

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

Everett Rutan

Xavier High School

[everett.rutan@moodys.com](mailto:everett.rutan@moodys.com)

or

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

## Connecticut Debate Association

### Fairfield Warde High School and Westhill High School

November 15, 2008

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

## A Note about the Notes

I've reproduced my flow chart for the final round at Fairfield Warde 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. Others may have slightly different versions. 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 close to the way I actually take notes during the debate.

## The Final Round

The final round at Fairfield Warde was between Xavier (Michael Magdzik and Sam Braun) on the Affirmative and Daniel Hand (Max LeCar and Michael Clarke-Polnar) on the Negative. The debate was won by the Negative team from Daniel Hand.

### 1) First Affirmative Constructive

- a) Introduction
- b) Statement of the Resolution
- c) Definition: "media" as broadcast media such as television and radio.
- d) A1<sup>2</sup>: Lack of a Fairness Doctrine ("FD"<sup>3</sup>) has harmed democracy
  - i) America has moved away from issue politics
  - ii) The recent election was entirely personality based
    - (1) The press on Palin was immediately focused on her pregnant daughter
    - (2) The press on Obama focused on connection with former "terrorist" Ayers
  - iii) We have partisan networks, Fox vs. MSNBC

---

<sup>1</sup> Copyright 2008 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.

<sup>3</sup> Defines "FD" as an abbreviation for "Fairness Doctrine."

- iv) A poll of four Harvard Students indicated they could provide no details on Obama's economic policy
- e) A2: FD will help to solve this problem
  - i) The requirement of FD is "honest, equitable and balanced" coverage
  - ii) The result will be more moderation rather than insult and derogatory remarks
- f) A3: FD will result in ideas being more important than money
  - i) FD does not mandate equal time, but balanced coverage
  - ii) This requires some oversight by an agency like the Federal Communications Commission ("FCC")
  - iii) This oversight does not need to be perfect to improve
    - (1) News coverage has been degraded by hyper-partisan networks
  - iv) TV remains the primary source of news for most Americans despite new forms of media

## 2) Cross-Ex of First Affirmative

- a) Given the ability to change channels, what stops the public from getting opposing views? Nothing, but neither source may be fair.
- b) Won't that show opposites? Two radically opposed sources are not really balanced or honest. Both may be spinning a lie.
- c) Are all channels biased? They are not honest, equitable and balanced.
- d) No honest version of the news is presented? All present news with a spin, especially those with high viewer rates.
- e) If you don't require equal time, how will you implement FD? A commission would decide applying the principles with common sense, not strict rules.
- f) What stops networks from doing this now? The fact is they are not doing it.
- g) How do you justify regulating cable channels with no broadcast component? Under the welfare clause of the Constitution.
- h) But how would you compel private cable channels? FD doesn't violate the Constitution.

## 3) First Negative Constructive

- a) Intro
- b) Resolution
- c) N1: FD will worsen the problem, if it exists
  - i) Issue is wider than TV
  - ii) Conservative talk radio responds to their fan base
    - (1) Liberal talk radio has been unsuccessful
    - (2) FD is likely to cripple these outlets
    - (3) Tate: sponsors will shy away from controversy for fear of losing a license
- d) N2: FD failed before and will again for the same reasons
  - i) Constitutionality is questionable
  - ii) FD limits free speech ("FS") on networks and broadcasts
  - iii) FD is the gov't dictating content
  - iv) Media has changed, and FD is an old plan
- e) N3: FD doesn't cover cable and other new media
  - i) New media includes cable news, internet news
    - (1) This is full spectrum, left, right and in between
    - (2) FD does not address these

- ii) Obama plan, focusing on ownership caps, network neutrality, public broadcasting and minority ownership
  - (1) Many of these are already in place

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

- a) You say the internet will not be affected. Where do bloggers get their news? Other bloggers, politicians, the net, newspapers, radio, TV, a broad spectrum
- b) Doesn't most internet news come from newspapers, TV and radio? In some cases it may.
- c) Did we say the government would dictate content? You were vague, but the gov't would have to review content, effectively dictating it.
- d) In the Tate comment who shied away from controversy? Station owners
- e) So major new networks? Yes

**5) Second Affirmative Constructive**

- a) Intro
- b) Resolution
- c) N1: Saying FD would worsen the situation is a contradiction
  - i) How could you make Bill O'Reilly worse
    - (1) Invites liberals, concludes they are lunatics, cuts of their microphones
    - (2) Liberals do the same on their shows
  - ii) Media is a war the country is losing
  - iii) Obama did not win on the issues, as people voted on personalities
  - iv) Networks claim "no spin" then present biased news
    - (1) Many listeners only get one side
- d) N2: Supreme Court ruled FD constitutional 8-0
- e) N3: Other remedies are not effective
  - i) Neg. admitted in cross-ex blogs get news from the media
    - (1) Result will be continued spin
    - (2) This is bad for all Americans
- f) A1: You can't argue the networks aren't extreme
  - i) This is the era of the sound byte
  - ii) Average video clip is only 8 seconds
  - iii) Not reporting on the issues
- g) A2: FD is necessary and effective
  - i) E.g. Washington Post had twice as many articles on Obama as McCain
  - ii) We don't need to be perfectly fair, only more fair than we are
- h) A3: Money is clearly a problem
  - i) Obama spent significantly more than McCain

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

- a) What was the context of the Supreme Court 8-0 decision? The information is in the packet
- b) Did it cover TV, newspapers, radio? I'm looking for the reference
- c) What will you make Bill O'Reilly do? He claims he has no spin, he should treat guests fairly or should be followed by a liberal show
- d) Bill O'Reilly should co-host with a liberal? Possibly
- e) If the Supreme Court decision was about radio how is it relevant? Regulations for TV are similar or identical

- f) Who would check on the commission? How do we check on any commission.  
We use this method for many things.
- g) Can't people just change the channel? Yes, but there would still be spin.
- h) How would you guarantee the overseers were not biased? (Time)

**7) Second Negative Constructive**

- a) N1: Aff has not provided a definition of balance or "no spin"
  - i) No guarantee the commission won't be biased
  - ii) Gov't would be claiming a "no spin zone" while becoming Bill O'Reilly
  - iii) More will think unfair media is fair due to gov't involvement
  - iv) Things will be worse with more confusion
- b) N2: FD failed before due to questionable constitutionality
  - i) Supreme Court decision based on personal attacks on one person, so not relevant
  - ii) Can't force people to say what they don't want to say
- c) N3: There are other solutions
  - i) People can just switch to something else
  - ii) No one restricts what they can watch
  - iii) People are more competent than the Aff. believes
- d) A1: This is just an assertion of harm
  - i) No proof FD will help
  - ii) FD only changes who decides what is "fair"
- e) A3: Won't change the fact that money runs politics
  - i) Aff. can't show people will vote on issues
    - (1) E.g. JFKennedy won on looks during debates with Nixon
    - (2) Image issue won't be removed
    - (3) Aff. can't show this will be better, Neg. has shown they will be worse

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

- a) You said we didn't define fairness? You said it was obvious, but you can't show content will be fair.
- b) Aren't committees commonly used in government? You can't show those committees will not themselves be biased.
- c) Why wouldn't a commission provide sufficient regulation? You can't show they would be balanced, and you've provided no guidance on how it would work
- d) Do you think voting on image is good? No, but it happened and FD won't stop it.
- e) And slogans? Will still get out. There won't be more broadcast time, so video clips would still be 8 seconds

**9) First Affirmative Rebuttal**

- a) Gov't is not perfect and humans are fallible
  - i) Neg insists on perfection, but if plan is effective in some way then you should affirm the resolution
  - ii) Aff plan is beneficial even if not perfect
- b) Oversight with clear boundaries is effective
  - i) Clearly egregious examples will be fixed
    - (1) 1 hour on one side vs 5 minutes on another
    - (2) Tossing guests off the program
- c) JFK looked composed, spoke effectively

- i) Aff is against image in the sense of slogans, pictures, family attacks
- ii) Hyper-partisan media builds image in a bad way
- iii) Reducing this is a benefit
- d) FD will ensure more debate and discussion
  - i) Liberal and conservative networks may combined be balanced, but neither is fair
- e) FD is not perfect but will improve the media
  - i) When JFK ran, media was different than it has been during Obama's election
  - ii) Honest, equitable, balanced news is a worthy goal

#### **10) First Negative Rebuttal**

- a) Essentially, the Aff talks about lots of problems
  - i) Their plan is very vague with no examples of how to apply FD
  - ii) FD was terminated before because it failed
  - iii) Aff has not presented a solution that works
- b) N1: FD made this worse
  - i) Tate quote shows networks would shy away from presenting any controversial subject
- c) N2: Aff says media has changed, but not how plan has changed
  - i) Supreme Court case has nothing to do with the issue
    - (1) Case was about a small town and a small business
- d) N3: Neg agrees there are some problems
  - i) People can just watch a different channel or the internet
  - ii) People can choose a more neutral network if they wish
  - iii) Obama believes FD distracts from more important issues like network neutrality

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

- a) Aff wants to convert media back to the 1960's-80's
  - i) There was the same distortion from money back then
  - ii) There were the same attention to political families, slogans
  - iii) They haven't presented a plan to stop this
- b) Aff hasn't shown how they will force the media to be fair
  - i) Aff believes people can't decide for themselves
  - ii) How will this change if both sides are on the same show?
- c) Money will still run politics and buy ads
- d) FD will make things worse
  - i) Some media outlets will still be biased
  - ii) People will believe otherwise because of FD
- e) Negative believes the people can decide on their own

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

- a) FD requires the media present issues in an honest, equitable and balanced way
- b) Neg says the commission will act randomly and be biased
  - i) No gov't agency is perfect
  - ii) The alternative the Neg proposes is to let the media continue to lie
- c) The JFK example is outdated, but was not due to media bias
  - i) It's okay if one candidate is seen to win a debate
  - ii) It's not okay if the media spins the result

- d) The government isn't perfect but it can act for the benefit of the people
  - i) Moderating news content is a good idea
- e) A1: Neg has never shown media presents a balanced image
  - i) Neg has not shown there is no harm from this
    - (1) E.g., Obama being elected as a saviour/hero
- f) A2: FD was effective in the past and would be more effective now
  - i) An oversight commission is an appropriate way to implement this
- g) A3: People should not vote on image
  - i) The need to know the policies of the candidates