

The 2006 Final Round Transcript
Government: University of Puget Sound
Opposition: University of California, Berkeley

Public schools in the United States places insufficient value on fine arts education.

First Constructive Speech (7 Minutes)

Prime Minister, Josh Anderson

University of Puget Sound

Uh, I guess I get thank you time, which is fortunate because I have, uh, a lot of people to thank. Uh, I'd first like to thank the NPDA, uh, board for putting together this tournament. I've had a great time. Uh, I think it's obviously been good and, uh, competition has been great. So, uh, thanks, specifically the, uh, NPDA president, Ed Inch and Konrad, the tournament director, he's been great, helping us get ready for the final round and just, I think, running a very fair and a great tournament, and also to Trisch Goodnow and the OSU, uh, team and, uh, coaching staff for helping to put this together.

Uh, I'd also like to thank the department of communication studies at the University of Puget Sound, uh, for, uh, you know, obviously funding us, and, uh, enabling us to be here.

Um, I'd like to thank my family, they've been incredibly supportive over, uh, eight years of debate and it's, it's really weird that it's coming to an end now. I'd also like to thank, uh, Rachel's family for, uh, rehabilitating me, uh, when I had a hangover really badly that one time. Um, uh, my coaches, uh, Derek and his family, uh, he is gone a lot and, uh, that's a huge sacrifice and, uh, I think he knows, uh, how much we appreciate it. Uh, to JJ, uh, your intellectual inspiration and, uh, a great friend. Uh, Kara for, uh, balancing JJ, and yeah, that's enough, uh, and, uh, having an independent insight on her own. Also to past coaches that I've had, John Boyer, Amy Kalman and Jessica Gates.

Um, congratulations to Berkeley. We've had a great time with these kids this year. We've stayed together at some tournaments. There's a joke that they're on the UPS team and then they kicked off, that's, JJ gets fun out of it. But, uh, we're really glad that they're here, you deserved it.

Finally, this is the last one I promise, thank you to Rachel. Uh, you put up with a lot. I haven't applied deodorant in three days 'cause I would not buy another one. I have three at home, I didn't need to buy another one for a fourth, and I just forgot it, you know? What, what can you do? Uh... thanks.

Okay. Oh, and thanks, everyone, for watching.

The topic reads: Public schools in the United States places insufficient value on fine arts education. I think the only term that needs definition is insufficient value. Basically, this is a call to action to fix the problems we see with inadequate fine arts education in the status quo. It mandates a plan, we're gonna give you one.

Uh, it's got three planks. It's, it's, it's a little a little long, but this is our proposal.

The first plank is that the USFG, or US, United States federal government will earmark 100 million dollars to schools in Indian Country for the study and production of American Indian art.

Plank two is that the US federal government will earmark one billion dollars to public schools outside of Indian Country for the study of American Indian art and for the study and production of art by those who self identify as Indians or Native Alaskans or Hawaiians.

Plank three is that all, uh, money will be funded from unallocated discretionary funding.

So, plank one, the US federal government will earmark 100 million dollars in schools, er, to schools in Indian Country for the study and production of American Indian art. Plank two is that the US federal government will earmark one billion dollars to schools outside of Indian Country for the study of American art and for the study and production of art by those who self identify as Indians or Native Alaskans or Hawaiians and plank three, that all funding comes from unallocated discretionary funding.

Any questions? Cool, yeah? I wrote it out for you, if you can read my handwriting.

Advantage one is cultural identity. The subpoint A is that you need to look at this issue in its historical backdrop, the genocide perpetuated by the European countries against American Indians. We've seen a reduction of Indian land by 97.5% since Columbus arrived in the western hemisphere. 98% of the Indian population has been decimated from its historic lie, eh, historic high to its historic low. This is an act of genocide without scale in human history and it's one of the greatest, uh, marginalized and ignored, uh, historical injustices in human history.

The subpoint B is that European culture has also aimed to appropriate Indian culture. You see things like the mascots, the Redskins, the Seattle Seahawks, all of this is the re-, is the appropriation of Indian culture, adding insult to in-, eh, in-, uh, insult to...injury! Uh, we also see, like, uh, further examples are people hanging dream catchers on their windows. We say that this is the equivalent of drinking Catholic holy water at McDonalds.

Also, this is not historical, but ongoing. Because they, uh, uh, because there's a, I can't (...) Oh, yeah, there's a lack of critical awareness in mainstream society about this genocide and these problems.

The subpoint C is that the plan is empowering to indigenous people to study their own art and to reproduce it. They're able to re-attach with their cul-, with their historic, uh, with their historic cultural identity and also to help to evolve cultural identity to situate themselves within that cultural expression and to help to define themselves. Uh, I think a great example of this is the film "Smoke Signals," which was, uh, by Sherman, uh, Sherman Electra, uh, uh, Elexi? Sherman Alexie, who, uh, who is an American Indian and, uh, it was his own story of self-expression and marginalization, uh, at, at, the hands of the, the oppression of the status quo.

The subpoint D is that art can convey knowledge and experience in a very powerful way, which galvanizes the rest of society. Plan, or our plan is a vessel for mass social awareness. Things like films, or promoting films are a unique way for the public at large to gain access to in-, er, the, the information about the oppression of the native people. Also, by targeting education and getting people when they're young, that helps incultur-, inculcate, uh, a social consciousness about the issue. Um, so, yeah. So, this, uh, the terminal impact is that this leads to a more open political space and for better policy making on all issues relating to Indians and to include the Indian voice in that more.

The advantage two is female empowerment.

The subpoint A is that much Indian art is craft work, which is, uh, mainly, or which is, you know, predominantly, or in large part, produced by women.

The subpoint B is that traditional conceptions of art exclude things like craftwork. There is a very rigid definition of art, which excludes them, so, er, which excludes craft work.

So the subpoint C is that this devalues the work or the art that is typically created by women. Things like weavings and baskets and bead work and blankets and pottery, these things are not traditionally considered under the definition of art.

So that the subpoint D is that the plan leads to the empowerment of women into an avenue of political expression. Our argument is that art carries profound political meaning. We see, uh, an empirical example, the painting, "Guernica," about the, the horrors of war. Uh, the, the, it is proof that art can be a powerful medium for self expression. So plan serves as a way to increase women's access to this political arena.

The advantage three is blood quantum.

The subpoint A is that Indians are the only ethnic or racial group that is forced to prove their racial identity. The federal government implode-, imposes a standard called blood quantum. That you need to have X% of your blood pure Indian blood and that you must have X% from some specific tribe.

The subpoint B is that this is legally defining down the native population because dilution of blood is inevitable, right? When you're living with multiple groups of people, it's just natural that you're, that you're going to, you know, eh, fall in love with whoever you're going to

fall in love with. But, eh, maybe it's not an Indian, so inevitably, like, over time this decreases the number of Indians that exist. And since funding to the tribes is based on a per capita basis, the status quo legal regime actually decreases, in the long term, monetary support for Indians. So the subpoint C is that they lose funding, eh, uh. When they lose funding, they lose their ability to push for progressive change in their own society and also to lobby changes, uh, through the American government on a greater level.

The subpoint D is that the plan, uh, changes the federal standard to one of self-identification. You look at plank two; it's people that self-identify as Indians that are allowed to engage in the production of art. Uh, so the plan is a, uh, perceptual shift that we should move from this standard of, uh, that we should move towards a standard of self-identification, and so plan is a necessary first step to changing the federal, uh, regime.

Now the terminal impact is cultural genocide. We see that with the federal government having the ability to define who is and who is not an Indian, and that in the long term that will mean the end of the, of, of Indian society and Indian culture. We think that cultural genocide is the ultimate evil because it's totally irreversible. This is a distinct group of people that if they, if, if we do not take steps to help them survive now, will not survive, uh, you know, like, there, there will come a point where they just do not survive as a people, and we think that you should take a stand against that and that plan is a first great step in doing that. Thanks.

Second Constructive (8 Minutes)

Leader of Opposition, DARRYL STEIN
University of California, Berkeley

Of course I'd like to exercise the opportunity to use my thank you time as well. Um, Berkeley doesn't have coaches. However that doesn't mean we have, we don't have people we consider coaches, even though we don't really pay them very much. First on that list, um, this year, um, Avi Zevin came back from London and has been of a huge help to our team and we'd like to thank him for all the time he's dedicated. Not just when we've actually been paying him, but the meetings he's gone to and all the assistance he's given up, given us, uh, also with, uh, for putting up with me as a roommate. We really appreciate that Avi.

Um, also to Jenni Deruosi. In so much as I had a first debate coach, um, that would be her. And unfortunately for, uh, she couldn't make it this weekend. Thank you very much Jenni, I really appreciate it.

Um, of course to Josh and Rachel, for being here, and they're just great people, some of our best friends on the circuit. If we had to hit anyone in finals, we're glad it could be you.

Um, as I mentioned before, not having a coach, our teammates in the community are our coaches, and I'd like to thank some of the people who helped us out, um, on sort of a debate level, uh, Bill Neesen, Jon

Howland, Christi Siver, Kristine Clancy, Mike Owens, Phil Sharp, Matt Plush, Kevin O'Leary, Gavin Humes, Derek Buescher, Rob Vartabedian, Keith West, Dan Pawson, Joe Gantt, Travis Kennedy, Aaron Cohen, um, thank you all very much. Um, if it wasn't for you, I probably wouldn't be here right now. Those are my coaches, really.

With that, to the case. Let's go to advantage one, on culture. We'd contend firstly, on this that there's no warrant for why this, sort of, uh, education and development of Native American art isn't happening inside already. We're to contend that the implications of the disadvantages and the benefits of the counter-plan are always going to outweigh this, are, are, are always going to, like, outweigh the minimal benefits that are going to be accruing from this. But secondly, we're going to contend that the plan leaves, the plan, like, like, of, of, um, sorry, is of, um, going to carry the message that only unilateral action by the US federal government is going to carry the means of sustaining, like, Native culture. This is always going to be net-detrimental to, like, the sustainment of native culture.

But on advantage three, blood quantum. We, we're going to contend that there's no warrant for why this perceptual shift is going to change the development of the blood quantum. They're, simply just blip this out and tell us it's going to happen. However, I simply don't believe that's going to be true. I contend that the exertion of control over Indian country is going to be, on the whole, net-detrimental to what's happening in that, um, to these people and is going to be far, far worse.

Let's go to the first disadvantage on government control being bad. The A subpoint. We're going to contend that government control of art education is fundamentally detrimental to the idea of art, in and of itself. Look to the AP art exam, where portfolios are judged on a one to five scale on what constitutes good art. This isn't necessarily improvement or effort, but rather, how you measure up to a heuristic of what is good art.

We're going to contend that so long as the government team is espousing this government model of education, they're going to be following this very same model. It's not about being creative or true to an interpretation of art as per Native cultures, it's going to be about following the governments, ah, description of what Native history has been. We're going to contend that all their harms that they're talking about are simply going to be reified as per their case.

The B subpoint. We're going to contend that this is always going to turn people away from the art that they're studying. It's only going to make things worse as regards the study and appreciation and, like, um, acknowledgement of the unique, uh, nature of, uh, of, Native American communities. But more to the point, we're going to contend this is always going to turn back the entirety of the case debate. We're going to contend, at that point, that this is going to make things far worse. But before moving on to our next disadvantage, I'll take your point.

QUESTION, JOSH ANDERSON:

What was your argument after “follows government interpretation of history and culture,” and before “turns the case?”

LO DARRYL STEIN:

It had to do with the way that art education has been, um, empirically been, uh, operated in the government, that determinations of quality and determinations of, um, how things are oper-, um, what constitutes good art and how art is taught follow, um, government norms. For example, like, Robert Mapplethorpe isn't usually taught in, like, um, um, art education classes because, um, he doesn't fall into the norms of what, like, the government considers to be good.

The disadva-, the next disadvantage is, uh, we're going to regard private school shifts. The A subpoint under this is the uniqueness, is currently curricula line up between public and private, like, public and private schools. Uh, we're going to contend that this, um, that, um, that this is always going to, like, allow people who attend public and private schools to attend the, uh, attend school, uh, sorry, have the same chance at getting into college as-

The B subpoint is the link, is that plan is going to increase, and, uh, we're going to contend, mandate a shift towards the, um, a, uh, uh, an increase in art education.

The C subpoint is the internal link, is that public schools, public school students are going to be at a disadvantage at getting into college.

The D subpoint is the, uh, impact. We're going to contend that when students are unable to get into college, that you're going to see, um, a link to cyclical poverty. Which is going to, like, reify the problems that are happening, um, as per, like, their articulating the destruction of Native cultures. This is far bigger a problem when you force the assimilation of Native, uh, uh Native Americans into the mainstream culture. Before moving onto the counter-plan, I'll take your point.

QUESTION, JOSH ANDERSON:

Yeah, can you just repeat the subpoint A argument about public and private schools.

LO, DARRYL STEIN:

They have similar curricula in the status quo.

Onto the counter-plan. That, like, plan is going to, uh, like, increase the, um, increase the use of, uh, art education in, um, in, in public schools as opposed to private schools, like as per your plan. If you're going to accrue any solvency, that's going to change, like, the balance.

The counter-plan. The A subpoint is the text. The United States government should consult American Indian tribal governments on plank one, consultation is binding and they will accept minor modifications, we will do planks two and three.

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B sub-point is the status. Our counter-plan is dispositional. Theory arguments will re-direct the argument, not the team. We contend that this is better because it'll allow us to have a cleaner debate, um, and we are going to contend that this is always better because we won't have blippy theory debates and this is a final round and that would be bad.

The C sub-point is the competition. We contend this will be mutually exclusive because they're going to have to sever the durability of the plan, specifically on the first plank.

The D sub-point is the net-benefit. We're going to contend firstly that we're going to solve the disadvantages, primarily the, um, the first disadvantage that we talked about, regarding how this material is going to be taught in schools. Secondly, we're going to contend that we're always going to solve the case better at the point where the tribal councils are going to have a say in how this is going to be implemented and how this money is going to be allocated and how these, um, how these things are going to be taught. But thirdly, we're going to contend that we accrue a unique advantage at the point where we are treating the American Indians as a live voice and not as a, and not as a static entity but as a dynamic entity involved in policy making.

We're going to contend that the impacts they talk about on the sustainability of Native cultures is always going to be best accrued by the counter-plan. We're to contend that, we-, I'll move onto the impacts after I take your point.

QUESTION, JOSH ANDERSON:

Sure. Yeah, what is the consult over, specifically?

LO, DARRYL STEIN:

The, on, on the implementation of plank one.

QUESTION, JOSH ANDERSON:

What does that mean?

LO, DARRYL STEIN:

Uh, can I get your plan text back?

QUESTION, JOSH ANDERSON:

Like, the amount of money or what?

LO, DARRYL STEIN:

Uh, yeah. Sorry. Yeah, that the United States federal government is going to earmark one hundred million dollars going to schools in Indian Country for the study and production of American Indian art. Like, the, because you're earmarking it for a specific purpose, we're going to contend that the definitions of what counts as American Indian art, what counts as the

production of American art, of American Indian art; these definitions and, like, all your harms about the genocides being perpetuated against, uh, American Indians, this is going to be, like, fundamentally, like, link turn the entirety of your case at the point where you're going to be reifying, like, the abuse of this through, like, this unilateral action against Native Americans on Indian Country. I think that answers your question. We're to contend at that point, this is always going to be the best way to solve, as I was saying before.

Um, let's, um, let's continue on that third point on the advantage. We're going to that ultimately the best way to, uh, sus-, uh, sustain cultures is to not to treat them as entities to, uh, be dealt with through the plenary power of the United States federal government, but rather to be respected through the consultation through the counter-plan. Only through this are you going to be able to accrue solvency through, uh, uh, dealing with, like, what counts as Native American art in the proper sense. This is going to be the best way to accrue the advantages, um, and the best way to avoid the disads and the best way you're going to be casting a ballot for the opposition from UC Berkeley, for that reason, we beg to oppose.

Thank you.

Third Constructive Speech (8 Minutes)
Member of Government, RACHEL SAFRAN
University of Puget Sound

Hi, of course I'm going to quickly do some thank you's before we get started anywhere else. I just wanted to extend Josh's thank you's, of course, to the NPDA board and especially to OSU. I think it's really important to note that they were not too keen on hosting this tournament, such a huge burden. The community really rallied behind them and kind of forced them to do so and they really worked hard to find all the rooms, to find all the accommodations. I think they did a phenomenal job of supporting this community. We appreciate that.

Of course just to extend a lot of other thank you's that have been said in the round, to our coaches, to Derek and JJ and Kara, all of our other previous coaches, who have been just a phenomenal support in any possible way that you can imagine. Um, to the community as a whole, this is, as you know, our last debate round ever for all four of us sitting up here and I just want to say that it has been an amazing experience and I can't really imagine, you know, my life without each and every one of you and all the debate rounds and all the judges in it. I think it's been the best part of my college experience, so I appreciate that.

And of course, to Berkeley, they are probably two of our favorite people in the community. We're sorry we had to kick you off the team so it wouldn't be a closeout. Uh, we appreciate you showing up, uh, there's no one else we really think we would rather have in this final round.

And of course, thanks to Josh, he's an amazing friend, in and out of debate and I can't really imagine my life without him. He's probably off to China next year; he's abandoning me, which I think is really not nice.

So, let's go ahead and get to the debate at hand. I think it becomes extremely problematic when I don't really understand what the advocacy coming out of the opposition is. They say, "Well, like, you could change what the art would look like." But I don't think they give you any extrapolation as to what the consultation would change and what the effects would be. And I also don't think that they get out of the second disadvantage they talk about, which is going to become problematic. But let's talk about the case debate.

The first argument that Darryl makes is that there's absolutely no warrant for the education not happening now. I think absolutely, I mean, like, how many of you had actually heard of the painting that Josh talked about? How many of you have actually seen smoke signals? Our argument is that even if that small amount of education is already taking place now, it's not in the right framework. Our argument is it's making dream catchers in art class and they call it art, and our argument is that there is absolutely no input taking place and we just think that it's not enough. Right? It says "insufficient" in the resolution, I don't think it's our burden to prove that there is absolutely none happening in the status quo.

But additionally, yeah, that's right. Additionally, it only sends the message that unilateral action sustains culture, absolutely not. We think unilateral action is key. We need to take responsibility for the genocide that's been committed. If the American government is the one that screwed them over in the first place, we would say it sends a much better message to say, "here, you deserve all this money, we're going to do it and this is what you deserve."

We think consultation, if anything, is kind of a slap in the face. Like, are you sure you want this money? Do you want to fund your art? We don't think that's the best policy to have. We think it's pretty demeaning to this culture. I think at that point, we are the only ones taking, like, a unilateral step towards, taking a unilateral step towards taking responsibility for our actions.

But I think you can also go onto advantage three, which he talks about, he says again, there's no warrant for we would get rid of the blood quantum. I think our argument is, if nothing else, at least we decrease its effects in education because we change the way money is allocated in education. But at the very least, Josh gives you some pretty good rhetorical evidence as to why this would be a step in the right direction. It is a government precedent; it is the way that any other Supreme Court or legislative precedent works. Because once you have one instance where the blood quantum doesn't apply, it at least opens the gate for it to be elsewhere. Nobody, like, no other policy option is going to be able to give you that discourse.

Your question.

QUESTION, DARRYL STEIN:

Why is there a legislative precedent? I thought courts use precedent.

MG, RACHEL SAFRAN:

Our argument is, like, you can have, I mean, it's the same reason once you get one prohibition law or one amendment passed, you see it in a lot of other places. It's like, oh, that was a pretty good idea, nothing bad happened, maybe we should do it too. Like, just because we don't guarantee all of blood quantum going away, doesn't mean that we are not rhetorically, at least, making a perceptual shift in the right direction.

But on their first disadvantage about government control of education, that it actually hurts art. I think first and foremost, our argument is, like, not everybody has AP exams. This is the only example that they give you, is this one to five scale of what is good, quality art.

But additionally, I just think that we're not telling you the def-, if anything, we solve this back entirely because we give you plenty examples of how art would actually criticize the government, right? It steps up and says, "Look at the war and the atrocities that you've committed." We give you lots of examples as to how this Native American and American Indian art would actually be criticizing the government and saying, "look, our art and our opinion is equally valid and we don't really appreciate your scale."

But additionally, I think that there's just no internal impact. Like, they're not going to be on the AP art exam and neither will the plan, counter-plan, status quo. They don't get rid of the AP exam, which means, if anything, their advocacy just tries to mask the harms of what government control exists in other parts of the public education, right? Like, they only consult over plank one, which means that everywhere else, art is getting corrupted by the government, according to them. This is not a net-benefit to the counter-plan.

But additionally, as far as turning case, I think plan is the only one that is placing, we don't place an evaluative quality on, like, what is good art and what is not, right? Like, we say, "here is the money, you do with it what you want. You produce what you want, you call art what you want." Which is why counter-plan is not competitive, right? Like, we do not say what qualifies as art anywhere in plan text, which is why our argument is that we are the only ones making a rhetorical stand to saying, "look, here is your ability to use the money in any way you see fit."

So go on to the next disadvantage about this curricular tradeoff. Again, this is not a net-benefit to the counter-plan and so at that point, I don't see why you would choose to reject us, at the point at which we're not there, there won't be theoretical arguments unless they tell you how to revert to the status quo. I don't think they weigh it against the case impacts. But additionally, I would tell you this tradeoff is fairly non-unique, right?

Like, the public schools aren't funded right now; No Child Left Behind pretty much screwed all the teacher standards. I don't think if their argument is true, it's not just about art. But additionally, we would tell you these are elective classes; there are already art classes now. If anything, there would just be a shift to now instead of studying just one modern art painting, now you study this Native American art painting. I don't see any trade-off that they talk about.

And I just don't, like, what's the impact of not getting into college? I don't think he tells that to you. I think that there are plenty of people, like, on the reservations who are not getting good educations, they are not getting that discourse, like, they're not getting into college either. I don't think there's a terminal impact to not getting into college. I mean, college was good for me, but I don't know what the impact is.

So on the counter-plan debate. He says they consult the Native American governments through binding consultations over plank one. I think the problem is that I don't know what the consultation is about, right? He says, "how much it is and what art looks like," but that means that there is only a possibility that Native Americans say that, "we don't want that money," or, "we want more money," and at that point if it's binding negotiations, the government would have to say, "no." I don't understand what solvency they get.

But additionally, at the point at which we don't specify anywhere in counter-pl-, in our plan text as to what qualifies as art, I don't that it's a shift for us to say perm. Like, we can consult over what qualifies as art if you want to have that discussion. But I still don't think that that's a net-benefit to counter-plan at the point at which none of our rhetoric says, "this is art, this is bad art," or, "this qualifies as art." We do not make those distinctions.

If anything, I think all of advantage two tells you that we're actually questioning what is traditional art, right? Like, here, crafts are also considered art. If you want to use it to do that, that is your ability and your right. We just earmark the money. There is absolutely no specification.

Which is the next argument; at the point at which you, if we only earmark the money, that means those schools don't have to take the money if they don't like our interpretation and that act of rejection would be just as much discourse as they do. Like, I think it becomes problematic when they don't take a stance coming out of their first speech what the co-, what the result of the consultations would be. I don't know if it's a straight yes or no, I don't know the result, like, what would be the requests coming out of these governments.

I think it's really important that Darryl should have to provide that kind of analysis in his first speech so I can make arguments as to what the results of consultation would be. This puts me at a huge strategic disadvantage because if they are going to exclude on kind of art as less, I should be able to make arguments about why that form of art would be good. I think it is extremely vague, which is why it will lead to the bottom

of the counter-plan, when, uh, I am done with the counter-plan debate, which is vagueness. I think at the point at which they don't specify a net-benefit beyond the disads, because I proved to you neither of them are net benefits, to just consulting over plank one when they leave planks two in place, then I don't understand why they couldn't have that specification. He had a minute left at the end of his speech; he could have at least given it a shot.

I also think you cross-apply the arguments on advantage two, er, er, on their first disadvantage, advantage one, which says at that point, they are the only ones actually reifying those harms and saying, "Look, we'll consult over this one, but we'll let art be far worse everywhere else." I think at that sort of performative contradiction should be rejected first, because if they knew it was a bad idea and then they endorse doing it anyway, that's the sort of bad policy making that we would reject. Your question?

QUESTION, LO DARRYL STEIN:

Our advocacy is that they will say yes, except they will ensure that the art is not being taught in a way that, like, contradicts their culture.

MG, RACHEL SAFRAN:

Okay, here's a couple problems with that. I still think it's fairly abusive for you to specify that now and if anything, if you just say they say yes, there is no reason why you would prefer plan over counter-plan if they're just going to say yes. And additionally on the argument that they would specify how you would teach it, right? Here's the problem, is that plank one just gives it to the Indian Country schools, right? Which means that they already had the autonomous control via the plan. The only way that they don't have control is over plank two, and guess what? They don't consult over plank two, which means they don't get to have any control over how the rest of the public schools do it. Which means if any of their ideology arguments are true about this being shifted externally, it is still going to happen in the world of the counter-plan. But additionally, I think you cross-apply my overview analysis that says I don't really understand, like, what is the impact of consultation, independent of itself? There is no net-benefit to just the act of consultation that they make anywhere. At the point at which it's not normal means, we don't consult them now. If anything, I think it is just pretty blatant- not nice to say, "Hey, do you really want this money? Do you trust us to give you this money?"

At the point at which our plan advocacy very clearly says, "Here's a hundred million dollars, go teach some of your art and do whatever you want with it and we're going to try and spread that message in some of our schools as well." There is no offensive advocacy that is coming from the opposition that is not usurped by the entirety of our plan. So for the second time, I urge for a government ballot.

Fourth Constructive Speech
Member of Opposition, MIKE DORSI
University of California, Berkeley

I also have some thank you's. First, thanks to the members of my team who have been like my coaches and the members of this community who have been like my teammates. First to-, first among them to James Chang, who was, um, my partner my sophomore year and who has been like a coach to me this year, judging for us. To Nick Garcia-Mason, who was my partner for one week and who has been a great help to us as well. If you ever want to know anything about drug policy, ask James. If you ever want to know anything about anything, ask Nick. Thanks to Millicent Morris Chaney and Tom Cordi at the office, uh, the Associated Students of the University of California's auxiliary, they are our sponsoring department. They took us in when we got kicked out of our other department, so that was really great that they allowed our team to survive.

Uh, thanks to the tournament, thanks to the tournament, to Trisch and Mike O. and everyone else who has made this tournament possible.

To our friends in the community, particularly my friends at the University of Washington, Christi, ML, Paul and Chris and everyone else there.

Uh, thanks to Darryl, thanks to Darryl, who's been a great partner, to my parents, for helping me to exist and, uh, for being here and coming to see this, and to Elizabeth, I love you. And to Darryl for telling me to back away from the microphone. Thank you.

Disad on government control. First, they say that everyone, not everyone has AP programs. Sure, not everybody has AP programs, but our argument is how educational definitions of art create limits. Particularly when they come from the federal government, which has to define standards of art and say, "this is art," right? The federal government defines its own policies. Our argument is that their plan has the federal government, has, like, has a definition embedded in it, right? You have to assume that their plan text is somehow stable, not that their plan text can somehow, like, change when they redefine it later in the round. That's really not fair to us.

Moreover, I tell you that the definitions of art are more likely when you have the federal government mandate something than when you have a process of consultation, which can make those standards more transparent because the consultation process can be discussed and you can have more discussion and that, like, allows you to incorporate more alternate views.

Next, they tell you they have examples of criticizing the government. But I would tell you that the government is more likely to limit criticism if you don't consult, if you don't consult over it. We think that the limitations on criticism are more likely. Remember what happened with the Virgin Mary that supposedly, like, had elephant dung on it or

something like that, in New York. That's wha-, that's, lots of people get upset with that. Members of congress are going to make sure that their definitions of art, saying that that's not art, get enforced. We think that consultation I going to be able to check that back and get you a benefit.

They say we don't get rid of the AP exam. Okay, we don't get rid of the AP exam. That doesn't get rid of our, doesn't get of the thr-, like, the crux of our argument here that government control of art is bad. They say it masks other things like, like the things that go on elsewhere in the case. I would tell you that it's not going to mask it because the consultation will be an important public process where you recognize Native American culture as one that's dynamic and people who still exist and should have a voice in politics, rather than one that is static and needs to be treated as a solid item that can't be dis-, that can't be talked with.

Lastly, they try to extend that their argument is, like, this evalu-, er, like, uh, yeah, the last argument that Darryl makes, er. Their response is that there's not an evaluation of good/bad art through their stuff, but there's still the US federal government definition of good vs. bad art. I think we're getting a benefit on the counter-plan with this argument and I think we're going to win on this.

Let's talk about the counter-plan next. First, as an overview, Rachel tells you she doesn't know what consultation does. Well, it's kind of funny and this happens to us a lot in debates. People ask us questions and we answer them and they pretend like we didn't answer the question. Darryl gave you a long, a lengthy explanation of the answer of what the consultation does to the ability to define what goes on in the plan. There's, like, like, there's a discussion over what constitutes art and what constitutes the funding and there's, like, the plan has various terms in it and what they mean, they can be modified, the amounts can be modified, the amounts given to different, like, groups can be modified, right? If there's discussions over this, those can be consulted and those can be changed. We think that they're generally going to say yes and we think there may be minor modifications which should be beneficial so they're not destructive to the cultures.

The first argument proper on this is they don't know what we're consulting about. I think that I've already answered that. That's the same argument as the overview.

Then they say the plan doesn't specify, like, doesn't specify what happens and what qualifies and that therefore we're not competitive and that the plan can effectively be the same thing. I think this functions as a permutation. The problem with this is that it severs the unilateral nature of the plan text. The plan text is the United States federal government, acting alone, making a decision on its own. It's their agent who does something, not their agent who-, like, changes the something they do.

But secondly, the possibility of conflict, the possibility of this, of, of tribal governments saying no allows for the possibility of rejection. That means our counter-plan isn't durable, while their plan is, right? There's a

possibility that some tribal governments may say no. They may say they want to make a political stance or a political statement of, “no, we don’t want anymore federal government money.” That means that the counter-plan is competitive, that there isn’t a permutation

Then we would tell you that they will want different amounts. I think I’ve already talked about some of the differences they can talk about and Darryl is going to talk about that too.

Then they talk about advantage two, how there’s, like, the, uh, uh, their art and that there’s some sort of benefits to art. I don’t think they’re telling you why this isn’t best with the consultation because you get more voices incorporated into the decision-making.

Then they say that the earmarking doesn’t necessarily tell you what it goes to, but it necessarily goes to things defined as American Indian art. What if, like, the tribal coun-, what if tribes decided they wanted to spend it on something that may not be defined as American Indian art? What if they wanted to spend it on, like, South American art or other cul-, or other tribal art that they consider to be valuable? There’s all sorts of ways in which they can do this that could be different, right? They could be limited. The earmarks limit it to a specific space because of the items that they listed out in plan. That means that we do- that even though they don’t say the results of the funding, they’ve effectively limited it though the mandates of their plan.

The next argument is that they ex-, is that we could have, like, their disadvantage could be that one form of art would be excluded. They were perfectly free to make any argument that any Na-, that any tribal council or any sovereign government of an American Indian, of an American Indian nation could have said no to a particular kind of art and why that could have likely have happened. They just chose not to make that argument.

Sorry, I didn’t realize you were there. I’ll catch you at the end of the position. Hammer on something next time ‘cause, like, you’re outside my field of vision.

Um, so, like, I would think that you would realize that there’s the potential for them to run this argument, that there’s, that there’s, like, the loss of that.

So, go ahead.

QUESTION, JOSH ANDERSON:

Okay, can you give me an example of some piece of art that Native Americans would want included that the federal government definition would not include that would then change as a result of consultation?

MG, MIKE DORSI:

No. I’m not of Native American and I don’t think it’s my place to say.

Then they tell you there’s no net-benefit beyond the disadvantage. That’s funny. Darryl tells you there’s a third net-benefit that’s a unique advantage to the counter-plan that tells you that it recognizes Native

Americans as the dynamic and currently existing people, rather than a static voice that should be treated that way. I think you can extend that. I think this is where we're going to win the round.

They're not giving you much benefit to the independent action so I think we win there. Then they say they can cross apply advantage one because there's consultation that does some bad stuff. But I would tell you first that, like, there's no reason to, er, that we preformatively contradict here. I say this isn't true, like, outside of American Indian reservations, those people aren't sovereign, right? We have no reason why we should necessarily say that the Shoshone should say what should happen in, say, in New York with someone who might self-identify as Native American. But effectively, plank two lets people self-identify and make at least some decision on that level, so that's good. But also I tell you that, like the blood quantum issue, you wouldn't want to make someone have to be defined in that ar-, in that way. But moreover, I don't understand why performative contradiction would be a voting issue anyway. It would just be, like, a dis-, like a mitigator on our argument.

Then they give you the specification argument, that plan is the counter-plan, but I've already responded to this above.

They talk about plank one being giving to schools and they have control, but I think I've already responded to this.

And they've, lastly they tell you no net-benefit to the action of consultation. We gave you the third unique net-benefit to the action of consultation.

Let's go to the case. First argument on the case is that there is, there's Darryl's argument about why there's no unique reason things aren't happening in the status quo. They say there isn't, like, some small education, there isn't the education they talked about in the PMC. Okay, that's fine. The counter-plan is going to solve this just as well. We don't need that argument.

Then they say that unilateral action is key to take responsibility. I would tell you this is a bad mindset because it does the action Darryl talks about; treating the stranger as someone else who's static and rather than dynamic and you don't treat them as an individual who you treat as a dynamic, existing culture that changes with different demands as a changing, as a changing society. We think that's more respectful of American Indian cultures and you should support that.

On advantage three about blood quantum, they tell you that there's effects, you get decreased effects through education but the counter-plan has plank two in it as well. That's going to be just all right. They say there's pre-

You can give the counter-plan text to them Darryl. The counter-plan said only consult on plank one, you do plank two just the same as the plan. You made the argument about that on the performative contradiction, Josh. Moreover, I think the precedent argument would happen the same way, but I think that's slippery slope fallacy anyway.

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On the curriculum argument, they say it's not a net-benefit to the counter-plan and since we're going for the counter-plan, that's cool. There's no offense that's comparative between the counter-plan and the, the plan on curriculum argument, so that goes away.

You can vote for us because we have really cool arguments. I think we've preven-, presented you a compelling story. Thank you all for listening.

First Rebuttal **Leader of Opposition, DARRYL STEIN** **University of California, Berkeley**

Before I begin, just, thanks to Mike Dorsi, it's been an incredibly fun two years.

Let's start off with the counter-plan. Actually, let's start with the disadvantage on government control. Now, where we're getting the impacts on this comes from, not necessarily off the AP art exam, we're not stupid enough to think we're ending the AP art exam, I think you know that too. Our impacts on this disadvantage on this come off of the fact that the US federal government sets definitions of what's included in "good" art, what's included as "valid" art.

Now, even if we're not going to, necessarily, like, exclude certain types of art, which we claim the government will do, we're going to contend always that the government's involvement in art education is always going to be net-detrimental to this process of art education. It's not necessarily that this is going to stifle the process of creativity, which we might have run had they run a different case, but this is going to turn back the implications of the entirety of their case. When this destroys Native cultures because it's being distorted by the way the federal government becomes, becomes involved.

We're to contend that consultation's going to always solve this better because at the point where Native Americans become involved in the process and become, ah, and become involved, and, and articulate, uh, what these earmarks are going to go towards, this is always going to solve for the government control disadvantage and means that this, uh, that we're going to, ah, control the uniqueness on this disadvantage and you're going to cast a ballot there.

I think on the counter-plan though, is where we're really going to be winning this debate. But before I go there, I want to talk about the case debate.

They're not going to be accruing any unique benefit off the slippery slope arguments on the blood quantum nor are they going to be accruing any unique benefits off the taking responsibility. They never quantify this argument nor are they going to be able, like, um, um, ah, outweigh the net-benefit, um, that we're going for at the bottom of the, uh,

consult counter-plan, where we tell you that treating American Indians as a live voice, being key to stopping the, uh, the continuation of the genocide that's happening right now.

This slap-in-the-face argument might be true, but they don't ever impact it to the point where it actually can outweigh the unique net-benefit to the counter-plan.

So let's talk about why the counter-plan is always going to be better than the plan. We're to contend that our counter-plan is theoretically legitimate. I think you can extend all of Mike's analysis where he tells you that they, like, uh, about why the earmarks are going, are only able to be going to certain things. They ask for an example. Like, I think Mike gives you the analysis that, like, the response, which is going to be sufficient to this, but, and I had another couple of minutes to think about it, but I think you can look to the example we gave you, uh, in the leader of opposition constructive about the US federal government not considering certain types of art to be acceptable. The example of, like, the painting of, I think it was the Virgin Mary, that he mentioned that had elephant dung on it. Like, this sort of thing might not be covered under, uh, what the plan, the consultation would solve for this sort of thing, which would be the net-benefit. We're going to contend that this is always going to be preferable to the plan.

Now, why are you going to be casting a ballot for the counter-plan over the plan? Now only are you going to be solving for the disadvantage, what you're going to be able, it's the only way to accrue, uh, the disadvantage, that third net-benefit, we would contend treats American Indians as a live voice and not as a static entity, but rather as a live voice, a dynamic voice that is to be included in policy making.

We contend from the beginning of this debate that this is the only way to solve for the genocide that we contend, and they agree, is happening in the status quo. At the point at which this is the only way to solve for the genocide and they're conceding this out of the member of government speech, you have no choice but to engage, but to, uh, vote for the consultation counter-plan. We contend that this is theoretically legitimate at the point where, like, where we've answered all the questions on how this is going to be different, at the point where there are going to be minor modifications that, um, are going to, uh, change the way that this education is engaged in. At the point, at the point where the permutation would sever out of the, um, uh, certainty out of the plan and making them, like, conditionally affirming, whatever that means. Um, we contend at that point that this, uh, uh, this counter-plan is always going to be the best policy option in the round.

This, uh, the disadvantage on, ah, private shift goes out of the round, there's no comparative analysis on it and you're left simply with a counter-plan that has an uncontested net-benefit on it and a disadvantage that, uh, that, uh, we contend is, um, always going to, ah, flow to our side better.

We contend that, like, the art that criticizes the government is never going to be allowed, uh, as long as, uh, like, control over it. The only way to stop that is to give the power to the Native Americans and the people who have been abused and, uh, have genocide perpetuated against them throughout our history and for that reason, we oppose.

Thank you.

Second Rebuttal

Prime Minister, JOSH ANDERSON

University of Puget Sound

I'm just going to give a big overview; it'll reference arguments on the case, the counter-plan and the disads, so, flow it however you want. It's really surreal this is my last debate speech ever.

The first reason and easiest way out of this debate is the vagueness argument on the counter-plan. Darryl stood up for a point of information and said, "We will defend that they all say yes." Yet Mike, in his next speech says no, they'll make minor modifications and there's the possibility that they'll say no. This proves our vagueness point. They have not given you given you a consistent story what the consultation looks like. You can extend the impact to vagueness. That puts us at a huge strategic disadvantage. We can't generate offense off of the counter-plan if we don't know what happens in the world post the counter-plan. This is a theoretical reason to reject the counter-plan, which means all I would have to do is prove the plan outweighs the disad.

The second reason we are clearly winning the counter-plan debate is the performative contradiction masking argument. They do not come to terms with what our argument is. On the counter-plan, their number one is that it's not a performative contradiction because these people aren't sovereign anyway. Wow. I think that contradicts everything else they've been saying in the debate and feeds our rhetorical arguments. But our performative contradiction is that they're only consulting over one thing, but not consulting over anything else, which allows that there's oppression in all of these other spheres. This is a completely conceded argument. This becomes a disad to the counter-plan, right? We would say that this disad to the counter-plan outweighs the net-benefit. Perpetuating the oppression, of, of, uh, yeah, uh, the repression of an already oppressed group outweighs some people not getting into college because that's non-unique. There's people not getting into college now and there won't be post the plan, but they mask the oppression of an already otherised group and perpetuate that. They do not handle the argument.

Oh, their number two off the performative contradiction is, uh, they talk about plank two and self identification, but, uh, I don't think plank two was part of their counter-plan. I don't think anyone else heard that, but additionally, that doesn't answer our performative contradiction, which says they only consult over the issue of art, not anything else.

The third reason to reject the counter-plan is the slap on the face argument that comes off the case debate. Our argument wa-, er, Rachel outlined this pretty clearly, that the counter-plan is a huge slap in the face. Uh, here's some money. Are you sure you really want it? Are you sure you really want to teach people about their art? I mean that is like, uh, our argument is that that fundamentally, rhetorically just turns back absolutely every, uh, like, all the advantages that they're claiming and it feeds the masking argument about the disad to the counter-plan.

But the final reason that we are, uh, winning on the counter-plan is the perm. Right. Our argument is consult over what qualifies as art and, uh, allow that to be part of the consultation process. They say that this is severing the unilateral nature of the plan. No, because we don't define what art is in the PMC. We say earmark funding for art. We don't take a stand on what the definition of art is. They do not ask us a question, what is the definition of art? Which means we give money to the tribes, they can decide however they want to use it ad-, as per their own definition of art. Uh, additionally, uh, off their number two is that there is the possibility the tribal governments will say no. But extend Rachel's number four argument that we only earmark the money; we don't force them to spend it, right? So if they wanted to say no, they could do that in the world of the plan, which is another reason the perm is a good idea.

All four of those reasons are reasons why, well, the first and the last are reasons why the counter-plan would go away and the other two are disads to the counter-plan and I've already explained why the disads to the counter-plan outweigh their net-benefit. But, if we are winning our first or fourth argument, that the counter-plan is theoretically illegitimate, you evaluate the plan versus the disad. We say that the plan outweighs the disad for a few reasons.

First, that the political empowerment of a marginalized group outweighs some people not getting into college, given that that is a pretty non-unique impact. But the second reason it outweighs is the historical context. That this is a group whose oppression is not being recognized in the status quo and the plan is a unique way of doing that. They don't have a counter-plan to do that, which means that the plan is the only unique way to recognize their oppression. But, I don't think we're losing on the disad either. Let's go there.

Okay. Uh, yeah. Extend Rachel's number two; that art can criticize the government. Their response is nonsensical. They say that the government would be, uh, would be likely to limit, uh, criticism if there is no consultation. But the consultation isn't with the federal government; the consultation is with the tribes. I don't understand how congress people and senators changing their opinion would have anything to do with the consultation. Addit-, so, you can extend that we have given you empirical examples of art that is used to criticize the government. They have not given you any empirical examples of art that could, er, like, of what kinds of art would be silenced as a result of these bad standards. They assert there

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are these bad standards. We have asked for examples, they do not give them to us.

We're also winning the masking argument. Their answer to masking is that, uh, oh, it's not masking because they consult and recognize native culture. But again, that's not understanding our argument. They only consult over, uh, one issue, not all issues, which means they mask all the other issues.

But, look. At the end of the debate, they have never compared the disad to the counter-plan. I'm the only one weighing that argument for you. I think you're always going to prefer actual impact analysis than making up your own. Thanks.

Puget Sound wins over University of California, Berkeley (7-2).