

volume 1 || issue 1



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Hello!

Welcome to Etch.

IF YOU'RE reading this it's because you've decided to download the first issue of Etch by Ethos. It's been a project long in the works from the conception of the idea to the formulation of a plan to the actual making the possible actual. The amount of work put into this was tremendous and not just from myself, but from countless individuals who have put time and money into making sure the magazine would turn out well. If you have contributed in any way to this magazine, I greatly appreciate your help; I couldn't have done this on my own.

What we were going for with this magazine, what our goal was, was not simply to offer another source of white noise in the homeschool debate society, but instead, create a meaningful tool for growth. One of the most frequent questions I get is "Why 'Etch'?" and the reason for that name is because Etch is aimed at etching debate skills onto debaters. Every debater has room for skill polishing. If you've debated for five years and won nationals, you can still get better. There shouldn't be a point

in your life where you stop growing in communication skills, because they can always be improved. Etch is aimed at providing a way to do that.

Moving beyond the ideals and into the practicals, you'll notice that there are TP articles, LD articles, and parli articles. I greatly encourage you (no matter what you are debating or have debated or plan to debate) to read all of them. The really fantastic thing about debate (and communicating) is that principles, techniques, skills, and so on can cross-apply in many types of debate. Will your TP case work in an LD round? No. Will the principles of your TP case work in an LD round? Maybe so. Additionally, while the expert interviews for each resolution might not pertain to the resolution you're debating, still read them. Debate isn't just about arguing well, it's about learning. And you never know where information can be helpful.

The most effective way to make sure this publication is what you want to be reading, is for you to tell us what you want. Write

us, tweet us, post on our wall and tell us your ideas and suggestions. We'll appreciate it and you will too.

So without further ado, I give you Etch. Enjoy!

SCENARIO ONE is before a round: “You’re running NATO Special Operations Forces?” “Yeah.” “Don’t you know NATO already has one?” “Yeah.” “Well you’re going to lose on inherency every round!”

Scenario two is after a round: “How was your round?” “Ugh! I can’t believe all they did was run topicality against our Stop Serving Deer Meat in Prisons case! It was so frustrating! They just kept making confusing topicality arguments the whole round long. The judge might have even bought it. So STUPID.”

The first strategy is a true story – I’ll tell you in a minute. The second story is almost true; just insert any little, seemingly perfect case to replace “Stop Serving Deer Meat in Prisons.” Choice of arguments that aren’t perfect, or frustration when people argue against cases that are, is a common intermediate complaint.

Every case and strategy has its strengths and weaknesses. There is no perfect case or strategy. But you can often pick which type of imperfection you defend. The best debaters choose their battles.

NATO year (2007?) I coached a young Gregory Escobar, now a scholarshiped Patrick Henry College debater. He was one of the best debaters ever from Virginia. He poured his time into a case that established a NATO Special Ops Force (SOF)—a quick-responding, high-tech, high-action

your brain and research to overcome challenges that arise, eventually there will be no argument that surprises you and you will be a master at communicating the idea. Gregory chose to keep his case and it ended up being an advantage.

He chose the battle of

Choose Your Battles

force specifically designed for antiterrorism and asymmetric warfare. The problem was that it was the same year NATO built and deployed its SOF.

As I’m sure you’ll hear from me some other time, I strongly recommend students keep the same case all season. As you learn the case in depth and use

inherency. Every single round negatives argued “NATO has an SOF.” They all walked right into it. He researched four deficiencies in the NATO SOF and fixed them all in his plan, which implemented a better SOF. By the time teams realized their error, they were too committed to Inherency to bring up solid disadvantages (you can’t usually

put DAs on the status quo and succeed). Gregory never really had to argue that SOF is a good idea.

When you choose to keep your case, you are simply choosing which battles you will fight. My cases were almost always the opposite kind: clearly topical, clearly non-inherent, but so

broad and sweeping that my battles were always gobs of DAs. Trade year, I ran unilateral free trade with Africa (as in, even if they don’t give us free trade, we will give them free trade). Protectorate year I ran repeal the DC gun ban AND prohibit any permitting system, repeal the 1,000 ft. ban on guns from federal buildings, schools, swimming pools, churches, etc. Agriculture year I abolished ALL farm subsidies. With the exception of calling DC a protectorate, I chose that significance and solvency would be my primary battles.

In octofinals at nationals trade year the negative team ran 10 disadvantages, along with a bunch of other solvency arguments. We won because we had 2,000 pages of aff backup to answer all those DAs, the best real life examples, and an awesome criterion (competition, which promotes our businesses and theirs and ultimately benefits the consumer no matter which way you look

at it—or so we argued).

On the flip side, I've coached many teams who come up with super unique, tiny case ideas. For example, we've got one case to help prisoners learn to read, and one to record all interrogations. Other cases along these lines include saving the tigers in India, saving the bees by planting flowers in medians, ending baby trafficking, and ending non-enforcement of consumer protection for Kosher food laws (a favorite old case that Lisa Alexander found for me).

Running a really perfect case idea equals unending frustration. You will have more angry rounds and walk out upset from the arguments. But you have chosen this. When you have a case that there is no research against, you will only rarely get to talk about the one thing you want to: the dying babies/tigers/bees. Nobody is going to debate you on that. Instead, they're going to run topicality, ask twenty questions about your mandates, say your evidence isn't credible, and run even more topicality. What else could they do? All that hard work to find the perfect case with no arguments against it and... frustration.

Finally, the art of good debating comes down to agreeing with the majority

of what your opponents say while disagreeing on only key points. As a good debater, you want to only choose the battles you will stand a chance to win. Against the perfect case, topicality on significantly or a counterplan that uses a better agency to do the same thing is probably a better battle than denying the problem. If you can't decide on a mandate, pick whether you want to defend its complexity or the lack of solvency you get without it—in either case you will be defending an argument.

And that's ok. Debate is about arguments and you should not try so hard to find a perfect argument, because really you are just picking a different battle. The other team still needs to talk against you for eight minutes and you just chose for them to talk about something frustrating. Instead, be free to choose strong arguments, but don't concern yourself with them being perfect; just plan to debate them.

In conclusion, you do not have to fight an "all fronts" war. You get to choose what battles you fight and should choose those that favor your position or style. Recognize when others are doing this to you and don't walk into an ambush.

Israel McPeak

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Pros:

You have a rock solid case idea. Most people will want to pass it.

Cons: Your rounds will be an hour and ten minutes of answering frustrating arguments. Many times these will tie you in knots and just result in confusion.

Pros:

You learn to argue on the principle of the thing, not the specifics of the thing. You will become much better at using criteria, goals, and seeing the unitary purpose of a case while ignoring all secondary concerns. Entrepreneurs are good at this. It's visionary.

Cons: Gobs of arguments. You will need more research time and maturity in thinking because the case is so nuanced. You will find yourself constantly hearing "I have an argument against that," or "I have responses to that," and "everyone in our region gave up that case a long time ago."

Pros:

You generate quite a bit of offense, which more often secures ballots. Your negative philosophy tends to center around a theme rather than problems with your opponents' case.

Cons: Your opponent will constantly mention how you "dropped" most of the case and may get away with some arguments you could've mitigated. Judges will often perceive this a silent admission that their case is basically good. You will run the risk of passing like a ship in the night and not providing good clash, especially if they can de-link your disadvantages.

Pros:

You get to agree with the significance of the harms and harness their power for the Status Quo.

Cons: You preclude your ability to run almost any DAs and really need to have some good solvency arguments for all differences between the plan of the SQ and the Aff plan. Don't expect them to not be ready with some differences.

Real World Debate

TRANSLATE debate into the real world by avoiding Nerdly, building knowledge, and being clear.

Avoid Nerdly

A lot of people talk about the crossover benefits of debate. They claim that hard work and success in debate translate to the real world: if you do well enough at debate, you'll get into a good college, be a good student, and get a good job—not to mention be entertaining, the ideal dinner guest, and land a spouse—all this from edu-

ing a lot about a few issues, Nerdly talks really fast and brings little to the audience. Nerdly prefers to argue for the negative side because he knows there are more ways to get the ballot in a muddled round. Nerdly is tough to get along with because he cannot turn the competitor switch off. Put Nerdly into a situation with high stakes, and he will fail. Whether it's playing nice to get the big sale, or just writing a final exam on a qualitative question. While successful at debate, Nerdly has not been prepared for real world success. Debaters must learn how to

Build Knowledge

Productive debaters cultivate broad, working knowledge across a wide range of issues. Part of this is research. Creating a comprehensive evidence bank is the first step. By this I mean knowing the US policy towards the Arizonan Toad, the consequences of that policy, how that policy compares to other Toad policies in the US and internationally. Having a brief for every potential case and a few cards for each potential issue demonstrates you know something. But more important is real

bater. Most judges have no idea what the toad means, even though you've been debating it all year. Communicating the big picture along with the pertinent details will increase your credibility and make your arguments convincing. Broad knowledge helps you in the real world. Five years down the road, when you've forgotten all the details of toad policy, you'll be able to converse about the Arizonan environment with the prospective client that happened to live there—you've just closed the deal.

“Debaters must learn how to debate productively. This style of debate takes nerds and turns them into cool, effective people.”

cational debate. Although I got into debate later in life (as a sophomore in college), these people claim I found the benefits of debate: trophies, internships, more trophies, graduate school, and a wife. But they are wrong: debate does not translate. Debate does nothing for you in the real world. It actually harms your ability to excel in academics and career. Debate competitions breed a certain type of person, we'll call him “Nerdly.” Know-

debate productively. This style of debate takes nerds and turns them into cool, effective people. Debating productively is a way of approaching knowledge, communication, and competition. Debaters need to purposefully inculcate themselves in this mindset, because Nerdly is the natural progression. The first step to finding real world benefits from debate is approaching it with that goal.

knowledge, the kind that connects the issues and cases into an intelligent frame of reference. By this I mean being able to place “toad policies” into the larger sphere of environmental policy as a whole and understanding how that set of policies works in the US as compared to other sets of policy issues. Having broad knowledge means knowing what the toad means to Arizonans. Broad knowledge will make you a better de-

Be Clear

I judged PHC Debate Camp's tourney this year. After two rounds, I was known, apparently, as “that judge.” The judge that requested a team argue in rhyme and told another team to argue alliteratively. I wanted the teams to communicate well. It only takes a few practice rounds to become proficient at reading cards in response to the other side's arguments. This, however, is

Nerdy communication. It takes serious work to really communicate.

I was the best of card readers. Our debate league pushed a 'conversational style,' and I was right on the edge. I could read two cards for every argument no matter how complex the round. Wham bam! After keeping careful track, I could make "preponderance of evidence" (not to mention bellicosity) a voting issue and win, 37-14. Then I got a new partner. Who, during one of the first rounds we argued, asked me, with clear focus and pensive determination, "what word means x and starts with the letter C?" I was dumbfounded. She could've found another three cards. She was communicating.

Productive debaters focus on solid communication. After conquering their vocal weaknesses, verbal pauses, and other nervous tics, they begin to treat each speech as their one chance to get the message across. Instead of relying on many weak arguments (the spread) or many weak words (the speed), they rely on crafting their most effective arguments in the most compelling language. They compose, on the fly, fantastic speeches. They are communicating.

This skill could be the most transferrable of all debate skills. In the real world, you rarely get five uninterrupted minute to pontificate (or three to prepare). But you do get many chances to add relevant information and push the meeting or conversation forward. Good communication is being ready for that chance and getting your point across.

-Nathanael Yellis

Real World Debate: Take Action

Avoid Nerdlly: Evaluate your current debate experience. List the Nerdlly and the real world attributes you've got now. Think about ways to convert the stuff that only works in debate to stuff that you want to take with you. Overcoming your Nerdlly starts with acknowledging it.

Build Knowledge: Analyze your case and evidence briefs, plot out the groups of facts you regularly reference in rounds (or practice rounds). Think of ways to back away from the details and connect your groups of facts to what normal people talk and care about. Connecting tools: analogies, comparisons, stories, etc. If you're having trouble, your 'fact groups' may be too specific, too broad, or unfilled. Try 'zooming in' and 'zooming out' until something works, or add facts that give you a clearer picture.

Be Clear: The next time you make a debate speech, pretend you are talking to your next door neighbor. Eliminate the words you only use in debate (because all other debaters know them) and introduce words that package the exact idea you are trying to convey. This can be really hard for veteran debaters (who are almost always Nerdlly communicators). Have someone stop your speech every time you use a buzzword or vague word.

Potential Buzzwords: Topicality, inherency, solvency, significance.

Bonus: Anything you abbreviate with letters and anything you say in latin.

Generic Strategies: NCFCA

WHAT'S AWESOME about this year's resolution is that cases can be easily divided up into three distinct and separate categories. This makes negative strategy relatively easy to plan for any unexpected cases in the debate round. This article will focus on those three sections and how to prepare as a negative team for each one. Those three sections (of both the resolution and the criminal justice system) are (1) law enforcement and deterrence; (2) sentencing, punishment, and court reforms; and (3) prison and prisoner reform.

The first segment of the resolution revolves around how criminal law and the justice system is actually enforced. Affirmatives can take this and propose cases that are designed to deter future criminals from future crimes to the actual means of hunting down criminals within the system. Some ways to prepare in this section for negative in general are to write briefs that show the crime rate going down (thus, there is no reason to increase enforcement),

others that explain that the police and FBI already have appropriate budgets and means to take and track down criminals (therefore, no extra means are necessary to enforce the law), and some showing that increased measures wouldn't necessarily solve any enforcement issues. You could even go as far as saying that giving more power to police and law enforcement is a bad thing (like the issues surrounding the states' immigration debate).

The next facet of the resolution discusses what happens after the police take their primary suspects into custody: the courtroom. Cases in this section could involve removing mandatory sentencing law for certain (or all) crimes or changes in how trials are done for certain offenders (the military commissions case is a good example from the primary release of Ethos). Obviously, there is a bit of overlap with this section and the deterrence subsection mentioned earlier. This overlap is that certain sentencing measures (i.e. the death

penalty) can sometimes be used to deter criminals, but this is deviating from the point. As negative, the briefing and strategy options here are very similar to the ones in the preceding section: arguments saying sentencing law is good and fair, courts are efficient as they are in the current system, and very few criminals dispute the sentencing process itself.

The final section of the criminal justice system looks beyond the field of enforcement and sentencing to go to the the actual prison system. Cases here can range from how prisoners are treated on death row to building completely new prisons. Obviously, this section could deal with a lot of over-criminalization issues as well as prison health and protection standards. Negatives should definitely tackle this issue head on by preparing arguments that say prison overcrowding is decreasing, prison standards are fine, and protections are adequate. Also, a very important issue under this segment is federalism. Negative teams should make sure

they have evidence defining what is and what isn't under state and federal jurisdiction, it could become very helpful in the future.

Let me conclude this article by establishing that these aren't an exhaustive list of generic briefs and arguments. Part of debating and learning is finding more arguments to apply, but hopefully, this article has given you a jump start into finding arguments that work and arguments that could get you out of a bind in a round when you think you don't have evidence.

-Joseph Samelson

Defense of the Voiceless: Why Hate Crimes Matter

THE STORY of Matthew Shepard began on December 1, 1976, when he was born to Judy and Dennis Shepard in Casper, Wyoming. Matthew was an optimistic, compassionate young man, elected by his high school peers to be a peer counselor. Growing up in the United States, Saudi Arabia and Switzerland, Matthew also developed a strong passion for equality and international cultures. Consequently, Matthew's interests took him back to Wyoming, where he studied political science, linguistics and foreign relations at the University of Wyoming in Laramie. [1]

On the night of October 6, 1998, Matthew went to the Fireside Bar in Laramie, Wyoming. It was here that Matthew encountered Aaron McKinney and Russell Henderson. Intending to rob a gay man, McKinney and Henderson befriended and later offered Matthew a ride home. [2] The two subsequently drove their car to a remote area, where they proceeded to mercilessly rob, beat and torture Matthew, tying him to a fence and leaving him to die. Eighteen hours later, pass-

ing cyclist Aaron Kreifels discovered Matthew tied to a "buck-and-rail" fence. Kreifels initially mistook Matthew "for a scarecrow tied to the bottom of the fence as a joke." Reggie Fluty, the sheriff's deputy who answered Kreifels's emergency call, commented that the "only spots [on Matthew's face] not covered in blood were the tracks cleansed by his tears." [3]

On October 12, 1998 at 12:53AM, Matthew succumbed to his injuries at a hospital in Fort Collins, Colorado. However, Matthew's legacy continued beyond his death. Due to the nature of Shepard's murder, countless requests were made to adopt new legislation addressing hate crimes, urged by those who believed that Shepard was targeted on the basis of his sexual orientation. [4] As a result, the Hate Crimes Prevention Act was created to prevent hate crimes.

With hate crime laws dating back to 1964, the verbal conflict over hate crime statutes has been long founded and hotly contested. Do hate crime statutes effectively

deter bias crimes? Do hate crime statutes create a classist system? Do hate crimes laws restrict freedom of expression or violate due process?

However, while these issues are consistently argued back and forth, the most fundamental issue is too often sidestepped. Are bias-motivated hate crimes worse than regular crimes?

Often considered one of the greatest influences on American jurisprudence, William Blackstone once wrote that "it is but reasonable that among crimes of different natures those should be most severely punished, which are the most

destructive of the public safety and happiness." [5]

This foundational principle is why courts punish murder more severely than speeding; rape more severely than littering. The severity of criminal punishment should be determined by how destructive the criminal act is to public safety and happiness. Consequently, the question then becomes, are bias crimes more destructive to public safety and happiness than non-bias crimes?

Hate crimes are more dangerous and destructive than non-bias crimes for several reasons. As Supreme Court Chief



Justice William Renquist wrote in his *Wisconsin v Mitchell* opinion that “the Wisconsin [hate crimes] statute singles out... enhancement bias-inspired conduct because this conduct is thought to inflict greater individual and societal harm... [B]ias-motivated crimes are more likely to provoke retaliatory crimes, inflict distinct emotional harms on their victims, and incite community unrest.” [6]

These harms aren’t hypothetical. Rose Ochi, former director of the Community Relations Service at US Department of Justice, states that the effect of hate crimes on retaliatory crimes and community unrest is current and dangerous. In a 1997 report, Ochi stated that “of all crimes, hate crimes are most likely to create or exacerbate tensions, which can trigger larger community-wide racial conflict, civil disturbances, and even riots.” The report later records that in 1997 alone, 135 hate crime cases intensified ethnic conflict within communities. [7] As far as societal damage goes, hate crimes clearly have a greater detriment than non-bias crimes.

Perhaps more important is the increased psychological trauma on not only direct victims of hate crimes, but those associated with their stigmatized

social groups. Countless academic studies have concurred that the psychological damage created by bias crimes is far worse than that of non-bias crimes. For example, a 2001 study conducted by professors Jack McDevitt, Jennifer Balboni, Juis Garcia and Joann Gu found that “bias crime victims suffer more intense intrusive psychological sequelae than do nonbias assault victims.”

Even more intriguing is the observation that hate crimes not only victimize the direct victim of a hate crime, but the entire minority community. Dr. Kellina Craig-Henderon writes that “that the effects of hate crime victimization extend well beyond that of the immediate victims. Indeed, what represents a distinguishing feature of hate crime is the extent to which members of the victim’s social group are also affected. People who know that a person was targeted because of his or her membership in a shared social group experience any number of negative reactions.” [8] Hate crimes, according to Asuman Inceoglu, Ph.D., “send[s] a message to members of the community sharing the characteristic that they also do not belong, and could equally be a target.” [9] This specific type of psychological damage does not occur in the instance

on non-bias crimes, which shows that hate crimes create a unique, specific type of psychological damage.

Upon examining these clear consequences of hate crimes, it becomes evident that bias crimes cause far greater damage than non-bias crimes. Therefore, if Blackstone’s model of determining punishment is valid, penalty enhancements for hate crimes are philosophically defensible.

Hate is evil. Hate is what caused the Holocaust. Hate is what caused the 1994 Rwandan Genocide. Hate is what caused slavery in the United States, and hate is what causes ethnic genocide in Sudan.

Because hate is such a pervasive evil infesting the world around us, measures must be adopted to counter this problem. Dr. Neil Chakraborti says that “the emergence of hate crime discourse has

coincided with real change in political and cultural attitudes toward prejudice perpetuated against a range of minority groups.” [10] By creating penalty enhancements for hate crimes, we take a powerful stance against hate and the damage it creates.

-Isaac Kim

1 Matthew Shepard Foundation, “Our Story,” accessed 2011 (<http://www.matthewshepard.org/our-story>)

2 Dave Cullen, “Killer: Shepard didn’t make advances,” published by Salon.com, November 1999 (<http://www.salon.com/1999/11/06/witness/>)

3 Lisa Kye Young Kim [JD Candidate, Loyola University New Orleans College of Law; BA, University of California, Berkeley], “COMMENT: THE MATTHEW SHEPARD AND JAMES BYRD, JR. HATE CRIMES ACT: THE INTERPLAY OF THE JUDICIARY

AND CONGRESS IN SUSPECT CLASSIFICATION ANALYSIS,” published by the Loyola Journal of Public Interest Law, Spring 2011 (12 Loy. J. Pub. Int. L. 495) [Brackets in Original] [Ethos]

4 Talk of the Nation (National Public Radio), “Open phones,” published October 12, 1998 (<http://www.npr.org/templates/story/story.php?storyId=1009867>)

5 William Blackstone “Commentaries On The Laws Of England, Volume 4,” published by Clarendon Press, 1769 (Google Books)

6 Justice William Rehnquist [Chief Justice of The Supreme Court] “WISCONSIN, PETITIONER v. TODD MITCHELL,” SUPREME COURT OF THE UNITED STATES, June 11, 1993 (508 U.S. 476, <http://law2.umkc.edu/faculty/projects/ftrials/conlaw/wismitchell.html>)

7 Rose Ochi [Former Director, Community Relations Service at US Department of Justice; Commissioner, Los Angeles Police Commission; JD, Loyola Law School; FBI Director’s Award for Exceptional Service; US DOJ Attorney General Randolph Award for Distinguished Service; expert in area of police and community relations who has testified in numerous Congressional Hearings] “Hate Crime: The Violence of Intolerance,” published by U.S. Department of Justice’s Community Rela-

tions Service, 1997 (<http://www.justice.gov/crs/pubs/htecrm.htm>)

8 Kellina Craig-Henderson [PhD, Psychology, Tulane University in New Orleans; Full Professor, Psychology, Howard University; Program Director, National Science Foundation] and L. Ren Sloan [PhD, Social Psychology, Ohio State University; Graduate Professor, Psychology, Howard University; Postdoctoral Fellow, Ohio State University; NIMH Research Training Program Director, Howard University] “After the Hate: Helping Psychologists Help Victims of Racist Hate Crime,” published by Clinical Psychology: Science and Practice [Peer-Reviewed Academic Journal], December 2003 (Volume 10, Issue 4, pages 481–490)

9 Paul LeGendre [Director, Fighting Discrimination Program, Human Rights First; Masters of International Affairs, Columbia University], Dr. Asuman Inceoglu [PhD, Law, Marmara University; Assistant Professor, Criminal Law and Human Rights, Istanbul Bilgi University Faculty of Law], Michael Lieberman [JD, Duke University; Director, Anti-Defamation League, Civil Rights Policy Planning Center], Alina Plata [Legal Adviser, Romania’s Ministry of Justice], Dr. Andreas Stegbauer [Judge, Count Court of Eggenfelden, Germany], Alexander Verkhovsky [Director, SOVA Centre for Information and Analysis, Russia; MS, Applied Mathematics, Moscow Oil and Gas Institute] “Hate

Crime Laws – A Practical Guide,” published by The Organization for Security and Cooperation in Europe’s Office for Democratic Institutions and Human Rights, 2009, (ISBN 978-92-9234-757-4)

10 Neil Chakraborti [PhD, Criminology, University of Birmingham; Senior Lecturer, Criminology, University of Leicester; MA, Criminology, University of Birmingham; BA, Law, University of Birmingham] “Crimes Against the “Other”: Conceptual, Operational, and Empirical Challenges for Hate Studies,” published by the Journal of Hate Studies, 2011 (Vol. 8 Issue 1, p9-28, 20p)

NCFCA Mini-Brief: Hate Crimes NEG Supplement

-Isaac Kim

The First Amendment doesn't stop the use of speech as evidence to prove intent or motive of the crime – this is commonly used in court

Justice William Rehnquist [Chief Justice of The Supreme Court] “WISCONSIN, PETITIONER v. TODD MITCHELL,” SUPREME COURT OF THE UNITED STATES, June 11, 1993 (508 U.S. 476, <http://law2.umkc.edu/faculty/projects/ftrials/conlaw/wisvmitchell.html>) [Ethos]

“The First Amendment, moreover, does not prohibit the evidentiary use of speech to establish the elements of a crime or to prove motive or intent. Evidence of a defendant’s previous declarations or statements is commonly admitted in criminal trials subject to evidentiary rules dealing with relevancy, reliability, and the like.”

A2 Wisconsin Supreme Court Ruling: Overruled by SCOTUS

Justice William Rehnquist [Chief Justice of The Supreme Court] “WISCONSIN, PETITIONER v. TODD MITCHELL,” SUPREME COURT OF THE UNITED STATES, June 11, 1993 (508 U.S. 476, <http://law2.umkc.edu/faculty/projects/ftrials/conlaw/wisvmitchell.html>) [Ethos]

“For the foregoing reasons, we hold that Mitchell’s First Amendment rights were not violated by the application of the Wisconsin penalty-enhancement provision in sentencing him. The judgment of the Supreme Court of Wisconsin is therefore reversed, and the case is remanded for further proceedings not inconsistent with this opinion.”

Hate crimes are worse because they provoke retaliation, inflict distinct emotion harm on their victims, and incite community unrest

Justice William Rehnquist [Chief Justice of The Supreme Court] “WISCONSIN, PETITIONER v. TODD MITCHELL,” SUPREME COURT OF THE UNITED STATES, June 11, 1993 (508 U.S. 476, <http://law2.umkc.edu/faculty/projects/ftrials/conlaw/wisvmitchell.html>) [Ethos]

“Moreover, the Wisconsin statute singles out for enhancement bias-inspired conduct because this conduct is thought to inflict greater individual and societal harm. For example, according to the State and its amici, bias-motivated crimes are more likely to provoke retaliatory crimes, inflict distinct emotional harms on their victims, and incite community unrest. The State’s desire to redress these perceived harms provides an adequate explanation for its penalty-enhancement provision over and above mere disagreement with offenders’ beliefs or biases.”

Blackstone: Crimes should be punished based on their destructiveness to public safety and happiness

Justice William Rehnquist [Chief Justice of The Supreme Court] “WISCONSIN, PETITIONER v. TODD MITCHELL,” SUPREME COURT OF THE UNITED STATES, June 11, 1993 (508 U.S. 476, <http://law2.umkc.edu/faculty/projects/ftrials/conlaw/wisvmitchell.html>) [Ethos] [Brackets added]

“As [William] Blackstone said long ago, “it is but reasonable that among crimes of different natures those should be most severely punished, which are the most destructive of the public safety and happiness.””

SCOTUS: “Judges have always considered motive as a part of sentencing”

“Hate Crime Laws - III. Constitutional Challenges to Hate Crimes Statutes,” published by the Anti-Defamation League [International non-governmental organization; considered the nation’s top civil rights/human relations agency], 2001 (<http://www.adl.org/99hatecrime/constitutionality.asp>) [Ethos] [Brackets in original]

“Noting that “[t]raditionally, sentencing judges have considered a wide variety of factors in addition to evidence bearing on guilt in determining what sentence to impose on a convicted defendant,” the Court rejected the defendant’s contention that the enhancement statute penalized thought.”

Hate crime laws don’t punish ideas – they punish actions based upon those ideas

“Hate Crime Laws - III. Constitutional Challenges to Hate Crimes Statutes,” published by the Anti-Defamation League [International non-governmental organization; considered the nation’s top civil rights/human relations agency], 2001 (<http://www.adl.org/99hatecrime/constitutionality.asp>) [Ethos]

“First, the Court affirmed that the statute was directed at a defendant’s conduct -- committing a crime. The Court then held that, because the bias motivation would have to be connected with a specific act, there was little risk that the statute would chill protected bigoted speech. The statute focused not on the defendant’s bigoted ideas, but rather on his actions based upon those ideas.”

Stoa Start: Five Beginning Steps

“Resolved: That the United States Federal Government should substantially reform its revenue generation policies.” After examining homeschool team policy resolutions from years past, I came to the conclusion that this is the broadest, most difficult resolution debate has seen in quite a while. There are many reasons why this topic is so hard to manage and why Stoa debaters must take it in bite-sized pieces. For the 2011-2012 competitive season, we must remember the relevance of economic policies and strive to learn as much as we can. Fortunately, there are wonderful ways to familiarize ourselves with the resolution that will not only help us to win rounds, but also attain knowledge and understanding on something that significantly impacts our lives. Let us examine a few of these ways.

Now certainly, I would contend that debaters should read about any resolution quite a bit before they even begin direct researching. With this topic, I think it is more important than ever. I walked into debate camp this past summer with absolutely no knowledge on revenue generation policies and I found it very difficult to debate complex tax code and terms. My debating improved drastically after I began to simply read. I read all the brief in every sourcebook I own, articles about revenue background and policies, looked up terms I was unfamiliar with, and even skimmed through Economics for Dummies. I feel so much more comfortable with the resolution now and have not been completely caught off-guard in a single round. Do the same. If you don't know what a term means, look it up. If you don't understand what a card is saying, read it again until it makes sense. Know your affirmative and your negatives. Know your box and everything in it. Make sure your partner knows, too. There really isn't an excuse for not knowing anything about a resolution that was released months ago.

Here's one of the biggest hurdles to overcome this year: it is very possible that your judge will know more about revenue generation policies than you do. Last year, we debated Russia. The only thing that popped into the typical parent's mind when they heard the word "Russia" was "Cold War." In past years, debaters have had the upper hand because they have been able to teach the judge. This year, however, we must remember that because of the relevance of economic policies, judges will know quite a bit about most of the taxes we bring up and will likely have their own opinion. When I mentioned Cooperative Thread Reduction to my mom last year, her response was "Oh, yeah, that's cool." When I told her I wanted to run the case to abolish the estate tax this year, she launched into a lengthy spiel on how ridiculous and unethical the estate tax is. I tried to refute her with arguments from my negative brief, but she wouldn't hear any of it. How do we get around this issue? We must acknowledge both sides of the issue. We cannot call either side stupid, obviously wrong, or "just not right" without having substantial evidence to back up our points. Every good persuasive speaker and writer knows how to make appropriate concessions. If you are going to convince someone on an issue, you must acknowledge their concerns.

The complexity of the US tax code isn't only an issue for economic policies—it's an issue in debate. Many rounds are going to become very confusing this year. You may be debating a tax that your judge is familiar with, but getting into such detail and complexities that he or she has no idea what you are talking about by the end of the 2AC. Remember this: you will automatically have the advantage if you are the one that makes sense. Don't let the other team explain the debate for you. Don't let them sound more knowledgeable and considerate than you. If you notice the judge getting confused, slow down and explain your argument. Even better, if you saw the judge getting confused about your opponent's argument, briefly explain it before you give a very good, clear, understandable response. Best yet: don't be confusing. Go slowly and smoothly, be concise, use short tags, be organized, and stray away from confusing arguments as much as possible. Always remember that you don't need to speak quickly to run all your arguments. Chances are, you'll get more arguments in your speech if you speak slowly than if you speak quickly, stutter, and have to repeatedly explain yourself.

Let's face it: some people just aren't going to care. I'm sure not ecstatic about this resolution. It doesn't make me feel anything deep to tell a bored-looking parent why the capital gains tax is so evil. The chances of being able to use "lives saved" as an advantage this year are very, very slim. Most rounds are going to come down to numbers, and it will be up to the judge to decide which team had the most experts supporting their numbers. Please don't let the round come down to that. If you're running a case that relies on the sheer amount of money taken away from the deficit, then don't run it. Unless you are saving trillions, the negative team will easily be able to convince the judge that your advantages are a drop in the bucket if they even come about at all. You must make the round personal. You must not only look at the general pragmatics, but the moral nature of what you are debating. You must make the judge feel strongly about your stance and agree with you because you have made them care. Some rounds simply will not allow for this to happen. But to not do so when you have the chance is to take a very big, unnecessary risk. Cases can be made very personal and have advantages other than saving money. Even unemployment is a huge advantage that you can make personal. Take this chance whenever you have it.

You're not going to be able to prepare for every case out there. You're just not. I have heard of incredibly advantageous cases that generate revenue in some form or another—but are ridiculously non-topical. To many judges, any policy that generates revenue is going to fly. It's not right, but it's true. Many people simply do not like topicality and won't vote on it if they are convinced you could have debated the case anyway. You're going to be surprised at least once this season, so make sure you're not unprepared. Generics are gold. I currently own COG and Ethos sourcebooks and both contain a substantial amount of excellent generics. I feel more secure having these in my binders because I know that basically, no matter what case I hit, I'm going to have something to use against it. Familiarize yourself with the generics you have, write more if you need to, and practice them. Don't just skim them and stick them in your box—know and practice them. You are going to run them a lot, so you should sound polished.

Brenna Bakke



Trying to take on this resolution is like trying to eat a blue whale with nothing but a fork and steak knife. It's huge, it's overwhelming, and it probably doesn't taste all that great. It isn't a hopeless cause, however. Learning about the resolution will make you a better debater and a more knowledgeable person. Don't waste this opportunity to discover something important that will likely impact you for the rest of your life. Prepare, be confident, and enjoy your debate year.

Nine Ways to Make Money Interesting

Talking about revenue generation is no more interesting to the average person than derivatives, horizontal aggregation, and asset allocation. And yet, when you're talking finance you're talking about the leading cause of divorce, the ability to retire or go to college, quality of life, and honestly what most people spend most of their lives chasing (hopefully to use on other goals, but often just to survive). When you're talking commerce, you're talking about a nation's ability to grow and defend itself. Your judge wants to enjoy the experience of the debate round. So lean into the importance of revenue and make it interesting! Here are some ideas.

Re-late individual financial wisdom to national. Most people have firm opinions about how a responsible adult should manage his money. "Let's examine what the Government is doing as if it were personal finance. If you, as breadwinner for your family, went and..."

Capture the imagination. Your goal is for the judge to see money in their mind. Access dreams and ideas your audience has had of wealth. "Imagine if you were Bill Gates, with his fifty-five billion dollars. What could you do for good? Well in 2010 our Government had a Tax Gap of five hundred billion. What could you have done as ten Bill Gates?"

Tell a story. That's why I, Pencil is famous. It's a short, simple story that tracks a pencil's life to make a point. By walking through the process instead of just showing the result, the audience "sees" what the author is saying.

Access "other".
"It's not about the money, it's about _____."
Whatever your argument, you can highlight to what it is that the money leads. Now you treat finance like the access pathway it is to whatever is really desired. "The problem with Aff's case isn't about the money, it's about the control."

Translate into victimization. Show the judge that she is the true victim of whatever policies. Class warfare is a great example of a theme for feeling gipped. Earl Wilson said "Today, there are three kinds of people: the haves, the have-nots, and the have-not-paid-for-what-they-haves." You, judge, have not much but are paying out your teeth for the have-not-paid every time a Government-backed loan is guaranteed.

Use a running metaphor. A running metaphor means you change all your verbs to those that describe whatever one thing you are relating. Take Warren Buffet's famous quote: "Derivatives are financial weapons of mass destruction." Now discuss your case in terms of deterrence, treaties, even Iran (the IRS?), and language that describes WMDs.

Extrapolate to a bigger issue. The best way to test an idea is by its most extreme consequences. That's why Bastiat is famous for how he talks about money. "If we take my opponent's principle to the extreme, then ...". This is one of my favorite types of arguments in all debate to begin with, so all the more reason to use it for revenue generation.



Personalize the decision someone had to make. Put the judge in the shoes of someone else to experience the pain or loss. "As CEO of a major auto company you are faced with 20% higher costs than all foreign competitors as a result of taxes alone. The U.S. has the highest corporate tax rates in the world! What can you do as a careful CEO but look overseas to reduce costs?"

Poetry. Why not? It's why the viral video series Hayek vs. Keynes was so successful. "The economy's not a car, there's no engine to stall, no expert can fix it, there's no "it" at all. The economy's us, we don't need a mechanic; Put away the wrenches, the economy's organic." ~Fight of the Century lyrics by Paola and Roberts

Inaiah McPeak

Q & A with Robert Willens, Esq.

Robert Willens is currently president of his own tax and investment service, but priorly he worked as a Managing Director in the Equity Research department at Lehman Brothers, Inc for two decades. Mr. Willens has written over 800 articles for publications and journals. He has appeared on lists of most influential accountants, and lists of leading Wall Street analysts, among others.

Q. If you could change any revenue generation policy, what would it be?

A. I think it would be to make tax rates more progressive. When I started out in taxation, the tax rate on “unearned” income topped out at 70 percent. Now, as you know, the top marginal rate is only 35 percent. I think we could do with more progressivity in the tax system.

Q. Considering that all you can do is tune up the system, without stopping the spending, would you be aiming tuneups at the federal

debt or another target?

A. If the spending is not curtailed, I’m not sure how we can chip away at the level of debt, short of a massive revenue increase, which presumably would be somewhat counterproductive in the sense that it would dampen the enthusiasm of investors to take prudent risks in funding new projects and innovative solutions to existing problems. I don’t see how you can get away from directly addressing the level of debt that currently exists.

“...the biggest problem is the...ability of multinational corporations to contend that the vast majority of their worldwide income is earned in countries with very low tax rates.”

Q. What do you think of a Value Added Tax if it is accompanied by reduced corporate income taxes?

A. I’m not a believer in a VAT. First, such a tax is unduly regressive and eats away at the disposable income of those people who are most likely to spend large proportions of their income. I’m also concerned that the complexity such a tax entails would make it very difficult to administer.

Q. What is the most overlooked problem in revenue generation?

A. I think the biggest problem is the almost unfettered ability of multinational corporations to contend that the vast majority of their worldwide income is earned in countries with very low tax rates. These multinationals are taking that position even though a small fraction of their employees, plant and equipment, and the other means of production, are actually located in the countries in which they say the bulk of their income is earned. I think if we could come up with a way to address this so-called “transfer pricing” problem, revenues from corporate taxes would be substantially higher.

Q. How would a flat tax pan out for both corporations and the American consumer?

A. In principle, I’m an advocate of a flat tax

but I’m concerned that the politicians would get involved and for the ostensible purpose of accomplishing certain social goals and encouraging “desirable” behavior, the flat tax would be burdened by exemptions and special rules that would rob it of its most important attribute, simplicity.

Q. When evaluating taxes, what should be of utmost importance: consumers, corporations, the domestic government interests, or international government interests?

A. To me, the most important attributes of a tax are administrability, horizontal equity, and progressivity. A tax with those characteristics is what we should be striving for.

Q & A with Mrs. Frances Stacy: Region Eight Parent

Q. Do you prefer a more aggressive approach to debating and cross-ex'ing or a less aggressive approach?

A. It depends on what you mean by aggressive. I want to see a honest round with the clash directed toward the issues whether it is aggressive or less so. Ultimately, I prefer a more aggressive round.

Q. Which would you value over the other: good content/analysis or good speaking/presentation?

A. Good content and analysis!

Q. Is evidence in the form of quotations always important or necessary to have, or can good logic and analysis win a debate round?

A. Yes, I think good logic and analysis will win a debate round, but I would have a very hard time giving a ballot to a team that presented no evidence in a round.

Q. Do you prefer a more structured, rigid (but very organized) debate speech, or something less structured, but more con-

versational? Are you only asking about style?

A. I appreciate them both. However, the argument has to be clear enough in the conversational style that it sticks with me.

Q. How do you feel about humor and sarcasm in a debate speech?

A. I like a little humor in a debate round. On the other hand, I could quickly be turned off by a team who uses sarcasm to try to persuade me to their side.

Q. How does the speed of a debater's speech affect both your speaker points decision and round decision?

A. I need it fast enough to keep me awake, but I need it slow enough to follow the argument. I feel disrespected if the debaters speak with such an unintelligible speed assuming I am already on the same page with them.

Q. How much weight do the stock issues hold in your mind as a judge?

A. I like them particularly in the 1AC. It helps me to keep track of the fundamental issues regarding the change. I don't mind if it is more relaxed in the other speeches as long as the content is well organized and it can be linked back to a previous point.

Q. In your mind what is the largest issue facing the federal criminal justice system?

A. Yikes! I don't have one...but I could be persuaded.

Q. In your opinion, what are some parameters a debate plan should have to meet in order to be topical under the NCFCA resolution?

A. I don't have a preset opinion. I'll let the negative team argue that out.

Case Study ONE!

Rebuttal Time Management Choices

This case study deals with using time wisely in rebuttals. First we have the background to lay out the situation and then a timeline of sorts to go over what's "been said" in the round.

Background: You are affirmative in this scenario, with a community judge and against a team with at least a year less experience than you. Your case is to end the Military Commissions Act (NCFCA 2011 Criminal Justice Resolution) on the grounds that it is a violation of habeas corpus rights among other harms.

The 1NC focuses on topicality and significance.

Topicality:

"Essentially, our opponents' 1AC does not support the resolution. Even if you like it, it is off topic and should not be voted for as a criminal justice change. We've got three major points to break this down. 1st we have a standard of criminal, not military justice. You can determine which cases support the resolution and which do not by which type of justice system they are in. It's a clear brightline by which you can measure. According to so and so, criminal and military justice are distinct entities with separate bodies of law, courts, systems, and procedures.

2nd our opponents violate this standard because the Military Commissions Act is obviously military justice, not criminal justice.

3rd the impact is that our opponents' plan should be rejected before you even look at their case. The first job of the affirmative is to support the resolution and if they have a great idea, like ending a wasteful program or opening offshore drilling, but it does not support the resolution, their case cannot be considered today. We call this 'a priori'—which means it comes before consideration of actual arguments about criminal justice."

Significance:

"Our opponents' advantage 1 dealing with rights falls for two reasons. First, they have not replaced the Military Commissions Act with something else. Second, habeas corpus is not as important today as safety. Today, dangerous non-state actors like Al-Qaeda have greater access to dangerous weapons. The people who came up with habeas corpus didn't know about these modern developments. We just can't afford to risk our lives for outdated principles."

In the 2AC your partner, who wrote the case, blows the significance arguments out of the water first. She spends six minutes on it before getting to topicality, walking the judge through the history of habeas corpus, the MCA, and modern terrorism. The judge nods a ton and seems to really be in love with the case.

Topicality:

"Let's look at the topicality argument. We agree with the impact of topicality, but disagree on the standard and violation. On the standard, we have a counterstandard: criminal justice means justice in crimes. So our case doesn't violate our standard. How can you tell? Because MCA is about crimes and justice, which is what criminal justice means. The negative only spent a few seconds on the violation and really should have done more because our case just doesn't violate their standard either. It's NOT

‘obviously’ military justice, since the people that can be detained include both foreigners and civilians, not just military folk.’

The 2NC focuses on topicality but also frustrates your partner by simply repeating, nearly verbatim, his partner’s original arguments about the advantage. Your partner gets a little heated in CX, asking questions like “is repetition the same as refutation, yes or no?” and trying to make the 2NC agree with the case idea and all the evidence presented in the 2AC.

2NC Topicality:

“We’ve got a lot to say here. There are now two standards, so let’s look at each in turn.

A. Our Standard – Criminal justice, not military justice. If the people detained are tried in a military commission, it’s military justice. If they are tried in a civilian court, it’s not. Simple as that.

B. Counterstandard of ‘crimes and justice’ loses. I’ve got so much to say here.

1. No Competition – Our opponent failed to give a reason why her standard was better. Without a reason, it can’t be an argument.

2. Ignores ‘System’ – The resolution says “criminal justice system,” so it’s more than just about crimes and justice. It’s about a legal system. While it’s cute to say MCA applies to “crimes” and gives out “justice,” the fact is there are still two separate systems—one called criminal justice, the other called military justice, with their own lawyers, judges, processes etc. So now you’re back to our original standard. But there’s more... I think AFF loses the whole debate right here.

3. AFF Violates Own Standard – It’s not “justice in crimes” since the entire point of their case is saying that people are held without being accused of crimes or going to trial for crimes. You can’t say anyone is a criminal until after a conviction, and the AFF case says people aren’t being convicted because there aren’t trials. So it’s NOT criminals and they’re NOT getting justice.

So the AFF loses on our initial topicality argument, but their counterstandard made their position even WORSE.”

So here’s the question: what should aff do in the 1AR?

And here’s the answer: basically drop your case and focus 99% on topicality, and within that, 90% on the counterstandard issue. In the 1AR you want to see with crystal clarity what is the key issue and quickly get down to that. It’s where they took your counterstandard that is the problem because it’s one of those “gotcha” arguments that is hard to answer. Many debaters forget that the 1AR can make new arguments against anything first argued in the 2NC or 1NR. In this case, the entire refutation on the counterstandard is from the 2NC so you get to make as many new arguments as you want. Here’s how I’d quickly brush everything aside to get to the counterstandard part:

“My opponents still haven’t addressed the root causes of habeas corpus that my partner gave in the 2AC, and instead have just repeated their initial arguments without adding more depth. Our case stands—the MCA is tragic and should be eliminated. This round is clearly about whether our case supports the resolution, so that’s where I’ll focus.”

On the NEG standard if I were AFF I’d have looked up the legal source of the MCA. It’s in Title 18 of U.S. Code, along with the rest of the criminal justice system. You could then argue that on the NEG standard, you are legally

within the criminal justice system.

On the counterstandard, their second response is easy, because the “ignores ‘system’” argument just impacts to looking to their first standard which I’ve already refuted by showing MCA is in the system.” That was 140 words and should have taken a minute or less. You’ve got 4 minutes to refute the key argument!

You can think through the answers, but the core of my response to tough arguments is to always see if another argument refutes them (i.e. look for cross-linkages). So I would put most of my weight into letting response 1 of “no competition” make our counterstandard go away. Basically, agree that you didn’t give a reason, so the debate does come down to the

“Look to their second argument about the word SYSTEM. Whether people have been convicted yet or not isn’t the point, the point is that it’s part of the SYSTEM now. MCA is in title 18, criminal justice, and holding people in detention without trial is an action of the system. Habeas corpus is being debated because it’s a due process right of the justice system. So their third point is really refuted by their own second point.”

I recognize this last argument would be hard to spot, so the point of my answer is really just how to pare down to the most critical issue. I have won many narrow debate rounds by dropping my case almost entirely to focus on just the key issue.


Isaiah McPeak

Thirty-Second Case Bombs

What if you could take out your opponent's entire case in less than thirty seconds? What if you had the power to blow your opponent away with just a few words, sending them reeling into confusion? What if you had an argument that if your opponent dropped or lost, you won the entire round? Well, you're in luck. These arguments exist. When run correctly, these arguments can blow your opponent out of the water. They are the arguments that separate the good debates from the great debates. These are the thirty-second case bombs.

Case Bomb #1: Run topicality. Or if you prefer, resolutionality. Question the validity of their case. Disconnect their value from their side of the resolution, disconnect what they're accusing your side of doing from what your side actually does. From there, it only takes seconds to show the judge you're your opponent's case doesn't really have anything to do with the resolution. Topicality is to LD like an ice cream machine is to a cooking show- you should use it at least once every season, but only when it applies.

Since resolutionality is a rare argument to see in LD, your opponent will react in one of three ways. 1) He will drop it, and it will likely cost him the round. 2) He will scramble to refute it without really knowing what he's saying, causing him to lose credibility points and time. 3) He will actually pull it together and refute the argument. But here's the catch. Even if your opponent is able to keep it together and muster up a good refutation to your resolutionality argument, you still get advantages- your opponent stays on the defensive, you focus the debate on the resolution, and you define clash. In my years of LD, I've gotten the chance to run resolutionality several times, and I'm always glad when I do. Just beware- running resolutionality when it does not apply is worse than running nothing at all. It's also a good idea to practice running it on some Red Book cases in your bedroom before you take it to a tournament- it's extremely important to explain it in a way your judge will understand, and you need to know how to impact it, otherwise you lose all the benefits.



Case Bomb #2: Question their philosophy. This one takes a bit of practice to perfect. First, identify the basic philosophy behind your opponent's case. Then question it. If your opponent is operating off the philosophy that individual rights are self-limiting, make a ten second argument about how your individual rights could conflict with other's individual rights. If your opponent is arguing the philosophy that justice is whatever is best for an entire community, question that. In order to do this, it helps to know your philosophy. By spending fifteen to thirty seconds calling into question your opponent's basic philosophy, you do four things. 1) You create a black hole of time for your opponent. It typically takes a lot longer to explain a complicated philosophy than it does to call it into question. This is especially helpful on aff, as it helps to even out the time skew. 2) You force them into a theoretical world. 3) You cast doubt on your opponent's case. By asking questions, you put a seed of doubt into the judge's mind. If your opponent refutes your question perfectly, it took a lot of time. If your opponent only briefly covers it, that seed of doubt in the judge's mind will continue to grow throughout your opponent's entire speech. 4) You establish a barrier between your opponent and the judge. By explaining complicated philosophy, your opponent separates himself from the judge, destroying any 'vibe' they might have had.

Case Bomb #3: Value clash. But I'm not just talking about run-of-the-mill 'liberty is better than equality' value clash. I'm talking heavy duty value clash. In LD debate, your value is supposed to be a one-word representation of everything that your case upholds. If you destroy the value, you destroy the entire case. This one will take a bit longer than thirty seconds. If you're good, it should take about one minute and thirty seconds. But these arguments will be to your opponent's case what Willow Smith is to a metal-head's ears. Disconnect your opponent's value from what the resolution asks them to achieve. Then disconnect their side of the resolution from their value. Find conflict in their case regarding their value (IE does the value ever come into conflict with what the resolution asks us to achieve? Does the value ever come into conflict with itself? Does the value ever come into conflict with their side of the resolution? If possible, run all of them.) Then question the meaning of their value, forcing them to explain the exact meaning in their next speech. And finally, if you can do this without making it sound like a contradiction, connect your side of the resolution to your opponent's value. Your opponent will never recover. Even if they do manage to briefly respond to every one of your arguments, the credibility points you just won should win you the round. This strategy works better on neg.



Case Bomb #4: Argue against their mindset. Argue against the very thesis statement of their case. Sometimes this can take the form of a kritik. But if you do end up running a kritik, it's always a good idea to not let the judge know that that's what you're doing. If their argument is that human rights are good, pull out your trusty human-rights-mindset brief and talk about how not the entire world recognizes human rights, and the harm done by the US's universal mindset. And it can't hurt to use the good ol' UN declaration. If their mindset is that due process itself is a right, call that into question. If their mindset is that discovery of fact finds more facts than due process, call it into question. Everything can be questioned. By questioning things that your opponent took as 'obvious', you make arguments that your opponent has never heard before, throwing them into a frenzy. By arguing something vital to their case, you throw their case into jeopardy. And if your arguments are actually good, you impress your judge. Look deep into their case and find their basic mindset. Then argue against it.



Case Bomb #5: Ask for specifics. LD tends to be big-picture focused and theoretical. So you can get an edge on your opponent by asking for specifics. For example, once upon a time way back in cooperation year, I was in a semi-finals round when I realized that my opponent wasn't being extremely specific about what cooperation entailed. In CX, I asked as many specific questions as possible. In order to cooperate, two or more people need to be working together, right? To work together, do you have to be in contact with those other people? Can you cooperate with people you don't know? Does cooperation always involve a game-plan, or does it sometimes 'just happen'? In order to cooperate, do both parties need to be willing, or is coercion cooperation? In order to cooperate, do you and your partner have to have the exact same end goal, or only the same immediate goal? If your opponent doesn't clearly define his terms, and you can tell he doesn't know his side of the resolution inside and out, call him out on it. To end my story, I argued that if my opponent couldn't clearly state what cooperation did and did not entail, then that itself was a reason not to vote for him- you can't support something if you don't know what it is. I swept the round 5-0 and ended up winning the tournament. But a word of warning- if your opponent *does* know what he's talking about and you start asking questions, he's going to answer confidently and clearly and you will lose credibility points to him. Also, if you ask your opponent questions about his side of the resolution, you need to know the answers to those questions for your side. Otherwise, your opponent will just have to point out the irony, and you lose more credibility points. It takes practice, but when run correctly, it can win you a round in less than thirty seconds, and can create a major timesuck for your opponent.

-Blaire Bayliss

The Debate Fallacy of Wii Boxing

Impact, impact, impact. How many times have our debate coaches told us that we must always impact our arguments? Yet, even though most listen to their debate coach's advice and impact their arguments to some extent, LDers can kill their impact in other ways.

I Must Refute Everything My Opponent Says!

Once, I saw a debater quote the Declaration of Independence in round and accidentally cited it as the constitution. No one would have even cared or noticed. Then in the next speech, her opponent came up and pointed out her mistake. The girl nodded at the prep table, accepted her mistake, and went on with the round. But her opponent wouldn't let go of the argument. She got up in her next speech and called it a dropped argument, and used it in one of her voting issues. You can clearly see the problem with this. It was a mistake, but had nothing to do with the round. It had absolutely no impact. And by focusing on arguments that don't matter, you're subtracting time and spotlight from arguments that really do matter. Before you refute an argument, carefully consider whether or not it really deserves refutation. (This also does wonders for your time management.)

“Half-baked arguments have no place in LD.”

[Or any form of debate!]

I Must Run Every Argument I Think of! No, you don't. Running lots of argument is a wonderful idea. Running half-baked arguments will be the death of you. By running bad or half-baked arguments you risk having our opponent slam this argument into the ground with refutation. Even if it's non-essential to your case, it will cost you credibility points. Besides, if your opponent makes a big deal about how stupid that argument really was, it will help him gain credibility points. To most judges, just seeing that big exchange of credibility points seems to show them that your opponent has already won the round. Half-baked arguments have no place in LD. You have to know what you're talking about, run only the good arguments and then impact those to the resolution.

This Argument is Obvious! Don't ever think that an argument stands for itself. Impact, impact, impact. Never compromise four point refutation just because you think that an argument is 'obvious', and keep in mind that you know more about the resolution than the judge. In my second year, I fell into the trap of under-explaining and under-impacting. I would come up with the best arguments against my opponent's case, even ones that would blow their entire case out of the water and into the wonderful land of irrelevance. Yet, because I never explained to the judge that it killed their entire case, I was the only one who understood the impact. When I went to nationals that year, I ended up in my sixth round 3-2. If I had won the round, I would have broken at nationals. I lost. The ballot clearly read that although I had great arguments, my judge didn't understand them, since I forgot to impact. An argument is always, always better when your judge understands its importance. Learn from my mistakes and impact every argument you make.

The Judge Won't Notice if I Straw Man My Opponent! Yes, the judge will! You may think that by straw manning your opponent, or slightly exaggerating their points, or drawing them to their 'logical conclusion' (IE extreme) then you're really impacting an argument.

That's how it feels in a debate round. When we're slamming our opponents for their outrageous claims, it really feels like we're impacting! But it doesn't work. Contrary to popular belief, your judge *will* know when you're exaggerating or lying about your opponent's arguments. If a judge believes that you aren't addressing your opponents real arguments, then in the judge's mind it will have no impact on the debate round. (Besides, you lose credibility points, and the judge now has you pictured as a liar in their mind.)

I Won the Argument Already, So I Don't Need to Bring It Up Again! No, no, no, no. When you make an amazing argument and smash them out of the water, and your opponent drops the argument to focus on other points of your case, it's easy to drop it yourself. After all, you already won the argument. The judge already knows that you won it- it's on their flow! Besides, now you need to focus on the arguments that they're hitting so hard. But in forgetting to bring up the amazing argument that you already won, or by only briefly mentioning it for a few seconds, you're letting the impact die. If you have an argument against their case that is the bomb, it's not enough to bring it up once, or to only briefly impact it in your last speech. You need to impact every argument in every speech, especially arguments that you already won.

So don't let your debate round become a wii boxing match, where punches are thrown but nothing is hit. Don't let your speech get lost in the happy-fluffy-bunny land of irrelevant 'whatever's. Do not allow your opponent to distract your judge from the issues that really matter and the arguments that are really important. Don't let the impact die.

Parli: How to Go from Good to Great

I FIRST MET Hank Fields and Rachel Mosley about a year ago. At the time, Hank was a debater and Rachel was a graduate student at the University of Oregon, which is quite literally across a single-lane street from Northwest Christian University, where I teach. Rachel competed for Western Kentucky, qualified for the National Parliamentary Tournament of Excellence (NPTE) all four years, placing as high as fifth, and was twice a quarterfinalist at NPDA Nationals. As for Hank, he was the 2011 winner of both tournaments. To some, Hank's accomplishments might look better on paper, but it should be noted that the only time they debated, Rachel won.

For the past fifteen weeks, Hank and I have had a marvelous time team-teaching the debate class at NCU, so last week, I sprung for dinner at a Thai restaurant to thank him for his hard work, and for one other reason. I've been involved with debate for thirty years, but out of all debate formats, I've had the least experience with parli. So, I wanted to pick Hank's and Rachel's very accomplished brains on the subject of what it takes for a competent parliamentary debater to make the jump to champion.

“The point is to soak up knowledge...” Full immersion into topics is the best way to prepare for parli.

Rachel ordered the food and talked about playing popcorn. “You can do it with just two other people, two friends,” she said. “Get together with them each week. Someone brings the topic and starts the argument. They have just a few seconds to make the argument and say why, and the next person has to say why they're wrong, and the next says why the second is wrong, and you go round and round.”

“It's all about making it fun,” Hank agreed, waiting for his food to cool. “Find games to play that give you an incentive to keep up with current events. Something I did to try to take my debate lessons out into the real world was to think of everything as a debate. I'd be sitting in my classes and I'd think, ‘Now what's the impact to this? How would I take this lesson and present it as an argument? How would people answer it?’”

“I don't think everything has to be a debate, though,” Rachel cautioned. “It's more about being curious about things. Take an entire month and work on a broad topic. Do research and practice rounds, sure, but also have conversations with people, go to museums, do activities, eat food that has to do with the topic.”

“Pick a subject and have people write affirmatives...then have debates. People will find this hard to believe, but the topic, really, really, really does not matter.”

“Be great if we had a topic about Thailand,” I said.

She smiled. “Oh, I'd love that. But really, the point is to soak up knowledge, not just crank out arguments.”

“If they use an RSS tool like Google Reader, the worst thing they can do is subscribe to everything,” Hank offered. “They should limit it to a handful of things that hold their interest, and then read deeply on those subjects and become an expert on a few things, not the bearer of a few names and facts on a million different topics.”

“And be sure they’re pooling the work between team members,” Rachel added. “I would go harvest articles for my teammates who were doing extemp, because that meant I was seeing more different current events as they developed, and also because it put all that learning in a social context; my teammates knew I’d picked these articles, and I knew they were benefitting from the work.”

“What puzzles me the most,” I said, “is how to prep. When it comes to policy debate, I know what to do: the topic is announced at the start of the season, so you go sweep the library, you write your affirmative and your major offensive negative arguments, and then you work on other teams’ affirmatives as you collect intel. But how on earth do you prep for parli? I’ve more or less figured out what to do at the actual tournament, but what do you do all season long to get ready for tournaments?”

“What you need to do is get good at the process of prepping,” Hank explained. “Prep over and over and over again. Learn how to work quickly and efficiently and think in the right directions.”

“Lots of practice rounds, then?” I asked.

He nodded. “What saved me every time was that I was really good at prepping. By the end of that twenty minutes, I could have anything figured out and ready to package as parli arguments.”

“Pick a subject, and have people write affirmatives,” Rachel said. “The topic really doesn’t matter. Pick the Patriot Act and have one person say repeal it, and another say reform it, and another say tighten it, and everyone do the research for their affirmative, and everyone collaborate on the negative. Then, have debates. People will find this hard to believe, but the topic really, really, really does not matter. The process does. I used to give imaginary PMCs about the selling points of some random brand of dishwashing detergent.”

“But when you do research a case for your files, you have to do it the right way,” Hank warned. “Policy debaters want to cut cards, but that doesn’t work in parli. When I wrote a case, I made sure it only contained arguments for which a card existed, because that was important in keeping me honest and preventing me getting off into wild exaggeration like some parli debaters do. But I always paraphrased it into my own words and then footnoted it.”

“Collect topics,” Rachel suggested. “Keep all the topics that were used at every tournament you attend, and from year to year as a tournament comes up, you’ll have a good starting point for guessing what kinds of topics you might get, and that lets you do some prepping. What’s in the news will obviously change from year to year, but the kinds of topics the tournament director likes to write won’t change that much.”

I’d have more advice to pass along, but I’m afraid it was about then that we stopped bouncing ideas, and lapsed into swapping stories and comparing notes on our mutual friends. But the big idea I came away with was that parli was a lot less about the big blitzing work sessions I’d grown used to with policy debate, and more about awareness and rehearsal.

I might compare it to the difference between Formula One racing and track running. A Formula One race team puts enormous time and effort into the vehicle, building it from the ground up, then maintaining and refining it between races. The driver in the car needs to be skillful, but the allotment of resources between car preparation and driver skill development is comparable. When it comes to running track, the person doing the steering is also the vehicle. It might be helpful to know about the track layout, but it’s far more important that the runner be in good shape, and have experience making smart decisions mid-race. Clothes and shoes might make a difference, but they’re temporary and disposable, while lungs, muscles and instincts are not. In policy debate, researched arguments are the vehicle, while in parli debate, practice researching and prepping is all about getting in shape.

Most important of all, I came away reminded that anyone sufficiently blessed to have the opportunity to debate, and to make good, smart, generous debater friends, has an overflowing cup and should feel very thankful. And those friends should be taken out for Thai food whenever possible.

-DR. DOYLE SRADER

Author note: Doyle Srader is associate professor of communication and director of forensics at Northwest Christian University in Eugene, Oregon.

How to “Research” for Parli

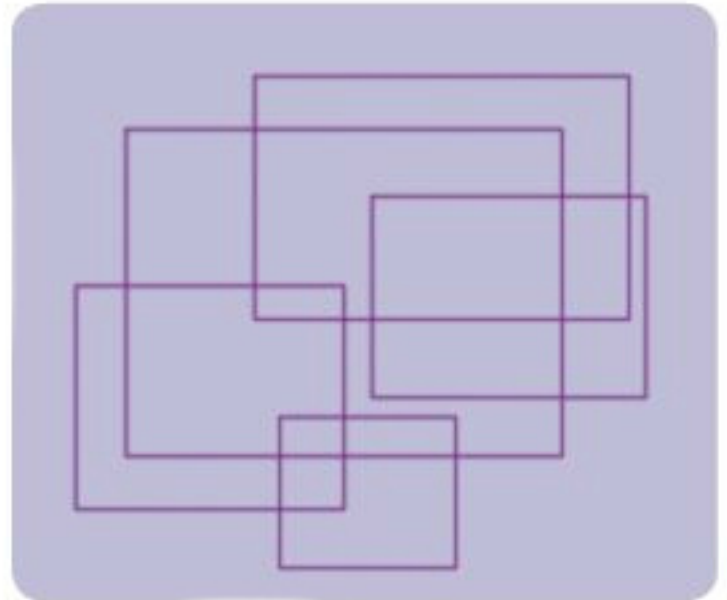
So you’re making the switch from policy to parli debate. What is the equivalent of research? Policy debate rounds are the tip of the iceberg vs. all the time spent researching, thinking, and strategizing. Is it true for parli as well?

There are two major activities you should do when preparing for parli, besides practice (the best parli prep).

Activity #1: Learn Principles and Establish Examples

Take a new area each week from education, social media, violence, racism, war, Afghanistan, the Constitution, economics, and so on. In this area, do some quick reading and find facts and figures then form two to three principles that apply in the area and support those principles with the key facts and figures. Find more examples if necessary.

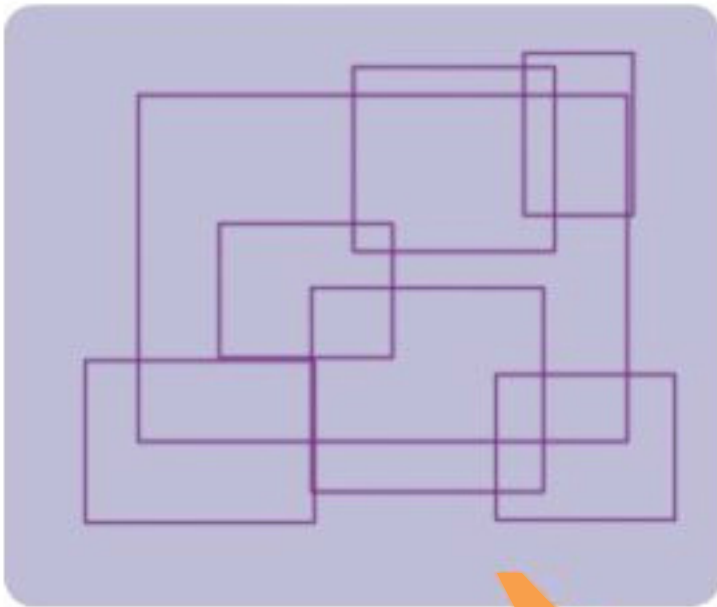
What you’re looking for is the “generics” of policy debate research: arguments that will apply to a specific resolution/case but that you prepare against any number of a class of resolutions/cases.



Activity #2: Prep Resolutions and Arguments.

There are lists of parli resolutions (google “parli resolutions” or look at homeschooldebate.com) and you can stretch yourself with your partner by preparing one side or the other in actual simulated prep time. The more you do this the more you and your partner will know how each other thinks and where to focus the time.

The absolute best way to implement Activity #2 is to go find a video of a parli round, practice prepping OPP, then watch the GOV’s first speech, pause, give your actual speech, then see what happened the rest of the debate round. You can actually pretend you are either partner and try to extend the arguments and then see what actually happened for any speech in the round.



1. Just War Theory should guide U.S. decisions for moral war.

>> Here's what the JWT actually is and where it comes from (Aquinas, etc).

>> Example of a just war: Pacific front in WWII. We were attacked, so we had the proper authority, just cause, and all the other factors required for war. Dropping the atom bomb was the most questionable element of Just War during the war, but it was arguably just because it "proportionally" saved lives in the long run.

>> Example of an unjust war: Libya. The U.S. did not have the right authority or just cause for this war and it has established a dangerous precedent and arguably did little good in the long run as radicals take over. Perhaps it sows a seed of hatred towards U.S. intervention that breeds the next terrorist group.

>> Consequences of unjust wars: lack of moral basis to object to other wars, like if China attacks Taiwan; no restraint on our trigger finger, like we are seeing with middle-east interventions; unintended consequences, like the very Mujahadeen we trained in the Russia-Afghan war becoming our enemy or the Saddam Hussein we gave weapons to becoming our enemy.

2. Modernity requires new principles for war.

>> WMDs are extremely deadly and create an exception to traditional views of war that had to do with amassing armies across fields of battle.

>> Cyberspace is a new territory for war. The Stuxnet virus caused actual physical damage to Iran. Likewise, Iran claims it downed a U.S. drone through cyberattack. A new posture is required since attack can be instantaneous.

>> Non-State Actors, like Al-Qaeda and hacker group Anonymous, mean "war" is redefined as other than nation-vs-nation.

>> Synergy: WMDs and cyberattacks in the hands of non-state actors completely reorient the landscape of war. Traditional principles developed during nation-vs-nation orientations of war do not apply.

3. War should be costly and never profitable.

>> When determining whether to kill humans, it must always be viewed as a net LOSS or there will be alternative motivations that cloud the view.

>> Private Military Contractors made billions and billions and billions off of the Iraq and Afghanistan wars. If the Government had not outsourced so much to mercenaries and companies then all these costs would be dead-weight loss. But instead, companies (often staffed by ex-Government people like Michael Chertoff, General Hayden, or Dick Cheney) stood much to gain. That's why undercover reporters unveiled an SAIC think tank dedicated to advocating the war in Iraq because shareholders would stand to make millions.

>> Americans die, while corporations profit. Because lengthening the war and using ineffective strategy equals more revenue, American soldiers have been in Afghanistan for a whole decade. We were not even in WWII for that long. This is the great military-industrial complex of which Eisenhower warned in his farewell address.

Isaiah McPeak