

# The Final Round<sup>1</sup>

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## Connecticut Debate Association

King & Low-Heywood Thomas School and Pomperaug High School

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**Resolved: In the U.S., public high school athletes should undergo mandatory random drug testing.**

## A Note about the Notes

I've reproduced my flow chart for the final round at KLHT augmented by what I remember from the debate. The notes are limited by how quickly I could write and how well I heard what was said. Others may have slightly different versions. I'm sure the debaters will read them and exclaim, at points, "That's not what I said!" I apologize for any errors, but I hope debaters will appreciate this insight that what a judge hears may not be what they say or wish they had said.

There are two versions of the notes. The one below is chronological, reproducing each speech in the order in which the arguments were made. It shows how the debate was actually presented. The second is formatted to look more like my written flow chart, with each contention "flowed" across the page as the teams argued back and forth. It's close to the way I actually take notes during the debate.

## The Final Round

The final round was between Stamford (David Retter and Kevin George) on the Affirmative and Greenwich (Ryan Fazio and Cody Kittle) on the Negative. The debate was won by Stamford.

### 1) First Affirmative Constructive

- a) Introduction
- b) Statement of the Resolution
- c) Define "public high school" as government funded
- d) Define "mandatory random drug testing" as conducted so everyone has an equal opportunity to be tested
- e) A1<sup>2</sup>: The purpose of the resolution is to deter steroid use

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<sup>2</sup> "A1" indicates the Affirmative first contentions, "N2" the Negative second contention and so forth.

- i) Like a radar gun deters speeding when seen by the road, you only need to catch a few
    - ii) Purpose of testing is to deter, not necessarily to catch
      - (1) The few caught in New Jersey don't tell you how many stopped using
  - f) A2: The resolution supports ethical behavior in high school athletics
    - i) Eliminating drugs levels the playing field
    - ii) Prevents negative physical and psychological effects of steroids
    - iii) Texas example shows drop in use after testing
  - g) A3: US has the right to enact a testing law
    - i) The "necessary and proper" ("N&PC"<sup>3</sup>) clause of the constitution permits the government to do whatever is required to fulfill its purpose
    - ii) Students sign a contract w/parents consenting to testing
      - (1) Similar to following a coaches rules
      - (2) Sports are optional, not required, activities
- 2) Cross-Ex of the First Affirmative**
- a) Can you repeat A2?
  - b) Can you explain the relationship between the "necessary and proper" clause and school's role in education? If the government deems it necessary they have the right to implement the needed measures
  - c) Can the government assume powers that usurp rights? What rights?
  - d) Doesn't this interpretation of the N&PC infringe on rights? I don't see that
  - e) Can the N&PC allow infringing on the Bill of Rights? That's not pertinent
  - f) Do you have evidence steroid use is widespread? It may not be, but all are affected by its use.
  - g) But do you have evidence? Same answer as before.
  - h) Does seeing a police officer have a permanent effect? Up to a point, in this case as long as testing goes on
- 3) First Negative Constructive**
- a) Introduction
  - b) Statement of the resolution
  - c) N1: The costs of testing outweigh the benefits
    - i) No evidence steroid use is widespread
    - ii) Resolution proposes an extensive, far reaching solution
    - iii) Resources are better used elsewhere
  - d) N2: There are alternative solutions outside of the resolution
    - i) We have a culture of dishonest competition
      - (1) Major league baseball ("MLB"), minor leagues, even the NFL
      - (2) Pressure to use steroids to get to the next level, not to win in high school
    - ii) Testing and eliminating use at major league level removes incentive
    - iii) In the Texas example few were caught, while testing in MLB didn't deter 50 players from being caught
      - (1) This shows where the incentive to use comes from
  - e) N3: Resolution is unconstitutional
    - i) 4<sup>th</sup> Amendment prohibits unreasonable search and seizure

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<sup>3</sup> This introduces an abbreviation. "N&PC" will stand for "the necessary and proper clause."

- (1) Court held in NJ case that a student's backpack could not be searched without due process
  - ii) "Consent" is a limit on rights
    - (1) students have a right to go to school and shouldn't have to compromise
    - (2) Griswold case held there is a right to privacy
    - (3) Tinker case permitted armbands
  - iii) State schools and total power is a dangerous thing when used to defeat due process
- 4) Cross-ex of the First Negative**
- a) Can you repeat N2?
  - b) Is the culture of steroid use widespread? No
  - c) Is it a large problem in MLB? It's a problem in all higher sports levels.
  - d) Where do major league players come from? High school, eventually.
  - e) The purpose of the resolution is not enforcement, correct? No
  - f) Athletics are optional, aren't they? Yes
  - g) Steroid use is a bad thing, do you agree? Yes
  - h) Did the court cases you cite involve a voluntary contract? No
  - i) Why are they relevant? Students are entitled to rights
  - j) Even if they sign waivers? They have a right to play sports and this needs to respect their right.
- 5) Second Affirmative Constructive**
- a) A1: Testing has a deterrent effect, like police presence
    - i) Resolution provides teeth—no fear of being caught, why not try it?
    - ii) Negative agreed the reason is not enforcement
  - b) A2: Equal playing field is a proper goal
    - i) Exxon was caught, and this deters others
  - c) A3: N&PC vs rights—no action would mean the government is avoiding responsibility
    - i) Negative agreed steroids are harmful
    - ii) Enforcement not unreasonable given student waiver
      - (1) No waiver existed in court cases cited
      - (2) Refusal to sign waiver would be an indication of illegal activity
      - (3) No different from requirement for a physical to play
  - d) N1: Lives could be saved by testing
    - i) There is peer pressure to be a starter, testing would reduce this
  - e) N2: MLB players come from high school
    - i) Less inclined to use steroids if rules were enforced earlier
  - f) N3: Cases cited by Negative are not relevant
- 6) Cross-ex of the Second Affirmative**
- a) What is the magnitude of the problem? Statistics say 2% in 2004
  - b) Why will the pros stop if high school students stop? It will work its way up
  - c) Even if there is no enforcement at the pro level? There should be enforcement at all levels.
  - d) Do you shed rights when you enter school? Don't know
  - e) Is there a right to public access? Yes
- 7) Second Negative Constructive**

- a) N1: Usage of steroids in high school is very low
  - i) Affirmative concedes it is not significant
  - ii) Negative agrees steroids are bad, but resources could be better used for other purposes
- b) N2: Solve the problem by starting at the top, the major leagues
  - i) Steroid use is means to college or pro sports, not winning high school
  - ii) High school students see a future in using steroids
- c) N3: Waivers are unconstitutional
  - i) It voids one's rights if it's required
  - ii) It's not reasonable to test all for drugs given low usage
  - iii) It's totalitarian

#### **8) Cross-ex of Second Negative**

- a) Can you repeat your first contention?
- b) What if tests were privately funded? No, it's not realistic
- c) Isn't this the same as "No Child Left Behind" education law? It's debatable. Attorney General of Connecticut is suing against it.
- d) How will testing professionals affect high school? By showing steroids won't get them ahead.
- e) Do high school students see players as role models? They see that level of play requires steroid use. Everyone has an idol.
- f) The real problem is in the pros? Can combat it at the top.
- g) How can we attack it at the top? If there is no end, then no one will use the means

#### **9) First Affirmative Rebuttal**

- a) N1 and N2 are not the most effective way to combat the problem
  - i) Even if you eliminate use in the pros, steroid use still provides an advantage if used in high school
  - ii) We agree that you should have enforcement at all levels.
  - iii) Steroid use can and will increase without action
- b) N3: Students are signing a contract to play a voluntary sport, waiving their rights
- c) A1: Negative ignores deterrent effect
  - i) If Negative believes it works at the pro level it should work in high school
- d) A2: Negative never argued this point
  - i) Testing reduces negative impact of steroid use, provides a safer environment
  - ii) Negative agrees laws are not currently enforced is a cause of problem
- e) A3: Playing in sports is an optional activity

#### **10) First Negative Rebuttal**

- a) A1: Affirmative never established there is a problem
  - i) 1 in 4100 in Texas, only 50 in all of MLB
  - ii) Doesn't show testing will solve the problem quickly, if at all
  - iii) High cost in resources to implement the program
- b) A2: Negative isn't in favor of steroid use
  - i) But high school is not source of the problem
  - ii) Incentive is getting to the next level, college or pro sports
- c) A3: Students have a right not to have to compromise their civil rights
  - i) No precedent for this attempt to circumvent basic rights

#### **11) Second Negative Rebuttal**

- a) N1: Usage isn't significant relative to cost of testing program
- b) N2: Why do students use steroids? To maximize chances of moving ahead
  - i) No reward, they won't take the risk
    - (1) Address problem in majors and college—Barry Bonds, Mark McGwire
  - ii) There has been no increase from low usage levels even though there are no current regulations
  - iii) Alcohol and other drugs are much bigger problems in high school
- c) N3: Waivers are unconstitutional
  - i) We should always uphold basic rights

**12) Second Affirmative Rebuttal**

- a) A1 and A2 were never argued by the Negative
- b) N1: Numbers may be small—1 in 4100 in Texas, 7 in 30,000 in NJ—but significant
  - i) Athletes play multiple sports, affect many games
  - ii) Impact could be large
- c) N2: High school is the base, where it all starts
  - i) Pros need testing too
  - ii) If high school students take steroids they may become addicted or otherwise affected, and will still use in pros
  - iii) Catching 1 in 4000 will deter greater use
- d) N3: Now students get away as there is no enforcement.