

Judges Ballots 2010

Michigan State (Carly Wunderlich & Eric Lanning) vs.
Northwestern (Matt Fisher & Stephanie Spies) 5-0 Aff. MSU



Ryan Galloway, Samford University

Congratulations to both Northwestern and MSU on fantastic seasons. I would also like to congratulate Mary Washington on making it to the semi-finals—an illustration as to how small squads can compete with large squads even by emphasizing traditional policy debate, and Wake Forest on making it to the semi-finals as an illustration of how a squad hung together for a fantastic year after a tragic beginning to the season.

I'll start by making a few meta-level community comments, talk about the issues in the debate, and close with some specific commentary on how the issues in this debate are illustrative of some broader frames in debates I would like to see challenged more often.

Meta-level community comments

- 1) Youth: It is easy to forget the youth and vibrancy that our community is capable of. Dan Fitzmier, in his second year at Northwestern, has already coached a Copeland winner, an NDT finalist, and an NDT semi-finalist. Greta Stahl is also quite young in her role as director of debate at MSU, and has now coached an NDT champion. There is a great deal of youth and vibrancy in our community leadership.
- 2) Gender: At the risk of being too optimistic, it would be easy to overlook that this year's NDT final round had two strong female debaters, and an exceptional female director from MSU. Northwestern also had a two-female team clear at the NDT this year (Mary Gregg and Peyton Lee, one of my favorite teams to watch). In addition, MSU has consistently built up strong women debaters, from Greta herself as a debater and a director, back to Biza Repko (who I hear can be confused with Will Repko), to Carly today. Lest we pigeon-hole women debaters into only running gender-related debate arguments, all of these women have shown the capacity to talk like a girl, walk like a girl, and run disads and case turns at 60mph, like a girl. Everybody knows we need to keep striving to do better on this front, but let's also look at the successes our community has to offer, and remember that these two squads are obviously taking tangible actions to foster a gender-inclusive debate environment for their programs.
- 3) Competition makes us better: Both teams said it, and the round was illustrative of it. When we challenge each other, debates

get better. Keep challenging each other so we can keep getting better.

The debate

I voted **Affirmative for Michigan State**. A tricky, strategic AFF for MSU left them with a lot to work with late in the debate, and Carly and Eric capitalized after a fast, quick, and diverse 1nc from Stephanie Spies that would have left even the best reeling.

A) MSU wins a near 100% risk of the trade war scenario at the bottom of the judicial leadership advantage. Northwestern's Ferguson take-out was ultra-strong against the Kerpen evidence, and I was glad to see Fisher emphasize evidence quality and the empirical reasoning in the Ferguson evidence. I give MSU nothing of the economy impact. The problem for Northwestern was that they were left with almost nothing else against the trade war component of the advantage, which was impacted in a nuclear war from the trade war itself. Fisher tried to extend hegemony defense to this, which: 1) didn't really answer the argument—not sure why hegemony from the US would stop the friction from the trade war with China from escalating, 2) Northwestern's evidence on hegemony providing a backstop against war was poor for making that claim—both pieces of evidence said a retreat from hegemony caused war—not that a strong hegemon stopped the potential for escalatory wars, 3) the 2ar wisely pointed out how the trade war could also undermine US hegemony, leaving Northwestern with not much left.

B) Both the perm and the counterplan alone were sufficient to trigger the link threshold to the reverse politics disad. Here, 1ar framing and 2ar capitalization on the framing was important. Eric in the 1ar frames the debate around the argument originally made by Northwestern in the 1nc, that “a controversy” was sufficient to trigger the disad. Thus, even if Northwestern wins that the permutation is more shielded than the counterplan alone, as long as MSU wins that the permutation is sufficient to create the trigger threshold for the controversy needed to de-rail Obama's agenda, they also access the benefits of creating a controversy. Normally, debaters debate these questions in terms of offense/defense and relative risks, but the 1ar challenges this frame, the 2nr doesn't really respond to it, and the 2ar capitalizes on it to allow this debate to be decided by a threshold paradigm of risk analysis instead of “triggering the link more.” I also thought MSU was pretty good on reasons why the permutation wouldn't create shielding compared to the counterplan alone, particularly with the 1ar analysis on Obama receiving blame for Court action because of the Sotomayor appointment and the fact that Obama would always get the blame for nuclear policy (last card on this question in 1ar) because of the Prague speech. Even though MSU read the same exact card as the 2nd 2ac card and the 1st 1ar card on this question (an odd mistake), MSU capitalized on the evidence they did have, made it specific to Obama and nuclear policy, and even though Northwestern's evidence was generally good, it was theoretical and outdated compared to MSU's evidence and spin.

C) “You can only die once.” Fisher uses this to try to win the space scenario can trump the case in the 2nr, but Carly does a great counter-spin in the 2ar, that if this is true, a faster time-frame scenario can be used to trump longer term scenarios like the space and heg scenarios on the disad. I liked this because the debaters both moved well beyond the tired “magnitude, time-frame, probability” overview we've all heard a million times. Making specific applications and counter-moves with risk assessment is what great debaters are capable of doing, and both debaters capitalized on it. MSU's strategic move was just a bit better than Northwestern's.

Thus, MSU wins a huge risk of the trade war scenario, impacted in a short-term trade war with China when they start dumping the dollar in near-term, and I gave Northwestern essentially no real probability of the reverse politics disad because both the permutation and the counterplan are sufficient to trigger the link threshold.

There's also a normal means debate that wasn't relevant in my decision, but the 2ac initiated a debate that court decisions happen

in June, preventing the shielding effect of the court action in the world of the permutation. I let the 2nr answer this with the argument that decisions are “sometimes announced” immediately (Courts Topic 102 teaches us that Bush v. Gore was), BUT I also know this is unlikely and rare. I didn’t have the 1nr “should” argument, but I let the 2nr make his late-breaking development argument for the first time in the 2nr, because the full development of this occurred in the 1ar. Carly spins up why I should prefer debates about normal means in the 2ar, but a way court decisions can happen is immediate. if enacted, would be very LIKELY to be announced in June, since courts don't normally announce decisions immediately. This would be more relevant to my decision if the trigger threshold above wasn't being met.

Broader Frames

I’m going to take this moment to talk about how arguments and concepts in this debate actually serve to challenge some pre-existing frames that I think we take for granted in too many debates. I’d like to see more push-back against prevailing debate norms in 2010 on the following issues

Issue the first: static frames are bad, and dynamic frames are good

A) Agent debates don’t always suck, nor are they always boring. MSU’s take turns prevailing 2010 ASPEC logic on its head by specifying the court, which gave them tremendous strategic advantages in the debate. They made the court debate specific, relevant, and argued it well. While agent debates can often be trite and boring, when well-utilized and evidenced, they can also be dynamic, interesting, and relevant. Let’s not fall into the trap of marginalizing agent debates to nothing. Before I hear a million and one “ASPEC” debates next year, that isn’t really what I’m saying. The AFF ability to specify can sometimes be ground for strategically useful affirmatives that move the affirmative out of the box of “The USFG should.”

B) Risk analysis. We’ve reached a static frame of risk analysis that I indict in the magnitude/time-frame/probability discussion above. MSU challenges the existing offense/defense paradigm of risk analysis in this debate and pushes hard to make time-frame more relevant by capturing the “you can only die once” logic. I generally find debaters to be poor at assessing why time-frame matters, and I was actually glad we got to see time-frame “impacted” in this debate. The trigger threshold paradigm for risk that Lanning sets up in the 1ar is also a powerful example as to how to challenge the existing “box” of relative offense/defense that we are too often trapped in. Debaters should be encouraged to be dynamic in their assessment of debates, and judges should be more willing to challenge their own pre-existing boxes and assess debates in ways that debaters argue them.

C) Late-breaking developments. There were a lot of good ones in this debate, from Fisher’s attempts to answer the courts decide in June arguments, to the Fisher/Carly battle over “you can only die once” to the move by Carly to capture time-frame and make it a relevant argument. I’ve been frustrated as a judge to watch some of my contemporaries build too high a wall around the constructive speeches in debates to not allow more dynamic interplay of arguments and analysis in the rebuttals. I would encourage judges to give debaters more of a leash to roam around on in the rebuttals. Now, before this is used as a warrant for a bunch of new turns to a dropped disad in the 1ar, I’m just advocating for more dynamism and explanation to be allowed by the rebuttalists. This debate is a great example about how both sides can utilize such a concept.

D) Tactics are under-rated in modern debate, strategy is over-emphasized. This debate had a lot of good tit-for-tat efforts by the debaters to capture each other’s arguments based on developments that occurred in the debate. We are in danger of over-strategizing and over-blocking before debates and not allowing encouraging and fostering an environment where strong tactical

decisions made by the debaters in the round become relevant. This debate is a great example of how the encouragement of tactical decision-making can make for interesting, fun, and educational rounds where the static frames of debates in 2010 are stretched a bit. Debaters should be more tactical within their strong strategies that they prep before debates.

E) Normal means debates and assumptions about “the plan has to happen right now, no matter what.” We’ve created a world where the vast majority of debates assume instantaneous, ridiculous forms of FIAT that make debate more divorced from the real world than it should be. The sub-debate on when court decisions are announced in this debate is far more reasonable and attached to the literature. We’d be better off being more reasonable, and less focused on the instantaneous FIAT magic wand. We could afford to be less like a magician and more like a realistic policymaker.

Issue the second: Clarity. Scott Harris’ commentary in the 2010 NDT book is dead on. We are reaching a crisis of clarity in this activity where we all too frequently have to pretend we know what debaters said in the debate. This round was a powerful contrast to most debates, where clarity made it easy for a judge to figure out the subtle nuance of the judicial lead scenario of the 1ac, which benefited the AFF. Northwestern was also exceptionally clear in the debate, which allowed for the subtle nuances and evidentiary comparisons in the economy and court shielding sub-components of the debate. We should all encourage our debaters to be more clear so we can understand the evidence and nuance a little better. Yes, I am now the debate dinosaur I used to indict. Warren Decker is saying I told you so somewhere right now.

Issue the third: Less is more. Carly kicks down to one advantage in the 2ar (judicial leadership), and one argument against the disad—that the perm also creates the link trigger that the counterplan creates. This kicking down allows nuance, focus, and in-depth argument and comparison. Too many debaters are going for far too much in rounds and leaving judges to pick up the pieces. Less is more. Debaters should be encouraged to explain, compare, and provide nuanced evaluation.

Conclusion

This was a fun and exciting NDT with a great host school and fantastic hosts in Greg Achten and Dave Arnett. The final round was nuanced, exciting, and challenged several pre-existing debate frames while still operating on the traditional fast policy debate canvas that we are accustomed to. We still have a lot of innovation and tactical decisions that can make rounds on this canvas interesting. Let’s encourage our debaters, our coaches, and ourselves to emulate the debaters and squads in this round to keep perfecting and innovating in our world of intense competition.

And don’t forget to hug your coach, hug your debaters, and go spend some time with friends and family. What we do is important, but our competition shouldn’t become all-encompassing.

Looking forward to seeing my amazing wife who is gracious enough to tolerate my eccentricities, and looking forward to spending Friday at the local carnival with my beautiful son...

David Heidt, Emory

Congrats to both teams for making it to the final round. Michigan State was one of the most prepared teams I’ve ever seen at the NDT, and their affirmative was well thought out and strategically brilliant. They knew exactly what to expect and executed their strategy almost perfectly in every speech. Northwestern was in a very tough spot – being negative against a new affirmative that had fully anticipated their strategy – but they held up extremely well and were pretty close to winning the debate regardless.

I voted affirmative for Michigan State on the permutation to the Congress counterplan –it was controversial enough to capture the reverse politics net benefit. Northwestern is doing very well on the reverse politics disad, but the permutation and the solvency deficit to the counterplan were enough to outweigh it. Three arguments determined my decision.

1. The argument that the plan is not announced until June determined the outcome of the debate by itself. It means that the permutation to do both doesn't involve court shielding at all. The counterplan occurs, and then, months later, the plan is announced. Any political effect generated by the counterplan is inevitable because the plan is announced too late to have a shielding effect. The fundamental problem is that the theoretical basis of "decided now but not announced till June" isn't challenged in the 1nr. I had the following 1nr arguments:

--"it's a one line bad card". I disagreed; while the card that Michigan State read wasn't the best I've seen on this argument, it does say that the Court traditionally waits until June to announced decisions decided in spring. Nothing else read in the debate suggests otherwise.

--"must be announced now". While Stephanie does make this argument, there isn't any substance to it in the 1nr. I thought something more developed here would have made the difference. Matt asserted in the 2nr that she had cross applied a definition of "should" to say it must be immediate; perhaps she did but I never heard the "should" warrant prior to the 2nr (and a "should" definition is not enough. The aff's argument is that the plan is decided now, to meet the "should" burden, but that normally the Court will wait before announcing it, as Carly points out in the 2ar). Northwestern should have made an argument that the selective appropriation of normal means for strategic purposes is unfair; the aff routinely ignores all normal means for Court decisions (such as waiting for a test case, deciding it impartially after hearing briefs from both sides, sticking to the facts of a particular case, etc) except when it suits them for answering a disad. I can't imagine ever being really persuaded by an affirmative defense of "announced in June"; however, Michigan State did the better debating here.

--"if it's not announced till June it proves the plan can't capture the politics net benefit". This is true, but the permutation to do both does.

Matt's 2nr added the argument that if they act at the same time, Obama will know how the Court will rule and can therefore use the permutation to cast some blame onto the Court. I don't think this argument is supported by anything in the debate and I have never heard of an instance where the president ever had inside knowledge into a Court decision in advance. It is very difficult for me believe this argument without evidence, and none of the Court shielding cards that Northwestern read supported this claim.

2. MSU won *some* risk that the permutation would not shield Obama effectively and he would get some of the blame. But the risk is very small. While MSU does correctly identify that some of Northwestern's evidence doesn't apply (because it is about state courts shielding state legislators, for example), Northwestern's evidence on the whole is substantially better than MSU's. Just the Rosenberg court shielding card alone is light years better than anything MSU has read, and Northwestern has read several other good cards as well. However, MSU does make two distinctions that give them some credit – they've read the only card about Obama, and the only card about nuclear policy. In my opinion, these don't get them very far, because neither of these cards is very good (the Obama-specific card about Sotomayor that says "blame shifting is less effective" is actually about Obama's ability to blame Bush, not the Court, and the nuclear-policy specific card isn't about the Court). But Northwestern doesn't fully indict these cards, so I'm willing to say that there's a small chance that the permutation would still leave Obama with much of the blame. A very small chance – but one that is nonetheless relevant to my decision because of #3.

3. The counterplan doesn't solve judicial power advantage at all. There are two impacts to this – an economy impact with a Kerpen card, and a US/Sino war impact. Matt didn't really get to this advantage in the 2nr except to extend his one economy impact defense card. This was enough to fully eliminate the risk of Kerpen. Kerpen isn't qualified and I don't understand why debaters insist on reading this card when so many other economy impact cards exist (the same goes for Spiece, and Carroll – enough already!). Matt didn't extend his indict of Kerpen in the 2nr but he did extend the Ferguson card that he had directly compared to Kerpen in the 2nc in conjunction with the indict. The only answer Eric made in the 1ar is that empirical examples didn't apply to the warrants within the Kerpen evidence (! – admittedly I am biased against the use of Kerpen evidence - he wrote that evidence while maintaining a for-profit debate evidence website – but what warrants?) The aff is great on the internal links to the economy impact but I don't think they ever really defend Kerpen impact itself very well in either speech (and – really, how could they? It's Kerpen).

However, the US/Sino war impact is conceded in the 2nr. While I don't think the aff reads an actual extinction impact to this, it is a large nuclear war. Carly is certainly correct that this accesses the 2nr's impact calculus regarding great power wars – which Matt asserts is an extinction level impact. This is important, because while Northwestern has a separate “space solves extinction” impact, it doesn't get them very far if I also think that an extinction impact is inevitable even with the counterplan.

I thought that the solvency deficit to the counterplan comes very close to triggering the same impact as the disad. Voting on the permutation – even without the June argument – is the best option because there is a chance that it will be controversial enough to end NASA funding. Even though that chance is very small, given the inevitability of a great power war either way, it seems worth taking.

Chris Crowe, Univ. of Texas San Antonio

I judged these two teams a total of seven times at this tournament alone. I want to thank Michigan State and Northwestern for trusting me that frequently, and particularly for my first time judging the final round of the National Debate Tournament. I consider it quite the honor. Both teams should be commended for how well they debated all season, not just this debate.

I voted affirmative for Michigan State. I think the permutation triggers the link to the politics disadvantage.

The affirmative essentially won the argument that announcing the court's decision at a later date robs Obama of the ability to shield himself from blame in the context of the permutation. The negative needed either an earlier, more developed theoretical objection to overcome the evidence read here, or better spin on how Obama might place blame, even if the decision is announced at a later date. I suspect the former would be easier than the latter.

I do think the permutation still links to the disadvantage without the decision being delayed. Most of the evidence in terms of shielding wasn't spectacular for both sides. I'd imagine part of the reason was everyone dusting off their reverse politics skills. In these kinds of debates, where the interaction between the plan and the counterplan (or some combination of the two) is almost entirely a debate invention, the spin becomes even more important than it is in other debates. The affirmative had two lines of argument here that helped independent of evidence quality. First, that the composition of the court means Obama would get the blame; and second, that nuclear issues mean he is blamed regardless. It was hard for the negative's decent theoretical evidence to overcome both of these more timely arguments, and the 1AR setup the threshold for this well: even a large amount of blame shifting might still leave enough controversy to link to the disadvantage. I think a much deeper debate on the nature of the original internal link to the disadvantage may have helped either side considerably. It seems as though the nature of blame-

shifting may beg the question of how many votes are needed for a particular bill, which senators might backlash against it, and how unpopular the counterplan is to begin with.

All issues considered, I don't feel comfortable voting for the small chance that the permutation shields the link to politics while incurring what's left of the affirmative's judiciary advantage.