

The Final Round¹

Everett Rutan

Xavier High School

everett.rutan@moodys.com

or

ejrutan3@acm.org

Connecticut Debate Association

King School and Pomperaug High School

December 11, 2010

Resolved: WikiLeaks should be suppressed and anyone associated with it prosecuted.

A Note about the Notes

These are my notes from the final round at King 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, at points, "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 closer to the way I actually take notes during the debate.

The Final Round

The final round at King School was between the Daniel Hand team of Sam Hodgson and Hank Cohen on the Affirmative and the King team of Lindsay Stone and Michael Schneider 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) Definition: "associated" as those involved in the publication of classified or secret documents.
- d) A1²: WikiLeaks ("WL"³) presents a clear and present danger and is not protected by the First Amendment ("1stA")
- e) A2: WL is not creating transparency by spreading disinformation.
- f) A3: WL is attacking the US and its allies around the world.

¹ Copyright 2010 Everett Rutan. This document may be freely copied for non-profit, educational purposes.

² "A1" indicates the Affirmative first contention, "N2" the Negative second contention and so forth.

³ Defines "WL" as an abbreviation for "WikiLeaks."

- g) A1: Julian Assange’s (“JA”) purpose is to hurt the US.
 - i) WL has a negative effect on foreign affairs
 - ii) E.g., revelations about Pakistan and Yemen will make our relations with those countries difficult
 - h) A2: WL presents information without context
 - i) E.g. Apache helicopter attack video was edited and labeled “Collateral Murder”
 - ii) Video did not show weapons carried by “victims”
 - i) A3: The documents released pertain to other countries, such as Saudi Arabia and Iran
 - i) Their release undermines trust in the US
 - ii) Puts Americans at home and abroad in danger
 - iii) One release was a list of targets critical to US security
 - j) Summarize A1, A2, A3
- 2) Cross-Ex of First Affirmative**
- a) Are you aware WL posted an un-cut version of the Apache video? Yes
 - b) Do you believe the US has the role of world policeman? What do you mean by “world police.”
 - c) Do you believe it is our job to prosecute someone who is putting other nations at risk? WL is harming the US
 - d) In your opinion, are checks and balances important? Yes, they are important
 - e) Should people be able to police the government in certain cases? Yes, in certain cases.
- 3) First Negative Constructive**
- a) Intro
 - b) Resolution
 - c) The Negative believes the key issue is that transparency in the media is necessary for democracy
 - d) N1: Prosecute leakers, not publishers
 - i) We should prosecute those who leak classified information
 - ii) We should not prosecute the third parties who publish the information and inform the public
 - e) N2: No harm to individuals can be directly linked to WL releases
 - f) N3: JA is an agent of the world’s people, not of any single nation state
 - g) N1: the information was leaked by Pfc. Manning, not WL
 - i) Manning put the information into the public domain
 - ii) WL is simply the making the information widely available
 - h) N2: We only have claims of negative effects on soldiers and diplomats
 - i) Soldiers are already in dangerous situations
 - ii) No evidence WL has made it more dangerous
 - iii) Transparency may make it less dangerous if we understand our policies correctly
 - i) N3: JA lacks intent
 - i) WL is an enabler, a part of the media, not a leaker
 - ii) The US would be no better than other countries if we suppress WL
 - iii) WL is a champion of free speech (“FS”)

- j) A2: We disagree that info is without context
 - i) The information released is true and valid
 - ii) Full videos and text are there for those who want to see them.
- 4) Cross-Ex of First Negative**
 - a) While there is no direct evidence, isn't it likely military actions had to be changed because of WikiLeaks? I can't speculate
 - b) Are you aware that not all speech is protected? Yes
 - c) Are you aware that only truthful speech is protected? Yes
 - d) Didn't JA say his aim was to "Balkanize the US?" I think that is taken out of context.
- 5) Second Affirmative Constructive**
 - a) Intro
 - b) Resolution
 - c) A1: it may not be clear if individuals have been harmed
 - i) But there has been significant diplomatic harm
 - (1) Saudi Arabia said we should strike at Iran like they were poisonous snakes
 - (2) Sounds like an act of war
 - (3) That's how its represented by the media
 - d) A2: JA's goal is to destabilize, not enhance transparency
 - i) JA opposes certain US policies
 - ii) Even if they correct misrepresentations, they still cause harm
 - iii) Aff believes JA is guilty of libel
 - e) A3: US is a world citizen, operating in many countries
 - i) JA takes information out of context, doesn't clarify things
 - f) N1: WL has doctored video footage
 - i) Why would they title the video "Collateral Murder?"
 - g) N2: Many military operations had to be revised
 - i) Only the skill of our armed forces prevented losses
 - h) N3: JA has said he isn't trying to provide transparency
 - i) He is clearly biased
 - ii) FS has limits
 - (1) If FS causes harm, then it can be monitored
- 6) Cross-Ex of Second Affirmative**
 - a) Define "whistleblowing." To bring attention to a misdeed
 - b) Define "transparency." People knowing exactly what the government is doing.
 - c) Doesn't WL provide that information? JA revises it, turns it into propaganda
 - d) Does he lie? He angles the truth (something as a debater I know a lot about). For examples, titles like "Collateral Murder."
 - e) Isn't the full version of the video available? Only after pressure from others.
 - f) So JA can't be a whistleblower just because his intentions are selfish? He presents facts favorable to his point of view.
- 7) Second Negative Constructive**
 - a) Intro
 - b) The Neg. believes is defending the transparency of the media
 - i) Media as different from the source of the leaks)

- ii) Transparency is part of the universal right to FS against a secretive and oppressive regime
- iii) WL is just a third party
- c) N1: once leaked, the information is public
 - i) WL is the same as The New York Times
- d) N2: this clashes directly with Aff
 - i) Those endangered by WL were already at risk
 - ii) The leaked cables simply note that
- e) N3: JA is not the agent of a nation state
 - i) His interest and agenda is transparency and a safer world
 - ii) Even if it does hobble the US government
 - iii) People who vote and elect the gov't need information
 - iv) WL is essential for this transparency
- f) A1: we addressed this already
 - i) WL is ultimately good for relations
 - ii) The less that is hidden, the more that can be accomplished, and faster
- g) A2: The full context is there for those who want to see
 - i) "Collateral Murder" is accurate, civilians died
 - ii) WL agenda is more transparency
- h) A3: What is the reason to prosecute JA?
 - i) Does it make sense if it is simply because the US doesn't like JA?

8) Cross-Ex of Second Negative

- a) Do you agree that it is possible to harm a nation without harming individuals? Yes
- b) Can you start a war without firing bullets? Can you explain what you mean
- c) Can a war be started without an attack? Yes
- d) Isn't the US a diplomatic middleman, between Saudi Arabia and Iran? Between Israel and Palestine? Yes. But those countries can be middlemen too.
- e) JA has been quoted saying that his goal is not transparency? Yes, we quoted him too.
- f) Are you familiar with the case of Scooter Libby? No.
- g) He revealed the name of an operative who died.

9) First Negative Rebuttal

- a) Intro
- b) Resolution
- c) A1: There are limits to FS
 - i) The case of shouting "fire" in a crowded theatre
 - (1) There is no fire, and there is direct harm as a result
 - ii) WL is telling the truth
 - (1) There is a real fire
 - (2) This is whistleblowing and therefore is protected
- d) A2: This contention concerns misinformation and motives
 - i) WL leaks official documents which are true
 - ii) There is no falsehood, no slander
 - iii) This is transparency!
- e) A3: The Aff claims WL attacks US and its allies

- i) JA and WL are not willfully harming us
- ii) “hobble” is not a direct attack
- iii) WL leaks information from all countries
- f) Restate N1, N2, N3

10) First Affirmative Rebuttal

- a) I want to do a cross comparison of the two sides
- b) N2: the question is harm to individuals vs risk to nation as a whole
 - i) E.g., treason and espionage threaten the whole country
- c) N3: The Neg calls JA an “agent of the world”
 - i) The information was known to be illegally obtained
 - ii) JA is an individual
 - (1) WL is harming us
 - (2) There is no reason for him to escape the law
 - (3) Just because he roams the world is no reason not to prosecute
- d) Transparency
 - i) Neg admits that no gov’t is completely transparent
 - ii) Some transparency is good for democracy
 - iii) But some secrets are good too
 - (1) E.g., the Constitutional Convention was secret, and we know about it only from the notes of a delegate
 - iv) When an individual threatens, we should prosecute
- e) Neg says JA is working for transparency
 - i) But his intent is to spread hidden information
 - ii) This is information the US wants hidden from its enemies
 - iii) JA gives that information to foreign nationals

11) Second Negative Rebuttal

- a) Free speech
 - i) This is not a US case
 - ii) JA is not a US citizen
 - iii) WL has the same rights as other media
- b) The Neg believes in the value of disseminating this information
 - i) Persecuting the media is irrational when they are unconnected with the leak
- c) The Aff seems to want to differentiate between a nation state and a nation of people
- d) N1: Prosecute the leakers, not the publishers
 - i) WL, The New York Times, readers, cannot be prosecuted
 - ii) The information is no longer secret
- e) N2: Those who might be harmed are already at risk
 - i) Some good is already coming from WL
 - (1) China’s changing attitude towards North Korea
 - (2) Iran and nuclear weapons
- f) N3: JA is not working for a sovereign state
 - i) His motive is the dissemination of ideas, even if crudely stated
- g) A1: the “shouting fire” example shows the difference between illegal and legal activity
 - i) The harm comes from the words of the diplomats, not the WL disclosure

12) Second Affirmative Rebuttal

- a) Intro
- b) N1: the release of the information is illegal due to the clear and present danger it presents
 - i) “shouting fire” example is not the same case
 - ii) US is hiding this information from foreigners, not citizens
 - iii) US is at war and secrecy is a weapon
 - iv) Information release weakens us in war
- c) Statements of diplomats are important to our own safety
- d) JA has edited the information to raise questions
 - i) Neg says JA is there for the people; JA says the opposite
- e) Role of gov’t is to protect the people
 - i) We need to know officials will protect us
 - ii) We need to know others are out to harm us
- f) JA has one objective—weaken the US
 - i) This puts his actions in question
 - ii) What is JAs role as editor if WL is releasing “facts”?