Monument Red

The following are articles, affirmative and negative cases, and opposing arguments is for your study of the Lincoln-Douglas resolution that was debated during the 2004-2005 school year in the NCFCA speech and debate league. Applications and citations may be outdated, so give attention to checking all hyperlinks before attempting to run in competition.

**Resolved: That the restriction of civil rights for the sake of national security is justified****.**

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Acknowledgements

Student Contributors

**Austin and Natalie Webb**, an up-and-coming brother-sister team formerly from Colorado, have now absconded to Oklahoma. In their remote top-secret debate farm, they are honing the skills they learned among the Colorado FROGs (Front Range Oratory Group). Natalie, in her first year of forensics study, rocketed to national level competition in Expository. Austin, prevented from competition by his zest for SAT-taking, is perfecting his form for use against the scientific community's glitterati.

**Lauren Dueck** is, first and foremost in the concerns of this book's target demographic, a Lincoln-Douglas debater, whose forensics accomplishments include honors at the state, regional and national levels in all three years of competition. A ridiculously accomplished person, she been a participant in 4-H, a competitive fencer, a debutante for the Fine Arts Foundation, a volunteer for the Denver Museum of Nature and Science, and many other things. Lauren lives in Centennial, Colorado, with her father, mother, and two brothers.

**Rachel Blum**, National Lincoln-Douglas debate champion for 2004, will be leaving value debate to take up the dare to try her hand at Policy Debate. We feel sorry for her opponents, as Rachel also has a black belt in TaeKwon Do, and is able to shatter three stacked evidence boxes at a single blow. As the National champ, Rachel has been sentenced to an unspecified number of community service hours helping first-year LDers, like **Adam O'Connor** draft and edit their cases (Yes, she did ask him if she could submit his/their case). She lives in Thornton, Colorado and has a little sister, whom she is training as a value debate maven.

**Michael Benavidez** is an eighteen-year-old genius residing in Sacramento, California. Although he writes insanely good Lincoln Douglas debate cases, Michael is first and foremost a Policy debater, winning thirty eight awards over three years in speech and both types of debate. He capped off his debate career by winning the 2004 National Championships in Policy debate. Michael gets by in life on his charm, wit, and dashing good looks, so it's fitting that he aspires to be an intelligence analyst for the National Security Agency.

**Petra Anderson**, at thirteen, was one of the youngest LD debaters at the 2003 National Tournament, in which she also competed in four individual events. A world-traveler and Shakespearean actress, she is also an accomplished musician, teaching music at a local Montessori school and playing violin in the Colorado Youth Symphony Orchestra and her church worship services. Petra aspires to be a journalist – if she can fit it into her schedule. And although she was lured into forensics by her sister, Chloe, Petra is responsible for getting Natalie and Austin into this mess.

**Chloe Anderson**, dubbed "one of the two *(Lauren Dueck is the other)* best pure value debaters in the nation" by no less an authority than Ryan Stollar, has earned state, regional and national recognition in all four years of her value debate career. Specializing in cultural espionage, Chloe has used her forensic skills to challenge scientific prejudices as a volunteer at the Denver Museum of Nature and Science, and to promote actual literature(!) as the organizer of a state-wide youth literacy program, for which she has earned the Congressional Award Silver Medal.

Chapter 1

The Value Resolution

MCj01986840000[1]Fasten your seatbelts. You are about to engage in an exciting academic format of value debate. In value debate, you will be steering your ideas around the roadblocks of others' prejudices and presuppositions. You will be blazing a trail through moral dilemmas and philosophical morasses. Lincoln-Douglas debate isn't your team debate road trip; it's an off-road adventure.

"Lincoln-Douglas" debate refers to the *format* of this debate style, not its content. Lincoln-Douglas debate is a one-on-one format rather than a team style. And where team debate deals with policy issues, Lincoln-Douglas debate deals with values questions.

To help you better understand this unique format, I have come up with the "3 C's" for building your debate strategy. The 3 C's lays out the journey you will be taking in your value debate studies, similar to any journey you may take. In summary, these imperatives are:

1. CHART! Establish definite boundaries for the debate, distinct choices among values and a desirable destination or objective. (Which way is north? Where am I going? Why do I want to go? How do I get there?)
2. CHALLENGE! Expose the perils of your opponent's proposed trek compared with the perfections of yours. (Aren't those *dirt* roads? Oops! The compass is crooked! What about the crocs in the swamp? Got gas?)
3. CHAMPION! Explain why your judge should safari with your values rather than stumbling around with your opponent's. (My road will actually get you there – alive. When you get there, you're going to like it. My value; don't leave home without it!)

This chapter focuses on CHART!, specifically how to chart a course towards affirming (or negating) the resolution, by not only defining the words in the resolution, but the parameters of the debate as well (called "resolutional analysis"). You will then be shown how to take this understanding to the next level: applying it to real-life situations in ways that focus on the tension (called "clash") among the values. Finally, you will be shown how to pull evidence into the value round that will build your credibility as a value debater.

Setting Your Compass: Resolutional Analysis

The first speech a debater writes is the constructive case. The constructive case provides the map for the whole debate. It is your CHART! phase of the debate, whether you are on the affirmative or the negative side. The resolution itself is the first springboard to a great constructive case.

A value debate resolution is worded in a unique way to establish a tension among values. Every resolution will have 1) an object of evaluation and 2) terms of evaluation. Both need to be defined — particularly by the affirmative.

The object of evaluation in a value resolution will usually be a goal or worthy ideal. A responsibility, right, action, or privilege in society often conflicts with values we live by. These objects must be tangible enough for us to measure, and we do so with the evaluative terms that will set the standard by which to evaluate the goodness or worth of the object of evaluation.

Thoroughly confused? Look at the wording of the 2004-2005 L-D resolution:

**Resolved: The restriction of civil rights for the sake of national security is justified.**

What objects are being evaluated? In this case, *civil rights* are being evaluated. Notice, we are not discussing human rights or natural rights. We are discussing liberties granted by a civil government. A good constructive case will need to explain the relationship between natural rights and civil rights. Are they the same thing? Should civil rights protect all natural rights? Do non-citizens have civil rights?

Notice too, we are not limited to considering civil rights in any one country. We may consider them in general terms or as applied in any country.

How about the evaluative term? *"restriction…is justified."* The resolution is asking us to determine whether or not we are right to limit civil rights. Unlike the questions in previous years, this year's resolution does not ask us to rank anything. It asks us: should we limit civil rights, yes or no?

But, is the affirmative debater in the position of having to advocate limiting civil rights in every case or all the time? No. The resolution provides a limiting term: *"for the sake of national security".* This means that we may only discuss restricting civil liberties in the case of risks to national security.

Each of these words and phrases need to be clearly defined in the constructive speeches in order to provide a neutral ground for the debate – a true-north compass, if you will. Beyond that, it is necessary to analyze exactly what you, as the Affirmative, must support, or what you, as the Negative, must oppose.

Under this resolution, the Affirmative must argue that civil rights may be curtailed if national security is at risk. The Affirmative may, but is not required, argue that governments MUST restrict civil liberties to protect national security. Strategic points in the affirmative position will be detailing 1) what counts as a security risk, 2) what counts as a civil liberty, and 3) *why* it would be safe, beneficial, or right to restrict civil liberties.

The Negative, on the other hand, has a bit more leeway. The Negative may—but does not have to— assert the direct contradiction: *"The restriction of civil rights for the sake of national security is NOT justified."* There is a possible negative position, which would run something like this: *"The restriction of civil rights is (or might be) justified, but not in the case of risk to national security."* The Negative may, but is not required, to argue that *the restriction of civil rights is NEVER justified.* Whatever negative strategy you adopt, the critical factor in the negative case will be: *why* can't the resolution be accepted?

So how can we determine these why's? By choosing a value.

Picture a Destination, Plan a Route: Choosing a Value

In Value Debate, the value you champion will do one of two things for your case: 1) portray your destination (a "terminal value") or 2) predetermine your route (an "instrumental value").

In the first case, your value is the Good which you hope to achieve. Using a terminal value, you might argue that affirming the resolution is the best way to achieve the protection of human life. Affirming the resolution would be the road to reaching the goal: protecting human life.

In the second case, your value is the means to achieving some goal or benefit contained in the resolution. So you might argue that the way to achieve national security is to uphold justice, and therefore we must negate the resolution, rejecting the restriction of civil liberties as unjust. In this argument, the value (justice) is the road, and the goal is national security.

In both cases, the challenge is to connect the value firmly to the resolution.

There are a number of fundamental values a debater can choose from. The job of the debater is not to prove that these values are always better than others, but rather to prove that, in this case, the one value he chooses is paramount to resolve the conflict between civil liberties and national security.

One way to select a value is simply to list some basic values suggested by the resolution. Then set up a grid to determine which side that value supports. The following is the grid that we came up with in a brainstorming session with a room full of L-D debaters. Your club or family can come up with another one, but we will use this one for example's sake.

**Value Affirmative Negative**

**(restricting liberty) (no restrictions)**

**Human life X**

**Justice X**

**Common good X X**

**Civil government X**

**Law & order X X**

**Human rights X**

**Democracy X X**

This exercise can be applied to any value resolution. It shows a list of reasons to support one position or the other, sometimes both. The next step is to state briefly how or why each value might be said to support a given position. The following are some of many that could be included in your case.

Human Life

As bearers of God's image, human beings are immeasurably precious. We ought to do whatever we can to protect human life. Threats to national security are threats to human lives within the threatened nation. If the security of human lives can be protected by limiting the privileges granted to citizens, it is our duty to hold others' lives (and our own) dearer than our comforts. Therefore the resolution should be affirmed.

Justice

Justice implies that every person should receive what is due him or her. Civil rights embody a nation's understanding of what is due to the citizens of that nation. If a nation does not protect justice, it has violated both the trust of its citizens and its proper civil function. Protecting justice is just as vital to the survival of a nation as is protecting the nation from outside threats. Therefore, we must not sacrifice justice in the form of civil rights for secure borders; the resolution must be negated.

Common Good

The common good ensures the most good for the most people. The Affirmative would argue that the common good demands that citizens be able to live free from fear of war and terrorism. Duty to our fellow man, to the common good, dictates that we should all be willing to restrict normal liberties when it becomes necessary in order to secure for all, that freedom from fear. Therefore the resolution should be upheld.

The Negative would argue that the common good demands not only the freedom from external threats, but also from internal threats. Limiting civil rights opens the door to all sorts of abuses of citizens by their own governments. Therefore, limiting civil rights can never achieve the common good, and the resolution must be rejected.

Civil Government

Civil rights are the legal expression of a civil government's obligation to protect certain human rights which are within its power. Without a civil government, civil rights do not exist. When the civil government is threatened with extinction, by war or terrorism, the government's first duty to its citizens is to ensure its own survival. For, while human rights will continue to exist, without a civil government, those rights cannot be protected. Therefore the restriction of civil rights for the sake of national security is justified.

Law & Order

An affirmative debater could maintain that civil rights keep both the government and the people in their lawful and orderly spheres. Civil rights are not absolute liberties. These rights can only be extended to a prudent population, a population which will not merely use their freedoms to please themselves, but will use them to preserve those rights for their children. When men will not exercise self-government, confining themselves to what is beneficial to the whole people and profitable for themselves in the long run, the government must impose limits in order to preserve the lawful order. When national security is threatened, freedom of the press, for instance must either be self-restrained or restricted by law to prevent the press from overstepping its bounds. The press has a very poor record of self-restraint, therefore the government is justified in limiting that civil right as long as there is a threat to the security of the nation.

The negative position would contend that any institution, if unchecked, can become tyrannical. Civil rights are the check on government power. If, under the color of wartime necessity, civil rights are abridged, the government itself will become the tyrannical source of lawlessness. A government which will not be bound by its own laws cannot expect to champion law & order. Therefore the resolution must be rejected.

Human Rights

Nation states are defined by the human rights they preserve by means of the civil rights they grant. When a nation abridges the civil rights it has traditionally protected, it fundamentally changes its character. It self-destructs. Therefore restricting civil rights cannot improve national security. In fact, restricting civil rights destroys the nation from within. Therefore, the resolution should be negated.

Democracy

Democracy is our way of life. Democratic privileges include the right of the people to choose to react to threats, even by temporarily restricting some of those privileges in order to preserve those democratic institutions in the long run. Limiting our privileges is the equivalent of leaving behind comfortable clothes and putting on armor in order to survive to return to the comfortable clothes when the danger is past. In order to preserve our way of life, we must accept the decision of the people to confine ourselves to the armor of limited rights. Therefore the resolution must be affirmed.

The Negative would argue that democracy demands that many civil rights must never be limited: the right to free, regular elections and the freedom of speech for example. These two rights are particularly vulnerable in an atmosphere of threatened national security. Yet without these two rights, democracy cannot operate. So in order to protect democracy, we must negate the resolution.

Scouting the Route: Research

These values should be a good start to developing a sound understanding of the year's value debate topic. But they are only a start. There is no substitute for one's own research. You have to walk the trail yourself before you can guide others along it. Research produces not only new arguments to the topic, but also the evidence to back up your logic.

Start by reading widely on the topic. Look for books and articles on civil rights and responsibilities, on theories of warfare and wartime necessities, on limited government, on emergency powers, etc. Good places to start? Aristotle's *Politics*, *The Federalist Papers*, the United States Constitution (with the Bill of Rights),

Ask:

* What is the difference between civil rights and human rights or God-given rights?
* What can governments legitimately protect, i.e. what are legitimate civil rights?
* What is a government's responsibility toward its citizens?
* Can a government ever legitimately set aside some of its own laws?
* How can a government lawfully defend the nation against lawlessness, subversion and violence?
* How much does a nation's freedom and security depend on its government, and how much on its people?
* Is liberty necessarily the opposite of security?
* Which civil liberties will most likely clash with the interests of security?

This stage of research will help you find the general approach you will take toward the resolution, both as the Affirmative and as the Negative.

Next, read more specifically about times and places in history when problems of freedom and national security were publicly debated. In American history, check the debates about standing armies during the Colonial Period, the criticisms of Lincoln's use of military tribunals and suspension of the writ of habeas corpus during the Civil War; the debates about freedom of the press during the Vietnam War and WWII; the controversy over the internment of Japanese-Americans during WWII; the concern over Communist infiltration of defense research in the Cold War (especially "McCarthyism"); the debates over the Patriot Act… You will actually find very little specifically on this subject outside of the English-speaking world.

There are a couple of series you can probably find in your public library, which flesh out some of these debates on both sides. The American History Series' *Bill of Rights: Opposing Viewpoints* (William Dudley, editor) includes articles on both sides of debate over freedom of the press, due process of law, national security, Japanese internment camps, etc. The At Issue series' volume, *Should There Be Limits to Free Speech,* includes opposing articles on the restriction of the media during wartime. Both books have extensive bibliographies to help you dig deeper. This research is likely to produce the applications you will present in your constructive cases and the counter-examples you will pull out in your rebuttals.

Finally, choose the theses (plural) you wish to advocate from the negative and the affirmative sides, along with the applications you feel are your strongest support. Research these applications closely. It will not be enough for you to know about them in general. In order to use them effectively in your speeches, and to withstand cross-ex, you will need to have a thorough understanding of each application. Sloppy research will lead to silly and confusing arguments, like "My criterion is Adam Smith." (A name or even the title of a book is not an argument. You must be able to articulate the ideas in that book in sound bites that your judge will be able to follow, even if he is unfamiliar with that author.)

Photos & Testimonials: Evidence in Value Debate

The role of evidence in a value debate differs from policy debate. It makes sense, really, that the newer the evidence in policy debate, the better it is. Policy changes with time. Values, however, carry over time and cultures unlike political issues. Because of this, older evidence that has stood the test of time can be more valuable than the most recent study, newspaper, or periodical.

This takes some research. When preparing for value debate, you will want to tag, cite, and block the evidence just like preparation for a policy debate. You will title or "tag" your evidence card/sheet with the argument you want to make. Then cite the source of the quote. Finally, you will file it in the "block" (tab section) with other quotes supporting that point in your case. Below is an example for a negative Law & Order argument.

When tagging evidence, make sure your tag line is not merely a summary of the quote on the card, but actually *is the argument* you want the quote to make.

**TAG: Suspending civil rights makes government a source of lawless tyranny.**

**Citation:** Abraham Lincoln and Civil Liberties in Wartime**,** by The Honorable Frank J. Williams. May 5, 2004 <http://www.heritage.org/Research/NationalSecurity/hl834.cfm>

"During the Civil War…Lincoln suspended the writ of habeas corpus, a procedural method by which one who is imprisoned can be immediately released if his imprisonment is found not to conform to law. With suspension of the writ, this immediate judicial review of detention becomes unavailable...

Clement Laird Vallandigham, … was perhaps President Lincoln's sharpest critic. He charged Lincoln with the "wicked and hazardous experiment" of calling the people to arms without counsel and authority of Congress, with suspending the writ of habeas corpus, and with "coolly" coming before the Congress and pleading that he was only "preserving and protecting" the Constitution and demanding and expecting the thanks of Congress and the country for his "usurpations of power.

Vallandigham was speaking at a Democratic mass meeting at Mt. Vernon, Ohio, when he was arrested by Major General Ambrose E. Burnside. He was escorted to Kemper Barracks, the military prison in Cincinnati, and tried by a military commission. He was found guilty and sentenced to imprisonment for the duration of the war."

After you tag your evidence, you will want to gather together all the arguments of a similar type, for ease of use during a debate round. This is called "blocking." So you would gather all the cards that have negative Law & Order arguments and place them behind a tabbed card or divider labeled "Negative: Law & Order". Some debaters find it helpful to have all their negative arguments on one color of card, and all their affirmative arguments on another color.

During a debate round, you can pull out this evidence to bolster evidence you have already brought out in your constructive, or to destroy your opponent's argument in your rebuttal, as needed.

So as you are listening to your opponent's case, you can look through your tagged evidence to find an argument—an argument you thought out in your preparation—to bring up in your next speech. When you get up to give a rebuttal, summarize your opponent's argument, then contrast it with your position and read your evidence card, starting with the tag line, which summarizes your counter-argument. Finish up the point by again contrasting your position with your opponent's and telling why your position is better.

If you were planning a safari package, you'd want to include testimonials from satisfied travelers, vivid photographs of your route and destination, and clear facts to back up your claim that your customers can get there in the promised amount of time. In a value round, evidence has basically the same three functions. First, it provides credibility to your arguments. If a great thinker from the past has used the same argument, your audience will be more likely to accept it. Some of the great thinkers of the world will be debated over and over again no matter what the resolution is. Western philosophy, the Bible, classic theology, and modernists can all be quoted. Second, evidence provides examples, photos if you will, of your value—within the context of the resolution—working out in the real world. Third, evidence warrants your logical assertions, just as mile-indicators prove how long it will take to get there.

A case needs a well-balanced selection of evidence: philosophical authorities, Biblical principles, and real-life examples. The round will not be drowned in evidence like a policy round, but debaters who cite no authorities or practical applications leave themselves open to the charge that their arguments are unfounded, impractical and unproved.

Discussion & Training

1. What are the three imperatives of the debater?

2. What is the relationship between the object of evaluation and the evaluative term in the value resolution?

3. What are the objectives of a value debate case?

4. How is value debate evidence different from policy debate evidence?

5. Brainstorm at least five other values and explain how they could either affirm or negate the resolution—or both.

6. Take a tour of your local library's reference section. Tell the librarian that you are doing research for a debate topic. Ask him or her to explain the various resources available, especially the Internet databases, to which the library subscribes. These are databases that you may not be able to access at home.

7. Review the research work you did at the library. Incorporate the research using the principles in this chapter.

8. Begin your research. Start with the titles and subjects suggested in the above chapter.

9. Begin to look for this conflict in current events. Consider: Military tribunals for detainees suspected of terrorism, debate over the renewal of the Patriot Act, the role of the press in Iraq, etc.

*If you have several students working together, each take one issue at a time and give a short summary of his findings for the group, for questions 8 & 9.*

Chapter 2

rdgk_cfq[1]Mapping your Quest: Creating the Affirmative Case

Now that you've done a substantial amount of research, you know every bend in the road, every hazard and every stupendous view. You're ready to chart out the journey for the judge; you're ready to begin writing your constructive case on the affirmative side of the question. The structure of the affirmative case will be similar to an essay. An effective case follows this basic outline.

I. Introduction

II. Body

A. Definitive Issues (called "Observations")

1. Definitions of the terms in the resolution

2. Definition & explanation of values in the debate

3. Declaration of the affirmative strategy

B. Application Issues (called "Contentions")

One to three reasons with support for affirming the resolution.

III. Conclusion

This basic structure holds even when an advanced debater wants to try an alternative case model. In this chapter, we will demonstrate how to build the most basic kind of constructive case: the core value case. In later sections, alternative structures for both affirmative and negative will be discussed. Even if you are a first-year debater and do not plan to use some fancy kind of case, it is wise to become familiar with the different kinds of cases you may face in a tournament.

Introduction

The debater must capture its audience's attention. The debater can do this by relating the debate topic to the audience's interests or needs. The debater's job in the introduction is to entice the judge to take an interest in the conflict of values, show how the conflict will impact his own life, and state briefly the affirmative position with respect to the resolution.

For instance, a debater could spark the audience's interest by connecting the resolution to a surprising analogy with everyday life. Here is a sample introduction:

"Salt. One of the world's most ancient preservatives. The original sports-refresher. A real life-saver. But what if the salt fails to preserve? Ancient Jewish writer, St. Matthew, sizes it up this way: "…if the salt have lost his savor…? It is thenceforth good for nothing but to be cast out, and to be trodden under foot…" Government. One of the world's most ancient preservatives. A real life-saver. But what if the state fails to preserve the lives of its citizens? It, too, would be good for nothing. A nation-state's first duty is to preserve the lives of its citizens, so when a threat to that nation menaces human lives, the state must perform its first duty first. Because we value human life, I stand resolved: the restriction of civil rights for the sake of national security is justified."

Although the introduction is heard first, it might be a good idea to write it after the rest of the case is written. Why so? Because the debater must have a clear idea of what she must argue in order to summarize it effectively in an introduction. The body of the case is where these core arguments are forged.

gnqbcnqy[1]Body – Definitive Issues

The first section of the case proper deals with definitive issues called "observations." These are intended to lay down a *neutral* ground for the debate. They form the compass rose and scale key to your adventure map. These must be as straight and true as possible in the debate as they are on a map. There are three major areas that need careful definition: 1) the terms of the resolution itself, 2) the value or value system you will champion, and 3) the boundaries of the clash or the affirmative strategy in the debate.

*1. The Terms of the Resolution*

Each major term of the resolution should be addressed. Remember, the aim is to provide an unequivocal, neutral ground for a true clash of values, rather than to manipulate words to serve only one side of the debate. You may use dictionary definitions, phrase definitions, affirmation and denial definitions, or genus and difference definitions.

*Dictionary definitions* provide connotative or denotative definitions. An example of a connotative definition for "eligible voters" might be "all citizens who have registered and have resided in the voting district for at least 90 days." This definition lays out the necessary and sufficient conditions for being an eligible voter. If one of the conditions is not met, the person is not an eligible voter (the conditions listed are all *necessary*). On the other hand, the fact that the person also has paid taxes on property has no bearing on his eligibility to vote (the conditions are *sufficient* to define an eligible voter). A denotative definition of "eligible voters" is the county's list of all persons who will be admitted to the voting booth. Usemainline dictionaries or dictionaries aimed at a specific discipline (i.e. *Black's Law Dictionary*).

*Phrase definitions* are used to define entire phrases in the resolution. "civil rights," for example, may not be adequately described, for the purposes of this debate, if the words are defined separately. "Civil rights" has come to have very specific legal connotations, and may need to be defined as a phrase. For these phrase definitions, use philosophers, statesmen, common usage, etc. Dr. Chris Leland of Focus on the Family Worldview Institute suggests textbook glossaries for finding field definitions of phrases. Check out a nearby university library's philosophy, political science, cultural studies or American studies sections for a wide selection of textbooks on this year's topic.

*Affirmative and denial definitions* are definitions that clarify an idea by saying both what it is and what it is not. Example: "Civil rights are the legal expression of a civil government's obligation to protect certain human rights which are within its power. But civil rights are not the same thing as human rights, which exist quite apart from any reference to the State." The definition is clear both as to what civil rights *are* and what they *are not.*

*Genus and difference definitions* begin with a general category. It then works down to the specific object by a series of distinctions. For example: "**National security** describes the measures taken by a state to ensure its survival, including the maintenance of armed forces, civil defense measures and emergency preparedness,…the maintenance of intelligence services to detect threats and the protection of sensitive information." *(from www.wordiq.com)*

ek0faoa_[1]*2. Defining Your Value*

Some combination of these types of definitions will suffice to define the terms of the resolution clearly. But defining your value requires a bit more. Typically, you will state that you affirm the resolution because you believe in this value. "Because I value *human life,* I believe that the restriction of civil liberty for the sake of national security is justified.."

Then you will use one of the above methods to define your value. Additional quotes from the Bible, philosophers, or Founding Fathers will help the judge understand why your value is so important in considering the resolution's conflict.

Sometimes, but not always, the value is in need of a criterion—a way of detecting whether or not that value is being properly represented in the clash situation. A criterion will provide a standard for measuring how well your value would be upheld or will show the means by which a society achieves your value. As NCFCA's David Graham is fond of saying, "If your paramount value is the destination, the criterion is the road that takes you there." For example, the value of human life might have a means-to-the-end criterion of national security. Alternatively, a criterion can also be seen as a measuring rod. Just how many lives would we have to protect in order to achieve the value of human life? Your criterion would need to show us.

A word of caution about criteria. Criteria are not a requirement for all case structures. If you need to use them, the criteria *cannot be arbitrary*. A criterion must either be both necessary and sufficient to achieve whatever goal your argument posits; or it must be the necessary evidence that the goal has been achieved.

**Necessary evidence criterion**: "Steam rising from a kettle of water is the criterion which tells us that the water is boiling."

**Necessary-and-sufficient criterion**: "Boiling water has been achieved when the water has been brought both to sea-level pressure and to 212F".

At this point, it might be helpful to return to your values-brainstorming grid from Chapter 1 and add a column. In this additional column, place philosophers, documents, quotes, etc. that will provide criteria for the values you think are strongest for both the affirmative and negative positions.

*3. Defining Boundaries with Criteria*

Criteria for a value will help the judge determine the limits of your value – the edge of your debate-world. Take, for example, the value of life. Even this value can be skewed with questionable criteria. Consider the difference the criteria of *quality* and *sanctity of life* make. *Quality of life*, a very worthy criterion, contrasts greatly with *sanctity of life*. In fact, pro-choice activists claim the former is more important than the latter. Leaving the value "life" by itself, without limiting criteria, could bring doubt to the debater's stand on the resolution.

Before you move on to application issues in your case, you may want to take a few sentences to state the strategy you intend to adopt as you argue for your value. This will help the judge and your opponent to focus on the theme that binds your arguments together. It is an overview of your roadmap. A debate roadmap might sound something like this:

"The resolution places the burden on the affirmative to demonstrate that civil rights may be curtailed if national security is at risk. A nation-state's primary function is to protect the lives of its citizens. Threats to national security are threats to human lives within the threatened nation. As long as there is a real threat to human lives, the government must fulfill its first duty first. Therefore the resolution should be affirmed."

The roadmap not only defines the scope of the affirmative position, but also allows the debater to move smoothly into the application section of the case.

Body – Application Issues

This section contains all the arguments to support the affirmative strategy. These arguments are partisan, non-neutral statements called *contentions*. You should select only the two or three strongest arguments you can see, rather than trying to present every argument there is. Each contention should make a point distinct from the other arguments in the case, but each contention should connect your value to the object of evaluation in the context specified in the resolution. And good reason must support each contention. In the example above, the three contentions would be:

1) A nation-state's primary function is to protect the lives of its citizens.

2) Threats to national security are threats to human lives within the threatened nation.

3) As long as there is a real threat to human lives, the government must fulfill its first duty first.

In the above example, each contention is a premise of a logical argument. Another model that beginning students have found useful for generating distinct contentions that have strong connections to the resolution is this:

Contention #1 - focus on your value

Contention #2 - focus on the object(s) of evaluation

Contention #3 - focus on the limiting arena specified in the resolution

The contentions will be supported by as wide a variety of warrants as possible. Not only are the pronouncements of philosophers and theologians helpful, but statistics, practical realities, historical precedents, logical reasoning, analogies, and common sense are helpful as well. A well-balanced and resourceful gathering of contentions makes for a more persuasive case.

Conclusion

The first and last words of a speech are usually the most important, for the judge will remember these points the most. Refer back to the attention grabber you used in the beginning that showed how your case is clearly good. The case should fit the required six minutes as closely as possible.

As your experience grows, your ability to develop the arguments for your values will deepen, and you will be able to justify your faith more effectively. While the exercise of debate is primarily to help you develop communication skills, it also gives you an opportunity to consider issues that will continue to be important to you as adults. What we value as individuals, communities and as a nation determines the policies and results of those policies. God blesses a nation that has its values in line with His values, and value debate helps you develop the skill to evaluate the rightness and wrongness of situations where these values come into conflict in the real world.

Alternative Case Models

We have examined the most basic model for constructive cases, the core value case. This model can be used for constructive cases from either the affirmative or negative perspectives. But a constructive case does not need a core value in order to be effective. There are several alternative ways to analyze the resolution and to generate cases on either side of the resolution.

L-D debaters may want to look at the resolution again and consider what the resolution is asking the debaters to do with the objects of evaluation. Are we asked to compare two value-laden ideas? If so, are we to prioritize them, to weigh their benefits and drawbacks, or to exalt one as the highest possible? Or are we simply to debate whether or not something is the way it should be?

In their book, *Arguing About Values,* Martin Cox and Matthew Whitley classify resolutions in four types:

1. *Absolute:* Defines the way something ought to be. Example: Capital punishment is justified.
2. *Superlative:* Something ought to be held in the highest value. Example: The primary duty of a congressman is to honor the will of his constituents.
3. *Hierarchy/Comparison:* One object or subject is more important when conflicting with another. Example: When they conflict, Native American sovereignty ought to take precedence over national sovereignty.
4. *Advantage/Disadvantage:* A resolution that calls for a cost-benefit analysis. Example: The advantages of a moral education outweigh the disadvantages.

When you have classified the resolution, you will be able to weigh what kind of approach will give you the strongest case for your assigned position. Basically, there are two types of alternatives: value-driven cases and resolution-driven cases. Within those types, Cox and Whitley's categories are very helpful.

Value-Driven Cases

Virtually any class of resolution can be viewed from the value-driven perspective. As we have seen in the grid exercise above, simply asking, "why?" will generate a whole list of values to support or to oppose a given statement. But this approach can be honed to produce a more focused case.

Basic or Core Value

The basic value-driven case chooses a core value from outside the resolution and argues essentially that this value is or should be the most central consideration in our evaluation of the given situation. That value must be the goal of implementing or opposing the resolution. It is The Good toward which we should strive. Every contention in a basic value case must connect directly to the value. Conversely, every argument, no matter how good, that does not connect to that value, must be cut from the case. If it is not, it will become irrelevant, and your opponent may exploit it.

Refutation strategies can be brought against the case on the basis of its structure as well as on the strength of the logic within the structure. For a core value case, look for weak connections between the resolution and the core value. Is the core value really the goal of affirming or opposing the resolution? Secondly, look for weak connections between the contentions and the core value. Does this argument directly connect to the value? If it doesn't, it is irrelevant to this debate.

Value-Plus

Adding criteria to a basic value case puts another layer of distance between the case and the resolution. The contentions in a case with criteria will mainly address the criteria, rather than the value. The focus will be how to achieve the value by means of the criteria. If the value cannot be logically linked both to the resolution and the criteria, the case will fail. Further, the criteria must be both necessary and sufficient for the attainment of the value. In other words, in designing criteria, the debater must ask 1) what cannot be done without in order to achieve the value chosen, and 2) is that sine qua non enough to produce or ensure the value?

The necessary-and-sufficient test for a criterion is a very stiff one, and debaters who use criteria must be prepared for their opponents to test those criteria according to the necessary-and-sufficient standard. But there is another sense in which a criterion can be employed. A criterion may, instead, be a necessary evidence that the value has been achieved. For example, steam is always produced when water boils, so if steam is present, we know that there is water at the boiling point. Steam is the necessary evidence that water is at the boiling point, and we can say so with confidence even if we don't have a thermometer and can't see the fire.

A value-plus approach is useful when the resolution is very broad, for the criteria can limit the scope of debate to a manageable size.

Refutation strategies against a Value-Plus case would center on the connections between the resolution and the value, and the value and its criteria. Don't forget that if these structure-related refutations are ineffective, you will still have opportunity to rebut the internal logic of the arguments presented within this structure.

Value Systems

A value-systems case argues that isolating single values is impossible. Really, people make moral judgments based on a complexity of values that are intertwined. And being true to one's value *system* ought to be the underlying impetus for every course of action. The Judeo-Christian ethic, Liberalism, Rousseau's Social Contract, and American democracy are all examples of value systems. The values clustered in the value system become distinct contentions, each one showing how affirming the resolution (or denying it) achieves the value, and thus upholds the value system.

A value-systems case can be very useful when your brainstorming produces several strong values, but only one argument for each one. It is an alternate approach to focusing a broad resolution.

Refutation here, is basically the same as for a core value case, except that you will have several value-to-resolution connections to test.

Value Standards

This type of case argues that values are primarily useful as standards for behavior. In this model, values are what we strive to display in everyday life, but, naturally, everyday life doesn't ever measure up to the pure virtue. A value is not a means to anything; it is an end in itself. As Cox and Whitley puts it, "Affirmation or negation is not perceived as instrumental to the attainment of an exterior value, but rather abides by a standard of action or code of behavior rooted in absolute values." These cases focus on ends rather than on means to the Good, arguing that if we keep striving to act in accordance with the guiding light of our value, we will arrive at the morally right answer to the question posed in the resolution. Conversely, the resolution either is or is not consistent with the abstract value. The resolution either does or does not advocate a code of conduct that is in line with the value chosen.

These cases are challenging to write, but are very strong. They tend not to have the logical gap between value and criteria, or value and resolution, to which basic core value cases and value-plus cases are prone. And while core value cases claim that their value will be achieved by affirming or denying the resolution, value-standard cases make the smaller, more defensible claim that affirming or denying the resolution will move us closer to the ideal state represented by the value.

Refutation strategy for a Value-Standard case would look for gaps between value, criteria and resolution, just in case… But the strongest attack would be to ask, 1) Is the value really the destination if we follow (or refuse) the resolution? and 2) Does the resolution actually prescribe a code of conduct, which supports the value championed?

Resolution-Driven Cases

Value-driven cases look outside the resolution for values that support or oppose the resolution. Resolution-driven cases see the resolution itself as carrying implicit values that are sufficient to carry the case. These cases have the strength of immediate identification with the resolution.

Philosophical Criteria

This case depends on a resolution, which articulates an obvious value on its own. Absolute and Superlative-class resolutions usually imply some obvious value: morality, duty, justice, etc. Hierarchical-class resolutions usually ask the debater to weigh two outright values. This year's resolution is characteristically hierarchic in this sense. We are asked to rank two objects that can easily be seen as values in themselves.

The debate focuses on the criteria for the resolution's values, and these criteria are drawn from a philosophical system rather than from common sense. Each criterion will provide the basis for each contention, referring back to the resolution each time. This is the resolution-based equivalent of a Value System case.

A rebuttal will focus on the criteria's connection to the resolution in the same way a core value rebuttal focuses on the values' connection to the resolution.

Unified Analysis

Pure logic and commonsense reasoning are the basis for a unified analysis case. Basically, the case assumes that there is a value inherent in the resolution, and that whoever proves that the resolution is (or is not) valid in large part, should win the round. There is no attempt to argue that the resolution should be affirmed (or negated) because it upholds or achieves a given virtue from outside the resolution, or because it advocates a code of conduct. The only criterion is the validity of the resolution. The debater's task becomes articulating a set of unique contentions why the resolution is (or is not) valid.

The strong commonsense appeal of this type of case is persuasive, especially to a lay judge. As a negative constructive case, it allows a great deal of freedom to rebut the whole core-value approach.

The rebuttal to a unified analysis case will be as unique as the logic employed to prove (or disprove) the resolution to be valid or true. This is a bout of pure logic, but some pitfalls can be anticipated. For instance, ask, 'are each of the contentions unique or only three ways of saying the same thing?' or 'Do my opponent's contentions actually prove what he claims?' For more rebuttal ideas, look in the Rebuttals chapter.

Discussion & Training

1. How is an affirmative case similar to an essay? How is it different?

2. How can a debater capture his audience's attention? Give examples of effective attention grabbers.

3. What are the three areas of definitive issues that need careful definition?

4. There are four specific types of definitions given in "terms of the resolutions." Explain what each are and look up some examples.

5. Take a stab at defining these values: *human dignity, justice, safety, faith, freedom of conscience, democracy.*

6. How do criteria sharpen the boundaries of the resolution? Couple the values you worked on in the previous question with a criterion that is either necessary-and-sufficient or is the necessary evidence of that value.

7. Using the handy model suggested for the three contentions in a debate case, develop contentions for the value cases you've developed so far.

8. Compare your introduction with your conclusion. Do you maximize the "rounding up" effectiveness of your attention grabber?

9. What are the various alternative cases? Which ones do you believe will be helpful in your debating? Are there some situations where alternative cases would come in handy in this year's debate?

Chapter 3

aqihukfc[1]The Diverging Road: Creating the Negative Case

Now that you've begun to chart your affirmative trek, you understand how to create a constructive case. It's time to take that know-how for a walk on the wild side – or well, on the other side of the resolution. The negative debater needs a constructive case of his own, a uniquely different trip complete with mile-markers, testimonials and photos of the other side of the world.

The negative team creates a case just like the affirmative team (with all the alternative case model possibilities available to the affirmative), but the value, criterion and contentions are chosen to *negate* the resolution. For this year's value resolution, the debater will choose a value—with criteria and contentions to support it—that shows that civil rights should NOT be limited for the sake of national security.

Negative Philosophy

Deciding exactly how to say "no"—a straightforward negation of the resolution—is the first step in developing a negative philosophy. Every type of resolution has its own ways to oppose it. Using our earlier examples, this can be seen easily:

Absolute: "Capital punishment is justified."

Negations: *Capital punishment is never justified.*

*Capital punishment is only sometimes justified.*

Superlative: "The primary duty of a congressman is to honor the will of his constituents."

Negations: *Honoring the will of constituents is not the most important of a congressman's duties, but only one of many equally important duties.*

*Honoring the will of constituents is less important than some other duty.*

Hierarchic: "Cultural unity in the United States ought to be valued above cultural diversity."

Negations: *Cultural diversity must be valued above cultural unity.*

*Cultural unity and cultural diversity must be valued equally.*

*Cultural unity and cultural diversity are essentially the same thing.*

*Cultural unity and cultural diversity do not conflict in the United States.*

Advantage/Disadvantage: "The advantages of a moral education outweigh the disadvantages."

Negations: *The disadvantages of a moral education outweigh the advantages.*

*The advantages and disadvantages are equal.*

*There are no advantages of a moral education.*

As you can see, while the affirmative must choose the path to the restriction of civil rights, the negative has a whole array of ways to say "no" to the resolution.

This year's resolution is of the absolute type. So the negative could choose the direct contradiction: *"The restriction of civil rights for the sake of national security is NOT justified."* Arguments under this strategy could focus on different emphases (plural) within the resolution:

*The* ***restriction*** *of civil rights for the sake of national security is NOT justified.* (Maybe they should be untouched, or maybe they should be enhanced, maybe even abolished altogether – but not restricted.)

*The restriction of* ***civil*** *rights for the sake of national security is NOT justified.* (Maybe self-restricting one's own human rights might be justified, but the government cannot be allowed to curtail civil rights.)

*The restriction of civil rights for the sake of* ***national security*** *is NOT justified.* (Maybe for the sake of other things, but not for the sake of national security)

Finally, the Negative could argue that restricting civil rights is **never** justified.

In order to construct a negative case, first use the negative philosophies above to brainstorm distinct reasons to oppose the resolution. Next decide which will allow you to create the strongest and most convincing case from your side of the resolution. This will be your negative philosophy. Finally, arrange the parts into a constructive case.

The Negative would use the same outline form as the Affirmative. A basic negative constructive could shape up like this:

I. Introduction

A. Grabber

B. Negative philosophy, strategy and roadmap

II. Observations

A. Counter-definitions (only if needed)

B. Counter-Value(s)

C. Criteria (if needed)

III. Contentions

Reasons to oppose the resolution, each linked to a counter-value or a criterion.

IV. Conclusion

In his first speech, the Negative has the additional burden to begin to focus a clash between the negative and the affirmative positions. Following the 6-minute affirmative constructive and the cross-examination, the Negative has 7 minutes to deliver both his or her constructive case and a rebuttal. The speaker will want to divide this time in half, making a 3-4 minute constructive and a 3-4 minute rebuttal. So a negative case is not complete without significant strategizing about refutation. Though the rebuttal section is an unscripted portion of the speech, it can be planned ahead of time.

Negative Strategies

A ***negative philosophy*** addresses the resolution and a ***negative strategy*** addresses the specific affirmative case. A negative strategy is your plan of attack against the affirmative constructive case. The Negative can negate by refutation, counter value, value balance, or by policy model.

Negating by Refutation

The Negative can win on simple refutations. When you consider the various affirmative positions, begin to develop your negative strategy by asking yourself these questions.

*Is the affirmative claim true?* Usually, the Affirmative will not try to put forward a bald lie, but many-a-dictator has prospered with big lies. Using this test to any claim is a good first step in refutation.

*Is the affirmative claim valid?* The Negative does not have to argue that the affirmative case is untrue, only that the argument isn't properly made. Validity is different than truthfulness. An improperly crafted argument is not necessarily untrue, but it can certainly be invalid. For instance, if the affirmative value doesn't link to the resolution or the affirmative value criteria are arbitrary rather than necessary to the value, then serious doubt can be cast on the Affirmative's claims.

*Are the results or outcomes the Affirmative claims actually good?* For example, if the Affirmative argues that limiting civil rights to assure national security is good because it ensures the survival of the nation, the Negative might counter, "No, it's bad because abridging civil rights destroys the nation before an enemy ever gets the chance."

*Is the Affirmative's value actually supported on the affirmative side of the resolution?* For example:

An affirmative "common good" case: "The common good ensures the most good for the most people. The common good demands that citizens be able to live free from fear of war and terrorism. Duty to our fellow man, to the common good, dictates that we should all be willing to restrict normal liberties when it becomes necessary in order to secure for all, that freedom from fear. Therefore the resolution should be upheld."

The Negative rejoinder: "The common good demands not only the freedom from external threats, but also from internal threats. Limiting civil rights opens the door to all sorts of abuses of citizens by their own governments. Therefore, limiting civil rights can never achieve the common good, and the resolution must be rejected."

*Are the Affirmative's claims significant?* *Are they relevant to the case?* If the affirmative claims that human rights are being violated by restricting the possession of hand guns. The response should be: "What do human rights have to do with civil rights or national security? And our debate is not about what *is being done*, but about what *should be done."*

*Is the Affirmative's evidence credible?* This is a weaker response because it deflects the debate from the value clash to secondary issues. It attacks only the proof or warrant, but not the affirmative argument itself. Still, if the affirmative is quoting the American Medical Association on national security, it would be worth asking why a physician would be a credible expert.

Negating by Counter-Value

Simple refutation argues only that the Affirmative cannot be right or best. Another strategy is to emphasize the differences between the affirmative and negative values, asserting that not only is the Affirmative wrong, but also that the Negative's value is prior to or better than the Affirmative's value. Very often the negative strategy is a combination of refutation and counter-value. This combination of strategies is more satisfying to a judge, because it not only shows what we must not do, but gives a positive alternative as well.

The Negative will be most successful at this by articulating the clash between his case's value and the value of the affirmative. For example, a common affirmative value may be *justice* to uphold the resolution. The negative case, that of *pragmatism*, can argue that justice will not work if not pragmatic to the specific situation. Therefore, the judge could decide to go with the Negative for pragmatic reasons.

This does not mean that the Negative needs to throw out any loyalty to the affirmative's value. Negative debaters, don't be pushed into this corner! Just because you value pragmatism does not mean you spurn justice. The Affirmative may try to get you to admit that justice is not worthy to be valued. Deny this wholeheartedly—and deny this no matter what value you are countering—because you need not be pushed into this rhetorically difficult position.

Negating on Value Balance

More rare is the tactic of arguing that the negative value must balance the affirmative value in order to achieve the greater good. This approach focuses on the interdependence of the two values. It goes a step further than simply saying that the two values are equal; it argues that neither value has meaningful application in the real world without the other.

Take the example of faith (affirmative) and freedom of conscience (negative). The affirmative team will be arguing that faith is the paramount value. The negative strategy would be to argue that faith doesn't work without freedom of conscience. Valuing faith without the criterion of freedom of conscience can lead to a failure of all the advantages of faith, and the Negative can come up with many examples to show this.

Policy-Model Negative (Flex-Neg)

This last strategy is not for the weak hearted. Essentially, the debater approaches research and case writing like his policy debate counterpart. After researching a variety of the strongest affirmative cases, the debater organizes his arguments and evidence, and then indexes them against each of those strong affirmative cases on separate sheets or note cards. Just like the policy debater, the Lincoln-Douglas Negative refutations can be taken out one by one and organized into a case uniquely fitted to answer the Affirmative presented.

So the Negative Index, or the tabs that organize your note cards, could look something like this:

*Affirmative Values*

*Human Life*

*Common Good*

*Law & Order*

*Democracy*

*Safety*

If, for instance, the Affirmative chose the value of Democracy, we would look at the tabbed card for Democracy to see a numbered list of arguments that could be made by the Affirmative to support Democracy.

**Democracy *(possible affirmative claims)***

1) Democracy is based on the consent of the governed.

2) In a democracy, the people have the right to change the way they are governed – even by temporarily restricting some of their privileges in order to preserve those democratic institutions in the long run.

3) Therefore, in order to preserve our democratic way of life, we must accept the decision of the people to limit civil rights.

Most likely, one or more of these arguments will be made by the Affirmative. As the argument is being made in the debate round, the Negative would look for the sheet or card bearing the number for that argument to find his negative rebuttal to that claim.

**Affirmative Claim 1)**

*Democracy is based on the consent of the governed.*

**Negative Rebuttal a)**

No, our democracy is based as much on fixed law as it is on consent. If we allow our concept of democracy to be reduced to mere consensus, then we will be governed and oppressed by the tyranny of the 51%.

This slide toward tyranny was greatly feared by our Founding Fathers, who took great pains to see to it that the government and the people had the power to check each other. Robert Whitehill, November 28, 1787 in debates on the Bill of Rights said, "Were we well assured that our governors, would always act right, then we might be satisfied without an explicit reservation of those rights with which the people ought not, and mean not to part."

The negative debater who uses the Policy-Model technique must be able to assemble a complete case in the three minutes prep time allowed, and must be very confident within the time constraints imposed by the speeches. Otherwise, time may run out before the debater has completed his arguments. This is difficult to do, but can be done.

More advanced debaters will find this a highly refined tool for crafting a response that can fit the affirmative challenge like a glove. This strategy can provide for some spectacular clashes, but be sure you know what you are doing. Unless you are very confident in your brainstorming possible Affirmative positions, Flex-Neg can leave you panicked in the middle of a round with nothing to say. And unless you are very skilled at time management, you will leave out important sections of your burden. An inept Flex-Neg looks like you just didn't care enough to do the research on the other side of the question.

Discussion & Training

1. Explain the four different types of value resolutions. What are the negations to the *absolute* resolution?How is this year's resolution different from the classic absolute resolution?

2. Which of the negations to the *absolute* resolution is the weakest position? Which is the best?

3. When will counter-definitions be needed in a debate round? Are you prepared for such situations?

4. For each *negation by refutation,* think of possible situations or argument proposed by the affirmative team that would warrant the refutation. Refer back to the previous chapter and think of possible affirmative positions and how to refute them.

5. The affirmative team may try to get the negative team to refute the affirmative value whole-heartedly when countering the value. What corner should the negative avoid being pushed into, and why?

6. How is negating on value balance a persuasive negative argument? How can it be seen as weaker or stronger than the other positions?

7. The policy model is the most difficult of the negative positions. Why is most difficult?

8. In a debate group or as a family project, brainstorm the negative positions on the resolution. List the good reasons to negate the resolution.

8. Following your brainstorming session, develop a negative outline. Which philosophies and strategies do you feel will be most effective in the upcoming debate rounds?

10. Draft a negative case.

11. How would your negative case stand against your drafted affirmative case?

Chapter 4

MCj02309340000[1]Challenge!

The Art of Cross-Examination

Once a debater has charted a journey for the judge, it is his opponent's job to challenge the charted path. Is the map to scale? Is that really the destination we want? Does this road actually go there? Did you mention the snake-infested swamp along the way?

Cross-examination is a progression of questions designed to clarify, probe possible weaknesses and prompt admissions of faulty logic, irrelevance, overstatement, etc. It is not a willy-nilly collection of questions to fill three minutes. And while cross-examination is meant to focus on the points of conflict for the judge, it must never end up as a shouting match.

In the NCFCA, cross-examination protocol requires the debaters to stand side-by-side, facing the judge rather than each other. In normal conversation, eye contact with the person you are speaking with is good manners. In debate, courtesy is expressed by a verbal greeting between the debaters, and ultimate courtesy to the judge by making eye contact with him or her. This face-front posture helps keep emotional outbursts to a minimum and reminds debaters whom they must impress: the judge. Just as in everyday life, we are not primarily contending with our fellow men; we are performing before the heavenly Judge, who alone weighs our deeds.

If your opponent is rude, smile for the judge and be courteous. This will not only infuriate an opponent who would like to enrage you, but will also highlight for the judge the other guy's rudeness. This is similar to Proverbs 25:22, "In doing this, you will heap burning coals on his head, and the LORD will reward you." Your upset opponent will lose speaker points, and you will win the judge's respect.

Preparing Your Challenge

When debaters rise to give cross-ex, it all looks so impromptu; but in fact, the core of cross-examination should be prepared and skeletally scripted long before the debate begins. Trial lawyer Ken Gray of Colorado Springs told our L-D debaters, "I never go into cross-examination unless I know exactly what points I want to make in the questioning, and pretty much exactly what the witness will say."

So how can you do it the way Mr. Gray does it? First, you need the mind-set that you will only ask questions that will advance your case. This means that you will avoid asking questions that allow your opponent extra time to make his case on your valuable cross-ex time. It also means that you will ***leave to the end of your cross-ex time questions that merely fill in your flow***. If you need to fill in something critical, wait until the last 15-20 seconds, and then ask your fill-in questions. You will run out of time before your opponent can answer. So you will finish with something like this: *"I see we are nearly out of time. Please try to clarify that point in your next speech."* That way, your opponent must take *his* valuable rebuttal time to make his point clear, rather than *your* valuable cross-ex time.

**Before the Debate**

Prepare for cross-ex much the same way as you prepare for rebuttals. You will be preparing a series of cards, each containing a line of questioning that leads to a point you want to make in your speeches. Your questions should make points both bringing out problems in your opponent's case and supporting your own case. Never ask questions just to fill time.

**Bolster your own arguments**

First, study your own case. What are the points of your case, with which everyone would generally agree? If you can get your opponent to testify to the reasonableness of those points, it will strengthen your position. Write that point down on the top of your card, like a tag line on an evidence card. These are the admissions you want your opponent to make at the end of your line of questioning. Then develop a set of questions leading up to these points. Structure the questions to have either yes-or-no answers or very limited scope answers. Word them so that your opponent will have to answer the way you want, or risk looking uncooperative and silly.

For example, suppose you want to argue in your upcoming negative constructive that a nation's safety depends as much on upholding civil rights as it does on strengthening traditionally recognized national security measures. So it would be important to establish how civil rights make us safer.

**Admission***: Much of our safety depends on civil rights.*

**Questions:**

You have been championing the virtues of security. Correct?

Would being safe in your own home be part of being secure?

Including being safe from searches of your person and property without search warrants?

OK. How about walking down the street without fear? Would that be part of being secure?

Even if you look like an Arab or wear a head covering?

Now, is freedom from unlawful search and seizure normally considered a national security measure?

But it is important to a citizen's safety, right?

How about that presumption of innocence? Is that normally a part of national security?

But it is important to a citizen's safety?

And these examples we've been discussing are actually civil rights in the US. Aren't they?

In most of these questions, your opponent doesn't even have to answer in order for the judge to get the point: *We can't really be secure either as individuals or as a nation, without our civil rights.* If your opponent resists these questions, she looks obstructionist, even foolish. You can expand on these questions, if you don't have enough other lines of questioning to fill up your time, by asking about a few more civil rights.

By the time you have finished with this line of questioning, there should be no doubt in the judge's mind that you have strengthened your position and that your opponent had to agree. When you give your negative constructive, be sure to bring up the fact that your opponent agreed with your position in cross-ex. You would sum up in your speech*, "In cross-ex, my opponent agreed that civil rights are actually vital to the safety of citizens. A nation can't really be secure either as individuals or as a whole, without civil rights."*

**Prepare a challenge for opponents**

Next, look at the strong cases you are likely to face. Consider the main points of weakness in those opposing cases (see the chapters on alternative case structures and rebuttals for honing in on those weaknesses). Write these down on the tops of cross-ex cards. These will not only become the admissions in your cross-ex, but also the main points in your rebuttals. Then, of course, write a series of progressive questions leading up to that admission.

Do not try to get your opponent to agree with your major argument *as such*, or to make her agree to destroy her own major argument. You will have to circle around it with his agreement on the supporting premises.

Imagine you face an affirmative case which claims that restricting civil rights is justified because the government has a moral imperative to protect its people's lives. You, as the Negative, want to counter this argument by showing that limiting civil rights is ineffective to increase security. Your line of questioning might run something like this:

**Admission:** Limiting civil rights cannot increase security.

**Questions:** Do you like to know what's expected of you?

Don't you feel a bit insecure when you don't know what's appropriate in a given circumstance?

Isn't it even more disturbing when you're told that one set of rules applies, and then really, another set is enforced?

You maintain that the government must limit civil rights in order to increase national security, correct?

And civil rights are the set of rules a government establishes to let citizens know what is expected? Right?

When the government limits civil rights, it is changing the rules? Right?

Or perhaps this approach would be stronger, depending on the actual case you face.

**Admission:** Limiting civil rights cannot increase security.

**Questions:** You maintain that the government must limit civil rights in order to save lives, correct?

You have read about the Civil Rights Movement in the 1950's and 1960's, right?

Weren't Blacks upset about a restriction of their civil rights?

And were any lives lost in that movement?

So in that case, the restriction of civil rights led, not to the saving of lives, but actually to loss of life?

You will have to wait for your rebuttal to be able to draw the conclusion that since your opponent agrees with each of those points, she really has little ground to disagree with your major premise: *"It's dangerous to limit civil rights."* It is, to use Mr. Gray's analogy, like drawing a dot-to-dot picture. Your questions are the dots, then in your rebuttal you draw the lines and posit that your opponent really has admitted there is a picture there.

**The Primrose Path: Clarify, Probe, Prompt Admission**

MCNA01446_0000[1]A line of questioning has a specific route. You are going to lead your opponent down this primrose path to the admission she doesn't want to make, but which, by the time you get there, should be unavoidable.

Start with **clarification** questions. The purpose of clarification questions is *not* to fill in your flow. The purpose is to start from something we all agree was in the case presented, and to springboard from there to some flaw in that case. You want to connect your challenge directly to an argument in your opponent's case. You might start with a question as innocent as, *"So, your definition for Civil Rights was basically, ‘the privileges guaranteed by the US Constitution, right?"* Notice that this question doesn't allow for a restatement of your opponent's definition in his own terms.

You may suspect an argument is not well formed in your opponent's mind, so your clarification question could ask for a more succinct statement of that argument. *"Would you summarize your contention #2 in one sentence?"* The danger of this question is that your opponent may try to go on and on. Your rejoinder in that case is: *"I see you can't give us a clear, simple statement of that point."* In your rebuttal you would want to exploit that lack of clarity as a lack of coherence.

Once you have asked a clarifying question, don't let it drop there. Develop a line of resistive reasoning—a few **probing** questions—that will begin to expose a problem for your opponent's case. Take the following example:

*YOU: Your definition for Civil Rights was basically, ‘the privileges guaranteed by the US Constitution, right?*

*OPPONENT: Right.*

*YOU: So that would include life, liberty, property, free association, freedom of movement? That sort of thing?*

*OPPONENT: Right.*

*YOU: The Constitution mandates the right of self-government, the right to vote? Correct?*

*OPPONENT: Of course.*

*YOU: And doesn't the Constitution state as one of its purposes "provide for the common defense"?*

*OPPONENT: Well…*

*YOU: What if the voters vote to limit their civil rights in wartime?*

*OPPONENT: Uhhh…*

*YOU: So under your definition, we might be supporting a restriction of civil rights in order to uphold civil rights?*

*OPPONENT: Ummm…*

As you can see, this debater is in a bit of trouble with this definition. (Probably, you won't actually get an "ummm" out of your opponent, but you can cut in on a pregnant pause with another pesky question.) Often you can stop here. You have made your point just by asking the questions—no matter what your opponent answers.

But the questioner can complete this line of resistive reasoning with a question that **prompts an admission**. This is a bit more delicate. The object is to make a clear and logical problem that will need to be addressed. You might follow up with:

*YOU: Now, in how many of your contentions is Civil Rights your primary evaluative object? How about contention #1? Contention #2? etc…*

This admission question has not only pointed out that the definition of Democracy is vague, but that it is central to your opponent's whole case. If that definition is untenable, his whole case falls.

Here is where the greatest temptation of cross-ex comes in. *You must not* *ask* that last question: *"So, your whole case essentially crumbles since the definition of your key term is vague, doesn't it?"* You'll never get him to admit it. And you'll look predatory.

The best course of action is to employ the **courtesy disengage**. A courtesy disengage allows your red-faced opponent to escape having to verbally dismantle his own case, especially when the flaws have already been displayed during your probing questions. The judge will have seen that there is trouble for the constructive case and will be more impressed by your willingness to forego the *coup de grace* than by your ability to move in for the kill. Remember, your goal is to convince the judge, not to persuade or to humiliate your opponent. The rebuttal is the time to draw that devastating conclusion to your line of questioning.

A disengage ending to the line of questioning above would be:

*I see. Now moving on…*

Or simply,

*Thank you.*

**Practice Makes Perfect**

Practice your cross-ex ahead of time. Roswell, New Mexico District Attorney, Tom Dow, advises, "Practice and prepare, but prepare to be surprised. Rarely will you get exactly what you scripted out of a 'hostile witness' like your debate opponent. Keep your questions as short as possible. Build your wall with a lot of little bricks, so that the ultimate size and purpose of the wall is concealed for as long as possible."

At first, read the questions from your cards. As you become more comfortable with the flow of the questioning, arrange your cards so that you only see the Admission Line at the top and improvise the questions leading up to it. Add only one additional fact in each question, so that you have a very clear step-by-step progression in the direction you wish to lead your opponent.

As you improvise, be careful not to personalize your questions against your opponent. Practice using a neutral or friendly tone of voice, and polite rather than emotionally charged vocabulary. Use the address: "the Affirmative" or "my opponent" or "the negative contention was." Don't use: "She said" or "You said." In the context of cross-ex, this is extremely personal. It makes your substantial disagreement on the issue look like a personal vendetta. In cross-ex, you have a unique opportunity to entice the judge to like you, as well as to lay the groundwork for a strong rebuttal. Don't waste it with a personalized attack or a sarcastic tone of voice.

Now you are ready to try this out against a real opponent.

During the Debate

Plan your cross-ex time before the debate, being ready to make adjustments as you listen to your opponent's case. First, pull out two Admission Line cards that make your case look good. Next, plan to find two or three Admission Line arguments against your opponent's case as you flow his case. Finally, add one Admission Line in your own favor for reserve after you see which arguments will most need bolstering after your opponent's constructive.

Identify your opponent's weak points as you flow. Listening carefully is the critical thing. Question the case as it unfolds. Ask:

* Are the definitions unequivocal and neutral? Or do they eliminate the possibility of reasonable opposition? Could they be interpreted in several ways?
* Are the values adequately explained and intrinsically linked to the resolution? When you have achieved the value, where does it get you? Is the value relevant to the question? Does the value really give the benefit claimed?
* Are the criteria necessary and sufficient to produce or to measure the value?
* Does the resolutional analysis give a clear summary of the thesis of the constructive case, and does that thesis provide a good and fair field for discussion? Does the thesis address the entire resolution or does it leave out a section?
* Are the contentions relevant to the topic? Are they necessary, given the values? Given the resolution?
* Are the contentions each distinct? Or do they all make essentially the same argument?
* Are there actual arguments or only unsupported claims?
* Are the arguments valid? Are they linked logically to the resolution and the values? Do they display a coherent philosophical position?
* Do the arguments actually make a difference? Are they significant and relevant?
* Are the examples drawn from the United States, from unity and diversity issues? Or are they from foreign countries or philosophical questions that have nothing to do with the one and the many?
* Are the sources and authorities credible? Is the evidence drawn from a variety of sources?
* Is the case satisfying in common sense terms?
* Are there unspoken presumptions and presuppositions, which underlie the case? Are there unwanted repercussions that could flow from the case?

As you listen to your opponent's case critically, you will find some lines of questioning that will help you to explore and to point out some of the weaknesses in the case. Hopefully, you will have anticipated many of them in your cross-ex preparation before the debate. Pull out the Admissions Lines you have already practiced, which apply to the case at hand. If you need to, draft new Admission Lines during his case. You won't have to write out the whole series of questions, only the admission to which you wish to lead.

Informal Logical Fallacies

Informal fallacies result from inaccurate use of language. Finding an informal fallacy does not necessarily mean that the claim is untrue, but it does mean that the argument is sloppily made and less likely to be true. Where an informal fallacy has been allowed to creep in, other fuzzy thinking is likely to cluster around. Informal fallacies will often give you the entering wedge to take apart a whole line of reasoning. It is usually not enough simply to identify the fallacy; you will want to show how it brings the whole argument into question. And, of course, the best time to begin is in cross-examination when you can innocently assert that you don't *understand* what your opponent means by his ambiguous language, and ask for clarification.

Slippery slope

Definition: Asserting that one event will necessarily lead to a chain of events.

Example: *If we allow Government to restrict even one civil right, soon we'll be living in a dictatorship.*

Similar fallacy: *If we do not stop the snowball now, it will turn into a roaring avalache that will destroy the mountain town.*

Fallacy of Composition

Definition: Imparting the qualities of the parts to the whole. Equating the parts to the whole.

Example: *Individual welfare is inherently good therefore societal welfare is inherently good.*

Similar fallacy: *All dogs are animals. People are animals. Therefore people are dogs.*

Fallacy of Division

Definition: Imparting the qualities of the combination or intersection of several sets to each of the parts.

Example: *The UN has world peace as its goal. Therefore, the policies of the UN bring about world peace.*

Similar fallacy: *Sodium Chloride is harmless table salt. Therefore, sodium and chloride are safe to eat.*

Circular reasoning (Begging the question or petitio principii)

Definition: Presuming what you are trying to prove, or using the conclusion as a premise in the argument.

Example: *National security is what makes a nation secure.*

Similar example: *We can believe the Bible because Scripture says it is true.*

Equivocation/Amphibology

Definition: Using a word (equivocation) or phrase (amphibology) in more than one sense in the same argument.

Example: *My opponent claims that self-government will abolish the necessity for State control over civil rights. But surely self-government is what democracy is all about.*

Similar example: "We must all hang together or most assuredly we will all hang separately" (Ben Franklin on signing the Declaration of Independence).

Appeal ad populum (to the crowd)

Definition: Using popularity or general acceptance of a statement as a reason for accepting it as true.

Example: *Civil rights must be of highest value, because they make everyone happy.*

Similar example: *We must act because everyone expects us to.*

Appeal ad misericordiam (to pity)

Definition: Using the circumstances that would move a listener to pity as a reason for accepting an argument.

Example: *What shall we say to the survivors of the World Trade Center, if we fail to strengthen national security even at the cost of some individual liberties?*

Similar example*: If you don't marry me, I can't go on*.

Appeal ad hominem (to the man)

Definition: Appealing to someone's status or circumstances as a reason for accepting an argument, or impugning the motives of your opponent (poisoning the well)

Example: *Of course, you're in favor of national security. You just want to make money on weapons sales.*

Similar example: *You are a jerk, and that is why your opinion is wrong.*

Appeal to authority

Definition: Appealing to the status of someone who advocates your position regardless of his expertise in the field under debate

Example: *Brittney Spears supports national security, and so should you.*

Similar example: *If the King is wearing no clothes, it must be the right thing.*

Tu quoque (you're another)

Definition: Deflecting an argument by equating your opponent's flaws to those he points out in you.

Example*: My opponent claims my freedom of speech limitation is idiotic. Well, how smart can it be to let the Press spill strategic plans, as my opponent advocates?*

Similar example: *You claim I'm lazy, but I am not as lazy as you.*

Non sequitur (accident)

Definition: Drawing a conclusion completely unrelated to the premises.

Example: *The right to keep and bear arms is being infringed, therefore we must affirm national security.*

Similar example: *It is cold outside, so we should go sledding.*

Straw man

Definition: Carving the heart out of an argument and attacking the shell.

Example: *My opponent maintains that civil rights define a nation. But I think a nation is more than screaming reporters and whining protesters.*

Similar Example: *We can't abolish the Dept. of Education, because we must support public education. We must see to it that our children get a good education.*

False dilemma

Definition: Offering two equally distasteful alternatives as if they were the only choices there are.

Example: *Either we must trust government to restrict our liberties only to protect our national security or we will be overrun with terrorists.*

Similar example: *We're darned if we do and we're darned if we don't.*

Appeal ad baculum (to force)

Definition: To require action with threat of force.

Example: *We must uphold civil rights or the minorities will burn our cities.*

Similar example: *He'll pay my fee, or I'll beat him up.*

Complex question

Definition: Asking more than one thing at a time.

Example: *Would everyone have to be just like you in order for you to feel safe?*

Similar Example: *Have you stopped beating your wife?*

Receiving Cross-Examination

How can you use cross-examination to your advantage even when you're on the receiving end? First, don't panic! Look calm. Answer confidently. Smile at the judge. If your questioner is rude or pushy, thank God and smile some more, because your questioner will be losing credibility with every inflammatory word. *Cheerful confidence* no matter what gets thrown your way is a nearly insuperable obstacle to your questioner.

Second, if you have a clarifying remark to add to a simple yes-or-no answer, be sure to *comment first* and answer yes-or-no last. This will frustrate a questioner's effort to lead you meekly down his primrose path.

If your questioner should make the mistake of asking an open-ended question, be sure to make the most of the opportunity to use his three minutes to *extend your explanations* of how wonderful your case is at his point of questioning. However, don't keep talking if your opponent politely interrupts you—as she should.

Answer with a dash of *humor*. If you can add a humorous flair to an answer, you have seized a measure of control. The judge knows you are on the hot seat, but you are so far from feeling threatened, you are actually making light of these jabs at your case.

Finally, *don't avoid or obstruct* a line of questioning. If the judge feels you are uncooperative, his sympathy will swing to your opponent.

Discussion & Training

1. What does NCFCA protocol require in healthy cross-examination? What would the league consider "unhealthy" cross-examination?

2. If you meet a rude opponent, how should you respond? In your club or with family members, practice such situations.

3. Review the possible questions provided in the bulleted list in this chapter. Relate them to your prepared affirmative and negative cases. Prepare yourself for these questions to your cases.

4. Review the clarify-probe-admit method of cross-examination. Write Admission Lines and develop lines of questioning against sample arguments given in previous chapters.

5. A strong cross-examiner may frustrate his opponent too much. When can it be courteous to disengage in the cross-examination without losing the success of the cross-examination?

6. How can informal fallacies plague a debater's case? Why is it best to raise these fallacies within the cross-examination speech of the round?

7. Review the example fallacies given in this chapter. Imagine addressing a fallacy in a cross-examination. Incorporating the clarify-probe-admit method of questioning, bring your opponent to admitting a logical fallacy.

8. Of all the fallacies, which are most likely to come up in this year's resolution?

9. Get together with your club and practice the cross-examination techniques provided in this chapter.

10. Apply these cross-examination techniques in your family life. Can you and your siblings and/or parents be more logical in your discussions?

Chapter 5

MCj01982430000[1]Champion!

Rebuttals

The final aspect of the debate is the rebuttal. This is the section in which you summarize the differences between your path/destination and your opponent's, and draw the judges' attention to the great superiority of your view. Here you can champion your case. You will not be re-drawing the map, but selling the cruise.

Dr. Chris Leland of Focus on the Family's Worldview Institute, a former collegiate debater and award-winning coach, maintains that the most challenging aspect of Lincoln-Douglas debate is focusing on the clash of values. Because debaters on both sides usually present fully formed, pre-fabricated constructive cases, sometimes the values advocated don't readily conflict.

"So often the two cases pass like ships in the night without actually connecting on value clash at all," Leland says. "It is the debaters' job, particularly in the rebuttals, to help the judge discern exactly how these values would come into conflict."

In order to champion your case properly, you will need to:

* Crystallize conflicts
* Accentuate advantages
* Rivet the resolution

It is very important to remember that nothing can be added to either constructive case during the rebuttals. The main function of rebuttals is to analyze and compare the cases, not to change them. So the rule is *not* "no new arguments in rebuttals," but "no changing the constructives in rebuttals."

You will still use the classic rhetorical form: introduction, body and conclusion. But in rebuttals you will shift to addressing the constructive cases rather than addressing the resolution directly. Your introduction should summarize your intent in your rebuttal. For instance:

*"The clash between civil rights and national security in today's debate have come down to two pivotal questions. 1) Does national security support the only stable and unchangeable value in the round? And 2) is the value of sanctity of life superior to the value of justice? In the next few minutes I'd like to show you why the answer to both questions is no, and how, by negating the resolution we will preserve both life and justice."*

Without further ado, move directly to the body of your rebuttal.

Crystallize conflicts

Time constraints in rebuttals mean that debaters must summarize arguments or group similar arguments together for refutation. You will not have enough time to follow the flow point-by-point. You will have to choose two or three key issues on which you and your opponent disagree, and focus on those. The cross-examinations will already have revealed the arguments, which (you hope to show) are weaker in your opponent's case. When you have identified these, you will choose two or three of the strongest to use as refutable points in the body of the rebuttal. Cluster these arguments so that you can focus in on the points that are winnable.

The best rebuttals will not simply choose among the whole list of your opponent's arguments. The best ones will collapse several arguments under one heading and address them all together.

Suppose that your affirmative opponent had argued that civil rights are changeable from country to country and from time to time (with a couple of examples), that they are simply pragmatic, and that therefore civil rights are inferior to national security which defends the unchanging value of human life. Your crystallization of that cluster of claims might run like this:

*"My worthy opponent has argued that civil rights are merely practical accommodations to a particular time and place, while national security protects an immutable value: life."*

Clearly articulate the differences between your argument and your opponent's. The object here is not to find common ground, as it would be in a real-life dispute in which you were seeking reconciliation. The object is to clarify the issues on which your cases divide.

Suppose that against the above example, you had argued that justice demands that we never allow government to compromise civil rights. Your crystallization of the clash would look something like this:

*"However, I have shown that civil rights are expressions of a value equally immutable: justice. Just as national security is a protector of life, so civil rights are protectors of justice."*

You actually have several options for refutation in this stage of the debate. The strongest is the ability to attack the argument itself. The next choice would be to attack the evidence or warrant for the argument. Basically, an argument can be attacked:

*1) On its relevance to the resolution.* Cox & Whitley ask, "Even if your claim is true, so what?" Are the arguments important to solving the dilemma posed in the resolution?

*2) On its validity.* Is the argument properly made? Does it incorporate any fallacies or contradictions? Is the argument consistent with the definitions and criteria proposed?

*3) On its commonsense appeal.* Does the argument stand up in the real world?

*4) On its benefits.* Is it really good to advocate this value in this way?

The warrant or proof for an argument can also be attacked. The debaters should not rule out attacking the warrant based on…

*1) …its relevance to the argument.* Does it actually support the argument or does it contradict the argument, or does it even address the same idea?

*2) …the credibility of its source.* Who is the author of this evidence, and are they qualified to have a significant opinion?

*3) …the credibility of its facts.* Could that really be true? How were these statistics compiled? Can they be verified?

Obviously, other attacks can be conceived, but these are your major avenues. By far the most satisfying debate comes in concentrating on the arguments themselves. Debates about the warrants for arguments often descend into petty bickering over the qualifications of a single piece of evidence. Do your best to preempt and/or short-circuit these by having evidence from several sources for the same argument. That way your response to any attack on the credibility of your source would be simply, "*Oh, I have several other pieces of evidence on that point, if you are unsatisfied with that source. Let me read you this one…*" Attack derailed. Do not allow debates about evidence to dominate your rebuttals.

Accentuate advantages

Now you need to press your claims by championing what has been effective in your arguments. Continuing the life-versus-justice clash above, accentuating the advantages might sound like this:

*"Since justice and sanctity of life are both immutable values, neither civil rights nor national security can be affirmed on the basis that one represents an immutable value and the other does not. The Affirmative's test of immutability doesn't tell us which of these two values is superior. However my case proposed another possibility: when we pursue justice by refusing to compromise civil rights, we save lives. Individual lives and lives on a national scale."*

These are great arguments, but if you stop here, you have not decisively silenced the opposing claims. You must show how your logical juggernaut specifically relates to the resolution. You must…

Rivet the resolution

*"If, by affirming the resolution, we cannot save the lives which would be lost to civil unrest when civil rights are abridged; but by negating the resolution, we save those lives as well as the lives endangered by the national security threats, how can we justify restricting civil rights? We cannot. Even accepting my opponent's value, we must reject the resolution in order to protect both justice and life."*

This is really the coup de grace for that affirmative argument. It doesn't matter how many little points you score, casting doubt on a source, claiming victory on logical reasoning, etc. Unless your victories directly impact the resolution, they are just hot air. Without this last statement, the judge could be unclear about what are the implications of your refutation. With it there is no question, and it will be very difficult for your opponent to wiggle out of this corner.

Christian Etiquette

Christianity is not an eclectic faith. Christ said his way is narrow, not wide, and truth is specific instead of broad (Matthew 7:13-14). But just as ludicrous as claiming all truth is relative is the claim that all Christians believe the truth. Christians are no different from anyone else trying to figure out the truth in conflict situations.

In the World…

We do differ from the world in a very unique way. We live in a postmodern society, one that believes subjective truth based on personal feeling or tradition is more important than God's truth manifested in Jesus Christ and documented in the Bible. Christians need to master this value debate without pounding Bibles over the heads of nonbelievers. We must, as David Barton of WallBuilders put it, "think biblically, but speak secularly." We must if we want to appeal to the non-Christians around us.

Though the postmodern world may not accept the validity of the Bible or Christian theology, they must accept values, for values are the fabric of society. Life without values is chaos, each on their own, animals struggling to survive in a fallen world. We cling to values to keep from extinction, for without the power of our rational mind and spiritual soul, we are weak animals subject to termination.

Christians can win the debate over values and show the saving message of the Gospel. The world clings to the branch of value, but many do not recognize the tree. We live in a fallen world separated from God, but He provided a safety net over the abyss of separation: His Son, Jesus Christ. Once we accept Christ as our personal Lord and Savior, His purpose for our lives and all of creation become more and more obvious. Once in fellowship with the Creator, the creation begins to make sense.

King David says in the first Proverb, "The fear of the Lord is the beginning of knowledge, but fools despise wisdom and discipline." By engaging in debate with Christians and non-Christians alike, the truth will be made known. Students disciplined in the art of rhetorical persuasion and developing an intrinsic understanding of conflicting values will begin to be equipped with the knowledge and wisdom of the Lord.

…But Not of It

Many Christian debaters are wondering, "What is the proper use of the Bible in a debate round? Can I cite it as a philosophical authority?" These are questions that show not only a concern for truth, but a concern for others' faith as well. And it is wonderful to belong to a league where these questions wouldn't simply be laughed off.

The first proper use of the Bible in a debate round must surely be to gird every argument that comes out of your mouth, whether you couch it in Christian terms or in secular. If debate isn't teaching you to apply biblical principles to dilemmas of modern living, then you've missed the point. But it is imperative to think how your reasoning would play both to Christians and to non-believers because, ultimately, we want to be able to communicate godly standards to the whole world.

Is it proper to use Scripture as evidence in a round? Some have argued that if Scripture is used, it must be quoted in context of Old and New Testaments in order to eliminate the risk of twisting the Word. Therefore, they argue, it is impractical to use Scripture in a strictly timed debate round. Others contend that quoting Scripture forces the other debater to argue against Scripture, which is (hopefully) against the second debater's conscience. Therefore, it is argued, Christians must not use Scripture in their arguments directly.

If we were to follow this advice, we should have to throw out most of the Epistles, and much of what Christ Himself says in Scripture. Christ and the apostles quote Old Testament Scripture throughout their arguments, and they quote it in snippets as well as at length. And if those quotes had been thoroughly examined, the whole world would not be big enough to contain the books that would make up the New Testament.

The Bible directs us as to how to view biblical arguments. It does not ban them because they are divisive. Paul commends the Bereans, "They received the message with great eagerness and examined the Scriptures every day to see if what Paul said was true" (Acts 17:11). The Bereans attended to the arguments from Scripture and went to Scripture to find out whether those arguments were true. The proper answer to a Biblical argument is not a denial of Scripture (which would cause some crisis of conscience), but another biblical argument.

Will some abuse the Bible and twist Scripture? Certainly. But again, the Bible shows us how to handle twisted situations as well. The answer is not to ban Scripture from discussion, but to search it out all the more. John 5 tells of one of Jesus' encounters with the hostile Jewish leaders. They were twisting the Scriptures to condemn Jesus for healing on the Sabbath and for Christ's claim that He was equal with God. He gives very many great Biblical arguments for His own divinity and sums up with this: "You diligently studythe Scriptures because you think that by them you possess eternal life. These are the Scriptures that testify about me, yet you refuse to come to me to have life" (John 5:39-40). The antidote to error is not less Scripture, but more.

Finally, some will contend that Christians should not debate the Bible in front of non-believers. This is essentially similar to Muslim positions. In Islam, "It is written!" is all one needs to know. There is no discussion—at least not unless you are among the most elite of the imams. The Koran is not to be touched by the common man. This attitude has led to the monumental rigidity of Islamic culture. But in Christianity, the Bible is something to be touched and handled, discussed and applied by every man, woman and child who names the Name of Christ. It is either alive in us or it is useless (Rom. 12:1-2; Heb. 4:12). Either we let the Word of God inform every word, infuse every action, enliven every thought or we neglect our duty to God and to our fellow man. In a cultural climate that dictates that the only word which should be silenced in public life is the Word of God, dare we go quietly along with the culture? A courteous debate about the principles in the Bible would be the healthiest thing we could show to the world. At very least, it would show that we believe the Bible is not a fragile, brittle dead thing, but is the living arbiter of all our disputes.

That said, is there a wrong way to use the Bible in a debate round? Absolutely. A case that has Bible verses as its major contentions, concluding with a statement to the effect that if you don't agree with this case, you don't agree with the Bible, would certainly fall into that category. I am sorry to say, I have seen a few like this. In debate, we are practicing to convince a hostile audience that a Christian message is both true and winsome. The Bible bludgeon is not only abusive to your Christian brother who faces you across the table, but is revolting to that audience which you ultimately want to convince.

Can debaters use the Bible in the debate round? Yes. Search out the true Biblical principles with humility and an open mind, and then don't be afraid to expound that principle as from the Scripture. Balance Scripture with Scripture. Present your argument winsomely, remembering that there often are several godly ways to apply the same biblical truth. Refuse to use the Bible as a bludgeon. If you meet a debater who claims that biblical arguments or proofs offend his conscience, you may certainly offer to substantiate your arguments from other sources in deference to a weaker brother (Romans 1:5-7). But never agree that the Bible is out of bounds in a debate round.

Discussion & Training

1. How are the rebuttals in a value debate round different from the constructive cases?

2. Consider the three requirements for a rebuttal speech given at the beginning of the chapter. Thinking objectively, write a fair rebuttal against either your affirmative or negative case, or both.

3. "No new arguments in the rebuttals" is not the rule in value debate. What, more specifically, is not allowed in the rebuttals?

4. Once an argument is presented by your opponent, what ways can you challenge the argument? How can you weave these challenges into the body of your rebuttal?

5. Taking the rebuttal speech you prepared in question 2, write another rebuttal rebutting this first rebuttal. Consider this preparation for a possible 2R.

6. How can use of the Bible turn into a troublesome debate? Is this grounds for *not* using the Bible in debate? Explain.

7. Try "thinking biblically, but speaking secularly." Give a 2-minute persuasive appeal on a selection of the following topics. First speak using Biblical language, then using a secular vocabulary for the same ideas. If in a group, each student draw three of the topics, and choose one to speak on.

abortion

euthanasia

private gun ownership

suicide

one-world government

8. If in a group, share your constructive cases aloud. Be able to summarize your main arguments aloud. Then have others in the group offer possible attacks. Defend your case in a discussion format. Together find ways to strengthen your case. (Some clubs call this a Piranha Pack.)

Chapter 6

Checkpoints for Destination Victory

MCj02855480000[1]How do you win a debate round? By convincing the judge that your trek is better than your opponent's trek. There are three key checkpoints in convincing the judge of this: proper flowing of the debate, taking the responsibilities of each speech seriously, and following through with the burden of proof or presumption in the round.

Flowing a Value Debate

Flowsheeting is paramount in proper debate. It is the specialized note-taking technique debaters must develop to keep track of the development of the arguments presented in each round. Without proper flowing of arguments, debaters become potshot dissenters who get to the bottom of nothing. "Going without the flow" is like trekking into the wilderness without taking your bearings. You'll be lost in space.

In the October 2001 online webzine The Christian Debater ([www.trainingminds.org)](http://www.trainingminds.org)), Vance Trefethen stated the importance of flowing very well. "There is one absolute prerequisite [in champion debating]: good flowing," he said. Vance is a great coach, a former champion himself and co-author of the *Blue Book*, the policy debate handbook and best-selling Training Minds Ministry publication. His conviction is not unfounded:

"If you don't have an accurate record of the 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."

We couldn't agree more. The #1 stumbling block for beginning debaters is the lack of note taking skills. If a debater should learn anything in training, it is the skill of listening and recording at the same time. This is a skill that will win debates and a skill that absolutely will be used in real life.

There are many methods of flowing a value debate round, and two that have worked well for value debaters are listed here.

Traditional Flowing

Traditional Flowing resembles the policy debate flowsheet with respect to the time categories. Five columns representing the five speeches are divided with vertical lines and each column is headed with the proper abbreviation.

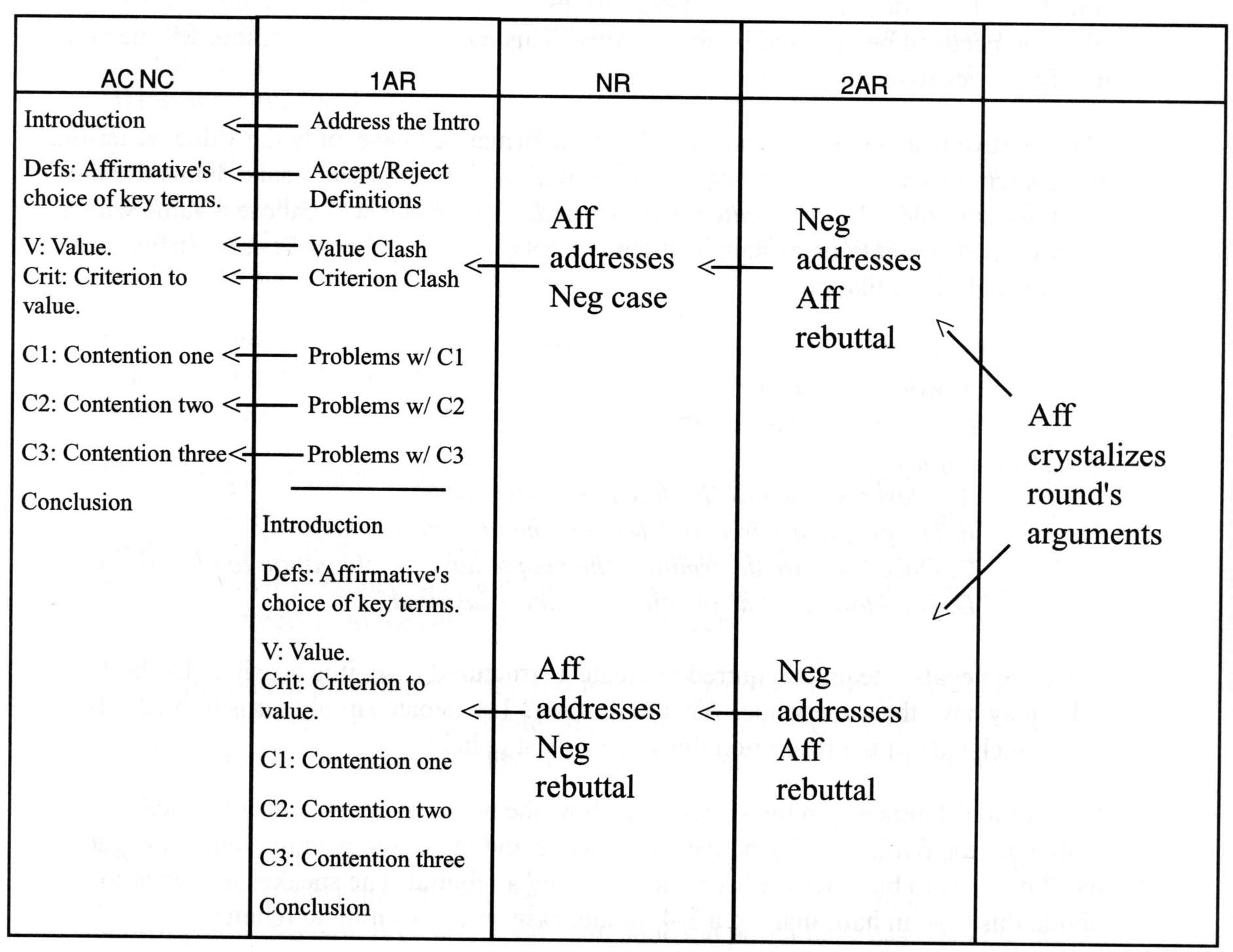


Figure 1

In Figure 1, you will see how the 40-minute round can be easily fit into five columns. In the AC, the affirmative makes his or her case. In the NC, which is the speech and rebuttal, the negative case is recorded at the bottom to make room for the rebuttal at the top. The arguments flow through the next two speeches, and the affirmative closes with crystallization.

Since the Lincoln-Douglas debate round is much shorter than the policy round, and because the round is not weighted with extensive evidence or rapid-fire delivery, the debater and judge can be more flexible in constructing a flowsheet. The second method provided here quarters the paper into four parts, each part representing the flow of the value clash in the round.

Figure 2 shows this. Since there are only five speeches (compared to eight in a policy round), the L-D debater can be less sequential than the policy debater. This "quartered" method of flowing gives the debater more room to scribble his or her arguments in a more abstract fashion. This may work for you.

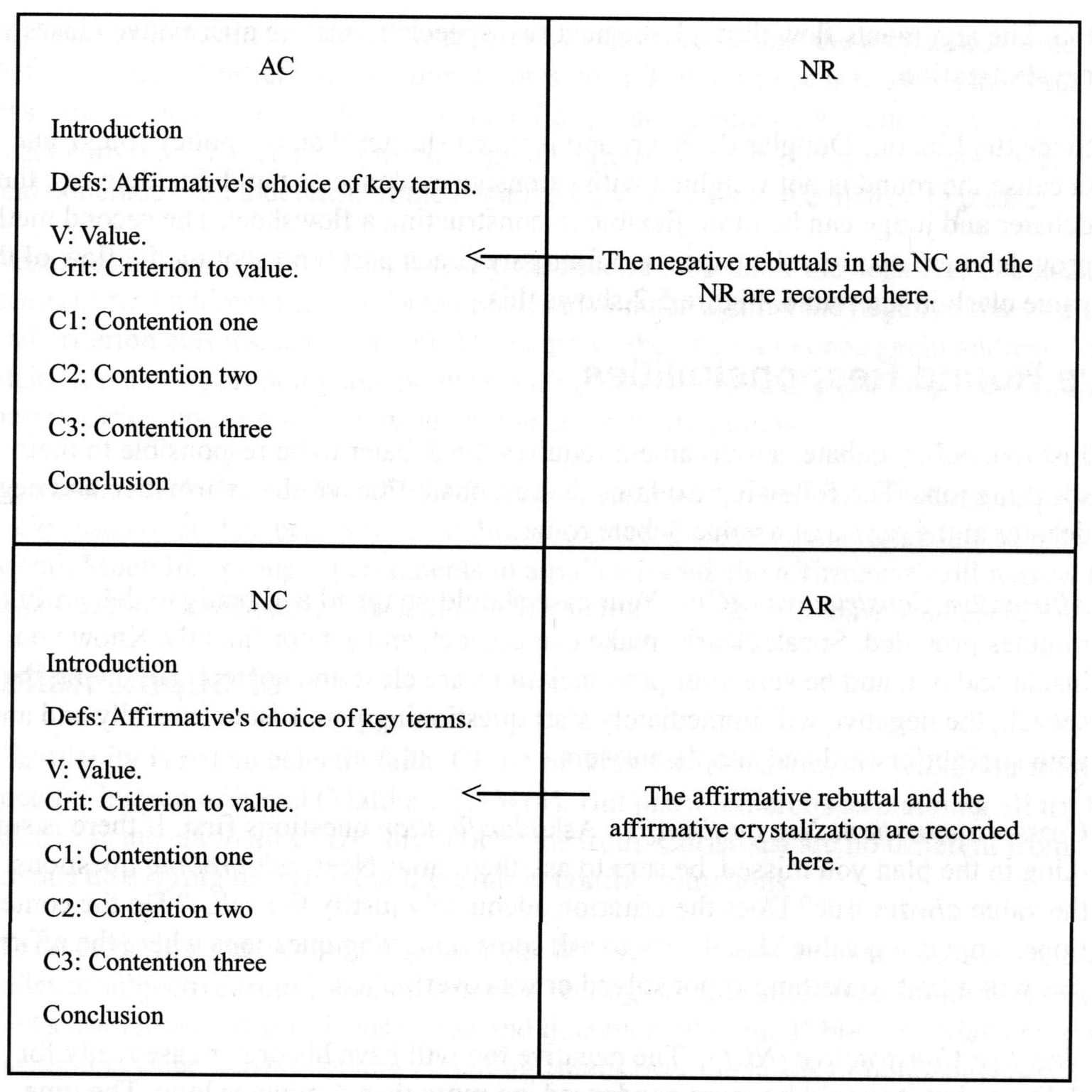


Figure 2

Let us re-emphasize: It is incredibly important to take proper notes during a debate round. The debaters will not adequately understand the opponents if they do not flow the round. A debate where one or neither side properly flows becomes a round of dropped arguments, frustrated debaters, and a confused judge. We are speaking from experience when we say this: the most common error of a debater is the failure to flow the round. So, flow the round!

Value Round Responsibilities

Just like policy debate, a tournament requires the debaters to be responsible to their speaking jobs. The following explains the responsibilities of the affirmative and negative debater at the points of a value debate round.

*Affirmative Constructive (AC):* Your case should be typed and ready to deliver in the 6 minutes provided. Speak clearly, make eye contact and act confident. Know your case inside and out, and be sure your pronunciations are clear and correct. Following the speech, the negative will immediately start questioning you. Listen carefully and answer with straightforward and simple answers.

*Cross-examination:* Neg. on the Aff. Ask clarification questions first. If there is something in the plan you missed, be sure to ask about it now. But better yet, make your opponent to entrench himself in a position that you wish to attack, by asking a clarification question. Next, ask probing questions. Is the value always primary? Is the claim always true? Is the criterion both necessary and sufficient to achieve or justify the value? Do the contentions support the value? Lastly, try to ask some admitting questions in which the affirmative will admit something is not solved or was overlooked. Remember: only ask questions that lead to a point you wish to make. Don't just fill up time.

*Negative Constructive (NC):* The negative, too, will have his or her case ready for delivery, but it should be more condensed, no more than 4 minutes long. The time allowed is 7 minutes, but the negative must attack the affirmative's case also. This is why the negative should take at least half of his prep time to plan his major strategies of attack, before beginning this speech. Deliver the prepared case thoroughly, then using the flowsheet, begin challenging the affirmative case. First, establish the clash between the values. Second, address the criteria to the affirmative's value. Third, attack each contention of the affirmative case.

*Cross-examination:* Aff. on the Neg. Much like the negative's cross-examination, the affirmative will ask clarification questions first, but these questions will need to reveal doubt concerning the negative's case as well as his or her rebuttal. Probing questions, which question the validity of the claims made in the negative rebuttal, should follow. Try to have the negative make admissions that can be expanded in the affirmative rebuttal. Again, have two or three points to make, and let your questions lead your opponent toward your conclusion.

*Affirmative Rebuttal (1AR):* The affirmative should take half the preparation time before starting his rebuttal. In 4 minutes, the affirmative needs to attack the negative case and defend his own. Work down the flow, making sure to address all the arguments. Summarizing and condensing are critical for getting through everything in such a short time. Start with the value clash, move through the criterion and contentions of the negative, and conclude with a defense of the negative's challenges to the affirmative case.

*Negative Rebuttal (NR):* This is really the second rebuttal for the negative. The negative needs first to address the attacks the affirmative made against the negative case (value, criterion clashes, and contentions). The negative then needs once again to address the affirmative case, minimizing any damaging points and pressing the winning points. Bring up the conflicts raised in the cross-examinations. Summarization is important here as well.

*Affirmative Rebuttal (2AR):* The affirmative has only three minutes to keep his case afloat. The best way to do this is to crystallize the main arguments of the round. Much like grouping arguments in a policy round, the affirmative will narrow the issues to three key points, each of which the affirmative will claim to have won.

Burden of Proof & Presumption in Value Debate

Policy debate addresses the status quo, and the affirmative policy team must always advocate changing it. But the philosophical presumption is against them. We all presume that nothing should be changed unless there is a problem, because change is risky. Therefore, the affirmative team in a policy debate has the burden of proof in order to overcome this presumption. The affirmative team has the responsibility to prove 1) that there is a problem big enough to warrant a change, and 2) that they have a plan that will fix the problem. In a policy round, all the negative has to do is maintain that the status quo is not flawed enough to warrant a major change.

Value debate views presumption and burden of proof differently. First, value debate addresses the resolution, not the status quo. The affirmative is not necessarily advocating change, but must affirm the resolution. The negative is not necessarily defending the status quo, but must negate the resolution. At first glance, this looks like an equal burden. But recalling the discussion about creating the affirmative and negative cases, you will see that the affirmative has much less leeway in crafting a case. The affirmative is locked into the position articulated in the resolution. The negative has the logical run of the universe outside the bounds of the resolution. That is why, even though there is no "presumption" issue in the same sense as there is in policy debate, the affirmative is given the advantage of speaking first and last.

In value debate, both negative and affirmative have equal burdens of proof. Both must make a prima facie case on their own side of the resolution and prove each contention. A prima facie value case has adequately discussed both definitive and applicative issues. Nothing can simply be asserted to be true. Likewise, both affirmative and negative have equal burdens of rebuttal. Both have the responsibility to answer each contention of the other.

Discussion & Training

1. How does a debater ultimately win the debate round? What three things are crucial components to the winner?

2. What reasons support the fact that flowing is the paramount duty of both debaters? What do debates that do not flow look like? Try both flowsheets out in practice rounds or even at a real tournament.

3. Review the responsibilities you have for each speech in a value debate round. Practice these with your club members or family.

4. How does value debate view "proof" and "presumption" differently from a policy debate?

Chapter 7

uslcshyk[1]Judging & Coaching

Coaching Value Debate

This book is designed to aid home-schooling parents and students in building debate skills. If you are new to coaching, simply use each chapter in order, spending a week or two before going on to the next chapter.

But perhaps this is your second or third season of debate. Your students may not need a full course of debate theory. If this is your situation, take a couple of weeks to review the theory contained in chapters 1-6, as it applies to this year's resolution. Then follow this schedule of study:

Weeks 1-3 Topic Research

Have your students read widely on the subject of national security. If you are in a club situation, assign each student a different aspect to research and report to the group: Intelligence-gathering, armed forces readiness, homeland security, international threats, terrorism, border maintenance, women in the military, legal and illegal aliens…Clip news articles. Gather books. Share resources. Discuss the implications of your findings for this resolution.

Week 4 Topic Research

Have the students read about civil rights around the world and through history. Again, share and discuss your findings.

Weeks 5-6 Topic Research

Read this time about specific civil rights which usually come into conflict with national security: free speech; free assembly; freedom of religion; right to bear arms; freedom of movement; freedom from search and seizure; presumption of innocence/racial profiling; due process of law in arrest, trial and imprisonment…

This may seem like a lot of research time, but if you start with a thorough understanding of the topic, your students will have no trouble coming up with ideas for cases and applications. Skimp here, and your students' cases will limp all season.

Week 7 Draft Affirmative Constructives

In a group setting, take turns reading the cases aloud. As a group find the holes in each case, and brainstorm repairs. ("Piranha Pack") Refer to Chapter 2 for ideas.

Week 8 Draft Negative Constructives

In a group setting, take turns reading the cases aloud. As a group find the holes in each case, and brainstorm repairs. ("Piranha Pack") Refer to Chapter 3 for ideas.

Week 9 Cross-ex Intensive

Practice giving constructives and giving/taking cross-examination. Then during the week, revise the cases and prepare lines of questioning for cross-ex. Use Chapters 5 & 6 to lay out cross-ex and rebuttal strategies.

Weeks 10-12 Round Robin Debates

Use your cases in actual debates. Try to let each debater debate on both sides of the case in each week's club meeting. Be sure to discuss the round, noting what went well, and what could improve, before moving to the next debate. During the week, hone cases. Refine rebuttal strategies, especially scripting closing remarks.

Week 13 Host a Round Robin with another club

The best way to prepare for competition is to debate as many different cases as you can. So it is greatly to your advantage to host and attend round robins with other clubs. These need not be complicated affairs. In fact, maybe you can hold them in your basement or church. Station a parent in each room with a stack of ballots. Rotate students through the rooms. You can even let the students pair themselves, by asking them to alternate affirmative and negative, and not to debate anyone twice on the same side of the resolution. For instructions on running small tournaments and larger round-robins, check Chapter 8.

The following are a few general tips for coaching.

Remember, Value is Different From Policy

Don't mix policy with value. There are structural and fundamental differences that need to be taken into account. Structurally, there is not enough time in an L-D round to drown the arguments with lengthy evidence cards and speed-reading. While it is wise to have a small index of evidence, the L-D debater rolling a stack of Rubbermaid boxes into an L-D round would be silly.

Fundamentally, value debate is unique. Keep your students from turning this resolution into a policy argument.

Encourage Christ-like Behavior

In our postmodern culture, we often hear Christ's words quoted, "Judge not, lest ye be judged" (Luke 6:37, KJV). Relativistic thinkers who are trying to justify unruly behavior usually quote this. These people ignore the reprimands by Jesus to the hypocritical Pharisees, the condemnation of sin by the apostles, and the absolutism of the Law of Moses.

The Bible actually has many verses for judging other's values and behavior. 1 Corinthians 2:15 says, "The spiritual man makes judgments about all things." In fact, God Himself "raised up judges" in Judges 2:16 to rule over the masses of Israelites. Nowhere in God's Word is there a call *never* to judge another's actions.

Coaching debate is a heavy responsibility, but it is an opportunity to teach students the Christian communication skills needed to persuade in our postmodern world. "As iron sharpens iron, so one man sharpens another" (Proverbs 27:17). As a coach, you will be sharpening the students' minds to become bold and true speakers in the world.

I want Christians to take over the world. This may shake the postmodern spine—the only time the postmodern spine shows—but I truly believe Jesus Christ is the Truth to eternal life in heaven. We have the opportunity to bring this truth to the world in articulate, intelligent and formal fashion. Home school debate is a powerful tool for discipling the next generation, and the debaters' communication skills will be the tool for discipling the world.

Judging Value Debate

As a judge, your responsibilities are manageable. There are four responsibilities of every judge:

1. monitor the round
2. record the arguments
3. give feedback
4. declare the winner.

These are the basics, and they are discussed in detail in *Jeub's Complete Guide to Speech & Debate.* Any lay person, if she keeps to this list, can adequately judge a round. However, judges will naturally want to become well versed in the rules of value debate.

Affirmative & Negative Responsibilities

In Lincoln-Douglas debate, the debaters address themselves to the resolution rather than to the status quo. The affirmative must "affirm" the resolution, and the negative must "negate" it. The status quo is only valuable as an example of the application of the debater's values. The debaters do *not* support or oppose the status quo; they support or oppose the *resolution* as a result of upholding a particular value.

This year's resolution is:

*Resolved: The restriction of civil rights for the sake of national security is justified.*

The Affirmative must argue that on the basis of his value, we may limit civil rights for the purpose of strengthening national security. The Negative has more leeway; the Negative may disagree with all or any part of the resolution. Neither side has to argue that everyone ought *always* to restrict civil rights, or that we ought *never* to do so.

Burden of Proof & Burden of Rebuttal

In Lincoln-Douglas debate, both sides bear the burdens of proof and rebuttal. Since no one is arguing for a change in policy, no one has to overcome an assumption that things should remain the same.

But neither debater may simply assert that what he says is so. He must prove it by logical argument, historical example or practical application. This "burden" to "prove" is called the burden of proof.

Burden of rebuttal is the extension of the debater's first burden. Burden of rebuttal means that each debater must bring an argument to counter each of his opponent's assertions. Failure to rebut is assumed to be agreement. So if one debater drops an argument, we may assume that he agrees. The other side wins that point. Summarizations are not dropped arguments; they are a more efficient way to address a large number of claims in a short time.

Prima Facie

A *prima facie* case is a case that will stand on its own—one that has taken into consideration the major problems related to the resolution. A debater has a prima facie case if, when he finishes speaking, you would agree that his case could be true. If, on the other hand, you feel he has left out a major consideration, he does not have a prima facie case. The standards for measuring *prima facie* in value debates are *definition* and *application*.

Debaters should take care to define the important terms in the resolution. Since value debate focuses on a clash of ideas, it is critical to understand exactly what is being said. The debaters will define their value or philosophy and the criteria by which they evaluate that value. The definitions must be clear and unequivocal. They may define word-by-word or they may define a cluster of words that express one idea, but they must be clear. Definitions are meant to provide understanding for the debate.

Secondly, the debater must show how these values apply to real life. Logical arguments, historical examples, current events, philosophical and theological arguments and even hypothetical examples may be used to highlight how the value plays out in the real world.

If definition or application is left out or neglected, the case is lacking. This will help you decide who should win the round. The debater who presents a prima facie case should win over a debater who neglects either definitions or applications.

In a good debate, one in which both debaters present prima facie cases and take up both the burdens of proof and rebuttal, you will sense the initiative of the debate switching from one side to the other as each speaker finishes. If the impetus does not shift, you would award the debate to the speaker who last seized the initiative.

Structure of the Round

The Lincoln-Douglas round consists of five speeches and two cross-examinations.

Affirmative Constructive 6 min.

Negative Cross-examination 3 min.

Negative Constructive & 1st Rebuttal 7 min.

Affirmative Cross-examination 3 min.

Affirmative 1st Rebuttal 4 min.

Negative 2nd Rebuttal 6 min.

Affirmative 2nd Rebuttal 3 min.

(prep time of 3 minutes allowed each debater)

A standard Lincoln-Douglas constructive speech will follow this general model:

I. Introduction (draws the judge into an understanding of the conflict situation)

II. Body

A. Definitive Issues (called Observations)

1. Definitions of the terms in the resolution

2. Definition & explanation of values in the debate

3. Declaration of the affirmative strategy

B. Application Issues (called Contentions)

1-3 reasons for affirming the resolution together with examples, evidence, common sense, etc. to support the logic of the arguments.

III. Conclusion (summarizes the contentions in the context of the observations)

Both Affirmative and Negative debaters will have a constructive case. The Negative may simply accept the Affirmative definitions for terms in the resolution. Evidence does not weigh down a value debate like it does in a policy debate. Logic and reason may supersede a quoted piece, and the judge may be challenged to make this decision. While the latest study or news clip may carry great importance in policy decisions, the basic truths of value debate can carry over generations and centuries.

Constructive speeches address the *resolution*. Rebuttal speeches address the *cases* presented. Rebuttal speeches cannot change the constructive case, they should instead, analyze, evaluate and compare the two cases as they had been presented in the constructive speeches.

Timing

Timing may not be everything in policy debate, but it is a lot in value debate. Because the speaking time is limited, the debaters must choose their arguments wisely, group them when possible, and crystallize in the end. The speaker who uses his or her time wisely will likely come out on top convincing the judge.

The judge is responsible to see that the timekeeper properly times, signals and records each speech and keeps track of the prep time for each debater. Using a Timekeeper's Record is helpful for tracking each speaker through the round.

Bibliography

General Political Philosophy

These selections will help you understand how the concepts of nation, rights of the people, obligations of rulers, and relations among states have developed. These "first principles" of government will help you develop your own basic perspectives on how to address the question of liberty versus safety.

Aristotle, Constitution of Athens.

Aristotle, Politics.

Blackstone, Sir William. Commentaries on the Laws of England, with Notes of Reference to the Constitution of the Federal Government of the United States… <http://www.constitution.org/tb/tb-0000.htm>

Cicero, Republic.

Cicero, Laws.

Lewis, C. S. The Abolition of Man.

Locke, John. Second Treatise on Government. <http://jim.com/2ndtreat.htm>

Madison, James with John Jay and Alexander Hamilton. The Federalist Papers.

Mason, George. Virginia's Declaration of Rights

Plato, Republic.

Yates, Robert. The Anti-Federalist Papers.

Civil Rights

These selections focus more on the ideas of liberty and civil rights issues, especially freedom of speech, the right to bear arms, due process of law in arrest and imprisonment, habeas corpus, etc.

American Patriot Network, <http://www.civil-liberties.com/>

Did President Lincoln Suspend Habeas Corpus? <http://www.civil-liberties.com/pages/did_lincoln.htm>

Due Process Mini-Outline, <http://www.lectlaw.com/files/lws63.htm>

Firearms and Liberty, <http://www.firearmsandliberty.com/>

Legal Information Institute, Civil Rights Overview, <http://www.law.cornell.edu/topics/civil_rights.html>

Mill, John Stuart, On Liberty.

Milton, John. Areopagacita.

Modern History Sourcebook: Habeas Corpus Act 1679, <http://www.fordham.edu/halsall/mod/1679habeascorp.html>

Open Society Justice Initiative, <http://www.justiceinitiative.org/>

Preserving Life & Liberty, <http://www.lifeandliberty.gov/> (a US government resource on the Patriot Act)

United States Commission on Civil Rights: <http://www.usccr.gov/>

U.S. Constitution Online, Constitution Topic: Due Process, <http://www.usconstitution.net/consttop_duep.html>

National Security

These resources will point to the difficulties and intricacies of protecting a free people without violating their freedoms.

Best History Web Sites: World War 2, <http://www.besthistorysites.net/WWII.shtml> (this site will help you research applications throughout history)

Electronic Privacy Information Center, <http://www.epic.org/free_speech/#International%20Developments>

Homeland Security Knowledge Base, <http://www.twotigersonline.com/resources.html>

National Security Archive, <http://www.gwu.edu/~nsarchiv/>

National Security Council, <http://www.whitehouse.gov/nsc/>

National Security Strategy of the US, <http://www.whitehouse.gov/nsc/nss.html>

United Nations Human Rights Watch, COUNTRY STUDIES: THE HUMAN RIGHTS IMPACT OF COUNTER-TERRORISM MEASURES IN TEN COUNTRIES, <http://hrw.org/un/chr59/counter-terrorism-bck4.htm#P183_32636>

Quick Quotes and Definitions

Need a quote fast? Got definitions? Check these resources.

Duhaime's Legal Dictionary, <http://www.duhaime.org/dictionary/diction.aspx>

Founding Fathers' Quotes, <http://www.marksquotes.com/Founding-Fathers/>

One Look Dictionary Search, [http://www.onelook.com/](http://www.onelook.com/?w=sanctity+of+life&ls=a)

Winston Churchill Speeches & Quotes, <http://www.winstonchurchill.org/i4a/pages/index.cfm?pageid=387>

Appendix I

Value-Driven Cases

The following appendixes contain examples of each type of case. The point isn't to free you from your own good preparation, but rather to serve as an example of solid value cases. Remember that you can apply every case-type to either affirmative or negative, regardless of which side is illustrated here.

Following each case is a Coach's Commentary, which helps you analyze the case's strengths and weaknesses. Following selected cases, there are also evidence blocks to help you understand how evidence is organized in support of your cases.

Use these cases not only as models for your own constructives, but also to practice applying the rebuttal strategies you've studied.

This first appendix begins with the most basic types of cases, cases which chart their paths based on values drawn from outside the resolution. Notice especially how these values are used. Where are they the goal of affirmation or negation? Where are they the means to affirm or reject? Are they firmly connected to the resolution?

Basic or Core Value (Negative Case)

**Law & Order: Game Over**

By Chloe Anderson

**Introduction:** In the game of life there are rules; laws that we all abide by in order to preserve order and to live in community. Law and order are not only essential to our every day lives as individuals, but also essential to the survival of the nation. Law and order break down when a government uses the excuse of national security threats to limit the civil rights that check that government's power. The truth is that such a breakdown of law and order is just as great a threat to national security as is a threat of invasion. It is for this reason that I stand opposed to the resolution, "Resolved: that the restriction of civil rights for the sake of national security is justified."

Definitions: (as-needed only, plus these)

Law: The body of rules and principles governing the affairs of a community and enforced by a political authority; a legal system.

Order: The condition of social order and justice created by adherence to such a system.

Source: The American Heritage® Dictionary of the English Language, Fourth Edition  
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Value Justification:

John Locke said, "Where the law ends, tyranny begins." The relationship between a government and its citizens is a matter of law. This law shows the mutual duties of government and citizen. Civil rights are a nation's particular expression of the limits on government's power over its people. Respect for these civil rights produces a stable social order, and a population secure in the knowledge that their liberties are protected and their duties are not overwhelming. When civil rights are abridged, the citizens' respect for law and their expectation of order are undermined."

Contention I: Law and order, as expressed in civil rights, protect both the individual and the nation.

A. We can all immediately see that civil rights protect the individual. After all, that is the explicit purpose of the Bill of Rights in our own country. Each of the amendments details a specific shield for the individual, which the federal government guarantees to respect.

B. What is not so obvious is that civil rights actually protect the nation. A people who are secure in the knowledge that their government will not make tyrannical demands upon them, is fortified against civil unrest which hostile nations can exploit to overthrow that government.

CIA's World Factbook details this sequence of events in Afghanistan. In 1979, the Soviet Union set up a Communist government in Afghanistan, which curtailed many rights that had traditionally been protected by Afghan law – among them the right to practice the Islamic faith. This led to ten years of civil unrest, which the US, Pakistan and others were able to exploit to overthrow the Soviet-established regime.

**Contention II:** A tyrannical nation cannot be secure.

A. A government which will not be bound by its own laws cannot champion law & order. If civil rights are abridged, the government itself will become the tyrannical source of lawlessness. Consider the example of the French revolutionaries, who began by slaughtering their monarch, against the rule of law in France.

"But the French Revolution ironically was a failed revolution: Liberté, Egalité, and Fraternité quickly descended to the towering figure of Robespierre and his Reign of Terror as the revolution spun out control and began to murder itself. First the royalists were beheaded, next the moderate girondists, and by then the violence and suspicion was totally out of hand as the revolution devoured itself." The French Revolution, Richard Geib.

B. A tyrannically lawless government will produce increasingly lawless people. This creates internal instability.

**Contention III:** Restricting civil rights cannot foster national security.

A. Limiting civil rights undermines the nation's security from within.

B. A tyrannical government will not have the loyalty of its people, and will therefore be vulnerable to subversion by outside powers and betrayal from within.

"In the summer of 1793 the French Revolution was threatened both by internal enemies and conspirators, and by foreign European monarchies fearing that the Revolution would spread. Almost all European governments in those days were based on royal sovereignty, whether absolute or constitutional, rather than the popular sovereignty asserted by the revolutionary French. The Powers wanted to stifle the democratic and republican ideas. Their armies were pressing on the border of France (see French Revolutionary Wars). The former French nobility, having lost its inherited privileges [their civil rights], had a stake in the failure of the revolution. The Catholic Church was also generally hostile to the Revolution, which (through the Civil Constitution of the Clergy) turned the clergy into employees of the state, requiring them take an oath of loyalty to the nation. About half the clergy, mainly in western France, refused the oath, becoming known as refractory priests or non-jurors. Understandably, these Catholic priests and the former nobility entered into conspiracies, often invoking foreign military intervention." (from Wikipedia, the Free Encyclopedia)

**Conclusion:** Since the restriction of civil rights undermines a nation's security from within, those restrictions cannot be justified by appealing to a need to protect national security. Abridging civil rights cannot further the cause of national security. Therefore, we must reject the resolution. When you break the rules, the game is over.

Coach's Commentary:

A vivid analogy in the introduction and conclusion helps the judge to focus on the thesis of this case, and piques his interest in the subject. The three contentions form a logical argument spanning the entire case. Notice, too, that Chloe has effectively discussed the resolution in general terms, allowing us to consider civil rights in countries outside the US. But she has done so without getting bogged down in minutiae about specific civil rights throughout the world on the one hand, and without offering unfocused and unsupported assertions on the other.

A weak point in this case would be the addition of "order" to the value premise. While "law and order" is an intuitive concept, a debate opponent will attack it as vague, and muddy the waters enough to confuse a judge as to its real application to the resolution. In the re-write of this case, Chloe would either sharpen the definition of "law and order" or reduce it simply to "law".

Evidence blocks for "Game Over" negative case.

Contention I: Law and order, as expressed in civil rights, protect both the individual and the nation.

**TAG: Restricting civil liberties weakens a nation**

Citation: Civil Liberties, Human Rights and Canada's New National Security Legislation from the CAUT/ACPPU web site (a publication from teachers, librarians, journalists etc…)

"The shadow of abusive state power is already starting to spread. The ascendance of ‘national security' as a state priority is particularly tragic because the real security of Canadians can best be measured by the strength of the civil liberties and human rights that its residents enjoy, they have much to lose as these rights are diminished by the ‘war on terrorism'."

**TAG: Peace, liberty and safety depend on the maintenance of civil rights.**

Citation: Thomas Jefferson

"These principles [e.g. maintenance of civil liberties] form the bright constellation which has gone before us, and have guided our steps through an age of revolution and reformation. The wisdom of our sages and the blood of our heroes have been devoted to their attainment. They should be the creed of our political faith, the text of civil instruction, the touchstone by which to try the services of those we trust; and should we wander from them in moments of error of alarm. Let us hasten to retrace our steps and to regain the road which alone leads to peace, liberty, and safety."

**Contention II:** A tyrannical nation cannot be secure.

**TAG: Tyranny creates national instability.**

**Citation:** Benjamin Franklin, Emblematical Representations, Circa 1774

"History affords us many instances of the ruin of states, by the prosecution of measures ill suited to the temper and genius of their people. The ordaining of laws in favor of one part of the nation, to the prejudice and oppression of another, is certainly the most erroneous and mistaken policy.... These measures never fail to create great and violent jealousies and animosities between the people favored and the people oppressed; whence a total separation of affections, interests, political obligations, and all manner of connections, by which the whole state is weakened."

**Contention III:** Restricting civil rights cannot foster national security.

**TAG: Limiting even a few rights risks unraveling the whole fabric of society.**

Citation: Charles Levedosky, Free Speech Relies upon Those Willing to Fight

"The First Amendment is a fabric that weaves though all our liberties. The warp and weft of this fabric protects our right and ability to govern ourselves. And those who would pull out a thread here or cut one out there do not realize they risk unraveling the entire cloth of our freedoms."

**TAG: Once national security becomes the over-riding principle of government, fear & panic rule instead of law.**

**Citation:** Sir Winston Churchill

"The statesman who yields to war fever must realize that once the signal is given, he is no longer the master of policy but the slave of unforeseeable and uncontrollable events."

Core Value (Negative Case)

**Less Liberty Isn't Safe**

by Rachel Blum and Adam O'Connor

**Intro:** "They that can give up essential liberty to obtain a little temporary safety deserve neither liberty nor safety." This quotation by Benjamin Franklin aptly illustrates the negative's position in this debate round -that the value of liberty is of greater importance than any fleeting amount of security.

**Definitions:**

(Use only if the Affirmative's are flawed. Otherwise, say "I accept the affirmative's definitions but would like to provide a more narrow definition of Civil Rights in order to provide a clearer understanding of my position in today's debate round.")

Restriction:A limitation on the use or enjoyment of property or a facility. – Merriam Webster Dictionary

National Security: Condition of a nation's safety from threats, especially threats from external sources. – McGraw-Hill Higher Education Glossary

Civil Rights: A broad range of privileges and rights guaranteed by the United States Constitution and subsequent amendments and laws that guarantee fundamental freedoms. – New Dictionary of Cultural Literacy

Justified: To prove or show to be just, right, or reasonable. – Merriam Webster Dictionary

**Value:** Liberty

"Liberty is not a means to a higher political end. It is itself the highest political end." So said Lord Acton. Liberty is a value that has been sacrificed for throughout the ages, but is held in especially high esteem by the United States. Now I would like to provide a value…

**Justification and Overview:**

Although the struggle between civil rights and national security can be seen in many instances throughout the world, the instance I have chosen to focus on in this debate round is found in the United States. In the Bill of Rights, we the people are given the civil right to keep and bear arms. However, this right is being infringed upon in many ways, as I will show you in my three contentions:

**Contention 1:** The liberty to bear arms is fundamental

The Constitution assures us the right to keep and bear arms. As Samuel Adams wrote, "Among the natural rights… are these: first, a right to life; secondly, to liberty; thirdly to property; together with the right to support and defend them in the best manner they can." Samuel Adams knew that the right to bear arms was crucial to the maintenance of our Country. Since our Constitution was based on these natural rights, including the right to bear arms, Samuel Adams again wrote, "And that the said Constitution be never construed to authorize Congress … to prevent the people of the United States, who are peaceable citizens, from keeping their own arms."

**Contention 2:** National security unduly restricts liberty

In the District of Columbia, the citizens are having their right to bear arms infringed upon for the sake of "national security". Yet, the infringements of these citizens' liberty are not improving the situation, but sending it into disintegration. As Senator Orrin Hatch said, "Despite the gun ban, Washington has frequently had the highest homicide rate in the country. According to FBI statistics, it was the murder capital again last year, with its rate of 48.5 killings per 100,000 residents far ahead of other urban centers. It is as ineffective and deplorable as it is unconstitutional." The reason for the incredibly high crime rates is simple: When you restrict civil rights, and above all else, liberty, those most affected are the innocent. Outlaws will still buy outlawed guns, honest citizens will not.

Richard Henry Lee, a prominent early American, declared, "To preserve liberty, it is essential that the whole body of the people always possess arms, and be taught alike, especially when young, how to use them." In short, what Richard Lee said had a dual purpose. First, he explains that the restriction of civil rights does not ensure liberty, but endangers it. Secondly, in order to preserve liberty, we must preserve civil rights. This brings us to my third contention:

**Contention 3:** Civil Rights best uphold liberty

James Madison, in his Federalist Paper No. 46 wrote: "The advantage of being armed . . . the Americans possess over the people of all other nations." The right to bear arms is a civil right granted by the United States government to its law abiding citizens. The United States has long been the light of the world. Why? Technology and industry may be part of it, but the real reason that immigrants have flocked to our shores by the millions is because they know that this is a country that values liberty and has solid civil rights to ensure that liberty to all who claim citizenship. Undermining these rights and this liberty is essentially picking away at a building block that has been vital part of our nation. In

**Conclusion:**

The application of the D.C. Gun ban illustrates clearly why the restriction of civil rights is not justified. It is not justified, first, because it restricts a natural right to liberty; and second, because the restriction of civil rights has proven to be ineffective. This is universally applicable. Taking away any of our liberties will not grant us a sense of national security, but eliminate any hope we have of achieving it.

Coach's Commentary:

Rachel has taken the opposite strategy from Chloe's law-and-order case, in choosing to narrow the discussion not only to US civil rights, but to a 2nd amendment application as well. This can be an equally effective approach, and may be better suited to a first-time debater. But a narrower focus does not relieve a debater from the necessity to research. Notice that Rachel has supported each of her arguments with at least one quote by recognized authorities.

This case is more of a first draft, which is seen in the unfocused contention summary lines. Rachel's real argument is masterfully summed up in her conclusion: Restricting civil rights is not justified because 1) it is a restriction on a natural (and therefore inalienable) right, and because 2) it is ineffective. In a re-write of this case, Rachel would probably make these two statements her first two contention summaries and use the third contention for her gun-control application.

One caveat: remember that value debate is not about the way things are, but the way things ought to be. This case mentions that the right to bear arms "right is being infringed upon in many ways", and goes on to discuss the status quo at some length. The 2nd amendment application is appropriate, but this way of introducing it will tend to drag the debate into policy territory: what's wrong with present policy and how can we fix it. As a value debater, DON'T GO THERE!

Value-Plus (Affirmative case)

Greenhouse Effect

By Chloe Anderson

Introduction: Life is like a rose. Normally, you'd plant it outside in the garden to bask and flourish in the free air under the full sun. Why? Because that's what will keep it healthy. But when the assaults of winter wind and snow threaten, you bring it indoors, restricting its access to fresh air and full sun. Why? Because that's what will keep it alive. In the case before us today, the lives of citizens are the rose. Normally, we keep them healthy by protecting their liberties by means of civil rights, but when the nation is threatened by the assaults of hostile neighbors, we must make sure they can survive that ‘winter' by strengthening national security – even at the expense of civil rights. That is why I stand…

Resolved: that the restriction of Civil rights for the Sake of National Security is Justified

**Observation #1 Definitions:**

Restriction: The state of being limited (The American Heritage Dictionary of the English Language: 1969)

Civil Rights: The rights belonging to an individual by virtue of citizenship (The American Heritage Dictionary of the English Language: Fourth Edition.  2000)

National Security: a collective term for the defense and foreign relations of a country. Webster's New Millennium Dictionary of English, 2003.

Justified: Proven to be just, right or valid; (Law) to demonstrate a good reason for an action taken. (The American Heritage Dictionary of the English Language: 1969)

Intrinsic: belonging to the essential nature or constitution of a thing. (Merriam-Webster Online Dictionary)

Pragmatic: relating to matters of fact or practical affairs often to the exclusion of intellectual or artistic matters: practical as opposed to idealistic. (Merriam-Webster Online Dictionary)

**Observation #2 Value Premise:**

The value we must champion today is the sanctity of life. Life is an intrinsic value—it has value in and of itself. Because of this, when it is measured against a non-intrinsic (or pragmatic) value, life must take precedence. Practical values such as civil rights tend to be changeable to suit changing circumstances. But if we are to have a stable point of reference for our actions, we must support what does NOT change, what underlies the impetus of changeable means. This is what Plato would call a Form. We must value the unchanging, universal good: Life.

**Observation #3 Criterion:**

It is a government's highest duty to protect the lives of its citizens. As John Jay wrote in the Federalist Papers, "Among the many objects to which a wise and free people find it necessary to direct their attention, that of providing for their SAFETY seems to be the first."

The two principal means for the government to do so is by maintaining national security on the one hand, and civil rights on the other. The end is protecting life in each case, but national security and civil rights are two paths to that end. So which criterion should we use to evaluate the effectiveness of the maintenance of life?

Well, implicit in the resolution is an assumption of imminent threat against a country's national security, a threat of war or terrorism. In this debate the affirmative is not bound to consider the protection life in all cases—domestic crimes, civil unrest, disease, etc.—but only in the area prescribed by the resolution—i.e. cases of a threat to national security. Therefore my criterion for determining whether we have sufficiently protected the sanctity of life is the preservation of national security.

**Contention I:** The protection of intrinsic values like life must come before the protection of pragmatic civil rights.

A. The civil rights, or rights guaranteed by virtue of citizenship are different in each and every country, are the means to protecting higher, universal rights—like life. They are a nation's expression of their respect for the lives of their citizens. As the means to an end, they are therefore pragmatic, practical and changeable to suit the circumstances. But the value of life does not change, and is therefore a stable point of reference for building our reaction to changing circumstances.

For example, The United States is a country full of relatively law-abiding people. Therefore the privileges we enjoy in the form of civil rights allow us much more freedom than the civil rights of a third world country where there is a much higher crime-rate. Circumstances are different, so are the civil rights.

B. Civil rights are only one means to protecting the universal human right of Life. They are the proper and ordinary means in peaceful circumstances. But our present resolution does not speak of peaceful circumstances.

**Contention II:** In the case of a real threat to national security, a restriction of civil rights is justified for the protection of intrinsic rights.

A. The primary job of Government is the protection of the intrinsic rights of its citizenry.

1. The Declaration if Independence asserts that "all men are endowed by their creator with certain unalienable right…among these are life liberty and property…to secure these rights governments are instituted among men." Securing inalienable rights is accomplished through maintenance of national security.

2. James Madison writes in Federalist Papers #41 that, "security against foreign danger is one of the primitive objects of civil society. It is an avowed and essential object of the American Union. The powers requisite for attaining it must be effectually confined to the federal councils." In other words national security is so important that the government must have the necessary powers to ensure that security. The power to limit and restrict civil rights is one such power.

B. Civil rights are extremely important to a society, but no civil right is absolute. In Schenck vs. US, the Supreme Court ruled that "the character of every act depends upon the circumstances in which it is done. Aikens v. Wisconsin, 195 U.S. 194, 205, 206. The most stringent protection of free speech would not protect a man in falsely shouting ‘fire' in a theatre and causing a panic." Civil rights may be restricted when there is a "clear and present danger". A threat to national security is such a danger.

Most of the time there is no serious threat to national security, and there should not be a restriction on civil rights. But when an enemy rears its head, the government, has the duty to protect its people. It is for this purpose that governments are instituted among men.

**Contention III:** Application

A. America is currently facing the elusive threat of terrorism. Terrorists have shown themselves to be clever, deadly, and willing to die in order to destroy America. In light of this clear and present danger, and in order to protect the intrinsic rights of the American people, the civil rights of some are being restricted. The rights restricted include the right of habeas corpus.

Following precedents set during the Civil War by no less a man than Abraham Lincoln, some alleged terrorists are held without charge, and then tried in military courts. For instance, consider the case of "American-born suspected terrorist **Yasser Esam Hamdi. Mr. Hamdi** was fighting alongside the Taliban in Afghanistan in 2001 when his unit surrendered to …[American allies]. He has been held at a military brig in Charleston, South Carolina, for two years without being formally charged. Until December, Hamdi was not given access to an attorney. The Federal Appeals Court in Virginia ruled that the government had submitted sufficient evidence to support Hamdi's seizure as an "enemy combatant" and that "enemy combatants" can be held indefinitely without access to legal counsel." (Abraham Lincoln and Civil Liberties in Wartime, by Rhode Island Supreme Court Chief Justice Frank Williams, May 5, 2004)

B. While at first glance this seems like a gross violation of principles that Americans hold dear, we have to look at those principles in the light of our current state of war. We are fighting terrorists who do not abide by conventions of traditional warfare. Therefore they are considered unlawful combatants. The1942 United States Supreme Court decision in the case ex parte Quirin explains that:

"...the law of war draws a distinction between the armed forces and the peaceful populations of belligerent nations and also between those who are lawful and unlawful combatants. Lawful combatants are subject to capture and detention as prisoners of war by opposing military forces. **Unlawful combatants** are likewise subject to capture and detention, but in addition they are subject to trial and punishment by military tribunals for acts which render their belligerency unlawful … [A]n enemy combatant who without uniform comes secretly through the lines for the purpose of waging war by destruction of life or property, are familiar examples of belligerents who are generally deemed not to be entitled to the status of prisoners of war, but to be offenders against the law of war subject to trial and punishment by military tribunals."

Now let's tie this to terrorists whom we are fighting. To quote Chief Justice Frank Williams again:

"Al-Qaeda members do not abide by the laws of war… There is only one standard of treatment for any person, American or foreign, being held as an unlawful combatant. Those individuals are not entitled to the legal rights that we have come to hold so dear. Neither are they entitled to protection under the Geneva Convention. This, my friends, is the reality of wartime."

**Conclusion:**

In the reality of wartime certain civil rights must be restricted in order to protect life and deter those who wish to destroy it. The Garden must be properly cared for and protected from the ravages of the winter winds. For these reasons, and in these circumstances, the restriction of civil rights is justified.

Coach's Commentary:

Like a Philosophical Criteria case, the arguments here depend heavily on Plato's hierarchies as the basis of Chloe's criteria for deciding which means is correct in a given circumstance. There will be some debate about whether this year's resolution's terms, national security and civil rights, are clear enough as values in themselves, and whether they are strong enough, as values, to support a full-blown Philosophical Criteria case. So, in order sidestep that difficulty, Chloe has chosen not to abandon articulating a specific value.

The biggest drawback to this case is that it is too long to fit the 6 minute time limit. If Chloe were to run this case, she would have to condense it and save some of her specific evidence for rebuttals.

Value *System* (Negative case)

**Legal Tapestry is Whole Cloth**

By Petra Anderson

"The First Amendment is a fabric that weaves though all our liberties. The warp and weft of this fabric protects our right and ability to govern ourselves. And those who would pull out a thread here or cut one out there do not realize they risk unraveling the entire cloth of our freedoms."--- Charles Levendosky, Free Speech Relies Upon Those Willing to Fight.

That is why I stand firmly resolved that the restriction of civil rights for the sake of national security is **not** justified.

**Definitions:** (as needed, plus these)

**Self Control:** Control of one's emotions, desires, or actions by one's own will. American Heritage Dictionary

**Law:** A rule or body of rules of conduct inherent in human nature and essential to or binding upon human society. One Look Dictionary Online

**Thesis:** Every government is founded upon and defends the whole tapestry of its people's traditional values. These values cannot be unraveled without damaging the whole, so we will consider them as an inseparable package in this case. Civil rights are a legal expression of a nation's traditional values. In general, a nation is so fundamentally based on its civil rights that when that nation begins to restrict them, the nation no longer is the nation it was. In that case, can there truly be national security? We must conclude that there can be no legitimate national security where the identity of that nation has ceased to exist.

Since we are all most familiar with traditional American values, we will use these to illustrate the arguments. And while it will be impossible to address every traditional American value, we will address two of the most fundamental: self-control and law.

Let us examine the impact of affirming and rejecting the resolution on the system of traditional American values as exemplified in self-control and law.

**Contention 1: What would happen to self-control if we affirmed the resolution?**

A. If we allow the government to limit civil rights, we increase the government's power. The more power is concentrated in the government, the less individuals will be able to assert self-government. The less individuals are allowed to exercise self-control in daily life, the less they will be able to take initiative in times of crisis.

B. Our sense of responsibility and our capacity for independent action will be degraded. It is upon this capacity for initiative that much of our security has traditionally depended. On 9-11, a group of Americans on flight # ( ), hearing of the attacks on the World Trade Center, took their initiative and their self control in their hands, and brought down their high-jacked plane in the Pennsylvania countryside. Without government intervention or assistance. Without loss of civil rights.

Robert Yates commenting on the Constitutional Convention, said, "To surrender [our civil rights], would counteract the very end of government, to wit, the common good." To preserve and protect our nation's security, we must negate the resolution.

**Contention 2: What would happen to Law, if we affirmed the resolution?**

A. Law as embodied in the American Constitution gives our nation its unique character. If we compromise our laws by abridging civil rights, our nation loses its identity. No longer would America be the land of the free, but would simply be the home of the sheltered. The nation would cease to exist even before an enemy had a chance to attack.

B. After 9-11, America was not the only nation beefing up national security. Canada's Parliament enacted 4 new national security bills that overturned 36 previous rulings compiled over decades *(Bill C-35, the Anti-terrorism Act, the Public Safety Act, and the Act to Amend the Aeronautics Act).* These bills fundamentally changed Canadian civil rights law.

Let me read from the article Civil Liberties, Human Rights and Canada's New National Security Legislation from the CAUT/ACPPU web site (a publication from educators, librarians, journalists etc…) "Safeguards against arbitrary arrest and forced testimony are the hallmarks of a fair and independent justice system. The Act, however, contains provisions that undermine these fundamental rights. The legislation creates ‘investigatory detention' and also provides for ‘preventive detention'. The potential for indefinite imprisonment without trial made possible by these sections offends basic notions of justice…The ascendance of ‘national security' as a state priority is particularly tragic because the real security of Canadians can best be measured by the strength of the civil liberties that its residents enjoy."

**Conclusion:** In conclusion, when our government begins to restrict civil rights for the sake of national security, it degrades the system of traditional American values, specifically self-control and law. It makes us both less secure and less free by stripping us of identity and initiative. We must not allow fear to unravel our freedom and our security. We must not overturn the essential and binding principles that have so long been the trademark of America. I urge a negative ballot.

Coach's Commentary:

This is an elegant display of the value system structure. Notice how the contentions flesh out for us each of the tenets of the value system. Petra's use of the impact of affirmation and negation of the resolution on the components of the value system, helps to develop a clash right from the start.

This case needs a bit more development, strengthening the connections among the values and the resolution. It will be important for Petra to include a definition of "nation" or "national security", which will allow her to discuss the nation in terms of a people and their traditions rather than simply a political entity with defensible borders.

Value Standard (Affirmative case)

**Sideline Civil Rights to Secure Human Rights**

By Rachel Blum

**Intro:** In the Declaration of Independence, the document that laid out the moral foundation of our country, our Founders drew out some imperatives. Mainly, that anything that manipulates the intrinsic human rights of the people ought to be abolished. Because I agree that valuing the rights of mankind is more important than valuing government-ordained privileges, I will provide you with a justification of the following resolution:

**Resolved: The restriction of civil rights for the sake of national security is justified.**

Now, let's examine some **Definitions** that will form the parameters of today's debate round:

**Restriction:** "Confinement within limit or bounds." – *Webster's Revised Unabridged Dictionary*

**Civil Rights:** "Those legal rights granted to citizens by the government." – *Wikipedia Encyclopedia*

**National Security:** "Protection of the interests of a country." – *Webster's New Millennium Dictionary of the English Language*

**Justified:** "Conformable to law, right, justice, propriety, or duty." – *Webster's Revised Unabridged Dictionary*

**Human Rights:** "The basic rights and freedoms to which all humans are entitled, including life, liberty, and property." – *Black's Law Dictionary*

Now let's examine my **Case Structure:**

Today I will be demonstrating a justification of the resolution through the value standard case model. Values exist as ultimate goods and standards of behavior. Thus, although a certain value may never be ultimately achievable, it is still a worthy ideal to strive for, and in striving for it, we will achieve lesser virtues and benefits. With that in mind, I now set forth the **Value Standard:**

**The Moral Imperative**. This value standard holds that there is a constant foundation of morality, and that our decisions regarding other values and dilemmas should be made by what is the most morally imperative.

**Contention 1: Human rights should be considered above civil rights.**

The negative may try to convince you that civil rights are the same as human rights, however, the similarity between the two starts and stops with the word "rights". Think about it – the right to vote, for example, is a civil right, but not a human right. It is beneficial to the citizens of our country, and is a privilege ordained by the government of our country. However, voting in and of itself has no intrinsic value. On the other hand, if you consider a human right, such as life, you find that it has intrinsic worth, a worth that does not need government ordination in order to exist.

In C.S. Lewis's *The Abolition of Man*, Lewis shows founding documents of many different ancient and more modern civilizations, and through analysis demonstrates that, no matter how different these civilizations were, they all agreed on certain things. Murder was always wrong, because it violated the human right of life. Stealing was wrong, because it violated the human right of personal property. It is evident that human rights find their foundation in morality, and thus, there is a moral imperative to value whatever best protects human rights.

**Contention 2: National security finds its foundations in the preservation of human rights.**

National security is valued because we have found that it is necessary to protect the lives and livelihood of a country's citizens in order for that country to prosper. If you examine each of the recent national security crises, you will find that they all resulted from devaluing of some human right.

For example, look at the September 11th attacks, something that's imprinted into the memories of every American. Our enemies devalued not only the right to life of our innocent people in the World Trade Center, but their own lives as well. Our national security failed, and human rights were damaged. Human lives were lost. There is a moral imperative to do all we can to protect the precious things like people's lives, and in our modern world, this is often best done by valuing national security.

**Contention 3: Government by the consent of the governed mandates that we hold the good of the people above all else.**

In the United State's Declaration of Independence, in which the principle of government by the consent of the governed is officially laid out, safety and security of the people are twice cited as those things which we are ultimately striving to protect. A nation must be secure if it is to protect the human rights of its people. Security always comes first, and this is the moral imperative of our government and our nation.

For example, let's look at airport security regulations. It is typically considered a right to have and use sharp items like nail clippers and scissors. However, at this time in our country, such things have been deemed dangerous and can threaten our nation's security, and ultimately our human rights. It has been generally decided that the small inconvenience of leaving prohibited items at home when traveling by plane is far outweighed by the large inconvenience of experiencing a terrorist attack. We could take this even further and examine the issue of hand guns. We have the civil right to keep and bear hand guns, however, issues like airport regulations put in place to protect our national security. The government does have a moral imperative to protect the human rights of its people, the people who give it its power, before protecting their privileges.

**In conclusion**, we see that the intrinsic rights of human beings … namely their right to life, should be foremost in our consideration. At times when human rights are in jeopardy, we have a moral imperative to consider national security above civil rights. Striving for the highest moral end will allow us first to achieve those things that are really valuable, and from this stem the lesser rights and privileges that have been granted to Americans.

Coach's Commentary:

Rachel is using one of the alternative case structures, which may or may not be familiar to her judge or to her opponent. She wisely takes a few sentences to outline the distinguishing features of this case type so that everyone has a sense of the shape of this debate, rather than just laying out her value standard. This is both a precaution and a courtesy, and will make for a better debate round.

The case will jump into focus when Rachel's premise is clearly articulated:" The moral imperative attaches to human rights, not to civil rights. Civil rights may, under certain circumstances, follow the pursuit of human rights; but if human rights are pursued, the good of the people will certainly follow."

The weak point of this case is its applications. The examples given, airport security and the 9-11 attacks, probably will make Rachel's point after a re-write, but presently, they do not. The airport security example speaks more, in this draft, of personal security than of national security. In the 9-11 example, the claim that recent security crises are the result of devaluing some human right cannot be adequately supported by pointing out that our enemies devalued human rights. It must be shown that our government devalued human rights and therefore endangered our security, because her argument is about what governments should do, not about what terrorists should do.

Appendix II

Resolution-Driven Cases

Value-driven cases look outside the resolution for values that support or oppose the resolution. Resolution-driven cases see the resolution itself as carrying implicit values that are sufficient to carry the case. These cases have the strength of immediate identification with the resolution.

Philosophical Criteria (Affirmative case)

**All Locke-d Up**

By Lauren Dueck

"If man in the state of nature be so free, as has been said, why will he part with his freedom? To which is the obvious answer, that the enjoyment he has in his property in this state is very unsafe, very unsecure. The great and chief end of men's uniting into commonwealths, and putting themselves under government, is the preservation of their property."

So wrote John Locke in his Second Treatise of Government*,* a fundamental work of political philosophy. Because the primary end and ultimate goal of government is the protection of its citizens, I stand firmly **Resolved: That the restriction of civil rights for the sake of national security is justified.**

For the sake of clarity, I offer the following:

**Observation 1: Definitions**

From the Online Ethics Center Glossary, **Civil Rights** are "the rights that go with citizenship, that one acquires simply by being a citizen. Not all of these are inalienable rights, however - see rights. For example, a citizen may lose the right to vote if convicted of certain crimes."

From the Encarta Dictionary, **National Security** is "the protection of a nation from attack or other danger."

From the AllWords.com Online, **justified** is defined as "to prove or show something to be right, just or reasonable."

From the Merriam Webster Online Dictionary, **restriction** is "to confine within bounds."

Here let us note that the resolution does not require the abolition of civil rights, or even the infringement of them. The resolution requires us to confine civil rights, not eliminate them.

**Observation 2: Philosophical Criterion**

In today's debate round, I'll be presenting a method via which we should judge to resolution. It will provide us a standard by which to measure the resolution. That standard is embodied in John Locke's work of political philosophy, Second Treatise of Government*.* John Locke's contribution to the American system of government can hardly be exaggerated. Jim Powell, writing for the Foundation for Economic Education states, "Thomas Jefferson ranked Locke as the most important thinker on liberty. Locke helped inspire Thomas Paine's radical ideas about revolution. Locke fired up George Mason. From Locke, James Madison drew his most fundamental principles of liberty and government. Locke's writings were part of Benjamin Franklin's self-education. The French philosopher Voltaire called Locke "the man of the greatest wisdom. What he has not seen clearly, I despair of ever seeing."

John Locke's writings have influenced, either directly or indirectly, most democratic societies in existence. His views of government, as expressed in his Second Treatise of Government ought to be of primary importance when evaluating the role of government in any democratic society. We will therefore evaluate the resolution by comparing it to the ideals Locke presented. If the resolution conforms to the purpose of government found in the Second Treatise of Government, it should be affirmed. If it does not, it should be negated.

**Contention 1: The purpose of government is the protection of its people.**

The first question that comes to mind when viewing the resolution is, what is the point of government? If we can determine the purpose of government, it follows that government should follow that purpose in all of its actions. Since Locke is the standard by which we're measuring the resolution, let's turn to him, first.

Locke states in chapter 9, section 123 of The Second Treatise of Government, "[Man] seeks out, and is willing to join society with others…for the mutual preservation of their lives, liberties and estates."

Locke believes that people consent to form governments in order to protect themselves from harm. The government's primary duty, then, is to secure the lives of its citizens.

Other philosophers important in the foundation of our country believed the same. Thomas Hobbes wrote in chapter XVII of Leviathan, "The final cause, end, or design of men in the introduction of that restraint upon themselves in which we see them live in commonwealths is the foresight of their own preservation."

Again, we find that people form a government in order to protect themselves and their property.

So what's the whole point of government? To preserve the safety of its citizens. If the entire reason government exists is to pursue the security of its people, and thus, the nation, every government action should work to this end.

With that in mind, let's look at the resolution.

**Contention 2: The government has a duty to protect the lives of its citizens, even at the cost of civil rights.**

I think we can all agree that national security is a good thing. It preserves the rights of the people, and keeps everyone…well…alive. We can also agree that civil rights are a good thing. But the issue in today's debate isn't to affirm that both these values are good. We need to find out if national security is important enough to trump civil rights. It's important to note that most of the time, there's really no need to restrict civil rights for the sake of national security. In ordinary circumstances, there's not much of a conflict. The resolution, however, doesn't present a "normal" situation. We're given a fairly extreme circumstance – one in which we must choose which is more important. Are we going to value civil rights, even though it may jeopardize our national security, or are we willing to restrict some rights to attain safety? Let's get back to Locke.

Locke argues in Chapter XIV for something called prerogative. Prerogative is the power of a government and ruling body to make executive decisions, sometimes outside the boundaries of normal law, for the purpose of protecting the citizens. Locke states, "Prerogative is nothing but the power of doing public good without a rule." According to this concept, the government can take action in extreme situations to assure the safety of their citizens.

When we have to decide between the two important values of national security and civil rights, Locke argues that governmental action can restrict civil rights in order to protect the people. Because Locke is serving as our criterion for evaluating the resolution, the resolution is justified.

**Contention 3: Application**

One example of legitimate infringement of civil rights for the sake of national security is the RICO act of 1970. The Racketeer-Influenced and Corrupt Organizations Act was implemented to give government organizations more tools to fight organized crime. Under RICO, FBI agents can infiltrate social gatherings, conduct search and monitoring activities and make arrests outside the normal boundaries of the law. RICO was the first big breakthrough in fighting mafia activities, both domestic and international. By restricting certain civil liberties, the government was able to protect the lives and property of its citizens.

Because of the purpose of government as articulated in the writings of John Locke, the resolution must be upheld.

Coach's commentary:

This case-type depends on a resolution, which articulates an obvious value on its own. This year's resolution does not articulate a clear value of its own. The two objects of evaluation, national security and civil rights, have values which underlie them, but they are not clearly values in and of themselves. However, Lauren has taken up the challenge, and has produced a sturdy case, which plausibly uses national security as a value, with Locke's philosophy as her criterion. Debaters should have no trouble using a case like this, focusing on the really interesting questions posed by the criterion, and foregoing the tedious debate about whether national security is a value.

Some of these interesting challenges to the case are, of course, 1) do threats to national security come only from without? 2) Is Locke an adequate criterion for deciding this question? 3) Can we depend on government to "do public good without a rule"? This case would be a lot of fun to debate.

Evidence Blocks for "All Locke-d Up" affirmative case

Contention 1: The purpose of government is the protection of its people.

**TAG:** **Government's responsibility to protect its citizens is so well accepted, that many consider it a citizen's right.**

**Citation:** John Adams, Thoughts on Government, 1776

"Each individual of the society has a right to be protected by it in the enjoyment of his life, liberty, and property, according to standing laws."

**TAG: Another great American document, the Virginia Bill of Rights, specifically identifies this purpose.**

**Citation:** George Mason, Virginia Bill of Rights

"Government is, or ought to be instituted for the common benefit, protection and security of the people, nation or community…

Contention 2: The government has a duty to protect the lives of its citizens, even at the cost of civil rights.

**TAG:** **From ancient times wise men have recognized that in war security is more important than civil rights.**

Citation: Cicero, The Republic Book I

"So our people in peace times, give orders, and in wartimes defer to each magistrate, for then safety takes precedence over personal desires."

**TAG: Self-protection is the only case in which limitation of civil rights is justified.**

**Citation**: John Stuart Mill, On Liberty

"The sole end for which mankind are warranted, individually or collectively, in interfering with the liberty of action of any of their number is self-protection."

Contention 3: Application

**TAG: The Patriot Act, following the precedents of RICO, restricts the right to privacy, in order to allow federal agents to follow sophisticated terrorists trained to evade detection. Restricting some civil rights really doe make us safer.**

**Citation:** US Dept. of Justice

"For years, law enforcement has been able to use "roving wiretaps" to investigate ordinary crimes, including drug offenses and racketeering. A roving wiretap can be authorized by a federal judge to apply to a particular suspect, rather than a particular phone or communications device. Because international terrorists are sophisticated and trained to thwart surveillance by rapidly changing locations and communication devices such as cell phones, the Act authorized agents to seek court permission to use the same techniques in national security investigations to track terrorists."

Unified Analysis (Affirmative case)

**Terrorizing Terrorists**

By Michael T. Benavidez

The attack on the USS Cole. Bombings of US, British and Australian embassies overseas. Palestinian Suicide bombings. The attacks of September 11, 2001. These are just a few of the thousands of terrorist attacks in recent memory. Terrorism has become a huge player in world politics, and affects us in many ways. As Colin Powell said, "Terrorism strikes anywhere, everyone. It is a threat to the entire civilized world."

Because I believe that the global threat of terrorism must be combated, I stand

**Resolved:** That the restriction of civil rights for the sake of national security is justified.

In today's debate round, I will be advocating the position proposed by the resolution; that namely, it is justified to restrict civil rights in order to uphold national security. Before we begin to debate this question, however, we must first understand exactly what the key terms of this proposition mean. In order to promote clarity in this area, I offer the following definitions:

First, according to the Ethics Glossary provided by the Online Ethics Center for Engineering and Science at Case Central University, civil rights means the rights that go with citizenship, that one acquires simply by being a citizen. Not all of these are inalienable rights, however. For example, a citizen may lose the right to vote if convicted of certain crimes.

Second, the McGraw-Hill Learning Center glossary of social science terms defines national security as "condition of a nation's safety from threats, especially threats from external sources."

Now that we understand the key terms, let's move onto the case proper. In today's debate round, I will attempt to uphold the worth of national security. As we saw in the definitions, national security essentially means safety from threats, especially external, or foreign, ones. It will be my contention that national security must be upheld because it is the very reason governments are established.

Since national security can be an ambiguous concept, at this point I offer a criterion for determining when national security is upheld. At this point in the world's history, the biggest threat to the security of any nation comes from the phenomenon of terrorism. Because of this, the criterion for national security today will be effective intelligence on terrorism threats. The mission statement of the CIA clearly states that the purpose of intelligence gathering is to uphold national security, when it says "we will provide knowledge and take action to ensure the national security of the United States and the preservation of American life and ideals."

**Contention 1: Civil rights can be revoked by governments**

When considering the problem of national security vs. civil rights, the most important distinction that needs to be made is the difference between natural rights and civil rights. Natural rights are what our founding fathers recognized: life, liberty, property. These things are given by God, and bestowed on all humans equally. Since man did not give them, man cannot take them away. However, civil rights are different. Recall the definition presented at the beginning of the round: that civil rights are rights that go along with citizenship, not that go along with humanity. In other words, your civil rights are yours based on the merits of your citizenship under a specific government, as opposed to natural rights, which are yours based simply on the merit of you being a human being. Because of this, civil rights CAN be revoked by the government, since that is where they find their origin.

**Contention 2: Governments have a moral obligation to uphold national security**

According to John Locke, governments exist to protect their citizens. In chapter one of his famous Second Treatise on Government, Locke states "Political power, then I take to be a right of making laws…for the regulating and preserving of property, and of employing the force of the community, in the execution of such laws, and in the defense of the common-wealth from foreign injury." We see Locke saying that the very nature of political power is to protect the commonwealth from foreign injury, or in other words, to uphold national security. Because government's purpose is to uphold national security, then it has a moral imperative to do so. National security should be the first priority of government, as it is the very reason government is established.

In order to flesh out this still nebulous concept, and show a real-world example of how it is justified to restrict civil rights for the sake of national security, I present the application for today's debate round: The Patriot Act. Now, there really is no argument to the fact that the Patriot Act does restrict civil liberties, namely that of privacy. In fact, 152 communities, including several major cities and three states have now passed resolutions denouncing the Patriot Act as an assault on civil liberties. However, recall the facts. Civil liberties find their origins in governments, so governments have the right to restrict them, and national security is the very purpose for the establishment of government. Our criterion for upholding national security was effective intelligence on terrorism threats, which is exactly what the Patriot Act provides for. For example, one element of the Patriot Act that provides for more effective intelligence gathering while restricting the civil liberty of privacy is wiretapping and surveillance. According to www.lifeandliberty.gov, the Patriot Act website, "Before the Patriot Act, courts could permit law enforcement to conduct electronic surveillance to investigate many ordinary, non-terrorism crimes, such as drug crimes, mail fraud, and passport fraud. Agents also could obtain wiretaps to investigate some, but not all, of the crimes that terrorists often commit. The Act enabled investigators to gather information when looking into the full range of terrorism-related crimes, including: chemical-weapons offenses, the use of weapons of mass destruction, killing Americans abroad, and terrorism financing."

In conclusion, we see that the Patriot Act, while infringing on some civil rights, provides our intelligence sector with the ability to gather effective intelligence on terrorism threats, which, as we established with the criterion, means that national security is upheld. As this is the purpose for the establishment of government, this restriction in civil liberties, the rights that government giveth and taketh away, is justified. I urge an affirmative ballot.

Coach's Commentary:

This is an excellent example of the use of pure logic and reasoning. Michael does not advocate a value per se, but simply advocates the terms of the resolution. He keeps the discussion from melting into chaos by providing just two key definitions and a criterion, which limit the debate to a manageable size, and make his arguments internally consistent.

In other words, his opponent would not be able to attack the validity of his arguments. The Negative could, however, craft a clash on the close identification of civil rights with human rights, contending that, in revoking civil rights for any purpose, a government must not infringe human rights.

To keep this debate from deteriorating into a petty war over sources, I would advise a different dictionary for the civil rights definition. An opponent might challenge the credibility of an engineering and science dictionary – even an ethics-based science dictionary as a source for a political/philosophical term. It is easy to find essentially the same definition in non-science dictionaries.

Exercise: Crank Case Take-down & Solution Key

By Petra Anderson, Austin and Natalie Webb

**IMPORTANT NOTE:** The author of this book does not recommend, or intend the use of this case nor does the author agree with the content. It has been written specifically for an academic exercise. Think of it as Swiss cheese gone bad. See if you can find all the holes and fallacies in it. For the solution, see below.

**Resolved: That the restriction of civil rights for the sake of national security is justified.**

*Definitions:* American Heritage Dictionary of the English Language

**Restriction:** A limitation.

**Civil Rights**: Liberty legally guaranteed to the individual.

**National Security:** Measures adopted to guarantee the people's protection.

**Justified:** Demonstrated to be just, right or valid.

**Safety:** Freedom from doubt, anxiety and fear.

**Societal Welfare:** Reausu's The Social Contract

***Value Premise:*** The welfare of society and the individual demands the affirmation of national security. Society is made up of individuals; therefore what is good for the individual is good for many individuals or society. Individual welfare is inherently good therefore societal welfare is inherently good. We must value societal welfare because it is inherently good.

***Criterion:*** Because we value societal welfare we must affirm the resolution and use safety as a criterion to measure how close we are to achieving our value. The inherently good value of societal welfare measured by the criterion of safety can only be achieved by affirming the resolution.

**Contention 1: Affirming the resolution will be best for society in the long run.**

As more and more dangers mount for the American people, i.e. American society, it becomes apparent the measures need to be taken to ensure the safety and welfare of the society and nation. The affirmative believes that in times like these the resolution ought to be affirmed. If you want to reap the long-term benefits of society when the resolution is affirmed, vote for the affirmative. You will be supporting peace of mind, freedom from fear, health, happiness, functioning society, and security for American's rights.

**Contention 2: Civil Rights are good for society but can not be properly protected with out the affirmation of the resolution**.

A. When societal welfare and civil rights are endangered by foes from abroad, the only effective thing to do is let the Government handle the problem and fulfill its job by protecting its people, its society, and its rights. The negation of the resolution will open our nation to more attacks and harm to civil rights by ignoring what is good for society.

**Conclusion:** Can we stand a small amount of discomfort for a while, when in the end our rights will be more secure? Or will we stand by, while our brothers die, and hold tight to rights which will melt away and disappear like the snow? We must not let the inherently good value of societal welfare fall by the way side. We should affirm the resolution for the protection of the generations to come.

Solution:

**Definitions:** One glaring mistake here is the title of a book as a definition for societal welfare, a term so fundamental to this case. The title of a book should be used as a citation in a case not as evidence in itself. If you use the title of a book in the context above, you will confuse not only your judge but possibly your opponent, thus making a value clash more difficult.

**Value Premise:** We have BIG problems here. The first is Circular Reasoning. Also when we define Societal Welfare as The Social Contract, we begin to say either, that the social contract, i.e. man's will and man's laws, are inherently good or we totally redefine societal welfare. Further, all of a sudden the individual comes into the picture as the new defining issue for societal welfare.

**Criterion:** The first connections to rattle should always be the Criterion---Value---Resolution. In this case the criterion paragraph asserts what was said above with safety thrown in, but without clear arguments to show how anything will be accomplished. We are not looking for application and evidence, just a clear argument. Circular reasoning continues throughout this piece. Often we get stuck on "it just is" without expressing what "is" clearly. Be careful! The judge can't read your mind.

**Contention 1:** Wait a minute, we just said that safety would be the measure used to protect societal welfare and national security. Watch for inconsistencies like these and you will be well on the way to a ballot in your favor. A list of things that sound good is included, but we are never told how valuing societal welfare links to all of these. The list is also an appeal to emotion which may work on some judges, but is a logical fallacy and a cheap argument.

**Contention 2:** If there is one good argument in this case, here it is. It is the only one which might possibly stand attack. Attack the assumptions; here the assumption is that the government will always do what is good for society. But will it?

**Conclusion:** It ends with the whimper of an appeal to pity. Throughout the contentions the case seems to have forgotten the "inherently good" societal welfare and rambles on and on.

Try your best not to write a case like this. Nobody likes bad cheese!