

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

## 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.**

#### Contents

- **Introduction**
- **A Critique of the Final Round at New Canaan High School**
- **A Critique of the Final Round at Amity High School**

## Introduction

We received request for comments from the judges in the final rounds at Amity and New Canaan. Randy Smith, coach at Joel Barlow was on the panel at New Canaan. Everett Rutan was on the panel at Amity.

The comments may seem a bit harsh to some. But these are four experienced teams in a final round. They deserve a clear statement of what they've done right or wrong and an explanation of the decision.

If you like this, let us know. We will consider continuing it at future tournaments.

## New Canaan High School

*The final round at New Canaan High School was between the Ridgefield team of Dani Blum and Eliana Cohen on the Affirmative and the Wilton team of Price Figurelli-Reid and Kurt Rubin on the Negative. The debate was won by the Negative team from Wilton.*

*Randy Smith decided the round on the following basis.*

I don't pretend to flow as well as Everett, but for me at least, I saw two things as critical in my decision...

1. Case: To my mind, this final round was remarkable for a general lack of evidence on both sides. Both pairs spoke well with strong rhetoric, but my flow had lots of white space where sub points ought to be. The very fact that 1AC cycled through their contentions three times without adding examples was the first clue that Aff was in trouble.

To prevail, the affirmative needed to establish that a world without first strike in cyber war was in some sense better than the status quo. Yes, they asserted that eschewing first strike would increase security, reduce danger to life and limb, and serve a moral imperative, but where was the proof? To some, proof by assertion is a valid tactic, but not

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for me. Aff offered no specific example of cyber warfare at all, and because of this, did not meet the basic expectation of supporting the resolution. Instead, they spoke mostly about nuclear deterrents and the like, leaving it to us to imagine that what works with nuclear war would also be true of cyber war.

Unfortunately for Aff, Neg challenged these points with evidence. On my flow at least, Neg had almost a 2 to 1 advantage in the number of examples offered, and they were the only side to introduce any relevant examples of actual cyber warfare. Although they could only name two specific operations, it was a clear advantage within the context of this debate.

In particular, Neg effectively leveraged the story of stuxnet, asserting that the status quo enabled us to damage the Iranian nuclear program. In 2NR, they finally linked this fact to the resolution, demonstrating that we can conduct cyber warfare effectively without the kind of blowback and uncertainty asserted by Aff. And yes, Neg erroneously conflated the Six Day War with the First Gulf War (and forgot the role of WMD in our war with Iraq), none of them being cyber or nuclear conflicts. But what did Aff have to counter it until 2AR?

In 2AR, Aff argued that stuxnix (sic) was in fact NOT a first-strike operation, and therefore was evidence of the strength of the resolution. This might have been a winning argument if it had been introduced in 2AC. But since Neg first raised it way back in 1NC, it was a morally dubious 'new in the 2' move for Aff to suddenly slide this response in at the end, leaving Neg no opportunity to respond to it. If it came out earlier, there could have been some clarifying debate about what first strike really is.

Moreover, this claim on its face contradicts the view Aff vigorously asserted earlier in all their speeches and cross, that cyber war was untested and inherently dangerous. Suddenly in 2AR, cyber war is a good thing, just so long as it's not 1st strike - never mind Aff's first and second contentions.

2. Clash: Neither side did a stellar job clashing, but on my flow at least, there was a clear difference giving the advantage to the negative. My flow reveals that 2AC spent most of the time extending their case, dropping N3 cold until 2AR. And that was a particularly dangerous contention to ignore, since it said 1st strike cyber warfare was effective, a claim that was central to the resolution.

In bare quantitative terms, there is a stark difference. In total, 2AC introduced four arguments of clash in response to 1NC. Conversely 1NC by itself had five responses to 1AC, and 2NC had twelve answers to aff's case. That's a big difference, a gap that widened in rebuttal.

And one thing I find really interesting is that all of the clash introduced by the 1NC and the 2AC was dropped by the following speaker, a vulnerability that a debater who flows well could clearly exploit against either side. It made it seem more like a speech contest than a debate.

So in the end, in my eyes at least, Neg had a clear edge in both case and clash. I think Aff presented a bit better, being more charismatic and at ease, but for me, that was not enough to outweigh issues of substance. Overall, I was not blown away by either side, but

it was an easy choice for me to make. Setting aside my personal distaste for warfare, I held my nose and voted Neg based on what I saw on the flow.

## **Amity High School**

*The final round at Amity High School was between the Daniel Hand team of Andrew 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.*

*Everett Rutan decided the round on the following basis.*

This was the only Affirmative team in the three rounds I judged that figured out the resolution: it's about the policy of no first strike, not about cyber war. Their fourth contention—a no first strike policy gives the US a leading international role in getting cooperation to prevent cyber war—is the primary reason for such a policy. The point is to get responsible governments to agree to similar and ultimately collaborative policies to reduce the risk of war and the use of cyber war methods.

Those of us who grew up in the shadow of Hiroshima and Nagasaki watched the US and USSR build nuclear arsenals capable of destroying the planet and then struggle to find a way to avoid doing just that. Neither country actually announced a complete “no first strike” policy but they did engage in confidence building actions and eventually treaties that reduced the threat. The analogy to cyber war, given Defense Secretary Leon Panetta's recent speech, should be clear.

The only real reply the Neg makes on this argument is that the US hasn't gotten China to cooperate on trade, nor Iran on nuclear issues. But they never show these situations are similar to cyber war, or that the failure is related to policies similar to a no first strike policy, so the reply is weak. The argument is made in the 2NC and never followed up. The Aff uses the nuclear weapon analogy several times which provides an effective contrast.

In my opinion, this is a reason to vote Aff in the absence of any offsetting argument from the Neg.

The Negative case is built around the advantages of a first strike: the economic consequences favor first strike; a first strike protects national security; and a first strike is the best way to prevent further war. These are supported by arguments like “a first strike will help the economy in the same way World War II ended the depression” which isn't credible, and that “it's easier to attack than to defend” which may true but not on point, in that “easier” doesn't necessarily mean “better.” They aren't advocating a first strike (the Aff asks them this directly in cross-ex) but they are right on the edge, and often sound like they are.

The Aff responds to the Neg a number of ways:

- They state clearly that they agree with the Neg that both sides want to protect the US.
- They also agree with the Neg on the destructive potential of cyber war, but argue starting one is not the best way to prevent one.

- They explain that a first strike means taking out an opponent’s war making capabilities, which in cyber war means taking out an unknown number of computers causing massive collateral destruction. (This is essentially the first Aff contention.)
- They note the difficulty of identifying attackers—examples include Anonymous and Chinese hackers—hence planning a first strike. They point to how bad our intel turned out to be in Iraq. (This is essentially the second Aff contention.)
- They note they are not abandoning cyber war capabilities, offensive or defensive, just announcing we won’t strike first. Therefore cyber war offensive or defensive capability claimed by Neg would exist in the Aff world.

The Neg replies with arguments as to the destructiveness of cyber war, which favors neither side, or else both sides equally. The teams argue back and forth about whether effective defense is possible, whether a potential attack can be identified and whether a first strike can prevent an attack. But there is no real evidence beyond what the Aff cites above. (The Neg suggest a first strike on Japan could have prevented Pearl Harbor, but this, like the other World War II argument, is not credible.) Arguments by both sides about exactly what cyber capabilities the government has are not supported by evidence, and in any case can be used to support either case. The Aff has a third contention about the NSA/CIA abusing their capabilities in a world without a no first strike policy, but this is similarly unsupported.

So the Negative presents nothing to outweigh the fourth and key Aff contention.

There are a number of technical points to compliment:

- 1NC presents the Negative case and also replies to each Aff contention, which is excellent coverage.
- 2NC covers all the Aff contentions and the first Neg contention, followed by the 1NR covering the remaining negative contentions without repeating his partner. This is excellent division of labor and coverage, the way the “negative block” was meant to be used.
- 1AR gives a very effective point by point rebuttal of the Neg case. Many consider the 1AR to be the hardest speech in debate because it follows two consecutive Negative speeches. This was a very good 1AR.
- 2AR provides a very effective summary of the key points in the debate that includes replies to outstanding Neg arguments. Many 2ARs either reply or summarize, or if they do both, do them separately. This 2AR combines the two, so the replies don’t detract from the summary. This is what a 2AR should do.

As in the New Canaan final round, the 1AC stated his contentions and arguments a second time to fill the six minutes. This is okay for a Novice debate, but not for a Varsity. It is also hard to understand, given the 2AC presented plenty of additional material to bolster the case that would have filled out the 1AC nicely. Wasting time while saving material for later in the debate is never a good choice.

There is also a potential fatal mistake by the Affirmative: the 2AC is built around the four Aff contentions. There is no point by point reply to the Neg contentions until the 1AR. The 2NR calls them on this, and labels the 1AR as “new arguments introduced in the rebuttal.” Note Randy raises this issue in his critique above, and I wrote about this

issue in my Coach's Notes for last year's State Finals. However, in this case there is enough similarity in the two cases—both concern economic and other consequences of cyber war, both concern national security, and both concern preventing war—that I see the 1AR as “new examples and extensions of existing arguments.” But it is still risky for the 2AC not to reply to the Neg case by naming the contentions, and another judge might have agreed with the Neg, conceded all of the Neg contentions to the Neg and voted accordingly. The 2AC can always tie the Neg contentions to a speech organized around the Aff contentions by referring to them specifically where the two cases clash.

The cross-ex on both sides was fair. But the Aff misses a doozy of a question here. The Neg mentions Pearl Harbor several times. My line of questioning would go as follows:

*Aff: You mention Pearl Harbor as something that a first strike could have prevented?*

*Neg: Yes*

*Aff: Wasn't Pearl Harbor a first strike?*

*Neg: That's exactly our point. Pearl Harbor was damaging to the US and a US first strike could have prevented it.*

*Aff: How did that first strike work out for Japan in the long run?*

*Neg: [Insert your own answer for the Neg]*

*Aff: Do you have any other examples of effective first strikes you want to bring up?*

Overall, a good final round with good clash on both sides, but a clear Aff win.