

A Coach's Notes¹

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Fairfield Warde High School and Westhill High School

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Resolved: That the media in the United States should be required to abide by the Fairness Doctrine.

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Introduction

This is the second edition of the 2008-09 CDA season. If you would like to receive the previous editions of these Notes, please email me and I will send them to you.

Accompanying this document are my notes from the final round in two formats, transcript and flow chart, and a copy of the packet from the tournament. I try to email these Notes to CDA coaches within two weeks of the tournament.

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.

Sixty Minutes

I never debated using the extemporaneous format practiced by CDA. But I have been in a lot of situations where I had a limited amount of time to prepare for a serious moment of some form or another: a speech, a slideshow, participation in a panel discussion, a committee, even a one-on-one discussion. The textbooks tell you, and hard experience has convinced me, you need to focus on two questions: How do you plan to budget the time available to prepare? What do you have to accomplish by the end of that time?

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If you don't budget your time, you will likely waste it. You have to accept that you cannot do everything you would like to do in a fixed period. A schedule will not only keep you on track, but will keep you from falling down a rabbit hole—spending more time than is reasonable on something that may be interesting, absorbing, but ultimately not very productive. If you don't decide on an end product—actually a series of end products corresponding to each part of your schedule—you won't be working to a purpose. The results of your work may be very useful in some context, but if they aren't useful in the context of the project you are working on it may not be of much use. How many times have you written a good paper only to have it marked down because it didn't answer the question you were asked?

In school and business you have to ask and answer these questions for every new assignment. In CDA you know exactly the situation you will face at each monthly tournament, so you can devise your strategy ahead of time. I'm going to outline a strategy below based on my experience. As I noted, I've never debated extemporaneously, so as experienced extemporaneous debaters you may have better ideas. But if you don't have any strategy, if you show up each Saturday without a plan for using the preparation period effectively, you could do better.

What Do We Know about the Task?

CDA extemporaneous debate is well-structured. You know you will have a resolution on a topic of (more or less) contemporary interest, a packet of 4-12 pages, one hour to prepare, and the need to argue both for and against a resolution. Your affirmative or negative case will be based around contentions that need in turn to be supported by more detailed argument, reasoning and evidence. You may know something about the issues, but probably not in great detail, and in any case you need to keep an open mind to be sure you don't inadvertently exclude anything that might be useful.

Based on this information, one way to use your time might be:

Activity	Product	Time
Read and discuss resolution	Identify major issues and key terms likely to be important to the debate.	5 minutes
Read the packet	List of possible contentions	15 minutes
Generate contentions	Affirmative and Negative Case	15 minutes
Develop supporting arguments	Supporting arguments for each contention and supporting reason, evidence or quote for each argument	15 minutes
Outline the First Constructive speeches	Developed First Affirmative and First Negative constructive speeches	10 minutes

You are at the tournament as part of a team. In the broad sense all the debaters from your school are a team, and should work together against the other schools attending the tournament. The preparation time is also an opportunity for the more experienced debaters to help and teach the less experienced. You are also part of a two person team that will engage in the debates, and your coordination with your partner will be critical to

your success. Of the five steps above, the second step everyone pretty much has to do alone, and the last step is best done by each debater and their partner. But the first, third and fourth steps—discussing the resolution, brainstorming and developing the contentions—can be done in a larger group, and can be done better by larger groups. If you learn to trust each other and work as a team, it will be to your benefit.

Analyze the Resolution

The debate should be about the resolution—I’ll discuss this specifically with respect to this month’s resolution below. But the resolution is just one sentence, compared to hundreds in the packet. If you plunge in to the packet without a strong sense of the resolution, you will likely end up debating the packet and not the resolution. For both the Affirmative and Negative this means giving up a lot of potentially good arguments.

Resolutions will tend to be about issues on which there are at least two points of view which are incompatible yet have good reasons to be accepted. One side of this month’s topic is freedom of speech; the other is democracy’s need for fairness to operate effectively. Underlying both is the need, in a market economy, for money and resources to support both free speech and fairness. Essentially, fairness requires that you limit free speech either by giving resources to those that don’t have them, or taking resources away from those that do. The Fairness Doctrine was one attempt at a reasonable compromise.

The Affirmative needs to define and argue for a trade-off that conforms to the resolution, the Negative to argue that this trade-off is unfair or unnecessary. If you can identify and state this trade-off clearly at the start, it makes analyzing, understanding and applying the material much easier.

It also helps identify the key terms in the resolution. In this case there are only two: “media” and “Fairness Doctrine.” As you go through the packet, you need to consider what should be included in the term “media” and what should the Fairness Doctrine require of them. For more on this, see the next section on “Interpreting the Resolution.”

The Affirmative doesn’t have to define every term in the resolution, and generally does better by providing an interpretation of the resolution as a whole.² But an Affirmative that moves directly into their contentions without making it clear what they are arguing for is looking for trouble. The Negative should always push the Affirmative to be clear about what they mean by the key terms.

It’s certainly a critical point for this month’s topic. Given rapid technological change, any media that the Affirmative places outside of the Fairness Doctrine may render that doctrine ineffective. Any media that is included in the Fairness Doctrine is one more way the Affirmative is limiting free speech, perhaps unacceptably so.

Read the Packet

You might think there isn’t much to say about reading the packet, but you would be wrong. How you plan to read the packet is important, and you should plan and practice

² See *A Coach’s Notes*, March 24, 2007, “Debate the Resolution, Not the Packet,” and also January 12, 2008, “Debate the Resolution, Not the Packet” for examples of the importance of defining the resolution, and skillful use of definitions.

for it. The packet may be all you have, and you won't have enough time to read it as carefully as you'd like. So you need to get the most out of your first time through.

I think of the packet as providing five things: Definitions, ideas for Contentions, ideas for supporting Arguments, Reasoning and Evidence. (D, C, A, R, E) Most definitions are neutral, though the Affirmative's choice of definition can be important. The other items typically support either the Affirmative, the Negative, or some may be useful to both sides depending on the context.

I'm not a big fan of hi-lighter markers because they make the page hard to read. Each page has a left and right margin. One can simply go down the page and note D, C, A, R or E in the left margin for the Affirmative items and in the right margin for the Negative items. More adaptable items may be marked for both sides. A particularly strong or useful item might get a circle around the letter.

Using codes is a bit faster than writing ideas down on a separate piece of paper. On the other hand you will remember them better if you write them out separately. But using codes is quick, and at the end you can collect your items by scanning down the columns. And the first list you'll want to produce is a list of ideas for contentions.

Generate Contentions

Brainstorming is a simple process whereby a group of people toss out ideas on a topic, with the understanding that everyone should listen to all ideas with an open mind. Typically one person acts as moderator, keeping a list of ideas and keeping the participants on track. Usually the list is kept on a notepad or whiteboard in view of all, so everyone can see the ideas already put forward and react to them.

You've almost certainly done this already in class. If not you will certainly do it in business later in life. It's an effective way to work collectively on a problem like developing an Affirmative and Negative case. In extemporaneous debate, it's also a way for the varsity and the novices to work together and learn from each other.

Even if you don't choose to work in a large group, and only develop your cases with your partner, you both have to be willing to put forward ideas for contentions. You want to be careful to consider a range of ideas. The first ideas may not be the best. And even good ideas need to be refined. How you say something makes a difference in debate, and even a good idea can fail if it is expressed poorly. The advantage of working in a larger group for at least part of the preparation process is that you get the benefit of everyone's experience and point of view.

Clearly, to the extent that you identified potential contentions while reading the packet—your C's or other marks in the margins, you should present them. But items that you have identified as good arguments may also give you ideas for contentions. So don't hold these back—this is the time to share ideas with your teammates.

You need to stay on task, either by keeping yourself focused or having someone working as moderator. While every idea deserves to be heard, not every idea is a good one, and not every idea is relevant to the topic. You probably want to generate five or six good candidates each for your Affirmative and Negative contentions, so you have something to choose from.

In the end you have to choose, at least for the Affirmative. The First Affirmative has only six minutes to present a case, and you must be able to present your contentions with supporting arguments within this time. On the Negative side, having extra contentions may be useful. You can choose the ones that provide the best response to the case the Affirmative presents.

Develop Supporting Arguments

Once you have selected your contentions, you still don't have a case. Each contention is simply an assertion. The next step is to develop supporting arguments. This means that you need reasoning backed by evidence. Why should someone accept your contention? What facts support your argument?

You should try to have at least three arguments to support each contention. Each argument should be comprised of a reason why the contention is true supported by a fact or quote from the packet, your other written resources (almanac, dictionary or the U.S. Constitution) or from your personal knowledge and experience. If you have multiple pieces of evidence, that's even better.

The important word here is "have" with respect to arguments, reasons and evidence. This doesn't mean that you have to present them all. Given time limits you need to be selective, ordering your arguments, strongest first. You and your partner also speak many times, and you speak in response to your opponents arguments. Your presentation will be stronger if you provide new arguments and additional supporting evidence in later speeches rather than repeating the old ones. Depending on what your opponents say, some of these follow-up arguments and evidence may be more appropriate than others.

Again, this work can be done more efficiently in a larger group. You have multiple Affirmative and Negative contentions. You can give each one to a different debater and have them add arguments and references for supporting evidence. After five minutes have everyone switch, and have a second person check the wording and reference and add a second argument. To the extent that you learn to trust your teammates and work together, you can get a lot more done.

This work will go faster to the extent that you effectively annotated your copy of the packet while you were reading it. You should be able to move quickly to what you noted were "A"rguments, "R"easons and "E"vidence in the text and apply them to your contentions. Each task in prep time should be done in a way that supports the others.

Outline the First Constructive Speeches

In the final ten minutes you will want to work with your partner to finalize your First Constructive speeches, both Affirmative and Negative. The First Affirmative must be complete, in that you must select your definition of the resolutions, contentions and supporting arguments and have confidence they can be presented in six minutes. For the First Negative, you may have more contentions than you need. You should pick a strong subset that you can present in three minutes, expecting to use the other three minutes of that speech to clash with the First Affirmative.

To the extent you have worked well as a team in the larger sense, you will have a fair amount of material to copy. You will want to have a record of all of the contentions and

their supporting arguments, reasoning and evidence. You will need to rely on a concise statement of each point, which you will have to expand as you present it while speaking. You will also need a clear way to refer to material in the packet (or almanac, etc., if you use them) in order to incorporate your evidence in your speech where it is needed.

You should pay attention to the wording of each contention and argument that you present. Your contentions should be full sentences, but short ones that you can easily repeat and that clearly convey their support or denial of the resolution. Your arguments should be complete paragraphs that would make sense to a casual observer such as the judge.

Finally, you will want to arrange the information in depth. Done well, you will have more material than you can use in a single First Affirmative or First Negative Constructive speech. Decide which arguments, reasoning and evidence to hold back for rebuttal. Your Second Constructive speeches and Rebuttals will be much stronger if you are extending your initial arguments with additional support rather than repeating what you started with.

The End Product

You have a lot to do in the limited preparation period: understand the resolution, read the packet, develop your contentions, arguments and constructive speeches. At the end of the hour this must be organized in a form you can use. The packet material should be well-integrated into your cases. You will do this more efficiently if you have a clear idea as to what the end result should be and a plan for using your time to achieve it. Your debate practices should focus as much on how to prepare to debate as on actually debating. And like the television show, “60 Minutes,” your stopwatch should be marking the time as you prepare. When time is up, you have to move on to the next task. Tick, tick, tick, tick....

Interpreting the Resolution

I was surprised at the limited interpretations of the resolution in the three debates I heard on Saturday. All the teams essentially defined media and the Fairness Doctrine exactly as they were in the 1950’s and 1960’s. Back then almost everyone watched ABC, CBS or NBS every evening (except when Ed Sullivan or Disney were on and everyone watched one network) and cable, satellite TV, satellite radio, the internet and cell phones and VCRs (did I say VCR? I meant DVD) and email and instant messaging hadn’t been invented yet.

Good gosh! (Does anyone say “gosh” any more?) We just had the most expensive election in history where one candidate raised more money than all of his opponents combined (or nearly so) primarily using the internet and announced his candidacy to a zillion supporters by text message. Times have changed! Loosen up when you think about the resolution!

There are two key terms in the resolution, “media” and “Fairness Doctrine.” The original version of the resolution that we considered read “Resolved: The United States Congress should reenact the Fairness Doctrine.” It was changed specifically because the Fairness

Doctrine only applied to broadcast media, and it's not clear that broadcast media are all that relevant any more.

Once you think more broadly about "media" you have to re-think the Fairness Doctrine. Extending the Fairness Doctrine to cable TV or satellite radio seems pretty straightforward. But what about the internet? blogs? email? text messaging? Even if you succeed in making TV commentary "honest, equitable and balanced" what good will it do if everyone is watching the next blatantly partisan video on You Tube? Should every blogger be held to the same standards as the CBS Evening News? When is a text message a personal conversation and when is it a political statement?

There is also the question of political advertising and paid broadcasts. If one candidate or point of view is able to purchase twice the access of another, doesn't that make the Fairness Doctrine moot? But how is it fair to limit one side's access just because the other doesn't have the same financial resources? Should "media" be compelled to provide a certain amount of "free" access to compensate? Certainly if we had a Fairness Doctrine in place today some lawyer would try to extend it to campaign finance and spending.

These examples put the issue of free speech versus fairness into stark relief. And they make it clear the issue isn't content, but access. The purpose of the Fairness Doctrine was to make sure that controversial subjects would be discussed, and that both sides would have an opportunity to make an argument. From the Wikipedia article:

The Fairness Doctrine had two basic elements: It required broadcasters to devote some of their airtime to discussing controversial matters of public interest, and to air contrasting views regarding those matters. Stations were given wide latitude as to how to provide contrasting views: It could be done through news segments, public affairs shows or editorials. The Doctrine did not require equal time for opposing views, but required that contrasting viewpoints be presented.

Do my examples stretch the meaning, intent or past implementation of the Fairness Doctrine as originally implemented? Certainly they do, but that is how policies develop over time and adapt to new situations and new technology. Even the FCC felt it had the power, under the Fairness Doctrine, to make changes, as this paragraph from the Wikipedia article on the first page of the packet makes clear:

In 1974 the Federal Communications Commission asserted that Congress had delegated it the power to mandate a system of "access, either free or paid, for person or groups wishing to express a viewpoint on a controversial public issue..." but that it had not yet exercised that power because licensed broadcasters had voluntarily complied with the spirit of the Doctrine. It warned that "should future experience indicate that the doctrine [of voluntary compliance] is inadequate, either in its expectations or in its results, the Commission will have the opportunity—and the responsibility—for such further reassessment and action as would be mandated."

The FCC is only talking about broadcast media. But our resolution is "media" without the limitation. How meaningful would the Fairness Doctrine be if it doesn't apply to a situation where one side is able to buy 30 minutes of prime time across all the major networks and delay the start of a popular television event less than one week before the election?

This is not to say that the reading of the resolution during the tournament is wrong; it is perfectly acceptable. But both the Affirmative and Negative should try to think about the resolution in its broadest sense before deciding on a more limited interpretation. Any Affirmative limiting themselves to broadcast media is open to the Negative argument that these media can be bypassed in the cable and internet age and may not be relevant. By expanding the concept of media, the Affirmative is more likely to argue that the Fairness Doctrine is about access, not content, and that is probably a stronger case.

Cross-Ex Is for Cross-Ex

I hear way too many questions in cross-ex that begin “Are you aware of the fact that...” or “How do you explain...” followed by the questioner reading a piece of evidence in support of their side of the resolution. Such questions are illegal and pointless. To quote the CDA Handbook:

“Cross-examination is to be used to ask and respond to questions; it should not be used to introduce an argument or to present evidence.”

This is not a rule invented by the CDA. It is a rule in every form of debate that includes cross-examination. But there is a reason for the rule.

First, “questions” of the type described above are boring. The person asking always reads something blatantly in their own favor, and the person answering always disagrees with it. Second, few judges take notes on cross-ex, and in any case judges are taught to give credit to material from cross-ex only to the extent that it is used in a subsequent speech. So you may have to read the evidence again to make it stick.

But more important, reading evidence in cross-ex is a waste of valuable time. Cross-ex is the only time you confront your opponent directly. You should be using it to get information you can use in your next speech. You can get your opponent to clarify or expand upon an argument they have made. You can explore the consequences of your opponent’s contentions. You can try to cast doubt on the accuracy or relevance of reasoning or evidence they have used. One way or another, you should be leading your opponents to the weak points in their arguments. You have plenty of time to present evidence in the context of a well-structured argument during one of your own speeches.

So next time someone reads a piece of evidence to you in cross-ex, just say that you will be pleased to comment on it once they have properly introduced it in a speech. And then ask if they would like to ask you question.