

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

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## Connecticut Debate Association

### AITE

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**Resolved: Connecticut should eliminate the death penalty.**

## A Note about the Notes

I've reproduced my flow chart for the final round at AITE 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, "That's not what I said!" I apologize for any errors, but I hope debaters will appreciate this insight: what a judge hears may not be what they said 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 at AITE was between the Joel Barlow team of Brendan Coppinger and Nicolo Marzaro on the Affirmative and the Glastonbury team of Nabilah Ahmed and Hannah Cole on the Negative. The debate was won by the Affirmative team from Joel Barlow.

### 1) First Affirmative Constructive

- a) Introduction
- b) Statement of the Resolution
- c) Aff bases its case on Lockean theory of basic rights to life, liberty and property, primarily life
  - i) Lockean theory is the basis for the US Constitution
- d) Our plan is to replace the Death Penalty ("DP"<sup>2</sup>) with Life without Parole ("Lw/oP")
  - i) This will not be retroaction, and will not affect current Death Row ("DR") inmates

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<sup>2</sup> Defines "DP" as an abbreviation for "Death Penalty."

- e) A1<sup>3</sup>: DP is a drain on financial resources
  - i) DP cases permit 33 levels of appeals
  - ii) 14 years on average between conviction and execution
  - iii) Many DR inmates die of natural causes before execution
  - iv) Only Michael Ross, who asked to die, has been executed in CT in last 30 years
- f) A2: Certainty cannot be established in capital cases.
  - i) 130 on DR have been exonerated due to new evidence or judicial error
  - ii) Killing someone is an irreversible act
  - iii) New technology can supplant older
    - (1) Polygraph tests were once thought highly accurate
    - (2) Fingerprints have been found to suffer from errors
    - (3) DNA is now considered the gold standard, but will be improved upon
    - (4) DNA evidence is known to degrade with age
  - iv) Long appeals process mean witnesses die, forget, evidence is lost or decays
- g) A3: The value of life is too great violate it with the DP
  - i) This contention is back to Lockean theory
  - ii) If there is a shred of doubt we shouldn't execute anyone
    - (1) Ray Krone was released after 10 years on DR due to DNA evidence
  - iii) Innocent on DR suffer knowing death is near
    - (1) There is a similar toll on family, community

## 2) Cross-Ex of First Affirmative

- a) Doesn't Locke assume there is a social contract? Yes
- b) Doesn't murder break that contract? Yes, but no reason to violate it further with DP
- c) So no act can eliminate Lockean rights? Some can be limited, but no DP
- d) Even if a person violates the life of another? Two wrongs don't make a right
- e) Is there public support for DP in CT? Yes
- f) Shouldn't public have a bearing on the issue? Yes, they vote for congress, and congress can vote it out of existence
- g) Does DP discourage murder? Yes, but so does Lw/oP
- h) Which deters more? That is a matter for debate
- i) You say better technology is always being developed? Yes
- j) Couldn't that make trials more accurate? Yes
- k) So we can be more certain when DP is the sentence? Possibly, but it also can show old evidence is invalid.

## 3) First Negative Constructive

- a) Intro
- b) Definition: "justice" is a system that respects the rights of the accused under the rules of law and equity
  - i) The Neg believes in the integrity of the American judicial system
- c) N1: Some crimes are inexcusable, and deserve DP
  - i) E.g. Peeler, who murdered an 8 year old and her mother to eliminate a witness
  - ii) E.g. Rizzo, who beat a 13-year old to death with a sledge hammer
  - iii) E.g. the Petit case, where a family was raped and then burned alive

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<sup>3</sup> "A1" indicates the Affirmative first contention, "N2" the Negative second contention and so forth.

- iv) It is intolerable that they live, even in jail, with the comforts of life
- v) This isn't justice, nor is it justified
- d) N2: The public supports the DP
  - i) Quinnipiac Poll asked the question 3 ways, and a majority agreed with the DP in all three
  - ii) Lawmakers are out of step with the public
  - iii) This is an insult to the people and the constitution
  - iv) Public opinion should matter when making law
- e) N3: DP deters crime
  - i) Crime should lead to punishment, and death is the ultimate punishment
  - ii) If there is no DP, it mitigates the crime of murder
    - (1) Therefore murders will increase

#### 4) Cross-Ex of First Negative

- a) Isn't the worst punishment waiting? No, death.
- b) What is the difference if you wait 14 years for the DP and die, or wait for life and then die? The 14 year delay is part of due process. The point is the guilty die
- c) Don't they die either way? Isn't it worse to wait 60 years in solitary? Within a month they start to get privileges, like exercise, games, etc.
- d) If they are in solitary, who will they play with?
- e) Which is better, to kill the innocent or to let the guilty live? Neither
- f) Why can't you compare the two? Which is more important? To kill the guilty
- g) Doesn't having the DP mean some innocents will die? So is it more important to let the innocent live or kill the guilty? You can do both if you have the DP in place
- h) How can you let the innocent go free if they are dead?

#### 5) Second Affirmative Constructive

- a) Intro
- b) I will cover the Neg then the Aff
- c) N1: We agree some crimes are inexcusable
  - i) The issue is the punishment. DP is not the worst, and is morally incorrect
  - ii) Lw/oP is moral and much worse
    - (1) 60 years in a dark cell before you die
    - (2) Compared to 14 years and you die quickly
    - (3) Ross asked to die, because the wait was killing him
- d) N2: Results of a poll depends on the question
  - i) When asked DP vs Lw/oP neither gets a majority
    - (1) The other questions are ambiguous
  - ii) Answers are often fostered by anger, revenge and emotion
    - (1) There is no consequence to answering a poll question
    - (2) Politicians have to consider the public good and put anger aside
- e) N3: DP does deter, but so does Lw/oP, 60 years in jail
  - i) In either case, the murderer dies after a long time in jail
- f) A1: DP costs \$4 million annually in a small state
  - i) Money is wasted on appeals, could be used for other purposes
- g) A2: There can be no certainty in these matters
  - i) Standard is "beyond a reasonable doubt"

- (1) Can't apologize to the innocent after they are dead
- ii) Polygraphs gave way to fingerprints gave way to DNA
  - (1) Who knows what technology we will have in 20 years
- h) A3: We stand on the value of life, the most essential value
- 6) Cross-Ex of Second Affirmative**
  - a) So does anything transcend money? The Value of life
  - b) What about justice? Yes, and it is just to abolish the DP
  - c) So justice is more important than money? Yes
  - d) So why should the cost of execution be relevant? We should be practical, we can't spend infinite funds.
  - e) So money is more important than justice? It isn't the only factor
  - f) Quinnipiac Poll options were? DP vs Lw/oP
  - g) Which options was more popular? DP was only 5% more, but not a majority. That's how Hitler got into power.
  - h) You say there is no right to take life? We all die eventually
  - i) Isn't Lw/oP killing indirectly? We don't kill, the person dies
  - j) What about the victim's rights compared to the accused? The victim is dead and has no rights
  - k) So you value the accused over the victim? Someone accused isn't convicted
- 7) Second Negative Constructive**
  - a) Intro
  - b) Resolution
  - c) There is a long historical precedent for the DP
    - i) Thousands of years since Hammurabi's "eye for an eye"
    - ii) Society justice is more nuanced, but some things are unchanged
    - iii) All of the world's religions support the DP
  - d) Aff's Lockean analysis ignores the social contract
    - i) It must be mutually beneficial
    - ii) Murder extinguishes one's rights by breaking the social contract
    - iii) The victim is the one who should have the right to life
  - e) A1: Aff puts a \$ value on justice, which is inappropriate
    - i) Some crimes transcend money, and this is a murder trial, not robbery
  - f) A2: Aff believes the judicial system is not capable
    - i) Neg believes in the vision of the Founders
      - (1) The accused has rights: habeus corpus, lawyers, trial by jury
      - (2) The system is appropriate for the DP
      - (3) Any incidents of misconduct do not outweigh this
  - g) N1: This contention is pure pathos, saying prison is worse than DP
    - i) Aff ignores sanctity of victim's life
    - ii) Neg definition of justice recognizes rules of procedure and equity of the proceedings
    - iii) DP is reserved for the worst crimes, and this is a crucial distinction
- 8) Cross-Ex of Second Negative**
  - a) Religion says these crimes are inexcusable? Yes
  - b) Do you believe in separation of church and state? Yes, but this is a matter of culture and heritage

- c) You mean to keep killing people? You are twisting my words
- d) You want to keep this part of our culture? We are upholding justice
- e) Or are you celebrating death? No
- f) Isn't public execution part of that same culture? We don't need to keep every aspect. But it clearly shows DP is valid.
- g) Given the state of the economy and the cost, don't you think 33 appeals is excessive? Due process is vital
- h) Shouldn't there be a limit to spending on justice? We should spend whatever it takes
- i) Regardless of the impact on other gov't services? Spending in the status quo is reasonable and a necessary expense
- j) So put people to death? Yes
- k) What if they are not really guilty? This is hypothetical. In the actual record there are no real examples.

**9) First Negative Rebuttal**

- a) Intro
- b) Aff is taking an impersonal approach
  - i) They suggest it is simply a matter of cost, risks and time
- c) Neg sees the process as being thorough
  - i) 14 years of appeals protects the rights of the accused
  - ii) Constitution stands on this process
  - iii) Process of applying the DP should not be compromised, but carried out seriously and with integrity
- d) You can't help the innocent victims
  - i) You can feel sorry for them, but life is a luxury
  - ii) Without the DP the guilty will live
  - iii) They have lost their rights under Lockean theory
- e) Science promises greater accuracy
  - i) That should mean fewer mistakes convicting the innocent

**10) First Affirmative Rebuttal**

- a) Intro
- b) Economics
  - i) Neg says spends as much as is needed
  - ii) Realistically, that won't happen
  - iii) We are in an economic crisis, so efficiency is a good thing
  - iv) Money spent on DP can be better used to fight the recession
- c) A2 is in part a matter of faith
  - i) Looking at the numbers, assuming no innocents have be executed is not justified
  - ii) 130 on DR have been exonerated; how many innocent died
- d) Neg says they have faith in the judicial system and the rights of the accused
  - i) When did the accused get rights? Neg says they broke the social contract and lost their rights
  - ii) Locke never said anything about losing your rights if you had a lawyer
- e) Historical precedents
  - i) Neg admitted public executions were a bad idea

- ii) Why is one precedent valid and not another?
- iii) We need to learn from our mistakes and move forward
- f) Technology
  - i) Improvements might give us more accuracy
  - ii) They might also show DNA testing isn't as reliable as we thought
- g) Aff doesn't like killing the innocent

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

- a) I am going to cover some points, crystalize the debate, then return to my contentions
- b) Points
  - i) Technology is not infallible
    - (1) We have to work with what we have, and that is extremely good
    - (2) We have an advanced system of justice
  - ii) Financial crisis was not caused by the justice system
  - iii) The exonerations mentioned by the Aff were not proven in a court of law according to Justice Scalia
- c) Crystallization
  - i) Public interest is the most important concern
    - (1) Lw/oP is very expensive
    - (2) Public wants DP as a deterrent
  - ii) Polls and public opinion are important
    - (1) Emotions are a valid approach to issues
    - (2) Polls all support DP
- d) Contentions
  - i) N1: We can't walk away from humanity
    - (1) These crimes are transcendent
  - ii) N2: Public opinion matters
    - (1) Legislators should respect that
  - iii) N3: DP looks to the future by preventing murder
    - (1) Justice transcends one or two cases

### **12) Second Affirmative Rebuttal**

- a) Intro
- b) Points
  - i) Money is less important than trying to save the innocent
  - ii) The cases mentioned were exonerated by the courts on appeal
- c) Key Issues in the debate
  - i) Is it more important to free the innocent or kill the guilty?
    - (1) Neg believes killing is more important
    - (2) Aff believes freeing innocent is more important
  - ii) Justice
    - (1) Punishment is one aspect
      - (a) It should reflect the severity of the crime
      - (b) Aff believes Lw/oP in solitary is appropriate
      - (c) Death after 14 years of appeals is a mercy
    - (2) Logic is another aspect
      - (a) Neg offers no recourse to those who might have been exonerated

- (b) Aff can set them free
- (c) Lw/oP punishes heinous crimes