrorism. R.U. Sirius, NEWS QUARTERLY, Summer 2006: "Several terrorist groups, including Al-Qaeda, receive payoffs from corrupt government officials in Africa, and a lot of that money comes from cash siphoned away from US aid programs."*

*Observation 4: We offer the following plan:*

- 1: Agency. Congress and the US State Department.*
- 2: Mandates. All foreign aid to Africa shall be donated to Non-Governmental Organizations from now on.*
- 3: Funding. Current budget for foreign aid shall be continued from current sources.*
- 4: Enforcement shall be through the US State Department.*
- 5: This plan takes effect immediately upon an Affirmative ballot.*
- 6: The Affirmative team reserves the right to clarify the plan in later speeches.*

*Observation 5: Advantages*

*Advantage 1: Reduced risk of civil wars. Frank Jones, NEW REVIEW, 2007: "If Western governments would stop giving aid money directly to African governments, civil wars would often dry up and evaporate due to lack of cash for weapons and troops."*

*Advantage 2: The poor receive aid, not corrupt elites. Barney Rubble, STONEHENGE TIMES, 2007: "Directing US relief programs in Africa to relief organizations rather than the African governments would bypass the corrupt elites and significantly reduce the theft of aid that robs the world's poorest people of the help they desperately need."*

# 150 *Keys to Team-Policy Debate*

*Advantage 3: Stop funding terrorism. Wes Woozy, FOREIGN REVIEW, 2007: “If the US government redirected its aid to non-governmental organizations and away from corrupt regimes, many terrorist groups in Africa would find themselves seriously starved of revenues.”*

What should appear on the four (five, if you count the judge) flowsheets in the room now? Remember that the Affirmative team must flow its own arguments too, and a smart 1A will pre-flow the outline of his 1AC onto his flow before he even gets to the tournament. Everyone should have a flow that looks something like the one below:

1AC	1NC	2AC	2NC	1NR	1AR	2NR	2AR
I. DEF Signif, aid, foreign II. INH US =\$10B/yr to Afr govts III. HARMS 1. civil war 2. elites steal \$ 3. terrorism – payoffs from govt officials IV. PLAN All Afr aid thru NGO's. V. ADV 1. ↓ civil wars 2. ↓ poor get \$ 3. ↓ \$ to terror							

Before continuing, let's look at what is flowed, how it's flowed, and what isn't flowed. First, notice the widespread use of abbreviations: “DEF” for definitions; “INH” for inherency; “\$” for money or funding; “Afr” for Africa or African; and the “down arrow” indicating reduction or less of something. You and your partner will develop a consistent set of abbreviations that the two of you can both understand, and you will use these over and over again to save space on the flow. Everything that can be abbreviated should be.

Next, notice what's NOT on the flow. I usually don't flow the definitions of the words in the 1AC unless I hear something crazy. Here are the reasons:

1. If I'm debating, and I don't hear anything crazy in the definition, then I probably won't challenge it anyway. What's the use of writing this down if I'm not going to make anything out of it? I usually just write down the words that they defined, in case they left one out. I can always get the exact definitions from the copy of the 1AC that my partner will ask for in cross-ex anyway, if I do suddenly think up a topicality argument based on word definitions.
2. If I'm judging, and I don't hear anything crazy in the definition, then in the unlikely event that the Negative is going to raise a topicality argument, it will be the Negative's job to explain to me what's wrong with their definition. If it's really in dispute, I can ask for a copy after the round, but I've never had that happen on a word definition.

Also, I don't usually flow very much of the other planks of the plan outside the mandates. Again, they usually aren't big issues in the round, and if they are, the Negative team will highlight them and I'll get them at that time. Again, unless I hear something crazy in one of them, it usually isn't worth the space to write down facts like their "agency" is "Congress and the State Department." A big part of skillful flowing is knowing what to write and what to leave out. Write the important stuff and leave out the things that aren't going to matter.

Notice what IS on the flow: The entire outline of their case. Anyone looking at this column can quickly figure out that they had 3 harms, one inherency argument, a plan to stop giving money to African governments and redirect it only to NGO's, and three advantages. And you should have a short summary of what those arguments are. If your flow doesn't give you the essential facts described in this paragraph, your flow isn't good enough and you need more practice flowing.

What happens next? Many would say, "Well, the 1NC gets up and speaks and everyone flows what he says." Not quite. The next thing that happens is that the 1N "pre-flows" his upcoming speech. "Pre-flowing" is a technique used by winning debaters that often separates them from the novices. It means that the 1N is going to write down short summaries of what his arguments will be in the 1NC during the 1AC, during the prep time between 1AC and 1NC, and while his partner is conducting the cross-examination of the 1AC.

Pre-flowing accomplishes two goals: First, it gives the 1N an outline of what he is going to say so that he can remember all the arguments he wants to make and can give an accurate summary at the start of the speech. Second, it means he has his own speech on the flow for the rest of the round. Since you cannot flow and speak at the same time, this is the best and sometimes only way to have a flow of your own speeches. This is essential because in rebuttal you will need to refer back to what you said in constructives, and if you haven't flowed your own speech, you will not be able to do that.

Never ever go to the podium in a policy debate with an empty column under your name on the flow. If you are the 1N, your 1NC flow should be filled out before you get up there. If it isn't, go back and sit down, because you are not ready to give your speech. The same goes for all the other speeches.

The pre-flow done by the 1N will be similar to the real-time flow taken by the other debaters: a list of summarized and abbreviated references to the 1NC arguments, similar to the 1AC flow. Let's suppose that the 1N plans to make the following arguments (summarized here for brevity; in real life he would have to completely explain them and read all the evidence for them):

Harms:

- 1) Civil wars in Africa are under control and reducing today.
- 2) 97% of aid reaches the poor today
- 3) Terrorists aren't getting US aid money

Inherency:

- 1) US State Department has announced new tighter controls on foreign aid
- 2) African governments are behaving more responsibly

# 152 *Keys to Team-Policy Debate*

The diagram below shows how the flow will appear after the 1NC:

1AC	1NC	2AC	2NC	1NR	1AR	2NR	2AR
I. DEF Signif. aid, foreign II. INH US = \$10B/yr to Afr govts III. HARMS 1. civil war 2. elites steal \$ 3. terrorism – payoffs from govt officials IV. PLAN All Afr aid thru NGO's. V. ADV 1. ↓ civil wars 2. ↓ poor get \$ 3. ↓ \$ to terror	INH 1. Tighter ctrls on aid 9/06 2. Afr govts behavior 2/07  HARMS 1. civil wars 2. 97% aid gets to poor 3. terr not getting aid \$						

Notice a few additional features of the 1NC flow. First, we can draw arrows that connect related material across from the 1AC. We did that under the harms arguments above, and the need for these arrows will become more apparent as the flow progresses. We didn't do it with the inherency arguments because the Negative's inherency evidence does not directly relate to the 1AC's inherency observation. Negative is raising new issues about controls and behavior changes, but they are not disputing 1AC's claim that the US gives \$10 billion/year in aid to African governments. These get flowed as inherency arguments, but they can't be linked with an arrow back to a 1AC argument.

Second, note again the abbreviations that appear in the 1NC column. These are similar to the abbreviations we used to represent the 1AC material. But we added one additional feature: notice the 9/06 and 2/07 next to the inherency arguments. These are the dates of those cards, and we notate them because the dates on these cards could become important issues in the round.

You might be wondering why we left the bottom half of the 1NC column blank. It seems like a lot of wasted space that could have been used to write out more complete information about the 1N's arguments. But there's a good reason for leaving it blank: The 2NC is probably going to make solvency arguments and/or disadvantages. These will be flowed against the plan and its advantages at the bottom of the flow. We are leaving the bottom of the flow open so that 2N's arguments can be written on the same flow with everything else and we will not be writing arguments on top of each other or in the margins after 2NC.

The cross-examination of the 1N by the 1A will follow, and the 2A will begin pre-flowing his next speech. Here we need to illustrate another flowing feature that can be extremely useful: flowing material generated during cross-examination. You will recall from the chapter on cross-examination that the cross-ex is not flowed (and there are no columns on the flow above for it). So, how, why and when do we make notes about something that occurs in cross-ex?

The first indication on the flow of something that occurred in cross-ex will be a pre-flow notation made by the examiner's partner about something that the examiner was able to squeeze



from his opponent that can be used to support his argument in the upcoming speech. In the current example, let's suppose the cross-ex of the 1N went like this:

Q. Now on your first harm card about 97% of the aid gets to the poor. Is that talking about US foreign aid in general or specifically aid to Africa?  
 A. I think that card's talking about US foreign aid in general.  
 Q. OK, thanks.

The 2A, as soon as he hears this, will pre-flow the letters "cx" and "not specifically Africa" in his 2AC column as a reminder to give this as a response to the first Negative harms argument. He puts the "cx" notation to remind himself to say that this was something the other team admitted under cross-examination.

The 2A will pre-flow the rest of his 2AC in similar manner as that used by the 1N (using evidence and full explanations, not the quick summaries below), so let's summarize his arguments and see how they would appear on the flow:

Inherency:

- 1) Controls on US aid are not effective 12/06, updating Neg 9/06 card.
- 2) African governments wasting aid money despite reforms

Harms:

- 1) Civil wars killed 3 million in Africa over the last 3 years
- 2) 1N admitted in CX that his card is about US aid programs in general, not specifically Africa.
- 3) 1N's card wasn't talking about African-based terrorist groups and didn't mention the groups our 1A card mentioned.

For reasons of space I've again greatly simplified this constructive by putting only the outline of what would appear in it above. These would appear on the flow as illustrated in the diagram below:

1AC	1NC	2AC	2NC	1NR	1AR	2NR	2AR
I. DEF Signif, aid, foreign II. INH US = \$10B/yr to Afr govts III. HARMS 1. civil war 2. elites steal \$ 3. terrorism - payoffs from govt officials IV. PLAN All Afr aid thru NGO's. V. ADV 1. ↓ civil wars 2. ↓ poor get \$ 3. ↓ \$ to terror	INH 1. Tighter ctrls on aid 9/06 2. Afr govts behavior 2/07 HARMS 1. civil wars 2. 97% aid gets to poor 3. terr not getting aid \$	INH 1. Ctrls not working 12/06 2. Afr govts wasting \$ despite reform HARMS 1. 3m died 2. cx Not specif Afr 3. ≠ same terr groups in 1A					

# 154 *Keys to Team-Policy Debate*

(Note the equal sign with the line through it, indicating “not equal” or “isn’t” in the third Harm argument in 2AC – another cute space saving device.)

As promised, the 2N will bring up solvency arguments and disadvantages in the next speech. Here’s a quick summary of his arguments along with the flow after 2NC is finished. Keep in mind that the process for developing and delivering the 2NC is the same as the other two non-scripted constructives we have seen already: pre-flow during prep time and cross-ex, and use the pre-flow as the outline for the speech up at the podium.

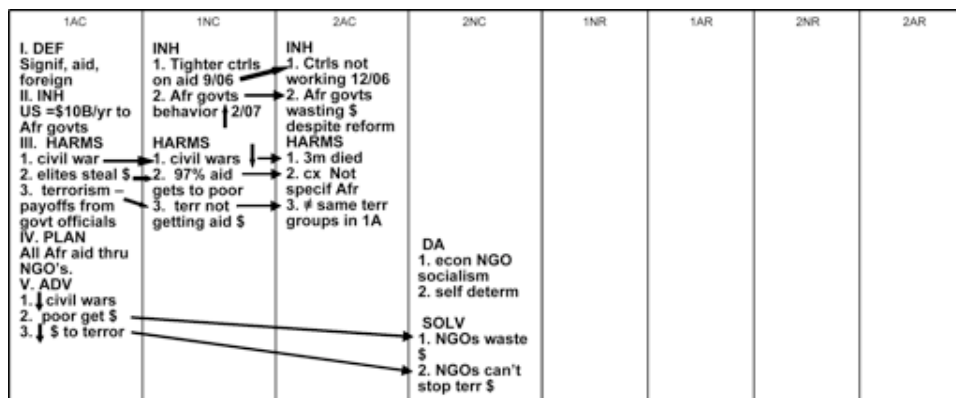
Disadvantages:

- 1) Economic decline caused by socialist ideology promoted by NGOs in Africa
- 2) Cultural violations and loss of self-determination when outside agencies tell native peoples how to improve their lives

Solvency:

- 1) NGOs waste as much money as African governments
- 2) NGOs cannot prevent money from getting to terrorists

Let’s see how these would be flowed in the 2NC’s column:



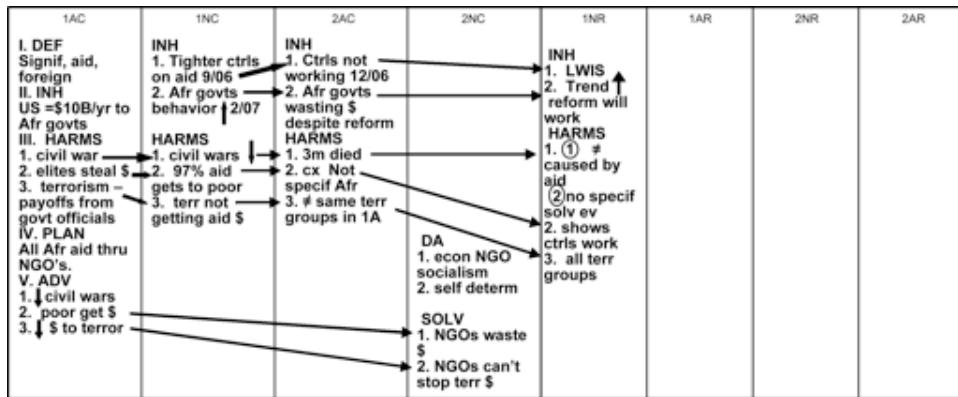
With the 1NR, rebuttals begin and arguments get shorter and simpler because no new arguments are being introduced – the debaters are only responding in a short period of time to material already in the round. The 1N, because he has carefully studied *Keys to Team-Policy Debate*, will give a line-by-line response to the 2AC and will not waste any time repeating what his partner said in 2NC:

Inherency:

- 1) Look back at our 1NC card – it says the US State Department is already imposing tighter controls!
- 2) Even if African governments are still wasting money, they are wasting less than they used to and it will be even less in the future as the reforms have more time to take effect.

Harms:

- 1) The evidence didn't say those 3 million that died were in civil wars caused by US foreign aid, nor did their solvency evidence say how many of those 3 million would have been saved by this plan.
- 2) The 97% card shows that the status quo has adequate controls in place, since the controls are working on a general basis. There's nothing stopping those controls from working in Africa like they do everywhere else.
- 3) Our card was referring to all terrorist groups in Africa not getting US money. It doesn't have to specifically list each one.



Notice two new markings in the 1NR flow. The first inherency response was abbreviated on this flow (not by the 1N himself!) as "LWIS." Unfortunately, the 1N made the beginner's mistake of merely repeating what he said earlier rather than responding to the 2AC's evidence. Rather than trying to re-write or summarize a worthless blurb like that, I like to abbreviate it as L.W.I.S., which stands for "look what I said (LWIS) back in the earlier speech." It means he gave no real response and just repeated what he or his partner said earlier. All it takes is four letters to remind me of that on a flow.

Notice also the circled "1" and "2" on the first harm argument. These are sub-points to the first harm argument indicating he gave two separate responses to the 2AC's argument. It is important to label these separately because if 1AR does not notice that he gave two responses, and only replies to one of them, the 2NR will pounce on that mistake, tell the judge about the other response, and claim victory on that argument.

We now expect the 1AR to cover, however briefly, all the issues in the round. It won't be easy, but let's see what the 1AR says in the summary below:

Disadvantages:

- 1) Socialism corrupting poor nations' economies is not unique because most of these countries already have messed up economies anyway. They can't get much poorer than they already are.
- 2) Loss of self-determination through outside intervention should not be a voting issue in the round because the Negative team gave no impact to it. So what if they

# 156 *Keys to Team-Policy Debate*

lose some self-determination? If we save lives, they can live long enough to worry about it later.

Solvency:

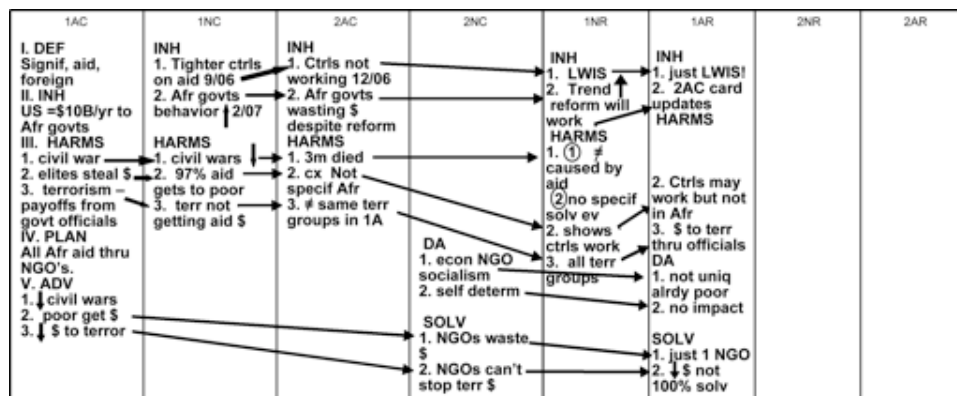
- 1) The Negative's card about NGOs wasting money was about one bad organization, not about NGOs in general.
- 2) Our expert said NGO money was less likely to get into terrorists' hands than it would be if it were going to governments. We're only claiming a reduction, not 100% guarantee that terrorists never get money.

Inherency:

- 1) No clear response to 2AC, just repeated 1NC argument.
- 2) Our card that status quo reforms aren't working updates their card about the trend of improvement today.

Harms:

- 2) The evidence may show that controls are working in some places, but it doesn't prove anything about what's happening in Africa, like our evidence does.
- 3) Here's more evidence from Prof. Joe Balladucci, Big University, 2012: "US government aid to African governments often finds its way into the hands of terrorists due to widespread official corruption."



By now you know what to expect on the flow, based on the arguments the 1AR made. Notice one thing in particular here: that ugly empty space under the heading "HARMS." The 1A forgot or ran out of time to respond to the first harms argument that the Negative team made. You can see how all the other arguments from earlier in the debate are being carried across the flow with arrows into the 1AR, and we expect those arrows to continue "flowing" across the page until the end of the 2AR.

Let's see what the 2NR does next. Here's a quick summary of what the 2NR will say:

Inherency

- 1) Cross-apply our second harm response where we gave evidence that controls are working and 97% of the aid gets to the poor. I'll have more to say on that under

Harms.

2) Even if their evidence was more recent, our source was better qualified and had more experience with aid projects in Africa.

Harms

1) They dropped our 2 responses to the first harm about civil wars. This harm is now out of the round.

2) Affirmative never proved what's different about Africa to show why the controls wouldn't work there as well as in the rest of the world.

3) The 1AR evidence didn't quantify how much money was going to terrorist groups in Africa. It could be a very insignificant amount.

Disadvantages

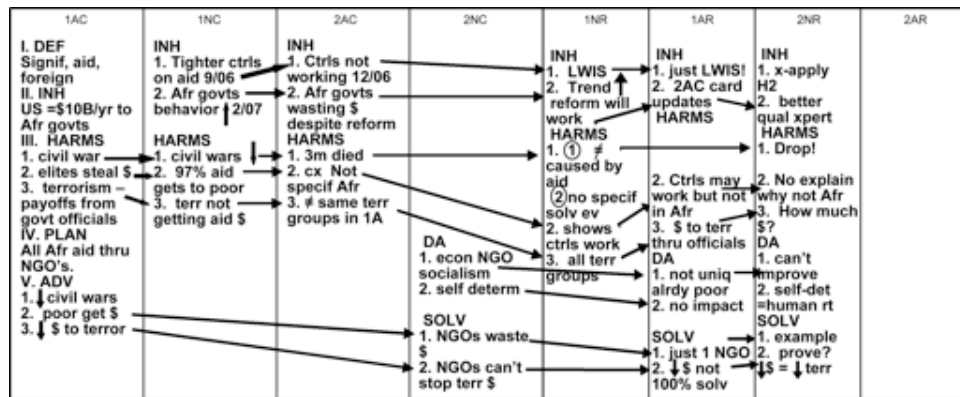
1) The uniqueness is that even if they are poor now, they will either get into worse poverty or else get policies that guarantee they stay poor even as other countries that don't adopt socialism get richer through trade and economic integration.

2) Self-determination is the right of every ethnic and national group of people. Denying self-determination has the impact of denying basic human rights.

Solvency

1) Our evidence shows one example of an NGO that wastes money. It doesn't prove that this is the only NGO that has this problem. It proves that NGOs are not necessarily more efficient than government aid programs.

2) Affirmative never shows that whatever small percentage reduction they might achieve in funding to terrorism would reduce actual terrorist incidents. In other words, there's really no proven impact even if they do achieve some percentage reduction in funding.



Notice a few things about the 2NR flow. First, 2NR used the term “cross-apply” to give a better response to the first inherency argument instead of LWIS again. “Cross-apply” (abbreviated “x-apply” on the flow) means to use the same response for two different arguments because the same evidence or logical reply will equally apply to both. Here, the 2N believes that his response to the second harm argument (abbreviated “H2” in the inherency part of the flow) will also be adequate to answer the first inherency argument. So, he simply tells the judge to cross-apply his

# 158 *Keys to Team-Policy Debate*

second harm argument as also being the response to the first inherency argument. This neatly saves him some time in rebuttal by using one response to accomplish two things.

Notice also at the first harms argument that the 2N simply points out (correctly) that the Affirmative dropped this argument and then moves on. He does not waste time belaboring this point excessively. There's no need: If everyone is flowing accurately, they can easily see that 1AR dropped it and that the issue is now pretty much going to flow Negative.

Now we come to the 2AR's responses to the 2NR. Here's a quick summary, but first notice that the speaker may choose to address the issues in a different order from that of the previous speaker, based on what he thinks is most important:

## Disadvantages

- 1) The poverty disad is still not unique because people are stuck in poverty no matter what happens. If NGO socialism keeps them poor then they'll stay poor, but if the status quo ripoffs of aid continue, they'll continue to be poor too. Poverty is simply not a reason to vote Negative in this round.
- 2) Self-determination is impossible to achieve: Mashy Niblock, BANFF REVIEW, 2007: "African countries have little hope of self-determination no matter what the West does. For the foreseeable future, they will be wards of the developed world and continue to depend on aid for basic survival."

## Solvency

- 1) The card did not say it was giving one example among many NGOs that waste money. It was simply citing one NGO that had a problem. It doesn't say that lots of others have the same problem.
- 2) Our 1AC evidence said it was beneficial to reduce dollars going to terrorists, we don't need to read any more cards on that.

## Harms

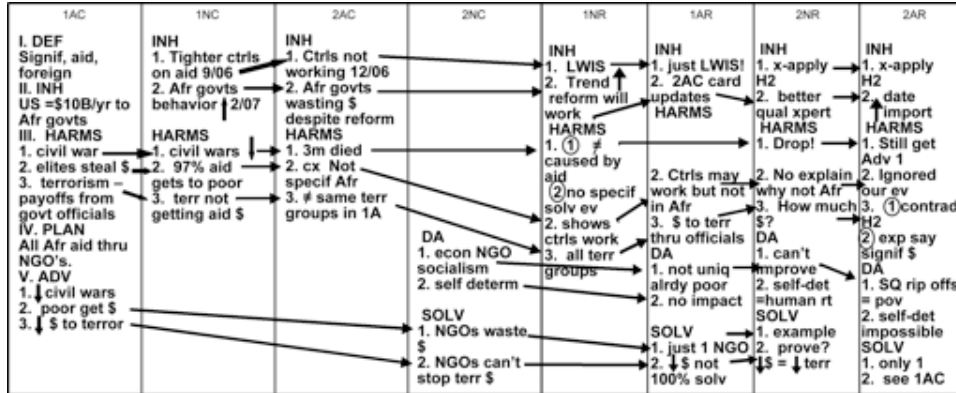
- 1) Regardless of how you vote on the harm card on civil wars, they dropped our 1AC solvency evidence that says civil wars would go down if you vote for our plan. That's enough to justify an Affirmative ballot.
- 2) On controls not working, they said we didn't explain why they don't work in Africa. We don't have to, our evidence did it for us. They keep ignoring the stacks of evidence we read and just keep asking "why?" Ultimately it doesn't matter why, as long as we solve for it.
- 3) How much money is going to terrorists from corrupt officials? First of all, the fact he now admits that this is happening at least some of the time contradicts his response on Harm 2 about not knowing whether controls are working – now we agree that they don't. Second, our 1AC evidence said it was a significant problem. If the experts who have looked at this say it's a significant problem, then not knowing the exact dollar value has no impact on the round.

## Inherency

- 1) He cross-applies Harm 2, so cross-apply my responses to Harm 2 here.
- 2) We update them but they claim their expert is better qualified. There was nothing

wrong with our expert on this, and more importantly, on this issue, timing is the important factor. This is about inherency, regarding what the status quo is doing, and our more recent evidence showed that the status quo is failing to solve. Their expert may have been great, but things have changed since he said what he did.

Down below, you can see how the flow will look after the 2AR:



The flow is now complete. It was a useful tool during the round, but its usefulness does not end at that point. Some debaters fail to flow the 2AR because they don't realize that a flow's benefits are not confined to the immediate round. Sharp debaters use the flow after they get home from the tournament in order to prepare for the next tournament.

If it was a Negative round, the debater should take the outline of the Affirmative case and prepare a Negative brief from it. Use the evidence summaries as a starting point to do research on the claims the Affirmative made and develop more evidence to defeat this case if you encounter it again. Remember that there may be other teams using the same case, so don't assume that it only applies to the one team you heard in this one round.

If it was an Affirmative round, look at the Negative arguments that gave you trouble. Go do more research and either improve your 1AC or save the evidence for use in the 2AC or 1AR to refute the things Negatives are bringing up against you.

Share the flows from your Negative rounds with other teams in your club, so they can be prepared for tough Affirmative cases coming from other clubs. Frequently, a club that reviews their Negative flows together can think of powerful arguments that didn't come up during the round, and they can be better prepared the next time they go Negative against this plan. This is a "key to team-policy debate."

## **Key #11 Syllabus Lesson**

---

### **Student Preparation:**

1. Read Chapter 11

### **Goals:**

1. Learn how to flow the debate round
2. Learn tips about how to flow more effectively
3. Learn how to use the flow during the round
4. Learn how to use the flow after the round

### **Teaching Outline:**

- I. What is Flowing and Why is it Important*
- II. How do Arguments Get Flowed Correctly*
- III. Sample Flow of a Debate Round*
  - A. 1AC
  - B. 1NC
  - C. 2AC
  - D. 2NC
  - E. 1NR
  - F. 1AR
  - G. 2NR
  - H. 2AR

### **Student Questions & Exercises**

1. What is flowing?
2. What are the most important elements to get onto the flow?
3. What abbreviations can be commonly used on the flow in this year's topic?
4. Exercise: The teacher reads a 1AC from Blue Book and the class flows it. Every student should be able to explain all the arguments, evidence, and plan mandates from their flow without seeing a copy of the 1AC. Keep repeating with different cases until proficiency is achieved.



## Key #12

# Refute the Arguments

## What is Refutation?

---

Merriam-Webster defines “refute” as “to prove wrong by argument or evidence: show to be false or erroneous.” Classic debate theory describes refutation as a “four-point” process:

1. **Summarize.** State the issue and describe what your opponent is claiming. “His first argument is that trade barriers harm the economy.”
2. **Respond.** Give your answer to the argument. “My response is that actually they save American jobs.”
3. **Warrant.** Give evidence or support for your argument. “The East University study of trade in 2011 said, quote...”
4. **Impact.** Explain the relevance of this argument and how it impacts the round. “Therefore, Judge, there is no economic harm and you should not vote for their plan because it isn’t needed. In fact, the economy will be worse off if you accept this plan.”

While it may be old and traditional, this outline is exactly what debaters are expected to do in order to win speaker points under the category of “refutation” and to win arguments that lead to winning the debate round.

## The Rhythm of Summary and Response

---

There is a rhythm of speaking in an organized style that is used by advanced debaters because it persuades judges. I call it the “rhythm of summary and response.” This style allows judges to follow every argument you are making back to something on the flow and they can number it and keep track of it all throughout the round. It’s a simple formula:

Deal with one stock issue at a time and identify it: “Now let’s go down the Solvency arguments...Now let’s cover the disadvantages...”

## 162 *Keys to Team-Policy Debate*

Clearly summarize and label the arguments: “His first Solvency argument was.... my first response is...my second response is.... His second Solvency argument was... my response is....”

At whatever point you are in the round, for any argument you are dealing with, you are responsible to explain to the judge what has happened to that argument in the round. This is easy in Constructives because the argument is still fresh:

2AC: “On our third harm, \$3 billion economic loss in Slobonia. In 1NC his response is the Smith evidence that says it won’t happen. I have two responses. First, the Smith evidence is bad because the Smith quote was dealing with Bosnia, not Slobonia. And second, we have additional evidence from Jones in 2011 that says: “The harm of this policy in Slobonia is estimated at \$3.2 billion over a 5-year period.”

Notice that the speaker briefly states the issue (“our third harm, \$3 billion economic loss”), briefly summarizes the other team’s argument (“Smith evidence that says it won’t happen”), and then outlines what his specific responses will be to the other team’s argument (“First, the Smith evidence is bad...And second, we have additional evidence..”).

In rebuttals, this becomes more complicated, but is still essential to winning the round by showing how your arguments are better. Watch how this same argument will be brought up in the 2AR, and notice how, due to time pressure, the summaries will be shorter but still enough to identify what’s going on:

“Now on to the third harm, the \$3 billion loss. The only response they give you is the Smith evidence that it won’t happen. We showed you the Smith evidence was bad and gave you more evidence that it will happen. Their response in 1NR is that Smith was a valid expert, but my partner in 1AR showed that actually Smith didn’t know what he was talking about. And in 2NR, all the Negative team said was that they thought Smith was better than Jones, but they didn’t produce any evidence to prove that and they never responded to the fact that Smith didn’t deal specifically with Slobonia. So, harm 3 flows Affirmative because our evidence is better.”

Notice how the sample paragraph above follows an argument (Harm 3) all through the round and shows you what happened to it along the way and why this speaker deserves to win that issue. This is the essence of winning debate.

## **Respond, Not Repeat**

---

The other big reason to develop the summary/response style of speaking outlined above is that it prevents you from making the second most common mistake made by inexperienced debaters. The most common mistake is dropping (failing to mention) arguments that had previously been raised in the round. This can be solved by better flowing, which will happen through practice at note-taking and listening as you participate in multiple debate rounds. Getting over the habit of dropping arguments separates average debaters from poor ones. But the second most common

mistake is harder to avoid, and it makes the difference between average debaters and winning ones: the bad habit of merely repeating your position when you are supposed to be responding to the other team's argument. When teaching in Debate Camps, I sometimes put up a sign with only these three words on it:

**RESPOND NOT REPEAT**

I want every debater that I judge or coach to have these words burned into their minds until they practice it in every round instinctively without having to think about it. The difference between responding to the other team's arguments and simply repeating your own arguments is the difference between a debate and a quarrel. Ever hear two children (or immature adults) just repeat something back and forth? "Did not!" "Did too!" "Did not!" "Did too!" That's ugly. It certainly isn't a debate because debate requires reasoning and evidence to show why your position is more persuasive, reasonable, and evidentially supported than the other guy's. A quarrel is simply a repetition of your position over and over again. Here are some examples:

BAD EXAMPLE #1: "Now on our Harm 3, the \$3 billion economic loss. He reads the Smith evidence that says it won't happen. But remember, in the last speech, my partner said it would happen. "

Well, that's nice, but what's your response to the Smith evidence? Simply repeating the earlier argument doesn't answer what they said. As a judge, what I want to know is: Why is your evidence or argument better than the Smith evidence? Do you have any more evidence that will tip the scales in your favor? Can you show me what's wrong with their Smith evidence? or what's better about yours?

BETTER EXAMPLE #1: "Now on our Harm 3, the \$3 billion economic loss. He reads the Smith evidence that says it won't happen. My partner in 1AR gave additional evidence that said it would happen and also pointed out that Smith wasn't dealing specifically with Slobonia. Then in 2NR he says his evidence is better because Smith is better qualified, but he drops the other argument we made that Smith wasn't dealing specifically with Slobonia."

Here's another bad example of repeating instead of responding:

BAD EXAMPLE #2: "Now on our Harm 4, human rights. His response is that Slobonia is respecting human rights today. But here's our evidence on that again: From Smith in 2009 "Slobonia has a poor human rights record that needs immediate reform. "

No. DO NOT re-read evidence later in a round (except under one exceptional circumstance) and deceive yourself into thinking that you have responded to the other team's arguments. We all heard your evidence the first time you read it and you are insulting me, the judge, by re-reading it because you are implying that I wasn't listening the first time. Instead of re-reading the

## 164 *Keys to Team-Policy Debate*

evidence, summarize it and RESPOND to the other team's argument by showing me how your earlier evidence is better than their evidence or how their arguments don't defeat your evidence.

BETTER EXAMPLE #2: "Now on our Harm 4, denial of human rights. His response is that Slobonia is respecting human rights today. But judge, look at the date on his evidence and you'll see in our evidence that we read earlier, that said Slobonia is violating human rights, is more recent. That shows conditions have changed since his evidence was written and the problem is happening now in the status quo and we still need a plan to solve it."

The exceptional circumstance: The one case when it is necessary to re-read evidence later in a debate round is when someone has specifically challenged the wording of an evidence quotation and you need to clarify the exact words that were used. For example:

1AC: "Harm 3: Three billion dollar economic loss in Slobonia. From Dr. J.D. Smith, Northern University, 2011: 'Our studies indicate that Slobonia, under continuation of current economic conditions, will experience a \$3 billion trade-related loss over the next 5 years without a significant change in US policy in the region.' "

1NC: "Now on their Harm 3, the \$3 billion economic loss. Their Smith evidence says a \$3 billion impact but the quote doesn't specifically say the harm is related to trade, so there's no guarantee that their trade plan can solve for that."

2AC: "Now on Harm 3. His response is that the Smith evidence doesn't specify that the impact is trade-related. But Judge, here's the quote again: '...under continuation of current economic conditions, will experience a \$3 billion TRADE-RELATED LOSS over the next 5 years...' Our evidence did specifically say that this is a trade harm."

## Arguing the Evidence

---

Remembering what I said in the evidence chapter about the fact that every piece of evidence can be challenged or debated, here are some issues that can be debated that are specific to the quality of the evidence being introduced to support an argument. While it is true that an easy way to argue a piece of evidence is to bring up some counter-evidence that says the opposite, experienced debaters know that they must also find ways to not only build up their side with evidence but also tear down the evidence offered by their opponents. In addition, sometimes you don't have a piece of evidence that directly counters the other team's evidence. You need to be able to think of good logical responses to evidence as well as explanations of why your evidence is better than theirs. Here's how to do that:

*1. Indict the source or publication.* Ordinarily, I don't like to see debaters get bogged down in lengthy debates about whether some source is good or well-qualified or not. Usually both sides really don't know what they're talking about, because no team can possibly know everything

about all the people cited in the boxes of evidence that they bring to the round. Having been a debater, I know that expecting such would be an unreasonable burden that no team could meet. I advise students that, if they are in a round and the other team (usually in desperation, because if they had better arguments they would use them) starts asking, “Well, exactly what is *THE ECONOMIST* magazine anyway?” – I tell my students to challenge (or threaten to challenge) the other team the same way on every piece of their evidence. Very quickly, they realize that such challenges, except in a few justifiable circumstances, are a waste of time.

What are the circumstances that justify source challenges? First, if you have specific evidence that the source named in the evidence is faulty. For example, if you can find evidence that specifically names their expert as a liar, a fool, someone who has made mistakes in the past, etc., then you can bring out your indictment of their source and attempt to invalidate their evidence. As a judge, I find this type of evidence persuasive, because it shows sharp preparation by the other team and it helps me weigh the value of the evidence if I know that a particular source is suspect or faulty. Really sharp debaters, especially when going Negative, prepare source indictments if they can find them on sources that they know Affirmatives are using for their cases. These can truly be devastating to an Affirmative case.

Second: when the source comes from something that sounds weird, suspicious, or ridiculous. I’ve seen evidence from sources like “Socialist Workers’ Party Magazine” or other weird or questionable sources. Other debaters have tried to quote their own parents or some other unqualified or unverifiable source that hasn’t been published or is not open to investigation or unbiased examination. Publications like the National Enquirer and similar journals are also going to raise legitimate questions by the other team.

Third, when the source can be indicted by previous faulty statements or predictions they have made. For example, in the late 1960’s a number of “experts” predicted widespread famine and food shortages in the United States within the following 20 years due to global population increase and economic problems. If I heard that an Affirmative team today were quoting one of those experts to support his harms on whatever the latest crisis might be, even though he may be well-qualified on paper (college professor, well-known journalist, etc.), I would dig up old quotes from those sources and use them to discredit these “experts” as people who obviously don’t know what they’re talking about.

2. *Quality of evidence.* All evidence is not created equal. Consider the following two pieces of evidence, adapted from a real situation I encountered once. They are both good pieces of evidence, but not equally good:

**Ocean floor mining causes environmental harm**

*Prof. E. T. Hughes (Marine Biology, Florida St. Univ.), MARINE BIOLOGY QUARTERLY, June 1978*

Ocean floor mineral mining will disturb the natural habitat of plankton and other sea creatures, resulting in shortages of food essential to the maintenance of the natural food chain in the fragile South Atlantic ecosystem.

**Ocean floor mining is environmentally safe**

*Prof. O.J. McKenzie (Ocean Sciences, Univ. of Hawaii), OCEAN BIOLOGY REPORT, June 1978*

The National Oceanic and Atmospheric Administration (NOAA) recently completed a 2-year study of ocean floor mining using ships off the coast of Hawaii. Analysis of the seabed condition after the mining operations were finished showed no degradation to the marine wildlife ecosystem or food chain.

These are both good pieces of evidence (or would be if I had not just made them up). They both appear to be from good sources and have identical dates. But the second one is arguably better because it represents, not just an expert opinion on what could or would happen, but an actual study where the hypothesis was tested in the real world and the results were analyzed. Citing a study or real-life test of the matter in question is a good way to beat the other team's evidence that derives from expert opinion alone.

3. *Show that both sides' contrary evidence could be right at the same time (and why this supports your position).* Sound crazy? How could the Affirmative and Negative evidence that contradicts each other both be right at the same time? Look again at the sample evidence cards above. If the Negative read the first card as evidence for an environmental harms disad and the Affirmative responded with the study that shows no environmental harm, obviously the Neg. would like to support Prof. Hughes, who said the harm would happen. In all fairness (in the real world), if the good professor were here, he would probably say the same thing: that his opinion is still valid despite the study that showed otherwise. How can debaters do the same thing in a debate round?

One way is by showing that the two cards are talking about different time periods. Maybe Prof. Hughes is referring to long-term environmental damage that wasn't taken into account by the immediate results of the two-year study. So, the Negative could be right that the harms will happen (later), and the Affirmative could be right that the study showed no harm (now). In that case, the Negative can argue that the environmental disadvantage is still a valid reason to vote Neg.

Another way is to show that the "better" evidence doesn't directly conflict with the "weaker" evidence. The professor's opinion about damage to the South Atlantic environment could still be valid if the NOAA study's results only apply to the Hawaiian ecosystem.

4. *Update with more recent evidence.* The fact that a piece of evidence is more recent in date than the other guys' evidence is not always, in and of itself, proof that the newer evidence is better. But a newer date can be a factor in evaluating some types of evidence.

For inherency issues, dates are critical. Even a single piece of Negative evidence that updates the Affirmative inherency evidence, if it shows that a new policy has been put into place since the Affirmative's evidence was written, can be devastating to the Affirmative position. Inherency is the most time-sensitive issue in the round because by definition it deals with the time-related question: What is the status quo doing about this problem now? If the answer to that question has changed recently, then whoever has the most updated evidence could win the round.

For solvency issues, updated evidence often helps Negative teams win a round because they can show more recent studies that support their position. They can always argue, "Yes, experts used to believe that this would work, but more recent studies show that it won't." As a judge, I find that persuasive because I want to make my decision based on the most accurate information available. If expert opinion has changed recently based on new information, then it makes sense to vote for the policy that uses the new information, unless the other team can show that the new information is flawed or inconclusive.

5. *Look for "weasel words."* Here are examples of words and phrases to look for in your opponents' evidence that can give you a hook to grab onto when arguing their evidence:

1. *"Policy X could produce Z benefit..."* "Could" under what conditions? How will we know if it actually does, rather than just "could"? "Could" if what else happens?
2. *"Policy X could help reduce problem Z..."* To what extent will it reduce? 1% reduction of Z? "Could" under what circumstances?
3. *"Some analysts believe that..."* So that means some analysts don't believe it; do a majority of them believe it or not believe it?

## Refutation Pitfalls to Avoid

---

I've already discussed the most common pitfall above under RESPOND NOT REPEAT. Let's look at some others.

1. *Dropping arguments.* This means failing to respond to an argument your opponent made during the debate round. Students drop arguments for several reasons. The most common is poor flowing. Maybe they just didn't write down their opponent's argument, so they don't know they have to respond. Another is poor preparation. During their prep time they forget to put down a response on their outline, so they don't have anything to say when they go to the podium. Another common reason is running out of time. You may strategically have to pick which arguments to drop if you notice that you are running out of time, but as you become more experienced, you should be able to plan and execute your speeches better so that all the issues for which you are responsible get at least some coverage and nothing is dropped. This should be your goal.

## 168 *Keys to Team-Policy Debate*

2. *Responding with evidence instead of logic.* In rebuttals, you definitely won't have enough time to respond to every issue on the flow with a new piece of evidence (assuming you even had that much evidence). Debaters sometimes get into trouble (especially the 1AR) by trying to "read a card" for every issue in the round, only to find that the time runs out and they have failed to cover half the issues. It's OK to read new evidence in rebuttals if it is responding to an existing argument that has already been raised in the round. (It's never OK to raise new arguments in rebuttals.) But you should do it only when necessary and not as an automatic response to every argument. If you can't think of a logical response, and the issue is critical to the round, and you have a new piece of evidence, go ahead and read it. But be aware that the time spent will reduce your response time for other issues.

3. *Responding with logic instead of evidence.* Some debate rounds turn into what I call "evidence battles." Both sides go back and forth with experts and studies all the way through constructives and rebuttals. I get no sense of whose study is better than whose expert, and I'm waiting for the 2AR to clear it up. If he gets up and gives me a weak logical response, rather than the last study that would have tipped the scales, I'm voting Negative. If he gives me a good logical response about why his studies were better, then I'm voting Affirmative. The Affirmative has the burden of proof in the round. If AFF and NEG each read the same quantity and quality of evidence, I'm voting NEG. That extra piece of evidence AFF should have read could have won the round for them.

4. *Forgetting the Cross-Examination.* Debaters often forget to use admissions gained in Cross-Ex as refutational arguments. It doesn't matter if the other team has the best academic study by 10 PhDs, if they admitted in cross-examination that it doesn't prove anything, and you tell me that in your speech, then it's been refuted.

## Key #12 Syllabus Lesson

---

### Student Preparation:

1. Read Chapter 12
2. Read the 1AC and 1NC from the sample debate round at the end of this book

### Goals:

1. Learn what refutation is
2. Learn to Respond Not Repeat
3. Learn how to argue evidence

### Teaching Outline:

- I. *What is Refutation?*
  - A. Summarize
  - B. Respond



- C. Warrant
- D. Impact
- II. The Rhythm of Summary and Response*
- III. Respond Not Repeat*
- IV. Arguing the Evidence*
  - A. Indict the source
  - B. Better quality evidence
  - C. Two facts true at same time
  - D. More recent evidence
  - E. Weasel words
- V. Refutation Pitfalls*
  - A. Respond not repeat
  - B. Dropping arguments
  - C. Using evidence instead of logic
  - D. Using logic instead of evidence
  - E. Forgetting cross-examination

## Student Questions & Exercises

1. What is “four point refutation”?
2. Read the 1AC and 1NC in the debate at the back of the book. What techniques did the 1NC use to refute elements of the 1AC speech that did not involve merely reading a piece of evidence in response? In other words, what types of logical responses did 1NC use?
3. Watch a debate round either in person or in video. Note any refutational pitfalls you observe. What went wrong? What could the debater have done differently?



## Key #13

# Give Judges What They're Looking For

One of the very first things the debater can do to improve his persuasiveness to the judges (and hence, his chances of winning) is to learn how to organize and present his thoughts during his Constructive and Rebuttal speeches. The tips in this chapter will allow even the most inexperienced debater to at least appear that he knows what he's doing-- which is, after all, half the battle of persuasiveness: appearing confident and sure of your position when explaining it to others. The other benefit to the techniques below is that you will be able to present your thoughts in such a way that the judge will be more easily able to take accurate notes and give you the credit you deserve for your arguments.

## **The Speech Introduction/Overview**

---

For the constructives, except the 1AC, you will need to develop “on-the-fly” an introduction that explains, very briefly, what issues you are going to bring up in the speech. This gives the judge an idea of how to organize his flow and what to expect. It aids him in knowing how to allocate space as he is flowing so that he knows where all the arguments are going to go. Believe me, judges like it when debaters tell them in advance what they're going to do, and when the debaters do exactly what was promised. One of the things that irritates me most is when a debater gets up and just starts in the middle of some argument or at the beginning of a piece of evidence without telling me what they're doing. I have no idea what to do with it, and its impact is usually lost or minimized.

To prepare an intro, you need to have an outline pre-flowed on your flowsheet that tells you all the arguments you're going to make in your upcoming speech. That's partly what your prep time is for--to ensure that your arguments are outlined and organized before you make them. Explaining that overview or outline to the judge shows him that you are aware of the important issues in the round and that you intend to cover them.

For the 1NC, you also need to include a breakdown of what you are going to cover and what issues your partner is going to cover separately in his 2NC. Here's a sample 1NC overview:

“Good morning. In this speech, I'm going to cover Inherency and show that the status quo is already solving for the problems the Affirmative teams raised. And then if

## 172 *Keys to Team-Policy Debate*

there's time, I'm going to respond to his Harms also, and show you that the harms aren't that significant anyway. My partner will bring up 4 disadvantages in his 2NC."

For the 2AC, the introduction is usually very easy: You need to promise the judge (and then deliver on the promise!) that you will go line by line down the arguments that the 1NC made. Start with the most important issues first and tell the judge in what order you are going to proceed, like this:

"I'm going to start with responding to their 2 Topicality arguments, then I will respond to their arguments about our Harms, then I'll cover their Inherency arguments."

### **Organized Speaking and "Signposting"**

---

Make sure that your speeches are well organized. For example, cover all the inherency arguments, then all the solvency, then the disads, etc. Don't jump around the flow. You should generally finish with everything you are going to cover on one stock issue before you move on to the next one. This, again, allows the judge to know what to expect and to maintain an organized flow of the round. If you jump around, you and your partner and the judge are more likely to miss arguments or misapply them, and their impact could easily be lost in the round.

There is only one exception to this general rule of finishing with a stock issue before moving to another one: a timing crisis. If you look up and see the timekeeper signaling 1 minute left in the speech and you haven't even started some important issue yet (disadvantages, for example), you may in that case have to quickly move on to the more important arguments and come back to the first one later if time permits. Tell the judge (briefly) that you are going to do that.

"Signposting" refers to classifying an argument under the stock issue to which it pertains and giving a brief summary of the argument. It is essential to effective, winning debate. If you don't know what stock issue a piece of evidence pertains to (does it show inherency? defeat solvency? is it a disad?) then you have no business reading it, because you don't know what you're talking about. Before you launch into your evidence or your argument, tell me what kind of argument it is and a summary of what it will be, and number and organize your responses. For example in a Constructive, you argue like this:

"I'm going to start with Inherency. His first argument was that the Status quo is doing X. I have 2 responses. First, his evidence didn't say X, it only said sort-of X. And second, realize that this isn't actually what's happening because really, the status quo is doing Y. This is from Dr. Joe Schmoe at Big University in 2010: "The status quo is really doing Y." His second inherency argument was that policy Z would solve in the status quo. My response to that is that actually Z fails to solve the problem. This is from Sam Snook in 2011: "Z has never been an effective approach to solving problem A." That covers all his inherency arguments. Now let's move to Solvency. His first Solvency argument is that the plan is too expensive and we can't fund it. My response is.... "

## **Speaker Points**

---

Speaker points are scores assigned to individual debaters that are separate from the won/loss record of the overall rounds. Individual debaters can win awards even if the team they are on was not among those with the best won/loss records of that tournament. Even though speaker points are scored separately from won/loss decisions, understand that there is a clear correlation between the two: Debaters who get high speaker points tend to win more debate rounds. It's not a coincidence, as we will see below.

NCFA and Stoa use six criteria for speaker point scoring, rating from 1 to 5 points on each one. That means a debater will score between 6 and 30 points in each round. Different debate leagues may use different criteria or may call them by different names, but below we will discuss them as they are currently labeled in NCFA and Stoa and show what it takes to get high marks in each one. Other debate leagues may use slightly different labels for their speaker point criteria, but if you excel at the things listed here, you will be successful in those leagues as well.

### **Persuasiveness**

- good explanation of the argument and reasoning behind it
- explains impacts and why things should matter to the judge
- explains context and summarizes evidence and arguments; nothing hits the judge out of the blue or out of context
- seems to know what they are talking about

### **Organization**

- signposting every argument
- never says, "I had something on this but I left it on the desk..." (should have prepared better)
- never says, "I was going to mention it but I ran out of time..." (should have planned better)
- doesn't skip around the flow; deals with one set of issues before moving to a different set

## **Delivery**

- good eye contact
- not fumbling with papers, pen, clothing, hair; not distracted nor distracting
- no distracting words (“um,” “like,” “you know” )
- looks comfortable giving the speech
- fluid movement around the podium, not stuck in one place

## **Evidence**

- reads plenty of evidence
- does not make factual assertions without reading the evidence supporting it
- evidence pertains to the issues at hand and is used properly
- evidence is qualified and up to date

## **Refutation**

- RESPOND NOT REPEAT
- doesn’t drop arguments; puts something in their speech for each issue in the round they are responsible for covering
- answers are clever and actually respond to what the other team said
- explains why his evidence is better than the opponent’s evidence
- doesn’t use the word “assume;” proves with evidence or reasoning, not assumptions

## **Cross-Examination**

- questions pertain to important issues, not trivia
- answers are clever and uphold the responder’s position
- questions accurately pinpoint problems in the opponent’s position
- avoids arguing, sticks to questions and answers

## Miscellaneous Tips on Speaking Style & Persuasion

---

Be sure to maintain eye contact with the Judge as often and as continuously as possible, even during cross-examination. During cross-ex you always look at the judge, even when you are speaking to your opponent.

In constructives and rebuttals, never address your speech to the other team; always address the judge. During those speeches, the “you” that you are talking to is the judge, so be careful what you say about him.

**BAD EXAMPLE:** “Now on your first disadvantage, you said that we were going to cause a recession...”

Well, the judge is who you're talking to and the judge certainly wasn't offering any disads about recession. Instead, do this:

**BETTER EXAMPLE:** “Now on their first disadvantage, the Negative says that we cause a recession...”

Of course, during cross-examination, you are directly addressing the other debater, so it is all right to talk about what “you” said.

Hold evidence up to halfway between podium level and eye level, rather than reading it directly off the podium.

Bring briefs or evidence cards up to the podium, but never an entire notebook. It just doesn't look professional. Exception: if you aren't sure in advance how many cards you are going to need or you are totally scared first time novice debater and having the book there gives you the confidence to get to the podium.

Never bring to the podium the entire article from which you are quoting – just cut out the relevant part, along with the source/date citation, and leave the rest of the article out in the car. Reason: (I actually won a debate when I found the other team doing this once) The rest of the article will probably have comments in it that provide “balance” to the point of view presented in the part you are quoting. After the author gets done presenting the part you agree with, he will then go on to say, “But on the other hand, many other experts believe...” The other team will ask to see that article in cross-examination, you will hand it to them, and they will find it. You don't want that to happen.

Add some emphasis on key words inside the evidence, rather than just reading it like a boring textbook. Emphasize words like “disaster,” “billions of dollars,” “massive problem,” or other words that sound awful or serious and spice up the speech so that you become a passionate advocate for your position. Sure, you were just assigned 5 minutes ago to take that position; but don't act that way. Anyone walking into the room should get the feeling that your position in this debate is one you have held passionately all your life.

## 176 *Keys to Team-Policy Debate*

Use all the time on the clock. Experienced debaters NEVER leave time on the clock at the end of the speech – instead, they are desperate for more time and are always running out. Read more evidence to support your points, if you have it, rather than saving it for later and not filling up a speech now.

Explain the impact to your arguments. Every time you make an argument in constructives, imagine that the judge is sitting there thinking, “So what?” (much of the time, that’s exactly what I’m doing). Imagine that “so what?” in your head and answer it as you are finishing the argument. Example:

2NC: “Now on my third disad, taxes will go up. If you vote for this plan, it will cause a big increase in Federal taxes.”

Judge’s mind: “So what?”

2NC: “Now, that’s not good because taxes are already pretty high.”

Judge’s mind: “So what?”

2NC: “And the impact is that raising taxes now would cause a recession. This is from Dr. Joe Expert in 2004: ‘Any increase in Federal tax rates now would throw the economy into recession and cause millions of people to lose their jobs.’”

Judge’s mind: “Now you’ve got my attention.”

Never assume I share your biases nor your political or religious worldview. Too many debaters conclude an argument by saying that they win because they support something like “free markets” or they oppose “communism.” Great – how do you know I support them or oppose them? I’m not saying I do or don’t, I’m saying you have no right to assume. After all, you came into the debate round expecting that the Judge would put aside all personal bias and judge only on the issues raised in the round. Now suddenly you want to appeal to judge bias to win the round? You can’t have it both ways.

Finally... if you can’t out-debate the other team, at least out-dress them. There’s no excuse for sloppy appearances.

## Key #13 Syllabus Lesson

---

### Student Preparation:

1. Read Chapter 13

### Goals:

1. Understand how to give an introduction/overview at the start of a speech
2. Understand how to organize and signpost a speech



3. Understand the principle of "Respond, not Repeat"

## Teaching Outline:

- I. *Speech Introduction/Overview*
  - A. Explain what issues you will cover in this speech
  - B. Plan ahead pre-flowed outline of the speech
- II. *Organized Speaking & Signposting*
  - A. Organizing a speech by stock issue
  - B. Organizing under each stock issue with numbered points
  - C. Signposting describing what issue and point you are covering
  - D. Prepare evidence against expected generic counterplans
  - E. Win on exclusivity (why not do both plans? Vote Aff and then do Neg plan later.)
- III. *Rhythm of Summary & Response*
  - A. One stock issue at a time, no jumping around the flow
  - B. Summarize the opponent's argument, then give your response
  - C. Following an issue all the way thru the round
- IV. *Respond Not Repeat*
  - A. The difference between responding to an argument and simply repeating your own position
  - B. What to do instead of repeating
  - C. The one and only time when re-reading a piece of evidence is acceptable
- V. *Speaker Points*
  - A. Persuasiveness
  - B. Organization
  - C. Delivery
  - D. Evidence
  - E. Refutation
  - F. Cross-Examination
- VI. *Miscellaneous Tips on Speaking & Persuasion*

## Student Questions & Exercises

1. Debate a round, keeping in mind the techniques outlined in this lesson. Have the coach stop the round and make corrections whenever anyone violates the guidelines learned in this lesson. Stop the clock, rephrase the poor argument or point, then restart the clock and continue the round.



## Key #14

# Write Solid Negative Briefs

A Negative brief is a prepared outline of arguments and evidence on a single topic that is created in advance of the tournament and ready-to-use as soon as a team encounters an Affirmative case to which the brief could apply. Prepared briefs take some of the panic out of Negative debating because they allow you to have the assurance that you have your best arguments and evidence ready to go. They allow you to spend time preparing for the round before the tournament starts – just like the Affirmative does – instead of being in a rush during the short amount of prep time you have once the round starts. In addition, they allow you to appear more organized and prepared during the 1NC and 2NC because your arguments are, in fact, organized and prepared.

While I said above that many Affirmative teams win or lose the round during the 1AR, I should say here when many Negative teams win or lose: *The week before the tournament*. That's when debaters either get or don't get enough research done to be prepared for the cases they are going to be hitting during their Negative rounds in the upcoming competition.

I encourage all debaters to develop Negative briefs against any cases that they expect to encounter. There really isn't any excuse for debaters to be "surprised" by a case that they knew about but didn't prepare for. Preparing Negative briefs in advance of the tournament is the least glamorous and least fun aspect of debate. It requires hours of preparation to generate many pages of material, and you probably will not use a fair number of them. *Do it anyway*. Here's why: Because the debates you win going Negative with the briefs you prepared will more than compensate you for the time spent on the briefs you never used.

As I mentioned elsewhere in this book, Negative debating, in my opinion, determines how successful a team will be overall. Of course, you have to win your Affirmatives, but you have all the time in the world to prepare a strong case and find one you can win with consistently. Negative debate is where we find out how well prepared you are, how well you can improvise, how well you can react to surprises, think on your feet - in short, all the skills that make people good debaters are required for success in Negative debate. Why not do as much of that preparation and analysis ahead of time so that when you take that successful Affirmative case to a tournament and win with it, you also win most or all of your Negative rounds and thus win the tournament?

I encourage debaters who are serious about winning to buy as many different evidence source books as they can afford. I don't say that simply because I write a source book myself - I encourage them to buy other publishers' books too. But the first reason to buy published source books is to find out what topics are going to be commonly used among debaters for the academic

## 180 *Keys to Team-Policy Debate*

year. Many topics will be the same across all the source books because some topics are so obvious that everyone will cover them. However, different publishers will think of different cases that you may not have thought of, and will provide evidence that you can use to create a Negative brief. You need not be surprised by many of the possible cases because you will have already seen the wide variety of material that's out there.

Once you have all your source books, go through them and take out all the Negative evidence that pertains to the same topic. Cut and paste or rewrite it on your computer, and put it into a single Negative brief against that case. You may find that you have much more evidence than you could actually use in a single round, but don't throw any of it away. Save it all in a single brief and then when you get to the round you can identify which pieces of evidence are best for that situation.

When you get through doing this, you should have a notebook with briefs against all the cases that were covered by the various source books you bought. This might be 20 or 30 different cases. You should alphabetize these Negative briefs by subject so that as soon as the IAC begins to talk about a topic early in his speech, you can open the notebook, go to that subject, and pull out the brief that you have prepared on that topic.

You are not finished at this point! The organization of the Negative notebook should be done before the first tournament starts, early in the academic year (as soon as the source books are available). But you don't stop there. Affirmative teams are not going to be kind enough to always run cases that are out of a source book. So, you will have to continue to research and develop Negative briefs all throughout the year. Failure to do this kind of preparation will cost you Negative rounds in critical tournaments later in the year.

When should you prepare Negative briefs? Any time you hear about a case that you know someone is running (either in your local area or in an area from which you are likely to encounter other debaters) for which you do not already have a Negative brief. I'm not saying you should respond to every rumor on the internet, but if you hear about a case being run in your area and you know you would not have any evidence against it, you are foolish if you don't prepare a Negative brief on that topic. Don't be ashamed to pick up ideas and rumors in the halls at a tournament. This can be one of the best sources of ideas for Negative briefs you need to write.

In addition, every case you go Negative against, especially if you lose, if you don't have a brief against it, prepare one. NEVER be unprepared for the same Affirmative case twice. There's no shame in being surprised by an off-the-wall squirrel case the first time, but you are not serious about winning debate if you don't have a brief against it the second time you hear it.

To make the work easier, I recommend dividing the work up among your team members. If you are in a club with several teams, during one of your club meetings, talk about all the case topics that you've heard about and assign different team members to write a Negative brief against the topics. Then, copy the material and share with the other team members. This also makes it more likely that your hard work will be rewarded. Even if you never come up against the case for

which you prepared a Negative brief, one of your team members might, and they will be mighty glad you prepared in advance.

The bottom line is: Be prepared. Winning Negative debate requires preparation. Since half your debates will be Negative, you can expect to lose up to half your debates if you don't take Negative briefing preparation seriously.

## **Key #14 Syllabus Lesson**

---

### **Student Preparation:**

1. Read Chapter 14

### **Goals:**

1. Understand how Negative briefs help a debate team
2. Know how to write your own Negative briefs

### **Teaching Outline:**

- I. *Negative Briefs*
  - A. Why they are needed

### **Student Questions & Exercises**

1. Find negative briefs to your case in the Blue Book or Midseason Supplement. How can you counter these briefs if met up in a debate round?
2. Practice pulling negative briefs by hearing an Affirmative case (coach can help drill you) and then pulling negative briefs to create a negative philosophy against those cases.



## Key #15

# Run Counterplans and Minor Repairs Wisely

## What Is a Counterplan?

---

A “counterplan” is a plan offered by the Negative in the 1NC that proposes changes to the status quo. It can be a very simple, off-the-cuff idea of just one or two lines, hastily written during or after the 1AC. More often it is a carefully prepared strategy, coming from a multi-page brief, with elaborate planks, supporting evidence, etc. Counterplans offer the Negative team an alternative strategy to simply defending the status quo, providing more options in their struggle to defeat the Affirmative case. They also give Negative the possibility of regaining the element of surprise against the Affirmative. But because of their unusual nature, it is important to understand the theory behind a counterplan as well as the tactics for using one effectively. Negatives don’t use counterplans every round; in fact, I normally recommend them only as a last resort. But advanced debaters should understand counterplans and be able to use them when needed, and I have known even novices who have won the occasional debate round with a well-placed counterplan. And every debater should at least understand how counterplans work in order to be able to respond to one if they are in the Affirmative when one is offered.

## When and Why Would a Negative Offer a Counterplan?

---

Counterplans represent an unusual strategy for the Negative because the classical position of the Negative is to defend the status quo. Under what circumstances would a Negative want to abandon the status quo and advocate change? Below are some scenarios with sample counterplan outlines for each. Of course, in real life each of these plan and counterplan outline steps would have evidence quotes to go with them, and the plans and counterplans would be complete with all the agencies, funding, enforcement, etc.

*1. When the Negative realizes they are unlikely to defeat the Affirmative’s harms.* Sometimes Affirmatives identify harms in the status quo that are so well-documented that the Negative realizes that any debate against their harms will be ineffective. The status quo, then, appears indefensible. In that case, it can be a better strategy to concede the harms and propose a non-

## 184 *Keys to Team-Policy Debate*

resolutional change to the status quo, solving in a better way for the harms while still denying the proposition.

Example: Resolved, that the U.S. Federal Government should significantly increase the protection of privacy in medical records.

**AFF:** Contention 1. Lack of privacy in genetic testing is a public health crisis

- A. Genetic testing is widespread
- B. Insurance companies look at people's test results
- C. Millions will be denied medical insurance
- D. Lack of insurance = more sickness & death

Contention 2. status quo laws cannot solve

- A. Congress failed to pass increased privacy protections
- B. Current law contains no protection

PLAN: Ban disclosure of genetic test information to insurance companies

Contention 3. Non-disclosure solves

**NEG:** The Negative realizes they cannot defeat the harms in Contention 1. But they have a large amount of evidence concerning the overall negative impact of genetic testing itself. The Negative constructs the following counterplan:

Contention 1. Genetic testing is dangerous and evil

- A. No value in preventing or curing disease
- B. Used for gender and trait selection in reproduction
- C. Trait selection = playing God and disregard for human life
- D. Impact: Eugenics, Nazism and genocide

Contention 2. Increased privacy will lead to more genetic testing - since it removes a possible deterrent (loss of insurance) to having the tests done, according to the AFF.

COUNTERPLAN: Ban all human genetic testing.

Contention 3. Advantages

- A. We solve for all the insurance problems in the AFF case because genetic testing can't be used for insurance if tests are never used at all.
- B. We solve for the social catastrophe by stopping an evil practice that the AFF is promoting.

Now the entire focus of the debate shifts, and the Affirmative is off-balance. The Affirmative thought they were going to debate privacy and medical insurance, which they have plenty of evidence to cover. Instead, they are now debating the ethics of genetic testing itself and the evidence that it will wreck society. The Negative has hijacked the topic away from the Affirmative and is now conducting the debate on their turf. They've even trumped the Affirmative's harms by raising (and solving!) harms of their own that sound a lot worse than what the Affirmative was claiming. Despite having no evidence against the Affirmative harms, the Negative now stands a good chance of winning.



## Key #15: Run Counterplans and Minor Repairs Wisely 185

2. *As an alternative argument to provide more ammunition against the Affirmative case.* A Negative can offer a counterplan that doesn't concede the harms of the case (for example, Plank One can be "Conduct more studies of the problem") or one that is offered as an alternative reason to vote Negative just in case the Affirmative's harms are persuasive, even though the Negative intends to argue the harms. A carefully executed counterplan can sometimes allow the Negative to have it both ways, but it requires some skill on the Negative's part to explain this to the Judge and not to confuse themselves on what their position really is.

Example: Resolved, that the U.S. Federal Government should establish a policy to significantly reduce air pollution.

**AFF:** Contention 1. Greenhouse gas emissions are a major problem  
A. 3 billion tons of gases emitted each year  
B. Gases cause global warming  
C. Global warming = extinction of all life on earth  
Contention 2. Current regulations don't solve  
PLAN: Set new U.S. air pollutions standards to lower greenhouse gas emissions  
Contention 3. New standards solve global warming

**NEG:** Contention 1. Greenhouse gases are not a problem  
A. No evidence of global warming  
B. No link between gases and climate change  
C. More study needed  
Contention 2. Hasty Federal action would produce serious disadvantages  
A. Economic slowdown from burdensome regulations  
B. Job losses  
C. Loss of competitive posture in international trade  
COUNTERPLAN:  
Plank 1. Conduct 10 more years of study  
Plank 2. If harms are found after 10 years, the U.N. does a global emissions reduction policy.  
Planks 3, 4, 5. Funding, Agency, etc...  
Contention 3. Global environmental action better than unilateral U.S. action

Notice in this counterplan how the Negative offers the Judge two alternatives. If the Negative succeeds in persuading the Judge that the harms are insignificant, they win on that issue and there is no need to change the status quo. The counterplan, in that case, will change nothing because the "more study" policy will determine that no changes are needed. However, if the Affirmative does win on harms, the Negative can still claim victory because they give evidence showing that their solution is better than the Affirmative's. Thus, the Negative can offer this type of counterplan and still maintain the traditional Negative ground of defending the status quo and attacking Affirmative harms.

3. *As a "generic" Negative position useful in many debates where the Negative has no on-case evidence.* For example, some debate propositions suggest domestic policy action within the

## 186 *Keys to Team-Policy Debate*

United States by the “Federal Government.” Negative teams might come prepared with a generic “50 States” counterplan that proposes doing the Affirmative’s idea (whatever it is--just leave a blank space in the counterplan brief) but making the states the agents of the policy instead of the Federal government. This allows the Negative to be prepared for a wide variety of “squirrel” cases where, even though they have no evidence directly on the topic the Affirmative raised, they can still win by proving that State action is better than Federal action. There are lots of other generic counterplans like this as well.

Example: Resolved, that the Federal Government should set academic standards for elementary and secondary schools.

**AFF:** Plan - Federal government establishes a national teacher qualification exam

**NEG:** Counterplan - Each of the 50 states establishes its own teacher qualification test.

Contention 1. Disadvantages of Affirmative plan

- A. Federal standards destroy states’ rights and constitutional government
- B. Lose opportunity for innovation

Contention 2. Advantages of States Counterplan

- A. States experiment and find better policies
- B. More accountable to the people
- C. Better results

The “states do it instead” can also be adapted to specific cases where the Affirmative is proposing a Federal mandate that has already been adopted by some percentage of the states. In that case, the counterplan is something like “the remaining 25 states adopt their own version of the plan” and the Negative reads evidence about how State policies are better than Federal policies.

*4. As a hypothetical position to test the Affirmative’s topicality, and only secondarily as a serious policy change.* The Negative can use a hypothetical offer of a counterplan to illustrate to the Judge why the Affirmative team’s plan is untropical, or extra-topical. The Negative could do this by proposing all the non-topical parts of the Affirmative plan as a counterplan and claiming that those would be sufficient to solve, without adopting the resolution. This is an effective technique for the advanced debater where the Negative believes that the Affirmative plan’s solvency is being achieved by non-topical means or that the Affirmative is not affirming all of the resolution. This counterplan is offered to the Judge “off-the-cuff” and as one of many arguments against the Affirmative’s position, not as a central philosophy of the Negative team for the round.

Example: Resolved, that the United States should significantly change its agricultural policies.

## Key #15: Run Counterplans and Minor Repairs Wisely 187

**AFF:** Contention 1. Drug crop eradication is ineffective  
Contention 2. Coast Guard interdiction and Border Patrol are more effective  
Plan: Plank 1. Stop funding all crop spraying programs  
Plank 2. Give the money saved in Plank 1 to increase drug interdiction efforts  
Contention 3. Interdiction solves

**NEG:** Counterplan: Plank 1. Increase federal funding to drug interdiction by the same amount as the AFF is proposing.  
Plank 2. Don't change any agricultural policy.  
Plank 3. Funding will come from general federal revenues.  
Advantages - NEG claims the benefit of any miniscule amount of drugs destroyed through crop spraying plus all the benefits of increased interdiction, which isn't topical anyway. NEG claims slightly more benefits than the AFF but with less risk, because we make fewer changes to the status quo.

In this case, the Negative would also use two extra-topicality arguments against Plank 2 of the Affirmative plan. First, it doesn't change "agriculture" (only Plank 1 does that) and second it doesn't change "policy," since drug interdiction is already U.S. policy and the Affirmative just adds more funding to it. The fact that the Negative can run a major portion of the Affirmative plan as a counterplan and gain all the advantages proves that the Affirmative plan is extra-topical and does not deserve to win. Also, the Negative can still attack many of the Affirmative's harms if they want to. They don't have to concede that eradication is ineffective, for example, if they have evidence on topic.

One could even suggest hypothetical counterplans as part of a cross-examination to test other aspects of the Affirmative's case. For example, consider the cross-examination text below. In this case, the Affirmative team has proposed a plan to legalize industrial hemp for the purpose of extracting oil that would be used to reduce U.S. petroleum imports, which they have cited as their harm in the status quo.

NEG: What's the harm of imported oil?  
AFF: It's bad for America to be dependent on other countries for such a vital commodity.  
NEG: But what specific impacts does it cause?  
AFF: Our evidence says imports cost 27,000 jobs per \$1 billion in the trade deficit.  
NEG: Suppose we offered a counterplan to simply ban oil imports. If imports cost jobs, wouldn't that solve?  
AFF: No, without imported oil, the economy would shut down.  
NEG: So, imported oil is essential to maintaining businesses today, right?  
AFF: Yeah, I guess...  
NEG: OK, let's move on.

In the next speech, the Negative is going point out that imported oil isn't destroying jobs, but rather that it actually is saving jobs, since businesses couldn't operate without it.

5. *When the Negative has powerful evidence on the topic and can win by taking an unusual position.* This one is rare, but a well-researched Negative team may be able to defeat even a well-written Affirmative plan by proposing an alternative that is well-supported by good evidence. The Negative can use their good evidence to defeat a good Affirmative plan by showing that their plan is better in Solvency and Advantages, and that the harms related to the topic can best be solved by changes to some other policy other than the one in the proposition. Example: The Affirmative proposes a change to “immigration policy” to prevent terrorism; the Negative counterplans with a policy to declare war and invade Slobonia. The Negative may have stacks of evidence on the evils of the Slobonian regime and how striking them militarily would be the best way to end terrorism. In order to win, however, they will need lots of disadvantages against the Affirmative policy, or else they will lose on exclusivity because logically one could advocate doing both plans at the same time.

To write good counterplans and use them effectively, we need to look at the theoretical and policy guidelines that counterplans should follow.

## Theory and Philosophy of the Counterplan

---

The ideas here are my own based on my experience as debater, coach and judge. I realize that there are entire debates-about-debate regarding some of the philosophies and theories that regulate the use of counterplans. I will not enter those discussions here, but simply set forth my understanding based on a traditional, simple, and conservative approach that I hope will yield meaningful clash over policy issues among student debaters, without getting students or judges caught up in excessive details or deep philosophical wrangling.

1. *The Counterplan should be non-topical.* The judge should have a clear alternative between voting FOR the proposition (Affirmative) or AGAINST the proposition (Negative). If both teams are offering plans that change policy in accordance with the proposition, then both teams are arguably affirming the resolution. If so, then no matter who wins, the Judge should write Affirmative on the ballot, since a) the Affirmative side was upheld throughout the debate; and b) the Affirmative’s position was so convincing that the Negative team was persuaded and adopted it for themselves! If they’re good enough to persuade their opponents, then the Affirmative must be pretty good debaters and deserve to win.

A non-topical counterplan proposes changing the status quo, but in a way that does not involve any of the changes recommended in the resolution. Just as an Affirmative has the duty to show that all planks in their plan are topical, the Negative must show that all their changes are extra-topical – not conforming at all to the proposition.

It is important to note here that it is not acceptable for the Negative to run a counterplan that proposes doing everything in the Affirmative plan “plus more.” For example, if the Resolution requires a change in US trade policy towards Mexico, the Negative cannot offer a counterplan that changes US trade policy towards Mexico and Canada. Such a counterplan would still have the Negative affirm the resolution (they agree that we need to change US trade policy towards

## Key #15: Run Counterplans and Minor Repairs Wisely 189

Mexico), so whether the judge votes Aff. or Neg., the resolution will still be upheld. The Aff. can always tell the judge to vote Aff. to uphold the policy change towards Mexico and then do the proposed change towards Canada later. This is covered more under the point below, because such a counterplan, in addition to affirming the resolution, also fails the test of “exclusivity.”

In some debate leagues, Negatives are allowed to run counterplans that also would be topical if they had been run as Affirmative cases. Some theories of debate allow this, and if your debate league encourages or allows it, you may be able to do this with some success. If you anticipate doing this, you may want to ask the Judge before the round about his judging philosophy and whether he is open to this theory of debate. I recommend in general that counterplans that are clearly denying the resolution are safer and may be universally run without having to also engage in a secondary debate about whether they are legitimate. I also respect the opinions of esteemed coaches and judges who disagree with me.

2. *The Counterplan must be exclusive to the Affirmative plan (or at least, the Negative must show why the Judge “should” not adopt both at the same time).* This means it should be physically or practically impossible, or at the very least extremely unwise, to vote for BOTH the Affirmative plan AND the Negative counterplan at the same time. The reason for this is that it ensures clash between the two competing ideas. If the Judge need not choose between the two options, then there is no effective debate and it is the Negative’s fault. When that happens, a Judge could accept both plans by voting Affirmative (because the proposition has been upheld and the Affirmative’s plan has been proven good) and by agreeing with the Negative that the status quo should also do their plan (which does not require any vote by the Judge, since it does not require affirming or denying the resolution).

You can see this dilemma if you consider the following scenario. Imagine a friend says to you, “Let’s go out for a hamburger for dinner tonight.” You reply, “No, let’s watch a movie after dinner.” You have offered a counterplan that doesn’t actually “counter” what your friend proposed. There is no reason you couldn’t do both. But in order to do both, one would have to “affirm” the proposition that the first speaker proposed, then do the second one later. Hence, when there is no exclusivity, the Affirmative wins.

The 50-States counterplan mentioned above is a good example of an “exclusive” counterplan, because the Affirmative’s sweeping Federal mandate cannot co-exist with letting all 50 states experiment with their own policies. Another tactic that can ensure exclusivity is for the Negative to ban or abolish something that the Affirmative is regulating, showing that instead of “changing” the policy, we would gain more advantages by simply abolishing the item altogether (as in the genetic testing example above).

The 50-states (or “some” states) counterplan is also an example of the broader category of “Alternate Actor” counterplans. These types of counterplans offer the same or similar mandates as the Affirmative mandates, but argue that a different agency besides the one named in the Affirmative’s plan (the one named in the resolution) would be better at solving the problem. Other types of Alternate Actor counterplans include having the UN do something instead of the US, or having the European Union do something instead of NATO.

# 190 *Keys to Team-Policy Debate*

Another way to show exclusivity is to raise enough disadvantages against the Affirmative case so that, even if it were possible to operate both plans at the same time, the Judge is persuaded that he should not do so because the Negative position is much safer, and should be adopted exclusively in place of the Affirmative plan. The Negative has to give the Judge clear reasons why he should deny the proposition and adopt the counterplan exclusively instead. This approach requires good research in advance of the debate to show serious disadvantages to the Affirmative policy.

*3. The Counterplan must prove solvency.* The Negative can either prove solvency by referencing the Affirmative's evidence (if they are doing a large part of the Affirmative plan), or they can prove it by bringing up their own evidence (for example, with a prepared Counterplan brief). Solvency is a fundamental issue for the Negative just as much as for the Affirmative, if the Negative is going to change the status quo with a counterplan. In the case where the Negative is doing the Affirmative's plan but with a different agency (States instead of the Federal Government, for example), the Neg. can simply claim all the solvency evidence that this policy would work, and then use their own solvency evidence to show why their agency works better.

*4. The Counterplan risks sacrificing Negative presumption.* When the Negative started the debate, they had the presumption that the status quo is acceptable until the Affirmative proves otherwise. However, if the Negative runs a counterplan, they are also changing the status quo, and they can no longer lay claim to be presumed the winners in case of a tie or an unclear/unconvincing Affirmative case. They can only regain this presumption if they show that their counterplan performs fewer or less-significant changes to the status quo than the Affirmative's change performs. Negatives running counterplans will want to emphasize how their policy is less risky than the Affirmative, in order to gain back some of what they lose by abandoning a pure status quo position.

*5. The Counterplan need not worry about inherency.* The Negative is allowed to endorse the status quo and to use status quo mechanisms to solve the Affirmative's harms. Thus, there is no problem with the Negative using elements of existing policies – in fact, the more they use, the better, because they improve their ability to minimize risk by maintaining that they are making as few changes to the status quo as possible.

*6. The Counterplan is subject to attack by disadvantages.* Like any Affirmative plan, a Negative counterplan can be attacked on the grounds that it will produce disadvantages. The Affirmative can use disadvantages to offset Negative solvency and show that the Affirmative plan has less risk or better benefits.

## **Outline for Designing Counterplans**

---

There are a number of mechanisms that can be used to generate good counterplans that can be effective at neutralizing difficult Affirmative cases. The beauty of such counterplans is that they will work against multiple Affirmative cases, and the Negative does not have to know in advance anything about what the Affirmative case is about. Typically, a counterplan has the

## Key #15: Run Counterplans and Minor Repairs Wisely 191

INC explain some disadvantages of the Affirmative plan and then offer an alternative. During the course of explaining the alternative, he will explain why it is better than the Affirmative's plan and should be adopted exclusively instead. One sample counterplan is outlined below, but this is just to give you an example – there is no single mandatory format.

### OBSERVATION 1: DISADVANTAGE. FEDERAL INTERVENTION IN LOCAL POLICIES IS BAD

- A. Link: Congressional legislation of local issues is unjust
- B. Uniqueness: status quo is improving respect for local government
- C. Brink: Now is a critical time to respect local autonomy
- D. Impact: Federal interference violates democracy and subverts constitutional government

### COUNTERPLAN:

Plank 1: The \_\_\_\_\_ [states, local territory, individual affected state, etc.] shall establish \_\_\_\_\_ [the same policy proposed in the Aff. plan]

Plank 2: The Federal government shall not change any policies whatsoever.

Plank 3: Funding, if needed, shall come from general revenues of \_\_\_\_\_ [the unit of government doing the counterplan] and/or cuts from public education budget as needed.

Plank 4: Enforcement shall be through the normal means of enforcement of all local ordinances in the status quo.

Plank 5: This Counterplan takes effect the same date as that proposed in the Affirmative plan.

Plank 6: All Negative speeches shall have legislative intent for the purpose of clarifying the Counterplan.

### OBSERVATION 2: ADVANTAGES.

- A. The local government has the power to solve for the Affirmative's harms (so we get all the Affirmative team's solvency or advantages)
- B. Local government action is more likely to work than Federal action
- C. Upholds local democracy and human rights

## Defeating a Counterplan

---

An Affirmative team, using the information outlined above, can develop a number of strategies for defeating counterplans. The key to Affirmative victory is to offer the Judge a clear choice between the two alternatives and show why the Affirmative is better.

1. *Win on topicality.* If the Affirmative can show that the Negative is actually performing a change that meets the wording of the resolution, the Affirmative could win the round (depending on the judging philosophy of the Judge). This is exactly the reverse of how a Negative team can win on topicality by showing that the Affirmative *doesn't* meet the terms of the resolution and is a voting issue for the same reason.

2. *Win on comparative solvency.* If the Affirmative can show that their plan solves the problem in a more complete manner than the counterplan, this will greatly improve their chances. The Affirmative needs to show why their solvency evidence is better, why the Negative's evidence is

## 192 *Keys to Team-Policy Debate*

weak, or why the Negative hasn't accurately analyzed the problem to be able to solve it effectively.

3. *Win on disadvantages.* The Affirmative can raise enough disadvantages to show that the side-effects of the counterplan would outweigh its solvency, or that they would outweigh any disadvantages to the Affirmative plan. Disadvantages can work against a counterplan just like they can work against an Affirmative plan.

4. *Prepare evidence against anticipated generic counterplans.* For example, if you are running an Affirmative plan that proposes Federal action in an area where the states could do the same thing, come prepared with a 2A brief containing evidence to show why specifically the Federal government should do the action and not the states. Try to anticipate what kinds of counterplans someone could use during the year against the resolution and prepare evidence to defeat them.

5. *Win on exclusivity.* Consider the counterplan carefully and ask yourself: Would it be theoretically possible to do both plans (AFF and NEG) at the same time? If so, you can make the argument to the judge that you have still upheld the resolution, showing why it should be affirmed, and deserve to win on that basis. Then, if the status quo wants to also adopt the counterplan, that's fine with you! But they can do it after awarding you an Affirmative ballot and making the changes you recommended in accordance with the resolution. This is the argument simply phrased as: "Do both!" Vote Affirmative to enact our plan, then do the Negative's counterplan after the round.

### What Is a "Minor Repair"?

---

A "minor repair" is a Negative strategy that is simpler than offering a counterplan. It consists of a simple suggestion of a minor, insignificant improvement that could be made in the status quo, without adopting the proposition, that would solve the Affirmative harms. Minor Repairs derive from real life. Imagine you get in your car one day and suddenly it won't start. You tow it to the mechanic and he looks it over. "Well," he says, "it could be either an engine overhaul or a new fuel filter." The engine overhaul will cost \$3000 and take 3 days. The fuel filter will cost \$30 and take 30 minutes. Any reasonable person would at least try the fuel filter before agreeing to the engine overhaul. A minor repair is the cheap quick solution that just might work to fix the problem without a huge, expensive, risky plan.

It is offered as a one or two sentence argument in the 1NC and does not contain the elaborate analysis or deep planning or argumentation needed to support a counterplan. A minor repair can serve a Negative team well by offering an alternative to the Affirmative plan without abandoning the status quo and the benefits of presumption. Here are some examples of some varieties of minor repairs:

1. *Increased effectiveness of an existing program or agency.* This works well when the Negative has a piece of inherency evidence showing that an existing agency is already working on the problem and/or a piece of evidence showing that the agency is hindered by funding or staffing



## Key #15: Run Counterplans and Minor Repairs Wisely 193

shortages. Sometimes an Affirmative will claim lack of funding or staffing to existing programs as their inherency in 1AC, which leaves open to the Negative the possibility of simply increasing funding as a minor repair.

2. *Increased enforcement of existing laws.* Another opportunity for minor repair arises when the Affirmative is dealing with reducing some item or practice that is already illegal. The Negative can suggest a minor repair of better enforcement or more funding for policing and interdiction, rather than a change in policy. In fact, this minor repair can be tied in with a topicality argument if the Negative believes that the Affirmative's plan doesn't change policy but only changes the details or administration of an existing policy.

3. *An insignificant change in policy or a minor regulatory adjustment.* These work best when the Negative has some specific piece of evidence showing that some minor rule change, fee increase, regulatory standard, etc., would be enough to completely solve the problem.

Example: Resolved, that the Federal government should substantially change its agriculture policy.

AFF: Harm - Overgrazing of cattle on Federally owned land = destruction of range land  
Inherency - Status quo leases federal land to ranchers who graze as many cattle as they want  
Plan - Privatize all federal grazing land by selling land to the highest bidder  
Solvency - Landowners have incentive to maintain their own land

NEG: Minor Repair - Just raise the grazing fee by \$1 per head of cattle.  
Dr. Joe Schmoe, Univ. of Wyoming, Nonexistent Report: Cattle Grazing on Western Land, 2001  
"A one dollar increase in the grazing fee would give an incentive for ranchers to reduce cattle per acre and would completely solve overgrazing on federal lands."

Negative teams using minor repairs are going to argue that the problem should be solved with the fewest changes possible, staying as close to the status quo as possible. That allows them to maintain presumption that their position is better until proven otherwise. Negatives also should show that their minor repair is just that – “minor” – and is not a “policy change” or a “significant change” as the resolution demands.

Minor repairs are used more casually than counterplans and can be raised (and dropped) with ease as the Negative team sees fit. For example, if a Negative runs a formal counterplan, and it loses, they can probably expect to lose the round. With a minor repair, it is just one argument among many against the Affirmative case, and if it drops out of the round, they might still win on other issues.

Minor repairs don't require “planks” in the formal way that plans and counterplans do. They should ordinarily be raised in the 1NC to show how they fit into the overall philosophy of the Negative team that the status quo is good and would solve for any remaining harms with only minor changes. The Negative can raise multiple minor repairs if they wish, but must be careful

# 194 *Keys to Team-Policy Debate*

not to raise too many, or else it will appear that they are changing so many things that they sound like they are, in fact, crafting a new policy rather than maintaining the status quo.

## **Key #15 Syllabus Lesson**

---

### **Student Preparation:**

1. Read Chapter 15
2. If there is one, read a Counterplan in the Negative Briefs section of Blue Book

### **Goals:**

1. Understand the theory and requirements of a good Counterplan
2. Understand how an Affirmative can defeat a Counterplan
3. Understand Minor Repairs and how to use them

### **Teaching Outline:**

- I. Theory & Philosophy of a Counterplan*
  - A. Must be nontopical must deny the proposition
  - B. Exclusive to the Aff. plan
  - C. Must prove solvency
  - D. Sacrifices Negative presumption
  - E. Does not need to prove inherency
  - F. Can be attacked with Disadvantages
- II. Designing Generic Counterplans*
- IV. Defeating a Counterplan*
  - A. Win on topicality
  - B. Win on comparative solvency
  - C. Win on disadvantages
  - D. Prepare evidence against expected generic counterplans
  - E. Win on exclusivity (why not do both plans? Vote Aff and then do Neg plan later.)
- V. Minor Repairs*
  - A. What is a minor repair?
  - B. Examples of minor repairs
    1. Increased effectiveness of an existing program or agency
    2. Increased enforcement of existing laws
    3. Insignificant change in policy or regulatory adjustment
  - C. How to run a minor repair

### **Student Questions & Exercises**

1. What are the requirements for a good Counterplan?

## *Key #15: Run Counterplans and Minor Repairs Wisely* 195

2. After reading a Counterplan in Blue Book (or the model Counterplan outline in Keys to Team-Policy Debate), describe how the Counterplan fits the requirements of Question #1.
3. Using the same Counterplan you used in #2, explain how an Affirmative could attempt to defeat that counterplan.
4. What is a Minor Repair?



## Key #16

# Understand Kritiks

A kritik is an argument, often briefed and outlined well in advance of the round like other Negative briefs, that argues that either 1) the resolution itself is so flawed that it cannot be debated (resolutional kritik); or 2) the behavior of the Affirmative team (including the wording of their case or the tone, tenor or underlying sentiments of the arguments they are making) during the round is harmful and therefore the Affirmative team should not deserve to win (case kritik). Some have called kritiks “pre-fiat” arguments because they do not deal with disadvantages that occur after the policy is implemented, but rather harms that occur during the debate round itself, before any policy changes are made.

An example of the resolutional kritik might be on a resolution like: “Resolved that murder should be legalized.” If the resolution contains something morally repugnant, then regardless of the Affirmative’s case, we don’t really need to be debating it because the very process of debating it degrades us as human beings. It may be that some teams do a lot of kritik research and can generate briefs showing at least hypothetical philosophical harms to debating almost any proposition. For example, maybe someone could quote from philosophers who say that trade is inherently evil, hence any discussion of “trade policy” is an evil exercise in oppression of the masses, and instead of debating changes to trade policy, we should reject the concept of trade altogether--by voting Negative, of course.

Affirmatives can use a fairly good ready-made response to that type of Kritik, however: Why, Mr Negative, did you agree to come to this tournament and debate this proposition if the very discussion of it is immoral? Why didn’t you stay home? It appears maybe they don’t believe their own argument.

Case kritiks deal with things like the mindset or assumptions that the Affirmative team is using and show that those are harmful to society and should be rejected by voting Negative. For example, a Negative might run a “Feminist Kritik,” with the argument that the Affirmative team’s arguments and evidence are all centered on men or use exclusive terminology that undermines the role of women, and therefore the Affirmative is anti-women and dangerous to society. In this sense, a kritik is like a disadvantage because it asserts that the Affirmative is producing some bad side-effects from their 1AC, although not necessarily from their policy change, but from everything else they’re doing.

Kritiks could also more plausibly focus on the philosophical implications of an Affirmative plan. For example, if a plan calls for increased federal involvement in health care, a Negative team can run a kritik regarding socialism and federal intervention in the market. Whereas a traditional

## 198 *Keys to Team-Policy Debate*

disadvantage would link the specific mandates to specific bad impacts, such a kritik might argue that the mindset generated by implementing this plan (or even pre-fiat, the mindset generated by arguing for it) would be long-term detrimental to society.

If these are baffling to you, let me simplify the concept with a kritik that is easy to understand. Suppose the Affirmative team reads their 1AC at lightning speed, introducing 18 harms, a 25-plank plan, 10 pieces of inherency evidence and 16 advantages. A Negative team might get up and offer a Speed Kritik (though they might not call it that): “The Affirmative team was abusively fast in their 1AC, so fast that any chance of having a reasonable debate today has been destroyed. So, before we even worry about the benefits of their policy proposal, we need to punish the Affirmative team for abusing debate by excessive speed.” If you can understand that argument, then you understand a rudimentary kritik.

There are a number of weaknesses present in some kritiks:

*1. They're too generic.* Other than the hypothetical “Speed Kritik” suggested above, which responds to specific Affirmative behavior, Negative teams that run these arguments often get up and blindly read briefs without regard to anything the Affirmative actually said. The Aff. might be made up of two female debaters and the Negative will still blindly read a feminist Kritik that says they deserve to lose because they don't properly respect women. If you're going to argue that someone is abusive, you have to be able to actually demonstrate specifically what they did inside the round that was wrong. Since many kritiks are generated long before the debate starts, behavioral kritiks are often too generic. Generic arguments aren't always bad, but when you're trying to deal with momentous philosophical issues and you are going to run them no matter what plan the Affirmative offers, you have an issue with trying to link the specific behavior of the Affirmative team to the philosophical impact of the kritik.

On the other hand, a kritik directed at some specific behavior or type of argumentation in the round can be very powerful. I once (without using the word kritik) argued that the 2N's arguments showed disrespect for a tribe of Native Americans that were impacted by the status quo and aided by our plan. I claimed no specific impact or disadvantage, only that his choice of words and tone of argumentation was disrespectful to an oppressed ethnic group, and illustrated the merits of voting Affirmative to take a stand against that kind of insensitivity.

*2. They often lack impact or solvency.* So what if the Affirmative doesn't take into account the struggle of the masses against the capitalist oppressors? Neither does the status quo and you won't solve for it by voting Negative unless the Negative offers some kind of Marxist counterplan rather than simply a Marxist kritik. How would voting Negative actually make the world a better place based on these kritik arguments? Sometimes, Negatives don't tell you. Some kritiks come across as counterplans without the plan – simply claiming that we should do something else besides the Affirmative case, but we never find out what. Alternatively, sometimes they come across as disadvantages without an impact: society will be worse off if we follow this philosophy, but how?

Sometimes kritiks reject the Affirmative philosophy but they offer nothing in its place. The trade/oppression example above suggests that the judge reject the evil of trade, but does not offer a counterplan to abolish trade. So, how do we end up better off with a Negative ballot?

In contrast, if you can link the Affirmative's behavior or their general line of argumentation to an obviously repugnant philosophy (slavery, Nazism, etc.), this may be enough to prove the impact without an actual "impact card." Kritiks aren't necessarily about dollars or lives lost, but about repugnant ideas taking hold or people being hurt emotionally. The key here is, don't overstate your case. You can't link everything to Nazism. Exaggerating will make you look foolish here.

*3. They sometimes introduce issues into the debate that are irrelevant and not sufficiently like real-world policy making.* When was the last time you ever heard of a debate in Congress over some policy change (say, about trade policy) where one Congressman makes a motion to stop the debate because the other Congressman's trade bill doesn't resolve the role of feminism in society? Or how about this in the Congressional Record: "Mr. Speaker, I move we table this bill because the gentleman from Illinois who introduced it said it would help fishermen, when he should have said fishing-persons."

Likewise, consider the roots of debate from the courtroom model of two opposing sides in front of a judge. Can the defense attorney say: "Ladies and gentlemen of the jury, we should not worry about the guilt of the defendant but should throw the case out because the prosecutor said the word "mankind" instead of "people," thus disrespecting every woman in the world"?

In the real policy-making or judgment-making world, while people do debate terminology like that, they do not do so as part of a debate on some other specific decision at hand. The guilt or innocence of the defendant is too important a matter to be sidetracked onto the issue of the District Attorney's terminology for 'mankind.' We can always debate that later after we decide what to do with the defendant.

Generic kritiks can be defeated with some preparation. Find out what issues are being raised and come prepared with some evidence dealing with the philosophy of the kritik. For example, if some teams are running Feminist Kritiks, come prepared when you are Affirmative with a couple pieces of evidence saying that feminism is bogus or harmful. If you show that the philosophical position of the Negative is harmful, you can even use it as a turnaround and show that voting Negative would produce bad side-effects (a rare moment when the Affirmative team is running disads!) by promoting a philosophy that will do more harm than good.

Another way to respond to them is to challenge them for uniqueness. Suppose the Judge votes Negative--won't the status quo continue to have the social problems the Negative is claiming? Won't oppression of women or workers or the environment, or whatever, simply continue unchecked in the status quo?

You can also challenge kritiks on the grounds that the Negative does not offer a better outcome than the Affirmative. Compare what we get if we vote Negative (the status quo, with all of its problems, plus the mental satisfaction that we did something for whatever philosophy the Neg.

## 200 *Keys to Team-Policy Debate*

was promoting) versus what we get if we vote Affirmative (at least a few problems fixed even if we don't solve for oppression, or whatever the kritik is about). If there's a net advantage to voting Affirmative, then logically the judge should vote that way.

Another tactic is to accept the kritik and include it in the Affirmative position. For the trade/oppression kritik above, the Affirmative can answer: "Fine, we agree that trade is oppressive. We join with the Negative team in wanting to end this oppression. The first advantage in our plan will produce \$20 billion dollars of economic growth so that the oppressed people will at least be better off until the rest of the world realizes how oppressive trade is and does something about it."

These are only rudimentary ideas about kritiks and not a complete discussion of their merits and demerits. If you want a more thorough discussion of kritiks and how to respond to them, see "Responses to a Kritik," and "Reasons to Reject a Kritik," by Janice Caldwell at <http://debate.uvm.edu/NFL/rostrumlib/KritikMay'01.pdf>.



## Key #17

# Choose & Use Quality Sourcebooks

Disclaimer: I'm the author of the widely known set of debate evidence sourcebooks called the *Blue Book*. I've been working with Chris Jeub since 2001 to deliver cases and evidence briefs to debaters, the best sourcebook material I believe is on the market. Chris and I have our share of competition – typically former debaters who have done well in competition, sometimes our own students – who give it a try to market their work to debaters in the various leagues we serve.

So that's my disclaimer, but here's a suggestion that I think you'll find useful, based on my experiences as a debater many years ago: *Buy all the source books you can afford, as early in the season as you can*. Here's why: Sure, I think mine is "the best" and so do all the other guys who write or publish theirs (and I can give you a zillion reasons why mine is best and so can they for theirs). But look beyond that and ask yourself, what do I expect from a source book? Why am I buying one (or more) in the first place?

1. It isn't to "be cool." Being cool doesn't win you any debates. Being prepared does. If you think one sourcebook is "cooler" than another, fine, but that won't get you into the out-rounds.
2. It isn't because of weird cases or weird theory articles. Weirdness is easy to find and you shouldn't pay good money for it. There's an oversupply of weirdness in the world today.
3. To substitute for your own research. No, you will still have to do your own research no matter which book(s) you buy.

Let me add also that there is absolutely nothing dishonorable about buying debate evidence sourcebooks, since occasionally I meet educators who have doubts or questions about that. A teacher would, rightly, be extremely disturbed if anyone suggested that they were expected to educate their student in French or Ancient History without purchasing any published reference materials. No one would suggest that it would be a dishonorable way for a child to learn Geography if he had an atlas, rather than having to find all the maps, one by one, in hundreds of different locations. Likewise, having research materials on the debate topic, published in a format that is easy to use at the beginning of the year, speeds up the research process. It allows the student to 1) do a better job researching the debate topic (he now has more ideas upon which to build and a better foundation for his research); and 2) have more time for his other subjects, since many hours have been freed up that would have been spent collecting those initial

## 202 *Keys to Team-Policy Debate*

materials for debate. Debate is an academic pursuit like any other – it is honorably and positively aided by the use of good reference publications.

### Choosing Evidence Sourcebooks

---

Why are you buying evidence sourcebooks?

*1. To get Negative evidence on as many subjects as possible.* This means you are PREPARED for as many different cases as possible. That preparation is enhanced if you buy multiple sourcebooks because sourcebook authors don't all think alike in the cases we prepare and publish.

Obviously a bunch of cases will be in everyone's book--the most obvious applications of the topic area of the resolution. You can look through each book, pick out the best cards from each, and make your own brief. But for some topics, only one book may have good coverage. You wouldn't know that if you had only bought one of the others. But if you bought three of them, you get the wide picture of the many possible cases that people will be running. You are better prepared, and thus you win more debates.

Monument Publishing's Blue Book excels in this area because we cover lots of different AFF and NEG subjects that are covered by each year's resolution. But we never claim a monopoly on ideas, and it is certain that other publishers have thought of policies that we didn't. Getting Blue Book plus others ensures that you get a wide perspective on many possible issues that may arise during the debate season.

*2. For generic evidence.* You need briefs you can use against multiple cases and against squirrely cases that you don't have specific on-case stuff for. A broader selection of sourcebooks will give you either more direct generic briefs or else more info and evidence you can use to build your own generics.

*3. For AFF case ideas.* You don't want to limit yourself only to the ideas in one book – you need to see what else is out there. Take the best from all of them and then use it as the foundation for your own research.

*4. For early season practice.* Just getting started, you can pull a brief (AFF/NEG) and have practice debates to begin early practice before you have finished all the research. Prepared briefs give you something to go with, and novices can get started debating with something in their hands that they can read, rather than resorting to panic.

When I was debating, sourcebooks were plentiful (lots of choices) but expensive. Our public high school's budget was tight (though the football players never had trouble buying equipment, oddly enough). We still bought at least 3 or 4 source books and it very often made the difference between winning and losing, due to being prepared for cases that one book covered and another one didn't. As a debater, I would have considered the question "Which sourcebook should I

buy” to be nearly insane. Why would we limit ourselves to one? It would be like the football team limiting themselves to only running one play all year, or only buying one football for the whole team to practice with.

Obviously I have a conflict of interest since I’m in the evidence sourcebook business. But I hope you’ll consider the ideas above and see whether they make sense. And be sure that whenever you hear someone endorsing one or another book that you understand what their conflicts of interest are and why they recommend what they do. It’s no big surprise that some guy who writes for a book endorses his own (or his brother’s) book! Be sure you look past the hype and look at a sample of the books themselves. And when it’s all said and done, go ahead and get three or four reputable sourcebooks. If you get four and only find three of them you find useful, then only get three next year. But always be on the lookout and reconsider one you dropped – the quality may change from year to year. Also: Keep your eyes out at tournaments and find out what other teams are using. If they’ve got evidence or briefs that are blowing your guys away, find out where they got them and get a copy of it. (BUY a copy of it – I should say.)

## **Using Evidence Sourcebooks**

---

### **In the Affirmative**

Someone may get upset if I say this, but...

Don’t be afraid or ashamed, at the novice or intermediate level, to run an Affirmative case straight out of a sourcebook. You’d be surprised at the number of requests for assistance that I get from students needing help with their 1AC who would have done better to do just that. They know their case needs work but just don’t know what to do. They’ve gotten their case idea from a sourcebook (perhaps mine), and they didn’t want to just run it straight out of the book (maybe their coach told them not to, or they were afraid that “everyone will know what I’m running”). So, they reworked it themselves and now they want to know how to make it better. My advice usually ends up being, without saying so in these exact words, “make it look more like the sourcebook.” Often (not always) when students take a case out of a sourcebook and “rework” it, they end up making it worse than it was to start with inside the book. The best thing they could do to improve their case would be to throw away all their changes and put it back to the way it was in the book!

Advanced debaters may not need to rely on sourcebooks in that fashion. They may be able to take the Affirmative evidence in a sourcebook, combine it with their own research, and produce their own winning case. Ultimately, that’s the goal every debater should strive for. But beginners and intermediate debaters often do themselves harm in thinking that there is some rule banning them from using a case simply because it appeared in a book. In fact, the reason that it is in a book is because someone with a lot of debate coaching and research experience put it there. It might just be a good idea to take advantage of that, rather than throwing it away and taking one’s chances as an inexperienced debater without a full understanding of the issues involved.

## 204 *Keys to Team-Policy Debate*

Obviously, that's a decision each debater and coach makes at their own level, but I find that the fear of printed briefs sometimes blinds novice and intermediate debaters to the benefits that Affirmative briefs can provide in giving them a head start by showing them how a good plan is put together. They often throw away these reference materials and start from scratch at their own peril. They feel good because they're "writing their own case," but their won/loss record when going Affirmative displays a bottom line indicating that maybe a different strategy was needed.

### **In the Negative**

One of my most frustrating moments was the occasion I was judging a debate where the Negative team had a copy of my sourcebook sitting on their desk, and the Affirmative was running a case that had at least two pages of Negative evidence against it in that very book. The Negative team floundered, sputtered, lost the round and never even opened their book. All they had to do was get up and just read off the 4 or 5 solvency arguments and 3 or 4 disadvantages that were right in front of them, and they could have easily won the round. For them, their investment in our fine evidence manual was wasted. **Note it well: If you do not know what is in your evidence manuals and/or do not know where to find it, you might as well not buy any manuals at all.**

But suppose you took my advice above and bought three or four manuals. And now you want to be sure to avoid the mistake of owning manuals and not using them. What do you do next? Here's a step by step guide:

1. Buy a large loose-leaf 3-ring binder. One per debate team.
2. Get a pair of scissors.
3. Open one of the source books and start with the first Negative brief or Neg. evidence section that it contains.
4. Cut out all the Negative evidence pertaining to the one case topic
5. Go to all the other source books and cut out all the Neg evidence on that same topic.
6. You should now have a pile of sheets from all the sourcebooks, all pertaining to Neg evidence against one topic.

NOTE: Steps 1-6 can be done electronically if you have digital copies of all the sourcebooks you have purchased. In that case, just digitally "cut and paste."

Organize all that Neg evidence into one usable brief. For example, find all the "inherency" evidence, cut it out, and paste it together into one set of pages on Inherency. Do the same with all the Solvency evidence, the disadvantages, etc. You might end up with as few as one or two or as many as 10 or more cards under each stock issue.

7. Eliminate any duplicates if two books have the same quotation.

## Key #17: Choose & Use Quality Sourcebooks 205

8. You may have to photocopy selected pages to preserve something on the back of a page. Make a copy and cut the quote you need from the copy.
9. If you have more than 6 pages of material on one Negative brief, you need to “weed” it. Go through and set aside the weaker evidence (don’t throw it away)
10. Using the strongest evidence taken from all the source books, create an outline that looks like this (let’s suppose the case topic is NUCLEAR POWER):

### NUCLEAR POWER NEGATIVE BRIEF

#### HARMS

1. Not needed - no energy shortages [quote]
  2. No electricity crisis [quote]
  3. xxx tag line - no harm xxxx [quote]
  4. xxx tag line - no harm xxx
- etc.

#### INHERENCY

1. Status Quo already using nuclear power [quote]
  2. Nuclear will increase over next 5 years [quote]
  3. xxx tag line - inherency xxx [quote]
- etc.

#### SOLVENCY

1. Nuclear power is too expensive to be feasible [quote]
  2. Not enough uranium available for increased nuclear power [quote]
  3. xxx tag line - solvency xxx
- etc.

#### DISADVANTAGES

1. Accidental radiation leaks kill thousands [quote]
  2. Terrorism risk [quote]
- etc.

11. Pick the best evidence and evidence that provides the most variety of arguments. For example, don’t have 3 disadvantages that say “1. \$2 billion economic loss. 2. Massive economic loss. 3. Economic growth is reduced.” Instead, try for something like: “1. \$2 billion economic loss. 2. Increased vehicle fatalities. 3. Increased pollution. 4. Terrorism” You are using this time as your prep time to prepare your best Negative arguments, instead of waiting for the debate round, when you will have precious little prep time and will need it for other purposes. This preparation helps win debates.
12. Repeat steps 3 through 12 until you have cut out all the evidence for all the topics covered in the Negative sections of your source books.
13. Hole-punch each brief and file it alphabetically in your notebook.
14. When you get done, you should have a Negative notebook that contains a series of briefs filed alphabetically. For example, there might be several pages of Negative briefs

## 206 *Keys to Team-Policy Debate*

on Albania, followed by several pages on Bioterrorism, followed by several pages on Coal Emissions, then a brief on Dept of Homeland Security, etc. until you get to your Negative briefs on Zambia Trade Sanctions.

15. Put labeled dividers between each brief.

Now you have a well-organized notebook that you can turn to during the 1AC as soon as you know what the AFF case is about. No fumbling for evidence, no wondering which source book it's in, and best of all, no lost rounds that could have been won if only you'd known what was in your evidence briefcase. On top of that, your evidence is all classified by stock issue, so you can more easily signpost it and organize your speech. You will add more briefs to this notebook during the course of the academic year as you research your own briefs against new cases that come up. If you haven't already started this, I guarantee you will win more Negative rounds if you follow this piece of advice. Don't put it off!

### Key #17 Syllabus Lesson

---

#### Student Preparation:

1. Read Chapter 17
2. Buy one or more Sourcebooks

#### Goals:

1. Know how to choose sourcebooks
2. Know how to use sourcebooks

#### Teaching Outline:

- I. *Some fallacies about sourcebooks*
  - A. Discuss the three reasons why some people think sourcebooks are bad
  - B. Discuss why sourcebooks can be a good thing
- II. *Choosing sourcebooks*
  - A. Search the Internet for sourcebook options
  - B. Discuss the benefits/limitations of some sourcebooks
- III. *Use the sourcebooks*
  - A. Study the sourcebooks
  - B. Analyze the cases in the sourcebooks

#### Student Questions & Exercises

1. If you don't own it already, purchase the Blue Book at [www.monumentpublishing.com](http://www.monumentpublishing.com). A dozen Affirmative cases, dozens of Negative

## *Key #17: Choose & Use Quality Sourcebooks* 207

briefs, and 800 pieces of evidence give plenty of preparation for successful debating.

2. Start building your Negative notebook using the sourcebooks you have obtained.





## Key #18

# Strategize: Sample Debate

The text below is the transcript of an actual team policy debate conducted by some skilled debaters. This is provided to give you an idea of what a good debate round looks like.

The transcript is about 99% accurate, but some editing has taken place, not affecting the outcome of the round or impact of any of the arguments (e.g. speaking mistakes, garbled words, etc.). The evidence cited here should not be copied from this book for use in any future debate round because the citations are incomplete and may be inaccurate due to editing or transcription errors in copying from voice to text. There are no significant points to be made from analyzing the sources.

I suggest you use this as a flowing exercise. The novice debater could read the text and then flow it as he reads. A coach could read the debate out loud at normal speed and ask the team to flow it as he reads, and then follow up to see what arguments were flowed and how well they were captured by the debaters who are hearing them for the first time.

When you've finished hearing or reading the round, imagine you are the Judge. How would you vote? What arguments persuaded you and which ones didn't? What happened during cross-examination? Which debaters used cross-ex effectively? Use these as a model for what to practice in your rounds and what to avoid. We do not provide any judging result with this round; it is up to you to decide who deserved to win.

The proposition is: Resolved, that the United States federal government should significantly change its policy toward India.

## **First Affirmative Constructive**

---

As India becomes a more important player in the global market, international business between the United States and India has climbed to an all-time high. However our foreign policy towards India has not reflected these changes and has, in fact, defrauded both Indian and American workers out of billions of dollars – an injustice that compels us affirm the United States federal government should significantly change its policy toward India.

All terms will be defined contextually through our case, but for more clarity in the round we would like to explain the term “totalization” in more detail. The Social Security Administration in 2008 explained that “Since the late 1970’s, the United States has established a network of

## 210 *Keys to Team-Policy Debate*

bilateral Social Security agreements that coordinate the U.S. Social Security program with the comparable programs of other countries.”

International Social Security agreements, often called “totalization agreements,” have two main purposes. First, they eliminate dual Social Security taxation, the situation that occurs when a worker from one country works in another country and is required to pay Social Security taxes to both countries on the same earnings. Second, the agreements help fill gaps in benefit protection for workers who have divided their careers between the United States and another country. In other words, a totalization agreement is simply an agreement between two countries designed to coordinate their Social Security systems for the benefit of workers laboring overseas. Doing this prevents double taxation and makes sure that the workers overseas get the benefit protection that they pay for.

Currently, India and the United States do not have a totalization agreement because of the United States’ unwillingness to reduce restrictions. For this reason of course, our criterion is that of justice. All arguments should be evaluated within the framework of which Social Security system is more just for Indian and American workers. The team that better upholds this goal should win your ballot. We believe that the lack of such an agreement violates justice and in fact causes several serious harms.

The first is that Indians are exploited. The Wall Street Journal, in Oct. 2008, explained that, “Indians working in the U.S. contribute to the American Social Security system, but can’t automatically take the money back to India when they return home. The government estimates that around 80,000 employees from India, mostly working in technology companies and projects in the U.S. contribute at least 1.5 billion annually to the U.S. Social Security system. Most of them are on short term work visas.”

The impact is injustice towards Indians. Public policy expert Mookle Asher made clear in 2008 that “Equity is violated if foreign workers contribute Social Security taxes in another jurisdiction, but do not qualify for Social Security benefits. In the U.S., for example, a worker needs to contribute for a minimum period of 10 years to qualify for Social Security. Many Indian professionals fail to meet the criterion, though they are required to contribute to the U.S. Social Security system. In the absence of a totalization agreement with India, the Social Security taxes paid by Indian nationals in the U.S. are not returned even if they do not qualify for Social Security benefits.”

The lack of a Social Security totalization agreement with India treats Indians unfairly because they pay Social Security taxes, but don’t qualify for benefits in the U.S., and don’t get a refund when they return home.

The second harm is injustice towards Americans. In Oct. 2008, the U.S. Social Security Administration explained that, “Without some means of coordinating Social Security coverage, dual Social Security tax liability is a wide spread problem for U.S. multi-national companies and their employees. Extra-territorial U.S. coverage frequently results in dual tax liability since most countries impose Social Security contributions on anyone working in their territory.”

In other words, without a totalization agreement, Americans working in India are forced to contribute to the Indian Social Security system without being eligible for benefits, as well as contributing to the American Social Security System. This is clearly exploitation of American citizens by the Indian government.

The third and final harm we must consider is that of economic loss. The National University of Singapore in 2008 said that “As two way flows of workers and the level of remittances increases, the need for totalization agreements has become even more urgent. The absence of such agreements is resulting in large revenue loss to the United States reducing competitiveness of Indian businesses and adversely impacting on the retirement security of the Indian workers.”

The need for a totalization agreement between the United States and India is clear. Therefore, we present the following plan to be implemented by any necessary Constitutional means:

**Mandate: Totalization.** The U.S. will agree to a Social Security totalization agreement with India based on the model of India’s agreement with Belgium. The President and Congress will establish, and the IRS and Social Security Administration will implement any necessary legislation. Enforcement will be through the IRS and the federal courts through the same manner as existing totalization agreements the U.S. has with other countries.

Funding will come from Social Security Taxes already imposed under existing law.

Before we move on, let’s explain exactly what our plan does in a little more detail. If Indian and American citizens are employed for less than 5 years, they will be exempted from contributing toward the Social Security scheme in the country where they are employed, as long as they continue to contribute toward the Social Security scheme in their home country. If they are employed for more than 5 years, they will begin to pay into the Social Security system for the country where they are employed instead of their home system, and will be able to repatriate those contributions back to their home country when they return home. This method of totalization is known as “The Belgian Model.”

To show how our plan will work, let’s look at two solvency points. First, totalization works.

In 2008, Professor Mookle Asher explained The Belgian Model saying that, “The U.S. has totalization agreements with 21 countries including Korea, Japan, Chile, and Spain. As India and the U.S. recognize the importance of closer engagement, greater urgency in concluding the totalization agreement, broadly along similar lines as with Belgium, is required.”

Secondly, India wants totalization. Amentie Sen in Feb. 2008 said that “India has been putting pressure on the U.S. for negotiating Social Security agreements. India is very keen on signing a totalization agreement with the U.S. ‘We have been trying to persuade the U.S. for a very long time,’ an Indian government official said.”

In addition to solving the harms, our plan creates distinct advantages.

## 212 *Keys to Team-Policy Debate*

Advantage 1: Good for workers. According to the Social Security Administration in 2008, “International Social Security agreements are advantageous both for persons who are working now and for those whose working careers are over. For current workers, the agreements eliminate the dual contribution they might otherwise be paying into the Social Security systems of both the United States and another country. For persons who have worked both in the United States and abroad and who are now retired or disabled, the agreements often result in the payment of benefits to which the worker would not otherwise have become entitled.” Our plan helps workers by eliminating double taxation and insuring retirement and disability benefits to those who pay for them.

Advantage 2: Good for business. They continue, saying, “The totalization agreements also favorably impact the profitability and competitive position of companies with foreign operations by reducing their cost of doing business abroad. Companies with personnel stationed abroad are encouraged to take advantage of these agreements to reduce their tax burden.”

Companies with foreign operations reduce their cost of doing business, helping our economy in these tough times. In order to promote business that makes our nation prosperous and creates a just system for Indians and American workers alike, we urge you to vote affirmative at the end of today’s debate round.

### **Cross-Examination of 1A by the 2N:**

2N: Okay, let’s start at the top with your criteria. Are you telling us that all the arguments in a round should be judged by the criterion of justice?

1A: Yes, sir!

2N: OK. You said you wanted to define “justice” contextually, right?

1A: Well, more or less, we did assume that “justice” had the same definition.

2N: OK. Did any of the cards you read in the 1AC use the word “justice” to describe your case?

1A: Any of the cards? No, not specifically.

2N: Not specifically. Okay, great. Let’s go to your harm 1. You said, “Indians are exploited,” right?

1A: Yes, sir.

2N: Did the card use the word “exploited?”

1A: It did not actually use the word “exploited” --

2N: What word did it use?

1A: What word did it use?

2N: Yeah.

1A: I didn't actually use the specific word, it was just showing how it happens in the status quo.

2N: That card didn't even claim that the status quo has any harm, did it?

1A: It didn't say it specifically in the card, we're just showing a harm--

2N: It didn't say a harm, okay. Let's go to Harm 2: Injustice against Americans, right?

1A: Yes.

2N: Okay. Did that card mention India?

1A: It wasn't specifically India.

2N: Not specifically India. So that card doesn't say that any Americans are working in India, does it?

1A: No, but we can bring up evidence to show that they are.

2N: I'm just asking you prima facie in the 1A, did you show that there was any harm to Americans in India? That card -- Okay, let's go down to Harm 3, the economic loss. That card's... how, specifically, does the economic loss happen?

1A: It doesn't actually give us the actual specific means of economic loss,

2N: OK

1A: But what it does show is that there will be revenue loss.

2N: "Revenue loss" to whom?

1A: To the United States and Indian business.

2N: How does the U.S. lose -- government lose revenue?

1A: Again, it does not, it doesn't actually say it specifically in the piece evidence as how it happens, it just says we will fix the problem with a totalization agreement.

2N: Okay, but didn't you argue under Harm 1 that we had \$1.5 billion a year in excess Social Security contributions coming in, that we just keep?

1A: Right.

## 214 *Keys to Team-Policy Debate*

2N: Okay. So we're, under, Harm 1 is "we are keeping money," Harm 2 is "we're losing money," right? Harm 3 is "we lose money," right?

1A: Yeah, the money's going to different sectors, that's --

2N: Well, which sectors is the money going to, did the card say?

1A: The 1.5 billion goes to Social Security, whereas the money we're losing is actually in revenue.

2N: Okay, fine. Let's go down to Solvency. The Solvency 1 card was the Professor Asher card that says that we need urgency in concluding an agreement, right?

1A: Yes.

2N: Okay, doesn't that card -- isn't that card referring to the negotiations that are currently underway?

1A: Yeah; it's basically saying that we need to move past our differences and finish the agreement.

2N: Okay. What are the differences the US -- why won't the U.S. sign the agreement; what's the barrier now?

1A: The basic barrier is that the U.S. has -- that they're dead set on a requirement for workers to stay in the United States -- a ten-year requirement.

2N: Ten years to qualify for benefits, right?

1A: Right.

2N: Why?

1A: We honestly couldn't tell you the real reason. The reason that we see is that they're taking the free -- the money from these poor workers.

2N: Okay. My time's up, thanks.

### **First Negative Constructive**

---

Okay, judge, I'm going to start off at the top of with two overviews on their criteria and how to judge the round. Then I'm going to cover all three of the harms, I'm going to have an inherency argument, maybe a topicality argument if I have time, and then two solvency arguments and a disadvantage. I'd better get started.

Let's start with the overview on judging the round on the criterion of justice. He says that justice, he wants all arguments in the round to be judged by justice, but then he admits in cross-ex that he never reads a card that defines what justice is. He says contextually the definition, but none of his contexts use it. I'll come to that in just a moment, but I think a better criterion for judging the round, since he never even defined what his criterion was, is "significant net benefits."

First of all, it's more real-world. Secondly, we can actually get a handle on it and he never even defined what his criterion was. Significant net benefits is better because that's how real world policy makers judge policy decisions. If you just say the only criteria is justice, that means if we increase justice for one person, but 10 million people die of starvation, you would have to vote affirmative. That's obviously, in itself, an unjust way to decide policy. Using one criterion of justice is an unjust way of doing it.

Now my second overview is that the definition of justice is this: "Justice is the administration of law according to the rules of law or equity." That's from Webster's Collegiate Dictionary 5th edition. Now, I'm going to show you that first of all, even if you follow his criterion, he still, the affirmative still loses the round. They never claimed that the administration of law is being done in an improper way. In fact, what they're telling you is that current laws should be changed, not that the current laws are being administered improperly. And since they never define "justice," they can't come up here in the 2AC and suddenly change the definition. They said they wanted to define it contextually but they never defined it.

My follow-up observation is that they never claimed in any of their cards that justice was violated, so prima facie there's no reason to vote affirmative because their criterion doesn't match their evidence.

Now let's go to harms. His first harm is "Indians are exploited," and he admits -- my first response is that he admits in cross-ex that "exploited" isn't even in the card, so he goes way beyond what his evidence says, here.

My second response is that the administration of law is fair to all. He never claimed that the law wasn't being administered fairly, he claimed that the law itself wasn't fair. But, remember my definition of justice is "fair administration of the law." There's no discrimination against Indians, in fact, Indians know before they come to the U.S. what the law is. And they still come anyway. That's a pretty good indicator that they think they're being treated okay.

My third response is that the firms -- that firms actually cover the cost of Social Security tax for their employees. So they're not being exploited! This is from the U.S. Social Security Administration in March 2009. "A firm that sends an employee to work in another country often guarantees that the assignment will not result in a reduction of the employee's after-tax income. Employers with tax-equalization programs, therefore, typically agree to pay both the employer and employee share of most country's Social Security taxes on behalf of their transferred employees." There's no injustice here; the workers aren't exploited; the businesses know the costs are there so they cover them for the employees. There's no harm here.

## 216 *Keys to Team-Policy Debate*

Let's go to harm 2: Injustice to Americans. First of all in cross, my first response is, in cross-ex he admits the card doesn't even say anything about India. My second response is, that in cross-ex he admits that it doesn't quantify how -- that he can't quantify how many Americans there are. Maybe he'll do that in 2A, but I challenge him to prove how significant this harm is, because he can't tell you how many Americans are actually suffering here.

Let's go down to harm 3: The economic loss. I have four responses. My first response is, according to his own criterion, this has absolutely nothing to do with judging the round. He said in the top of his 1A that he wanted that all issues be judged by the criterion of justice. Economic loss, that is the decline of business competition, flow of workers, remittances, revenue to the U.S. government, that has nothing to do with justice, and nothing to do with the administration of law, and, therefore, you can ignore it, it's not a voting issue. This harm can be dropped out of the round.

My second response is, he never quantifies it, how much revenue we're losing, how many workers, how much flow, how much business competition; there's no quantification, therefore no significance, therefore it's not a voting issue.

My third response is that I'm going to turn it later in the round with a response on globalization and outsourcing. Increasing the flow of workers is actually a bad thing, not a good thing.

My fourth response is that he never explains how the revenue loss occurs. He can't explain what the root cause of this harm is, where is the loss occurring? I asked him this in cross-ex and he hadn't any idea where the revenue loss was or how it was happening. If he can't explain it, then he certainly can't explain how he's going to solve it.

Now let's go to solvency. The first -- his first solvency argument is a card from Professor Asher, who said that totalization is working and we need to hurry-up along with the U.S./India deal. First of all, that card admits that the status quo is already on track to do it. This is not a change in policy. The status quo already has a policy of pursuing totalization with India, they just have to work out a few details and they'll do it.

Now, notice that in the 1AC that he never defines "policy." He says all words are defined contextually, but the word "policy" never occurs in any context in this card. So, the negative team will define "policy." "Policy is the settled course adopted and followed by a government," Webster's Collegiate Dictionary, 5th edition. What does that mean? First of all, it means that the status quo is already has a course of action, pursuing towards solving this agreement. So it's status quo policy.

Now let's cross-apply this under topicality. The topicality argument is that a policy is a course of action that we're pursuing adopting following by a government. We already have a policy of negotiating with India on a totalization agreement -- we already have a policy of a totalization agreement, let's let the status quo work it out. There's no change in policy here. They're not upholding the resolution. That deserves a negative ballot, *prima facie*.



Now let's go to solvency, and I'm going to have two general areas of solvency I'm going to respond to both the advantages; I'm going to have two responses under both advantages. Advantage 1 is: Good for workers. My first response is that the card never says that the Belgian Model is just. Remember his criterion was that you only vote on justice, but none of his cards here under Advantage 1 say that the Belgian Model is more just than the status quo or even that it is just at all.

My second response is that if you look at his card, it talks about workers getting benefits. My response to that is, well that's nice but it's not justice. People getting Social Security benefits is a nice thing to have, but it certainly doesn't uphold the criterion of justice.

Now let's go down to the second advantage. His second advantage is that it's good for business. It improves profitability and competitive position. My first response is, once again, this has nothing to do with the criterion of justice. Improving business operations or hiring more jobs or whatever, is nice but it has nothing to do with justice, because nobody says that creating new jobs is a just or unjust thing to do. It's economics, not justice.

My second response, I'm going to turn it. My first disadvantage is the turn on advantage 2 which is it's good for business, in fact good for Indian business is a bad thing not a good thing, because it leads to out-sourcing.

First of all, let's read the link. "Totalization actually enables outsourcing." This is from the U.S./India Business Council in 2008. "What's becoming more apparent each day is the magnitude of opportunity that exists for both sides as the digital economy continues its convergence. Continued cooperation is necessary to realize the full potential of software engineering and programming, value-added business process outsourcing, and the attributes of information technology enabled service partnerships. The U.S. side can contribute to this opportunity by adopting a rational policy that enables the ready movement of technology professionals between our countries by resolving a totalization agreement that reimburses Social Security taxes to individuals."

They want Social Security totalization so they can out-source. Now what's the impact? Jobs are lost. Linda Levine with Congressional Research Service, May 2005. "Domestic outsourcing and off-shore outsourcing results in job losses for those employees who are no longer required to produce the goods and services that their employers decide to purchase. Some displaced workers must seek jobs in other fields, because the domestic firms that specialize in providing an out-source function, do so more efficiently than their former employees."

Judge, overall we have no significant net benefit. Significant change in policy requires a significant benefit. That criterion fits much better real-world decision-making and the affirmative loses on that criterion. Ready for cross-ex.

### **Cross-Examination of the 1N by the 1A:**

1A: Alright, I just have a couple of questions for you today. Let's start off under the criterion argument. At first you started talking about how basically we use a counter criterion, that of net benefits. Now --

1N: Significant net benefits.

1A: What are the -- what are taxes for specifically, could you tell us, the team, the affirmative team and the judge what taxes are for specifically?

1N: Well, I would say they cover the operation of governments; all the operations of a government.

1A: Would you agree with me in that taxes are paid in the assumption that we would reap the benefits of those taxes?

1N: Oh, not necessarily. I pay lots of taxes that I receive no benefits. For example, school taxes - - I'm homeschooling.

1A: Right, but the idea behind the tax is that we pay them in the assumption that we would get the benefit, whether we get them or not. That's the point I'm trying to make. Will you agree with that?

1N: No! You can't always make the -- you can't make that assumption and I'd disagree with your premise.

1A: Okay, let's move down to the harms. Let's start under harm 1. You were telling us how basically it doesn't show how Indians are exploited and such things like that. Justice is based on the law. You were talking about -- you read a definition of "justice." Now, does the government have the right to take taxes with no intention of delivering any benefit, or no intention of reimbursement?

1N: They do it all the time.

1A: Specifically on Social Security tax?

1N: Social Security? I don't know what the specific law is that you're referring to, but, yeah, the government can do that. In fact, lots of people, lots of Americans pay Social Security taxes and don't get any benefits; if you don't work enough, long enough time, you don't get any benefit. Even if you're American. Your own evidence says that.

1A: Some questions under the disadvantages. Now, you read a piece of evidence that was talking about how -- I don't remember exactly what the tag was, but it was talking about out-sourcing and that a totalization agreement would be better for this.

1N: Yes

1A: Now was this evidence from the U.S./India Business Council?

1N: Yes.

1A: Okay, thank you. Let's move down to the next piece of evidence you brought up. You were talking about how there was a job loss. Now, how specifically, under totalization does this piece of evidence apply to our case?

1N: Okay. Totalization enables out-sourcing because the reason why your plan advocates want totalization is so they can do out-sourcing. And so what happens--

1A: Specifically how under totalization does it better enable out-sourcing specifically?

1N: Because they can hire more workers and send them over here and then pull them back. It's cheaper to send workers over here temporarily, learn the skills, then take the work home back to India.

1A: Okay, now let's head up to the solvency. You were talking about how the status quo is on the right track. You actually used your own evidence for it and everything. Now did you actually bring up any counter evidence showing that there wasn't a barrier in the status quo for enactment of the policy?

1N: That there wasn't a barrier?

1A: Basically that the --

1N: The evidence is in your card. It says that they just -- your only barrier is that we need to speed it up. It doesn't say there's actually a barrier.

1A: OK. I have no further questions.

## **Second Affirmative Constructive**

---

Let's start off with the criterion of justice. The negative team argued two arguments. First of all they said that we never defined "justice." I have two responses. My first response is that contextually through our plan, "justice" is seen as "fairness." We're following the John Rawls "justice is fairness" concept. Now, our evidence shows this injustice through the de facto policy of double taxing Indian and American workers in America and India without being able to achieve the benefits from their Social Security contributions. This is injustice – it would lead any common man to conclude that it is exploitation that is occurring.

My second response is that the negative team's definition of "justice" is talking about the misapplication of law and really that has no relevance with what we're talking about. We're saying that the law itself is unjust since it's causing this exploitation. So the negative team's definition of "justice" really doesn't stand within the context of our case.

## 220 *Keys to Team-Policy Debate*

The second argument against our criterion was that instead the criterion should be significant net benefits. My response is that “justice” makes “benefits” irrelevant. For example, economic benefits. We’ll get -- the question of justice makes which is more economically beneficial irrelevant when you consider how to save for retirement. On one hand, you could go rob a bank and get away with millions of dollars. On the other hand, you could save and settle for a 401K. One you might be able to get away with much more money from a bank robbery, but it’s unjust. So the question of “justice” makes net benefits irrelevant.

Let’s move down to the harms. Our first harm was about how Indians are exploited. And the negative had three responses. First they said that the evidence itself never stated exploitation. Now, you’re right, judge, it doesn’t say the word “exploitation,” but that’s an unreasonable burden to put on the affirmative team. It describes the de facto policy of exploitation in the card, it talks about they’re being doubly taxed without being eligible to receive benefits. Any reasonable person would conclude that this is an exploitation that is occurring.

Their second response to this harm is that there is no misapplication of law. I’ve already responded to how that definition doesn’t fit our case.

Let’s move down to their third response, which was that the employer covers the tax. I have two responses to this. My first response is that this evidence was specifically talking about in tax equalization programs like a totalization agreement. That’s not in the status quo, that’s talking about tax equalization programs.

My second response is that that’s not, in fact, how the status quo system works. In fact, Liz Matthew in The Wall Street Journal on Oct. 8, 2008 states that, “Both Indians working outside the country, and non-Indian citizens working here, have been forced to contribute 12% of their salary matched by an equal amount from the employer, irrespective of the contributions they may be making to such schemes in other countries.” So, the employer isn’t covering everything. They’re covering 12% to the Indian Social Security system and the employee is also paying 12%. So, again, this is a double taxation that’s occurring. Injustice is occurring toward these Indians.

Let’s move down to harm two and that was really the question that the negative team brought up. How many Americans are being affected? I have two responses. My first response is that the negative team never contested the fact that Americans are being treated unjustly without a totalization agreement. They just questioned how many Americans it is actually affecting.

My second response is that in fact it’s affecting over 30,000 Americans. In fact, in 2004, CNN Money reported that there are “30,000 American workers working in India.” So as we can see, that was in 2004 -- the numbers have probably risen since then -- the number of Americans that are being affected is significant. The Indian government’s telling these workers “We’ve got what it takes to take what you’ve got and you can’t do anything about it.” That’s injustice.

Let’s move down to the third harm, and that was of economic loss. The negative team had four responses. Their first response is that they said it’s not applicable to justice. Now, judge, you’re right, it’s not directly applicable to our criterion of justice, but we’re not saying that justice

makes every other argument irrelevant, we're just saying it's a weighing mechanism to weigh the arguments in today's round.

Their second response is that there's no quantification, and I'm going to be tying this to their fourth response and that was, where does the revenue loss come from? I'm going to answer that question first. The revenue loss comes from the lost business potential that could have been achieved without a totalization agreement. In the context of this evidence, that's what it's talking about. If we increase the business potential between our two countries, then we actually increase revenue to the United States and India since they can tax those international businesses. Now, of course, we don't have particular quantification for this because there's a limitless potential to what could be achieved that is not being achieved by the status quo.

Their third response is that out-sourcing is bad. I'll address that later on in my speech.

So let's move down to solvency. There were two responses to our first solvency point. First response was that the evidence said that they're already in negotiations. But, judge, they've been in negotiations for three years. They're locked in a mire of disagreement. Not only are they doubly taxing Indians and Americans, they're also taxing our patience with these negotiations. So, the status quo policy, or their course of action, is a course of inaction.

So really the second response to this solvency point, that definition of policy is a settled course of action, we can see that it's not settled and it's not a course of action. Rather, it's an unsettled course of inaction. So really we don't have a policy; we need to establish a policy for a totalization agreement. And that's a policy change.

Let's move down to the advantage responses. Their first response to our first advantage was that the evidence never said that the Belgian Model is just. And then their second response was that the evidence said that workers are getting benefits and it isn't about justice. And I have two responses to both these arguments. My first response is that if you look back at our solvency point 1, it talks about how totalization works. And that's talking about how the Belgian Model is just.

The second point is that, my second response is that, yes this advantage is talking about justice since the evidence is talking about how workers are getting the benefits that they pay for. The whole idea of the Social Security tax is that when you pay into the system, you eventually get a benefit. That's the justice that would occur from our system that's not being allowed through the status quo.

Let's move down to the second advantage, and they had two responses to this, too. Their first response was that it, yeah, it's good for business, but it's only good for Indian business. And their second response is that this leads to out-sourcing, which is bad, and that's a disadvantage. I have four responses to this.

My first response is that this -- it encourages U.S./India business. In other words, it's encouraging business between the two countries, not just for Indian business, it's talking about business as a whole between the two countries. My second response is that the source that the

## 222 *Keys to Team-Policy Debate*

negative team read is actually a plan advocate of our case. U.S./India Business Council is encouraging a totalization agreement, and saying that the U.S. and India should work towards negotiating one, or work towards accepting one, so that the benefit for both the businesses, both countries' businesses can be improved.

My third response is that of creative destruction. Out-sourcing is based on the fear that creative destruction will occur. What "creative destruction" is, is that when we have -- we need to restructure our economy in order to become more effective. In other words, we're not going to see a job loss, we're actually going to see an economy that's more effective through creative destruction. You can see this through the example of when we have the automobile -- when we first came out with the automobile, horse and buggy makers were all upset because they thought that they were going to go out of business and that they were going to lose their jobs. But if we hadn't accepted the automobile, we wouldn't be in the same place that our economy is today. So, creative destruction/out-sourcing actually benefits the United States. So for all these reasons, I strongly encourage an affirmative ballot. Thank you.

### **Cross-Examination of the 2A by the 1N**

1N: OK, let's start at the top with the criterion. You said that justice makes benefits irrelevant?

2A: The question of justice, whether or not a policy is just, makes the question of whether a policy is, say, more economically beneficial, irrelevant.

1N: So, economic benefits are all out of this round, is that your argument?

2A: That's not my argument. What my argument is, is that first the primary weighing mechanism should be justice. Sure, economic --

1N: But didn't you say in your speech -- didn't your partner say in the opening line of the 1AC that quote "all arguments" unquote should be based on justice?

2A: Right, that's our primary weighing mechanism. But --

1N: Wait, when you say "primary," what do you mean by primary? Don't you mean -- doesn't "all arguments" mean "all arguments" or does it not mean all arguments?

2A: It does mean all arguments. But that doesn't mean you should cast out of the round any arguments that don't have to do with justice. It means that if it comes down to it, you should weigh on the side of justice rather than some other perceived benefit.

1N: OK, but you never explained that in the 1AC, did you?

2A: Well, that was what we meant in the 1AC, and we --

1N: Ah, OK. Right. OK, let's go down to the exploitation. OK, on the exploitation, you're arguing that exploitation is not in the card but it's a conclusion you drew from the card, right?

## Key #18: Strategize: Sample Debate 223

2A: Well, of course, it would be unreasonable to say that we need to show the card that says this is actually exploitation. But what we can see from the card is that it describes the exploitation, leading any reasonable person –

1N: OK, but it describes a policy, right?

2A: Yeah, it describes the policy that is currently defrauding the Indian workers out of one point five billion dollars –

1N: But the word “defrauding” never occurs in the card either, does it? That’s a word you used to describe the policy, right?

2A: Yeah, that’s the word that a reasonable person would be likely to conclude from that card, yeah.

1N: OK, fine. Let’s go down to Harm 2, the Americans working in India, right? Being treated unfairly?

2A: Yeah.

1N: OK, your second response was that 30,000 Americans are working in India, right?

2A: That’s correct.

1N: How many of those Americans are subject to the double-taxation?

2A: All of them. They’re –

1N: Did the card say that? That thirty-thousand card?

2A: That is – oh, the thirty-thousand card?

1N: Right. Don’t some people – don’t some people stay in the country long enough to eventually qualify?

2A: Unfortunately that’s not available at all to the U.S. – the U.S. worker there, according to our Harm 2.

1N: Well, but wait a minute. Wasn’t it your argument that it’s the length of time that determines how long somebody has to be there to qualify for benefits? Isn’t that the problem with the Social Security system?

2A: Well, there are differences between the Indian and the U.S. Social Security system. The U.S. Social Security system requires Indians to stay here for 10 years before they’re eligible to qualify for benefits.

1N: Right.

## 224 *Keys to Team-Policy Debate*

2A: The Indian system has recently changed so that no matter how long you stay there, you're not able to collect on the benefits unless you've signed a totalization agreement.

1N: OK, did your evidence say that?

2A: I can read that evidence – it's from the International Tax --

1N: No, no, I meant – I'm just asking if you read it in the round already?

2A: Well, no, I didn't. I didn't need --

1N: OK

2A: That argument was never presented.

1N: That's fine.

### **Second Negative Constructive**

---

All right, in the 2NC I'm going to cover disadvantages two, three and if I have time I'm going to do a fourth disadvantage. We already gave you one disadvantage, which was outsourcing, and we'll respond to his responses to that in the 1NR.

Let's start with disadvantage 2, which is Social Security deficits. The link to this is the plan gives money back to Indians that formerly was being kept by Social Security. Now the next link is that status quo does not have a totalization with India specifically because of the Social Security deficit. This is from the Economic Times of India in February 2006: "The U.S. concern is that India does not have a proper PF, Provident Fund, arrangement or Social Security guarantee for life, says one expert. But the reality is that the Social Security administration in the U.S. is never going to agree to a totalization agreement with India, as they have a huge Social Security deficit back home."

Now, here's the problem: If he says that the inherency is that they're on the way to doing it but they're held up by something else, then he can't overcome that inherency because he doesn't understand what it is. But if the actual inherency is the Social Security deficit, then he has to accept the disad. Now, the link to this is that the government must take money from other programs, raise taxes, or borrow to fund Social Security shortfalls. This is David John at the Thomas Roe Institute in March 2008: "The year when Social Security begins to spend more than it takes in, 2017, is by far the most important year. From that point on, Social Security will require large and growing amounts of general revenue money in order to pay all of its promised benefits. Even though this money will technically come from the cashing in of special issue bonds in the trust fund, the money to repay them will come from other tax collections or



borrowing. The billions that will go into Social Security each year will make it harder to find money for other government programs or will require large and growing tax increases.”

Now, the next link is that Congress will not cut other programs. Republicans will hike spending and they can’t find significant budget cuts. David Boaz at Cato in 2007: “Rep. Boehner is right.” And then he goes on to say “Moreover, the editorial missed the point. Congress doesn’t have a revenue problem, revenue is at an all time high. Rather, Congress has a spending problem. Indeed the Republican Congress, of which Boehner has been a leader, has increased spending by a trillion dollars in 6 years. And out of that massive gush of taxpayer dollars, Boehner can only find \$3.2 billion in unnecessary spending.”

The next link is the Democrats promise limited spending and then raise spending and taxes. Brian Riedel at the Thomas Roe Institute in October 2007: “In January, a Democratic congressional majority was sworn in, that was elected in part by promising fiscal responsibility. And the Democrats specifically pledged to limit spending increases and employ pay-as-you-go budgeting to keep the budget deficit in check. As the first year moves toward a close, it has become clear that the members of this majority failed to live up to their promises. In just 10 months, Congress has passed legislation that would increase federal spending by a combined \$454 billion over 10 years and raise taxes and fees by \$98 billion over 10 years.”

Now, what’s the impact? The card above says that there are 3 ways Congress can deal with Social Security deficits. They could either cut other programs, raise taxes, or borrow more. Now, we’ve proven that both parties in Congress won’t cut spending, which only leaves higher taxes and deficits as the other two options. But both of these are bad. The first impact is that higher taxes hurt wages, weaken the economy and cost jobs. Dr. Shanley Watkins at Heritage Foundation, March 2008: “The House budget resolution has the potential to cost the average American taxpayer more than \$2000 in additional taxes in 2012 alone. Higher taxes, particularly on capital, cause the level of private investment to fall, thereby slowing productivity improvements, and weakening the earning capacity of households. Wages and business earnings, which are closely tied to productivity, would fall as well. As a result of the tax increases in the House budget resolution, Americans could also see their personal income decrease.”

Now, what’s the impact to that? She goes on later in the card to say that lower economic output would kill jobs and so on. But what’s the second impact? Instead of higher taxes, Congress could also just borrow the money and raise deficits, but the problem with higher deficits is that they actually revert back to the first impact: higher deficits bring higher taxes. Jacquelyn Forts, September 2008, Financial Post: “Higher deficits can only bring higher taxes. And higher inflation can only bring higher interest rates, said Jeff Ruben, chief economist at CIBC World Markets in an economic forecast yesterday.”

So what’s the problem here? Judge, the problem is that the Affirmative plan is going to increase the Social Security deficit. That’s the actual reason for why the plan hasn’t been enacted so far – so far in the status quo, because they know it’s going to trigger a bigger Social Security deficit.

Now, let me pre-respond to some arguments you’re going to hear in the rebuttal. I predict that during the rest of the round, the Affirmative team is going to be arguing how small and

## 226 *Keys to Team-Policy Debate*

insignificant their case is. Why are they going to do that? Because they're going to try and beat the disad. They're going to be arguing that their plan is only a small tiny insignificant change because they don't want the impact to this disad. But Judge, as soon as they make that argument, as soon as they argue that the disadvantage is insignificant, it's only a drop in the bucket, tiny little change to Social Security, then out go all the significance of their Affirmative case – of their justice and their economic benefits. They're insignificant on their advantages if they're insignificant on the disadvantage. They can't have it both ways.

Now, let's go to disadvantage 3, and that is remittances. Now where did remittances come from, you might be wondering. They come from this card in Harm 3 that says we need this totalization plan because we need to help these Indian people send more remittances back home. They have remittances going home, we need to help them out. Well, the problem with that is, this is a turn on that harm. In fact, remittances are a bad thing, we don't need more of them, we'd actually be better off with less. Remittances actually end up causing dependence, poverty, and a welfare culture. This is Investor's Business Daily in November 2006: "In a 2005 study, that bank" – the Bank of Mexico – "found a negative link between development and remittances. The more remittances, the less overall development. The bank even went so far as to suggest that poverty was caused by the dependency and not the other way around. Because most cash sent back is used for consumption and not investment, it gives only a short-term boost to GDP. Evidence also suggests members of recipient households have fewer incentives to search for alternative sources of income, the Bank noted, describing a burgeoning private welfare culture." Now, that's a complete turn on the Affirmative's Harm 3 and Advantage 1 and Advantage 2. It turns those into things that are bad for workers, bad for business, and economic losses that actually happen back in India. It completely turns around their harms and their advantage.

OK, now let's move on to my fourth and final disadvantage and that's the disad of brain drain. Now, what is brain drain? Brain drain means that when you increase the flow of workers out of a poor country and into a rich country, who leaves? Who migrates? Well, they tell you in their 1AC, it's the knowledge workers, it's the smart people – the ones who are coming here for the high-tech jobs. Their evidence says that and so does mine. The US-India Business Council says that's a great thing and we need more of that, and we'll talk about that in rebuttal, about why the India Council wants that.

But let's talk about why that's a bad thing not a good thing. The fact is that Indian migration is actually a brain drain that removes catalysts for political change. Professor Brinad Khadriah, Harvard International Review, 2006: "In the 21<sup>st</sup> century, however, India has drawn worldwide attention more as a country of origin for the migration of so-called knowledge workers, mainly IT professionals, to developed countries, with 80% of the immigrants migrating to the United States. Knowledge workers have been emigrating from India since the late '60s. Traditionally branded "brain drain," the cost of migration of such highly educated Indians is seen as a financial investment loss in education, a social skill loss of trained personnel, and the loss of catalysts of necessary political change in the exodus of young, unemployed graduates."

What is this card saying? This card's saying it's bad for India if we do things that encourage the flow of smart people out of India. Read their Harm 3 card again after the round if you want to, Judge, their Harm 3 card says that's exactly what they're trying to achieve. But it's a bad thing,

not a good thing. Let's put a stop to that. The net benefits of this case are far too great on the Negative side for an Affirmative ballot. Thanks, I'm out of time and I'm open for cross-ex.

## **Cross-Examination of the 2N by the 2A**

2A: Under your second disadvantage about the Social Security deficit. Now, was the first evidence you read from the Economic Times, was that talking about the Indian Social Security system or the U.S. Social Security system?

2N: It's talking about the U.S. system.

2A: OK, specifically where does it say the U.S. system in that card?

2N: Yes – the last sentence. “The Social Security administration in the U.S. is never going to agree to a totalization agreement with India, as they” – that's referring back to the U.S. – “have a huge Social Security deficit back home.”

2A: So, the pronoun there is “they.” That could refer to India, then, as well, could it not?

2N: No, if you read the context of the whole article, it's talking about why the U.S. – the U.S. is – you said yourself earlier that the U.S. was the one holding up the agreement. It's the U.S. that has the deficit and the U.S. is holding up the agreement.

2A: OK, then, I'm operating under the assumption that it is talking about the U.S. deficit. Did you provide evidence to say that totalization would be enough to push us over the edge, over the brink, into increased spending and increased deficits?

2N: I never claimed there was a brink, I claimed it was linear. In other words, every dollar—

2A: OK. Did you ever say that this increased spending would only be caused by our plan? Or is it happening in the status quo already?

2N: I'm saying it gets worse under your plan.

2A: OK, how so? Just because of the fact that there's no longer the contributions?

2N: Well, it comes from your Harm 1, the \$1.5 billion a year that we no longer get in our program.

2A: Right, OK. All right, thank you. Let's move down to your third disadvantage. You talked about how remittances increasing is bad.

2N: Yeah.

2A: Now, what's the link between our Affirmative case and increasing remittances?

## 228 *Keys to Team-Policy Debate*

2N: Your Harm 3 card.

2A: The Harm 3 card.

2N: Yep.

2A: OK, thank you. Now, did it ever say – did it ever talk about totalization in your evidence?

2N: In my evidence? No, I linked to your card, not mine. I didn't need one.

2A: OK, so it's all based on our card, then?

2N: Yeah, Harm 3.

2A: OK, thank you.

2N: Sure.

2A: Let's move down to your fourth disadvantage and that is the brain drain. Now was that talking about the status quo or was it talking about our case?

2N: It's talking about – let me see here – it's talking about obviously the fact that it's already occurring. My argument is you increase it.

2A: Did it quantify how much that would increase under our plan?

2N: That depends on the significance and how significant your plan is. Again, that's the dilemma I raised earlier—

2A: Did it say whether it would increase under our plan?

2N: Well, again, it links back to Harm 3. Your plan advocate says we need to do this in order to increase the flow of workers. So if it doesn't increase –

2A: My other question to this is: what's the impact to the U.S. citizens, at all? What is the impact to U.S. citizens?

2N: Of which disad?

2A: The fourth and final disad.

2N: Oh, no, the impact is in India, not in the U.S.

2A: So there is then – there is no impact on U.S. citizens?

2N: Not in the fourth disad, no.

2A: OK, then, what's the impact to justice? How does this affect justice?

2N: How does it affect justice? Oh, well, if I wanted to link it to justice – I'm not convinced justice is the only criterion for the round, but if you want it to be –

2A: Would you agree then that your disadvantage did not directly link to justice as you presented it in your speech?

2N: It links to net benefits, not specifically to justice.

2A: OK, thank you, I have no further questions.

## **First Negative Rebuttal**

---

First let's start with the overview, then we'll cover the other issues in the same order they were brought up in the 1NC.

The overview is that justice – he says justice makes net benefits irrelevant and so on. First of all, he gives an analogy and so did I. He dropped my analogy so I'm going to drop his. My analogy was that a 1% increase in justice but 10 million people starve – that's not just – that's not how you evaluate things. What he really dropped, though, was the most important thing and that was that real policy makers decide things by significant net benefits. Not whether one person is more just or one policy is more just, but the total benefits overall. That doesn't mean you can ignore justice – justice is a benefit, and you certainly take it into account. He even admits this later on in Harm 1, he admits that you have to take other things into account. So, he's come over to my side on that.

But, let's go down to his definition of justice. He says it's defined in context in the Plan. Judge, since when can a plan define its own victory criterion? This is grossly abusive. The Affirmative cannot put in their plan a line that says, "we win because we set our own definitions and we meet them, therefore we win." That's abusive. He says Rawls and the misapplication – he's going to use Rawls definition? Judge, 2AC is too late to define his victory criteria. And he certainly has to read the evidence if he wants Rawls to support his plan. He says the misapplication of law is not relevant to his case. Well, then he should have read a definition for it in the 1AC, rather than just coming out and disagreeing with my definition, and not showing why my definition has anything wrong with it. It came from a dictionary. He still hasn't read one.

Let's go to Harms. Harm 1, he says – he describes a policy – now the word exploit is not in the card, but he describes it and says, well, any reasonable person would say that's exploitation. I wonder why his evidence didn't say that. Why couldn't he find one expert, one reasonable expert, who said that that's a policy of exploitation? If he can't read the evidence, he needs to stop claiming it in the round. That's his own conclusion, not the conclusion of the experts he's claiming. My second response was that Indians are not exploited because it's a fair administration of the law. Cross-apply my argument above that he didn't provide the right

## 230 *Keys to Team-Policy Debate*

definition at the right time and he still hasn't provided you with an evidential definition of justice, but the Negative team has. These people knew before they came to the U.S. He never responded to that. They accepted the law as they came. And his third response is – my third response is that firms cover the cost. He says: no that's talking about totalization. No, read the card after the round. The card says firms increase salaries of the workers so that they cover the contributions. Now, he reads a card that says Indians are forced to contribute. Yes, that's talking about what they contribute, but the corporations have raised their salaries so they can afford it. There's no loss to the worker. Yes, the worker is forced to, but the companies have taken that into account and raised their salary, so there's no net harm to the worker, no net injustice, no economic harm, no nothing.

Let's go to Harm 2. I pointed out his card didn't mention India, so he reads a different card that says 30,000 Americans are in India. My response to that is, how much money did those Americans lose? Did they work there for one day, pay one day's worth of taxes and then go home? He never quantifies how much impact this has.

Now let's go down to Harm 3. First of all, I said you could ignore it because it doesn't meet the criterion of justice. He admits – he concedes this, he says, yep, that's right, it doesn't. But, he says, I want you to weigh it anyway. So, he's dropped over to my criterion now by conceding it here. Now let's go down to my second response, it's not quantified. He says there's no quantification because there's limitless potential. My response to that is: No evidence. He needs to read a card that says it has limitless potential. He's not an expert on business in India. My third response – my fourth response was the flow of workers was bad. We'll deal with that down under the disad. Then his fourth response was lost business potential – again, no evidence quantifying that and not even stating that it's even true.

Let's go down to inherency. He's changing a policy. My one response on inherency is: read a piece of evidence. Where does evidence say they've been doing it for three years and they're mired in disagreement? My card says the reason we're stopping right now is because of the Social Security deficit. We're still negotiating. His card says that. All we're trying to do is figure out how to solve the Social Security deficit. Once we do that, we'll have a policy of doing this thing. So, all we need to do is wait and let the status quo solve the Social Security deficit and then it'll happen. You don't even have to vote Affirmative to get this. You just have to wait for the disadvantage to be solved.

Now let's go down to solvency. First, of all my first response was that nothing says the Belgian model was just. He says: well, our first solvency card says it's just. No it doesn't. That card, the word justice is not even in it. It just says we have 21 agreements and we ought to hurry up and do one with India too on the Belgian model. It doesn't say that it's just. Professor Asher may be saying we ought to hurry up and do it so we can speed up outsourcing. Maybe he owns shares in an outsourcing company. He needs to show where justice is in that card. It's not there.

Now let's go down to the second solvency argument, which was on the second advantage, that it's good for business. First response was, it doesn't meet his criterion. He said that "all" arguments should meet the criterion of justice, then he brings in this thing about increasing competition. Then he says it's US-India business, not just India business. Again, so what, it

doesn't meet the criterion. Second, it's not quantified. Third, he says the plan advocate is – the US-India Business Council plan advocate. My response is, yes, they want more outsourcing! It links to the disad. They're a business council, they want cheaper things for business.

His final response is, on the outsourcing, is creative destruction. My response is: prove it. Read a piece of evidence that says that. I read evidence that says jobs are lost. Thank you.

## **First Affirmative Rebuttal**

---

All right, let's start out with the 2NC. I've got a lot to cover in this speech, so I'm going to be moving rather quickly.

Let's start under the second disadvantage, since the first one was already addressed by my partner. Let's start off with the second one, it was talking about the Social Security deficit. Now I have a couple responses to this. My first is that this piece of evidence was talking about the Indian Social Security problems and how the U.S. doesn't –the U.S. Social Security Administration won't agree to that under the U.S. First of all I have a couple of responses to this. Now my first one is that it is non-unique. The deficit is a problem of the status quo, it isn't unique to our plan. Social Security currently has a deficit of approximately 26 trillion in unfunded liabilities. The Negative team provided no specific evidence that says our plan would be enough to push Social Security over the edge into collapse, or even that our plan would significantly affect the deficit problem. Therefore, it has no application to our case. Now the second point is that it's a drop in the bucket. The deficit is a 26 trillion deficit, and our plan will only cost 11 million. If you look at the actual percentage that is 4 millionths of one percent that we are actually increasing the deficit in today's debate round. It is in no way significant, a significant disadvantage in today's debate round and should be dropped out of the round.

On to, also, the evaluation of justice as my third argument under this. And that is keeping in mind our criterion is that of justice, we must realize that even if there is a deficit problem with our Social Security system, exploiting Indians is not the way to solve that problem. If other outside reforms need to be made to fix Social Security, then so be it, but let's not violate Indian workers' rights in order to do so.

Now moving on to the next point. They were talking about how we would be arguing this and basically they were going to make a turn that if it's not significant then it's not significant turn. Now I have a couple responses to this. My first one is that we are significant in the numbers that are affected. The Negative team is trying to prove that we will be insignificant on the number that will actually be making a deficit in the Social Security system. And they're basically saying that we don't have a significant disadvantage to our case, thus our case is not significant. But that's not actually the case in today's debate round. We can actually show you that we will be affecting significant numbers of -- thousands of -- hundreds of thousands of people will be affected by our plan in today's debate round. And thus we are significant under the status quo.

## 232 *Keys to Team-Policy Debate*

Now let's move down to the next argument in this round -- the next disadvantage, and that was remittances are bad. Now they tie this in to our Harm 3 as well. Now the card that we actually read in our 1AC, the card said that the status quo is increasing. In no way is this specific to our case. This disadvantage is saying that remittances will be bad under our case, but the card that they actually used was from our case saying that it was actually increasing in the status quo. Thus this is non-unique to our case and should be flowed out of the round.

Let's go down to the fourth disadvantage and that was a brain drain. They were talking about how if Indian migrants are coming to the U.S. it's a brain drain for India. Now, again my argument is that this is not specific to our case. This happens in the status quo. The point is that we need to make a just system for offshoring to happen, that's what we need to do. So this disadvantage is again not specific to our case, so it should be flowed out of today's debate round.

Let's go down to the 1NR. The 1NR started off talking about how real policy makers use net benefits as well as justice. He talked about how justice is also part of those benefits. Now, as we can see, though, justice is an over-lying net benefit that needs to be evaluated first before you can look at all the other net benefits, like such economic benefits or other things. We have to make sure that we're not doing things unjustly to achieve these benefits before we can argue about any kind of policy.

Let's move down to the harms arguments. They were talking about, again, against our Harm 1, saying how it doesn't actually read "exploitation" in the piece of evidence. He was saying again that we should have been able to find an expert that was actually claiming that there's an exploitation of workers. Now, I'd like to remind you that our impact to this harm was never addressed. Under the impact it says that equity is violated if this happens under the status quo. The equity of the workers is being violated in the status quo because they're being doubly taxed. Now again, yes, it doesn't say specifically exploitation is happening, but what it does show is that -- it does show the reason exploitation happens in the status quo. It doesn't use those words specifically. That's our take on the matter and that's how the matter would be taken by any common man. That's common knowledge.

Now let's move down to the next point. They were talking-- the second point under the Harm, they were talking about -- my partner talked about the piece of evidence he read, how it was talking about how the employers cover the tax. He was saying it was a totalization agreement it was talking about. But then my opponent got up and said that it was actually talking about the status quo. If you read in that piece of evidence, it actually said it was talking about tax equalization programs. This is not the status quo specific program, it's actually more specifically a totalization agreement, and not the status quo. Thus this piece of evidence doesn't flow to the negative side.

Now I'd like to bring up one contradiction argument before my time runs out, and that is: In the 1NC the Negative team brought up an argument saying that the status quo was on the right track. They said it was on the right track, it was moving in the right direction, thus there shouldn't be a problem with enacting it, and thus we don't need the Affirmative team's plan. Now, again if you look at the 2NC, they brought up several disadvantages, Social Security disadvantages, all these



problems with a totalization agreement. Thus they're saying there's a problem with the status quo, so what is their standpoint on this?

So, for all these reasons, I urge an Affirmative ballot. Thank you.

## **Second Negative Rebuttal**

---

I'm going to start with the harms, then solvency – harms, then inherency, then solvency, then disads, then I'll go back to the overview stuff.

First of all let's start with the harms. The only harm they respond to is Harm 1 about exploitation. Finally we've moved the Affirmative team away from their position that it's exploitation and now they've agreed with us, now they've finally admitted what their evidence says, that it's "equity" that's violated. My response is, what's the impact? I thought the criterion was justice. And remember they didn't define justice as equity, they defined it as fairness. My second response to that is that the Harm 1 never happens anyway because of the equalization program. Now, they're confused about this, and I understand it's confusing, but let me go back to the card again. The card says that: "a firm that sends an employee to work in another country often guarantees that the assignment will not result in a reduction in the employee's after-tax income." Listen to that carefully: "a firm" guarantees. The next sentence says "employers" with tax equalization programs, not countries with totalization – employers with tax equalization programs. Equalization is not totalization. It's the employers who are doing this, not the countries. Harm 1 is taken out because the Affirmative has weakened their stand on its impact and because my card says it never happens anyway. The employers are paying for it.

Harm 2 was dropped in the 1AR. They dropped the significance and the fact that justice is not in the evidence.

Harm 3 was also dropped because of the criterion, because it's not quantified, and because there's no evidence for all the responses they made in the 2AC.

Now let's go down to inherency. His response there is raising a contradiction. We say that they're on the right track and then we say they have disads. Listen carefully. The status quo is working on negotiating the agreement. They have to work out ways to avoid the disads. The status quo is on the right track because they recognize the disads are happening, so they're going to try to work out a way to avoid them. The Affirmative plan doesn't. The Affirmative plan says, "let's stop working on the problem, let's just boom do it now and not worry about the disads." That's the difference between the status quo and the Affirmative. It's a much better policy to go with the status quo.

Let's go down to solvency. The first solvency argument was that the Belgian model – there's no evidence that the Belgian model is just. He responds in the 2A by saying he thinks it's just and the card says it works. But no, we responded in the rebuttal that the professor never said the Belgian model was just, just that he advocates it. Again, no response in the 1AR to that. There

## 234 *Keys to Team-Policy Debate*

was no evidence that the Belgian model actually achieves justice. If justice is your criterion in the round then you cannot vote Affirmative because they haven't proven that they achieve it. Their expert doesn't say that they achieve it with the Belgian model.

Go down to the second solvency argument on good for business and the turn. OK, again, there's no response in the 1AR. Their plan advocate is an advocate of outsourcing and we read a card about the impact of outsourcing.

Now, there was no response in the 1AR about the disad so let's go there. The first disad is outsourcing. I read you a piece of evidence that says outsourcing is linked to totalization and in fact the plan advocates for it want it because it promotes outsourcing. Then we read you a card that says outsourcing costs jobs. They responded in the 2AC with an opinion about creative destruction. We challenged them for evidence and the 1AR couldn't provide any. Don't let them come up in the 2AR and give you some economic theory about that. That is out of the round. The impact is now lost jobs. Outsourcing costs jobs and it links to their plan directly even under their evidence.

Now let's go to the second disad, Social Security deficit. He gives you some responses. First of all it's the Indian Social Security- no. It's the U.S. Read the card carefully after the round. It's an Indian paper that says the U.S. doesn't want it because back home they have a deficit. It's a U.S. – it's an Indian writer saying it. The Indian writer doesn't say "we" have a deficit here, he says "they" have a deficit back home. The Indian writer is referring to "them" in the third person and it's the U.S. deficit he's referring to. He says it's not unique – of course not, it's linear. It's unique to the plan because the plan adds \$1.5 billion to the deficit. That comes from their evidence in Harm 1. He says it's not significant, it's only a drop in the bucket. Well, OK, now my prediction came true, they were going to argue it was insignificant. He says well, we are significant because we're affecting 100,000 people. But they're not affecting them significantly! If you add \$1 or 1% improvement in justice to 100,000 people, that's not significant. So they've now dropped significance in the round, and they've done exactly what I predicted they would do to beat the disad. He says the exploitation outweighs the dollar value of the deficit. But there's no evidence of exploitation and he drops exploitation in the 1AR anyway when he admits it's talking about something else. And exploitation doesn't happen anyway because companies are paying the costs.

Now let's go down to the third disadvantage, which was remittances. He says it's not specific to the plan, it's not unique, it's happening in the status quo, it's going up. No, Harm 3 says that we need to do this plan in order to improve them because of remittances, because we need to promote and encourage remittances. His own evidence says that. Read it after the round.

My fourth argument was brain drain. He says it's not specific to the case. Listen carefully, Judge. Brain drain is linked to Harm 3. The card in Harm 3 says "increase two way flow of workers," the workers are leaving India and coming to the U.S. That's the specific link, it's in his own 1AC that links to the disad.

I'm out of time but net benefits is the best policy. Please vote status quo. Thank you.

## Second Affirmative Rebuttal

---

It's come down to four voting issues and I ask you to weigh the round through these voting issues while viewing the arguments through the lens of our criterion, which is justice. And some question has arisen as to what justice actually means. We've established justice as fairness, talking about equity for Indians, within the context of Social Security contributions for Indian and American workers. We ask that you put yourself in the shoes of a worker overseas paying double taxes and being unable to achieve the benefits from those taxes. We ask you to put yourself in the shoes of that worker and ask yourself whether that policy is just. You know what justice is, Judge. Vote on it. Whichever team has upheld this criterion better should win your ballot.

So let's start off with the first voting issue and that is the exploitation of workers. My first point under this is that Indians are being exploited. One point five billion dollars is being paid to the Social Security Administration by 80,000 Indian workers annually. Evidence from the National University of Singapore and government research data showed that we doubly tax but they are ineligible for benefits.

This leads me to the second point which is that Americans are being exploited. Thirty thousand Americans are being taken advantage of by the Indian government and paying hundreds of millions of dollars to Social Security that they cannot benefit from. It's important to remember under these two points that these two points are significant to people and justice. Eighty thousand Indians and 30,000 Americans. One point five billion dollars being paid by Indians, hundreds of millions being paid by Americans. This is significant. It's significant to people and justice doesn't have to be significant to the US deficit. That's an important distinction to make.

The second thing you should take from these two points is that the employers aren't required to cover their employees' Social Security taxes. The Negative team has dropped my 2AC evidence that showed that 12% of the Social Security taxes must come from the employee working in the country. This argument was – therefore we can see that exploitation is occurring.

Let's examine what's being done to stop it. My second voting issue is that the status quo is not solving for the problem. There's a barrier that cannot be overcome. In fact, the Negative team wants to make you stick to a policy that is gridlocked in disagreements. They are gridlocked because the US won't lower its 10-year permanent residency restriction and they've been stuck in negotiations for three years. This is not solving for the problems. They are not trying to work their way around the disadvantages, they're just stuck in a mire of disagreement over selfish and petty reasons.

Moving down to the third voting issue, that is that there are no disadvantages to American citizens. I have four points under this.

First of all, the disadvantage of outsourcing. There has been no link demonstrated for outsourcing to our plan.

## 236 *Keys to Team-Policy Debate*

Secondly, the argument of creative destruction. Creative destruction is actually good. The National Center for Policy Analysis examined the beneficial effects of creative destruction in their 2000 report, saying: “Outsourcing creates increased product availability, stronger US job demand, competitive gains for small businesses and rising standards of living. “ They conclude by saying: “The benefits of outsourcing to American workers in the US economy greatly outweigh the cost.” That’s creative destruction. We haven’t had time to read that evidence so far but that’s the argument we’ve been making since the 2AC. Now we have the evidence to prove it.

Moving down to the second point under this voting issue, that’s the issue of the Social Security deficit. Even if we do accept the Negative’s evidence that says that it’s the US Social Security deficit that’s the problem, we haven’t seen that it’s enough to actually push us over the edge. The Negative team says it’s a linear disadvantage, but that just means that the impact comes slowly. We’ve not seen a significant impact to this disadvantage through our plan under the issue of the Social Security deficit. It’s a drop in the bucket. Remember, we’re significant to people and justice, we don’t have to be significant to the total deficit.

Moving down to the third disadvantage, that was remittances. This isn’t a result of our plan. Look back at Harm 3, which this disadvantage hinged upon. It says that as the level of remittances increases, that’s talking about the status quo, not talking about increasing remittances under our plan.

Their fourth and final disadvantage was that of a brain drain. This has no impact to Americans and no relevance to justice for American and Indian workers. Therefore, it has no application in today’s round.

The fourth and final voting issue I present you with is totalization works. First of all, international business helps the US because the integration of global markets increases the profitability of American businesses by encouraging companies with foreign operations to reduce their tax burden. The US-India Business Council, SSA, and public policy expert Asher all agree that justice is encouraged through fair and competitive trade.

Secondly, it’s beneficial for workers. We eliminate the dual tax liability and ensure coverage for retirement and disability benefits for American workers who are laboring abroad. Justice is encouraged by providing coverage for those who paid for it. That’s how we uphold justice through this round. Thank you.

## Afterword

# Final Considerations

Chris Jeub, president of Training Minds Ministry, here again to congratulate you. You've arrived! The end of the book, *Keys to Team-Policy Debate* is a collaboration of years of coaching expertise from Vance – one of the debate community's best – so I bet you will reference this material some more in the future. Hopefully as you bloom as a debater!

As I said in the foreword, you should *devour* this book. Make it your key reference manual as you make your way through your competitive year. If something doesn't make sense, refer back to the section, chapter or page that will help explain it for you. Debate is an exciting sport, but it is always changing and flexing its prowess. Keep your bearing with *Keys to Team-Policy Debate* at your side.

Now that you have finished reading the book, I would like you to consider three things. First, consider Coach Vance your long-distance coach, and feel free to contact him through Training Minds Ministry's website. He has enhanced the skills of thousands of students through the years of publishing and leading camps. I've known him for over a decade, and he is eager about training young people in debate. He wants you to take 1<sup>st</sup> place at Nationals, so debate with confidence.

Second, remember the greater purpose for your debating. The skills you are learning are second-to-none. Make no mistake about it; the great debaters today will be the leaders of the world tomorrow. Take this seriously. In my book *Jeub's Guide to Speech & Debate* I encourage debaters to keep the right perspective:

Competitions aren't the goal, nor are the awards. They're still important, but in this sense: competitions are arenas of preparation. Students learn the skills of speaking, persuasion, thinking, rhetoric, logic – so many of the academic tools needed for doing great things in the future – in speech and debate.

Third, do your best to stay in touch. No competitor is an island. The community of speakers and debaters is a tight-knit community. You learn how to *think*, *speak* and *persuade*. Together with your peers, you develop leadership fundamentals throughout your high school years and beyond.

*How can you stay in touch?* Allow me to give you a simple step: subscribe to [trainingminds.org](http://trainingminds.org). This is the website of the ministry Vance has been assisting since 2001. We're a small ministry that carries a big return, consisting of dozens of coaches that have the same desire as Vance and me: *train minds for action*. As a subscriber you will be kept informed on the latest news and how-to's, always perfecting your skills to champion levels.

[Trainingminds.org](http://Trainingminds.org) is the central hub in everything we do. Even this book is an offshoot of the good work of the ministry. Vance and the other coaches see Training Minds Ministry as your coaching support

---

\* Chris Jeub. *Jeub's Guide to Homeschool Speech & Debate*. Monument Publishing 2011.

## 238 *Keys to Team-Policy Debate*

throughout the year of competition. The most focused debater will pattern their year with this kind of schedule:

1. Attend Training Minds Camp in the summer. Vance gives a thorough analysis of the resolution at camp, and it later publishes through Monument Publishing as *Blue Disk DVD*. Debaters won't want to miss this material.
2. Read and follow Blue Book guidelines, perhaps with a club and with the Blue Book Curriculum. Don't settle for doing the most exciting academic activity *alone*. Get all your friends to do it, too!
3. Subscribe to Vance's Midseason Supplement and follow the Training Minds blog posts. Vance and the rest at Training Minds are in this for you all the way to Nationals!
4. Build a winning record and qualify to state, regional, and national tournaments. Keep us posted on your success and we'll make sure your success is posted on [www.trainingminds.org](http://www.trainingminds.org).
5. Attend the National Intensive Training Camp that Training Minds puts on to prepare for your leagues national tournament. The camp is meant to make the grand finale of your debate year the best it can possibly be.

Put a few years like this into your high school career and you'll be one awesome young adult ready to take on the world.

You'll be *trained* and ready for *action*.

See you at the award ceremony!

Chris Jeub, President  
Training Minds Ministry



# About the Author



*This picture was taken at Training Minds Camp during the “final showdown,” where students debate the coaches as a model for what was learned during the week. Vance (at the forefront) and his partner, Rob Parks, debated two former students of theirs, Shane Baumgardner (at the podium) and Kaitlin Nelson, who were 10<sup>th</sup> overall competitors in 2010 and today help coach for Training Minds Camps.*

## “Coach Vance” Trefethen

Vance Trefethen debated in National Forensic League debate while in high school from 1979-1982. He graduated from the University of North Carolina at Chapel Hill in 1986 with a degree in economics. In college, he judged at high school NFL tournaments in North Carolina. After college, he moved around the country for various jobs, including some time with the Defense Department in the Washington, D.C., area and several years at the headquarters of Wal-Mart in Arkansas.

After moving back to North Carolina, he once again got involved in debate by volunteering as an assistant coach for public school NFL debaters. A home-schooling dad himself, he realized the growing potential

and benefit of home school debate and switched over to coaching home schoolers a couple years later. In 2001, he assisted Training Minds Ministry president Chris Jeub with bringing the *Blue Book* to a more advanced level. He has been authoring Blue Book debate briefs ever since.

Vance and his former high school debate partner Robert Parks coach together at Training Minds Ministry Debate Camps. These camps, taking place in several places across the country, train young people in debate and provide personal coaching from Vance and other top coaches. The camps have become the most popular training format for home-school policy debaters in the US, and some of them have had as many as 25% of their attendees qualify for Nationals. You may find out more about Training Minds Ministry Debate Camps at [www.trainingminds.org](http://www.trainingminds.org).

Currently living and working in France for an engineering software company, Vance and his wife, Bridget, have two grown daughters, Charlotte and Rebecca, back in the USA.