

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

Everett Rutan

Xavier High School

[ejrutan3@ctdebate.org](mailto:ejrutan3@ctdebate.org)

or

[ejrutan3@acm.org](mailto:ejrutan3@acm.org)

## Connecticut Debate Association

Amity High School and New Canaan High School

November 17, 2012

**Resolved: The United States should adopt a “no first strike” policy for cyber warfare.**

## A Note about the Notes

I’ve reproduced my flow chart for the final round at Amity High School 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. 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 Amity High School was between the Daniel Hand team of Arthur Wilkins and Henry Cohen on the Affirmative and the East Catholic team of J. Ockert and Wesley Langlais on the Negative. The debate was won by the Affirmative team from Daniel Hand.

### 1) First Affirmative Constructive

- a) Introduction
- b) Statement of the Resolution
- c) Definitions
  - i) “cyber war” excludes espionage activities
  - ii) “first strike” is an attack designed to prevent an opponent from attacking or retaliating
- d) A1<sup>2</sup>: A first strike attacks civilians, contrary to policy
  - i) E.g., the attacks on Iran were targeted at their nuclear plants, but the virus escaped and is infecting computers worldwide

---

<sup>1</sup> Copyright 2012 Everett Rutan. This document may be freely copied for non-profit, educational purposes.

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

- e) A2: It is difficult or impossible to trace the source of a cyber attack
    - i) E.g., a first strike on China would lead to war
    - ii) But attackers could use misdirection to make it appear as if the attack came from China
    - iii) So a first strike policy invites unnecessary conflict
  - f) A3: A first strike policy gives the NSA and CIA free reign
    - i) The NSA and CIA can conduct unprovoked attacks
    - ii) There would be no effective oversight of their activities
    - iii) The agencies would engage in undemocratic activities
  - g) A4: A no first strike policy gives the US a leading role
    - i) It puts the US in a position to push similar policies in NATO and the UN
    - ii) Users of cyber war can be branded as pariahs
    - iii) We can enlist help against cyber aggressors
  - h) Summarize by repeating A1-A4
- 2) Cross-Ex of First Affirmative**
- a) Can the CIA act secretly? It can act without public oversight. Cyber war makes it easy to avoid detection
  - b) Does the Department of Defense have a black budget that is not publicly reported? A no first strike policy provides a clear rule regarding cyber attacks.
  - c) How does it eliminate the foggy areas? It prevents the development of programs that would violate the policy
  - d) .Do those programs exist now? Probably
  - e) You say cyber war is an attack on civilians? They are the likely target
  - f) Don't attacks on civilians occur in war? We don't target them specifically.
  - g) Do atomic bombs target civilians? Those bombings were a bad choice and shouldn't be repeated
  - h) The atom bomb attacks were a bad choice? They were a human rights disaster
  - i) Wouldn't continuing the war have been a disaster? The two aren't comparable
  - j) How would the US set a precedent? [time—question not answered]
- 3) First Negative Constructive**
- a) Intro
  - b) I will present the Neg case then reply to the Aff
  - c) N1: The economic consequences favor the Negative
    - i) A cyber attack on the US would erase data and cripple private businesses
    - ii) Building a first strike capability would help the US economy
      - (1) World War II helped the economy out of the Depression
      - (2) Defending against threats helps the economy
  - d) N2: A first strike protects national security
    - i) An attack on the US would be crippling
    - ii) We would lose intelligence and sensitive data would be compromised
  - e) N3: A first strike is the best way to prevent further war
    - i) It is easier to attack than to defend
      - (1) You can plan an attack ahead and avoid a hasty response
      - (2) You can act from strength
    - ii) It sets a precedent—don't mess with us
    - iii) This clashes with A4

- f) A1: It's better to inconvenience our enemies than permit harm to the US
  - i) A cyber attack may not cause any loss of life
- g) A2: We can trace activity on the internet a defeat anonymity
- h) A3: NSA and CIA can act to our benefit
- i) A4: A no first strike policy sets the wrong precedent (seen N3)

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

- a) You say a first strike is the best preventative? Yes
- b) Doesn't a first strike start a conflict? It also stops and ends a conflict
- c) But it would be our conflict? Yes, but against nations conspiring against us
- d) Who would be a target of our first strike? It's not our job to say, but if we had evidence someone was planning an attack on us, we'd act to prevent it
- e) So the government would have total control and decision making power? Rules exist to protect citizens in other cases. This is the same.
- f) Cyber war would affect the world economy? Yes
- g) Does it require countries or a small organization? Someone flew a plane into the World Trade Towers and hurt us
- h) So we would send a message? Yes
- i) Two wars and killing bin Laden wasn't enough? No. Consider the recent attack on our ambassador in Libya
- j) So if we attack first, we'll be safe forever? No

**5) Second Affirmative Constructive**

- a) Intro
- b) Statement of the resolution
- c) I will review the Aff then the Neg
- d) A1: Both sides want the US to be safe
  - i) Neg wants to send a message: "we will hurt you"
  - ii) But a first strike is aimed at an opponent's war making capacity
    - (1) Nukes take out nukes
    - (2) Cyber war takes out computers, all computers, everywhere
  - iii) Therefore you must wipe out all enemy systems
- e) A2: A first strike is impossible to plan
  - i) We can't identify the source until we've been attacked
  - ii) E.g. suspected China attack was found to be hackers months later
  - iii) A first strike would cripple critical infrastructure—water, hospitals, power—it would be like Hurricane Sandy
- f) A3: we couldn't find weapons in Iraq
  - i) First strike policy gives the spooks the power to be aggressive
  - ii) A no first strike policy makes us the peacekeepers
  - iii) We can wipe the slate clean on past actions
- g) A4: E.g., the risk of nuclear war was limited by treaties and no first strike policy
  - i) Like nuclear weapons, with cyber war we can destroy each other
  - ii) Like nuclear weapons we have the capabilities stockpiled
- h) Aff and Neg agree on goals. We disagree on policy

**6) Cross-Ex of Second Affirmative**

- a) Did we say we would attack hospitals and harm civilians? You said you would attack critical infrastructure

- b) But you brought up hospitals? Yes
- c) What is wrong with attacking to defend yourself? It makes us the aggressors
- d) If our hospitals were gone, how would we react to an attack? A first strike would look like aggression. And effective attacks on us are complicated and unlikely.
- e) What sort of precedent would your policy set? Cyber war has too much damage potential. We should avoid it, just like we avoided nuclear war
- f) Has this sort of precedent been followed? If mine isn't followed, then yours wouldn't be followed either.

**7) Second Negative Constructive**

- a) Intro
- b) A1: If we don't strike first, someone else will
  - i) If a foe is powerful, then we should hit them first
    - (1) Sometimes safety requires a first strike
    - (2) E.g., Pearl Harbor could have been prevented if we had struck Japan first
  - ii) Contrasts with N3. We can prevent war and save enemy lives
- c) A2: This isn't true
  - i) Aff agrees that we have a strong cyber war capability
  - ii) Therefore we can select targets carefully
  - iii) We can use espionage to identify threats
  - iv) We can use a first strike to prevent an attack
- d) A4: We haven't gotten cooperation with China or trade
  - i) We haven't gotten cooperation with Iran on nukes
  - ii) Aff policy will put US at a disadvantage as others will still have first strike option
  - iii) This will leave the US vulnerable
- e) A3: CIA and DoD already have capabilities beyond public knowledge and control
  - i) It's better to attack an enemy's computers than use nukes
- f) N1: This contention was ignored by the Aff
  - i) Private corporations are vulnerable to a first strike
  - ii) If no first strike, then we are limited to damage control and trying to mount a counterstrike, which is harder to do
  - iii) A first strike kills two birds with one stone

**8) Cross-Ex of Second Negative**

- a) In World War II didn't we drop bombs on Hiroshima and Nagasaki? An earlier attack would have prevented Pearl Harbor
- b) It's easy to say we could have anticipated this. Isn't this 20-20 hindsight? I don't understand the question
- c) How do you see a cyber attack coming? Use technology
- d) So you have to spy on every single person? You can focus on specific areas
- e) Which areas? Not the British, for example, focus on our usual opponents
- f) Can a first strike be limited to an attack on certain nations? It's better to have the option
- g) You say we can't push cooperation through the UN. Doesn't China have an interest in preventing cyber war? That's not relevant
- h) Are you saying it isn't in their interest? Not if they want to attack us

- i) So everyone wants to attack us? Yes
- j) Why not nuke them now? [time—question not answered]

**9) First Negative Rebuttal**

- a) I will cover the Neg with references to the Aff
- b) N1: Was dropped by the Aff, therefore goes to the Neg
- c) N2 vs A3
  - i) Aff believes CIA will drop its cyber war plans
  - ii) Neg believes they will work with the rest of the government
- d) N3: If a cyber attack cripples the economy we can't fund the military or provide for civilians
  - i) Aff policy leaves us vulnerable
  - ii) Neg would have the NSA and CIA identify threats and deal with them
    - (1) Trace emails, analyze keywords, lead to the governments or terrorists
    - (2) Use pinpoint attacks, e.g. take out missile guidance systems

**10) First Affirmative Rebuttal**

- a) N1: the economics don't benefit anyone either way
  - i) Neg compared a first strike to the impact of World War II
    - (1) This was very different from cyber war
  - ii) Destruction of US economy would affect all countries
  - iii) Much of the risk is from individuals or small groups
    - (1) E.g., 9-11 attacks
  - iv) These small groups can be impossible to find
- b) N2: Aff won't neglect offense, as we need ability to retaliate
  - i) US just won't attack first, won't start the war
  - ii) A first strike is not the best response
    - (1) E.g., Anonymous hackers have not been found
  - iii) We need defense and retaliatory capability
    - (1) Recall the definition of a first strike
    - (2) We would have to attack civilian infrastructure world wide
    - (3) Anonymous works by hijacking personal computers

**11) Second Negative Rebuttal**

- a) The 1AR is bringing up arguments not raised in the constructive
- b) N1: Aff argument isn't true—economic risk supports the Neg
  - i) E.g. attacks on Aetna, telephone company
- c) N2: Aff says we would develop defense and offense
  - i) This is a bluff—we can't prove the offense will work ahead of time
  - ii) If defense is unsuccessful, we would have to deal with massive damage
  - iii) And we would still have to retaliate
  - iv) We should plan for the worst
- d) In summary:
  - i) Attacks have occurred and are occurring
  - ii) UN cannot prevent these attacks
  - iii) We can prevent them with a first strike (N3)
    - (1) This will prevent a cyber attack
    - (2) Prevent a missile attack
    - (3) Stop the problem before it starts

- iv) The Neg plan will only apply when the US is threatened, and it will be effective against that threat

## **12) Second Affirmative Rebuttal**

- a) Economics
  - i) Either side might have benefits
  - ii) But starting a war to help the economy is not true
    - (1) E.g. Invasion of Iraq has led to deficits
- b) National Security
  - i) Both sides agree this is important
  - ii) Aff disagrees that we can identify all possible attacks
    - (1) E.g. Anonymous
  - iii) The point of cyber war is you can't detect and attribute the source
- c) Prevention
  - i) Neg Pearl Harbor argument is hindsight
  - ii) Any computer hardware can be used for a cyber attack
    - (1) A first strike would have to destroy all, and we'd have to spy on them all to detect the attack
- d) We should plan for the worst, but not act on the assumption the worst will happen
  - i) This would lead to a catastrophe
  - ii) Neg believes we have to destroy all the others
    - (1) And we will, because they will think our first strike policy threatens them
  - iii) We have a chance to avoid weaponizing a new technology
  - iv) Why not work to get everyone to agree not to attack?