

1992 NATIONAL CEDA TOURNAMENT FINAL ROUND

Does advertising degrade the quality of life in the United States?

Edited by

James R. Brey
and
Greg Simmerly¹

The Seventh National CEDA Debate Tournament, sponsored by the Cross-Examination Debate Association, was held at The University of Texas at Arlington from March 27 to 30, 1992. Dr. Carole Hickey and Dr. Roger Biles served as tournament hosts. Dr. Russell Church of Middle Tennessee State University served as CEDA President.

Eight preliminary rounds and six elimination rounds resulted in a final round between Florida State University and South West Missouri State University. P. J. Stakelum and J. Connell, coached by James Brey, Mike Eaves, Scott Elliot, Pat Jablonski, Joe Peabody, Matt Roskoski, Kristy Schriver and Steve Woods, represented FSU on the affirmative. T.J Wolfe and Jef Jarman, coached by Mike Korcok, Dr. Holt Spicer, Christy Zeltner, Jan Messerli, and Scott Titsworth represented SMS on the negative.

The final round was Judged by Tom Fones from Macalester College; Dr. David Frank from the University of Oregon; Dr. Susan Milsap from Otterbein College; Dr. Steve Hunt from Lewis and Clark College; Dr. Steve Wood from the University of Rhode Island; Dr. Joe Tuman from San Francisco State University; and Bill Cue of Northwest College. The decision was 4-3 for the negative.

The debate was transcribed from a cassette tape recording. Except for the correction of obvious unintended errors, this is as close to a verbatim transcript as was possible to obtain from the recording. Evidence used in the debate was supplied to the editor immediately following the round. Sources of the evidence have been verified as indicated in the works cited. Footnotes supply the exact quotation and other information when necessary. When the source was not available to the editor, or was not located after a reasonable search, the term "source indicated" is used in the footnote together with any additional information provided by the debaters. Quotation marks surround statements from unverified sources only when the debater has provided the editor with a photocopy of the original.

First Affirmative Constructive

¹ James Brey is a Doctoral Candidate and Director of Forensics at Florida State University. Gregg Simmerly is the Director of debate at St. Louis University.

P. J. Stakelum.

I have to confess I am probably more nervous now than I've ever been in my life, but I have to take your time for a few announcements. I would like to take the time to thank the Executive Council, as well as the tournament staff. And I would especially like to thank my parents, my family, and my girl friend Kim. I love you all. More specifically y, I'd like to thank the Director of Forensics at Florida State University, Mr. James Brey. You've helped us out more than you realize.

Now, I would like to thank all of our many graduate assistants at Florida State in alphabetical order so no one's feelings get hurt. [Laughter] First, I'd like to thank Mike Eaves, Scott Elliott, Pat Jablonski, Joe Peabody, Matt Roskoski, Kristy Schriver, and Steve Woods. I'd also like to thank very much our team members that are here: Owen St. Amant, Randy Vickers, Brandon [Elliott], Tracy [Gonos]. And, some that aren't here. Bismarck Myrick, Hilary [Gerber], and Sara [Blakely], and Mike [Sexton]. Very importantly, I'd like to thank my partner. J. you're great, and I really love you. Finally, I'd like to thank all of the friends. All of you that I've met and have been so kind to me this year. You all are great also. And finally, Jef and T.J., I really wish you all good luck.

Before I start, is there anything we can do to this microphone [Laughter] so it stands, so I don't have to hold it while I'm. [Laughter].

In 1981 and 1982, attorney Phillip Zauderer degraded the quality of life. Linder, a J.D. student at Mercer, reports in 1986:

Late in 1981, attorney Philip Q. Zauderer advertised that his law firm would represent defendants in drunk driving cases and would refund legal fees if the defendants were convicted of drunk driving. In addition, in the spring of 1982, Zauderer placed an ad in thirty-six Ohio newspapers publicizing his willingness to represent women who had suffered injuries from the use of the Dalkon Shield Intrauterine Device. The ad contained a lined [outline] of the Dalkon Shield, accompanied by the question, 'DID YOU USE THIS IUD?' and imparted information and advice regarding Dalkon Shield litigation. Zauderer received over 200 inquiries and filed 105 lawsuits on behalf of women who responded to the advertisement. (p. 1654).

These ads were vast in scope. Orlik, a management advertising consultant, notes in 1986: "Following his meeting with Judge Stern, Zauderer published his Dalkon Shield advertisements in March, April, and May of 1982 in more than 30 different newspapers with combined circulation of more than one million." (p. 18).

We begin our analysis with observation one, criteria. Initially, we're sure we'll hear topicality, but we note, subpoint A, definitions. The Oxford English Dictionary defines that as used to indicate: "a thing [as being actually] pointed out." Advertising is degraded by, is, is defined by, by Urdang in 1977 as: "an advertisement or advertisements." (p. 3).

In order to provide a mechanism for evaluating the debate we offer subpoint B, substantive filter. Evaluation of substantive issues should turn around the evaluative term in the resolution. This semester's evaluative term is the quality of life. Initially, we note that this is a vague term, and contrary to SMS's insinuations, it has no commonly accepted meaning. [Laughter]. Schuessler and Fisher explain in 1985: The quality of life has no technical meaning. The concept lacks specificity; it has many meanings as life has aspects. Life has social and physical aspects, each endlessly divisible.²

Given the lack of agreement about the meaning of this term, we will thoughtfully exercise our affirmative right to define. Specifically, we note that state regulations exist to protect the quality of life. The U.S. District Court for the Eastern District of New York explains in 1986: "Governments..., the States characteristically provide for the decision making at a local level. In a word, institutions of local government have always been a major aspect of our system, and their responsible and responsive operation is today of increasing importance to the quality of life." (Federal Supplement, p. 1470).

Hence, we will. We. A willful violation of the law is a degradation of this quality of life. Accordingly, the Ohio State law provides our test for the round. Gagliardo, the Disciplinary Counsel for the Supreme Court of Ohio, explains the test in 1984:

The Ohio Supreme Court has imposed the minimum discipline which can be imposed on an attorney for professional misconduct. Thus if it was improper for [a] respondent to advertise for a contingent fee in criminal case, or if it was improper for [the] Respondent to advertise the availability of a contingent fee without including qualifications for other expenses which might be incurred by a client, or if it was improper for Respondent to solicit through newspaper advertisements persons unknown to him to sue a particular defendant who was known to him ... , or if it was improper for [the] Respondent to place an advertisement which he did place in clear violation of the Disciplinary Rule governing advertising by the attorney s in Oh o, the discipline imposed by the Ohio Supreme Court should stand. Only if the Respondent could not have been disciplined for any of the violations for which he had been disciplined should this Court order that his discipline be reversed. (pp 17-8).

² Source Indicated.

Now we should. We should clarify the relationship between our claim and the holding of the Supreme Court. Ohio charged Zauderer with four violations of the ethics code. The fact that Zauderer committed the violations was conceded. Only the Constitutionality of the violations was contested. The court held that three of the violations involved unconstitutional elements of the code, but one violation, deceptive advertising, was constitutional. Therefore, they reversed the disciplinary action as it was based on the first three violations and upheld it as it was based on the deception. Thus, Zauderer failed to receive relief from the reprimand. Our claim is that all four violations constitute independent reasons why Zauderer's ads degraded the quality of life.

There are two reasons why we claim this despite our courts holding that some parts of the code were unconstitutional. First, the constitutionality of the resolution is, is irrelevant to this debate. Remember, the resolution isn't asking is advertising restrictable in a constitutional matter, but rather, does advertising degrade the quality of life. Constitutional issues don't enter into the calculation.

Second, even if the code was unconstitutional, Zauderer should have obeyed the law and sought an overrule. In other words, even in a judicial framework, you don't have to be convinced of the constitutionality of the code to vote affirmative. Orlik explains in '86: "Further, since Zauderer had knowingly violated the rule without first testing its constitutionality, he may be disciplined even if the rule is later found to be constitutional." (p. 21).

We now move to our one and only contention. Zauderer's ads degraded the quality of life.

We will demonstrate this by addressing each of the four tests outlined in criteria. Initially, we note subpoint A, Zauderer should not have advertised a contingent fee in a criminal case. Ohio law makes this illegal as Zauderer knew. He has conceded his error. Copenhauer, a J.D. student at West Virginia, reports:

The first advertisement ... stated that the clients full legal fee [would be] refunded if ...convicted of DRUNK DRIVING. Two days after the advertisement first appeared, Zauderer was notified by the Office of Disciplinary Counsel of the Supreme Court of Ohio... that the advertisement appeared to offer contingent-fee representation in criminal cases, which would be an arrangement in violation of the Disciplinary Rule... Zauderer subsequently withdrew the advertisement and by correspondence with the Disciplinary Counsel apologized for the error and indicated his intention to refuse representation of any persons answering the ad. (p. 266).

We continue with subpoint B, Zauderer should not have advertised a contingent fee without including qualifications for court costs. Zauderer's Dalkon Shield ad was directly misleading. Linder, previously cited, explains:

Concerning the Dalkon Shield ad, the Court upheld Ohio.... Zauderer's advertisements stated that 'if there is no recovery, no legal fees are owed by our client. The advertisement, however, neglected to mention 'cost'. A lay person, unaware of the meaning of these terms of art, may interpret the ad to mean that if attorney loses the case the client bears no charges. Lay people use the words 'fees' and 'costs' virtually interchangeably; therefore, the possibility of deception is self-evident. (p. 1656).

Zauderer knew the ad was deceptive before he ran it. Orlik, previously cited, indicates: "in early March, Zauderer met with Judge Leonard Stern of the Office of Disciplinary Counsel to discuss the ... proposed Dalkon Shield newspaper advertisement. The judge advised Zauderer that ...the proposed advertisement did not conform to Ohio's [disciplinary rules]." (p. 18).

This deception could cost consumers dearly. Gagliardo, previously cited clarifies: "Court costs and expenses, in complex medical litigation, could easily exceed two-thirds the cost of the recovery. It is possible, therefore, that a client could be entering into a contract in which expenses and lawyer's fees consume the entire recovery. Surely, the state may require that potential clients be given this information." (p. 18).

Additionally, Zauderer's drunk driving ad was also deceptive. Copenhauer notes: "The panel agreed with the Office of Disciplinary Counsel that the drunken driving advertisement was misleading, but founded the claim of deception on the failure to disclose to the reader that, if a case resulted in a plea bargain, the client would be found guilty and would nonetheless be liable for the legal fees involved." (p. 268).

Further, we note subpoint C, Zauderer should not have solicited unknown clients against a known defendant. Spillane, a J. D. student at Saint Louis University, explains in 1991:

In Zauderer, the Court addressed the issue of whether a [jury ... a] lawyer could advertise for cases against a specific defendant, or for cases pertaining to a particular legal claim. The lawyer in Zauderer was disciplined for (1) placing an advertisement in a newspaper that contained an illustration of the medical device claimed to have caused injuries; (2) soliciting legal employment from women who may have been injured by the device. (p. 473).

Finally, I ask you to affirm this resolution based on the fact that attorney advertising is very significant. And this established a very serious precedent; for which it allows for this abuse to continue into the future. Thank you.

Cross examination.

Jef Jarman questioning Stakelum.

Jarman: Zauderer? Stakelum: Yes. Jarman: Zauderer broke the law because he advertised deceptively. Is that right? Stakelum: Well, not only did he advertise deceptively, he broke the law for other reasons as well. Jarman: I'm not following you.... What.... Because ... Stakelum: Sure. Jarman: He herded people in to sue?

Stakelum: The first reason he broke the law is that he advertised a contingent fee on a criminal case, in other words, he said if.... Bring me your criminal cases and if I lose them you don't have to pay me. It. Jarman: So. I'm sorry. So because Zauderer broke the law then the quality of life is being degraded? Stakelum: That is one aspect. Additionally, the advertisements were deceptive in the fact that what he is conveniently leaving. Leaving out is that many of his cases involving drunk driving and the intrauterine device don't necessarily go to trial. They don't need to resolve in a conviction.

Jarman: Why is upholding the law is a good standard to uphold? Stakelum: Well, we believe that the law is especially viable given the construction of this year's resolution. Because, the law. We wouldn't. When. When our government devises law they are doing so for the purpose of protecting the quality of life. The laws are in our best interest specifically because it deals with issues of our quality of life

Jarman : There were two advertisements? Is that correct? Stakelum: Yes. Jarman: Why in the world does that prove the resolution true? Stakelum: Well, initially we note that those advertisements themselves degraded the quality of life. Also ... Jarman: Those particular advertisements? There have not been any remedies taken. This still allows for advertising to continue to do so into future right now.

Jarman: Right. 'That' allows you to pick a specific advertisement? The word 'that' in the resolution. Stakelum: That is one of the justifications for why we feel we can narrow the resolution. Jarman: Can T.J. and I point at a at a specific advertisement and say that that advertisement does not degrade the quality of life? Stakelum: No. There are several reasons why you can't. We have the burden to advocate this resolution. We have the burden to support it. At that point, we think that the directive word 'that' in the resolution would imply that we also have that right because of our burden.

Jarman: T.J. and I have no negative burdens. Stakelum: Oh, I'm sorry. Jarman: We don't have to negate the resolution. Stakelum: You do have to negate the resolution. You can certainly argue on case, you can read evidence, make analysis. Jarman: Why can't we, I point at an advertisement and say 'that advertisement upgrades the quality of life?' Stakelum: Potentially, you could if it were to filter through our criteria. I'm not trying to detract from your ground ... Jarman: So, if it filters through criteria that'd be good enough? Stakelum: We believe so.

First Negative Constructive.

T.J. Wolfe, Southwest Missouri State University.

I'm ready. There will be two off case and then case. Before I begin, I too have some people to thank. I would like to start off by thanking the President of CEDA, Russell Church; the Executive Council for taking care of this activity; The University of Texas at Arlington. And our participation here would not be possible without the SMS administrators.

Specifically, I'd like to thank Russ Keeling who, I guess, is the President of our University. [Laughter] Uhh, the Communications Department. Uhh, the coaching staff; Dr. Spicer, Christy Zeltner, Mike Korcok, who has pretty much helped us get here, Scott Titsworth and Jan Messerli.

Also like to thank teammates: John, Randy, Aaron, Brad, Greg, Pat, and, of course Jef. And, I'd also like to thank some past coaches and teammates, namely, Jeff Bile, Ken Bahm, and Mark West. I'd, of course, like to thank J. and P. J. for being here. They're a very fine team; it's an honor to debate them here.

Also, like to thank my parents who are here in the front row. They came down from Illinois. It's nice to see'em here. Finally, I thank. I'd like thank to thank my friends and stoner buddies here on the circuit who have made this activity what it is. [Applause] Party on! [Applause and Shouting].

Wow, what a shot. [Laughter] I really don't know how this team is going to win unless you were pretty offended by my stoner buddy joke.

First off case is going to be whole resolution. The A subpoint is that the resolution should be interpreted generically. Initially, the affirmative should be holistic as Tomlinson writes in '81: "Debates should deal with the resolution as a whole rather than one specific aspect." (p. 15).

Two subpoint, value topic implies proving general truth. Ulrich in '87: When one supports a. When one supports a value topic one means that the topic, on balance, is true. To view value resolutions differently would lead to absurd conclusions.³

Three subpoint, educationally true. General education fosters a better understanding of debate. It is a necessary prerequisite to a specialized education. You must understand the generic before you can examine the specific.

³ Source Indicated.

The B subpoint is the standards. We suggest using generally or most. Bile quoting Lyons writes in '87: "The 'kind of adverbial modifier that suggests itself for insertion' is one 'that approximates in meaning to 'generally', 'typically', 'characteristically', or [most].'" (p. 11).

C subpoint is violation. First subpoint is that no induction standard. There is no attempt to prove their specific subset to the whole.

Two subpoint is that advertising. They talk about two advertisements. No indication how that would justify the whole.

The D subpoint is the implications. One subpoint, generics take precedence. Bile in '87: "Arguments which are more generic to the resolution should have greater weight than those less generic." (p. 12).

Two subpoint, affirmative is not prima facie. Jeff concludes: "Arguments from subset are not prima facie. By this I mean that a part is not on its face logically self-sufficient to prove the whole. Subsets do not necessarily support the larger claim." (p. 12).

Next off case is criteria objection. The A subpoint is that the law is used to maintain domination. Rose in '87: "These oppositions, it is argued, shape our consciousness. When incorporated in legal discourse they induce beliefs that existing social arrangements are just, natural, inevitable, legitimate, thereby denying our capacity to conceive of new forms of human relations and to challenge existing forms of domination." (p. 63).

B subpoint, decreasing rights is the first step to CLS change. Gabel and Harris in '89: "A first principle of a 'counter-hegemonic' legal practice must be to subordinate the goal of getting people their rights to the goal of building an authentic or unalienated political consciousness." (pp 303-4).

C subpoint, CLS stops dominant hierarchy. Hunt in '87: "The relationship between politics and legal theory exhibits a number of different but related aspects. First, many proponents wish to espouse an explicit political commitment in that their work seeks to contribute towards some political goal. A typical formulation expresses commitment to overcoming 'domination' and 'hierarchy.'" (p. 6).

Finally, D subpoint, patriarchy is the fundamental cause of war. Reardon in '85: "In patriarchal society persons are bred to violence and authoritarianism: to cope with it and to impose it. It is developed in us from our earliest days. Indeed, some see patriarchy itself as the fundamental cause of war and oppression." (p. 35).

The argument's pretty simple here. The affirmative is upholding a criteria of law. The argument is that that is very bad. You would not accept law as a criteria. You will reject them on that level.

Final subpoint, I guess is E, is failure to justify criteria is a voting issue. Cole, Boggs, and Twohy in '86: "The negative team may present arguments that the affirmative has failed to meet its prima facie burdens--it has failed to present to present and justify a valid 'decision rule' or [valid] value system." (p. 38).

Please move to case. On the first card. They indicate that there have been thirty-six. Thirty papers and two ads. No indication that this is most ads.

The next says that advertising is vast. First, is that it's just talking thirty papers. Second, is that they don't meet standard on whole rez which indicates you be most advertising. I think there are two is what the card says.

On criteria. On the definition of that. I don't know. First point is that. I don't know. First point is. Never mind I'll get to that later. [Laughter]

Go on the definition of. Go on the filter. Please group. First is that the ground is simple on this topic. Affirmative ground is to show that advertising degrades the quality of life. That advertising upgrades is our ground. You weigh the impacts to quality of life, that's simple net benefits.

Two subpoint is, no time frame. We get to examine the effects of advertising in the future. Three, the affirmative must show advertising is responsible. Rotzoll and Heafner in '90: "It is difficult to determine advertising's effect in relation to other possible influences on the same outcome.... It is, of course, difficult to determine which part (if any) of the behavior (if any) belongs to advertising, and which to all these other factors." (p. 7).

Next, affirmative impacts must be from advertising. All other impacts are extra topical. Don't answer the resolitional question does advertising degrade?

Next, affirmative doesn't quantify. There's no indication how much affirmative impacts are from advertising are indicated. No, our evidence indicates the evidence is minimal at best.

Next is, counter criteria of life. Initially, death destroys the quality of life. Crosby in '88: "Other lives ... are neither wasted nor fulfilled, but are interrupted by untimely death. There is no opportunity for a life well lived.... Such lives are tragic in their lack of fulfillment and in the opportunities missed ..." (p. 362).

Next, life is the only absolute value. Meyers in '79: "There is only one value which represents an absolute and that is life." (p. 47).

Next, it's a terminal value. Legality can be regained if it's lost. Life can not.

Next, precondition means it's more value. You cannot legality if you're dead. You will look at it in the round and determine all impacts through life.

Next, yeah. That's all I need.

On his next, he indicates that laws says protect. First point is that it doesn't say to it's to protect the quality. First, is that it doesn't say it. It says that it's important to the quality of life not that it protects.

Second, it doesn't say the direction. It could be important to degrading the quality of life and not upholding the quality of life.

Third, arguments off case indicate that upholding the law degrades the quality of life. You'll cross apply the justification. You know justification of the criteria is a voting issue.

He says that the test for the round but I'm thinking. I don't. I don't. I don't know what to think.

On the next, I want to go to contention one. It's true that I don't have a lot of evidence countering this so in order make it seem like a debate I'll be reading some disads on. On their points. On the A subpoint. The first sub, advertising increases income. Arens and Bovee in '86: "Yang ... concluded ... an increase in investment and income ... generated ... resulting in \$16 of increased income generated by each \$1 of increase advertising expenditure." (p. 35).

Two, income increases quality of life. Wildavsky in '88:

[Adelman stated what everyone took for granted]... better nutrition, improved housing, healthier and more humane working conditions, and a somewhat more secure and less careworn mode of life, all which accompany economic growth, must contribute to improvements in life expectancy. Lower death rates still were associated with higher incomes... As Siddall puts it, 'It appears that the creation of wealth leads to the saving of lives in very large numbers at a net long-term cost which is zero or negative'. In short, modestly richer is markedly safer. (pp 61-2).

On the B subpoint, they indicate that they should have. Shouldn't have advertised without qualifications. I'll clash by talking about employment. A sub, advertising employment

depends on accounts. Jones in '90: For the agency, lost business is followed almost immediately by lost jobs.⁴

B subpoint, unemployment destroys the quality of life. Wildavsky in '88:

Aside from experiencing lower self-esteem, depression, compulsiveness, and anxiety than employed people, as Linn and [others] show, unemployed [people] visited doctors five times as often and spent five times as many days in bed. Brenner estimates a one percent increase in national unemployment over a 5-year period leads to an additional 19,000 heart attacks and about 1,100 suicides. Reviewing same data, Tabor estimates an increase of 36,900 deaths ... Keeney and Von Winterfeldt conclude, 'this is equivalent to saying there is one death induced for every 27.1 individuals losing a job. (p. 65-6)

Please go down to the bottom card where they indicate deceptive ads. I have something to say here. First, people get different impressions. Singduhlsen in '91: "Consumers bring different amounts of experience with, and knowledge about, a particular product to the interpretive process. These extrinsic sources of information necessarily affect how an individual will interpret a particular ad." (p. 348).

Two, sender-receiver creates distinction. Singduhlsen in '91: "To begin with, even where the relevant statement is one that the ad makes clearly and explicitly, the question of what message [in] the consumer receives is far from simple. Although the issues of what statement is made and what message is received would seem to be the same, they can in fact be distinct." (p. 348).

I think you gonna look at life, look at the benefits of advertising, and determine that it upgrades, not degrades the quality of life.

Cross Examination .

P.J. Stakelum questioning Wolfe.

Stakelum: T.J., you ask us to look at life. What do the framers of the resolution ask us to look at? Wolfe: Quality of life. They're. They're the same thing. Stakelum: Why are quality of life and life necessarily the same? Wolfe: Several reasons. The Crosby card indicates you can't have a meaningful life when you're dead. Stakelum: Okay, well ... [Laughter] if you. If you. If you truly believe they are the same why don't you think the framers of the resolution said 'degrades life.' Wolfe: They wanted to give. I don't know, open up the resolution and allow other things as well like enjoyment, an observance of nature maybe even.

⁴ Source Indicated.

Stakelum: If. If you open up this interpretation to life then how would this be different from any other CEDA resolution? Where we could pretty much weigh impacts. Wolfe: What's the question? Stakelum: Would it be any different from? Wolfe: Sorry, I couldn't hear. Stakelum: Would it be any different from other CEDA resolutions? Wolfe: I think so. We'd would be talking about advertising and not things, stuff like foreign investment powers. [Laughter, Applause].

Stakelum: You said, now I'm a little concerned on whole rez. The standard that you're giving on this means we must meet the representative of the resolutions is that we must represent most advertising? Wolfe: Correct Stakelum: What are the standards? Why? That we use to determine what is most advertising? Wolfe: You look at all the advertising and determine if your general or most. Fifty point one percent would seem to be most. Stakelum: So, how do we exactly quantify what fifty point one percent of advertising would be? Wolfe: You determine how much advertising exists then determine half plus point one percent. [Laughter] Stakelum: I think I'm pretty much losing this. [Laughter] But seriously, now. [Laughter]

Stakelum: Most of the advertising. Should J. and I stand up. Let's say that there are a hundred advertisements out there. Should J. and I choose to discuss fifty-one of these in our 1AC? Wolfe: That would meet the standard, yes. Stakelum: That would make you happy? Wolfe: That would make me very happy.

Stakelum: Okay. Now, I was curious about your second position which is CLS. Wolfe: Um Hum. Stakelum: The B subpoint of this says that when you decrease rights that becomes a link to this position. Wolfe: Right. Stakelum: And you. You obviously are assuming that we take away the laws and that would be decreasing rights' Wolfe: Not necessarily. I'm saying the law is bad. Stakelum: Certainly. I was wondering, moreover, though, why if we show it was these laws that exist now violate more individual rights, and we may have a right not to be deceived, why would we not be intuitively flipping this position? Wolfe: Because decreasing rights will increase CLS mobilization and that would get you the elimination of hierarchies. Stakelum: Exactly, but my argument is why are we not decreasing rights. If we protect the consumer's right not to be deceived. Wolfe: I'm not understanding you. What's the question? Stakelum: That's okay. I appreciate your jokes.

Second Affirmative Constructive.
J. Connell, Florida State University

Predictably, I would also like to thank some people. Uh, I'd like to thank President Lick, uh, Dean Clevenger and all the faculty that's given us so much support at Florida State University. I'd like to thank the rest of the debaters and coaches on our team. I'd like to thank Frank Hjort he's my high school coach. I'd like to thank my family and my father who came to see me debate here. My mom, who wanted to come to see me but I thought having both parents

here would be too much trouble. [Laughter]. My sister, and uh, all my farther relations. I'd also like to thank, uh, my ex partner Mitch Fine who is no longer, uh, debating with us. [Applause] I'd also like to thank all of the great friends I've made and all the help everyone's given me and all the people I've debated on the rounds on the way here. As I promised I. I'd also like to thank uh Jesus for all the advantages that I've had in my life. No applause I guess. [Applause].

Attorney advertising is representative of all the advertising that is presented to us in uh, in America. We know that ad. Attorney advertising brings. Shows us something, it is representative of the things that are deceptive to us. Things that sell things that we do not need. That advertisers lie to us as Zauderer did.

On whole resolution. His first argument is that we should look at this. That we should look at the resolution as a whole. My first argument is I believe that it's possible for us to make an inductive leap. It is possible for us to induce from a small sample to the larger whole.

The second answer is certainly that these cards are not talking about this resolution. This advertising has so many different types of. Of. Of subsets within it that it's impossible to do so.

My third answer is that when you see the word advertising you must read it as some advertising. From Qualter in 1985: "Statements about what advertising can or does do, or not do, must be treated with caution . Every comment that 'advertising does this or has this effect' should be read as 'some advertising does this or has this effect...'" (p. 184).

The second claim, the A little two, says you should weigh value claims on balance. My first argument is that does not mean I can not induce to the resolution. My second argument is that the criteria is a mechanism for this. We set up tests which they concede on the criteria that tell you how to look to see if the quality of life has been degraded or not.

His third argument is general education. However, I think that research is an integral part of the education that occurs in CEDA which would be supported by the use of specifics.

The B one, that we would have to be most advertising. My first answer is that the standards for induction are arbitrary. From Nicholas Rescher in 1980: "It would be misleading to invoke the idea of 'rules' in this connection. The 'rules' at issue are not rules at all; they are not even codifiable, any more than are the 'rules' for hitting a forehand in tennis." (p. 147).

My second argument is that, uh, uh. My second argument is that there are no standards. Would we count up the money spent or what would we do? I don't understand.

The second. The B subpoint. He says that we have no inductive standard. My first argument is that I believe that attorney ads are typical. In the halls after. Between the rounds at

every tournament this semester, people have said that ‘why isn’t anyone running attorney ads’? They are the heart of the resolution. [Laughter].

My second argument. It is impossible to be representative of the largest set. He says that we only have two advertisements. But, these advertisements were seen by over one million people which is evidence that he is conceding on the case.

The B subpoint. He says that you would look to generics first. My first argument is that the initially evidence pattern gets presumptive weight. From Rescher in 1980: “When the initially given evidence exhibits a marked logical pattern, then pattern-concordant claims relative to this evidence are to be evaluated as more plausible than pattern-discordant ones.” (p. 42).

His second says that we would not be prima facie. But, I believe it’s possible for us to induce from the typical and representative example that we have provided.

CLS please. My first argument is that P.J. and I are certainly not the only people who uphold the value of law. My second argument is there is no reason why he gets to link to a criteria. I can not understand how we would go. Lead down the slippery slope to the horrifying war that he is reading us.

The next answer is that. Is that, there’s no alternative because it is impossible to escape liberal discourse. From Price in 89: “These . . . appeals to . . . the rule of law suggest that escaping liberalism is ... easier said than done.” (p. 298).

My next argument is that were better off keeping law. From Law and History Review in 1988” “...The governed seem to be better off if the governors rule not through naked power but through power restrained by law Both ... are better off if the weak accede to government by the strong and the strong adopt rules permitting the weak to participate in the society.” (Nelson, p. 150).

My last answer is we must have. My last answer is that democracy and liberalism are better on balance. From Price in ’89: “Democratic rule and voluntary cooperation among individuals, by preserving liberty and the rule of law, serve as better sources of change and community than the alternatives set forth by the CLS movement.” (p. 271).

My last argument is that I feel that the war that you would cause by voting for Florida State is quite an unrealistic scenario.

To case please. On the first observation, he says that we are not most advertising and only within thirty papers. But, remember, they were seen by over a million people. Please extend the evidence.

On observation one. The A subpoint. Please extend that the definition of ‘that’ means that we can point to a particular type of advertisement. Also, that advertising means an advertisement which definitionally meets whole resolution.

My third argument is that I think that these presses, arguments, against definitions are prima facie warrants. They would have to be in the first negative constructive.

The B subpoint. He says that the affirmative ground is to prove that advertising decrease decrease, uh. Decreases the quality of life which is determined through criteria. That’s a relatively straight forward argument I believe.

He says that there is no time frame and he can have impacts in the future. My first argument will be that I do not understand that he gets impacts at all. We are seeking to determine whether advertising degrades the res. Uh, the. The quality of life which I feel that the resolutorial question is addressed on the criteria.

He next says we must show the affirmative. The advertising is responsible. But, I believe that this is satisfied by contention two with which he clashes so well. [Laughter].

He next says that you would have to have an impact from the advertisement. The impact would have to come from the advertisement which is also on the first contention. He says that there is no quality from the advertisement which. Which, there is, sorry, there is no quantification of the advertisement, but all of the degradation of the quality of life is caused by the advertising.

Please extend. There is no common meaning for quality of life and the affirmative has a right to define their criteria. He says that death is the most important and life is the only absolute, it is the terminal value. My first answer is resolution excludes this. The arguments in, uh, observation one say that the quality of life we look to and not life. My next argument is life without quality of life is meaningless. From Vetch in ‘73. “A life that is not of sufficient quality is not worth living. Pain, suffering or other adverse qualities justify ending life.” (Hastings Center Research Group. p. 35).

My last answer is that life is irrelevant, it is only the quality of life that counts. From Woodward in ’83: “Life, has more to it than surviving; [and] when the human species becomes extinct, it is more important, that it shone brightly during its existence than it lasted a certain length of time.” (pp 10-1).

He says that it is a prerequisite which means that it would be excluded from the resolutorial consideration.

On this that the law is the quality of life, he says that it does not. That is doesn't say its important that it could be that law could be critical to upgrading the quality of life. However, the card is also. Obviously says that the purpose of law is to protect the quality of life in our nation.

His third answer is that you uphold law to. To increase the quality of life. However this is going on with the CLS position.

On the decision rule form Gagliardo. His answer is I don't know which I will accept (Laughter]. Please extend the decision rule that if we can prove any of the arguments on contention one then we would affirm the resolution. Please extend constitutionality is irrelevant.

Contention one. He says you would have an increase in income and an increase in income increases the quality of life. Please group. My first argument is we are only saying that Zauderer should not advertise in a deceptive and illegal way. We are not saying that he can not advertise. He may advertise to his heart's desire.

My second argument is this would do nothing to disprove the resolution. It would not prove that advertising had not degraded the quality of life. The third answer is that I believe it would be offset by the people that he is deceiving. Remember he is ripping people off as advertisers are so want to do.

On the B sub. Please extend the A subpoint. On the B subpoint, he says unemployment. Please group. My first argument is the same as above. They can still advertise. They should not advertise falsely. My second argument is there is no such thing as a blank page in a newspaper. That. They will fill advert. They will fill the page with a different advertisement or an article. My third answer is that this would also not answer the resolutional question.

He says that different impressions and sender receiver distinction. My first argument is no one knows the difference between a legal fee and a legal cost. I certainly don't and I believe the public would be misled. The second answer is that certainly these cards are not talking about legal, uh, advertisements or Zauderer's advertisement. Please extend the C subpoint that it is illegal to solicit an advertisement from unknown defendants is against a specific plaintiff and please affirm the resolution.

Cross Examination.

T.J. Wolfe questioning Connell.

Wolfe: You're saying that you can induce, right? Connell: Yes. Wolfe: That's the response you have five, six times. Where is there any indication, except for the people you've talked to in the hallway, where you have induced? Where is there an indication you're a valid induction? Connell: Well, the two answers after the people I've talked to in the hall. I said that.

That attorney advertising, Zauderer's advertising is, I believe, typical of the things advertisers like to do. They like to deceive us. They like to sell us things that we don't need.

Wolfe: Any evidence supporting what you believe? Connell: Pardon? Wolfe: Is there any evidence supporting your belief? Connell: Well.. Wolfe: I mean I doubt you would say that you believe your induction's not valid, of course you'd say it's valid. Connell: Well, unfortunately. Wolfe: Any evidence to support your claim? Connell: As much money as I offer, no one would write a card that Zauderer's ads were typical and representative. [Laughter] Wolfe: So, is there any indication it's a valid induction? Connell: Well, I believe that my analysis is sufficient, uh, to make arguments. I am capable of articulating arguments and have. The first three of the typicality standards on your flow.

Wolfe: And, your third answer is that it's seen by a million people, right? How is this an answer to induction or the violations? Connell: I believe it is showing that not only is it typical and representative, uh, of the resolution it is also a relatively significant portion of overall advertising .

Wolfe: What's the population of the U.S? Connell: I don't know. Wolfe: Is it more than two million? Connell: I believe. [Laughter] Wolfe: Okay, than you probably aren't half of all. Half the people in the U.S. haven't seen these advertisements, have they? Connell: I guess you've got me now, T.J. [Laughter]. That one's for T.J. [Laughter].

Wolfe: I didn't. What's what's your argument on 'round is simple?' I. I didn't get it. Connell: Pardon? Wolfe: 'Round is simple' is my argument. You weigh the advantages and disadvantages of advertising and determine the net benefits. What's your response? Connell: That such is determined by criteria. Wolfe: So, your saying you must filter through criteria? Is that the argument? That's it? [Laughter] Cool. [Laughter] What else can I ask? I have nothing else. Connell: I've enjoyed it, T.J. Wolfe: I have too. [Laughter].

Second Negative Constructive.

Jef Jarman, Southwest Missouri State University.

I too need to thank a few people. As T.J. did, I'd like to thank the people who are responsible for this tournament and for it's, uh, for it being hosted here. It was an excellently run tournament and I've enjoyed it a lot. Unfortunately, I think it is going to be my last, but were still working on that one. [Laughter].

The first thing I need to recognize is I'd like to thank the women's basketball team at our school. I don't think they're getting enough recognition these days and they're in the final four. [Applause]. Our Athletic Director recognized us I think we should do the same.

The second is I need to thank my squad. They worked hard for us last night I think they uh. They briefed answers to the Nano case we thought we were gonna hear but, uh, they work hard for us and I appreciate them all. I'd like to thank Mike Korcok. He's a pain in the butt sometimes but, uh, he, uh, he's been very helpful to us. I like to thank Randy McCoy who I initially began debating with me this semester. He, uh quit for some unknown reason and we made some changes and I love him a lot. He's a helluva good guy. I'm sorry he had to drop out so early.

I'd like to thank Christy Zeltner. She, uh, moved to Springfield a few years ago and was responsible for my transfer then and for getting my points counted, I guess, and is responsible for me being able to be here right now. I'd like to thank Jan. She's, uh, she's wonderful. Thank you. I'd like to thank T.J. Most of, uh, most of what we've said in the fourteen rounds by now has been written, briefed, and highlighted by T. J. Most of the work he's done. I've had to do most of the easy work. He certainly deserves most of this I think.

I'd like to, uh, thank Todd McGowan. [Laughter]. He made me do it. He's, uh, helped me a lot. He took me to the next level and I think is responsible for everyone on our team this year being as aware about what debate is.

I'd like to thank, lastly, with a tear in my eye, my mother. She's the one who got me into the activity. I, uh, I didn't speak much when I was in junior high, so my mom went in and told them my name and signed me up for debate. [Laughter, applause]. I still don't talk too much, but I'm glad I do this now. Lastly, I don't have too many stoner friends to thank, but I like to thank those of you who do fall into the category of, uh, my friends. I've made a lot of nice friends here. Most of the people in this room I think I've met, debated at some point and, uh, you're all pretty cool people I hope to hang out a little longer.

I'll be talking about Critical Legal Studies for eight minutes. [Pause]. Is everybody ready? Last year Todd made the blunder of going for topicality. I don't think we'll have that problem this round. [Laughter].

J. only makes six answers to the position that we call a voting issue and read evidence that says it's our ground to show if their criteria is flawed then you should reject it wholeheartedly and all he does is make a few funny reasons why his criteria is good without justifying it.

Our evidence says that the Critical Legal Studies Movement could overcome the hierarchies that exist within our society and solve for what Reardon explains as being the fundamental cause of war. And while J. doesn't think it's a very realistic scenario, it is at the root of why we go to war. Many people have thought the same thing before. I don't think you should fall into that trap.

His first argument says that lots of people uphold the law. Well, that's probably true J. We live in a society does that. I guess that means that everything is bad because the law is locking in domination and ingraining hierarchies which is the original evidence that T.J. presents says.

Second argument is that he doesn't deny the link. The link is still true. The A sub evidence is not denied. It says that laws lock in the hierarchies. It is why Reardon writes that it is the fundamental cause of war.

The third argument is that it's not an answer. This is a criteria objection. We are saying, J. and P.J., that your criteria is flawed. Upholding the law is a bad way to go. You need to escape from. From the legalism that we're bound in and the only way to do that I think now is for you seven critics to decide that the law is bad thing and reject their case at face value.

His second argument says 'why is this a link to our criteria'? First, the E sub evidence T.J. posits says that this is our ground. We can say that the criteria is a bad thing and that's what we'll be upholding in this debate round.

Second, cross examination supports this very well. P. J., while I don't think he meant to be very flippant, was just argu. Saying 'well we think the law's a good thing, we like the law' without considering the implications that that upholds. Their criteria, that he is using to get out of other arguments, is what you should reject.

Third, the tests on case prove. They support the law. They say that because the law was violated, there was degradation. And we are asking that you reject that kind of test and that kind of standard and that is what you can do with the criterial objection we are positing here.

Now, his third argument says that there is no alternative; we are trapped in liberal discourse. But, his evidence isn't that good. It just says that it's easier said than done. That doesn't mean any thing.

The first argument is that little hard work can go a long way. There is no reason why just because it is a difficult thing that we shouldn't strive to do it. Lots of things are hard. Had a couple of hard triples and doubles rounds, but we got through them and you all can do the same thing. It might be hard, but it doesn't mean you shouldn't try.

The second argument is that CLS attacks the orthodoxy. Hunt explains in 1987: "So far I have suggested that a number of the distinctive characteristics of the critical legal studies movement flow from reactions against the prevailing orthodoxies." (p. 7).

Moreover, reconstruction will lead to emancipation from these hierarchies. Unger explains in 1986: "The guiding and unifying aim of the cultural-revolutionary practice I have in

mind is to remake all the direct personal connections - such as those between superiors and subordinates or between men and women - by emancipating them from a background plan of social division and hierarchy.” (p. 26).

Moreover, CLS’s vision will spiral as soon as you let it take hold. Professor Unger explains in ’83: “The ultimate stakes in politics are always the direct practical or passionate dealings among people. The institutional order constrains, when it does not actively shape, this microstructure of social life. A vision of transformed personal relations may serve in turn to inspire major institutional change.” (p. 586).

Finally, the CLS movement will lead to social change. Professor Hutchison explains in 1989: “Their ambition is to make a bigger social bed with more popular bedding. It is not surprising that CLS’s particular contribution to this social struggle has concentrated on the reading part that law has played in maintaining the status quo and stymieing efforts to effect fundamental change.” (p. 3). That change is the law evidence in the original A sub that we are reading.

Finally, the law is used to dominate. Sanford Levinson explains in 1989: “At its root, law is congealed social power; such justice as exists is wholly dependent on the justice of those with power. One should not seriously expect law to tame the powerful.” (p. 361).

Now, J.’s fourth argument is that the law is good. But if you listen to his evidence it particularly is bothersome. Which is my first argument, it is quite bothersome. It says that the weak should just give up their rights and let the dominant control them. I think most of you find that a little repugnant, or I least I hope so. We should all strive to do what we want to do and I think that repressing them because they are weak is a weak reason why law is good. If we can get out of that system which is what my movement says we can do and there is no reason why you shouldn’t.

Moreover, the the laws part in society is small. Levinson explains in 89: “Legal structures may make marginal contributions to the maintenance of order, but one should not overestimate the extent of this contribution. As to Justice, any relationship between law and an admirable polity is entirely contingent.” (p. 361).

Now, J.’s fifth argument says that democracy and liberalism. Liberty is better. The first is this evidence makes no comparison. I am talking about the oppression of entire groups of people who are being subjugated because of the law. It’s how we have. It’s how we dominate people.

Moreover, secondly, it’s not an answer. The link is still true. The law is still used to dominate people and there is no answer to that evidence at all.

Third, evidence I read above says that the law part is very small. Which is no reason why you should consider it to be better when it doesn't do that much. The only thing it's doing is trapping in hierarchies and leading to more domination.

J's sixth argument says that war is unrealistic. Well, the first argument is that patriarchy leads to war. That is our original D subpoint evidence. Betty Reardon says that it is the fundamental cause of war. There are no answers to this. They might not be able to think of an example of war that is forthcoming but you can rest assured that wars come because of patriarchy and the hierarchies that CLS will succeed to deconstruct.

Second, is that its only an assertion. That's just J.'s attempt to get a little humor but its not very funny. It's not an answer. Lots of people have thought that wars were were unrealistic, each time in a new event someone thought, well we'll never have a war and we always have throughout history. It hasn't stopped us yet. There's no reason why just because there not a specific scenario and you wouldn't find this a reason to reject the hierarchies. 'Cause he makes no answer to that at all.

Please extend the original structure. The A subpoint evidence says that the law is used as a tool of domination. There is no evidence that says it's not. The best thing that they have going for them is evidence that says that the weak should give up to those who are in control. Exactly what my evidence says that we need to be deconstructing against.

The B subpoint is not that important anymore, uh, since they didn't read turns that I was expecting.

The C subpoint though, says that CLS stops the dominate hierarchies. It crushes those hierarchies, which is the extension evidence I am reading from Unger that says it crushes the hierarchies and will spiral that way.

D subpoint says that patriarchy is the fundamental cause of war and there are no answers to this as well.

The last argument that we have is it's a voting issue. The criteria is wrong. It's not good. You shouldn't accept it. It may not be that this is. That the case example is the most compelling reason of an appeal to law, but what they ask you to do is to find that there is a degradation because Zerb or whatever his name is didn't do the law correctly. What you have a chance to do now is not appeal to the law and avoid the hierarchies that are created by such appeals. Thank you.

Cross examination.

J. Connell questioning Jarman.

Connell: Can I get some of this microphone? Before the passage of the thirteen, fourteenth and fifteenth amendment when African Americans in our society that, that were without the benefit of the laws protection how would. How would that remove their hierarchy and protect them from the ills of our society? Jarman: Uh, that was a much different time for starters. I don't think I'm reading any evidence that's quite that old. Most of my new evidence [Laughter] Connell: I got to chuckle. Jarman: Most of what my evidence is talking about is current movement that you deconstruct the hierarchies that exist and when appeal to the law you don't do it.

Connell: And your asking us to take the shackles off the rich people, the the military people, the people with power in our society who are currently checked by things like Posse Comitatus and laws against murder and things like that? You are asking to take off those shackles? Jarman: uh uh ... Connell: That somehow liberates us? Jarman: Well, you're missing the point a little. It's not that we would allow some kind of vigilante violence to run rampant without a law. I think that most assuredly that when there was a reconstruction into society that we would create a system where we didn't need to oppress people and we didn't have uh the racist groups and that wouldn't be a problem.

Connell: So, we just wish away all the problems, all the bad people in our society. The U.S.S. Constitution becomes the Goodship Lollipop and we're all happy again? Jarman: My evidence says that once you allow some kind of societal transformation to begin, these critics signing their ballots, that it will spiral and people will understand. Make it. Make that their way of life. Connell: Right, which is different from the impact scenario that we're talking about. My authors say that the only way we are going to have social change, the only way we are going to remove the hierarchies, is by restraining elites. And that's what the law does. I want to know how. Jarman: Well, you are trapped in the wrong thinking there, J. [Laughter] If you think we can restrain the elites with the law you are incorrect.

Connell: Okay, we should let. We should Exxon, uh, spew its oil unrestricted? We should let the Rockefellers and the Gettys. Jarman: No. Connell: ...Run us around with their money? Jarman: That's not the argument. Connell: But if the whole. Jarman: If the goal is to help people and... And eliminate the hierarchies then they way. Then you don't do it turning to appeals to the law. The problem, J., is that the next court decision will create another false test where we think we can help people from deceptive advertising and your wrong. That's not the way it's done.

Connell: But, what you're saying what we should really do. Jarman: They will continue to dominate. Connell: is what the B subpoint says and take away people's rights. I don't need. I don't need a ,... a ... a right. Jarman: The original B subpoint evidence says that people lost their rights and the elites weren't checked anymore they might realize their lives are being oppressed. Connell: So, we should instead... Jarman: And your evidence says that we would no

longer get that they would fight and realize there's a better way of life and it will spiral to all of us.

First Negative Rebuttal.

T.J. Wolfe.

Case, whole rez. (Pause) I guess J. was as nervous as I was when I was up here because his answers are not as stellar as they normally are. Please go off the top of case. He says that they are seen by one million people. That is fine but there is no indication this is most people. There is no indication how this would meet the whole resolution violation.

On criteria, he says 'that' is a pointer. First, is that it just introduces the resolution. There is no indication why it would serve as a pointer. There is no indication why he can choose two advertisements because of it.

His two and three, please group. First is that the definition talks about advertisements it doesn't say advertisement. Second, is that they still don't show the inductive leap to the whole, which is what he is admitting he must do on whole resolution violation.

Please go down below where I indicate that the round is simple. He's not answering this, pull it through. One, you. I would ask you to determine generally if advertising is good or bad, to determine if it degrades there. Second, is, of course, you will look to criteria you filter it through their ... Through counter criteria or if you determine I'm losing counter criteria you will look at it in law.

Third, is that they don't meet their own criteria. They don't show generally advertising violates the law. They just show one instance. Please pull through the no time frame and we get to look at future impacts. It's not responded to. I'll drop out of the causality debate. I think they are meeting it especially when I don't have any evidence saying to the contrary.

On the life debate. He says that the resolution excludes. The first is that life is included. You will cross apply my number six which says that death destroys the quality of life. The evidence is very good it says that is a factor in the equation.

Down on his two and three. He says life without quality of life is meaningless and life is irrelevant. Please group. First, is that this doesn't assume the law. His definition or cards here is talking about the quality of life are not assuming law.

Second, he is not answering the Crosby card which indicates that no life means your life is meaningless. Third, is that it's not a terminal value. There is no indication why you would look at quality of life as he's interpreting it before my interpretation.

Fourth, is that you uphold because it is a precondition. You will evaluate it first. I am attacking his criteria, especially through Jef's off case arguments and I'm giving you several reasons why you look at life before you look at the law.

Please go down below where they indicate that the law protects. On the original 1AC card. He says that obviously the purpose is to protect. I differ. I. I differ. Jef's argumentation off case definitely shows that it doesn't protect.

Additionally, his card says 'governments, the states characteristically strive for the decision making at the local level, in a word, institutions and the government has always been a major aspect of our system and responsible and responsive operation is today of increasing importance to the quality of life.' It doesn't say it protects it, it just says it's important. Please pull through my analysis that that importance could be because it degrades. Are. Is that the law degrades the quality of life. Which is what our argumentation is off case.

Please go on contention one. On the A sub debate. He says Zauderer doesn't; and advertising's deceptive and illegal; and can advertise. Please group. First is that he's proving advertising doesn't degrade in general. When he's choosing one ad instead of all advertisements that create the income, he's not answering it.

Second, is that you weigh on balance if its good or bad. Because he's just choosing one advertisement where its bad, and I've got generally advertising is good because it increases income, you'll default to my position.

His second says that doesn't disprove the resolution. But it does it indicates that advertising on balance is good.

His third says all stop with deceptive people, but I don't think so. Pull through the quality of life; that it saves lives in very large numbers. He's not indicating how this would set. How a few people being lied to would offset the saving a life in very large numbers.

On the B subpoint, on employment. He says that they won't advertise falsely, but that's not an answer to that. Just that advertising creates jobs and that improves the quality of life.

He says no blank page in paper, but that's irrelevant. That advertising. That advertising upgrades the quality of life.

He says doesn't answer resolutional question, but it does. It says that advertising improves the quality of life; it gives you employment; and that creates the quality of life which is the second card I read.

Down below. Please go on whole resolution. He says that they must induce. First, is that yes. They must prove that it is proper induction though.

Second is that it isn't shown. There's no indication of lawyer ads as being typical or most of advertising. Third is they must prove that it leads to the whole. I know they're granting this, but I want to read the evidence and get Brain McGee in the CEDA Yearbook again. McGee in '88: "Those who argue from example should be required to prove their reasonability from subsets to the whole. In other words, they must be able to explain why the "leap" from subset to whole is a reasonable one." (p. 68). I think they violate that, and they violate the violation.

His second says that the card do not assume the resolution. This is true, it is talking all resolutions.

He says subsets impossible, but this is an assertion. He says that should be some advertising. First is that there is no reason it's good. Card but doesn't indicate why.

Second, is that the affirmative is some. They're not some, they're one. Please pull through that. Pull through the standards: most, it's educationally true, general truth, the violation, there are not meeting it. He believes it's typical, but there's no evidence indicating. And a prima facie voter. I think you'll be voting neg.

**First Affirmative Rebuttal,
P.J. Stakelum.**

I'm going to be going to the affirmative case straight through and then I'm going to address the off case. First, I'm waiting for everyone.

Specifically, it will be whole rez first and finally CLS at the bottom.

J. and I admit that the patriarchy and oppression is a very horrible thing, however, we are arguing that the best way to stop this oppression is to act within the legal system because if the laws dominate it prevents further domination. Because we know that we need checks against those who would otherwise dominate unrelentlessly - the elites. On case please.

He doesn't think that one hundred million people is significant, but I beg to differ. To differ. Additionally, I would like to extend J.'s argumentation that it is certainly typical of all representation.

On observation one. His first argument is off our definition of 'that'. He says why it is a pointer and there's no justification. My first observation is that this is completely new. There no justification for why he is able to make these answers now.

My next argument is that that's exactly our point. It directs the resolution. It ask you to point at a certain thing and he is conceding below that our criteria gives us the right to do this. That is our burden of advocacy.

Now, on the next. He says that there was only one advertisement, but I beg to differ because you know that we are talking about drunk driving ads as well as the Dalkon Shield. Those are two advertisements meeting the definition. Additionally, right under that I would like you to extend that this is a prima facie obligation. It would have had to of been out in the INC. It is not.

Now, on the time frame debate, I'd like you to extend J.'s argument that he doesn't get any impacts. He says that we don't show generally that advertising violates the law. But I'd like you to realize that this does not answer the resolitional question.

He asks you to filter through the counter criteria of life, but this doesn't tell you whether or not the quality of life has been degraded. Specifically, from the original shell, I'd like you to extend that it is because of our burden of advocacy that we get the right to choose our criteria.

Now, on the counter criteria of life. He says that death destroys the quality of life. Extend J.'s first argument that the framers of the resolution uniquely excluded this interpretation this semester. There is no justification to allow this interpretation.

Also, I'd like you to extend our second argument that life without quality is irrelevant. He says that it doesn't assume the law, but it certainly compares the two values of quality of life and life.

On our third, I'd like you to extend quality of life is more important than life. He says life is a precondition and necessary for all else, but that doesn't answer on a normative level why life is more important. Remember it does not answer the resolitional question. Extend the decision rules. Each of our arguments on contention one are independent.

On contention one now. His first argument is that their counter warrants on increased income prove degradation generally. My first argument is that you will extend we don't impact this. We don't deny it, but what we do deny is that deceptive advertising is a good thing and certainly we think that deceptive advertising is representative of the harms that advertising incurs on our society.

I'd like you to extend our original number two. This does not prove the resolution anyway. He says that you would weigh on balance, but you know that's not true, because the decision rule that is established in this round is the criteria which says to defer to law.

On the. On the. On the employment. He says advertising improves the quality of life, but I'd like you to extend our second response. There's always going to be advertising the only question is whether or not its going to be good or bad. We don't. All we do is take away the bad, deceptive advertising. Certainly that degrades the quality of life.

Finally, he. I would like you to extend the stuff on the bottom which he is dropping, we have independent warrants.

On the whole resolution debate. He spends. He spends far too little time. I would like you to. His first argument is that this proves that there's proper induction. My first argument is that you will remember advertising lies and deceptive and is deceptive, and certainly, this is representative of that deception.

He next says that we should prove the inductive leap, but I certainly think it's reasonable for us to make this.

Additionally, I'd like you to extend the evidence that we should read some advertising is. Is. We should read all advertising as some advertising. He says 'why?', because you can't generalize statements about advertising. You have to refer to the specific harms. He really drops a lot now.

On the violation I would like you to extend. The standards for induction are arbitrary. This would add credence to our position. Specifically, on the. On the C violation. I will argue the standards. Attorney ads are typical. It is possible to be representative of the set.

Most importantly, extend that evidence gets presumptive weight.

On the CLS debate, he first says CLS overcomes the patriarchy. My first argument is you know we've got the patriarchy now. CLS isn't doing a very good job and we still have the law.

He next says our link means that everything is bad, but no it just means that there is no propensity for the war he's talking about on the bottom. He's asking you to evaluate substantive issues and at that point I think uniqueness is a very relevant argument. Certainly, the law has already existed for many arguments. The wars should have occurred.

He next indicates that our criteria assumes that the law is good and that this is a criterial objection. My first argument is that this is true, but you must be linked to all the effect of the law and that is our argument. This assumes that he gets a generic link to the resolution.

More specifically, we are flipping this position. I'd like you to extend our number four which says it's better to keep all the law. He says that it says give up, but this is not true. We admit you need solutions but let's keep it within the legal parameters.

Additionally, I'd like to note that the law is better to save society than CLS. Altman notes in '90: "Even if the liberal beliefs that underlie the commitment to the rule of law are false, the CLS attack on the coherence of the liberal rule of law fails." (p. 102). And ours specifically compares CLS and the law. His only uniquely talks about the law.

Specifically on the war and whether or not it's realistic. He says empirically wars. People have thought wars unrealistic, but realize evaluate the risk. This isn't a very likely scenario.

Second Negative Rebuttal.

Jef Jarman.

I'm ready. [Pause]. Criterial objection then straight through case. [Pause] I think probably they're right. They are the whole resolution as far as I'm concerned. I'm a little depressed that I can't go for it now but I think there are other arguments that carry much more weight with them.

The answers on the criterial objection are still inadequate. To say that CLS doesn't solve is a new argument. And he posits for himself that you shouldn't consider those. I think that's a fair burden.

Go to the criterial objection. His first argument says that the patriarchy exists now. So I guess CLS is not effective. First, but. But P.J., patriarchy exists now because we appeal to the law. That's the system we are in which is the A subpoint evidence I am reading. When you appeal to the law then you lead and entrench domination. That's why we have the problems. Alright.

The second argument is that the law is stopping CLS which is the argumentation we are making. His second argument says that there is no propensity for war. This is being handled down at the original number six.

He posits under this though that 'the law exists now so why isn't there a war a war going on'? But, first, the war has already occurred. It's empirical. The Reardon evidence at the bottom says it's the fundamental cause of war. It is why we have wars and I think it is probably why we've had wars in the past, at least that's what Reardon's argumentation says and there is no answer to that at all. There is no reason why the empirical wars don't prove that we wouldn't have future wars.

Now, off the original number two. He says that we must link to the law and and we have to have a generic link. Please group. This makes a false assumption. We do not have to have a link to the whole resolution. We don't need some kind of generic link.

Second, it's a criterial objection. Please extend my original one, two, and three off the number two. He asks 'why does it link?' and I say because it's a voting issue, it's a criterial objection and the evidence at the bottom says we can do it this way.

Secondly, I say cross examination says we have a link. You blatantly uphold the law of cross examination with criteria. The argument says the test you use for case does the same thing. It says that we have to see if the law has been violated to see if there's a degradation. I don't need the generic link.

Now, his last. His next argument says we must keep within the law. The law is better than CLS. Please group. The first is that this is new. His argument on case says that you shouldn't consider new arguments. There is no reason why you would consider this one.

Second, extend my original one through five off the. Off the original three where I am telling you that CLS attacks the hierarchies and the vision can spiral to change if we let it take hold and stop appealing to law. There is no reason why you shouldn't take that first step which is my first argument that says a little hard work might pay off in the end. There is no reason why you shouldn't let it happen.

His last argument is off the war scenario. He says that you simply evaluate risk, but he is still not understanding that this is a criterial objection. It's a reason why you don't vote for them.

The E subpoint evidence says you can drop the affirmative team because they don't justify their criteria. This is an example of why you don't support the law. Extend that evidence through. We say it's the fundamental cause of war and they don't have any answer to this except let the weak be submissive.

Case side. Go to criteria please. His first answer on T.J.'s argument on 'that' is that it's new. You shouldn't consider it. I think your right we shouldn't consider those arguments. But neither should you consider their new arguments on the criterial objection. I think it's a fair reciprocal burden.

Please go to the B sub on filter. He is not making any answers to the ground argumentation. It's a very simple argument. We've been saying it all semester long. The ground is simple, is advertising good or bad? Does it degrade the quality of life or upgrade the quality of life? It's very simple and they are not answering it. Please extend it through.

Drop down to the quality of life debate. He says that the framers excluded this. The first is that they didn't completely. We have evidence that says that death degrades the quality of life and we posit reasons why that would be true. It seems fair to think that if you're dead that you don't have much quality of life either. That's why it can be included.

His next argument says that life without quality of life is irrelevant. Is irrelevant. First is that we justify life criteria being first. T.J.'s original, uh, eighth and ninth arguments, I believe, are that life is absolute and it's a terminal value. Which means these are reasons why we should support life before quality of life.

He next says on precondition that quality of life is more important, but that is not true. I'm answering that above.

He says it doesn't answer the resolitional question, but it does. The Crosby evidence says that death degrades the quality of life.

Contention one please. Drop down to the employment position on the B sub. He says that it's always advertising good or bad so they only have to take away the deceptive advertising but this is not an answer. First, extend the ground debate we get to say that advertising is good. If we can show you something that advertising does that upgrades your quality of life then you should decide that way. They are an advertisement. They are an advertisement and it functions the same way. Second, extend through our arguments that say advertising leads to employment and unemployment would degrade the quality of life.

The debate seems very simple for me. You have to decide two things. Does the criteria. Is criteria a bad thing? You know law leads to domination and you should reject it. You should also reject them on the unemployment disad.

Second Affirmative Rebuttal.

J. Connell.

The order I'd like to discuss things is the whole resolution, case, and then the criteria objection.

It's kind of interesting to be able to give the last speech in the whole semester of CEDA. I think that's neat. It reminds me that there is one person I forgot to thank when I was up here earlier and that's P.J. P.J. stepped in, as a lot of you know, kind of one of those debate crisis and I really appreciate it. I appreciate him putting up with me all time. I know I'm really annoying about research and stuff like that. So, I really appreciate it.

The negative team has conceded that Zauderer transgressed the law. He took the law into his own hands and knowingly broke it. That may leave with only one question and that question is 'is the criteria that the affirmative has presented, is it a good one?'

There. This. The answer to this question is two-fold. The first is rather easy. Is life the same as quality of life? I don't think so. I think it is excluded from resolitional consideration. It is not part of the resolitional question.

The second requires more thought, but it can also be answered by asking a few more questions. How can we seek to stop some people from owning other people just because of the color of their skin? How can we stop Dow Chemical from marketing carcinogenic breast implants? How can we stop the military from conducting random body cavity searches upon our highways? The answer to all this is through the mechanism of the law. It is the law that constrains those who would do evil upon us in our society.

Whole resolution please. I would just like to point out that Jef has conceded that we are the whole resolution. We are not a typicality violation. Remember that we are typical of all the advertising cause they are seeking to sell us something that we do not need.

Case please. The first observation tells you about these advertisements. Please concede, uh. Please extend that the advertisements occurred and they were vast in scope.

Observation one, the criteria. Jef first points out that we should not consider new arguments, something with which I will concede. P.J.'s arguments are not new on the criterial objection which I will point out when I get there.

The ground debate. He says that we would. That ground means that you look advertising as good or bad. Which I find to be slightly untrue. We look to whether advertising degrades the quality of life in the United States and that the mechanism for determining that is the criteria.

Please extend that there is no common meaning for the quality of life, and that life. One argument that we've been extending throughout the round with no answer from the negative. As the affirmative, as the advocate of controversy, we have the right to define - to pick our criteria. Please extend.

The counter criteria of life. He says that it was not completely excluded and if your dead you have no quality of life. My first answer is that I think the fact that he is arguing that life is the first thing, that it is a prerequisite, proves that life is excluded from the question of the resolution. The quality of life is not the same as being dead. I don't.

He first says. His next answer is that you would look to life first. Now, not only is this excluded from the resolitional question, but it is also denied by evidence. Please extend what P.J. is extending. This first card I read in 2AC which says that life without the quality of life is irrelevant and irrelevant to your decision making matrix.

Please extend the third piece of evidence which says that the quality of life is more important than life. He's answer is 'above' which is not an answer. Please extend that the quality of life is more important. He says. He says resolitional question, but how do you answer that question ? Does advertising degrade the quality of life? I think it does.

Please extend the decision rule, the Gaglairdo in 84 card. If Zauderer committed any one of these criminal offenses then he has degraded the quality of life.

Contention one please. Please extend the A subpoint that Zauderer advertised in violation of the disciplinary act. Code of Ohio. He says that we would take away deceptive advertising and advertising would be good. My first answer is that P.J. says that this is excluded by the criteria. Please extend. Also, the answer which we have made and they have not answered is that there are no blank pages. There will always be advertising. I also don't think it weighs on the criteria.

The criterial objection. Jef says at the top that we have the patriarchy right now and this is a bad thing which we all are agreeing to. The question is how do we solve the problems that the patriarchy has brought with it? We say that the best way is through the law. Rather than letting us run unchecked, naked through the streets, without protection of the law, we should keep that law.

He says an extension off the number four evidence out of the 2AC. P.J. says we are better off with the law. Jef's first argument is that it is new and should not consider new arguments. However, that is funny considering that P.J. is extending the tag off the number four in the 2AC. That we are better off keeping with law. Please extend.

He says extend the number one through five that we are attacking the hierarchies. However, P.J. is answering this too. Please extend the piece of evidence P.J. reads that says that law is a better way to save society. A better way to deal with problems that the modern nation state has. Please extend.

Now, if you have any question in your mind as to whether or not the turn is more important than the link to this position look to P.J.'s next answer that our evidence, which was in the second affirmative constructive and in the first affirmative rebuttal, compares CLS to law, while there's just talks about how good CLS is.

He says that the criterial objection is a voting issue, but only if you decide that criteria is a bad thing. I think that we would act to keep the elites in our society, those who would do us evil constrained and the only possible constraint is that of law. Please affirm the resolution and vote for Florida State. [Applause].

1992 CEDA Final Round
Works Cited

- Altman, Andrew. (1990). Critical Legal Studies. Princeton, NJ.: Princeton University Press.
- Bile, Jeff. (1987). "When the Whole is Greater than the sum of the Parts: The Implications of Holistic Resolutional Focus." In CEDA Yearbook. Vol. 8, Edt., Brenda Logue.
- Bovee, Courtland, and William Arens. (1986). Contemporary Advertising. Homewood, Ill.: Irwin Press.
- Cole, Mark, Ronald Boggs, and Kevin Twohy. (1986). "The Function of Criteria in Non-policy Argumentation: Burdens and Approaches." In CEDA Yearbook. Vol. 7, Edt., Brenda Logue.
- Copenhauer, Brent. (1985). "Refining the Regulation of Attorney Advertising." Vol. 88, West Virginia Law Review.
- Crosby, Donald. (1988). The Spector of the Absurd. Albany, NY. SUNY Press.
- Federal Supplement. 647 F. Supp 1463. p. 1470.
- Gabel, Peter, and Paul Harris. (1989). "Building Power and Breaking Images: Critical Legal Theory and the Practice of Law." In Critical Legal Studies. Edt., T. Hutchinson. Newark, NJ.: Rowmand Littlefield Inc.
- Gagliardo, C. (1984). Brief of Appellee. Zauderer v. Office of Disciplinary Counsel. Docket Number 83-2166.
- Hastings Center Research Group. (1979). "Values and Life Extending Technologies." In Life Span. Edt., Robert Veatch. San Francisco, Ca.: Harper and Row.
- Hunt, Alan. (1987). "The Critique of Law." In Critical Legal Studies. Edt., Peter Fitzpatric and Alan Hunt. Cambridge Mass.: Basil Blackwood Inc.
- Levinson, Sanford. (1989). "On Critical Legal Studies." Vol. 36, DISSENT.
- Linder, H. Bright. (1986). "Zauderer v. Office of Disciplinary Counsel: More Competition in the Legal Marketplace Through Advertising." Vol . 37, Mercer Law Review.
- McGee, Brian. (1988). "Assessing Counter warrants: Understanding Induction in Debate Practice." In CEDA Yearbook. Vol. 9, Edt., Brenda Logue.

- Myers, Norma. (1979). The Sinking Arc. Oxford: Pergamon Press.
- Nelson, William. (1988). "An Exchange on Critical Legal Studies between Robert Gordon and William Nelson." Vol. 6, Law and History Review.
- Orlik, Deborah. (1988). "Client Specific Advertising." Vol. 9, Los Angeles Lawyer.
- Oxford English Dictionary. (1989). Edt., Simpson and Weiner. Oxford: Clarendon Press.
- Price, David. (1989). "Talking rights Cynically" A Review of Critical Legal Studies." Vol. 48, Cambridge Law Review.
- Qualter, Terrence. (1985). Opinion Control in the Democracies. London: MacMillian Publishing.
- Rescher, Nicholas. (1980). Induction. Pittsburgh, Pa.: University of Pittsburgh Press.
- Reardon, Betty. (1985). Sexism and the War System. New York, NY., Teacher's College Press.
- Rose, Nikolas. (1987). "Beyond the Public/Private Division: Law, Power, and the Family'." In Critical Legal Studies. Edt., Peter Fitzpatric and Alan Hunt. Cambridge Mass.: Basil Blackwood Inc.
- Rotzoll, Kim, and James Haefner. (1990). Advertising in Contemporary Society. Cincinnati, Oh.: Southwestern Publishing Co.
- Singdulsen, Jeff. (1991). "The Risks of Chill: A Cost of the Standards Governing the Regulation of False Advertising under Section 43(a) of the Lanham Act." Vol. 77, Virginia Law Review.
- Spillane, Lori. (1991). "Lawyer Certification in the 1990's: Peel v. Attorney Registration & Disciplinary Commission of Illinois." Vol. 35, St. Louis University Law Journal.
- Tomlinson, James. (1981). "CEDA as an Alternative." Forensic.
- Unger, Roberto. (1983). "The Critical Legal Studies Movement." Vol. 96, Harvard Law Review.
- Unger, Roberto. (1986). The Critical Legal Studies Movement. Boston, Mass. Harvard University Press.

Urdang, Laurence. (1977). Dictionary of Advertising Terms. Chicago, Ill.: Tatham-Laird and Kudner Publishing.

Wildavsky, Aaron. (1988). Searching for Safety. New Brunswick, NJ .: Transaction Press.

Woodward, Herbert. (1983). Human Survival in a Crowded World. Jefferson, NC.: McFarland & Company Inc.