

## Judges Ballots 2006

Michigan State (Casey  
Harrigan & Ryan Burke) vs.  
Wake Forest (Brad Hall &  
Jamie Carroll)



**Ryan Galloway** , Samford University

### “Good-bye for Now”

#### Galloway’s 2006 NDT Final Round Ballot

“As the curtain comes down,

I feel that this is just

good-bye for now...”

--Pearl Jam

When I first wrote one of these in 2002, I wrote the old “long version” (JAFA style) complete with compliments to the programs. I sort of promised myself if I did this again I would write the short version of just the decision. A few nights ago, I “flip-flopped,” so prepare for the long version J

I’ll start with Wake Forest. These guys put together an amazing string of huge victories to get to the finals of the NDT. You could feel the energy and excitement following the program the whole day. Any squad coached by Ross Smith is extremely dangerous, in any round, in any situation, on any given Monday. That’s how good he is. Beneath the gruff exterior and the crazy hand gestures lies the mind of a debate genius. Thanks for playing the game, Ross. You make us all better.

Credit should obviously go to Al Louden for putting together the Wake squad, J.P. Lacy for being a wonderful, long-term, committed coach; and the awesome, fun, and young Wake grad students. I hope Sarah Spring, Joe Packer, Blake Abbott, Paul Johnson, and R.J. Green stick around and make the debate world a better place. The energy of Wake’s undergraduates after their victories also provided an extra lift to carry them through an exhausting day (I think the final round was announced around 1AM, Tuesday). One more Wake shout out. Alan Coverstone! He was my lab leader before my senior year in high school. A wonderful teacher and mentor he helped solidify the foundations of all I love about this crazy game in the first place. Thanks Al, great to see you again.

And how about those boys? (I get to say that now that I’m old). It is wonderful to see two such hard-working, fine individuals in the final round of the NDT (thank you Brad and Jamie). They play the game right, they are nice, they work hard, and they are considerate, compassionate, and kind in both victory and defeat. While it is tempting to go off on what the team that lost the final round of the NDT did wrong, I’ll steal Hester’s line from ’02 and talk about what they *did right*. Because Wake was amazingly prepared all day, they were able to put together a string of wins. They also really knew their arguments, and were excellent at making the common-sense basic analytics we forget to make in a world of mountains of evidence. Thank you for showing us all a fine example of how hard work pays off. Go and do the best at whatever it is you choose to do. I know that you will.

And the Spartans. Two NDT’s in three years is an incredible accomplishment. The community will miss Mike Eber and all he did to turn MSU into not just a contender, but a consistent *winner* of the National Debate Tournament. Will Repko is obviously one of the best coaches in the business, but he is also one of the best members of the *community*. For all the time you see him coaching the NDT winners, is the time you miss him talking, strategizing, and explaining arguments to debaters like Whitney Busch, Natalie

Lenski, Tanya Rodriguez, Owen Valley, Jeremy Hammond, and Abby Schirmer. For all the time you seeing him cutting NDT winning strategies, is the time you'll miss him teaching one of the youngest labs at the Spartan Debate Institute, and turning kids who start with almost nothing into great debaters. I know Will Repko will probably be remembered as an amazing coach and fantastic judge, but I will remember him as a wonderful *human being* who always has time for younger debaters.

The MSU coaching staff is also incredible. The Spartans will be in fine hands with Greta Stahl taking over the mantle of leadership, and even though Dave Strauss can't dress himself (please Dave, ditch those ripped jeans), he provides some amazing talent as well. Gonzo is one of my favorite people to see at tournaments—really funny, good natured, competitive but kind spirited. And MSU is great at “mobilizing the base” of student support and alumni like Austin Carson and Aaron Hardy come deep elim time.

Does anyone not highly prefer the MSU alums? Well, I guess if you go for consult NATO you might reconsider...But seriously, does any squad consistently produce such highly preferred critics? They teach 'em something up there in East Lansing.

Casey Harrigan and Ryan Burke epitomize what is great in debate. They are both calm, polite, articulate, hard working, and know how to get the job done. I also understand Casey Harrigan celebrated a very important birthday this weekend. I would like to congratulate Casey on turning twelve. I know puberty can be a little rough, but you'll get through it eventually. And Ryan Burke can now share a championship with the Pistons and Yankees, the teams on his game day attire. Seriously, you both are wonderful folks and a lot of fun. Whatever you choose to do, please come back and visit.

I would also like to thank Northwestern, especially Scott Deatherage and Danielle Wiese before I get down to the decision itself. This year's NDT was *awesome* and sets the bar high for hosts to follow. The tournament was well coordinated, extremely well thought out in ways like figuring out how to make the auxiliary system of rooms work in Norris, great systems of evidence moving and storage, and it was a fantastic and fun ride. Thanks to all at Northwestern who helped with this, and the Duck and Danielle for organizing it. Rest now, you deserve it.

**I voted Negative for Michigan State.** Essentially, I thought the National Association of Attorney Generals lawsuit Counterplan solved almost all of the case, and that MSU won a moderate risk of their Midterms disad with the terminal impact of “turning the Earth into a smoldering cinder.” MSU won that Wake's system of ethics would cause blame evasion, as we would feel justified in reckless behavior on the grounds that either someone else or ourselves could solve it down the road. Thus, the traditional cost-benefit analysis was used, which allowed MSU to win the Counterplan/net benefit analysis.

Wake would have been better served “choosing one” and going with it for the 2ar, in the sense that it seemed the better strategy would have either been to go “all in” on the ethics claims, or use the two minutes or so the 2nr had to spend on it to build up the solvency deficit to the Counterplan and minimize the disad. I always feel bad spinning hypotheticals for teams of two seniors that lost their last debate, but sometimes I think it is useful to illustrate general concepts for those who discuss big debates. We all know that hindsight is 20-20 and outside the moment it is easier to see such things than in the final round of the NDT.

## Counterplan Debate

Wake had a potentially devastating argument to MSU's counterplan when the 1ar conceded the Negative's Lynch evidence that the Counterplan wouldn't be perceived. Wake tried to spin this evidence as the Counterplan not being perceived internationally. If they had been right, they may very well have won the whole debate. Unfortunately, the evidence is pretty clearly talking about *domestic public perception* back home because it says “without much *public attention*, state attorney generals began cooperating multistate litigation...”

Further, the biggest problem Wake had was the Negative's co-option of the actual text of the Newman evidence which is talking about “legal challenges [that] could be made to the importation of goods where plaintiffs could demonstrate labor rights had been violated.” The evidence goes on to provide a powerful warrant for the Negative on the claims of international perception and the building of the rule of law by discussing how such lawsuits would “apply pressure to China without applying an embargo against the whole country...[and]...give a venue to highlight abuses in specific cases...” The evidence goes on to say that highlighting such abuses would gain international news more easily. Thus, the Counterplan captures a

huge portion of the case solvency for international attention and modeling, illustrating that the companies themselves that get sued will bring attention on the world scene, and even if the American public isn't paying much attention, the companies who are afraid of getting sued and international activists for human rights are.

The debate from these two cards illustrates how important it is to be willing to concede the other team's evidence to make strategic arguments. Wake's in-game concession of the Lynch evidence could have had devastating consequences for the solvency of the Counterplan if they had been right (the classic Jon Bruschke debate ju-jitsu maneuver, use the opponent's weight against them). MSU's willingness to read the other team's evidence on game day and run this particular counterplan allowed them to co-opt a huge section of the AFF's solvency. Smart thinking from both teams.

The Paschle evidence talks about a global model through the GATT—MSU astutely points out the plan doesn't go through the WTO in the 2nr, answering this back. The Deutsch evidence (sp?) assumed state sanctions and not lawsuits and assumed sanctions and not court cases. One of those cards (or another Wake card) talks about Congress creating a model which I do think gives Wake a minor edge of case solvency/rule of law solvency (it becomes difficult to distinguish the link between those two arguments in the debate). Interesting that the card assumes Congress even though the debate on the other flow is all about how the plan isn't the Congress and is delegated. I don't have MSU answering this card that it assumes Congress, so I gave Wake a small risk of a solvency deficit to the CP here based on action through the USFG.

Neg. also wins the PERC '02 evidence that the lawsuits would telegraph to the constituents that enforcement actions are being taken, and the Schwartz evidence that companies would settle (and thus alter their behavior) because they would be afraid of losing. The settlement component deals with the add-on being talked about regarding the CCP, because there's no delay in change of behavior. Another flow clean-up item is that MSU's defense against disease is really good, so whatever part of the rule of law add-on they don't get is pretty miniscule. The bottom line: the Counterplan solves the vast majority of the case, leaving the AFF. with a very small differential based on the fact that the action is through the USFG, and how it is perceived. If MSU can pull off a decent risk of their DA, they'll win the debate.

## Disad Debate

Wake certainly does make some decent in-roads into the disad, primarily on the arguments that the midterms are a ways off, and that other issues will have a big effect on the midterms. In theory, those arguments would usually massively cut into the disad in my playbook, but MSU has actually got some game on this argument. Before talking about the specific evidence, I'm generally buying into MSU's spin that things are going badly for the GOP in the status quo, and they need something now to stop the bleeding to prevent the Democrats from taking over in 2006.

The LA Times card from MSU isn't fantastic, but it does illustrate that the "political hunting season has begun," (insert tacky Dick Cheney joke here), providing a warrant that at least people are out to get Bush and the GOP now, and they need to stave off the bleeding caused by Katrina, Iraq, etc. The Washington Times card from MSU says that improvements in the numbers need to happen or a spillover effect to the election will occur, the Russert evidence says the GOP will lose the House if the generic number on which party you'll vote for holds up, and the Hotline card says his numbers need to improve. The Mallaby evidence about China says the Democrats can hold the China defense down now, and MSU spins this to say China-bashing would unite the left and the right in Congress, and the delegation magnifier means the GOP can go home to their constituents and tout that they are bashing China, while blaming the agency for any Negative effects of the plan.

The fact that this is spun as "being able to tout this to constituents back home" also illustrates the cross-app. on the question of whether or not the plan would be perceived based on the AFF argument that people don't really read the newspaper or follow politics very carefully, the double-bind off the Lynch card. The GOP will have an active incentive to promote the policy, by going home to their constituents and tout China bashing, getting them back in the political game. The terminal impact to the disad is the good ole "smoldering cinder" card on North Korea, meaning the impact is gigantic. I think the 2ar would have been better served either jettisoning ethics to get time back here, or going "all in" on ethics. The bottom line: MSU wins a moderate sized risk of their disad, the terminal is something akin to extinction, enough to outweigh the very small solvency deficit differential between the plan and the counterplan.

## Ethics Debate

I'll be more brief here, because I was more convinced by the spin on the evidence than anything the actual evidence said. MSU convinced me that if we accept a morality where we say something is OK if "we can find a way out down the road" we encourage reckless behavior. If someone can justify an action that causes a negative consequence on the grounds of, "shoot, I can fix that later, or someone else can bail me out later" that can cause a "damn the torpedos" mentality. I analogize it like this: Letting Shawn Powers loose in a room full of beer, whiskey, breakable items, and your expensive valuables *might be a problem you could solve down the road*, but it's probably just better to lock the door in the first place.

The Nielson evidence on the bad precedent and the Minter evidence that we can self-correct if we make mistakes with incomplete information prove that MSU's looking at consequences framework is a better idea than the Gurrant evidence and the Finnes evidence from Wake. I also buy MSU's argument that Wake's argument is that deontology is fundamentally good because of consequences, and hence if MSU turns the consequences, it flips back the reason deontology is good. Wake wins that their framework is theoretically OK in a debate theory sense (the intrinsicness good/bad debate), but that it is just a philosophically bad idea. The bottom line is that I adopt the traditional cost/benefit consequences paradigm for the debate, allowing MSU to win, because the risk times impact of the disad outweighs the risk times impact of the solvency differential. It was a good, close, debate that was a lot of fun.

## Conclusion

Thank you all. The community always gives me memories that last a lifetime. The curtain has come down, goodbye to Jamie, Brad, Casey, Ryan, Mike Eber, and a wonderful class of graduating seniors. But I know that this is just goodbye *for now*, because I'll see you either when you come back to judge at a tournament, visit, hang out, or go to an alumni function. As for the rest of the community, it's just goodbye for now because I'll either see you at the CEDA summer meeting, at one of the camps I work at, or starting at Georgia State again next year. And one last thing...

Get well George, we all miss you. Sincerely,

Ryan W. Galloway, Director of Debate, Samford University

## David Heidt, Emory

I'd like to congratulate both teams for making it to the final round and for having a great debate.

I voted negative because I think that the counterplan solves the vast majority of the case, and that the defense on the disadvantage isn't strong enough.

There are 4 considerations I made to reach this decision:

1. Does the counterplan solve the case? It does solve most of it. The negative's counterplan evidence by itself is pretty good, but the aff's 1ac Newman evidence is decisive, in that it describes the counterplan more than it describes the plan. The problem for the aff is that this Newman evidence isn't just a good card—it's the aff's best card on the issue and it's what is relied upon primarily by the 1ar and 2ar. However, the aff does win some small solvency deficit based upon their evidence that says that a ban is necessary for global modeling. This evidence is explained as "a ban is vital to take the issue to the WTO and get an international ban," which doesn't make a lot of sense given the narrow nature of the plan, but nonetheless isn't well handled by the negative. The evidence Wake reads for this also supports this conclusion well. However, this solvency deficit isn't very big because of #2 below (although I do think that the plan is somewhat better than the counterplan).

2. Does the counterplan capture the aff's international perception arguments? The 1ar's concession that the counterplan isn't perceived because of the negative's politics argument was a smart argument that initially appeared damning. The 2nr's response to this, however, is accurate: that the evidence that says the counterplan isn't perceived is talking about the domestic public only. My first reaction to this argument was to agree with the 2ar that this distinction is made-up nonsense. However, it is consistent with the Newman evidence which speaks to specialized litigation by unions and activists, not the general public, and which

also says that this litigation would have the effect of focusing international media attention on sweatshops. Wake's evidence was unfortunately just too good on this question and MSU capitalized on it.

3. Are Wake's indictments of the disad enough for the solvency deficit to outweigh? Unfortunately, Wake never attacks the quality of MSU's link evidence (other than to say it's not specific), which isn't great and probably concludes that pressure is inevitable because of the midterms. Wake does make some smart arguments against the disad, but I don't think the 2ar really gets here with enough time to do much damage. There is an argument to be made that uniqueness overwhelms the link, but that begs the question about the size of the link, which isn't credibly questioned. MSU does do a great job of explaining the link (but their evidence on this is poor)—I don't think Wake ever calls their spin into question. Wake does say there is no evidence specific to toys—which is true—but MSU's argument is that the GOP is looking for an issue to capitalize on and that the plan is a convenient mechanism for the GOP to paint themselves as being anti-China (and the link evidence they do read does support a GOP spin argument). Wake's Shumer-Graham argument isn't well developed and MSU says that it won't be implemented so the GOP can't use it. In short, MSU's arguments aren't great but Wake's arguments are also underdeveloped and I don't think they spend nearly enough time here. I think Wake's arguments do undercut the credibility of this disad somewhat, but I still think that MSU wins enough, and the impact is a nuclear conflict (although Wake is right about the quality of the Africa News evidence; I don't think MSU wins that but they do have one other, more qualified impact card).

4. Does Wake win the deontology debate? In my opinion, this is where the 2nr is strongest and the 2ar should have invested the time instead on politics (where the 2nr is weakest). I also thought Wake focused on the wrong argument—in the 1ar/2ar this becomes mostly an intervening actor/intrinsickness argument (or, as the 2ar frames it—the disads haven't been shown to be “incompatible” with the aff—which is basically intrinsickness despite claims to the contrary), which is where Wake's evidence is poor. Wake's evidence is much stronger on the deontology debate proper, but even so, it would have been very difficult to win, because the negative's evidence and arguments are pretty good and the existence of the counterplan complicates a lot of Wake's arguments. I think Wake loses the intrinsickness debate for the following reasons: 1. The ground arguments are more important than the “best policy option” argument—neither side spends much time here but it makes more sense to me that the search for the best policy option has to be balanced by fairness concerns. 2. Even if there's a way to envision that the disad impact could be avoided, the only actual policy options that have been proposed are the plan and the CP—the 2nr says that a more fair way to evaluate this moral framework is to consider the CP as the way to avoid the disad and solve the case. 3. This intrinsickness argument itself is just another way to always dodge consequences—you can always envision some other action to solve an impact which means you'll never consider the actual consequences of acting yourself. Ultimately, this moral framework argument is subject to all of the consequences good arguments from 2nr—imagining that someone else can act for you is just a tricky way of avoiding responsibility.

### **Jonah Feldman, Univ. of Texas-Austin**

Congratulations to both teams, I'm glad to see all four of you recognized for your hard work and commitment to debate. It's truly an honor to be selected to judge the final round and it was very cool to be part of the ceremony involved in this debate. Before I get into the decision I want to give a shout out to Michael Klinger, possibly the most naturally talented debater ever. You worked really hard this year K-san and I'm happy to see that it paid off. I also want to say how much I'll miss judging Brian Smith who was obviously an incredibly sweet debater and an awesome dude with an attitude that we can all learn from.

Before I get into the specifics, I think I need to talk a little bit about some meta issues that are involved in my decision and were definitely at play in this round. From about the 2NC on, I just kinda felt like MSU was controlling the debate and Wake was scrambling to keep up. This “ethos” read comes from some argument issues like Wake not having anything particularly on point to say against the CP and not really projecting that they were on top of how the counterplan functioned (for example continually calling it reg neg and reading reg neg answers). But as important was the way that the block focused the debate and the confident on top of their shit vibe that MSU gave off. As part of my decision, I pay attention to how I feel about the debate while it's occurring and immediately following the 2AR. The debate round includes an intangible connection between the four debaters and the judge which is unique to the space and time that it occurs in (the grad school word for this is *kairos*) that's not often talked about in decisions but is part of the judging process. I am detailed and thorough in my decisions, but I feel like the longer I take deciding, the farther I get away from what the debate round was actually like, and this may explain why my decisions can sometimes be shorter than other critics. This is not to say that I haven't had a gut feeling about a round and

then decided the other way after it's over, but the feeling of the round does help dictate some of the arbitrary tough calls that have to be made in every debate round.

I thought the counterplan solves all but a negligible portion of the affirmative. Negative evidence was good enough to prove that effected Chinese practices would change in order to avoid the detrimental effects of a lawsuit. The affirmatives Newman card was huge for the negative; it seemed to be talking about what the counterplan did and provided solid solvency as well as a claim that the counterplan would "become international news" which answered a lot of the affirmatives global perception claims. I had two problems with the GATT/WTO solvency deficit argument. First, I don't think the aff ever explained why the affirmative would involve the gatt/wto process and the counterplan wouldn't. I could come up with some reasons on my own, but that needs to be something explained in the aff rebuttals. Second, this card wasn't exclusive to the plan. It is in the context of a ban, but it gives no reasons why only a ban would be able to solve in this manner. The negatives perception card was exclusive to domestic constituencies and so didn't take out any international solvency.

There needs to be a lot more work done to win some of the ethics arguments that you advance. Talk more about the case. The horrors of child laborers getting their fingers cut off in machines doesn't really get talked about much after the 1ac. Ethics arguments on their own aren't very powerful, you need to persuade the judges that this is such a pressing issue that it's worthy of an overriding ethical obligation. In my mind, the counterplan messes with a lot of the ethics arguments. If there's a child drowning and there are two people who can save her, it may make sense in the abstract for both to act, but if your buddy is just as capable a swimmer as you are and if you try to help out there's a decent chance that everyone may drown, then it's probably better to let the other person take care of it. Not looking at the consequences of the plan at all doesn't sound very ethical and pretending that some force in the universe will clean up your mess is just sketchy.

I thought that the aff made some mitigation of the neg's politics da, but I concluded that the link card was good enough that the risk of the da outweighed a very small solvency differential for the case and the rule of law add on.

So, that's that. It's been a couple weeks, if I said anything weird or ambiguous feel free to contact me. I really appreciated how funny and good natured everyone was in this round, it made it way more enjoyable.

Is there anybody in this business better than Repko? I don't always agree with his methods, but you have to admit the guy's ability to shape successful debaters is ridiculous. He's turned a solidly mediocre university that doesn't even have a decent football team into a debate powerhouse, it's impressive.

### Ed Lee - Emory University

Congratulations to MSU and Wake Forest for an excellent debate season and providing outstanding models for creating dynamic, sustainable, and successful debate programs.

I voted Negative. The counterplan solved the vast majority of the Aff's impact and Wake's ethics defense failed to prevent me from accessing the the mid-terms DA. The risk of the strikes on North Korea outweighed the minuscule solvency deficit of the counterplan.

### THE NATIONAL ATTORNEY GENERAL COUNTERPLAN

MSU's solvency evidence for a National Attorney General's lawsuit trigger change in business practices in the PRC is pretty good in its own right. The AFF's primary contestation is whether it sends an adequate global signal. Wake's evidence is not strong enough on this specific issue for it to create a solvency deficit for the counterplan. The Pangelian Evidence just argues for "A strong US position" on worker abuse. Not sure why the CP does not meet that requirement. The Borg Rule of Law evidence explicitly indicates that "Congress" needs to act and the AFF was emphatic act various points in the debate that they operated through the department of treasury.

There is no other contestation to the counterplan's solvency. The MSU's compliance evidence is not challenged in the 2AR. Subsequently, the counterplan solves for rights and deters corporate abuse. The 2AR is heavily dependent on winning the Intrinsicness/Balancing Argument. I will speak more to this in the Ethics section.

Additionally, there is no challenge to MSU's claim that the counterplan serves a harsh punitive action that serves as an act of solidarity. The AFF challenge on this ground is based on a misunderstanding of the counterplan as a "Regulatory Negotiation" and not a "Regulatory Litigation."

Finally, Wake's Newman evidence is devastating for them. It is solvency for the counterplan. It argues that litigation is a "venue for labor activists to highlight abuses" and when litigation is used it becomes "international news." It concludes that litigation is the tool needed to "empower workers globally." I CONCLUDE THAT THERE IS VIRTUALLY NO SOLVENCY DEFICIT TO THE CP.

## MID-TERM ELECTIONS DISADVANTAGE

While I questioned the viability the Mid-Terms DA after the INC, Burke's 2NC on this argument was outstanding and made it extremely difficult for Brad to make much headway in the 1AR. Burke's 2NC was one of the best speeches I heard the entire debate season. The performance was all the more remarkable considering it occurred during the final round of the NDT.

Wake is all defense on the Disad. I conclude that the 2AR's arguments primarily constitute a risk mitigation that do not undermine the structural viability of the DA. This places Wake in the position of having to win either a sizable solvency deficit to the counterplan or ethics as a reason to ignore the utilitarian impact of the DA.

Jamie extends 4 arguments in the 2AR.

1. Midterm's are too far off - This argument is pretty good and makes a lot of sense to me. However, Wake lacks evidential support for the claim. Additionally, The Neg's 2NC evidence on the political "hunting season" is not responded to.
2. Africa News evidence is terrible - I agree.... But the shell Chol ev is conceded and it argues that "North Korea runs an advanced biological, chemical, nuclear weapons program" and that a strike by the US will "explode into a thermonuclear exchange." The AFF would be better to challenge the Internal Links to the DA which is extremely vulnerable to couple of well crafted analytical argument that challenges congressional/military desires and ability to strike North Korea considering our dealings with Afghanistan, Iraq and Iran.

Link to small (Toys)- This debate is shallow by both sides. I find MSU's arguments that it is elections season and their defense of the Mallaby link evidence (restrictions on Chinese products will unite the Left and the Right to vote for Republicans) to be more persuasive than Wake's contestation that the political footprint of the plan is too small to change voting decisions. Reading more evidence on the "China Key" question would have been helpful.

Uniqueness overwhelm the Link - They get little to no traction here. The salience of the China issue among the American public undermine the persuasive value of this argument (Mallaby link evidence). This is a place where the AFF could read evidence that demonstrates the importance of other issues in determining how the public will vote in November.

I CONCLUDE THAT MSU WINS A DECENT SIZE RISK OF THE DISAD

## ETHICS

Due to lack of a solvency deficit to the counterplan and a moderate-high risk of the disadvantage, Jamie has to win that the ethics debate to be victorious. I thought the 2AR was pretty good in attempting to focus the decision calculus of the debate in this direction. Unfortunately, the 1AR/2AR is overly focused on the Intrinsicness/Balancing Test argument which is not their strongest set of arguments. The Gert evidence on this question is very poor. The evidence is about patient/physician relations and doesn't provide a clear guide as a decision calculus. It fails to provide me guidance in deciding whether to evaluate the DA or not.

The negative's evidence on the rest of the Deontology debate is good enough to justify using a Cost-Benefits Analysis. I am particularly persuaded by the Cumminsky and Minter evidence. The Cumminsky evidence concludes that saving lives is not calculative and the AFF's failure to maximize life denies human dignity. Finally, the Minter evidence concludes Neg's framework is self-correcting and that adding additional info decreases ideological bias, political secrecy, etc. It solves for the reasons Utilitarianism is a poor evaluative criteria. I CONCLUDE THAT THERE IS NOT A MORAL DA TO USING A

## UTILITARIAN CALCULUS

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edlee

**Dr. Eric Morris, Missouri State University**

I want to congratulate Michigan State on the 2<sup>nd</sup> NDT win in three years. I might have sat out the decision, but Casey & Ryan are a great team and I'm really happy to see them win. They are both amazing debaters and really nice people, and this is a great cap to an excellent career. The MSU program is consistently one of the best prepared in the nation, and a win over a new case in NDT finals is a fitting tribute to the immense personal investment of the MSU students and coaches across the board.

I also want to congratulate Wake Forest for a very impressive Monday run at the NDT. Like many other Wake teams over the years, this team is brilliant at cross examination and at breaking down arguments analytically. I think their approach to policy debating is an excellent corrective in a community where weak arguments too often become strong strategies.

I voted affirmative because I think the solvency deficit on the Corporate Responsibility Advantage is more probable than the risk of the mid term elections disad. I'm disappointed to be sitting out on a panel filled with excellent critics that I respect, but I remain confident about the basis for this decision.

**The Attorney Generals Counterplan**

The affirmative's strategic concession of the negative's Lynch argument that the CP would not be perceived domestically was important in my decision, and probably the major place where I differed from the rest of the panel. The negative's choice to make a perception distinction to facilitate the net benefit wasn't really necessary (as the counter-agent nature of the CP should have been sufficient), but constitutes a negative characterization of their own CP. I consider these sorts of characterizations of one's own advocacy as binding in the strongest of ways – particularly when the other team explicitly concedes and uses the characterization to make their arguments. I thus used this as an anchor, and considered the rest of the arguments as they related to the strategic concession.

The affirmative leans heavily on the Pangelinan evidence to show that the solvency chain requires upon global perception of the “ U.S. position on factory workers' rights”, clearly referring to same national government that doesn't perceive the CP.

Michigan State is correct that the Newman evidence is a pretty good CP card. In the absence of the 2NC characterization of the CP, it would have reduced the solvency deficit to nearly nothing. That said, the 2NR's call to read the card isn't nuanced enough to weave around the Lynch/CP contextualization. Drawing attention, according to Newman, would solve, but the CP doesn't do so – it is not perceived domestically.

The negative has but one way out. MSU correctly argues that the Lynch evidence technically only excludes the domestic perception of the plan, and international perception is sufficient to solve. While that distinction is technically legitimate (given the 2NR's tag line for the Lynch evidence) it didn't seem probable after the 2AR explained what the world would have to look like if the CP were perceived internationally but not domestically. The Pangelinan evidence clearly suggests that not only domestic perception, but in fact domestic leadership, is a critical element in the solvency chain. In the SQ and the CP world, it would appear to the world that, as Pangelinan says, “ America couldn't care less.” I found the 2AR's *reducto ad absurdum* to be persuasive, and thus viewed the evidence in question skeptically to see if the “domestic perception no / international perception yes” distinction had any support. I found none. The Newman card is great CP solvency, but it assumes international perception, not international minus the US perception. It doesn't seem sensible to me that one can both reverse the irresponsibility of global corporations (many of which are US based) without anyone in the US noticing it. The 2NR is really good in a lot of places, but doesn't really develop or defend the domestic/international distinction so much as offering it. The 2AR is far stronger in collapsing this distinction than the 2NR was in establishing or defending it.

As a result, I think that it is hard to solve the case within the straitjacket of the Lynch tag line. The case advantage in question includes an unmitigated extinction impact (although the negative defense on the rule of law/diseases add on is solid, there's no real defense on Corporate Irresponsibility), so the negative would need to win nearly a full risk of their DA, in addition to some solid timeframe comparison, to win.



## **The Disad**

The affirmative arguments are largely defensive here, but some defensive arguments can be devastating. The negative wins a measurable risk of the DA, but the affirmative gets substantial in-roads with one argument in particular. The CX of the 2NC does a pretty good job of arguing that the 2NC's wall of warrants (why the Republicans will lose) is too high for the plan alone to overcome. The CX answer and the 2NR lean heavily upon the Mallaby card. The Mallaby card is solid as a link card (see below), but nowhere near good enough to do the heavy lifting required to overcome low base turnout, women's issues, GOP retirements, etc. Some affirmatives could read a card saying that other issues are important enough to swing the election independently – in this case, the affirmative is time efficient by using the negative's evidence to accomplish the same work. Is there still a risk? Absolutely, but the extensive development of external warrants for a GOP loss minimizes substantially the probability that the plan will be enough to turn the tide.

Actually, the strongest of the affirmative analytic arguments was the 2AC argument that Bush would inevitably bash China and gain the attendant political benefits. I say this because that's what the Mallaby card says Bush is likely to do. However, since the affirmative is banking far too heavily on an intrinsicness-esque strategy, they reversed this argument in the 1AR/2AR. Both of those speeches argue the president could find other ways to be NICE to China, which would be a better answer to a relations DA than this DA. The original 2AC DA answer isn't necessarily an intrinsicness argument, since the shell evidence establishes propensity for Bush to try China bashing. The 1AR/2AR version of the argument – that Bush will instead be nice in order to cede the mid-terms and protect us from himself – is nothing but intrinsicness.

## **The Ethics Debate**

Michigan State is generally ahead here, as Wake is collapsing down to the distinction about incompatible justice from the Gert evidence. In this case, Wake's argument makes some sense to me, but the evidence isn't good enough to overcome other problems.

First, Wake insists this is not an intrinsicness argument. That's true only in the sense that Wake doesn't choose that term, but the underlying argument is that the possibility of preventing a DA impact through other means is a reason to dismiss the DA. Sounds like intrinsicness, functionally. I might even say it is intrinsicness on steroids – the 2AR makes it sound as if Wake doesn't even have to win a specific mechanism to solve the DA impact, but instead that MSU has to prove the impossibility of any such mechanism. That sounds hard. Since Wake is relying upon a "no link" argument, they aren't effectively engaging MSU's intrinsicness bad arguments, which seem to demonstrate that the standard of incompatible justice is bad for debate.

On top of that, the Gert card isn't that strong. Given how fundamentally this card would alter the format of debate strategy, I expected it to say more than "Counterplans might solve a case, we should keep that in mind". Both teams could get more headway from speaking about how the Euthanasia example (drugs to avoid suffering weaken one of the pro-Euthanasia arguments) applies to the round. To my read, the card isn't good enough to impose the overwhelming burden of proof that the affirmative endorses.

Instead, I find that consequences are crucial, and refusing them (even through the incompatible justice distinction) is a form of moral evasion.

I believe that the 2AR would have been better served to let this line of argument go, and instead make more arguments about how the judges should evaluate the analytic sub-threshold argument on the DA or the CP characterization in relation to solvency.

## **Final Thoughts**

I really enjoyed this final round. I'm impressed that Michigan State located a CP that had so much synergy with a new case. I'm impressed with Wake Forest's skill in breaking positions apart and revealing their weaknesses. It was an unusual round, but one that revealed the strengths of both teams. Not everybody gets to go out with a win, so it's nice when both teams get to go out representing their strengths.