

A Coach's Notes¹

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Resolved: All US residents should be required to purchase health insurance.

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Introduction

This is the ninth edition of the 2011-12 CDA season. Previous year's editions can be found through the [Training Materials](#) page on the [CDA web site](#). Accompanying this document are my notes from the three breakout rounds presented in two formats, transcript and flow chart.

These Notes are intended for your benefit in coaching your teams and for the students to use directly. I hope that you will find them useful teaching tools. Please feel free to make copies and distribute them to your debaters.

I appreciate any feedback you have, good and bad. The best comments and suggestions will find their way into subsequent issues. I would also consider publishing signed, reasoned comments or replies from coaches or students in subsequent issues. So if you would like to reply to my comments or sound off on some aspect of the debate topic or the CDA, I look forward to your email.

The Final Round

The teams that met in this year's final round were pretty evenly matched: four men, dark suits, ties, and they all debated pretty well too. Still, one team wins, one loses. Why?

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In this case I think there are three reasons. The Affirmative did a better job of replying to their opponents point by point. The Affirmative maintained the structure of their speeches in the rebuttals. The quality of the Affirmative arguments, especially their replies, was better.

Point-by-Point

We rightly expect that the first two constructive speeches will be well-structured. The first speakers for each team have to present their cases. Debaters show their mettle in the following speeches, when they have to show that they have listened to and can reply to their opponent's arguments. There are two ways to do this: point-by-point rebuttal and comparison/summary.

The tried a true method is the "point by point rebuttal." Here you follow the speech made by the previous speaker replying to each item in turn. Done properly, your opponents have no arguments left standing when you finish. To do it properly, you must listen carefully to the other team, stay focused and organized while giving your speech, and manage your time so that you cover all that you need to cover.

In this round² the two sides alternate as follows:

1. First Affirmative presents two contentions, the second with two major parts.
2. The First Negative replies with three contentions, but makes no direct reply to the Aff contentions. This is the first potential error by the Neg: leaving unanswered arguments reduces the burden on the speaker who follows..
3. The Second Affirmative replies to each of the Neg contentions. He doesn't spend time repeating the Aff contentions because he doesn't have to—Neg has not replied to them. This confirms the First Negative's mistake. However, the Second Affirmative could have managed his time better. He spends more time replying to N1³ than in replying to the other two contentions combined.
4. The Second Negative responds on all three Negative contentions, so call it even there. But he only gets to one part of the second Aff contention, leaving Aff a contention and one-half ahead.
5. The First Negative changes gears in his rebuttal, and summarizes the debate on three lines: benefits to society, economic feasibility and constitutionality. Consolidating arguments is a good tactic, but only if the summary covers all the important points outstanding. Otherwise it isn't a summary. Remember that Neg has left most of the Aff case untouched so far. The "summary" fails to pull in all of the contentions by name and explain how the Neg has replied to all of the Aff case.
6. In the 1AR the First Affirmative shifts with the First Neg, replying to the 1NR summary in order. Technically this leaves the 2NC replies on the Neg contentions unanswered. But the 1NR did say the debate could be summarized on these points, and one assumes the Neg team is in agreement on this. Effectively

² Please refer to my notes on the round for details.

³ "N1" is my notation for the first Negative contention.

the Neg has abandoned its own contentions, and to my mind this reduces the need for the Aff to reply to the 2NC in detail.

7. The Second Negative Rebuttal sort of follows the 1NR summary, but not in order, and not carefully. It is a collection of rebuttal points, rather than a strongly organized presentation. This speech should summarize the debate for the Neg. Instead, neither the Neg contentions nor the Neg summary are directly supported.
8. The Second Affirmative returns to the Aff case to structure the summary in his rebuttal. He starts with a short statement that the Aff has demonstrated the resolution is constitutional and pragmatic, the two Aff contentions, then reviews the arguments under each point. In between he summarizes the Aff reply to the strongest Neg argument, the RomneyCare versus ObamaCare cost argument. The speech effectively summarizes the round from the Aff perspective.

Which side do you think does a better job of organizing their speeches, replying point-by-point and summarizing? I think this goes to the Aff.

Keeping It Together in the Rebuttal

Failing to reply to your opponents' contentions in the constructive speeches is a mistake, but not necessarily a fatal one. There are usually enough similarities between the Aff and Neg case that the either team can reply to the other's contentions using existing arguments rather than having introducing new ones.⁴ But this means the rebuttals are your last chance to make your reply. But you also have to use a good portion of the last one to summarize your side. So if you haven't established all your replies before the rebuttals, you have a time management problem as well as an argument problem.

In the rebuttals the Neg changes tack twice. First, they try to summarize the round in the 1NR, with unanswered Aff contentions still outstanding. This would be fine if they included references to all of the contentions in that summary to show they have covered the round. A good summary should include all that came before in an efficiently organized fashion.⁵ But the Neg does not do this. Aff contentions are left unanswered and the replies supporting the Neg contentions made by the Second Negative in the 2NC are left hanging.

Second, after the First Affirmative accepts the summary and responds to it, the 2NR fails to stay with the 1NR summary. Contrast this with the Second Affirmative, who summarizes the debate from the Aff perspective. The 2AR returns to the original Aff contentions as its organizing principle and includes final replies to the Neg in that summary.

⁴ One rule of debate is no new arguments may be introduced in rebuttals, only new examples or extensions of existing arguments. This means that if one side or another fails to reply to one or more of their opponents contentions or arguments in the constructive speeches, it may be impossible to do so in the rebuttals without breaking this rule. Granted, debaters rarely call their opponents on this rule, but it would be legitimate to do so. This is another reason to make sure you present some reply to all of your opponent's contentions in the constructives!

⁵ As an exercise, present a 1NR using the Neg's three themes as your organizing principle, but include references to all of the Aff and Neg contentions where appropriate. Remember a "summary" must incorporate all that came before! And it has to fit in the time allowed!!

The easiest way to make sure your speeches are well structured is to use point-by-point rebuttal. Your contentions and those of your opponents should form the structure of your speeches. You don't necessarily need to cover them all in every speech, but you should cover any contention where your opponents have had the last word. And you should cover them in order, starting either with the Aff or the Neg and then moving to the other side. Most debaters would be much improved if they followed this simple advice.

Once you have mastered this point-by-point style, you will want to learn more sophisticated techniques: comparing and contrasting similar contentions, and summarizing the debate. You can often cover much more ground in less time this way, and your presentation can sound much more sophisticated.

For example, in this debate A1 and N1 are diametrically opposed, so there is no reason to ever deal with them separately. But if you deal with them together you need to tell the judge that this is what you are doing and name the contentions as you do. Internally, the two contentions have different parts (see more on this below) so you must cover them all.

You may also summarize the debate, recasting it around the issues actually being argued once they become clear. The First Negative was not wrong to attempt this in the 1NR. But if you don't subsume all that has occurred in the debate, including the contentions and their parts, it isn't a summary. You need to be clear and explicit about how all the pieces—previous contentions and argument chains—fit. You cannot assume the judge will see how it all falls together.

Ideally, the second speakers will use their rebuttals to summarize for their side. If there are unanswered points you need to cover, you might do those at the beginning of the speech, but you risk using too much time and never getting to the summary. The best approach is to incorporate those needed replies in your summary, so you are sure to accomplish both.

The difference between winning and losing a debate often depends on how effectively you use your rebuttals. If you stay well-organized and cover your opponents case, your chances of winning are much improved.

Quality of Argument

Right now you should be thinking, "Structure is fine, but I thought the team with the best arguments was supposed to win?" That is correct. But the word you need to define here is "best." While most debaters and judges will agree on the factors that make better arguments, they will often interpret and apply them differently from round to round. And most of the time, to most people, the better organized, better presented arguments are perceived as being better. So don't knock structure.

But let's look at the arguments presented in this round.

Constitutionality. A1 and N1 are directly opposed here.

1. In A1, Aff cites the Tax Clause and Commerce Clause with examples and explanation, and ends noting that we always have to balance state interest against individual rights.

2. In N1, Neg states that the government has never penalized inactivity and the resolution sets a dangerous precedent; that the Commerce Clause does not apply; and that individual's right to refuse health insurance is protected by the 5th and 10th Amendments.
3. In 2AC, Aff notes that Neg agreed in cross-ex that the gov't taxes things we need to live like food and water, and that people already get a tax break for health insurance. He repeats arguments that the Commerce Clause and Tax Clause apply. Further he notes we are all paying to support the uninsured, and the legislature has voted in favor, indicating popular support..
4. In 2NC, repeats the argument that the Commerce Clause regulates activity not inactivity. They explain the 5th Amendment (only mentioned in the 1NC) taking clause as requiring compensation, and note the income tax was originally found unconstitutional. They also explain the 10th Amendment reserve clause saying health care should be a State matter.
5. In 1NR the summary argument is simply that the Aff can't pick one part of the Constitution and ignore others.
6. In 1AR notes Neg has not responded to the specific arguments advanced in the 1AC, and that rational basis argument (the tradeoff between rights and welfare), the Tax and Commerce Clause arguments all hold.
7. In 2NR the Neg notes that the law only needs to violate one provision of the Constitution to be unconstitutional, and goes on to repeat that the resolution is not justified under the Commerce Clause and health care is not a Federal responsibility.
8. In 2AR the goes back to its arguments in the 1AC

The two sides are often talking past each other here. Aff presents reasoned arguments for Constitutionality that Neg never refutes, so one can conclude Aff carries this one. On the other hand, Aff never responds to the "activity/inactivity," "dangerous precedent" and "states' rights" arguments. So the judge (or you) will have to decide which side prevails.

Of course, as I have noted many times, constitutionality or legality are poor arguments. Slavery used to be Constitutional. The resolution asks the Aff to justify mandatory health insurance, not to prove it is currently legal.

Constitutionality and legality are only valid arguments if you explain why the issue should or should not remain constitutional or legal. What constitutional or legal harm or benefit accrues if you permit or forbid this sort of activity? Aff notes the costs to society from the uninsured and argues for public welfare. Neg never explains why the precedent is dangerous or the consequences of violating states' rights. To the extent you believe Constitutionality is an issue, I think it goes to the Affirmative.

Cost/Benefits. This is A2 versus N2 and N3, and is mislabeled at times as "pragmatism" or "feasibility."

1. In 1AC Aff argues direct cost savings that will be spent further improving health care.

2. In 1NC Neg points to increased costs under MassCare/RomneyCare, and that the program threatens free market capitalism because people will move from private to government insurance.
3. Aff argues in 2AC that ObamaCare differs from RomneyCare in size, and the greater size leads to lower cost. Under cross-ex, Aff adds additional facts that Mass already had high coverage, so the added insured were more likely to have pre-existing conditions, and most doctors were already busy, hence the increased emergency room visits.
4. In 2NC Neg repeats and adds to the described problems with RomneyCare, but does not respond to the differences between the two programs detailed by the Aff.
5. The 1NR repeats the lack of precedent and free market arguments.
6. In the 1AR Aff notes Neg cost argument is based on flaws in RomneyCare and ignores the differences between Massachusetts and the US as a whole.
7. In the 2NR repeats the flaws in RomneyCare.
8. The 2AR reviews the differences between RomneyCare and a national program, and notes the Neg has failed to look at the reasons behind the facts the Neg has cited.

Neg and Aff basically repeat their positions on RomneyCare versus ObamaCare after the 2AC. But Aff has had the last word because they explain the differences between the two programs and because they note that the Neg hasn't responded to those differences. Aff notes points these again in the 2AR summary. Further, Neg never explains why a shift from private to gov't health insurance is a bad thing, other than it threatens free market capitalism. This argument clearly falls to the Affirmative.

Is It True?

The Aff comparison of RomneyCare and ObamaCare is not found in the packet. Is it true?

I honestly don't know. But it is a good argument and consistent with the facts in the packet: Massachusetts already had a high rate of coverage compared to the rest of the nation, and workers are more highly paid than in other states so likely to opt for health coverage at work. It makes sense those without coverage would have pre-existing conditions or otherwise be hard to treat, and this is why they are uninsured. Not having a primary care physician, their first recourse under RomneyCare is the emergency room. The US as a whole, with a larger percentage of uninsured, is likely to have more individuals who are in good health and have decided to avoid an unnecessary expense. So it all holds together.

The packet provides Neg with a basis to refute the Affirmative. As noted, the packet states that Massachusetts is a relatively rich state with more highly paid workers, making it possible for firms and individuals to afford insurance. Other states with more people too poor to pay for health insurance may have more people in poor health—the other side of the wealth coin. This suggests ObamaCare is likely to fare worse than RomneyCare.

Whether Aff came up with this argument on its own, or whether it is a product of their reading outside of the tournament, it's still a good argument. And that is what good debate is about, not just quoting facts, but explaining why the facts you support your arguments.