

A Coach's Notes¹

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

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Introduction

This is the 4th edition of the 2012-13 CDA season. Previous year's editions can be found through the [Training Materials](#) page on the [CDA web site](#). Accompanying this document are my notes from the final round at Amity High School presented in two formats, transcript and flow chart.

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.

A Nice Touch

In the third round debate that I judged at Amity the First Affirmative from Nonnewaug did something that I thought quite effective: she paused briefly after presenting each of her contentions. This is no big thing, but it served to highlight the contention, and give me just an extra second or two to write it down.

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Now I'm not saying that everyone should do this in every debate. I praised a team for using a counterplan one year and at the next three tournaments I think every Negative was using a counterplan.

But as you focus on the resolution, the packet, your case, your opponents' case, try to remember debate is a speech contest. Spend some time thinking about how you can present your material more effectively. A brief pause now and then is a nice way to highlight something you've said and catch the judge's attention.

This Month's Topic

Some of you might say that this month's topic was difficult. You should take time after any tournament to review your experience. There is a lot to learn dissecting a topic from the perspective of three or four rounds of debate.

What does the resolution mean?

Many debaters are seduced by the packet. They blaze past the resolution and present whatever they read in the packet. For example, most of this packet is about cyber war, and most of the cases were about cyber war. Sometimes that works well.

In this case it is worth spending time considering the resolution: the US should adopt a "no first strike" policy for cyber war. The resolution is about declaring that we will not use cyber war against an opponent unless they use cyber war against us first and abiding by that declaration. The resolution is not directly about engaging in cyber war. The first question to ask yourself, is, did you understand that?

The distinction is important. The resolution does not prevent the US from using cyber war defensive capabilities; it does not prevent the US from having offensive cyber warfare capabilities. It does not even prevent the US from engaging in offensive cyber war if the US has been attacked first.

Once you get the main point, there is a critical secondary term to consider: what is "war"? You may think you know what "war" is, but we have the war on drugs, the war on crime, the war on poverty, the war on terror, plus the old fashioned kind where armies shoot at each other. What kind of war is cyber war? Are the other kinds of "war" really "war"??

Many of these "wars" are simply calls to action, not war in the traditional sense. Traditionally, war is conducted between states or empires. Are we at war with Al Qaeda? Can we be at war with Al Qaeda? with the hackers collective, Anonymous? What is your definition of war? Associated with the definition of "war" is the question of against whom is it being fought or upon whom is it being made. The packet provides a lot of information about cyber war to help you develop answers these questions.

Should you be expected to know this?

No, but you should be able to figure it out. Most debates are won by the side that best explains the resolution. Knowing what you are talking about has to be the first rule of argument. How many hours have you spent arguing with someone only to find the two

of you had been talking about two different things? How many arguments end when people realize they are saying the same thing differently?

If you are going to talk about “cyber war,” it is probably useful to ask yourself how it is similar to or different from other types of war. You should know who we are fighting, and whether they are fighting back. You are permitted a copy of the Constitution, which has Articles relating to war and war powers.

If the resolution talks about a “no first strike policy” you should realize that the topic isn’t about cyber war directly, but the approach we should take towards it. Policies lay out the approach we intend to take in certain situations. A “no first strike” policy is not an action, but a decision not to take an action unless another action—a cyber attack—occurs first.

The policy could be announced formally, or kept secret. Announced policies are usually attempts to signal allies and opponents in order to influence their actions. If we announce a “no first strike” policy, who are we trying to influence? What are we trying to influence them to do? If we keep the policy secret, it is a guide to planning and preparation. If we keep the policy secret, how would this affect our planning and preparation?

Getting It Right

I judged three rounds on Saturday. The affirmative team in the final round was the only one that got the resolution right. Their fourth contention was:

A4: Adopting the resolution gives the US a leading role

- *Our example permits us to push similar policies in NATO and the UN*
- *We can brand cyber war users as pariahs.*
- *We can get other countries to help us against cyber aggressors.*

Note that the contention isn’t worded as effectively as it might be. You have to go down into the supporting arguments to get the main point.

The parallel with nuclear warfare is simple and direct: nuclear war is a bad thing; stating we won’t use nuclear weapons first is intended to reduce tensions and invite allies and adversaries to adopt the same policy; with time, treaties may codify actions to further reduce the risk of nuclear war. Replace “nuclear” with “cyber” and repeat. If you know your history, you can draw a similar parallel to chemical warfare, which was heavily used in World War I but used by no combatant in World War II.

The other two Affirmative teams I saw got close, but not quite on point. For example, one case was:

A1: The resolution favors a patient, diplomatic solution

A2: The resolution maintains international relations on a friendly basis.

A3: The resolution is a more effective alternative to retaliation.

The supporting arguments for these contentions do not explain how this prevents cyber war or improves our position if cyber war occurs. Note that the third contention doesn’t make a lot of sense: if we have a no first strike policy, defense or retaliation are our only options.

Another attempt was:

A3: The resolution allows the US to set an example for the rest of the world.

This is a bit closer, but the supporting arguments don't establish that cyber war will be prevented as a result.

Other Affirmative Contentions

There were some other effective contentions that could justify the no first strike policy:

Cyber war is an attack on civilians, which is contrary to the rules of war.

An active cyber defense is a better policy.

A cyber attack is unpredictable and could have grave implications for the US.

If cyber war—again similar to nuclear war—primarily targets civilians, then a first strike would violate the generally accepted precept that warring powers should try to spare civilians.

Cyber defense may be a better policy. In the absence of an offensive policy it is certainly a necessary policy. But one can argue for both a first strike policy and a strong defense without contradiction. If you intend to unleash a cyber first strike, you want to be well prepared to defend yourself against the inevitable retaliation.

If a cyber attack is unpredictable, then it is hard to know when to conduct a first strike. Presumably one conducts a first strike to cripple one's enemy before they can attack you. But if you don't have any way of knowing if and when you will be attack, or by whom, then any first strike would be made blindly, and could be perceived as unjustified by the rest of the world. It might even hit the wrong target. In other words, a cyber first strike may be impractical and counterproductive.

How Should the Negative Reply?

If détente—agreement among the great powers not to engage in cyber war—is the essential Affirmative argument, what does the Negative say?

I think the essential Negative argument is that cyber war, like the “war” on terrorism, is a war in the shadows. The packet supports the argument made by several teams I saw that it is difficult or impossible to determine the source of a cyber attack. On the one hand we may want to retain a first strike option to discourage countries from supporting cyber guerrillas, or to at least limit their activities to low level attacks. On the other hand, we have no choice but to engage in continual cyber defense to degrade the ability of hackers—individuals, terrorists or government supported actors—to harm us. But in this second case, if cyber war is really about continually pressuring those who might or who are attacking us, is there a difference between defense and offense, between first strike and no action at all?

A second line of attack rises from the shadows. If you can't identify the source of a cyber attack, how do you know if your partners in détente are really your partners? It can be difficult to know where a cyber attack came from, much less who was responsible. A country can disguise its attacks on us. So the benefit of cyber détente may be illusory. The Negative can also argue that a no first strike policy limits—in fact condemns—us to defense because we can never identify an attacker with enough certainty to justify retaliation. In addition to a strong defense, we may need the threat of a first strike as a

caution to our potential adversaries. A related argument is that a cyber first strike by the US might go undetected or improperly attributed, and so make the perfect weapon against a growing threat.

The parallel to the nuclear threat is again informative but differs in significant ways. During the cold war, the source of a nuclear threat was always clear, as only a few major powers had nuclear weapons. Iran's possession of nuclear weapon capability is dangerous not because they might attack the US or even Israel directly. That would be suicidal. Rather, the risk is they might provide nuclear capability to terrorists in a deniable fashion: if Al Qaeda claims responsibility for nuking New York, can you retaliate on Tehran? Or would "retaliation" look like an unjustified first strike to the rest of the world?

The Flexible Negative

I have a suggestion for you when you are on the Negative: don't prepare a case.

Let me explain.

Teams are taught to spend the hour before the first round preparing an Affirmative case and a Negative case. When they are on Affirmative, each team presents their case in the First Affirmative Constructive. Unfortunately, most Negatives present their case in the First Negative Constructive, that is, they present the case they developed during the preparation hour. The Negative can do better!

The Affirmative is entitled to a reasonable interpretation of the resolution, and then must convince the judge to adopt that interpretation. The Affirmative speaks first and in the First Affirmative Constructive lays out their case for the consideration of the judge and the Negative. The Affirmative need not consider any other point of view.

The job of the Negative is not to "negate the resolution" (a phrase I hate, by the way). The Negative has to show either the Affirmative interpretation is unreasonable or that the Affirmative interpretation should not be adopted. It is possible that the case the Negative developed before the round is perfectly designed to oppose that Affirmative case, but highly unlikely. Being on Negative means you must be reactive and responsive. Even if the Negative presents a good case why one interpretation of the resolution should not be adopted, it does them no good unless it happens to be the Affirmative's interpretation of the resolution.

The Negative should always modify their case to respond to the First Affirmative Constructive. This means three things:

1. During the preparation period, the Negative should come up with more than one case, or, better, more than the usual three contentions. Develop five or six or seven contentions that you can choose from.
2. During the 1AC, the Negative should select those contentions best designed to counter the Affirmative interpretation of the resolution and supporting case. This may mean using a prepared contention as is, changing the wording of a prepared

contention to sharpen its effectiveness, or writing a brand new contention to meet an unanticipated Affirmative argument.

3. The one minute—better two minutes—of prep time before the 1NC should be used to finalize the Negative case, as well as the initial direct response to the Affirmative contentions. This prep time is probably the most important two minutes of the debate for the Negative team, because it determines whether your case will be a direct or a merely glancing blow against the Affirmative.

An Example

Let's take a look at the cases presented in the final round at Amity, and see how the Negative could improve its attack.

The Affirmative case consisted of four contentions:

- A1: Cyber war is an attack on civilians, which is contrary to policy.*
- A2: It is difficult or impossible to trace the source of a cyber attack.*
- A3: An offensive cyber war policy gives the NSA and the CIA free reign.*
- A4: A "no first strike" policy gives the US a leading diplomatic role.*

The Negative replied with three contentions:

- N1: Economic consequences favor the Negative.*
- N2: A first strike protects national security.*
- N3: A first strike policy is the best way to prevent further war.*

The first problem for the Negative is that the two cases don't overlap much. N1 and N2 are sort of related to A1, and N3 is sort of related to A4, but saying that is a stretch. The Negative has nothing about uncertainty (A2) or malfeasance (A3).

Let's start by taking half of the first Negative contention, emphasizing the impact a cyber attack would have on the US:

- New N1: A cyber attack on the US must be prevented*
 - *We agree with the Affirmative that cyber war attacks civilians.*
 - *A cyber attack is likely to cause grave damage.*
 - *Therefore we must do what we can to prevent a cyber attack.*

While we haven't made it explicit, with this contention the Negative has established a decision criteria they can recommend to the judge: the team whose position best protects the US is the team that should win the debate.

Now let's rephrase the second Negative contention to pick up the uncertainty and malfeasance arguments:

- New N2: Threat of a first strike is an important national security tool*
 - *If cyber attack is difficult to trace, we must deter known and potential threats*
 - *Agencies like the DoD, NSA and CIA must have the option of offense as well as defense*

Finally, we can keep N3 but focus it on A4:

- N3: A first strike policy is the best way to prevent further war.*
 - *Enemies will be cautious if they know we can and will attack*

- *“No first strike” is a bargaining chip that can be used to negotiate agreements to prevent cyber war*

Note that I am introducing a deeper sense of this contention than the Negative actually presented in the round.

The revised Negative case builds on parts of A1 and A2, and counters A3 and A4. Any time you can leverage your opponents’ arguments, you should do so.

Another Example

Let’s take the same Negative case and apply it to a different Affirmative case:

A1: A cyber attack is unpredictable and destructive

A2: An active cyber defense is a better policy.

A3: A no first strike policy sets an example for the rest of the world.

Again, there is overlap between A1 and N1. A1 is also inconsequential, in that the Negative can agree with it without supporting the Affirmative interpretation of the resolution. So the Negative can simply agree and state a revised N1 and save time as well because they don’t need to support the argument:

New N1: We agree with the Affirmative: because a cyber attack is unpredictable and destructive, the US must prevent an attack on itself.

As noted before, the Negative has identified a clear voting issue: which side does a better job of protecting the US.

The two second contentions are the heart of the conflict between the two sides. The Negative should revise N2 to make the clash explicit:

New N2: The threat of a first strike is a critical component of an active cyber defense.

In presenting A2, the Affirmative makes clear that its idea of an active cyber defense is one that is designed to block attacks and harden systems against damage. But because the Affirmative used the word “active” the Negative can steal the sense of the argument: an active defense requires the ability and the willingness to strike, and strike first to prevent an attack. The Affirmative phrasing of A2 is a gift the Negative should not pass up.

Finally, the Negative can keep N3, but re-purpose it as I did above in the sense of a useful diplomatic bargaining chip: we will agree not to attack those who work with us to reduce the risk of cyber attack.

A Final Note

The flexible Negative achieves three things. First, it better meets the Negative burden in the debate, which is to defeat the Affirmative interpretation of the resolution. Second, it leverages off of the Affirmative case: using what your opponents give you is one of the most effective techniques in debate. Third, the Negative reduces the number of points they have to deal with to refute the Affirmative case. The Negative need only talk about where the cases clash, rather than having to talk about the two cases separately.

I don't mean to suggest that the Negative can ignore point-by-point refutation of the Affirmative case. In the two examples above the Affirmative contentions have supporting arguments that I did not present and that the Negative cannot ignore. But you should be able to see how the Negative will likely summarize the debate outlined in the revised Negative contentions above.

I am also not suggesting the flexible Negative is easy. Like any tactic, it requires practice. But if you take good notes in your rounds, you have the raw material you need to practice. Part of your debriefing with your partner after each tournament should be, for each round, regardless of which side you were on, to list out the Affirmative and Negative cases. Then revise the Negative case to use and respond to what the Affirmative presented. Let me emphasize that you should conduct this exercise even for debaters when you were on the Affirmative. Learning how your case can be attacked is an important part of being on the Affirmative.