

ON THE IMPORTANCE OF INCORPORATING LEGAL RESEARCH INTO VALUE ARGUMENTATION AND ADVOCACY: THE CASE AGAINST MISPLACED PATERNALISM

by Elizabeth I. Rogers and Minh A. Luong

In a recent response to our essay, “Utilizing Legal Resources in Value Argumentation and Advocacy,”¹ attorney and owner of Power Punch Debate Briefs Marty Ludlum advocated “a ban on the use of most legal materials.”² After reading Mr. Ludlum’s response, we felt that the bold claims and dire predictions made in “An Attorney’s View: Using Legal Materials in Debate,”³ simply could not go unanswered. We are writing this essay to respond to Mr. Ludlum’s primary issues and to reiterate our position that legal research can be extremely helpful – indeed vital – to the development of value-based argumentation about social issues such as those brought to the fore by current Lincoln-Douglas (L/D) debate resolutions.

A Difference of Philosophy Regarding Lincoln-Douglas Debate

To begin with, we believe that Mr. Ludlum is wrong about what high school debate is supposed to provide and what it is not. Given Mr. Ludlum’s profession as a licensed attorney, his concern with the technical knowledge required to be a good lawyer is understandable. However, as debate coaches and educators we point out that the purpose of high school debate is to begin the process embodied by the NFL mission of “Training Youth for Leadership.”⁴ If we are to train educated citizens and leaders for the 21st century, that training must begin with a fundamental understanding of the laws and rules of our society and the values at stake with respect to them. L/D debate promotes this training by exposing students to arguments about social rules and values and fostering the ability to assess those arguments critically. The best L/D debates are not highly technical in nature but reflect a general understanding of the underlying legal principles and application that a reasonable, non-expert judge can understand. Legal research in L/D should be used toward this end, not to teach students to formulate laws or argue them in court.

Many of the arguments presented in Mr. Ludlum’s response are founded on the premise that debaters need to perform like and be held to the same technical and evi-

dentiary standards as trial attorneys in a court proceeding. The quibbling about jurisdiction of state opinions and state vs. federal cases illustrates this point. Mr. Ludlum’s insistence that “[a]ny practicing attorney will tell you that cases from outside your jurisdiction mean nothing” demonstrates his ignorance of how Lincoln-Douglas debate is actually practiced at the high school level. L/D debate requires debaters to question the principles society – and its laws – *ought* to reflect. As such, there is no “controlling jurisdiction;” no final authority with the power to mandate the outcome of an L/D round. This is why the journalist’s privilege resolution was debated so well last year despite the fact that the Supreme Court had already spoken to the issue in *Branzburg v. Hayes*, 408 U.S. 665 (1972).

We agree wholeheartedly with Mr. Ludlum’s first statement that “[d]ebate must keep the respect and support of the academic community to remain a vital part of the educational process. It can only remain so as long as debaters use evidence in the context it was written. [sic]”⁵ Mr. Ludlum errs, however, by assuming that legal resources are necessarily taken out of context if applied in L/D debate. Legal resources can be used to increase general knowledge of a topic, and to develop ideas for value-based arguments with virtually no risk that they will be abused in debate rounds. Aside from providing such crucial background information, legal sources often make value-based claims in addition to engaging in technical legal analysis. Quoting these legal sources in L/D is perfectly appropriate when debaters treat them as we hope they would treat all other sources: quote a source in support of a value-based claim *provided the source actually supports the claim*.⁶

Were coaches and debaters to engage *only* in legal research, Mr. Ludlum might be right to fear that the focus of L/D rounds would be skewed. However, this rather extreme and unlikely scenario reflects neither current research practice, nor our position. We argue that preliminary research⁷ on the topic would yield a general understanding of the relevant social issues and would pro-

vide a basic contextual framework for understanding and reading legal material. Furthermore, reading decisions and, when available, legal commentary on decisions would further add to a debater’s understanding of the resolution and its context and would provide the basis for some value-oriented arguments and quotations. Our position remains that incorporating legal research into a comprehensive research strategy will yield a much richer, more contextual understanding of L/D resolutions and better meet the educational objectives of the activity.

More importantly, however, if the debate community were to adopt Mr. Ludlum’s call for a ban on most legal materials, today’s L/D resolutions could be neither accurately researched nor debated to their full potential. Virtually every L/D resolution on the 1999-2000 ballot has direct or indirect application to the legal field, with more of the former than the latter.

On the Issue of Over-Simplification

Over-simplification of arguments to the point of inaccuracy is Mr. Ludlum’s next concern. In support of this point he employs the analogy of media coverage of articles in medical journals. He states “When the *Today* show attempts to convey the information in the latest issue of the *Journal of the American Medical Association (JAMA)*, they must often simplify the material so much that the truth is lost.”⁸ But the relevant question here is, “who actually gets to read the entire article in *JAMA* to understand the full context of the material to get to the truth?” By using the approach that we advocate – reading and understanding primary sources like *JAMA* and by extension court cases and law review articles – debaters have the best chance of fully understanding the arguments and context. The debater could then listen to the *Today* show but would have a better understanding of the issue and context having read the *JAMA* article.

Mr. Ludlum is correct to point out that our article was introductory, and therefore limited in scope. However, because our article is a *secondary* source, Mr. Ludlum’s criticism actually demonstrates the importance of consulting *primary* legal resources.

Imagine, for a moment, that we adopt Mr. Ludlum's ban on reading court cases and by extension, *JAMA*. We would be left solely with sources like the *Today* show for our debate research. Should the debate community restrict itself to only interpretations or even worse, interpretations of interpretations exemplified by briefbooks? Our fear is that the truth would then certainly be lost.

Let us take Mr. Ludlum's argument to its logical conclusion: what if various "field experts" called for a ban on material in their field for the same reasons that Mr. Ludlum asserts? For example, political philosophers could say that because high school debaters cannot fully understand the conceptual nuances in *A Theory of Justice*,⁹ *Anarchy, State, and Utopia*,¹⁰ and other complex primary texts, that those materials too, should be banned from L/D debate. What research material would the activity be left with under the "Ludlum Standard?" Perhaps just secondary sources, one author's interpretation of another. However, any reputable scholar finds secondary sources inferior to original documents largely due to the risk that a secondary source may mischaracterize the original. Furthermore, anyone who has heard Bowie and Simon quoted on both sides of the same resolution knows that secondary sources can be just as abused as primary sources. If that risk is enough to ban research materials, debaters might be prohibited from researching at all. Debates would be reduced to a discussion of generalities and soundbites that defeats the purpose of conducting original research and debating issues of the day. Contrary to Mr. Ludlum's opening thesis, we see the debate community losing the respect and support of the academic community because bans such as these would drastically reduce the value of debate as an educational process.¹¹

On the Issue of L/D Debaters Using Court Opinions

Reading legal material provides another valuable source of ideas for arguments and serves as a real-life tutorial of how opposing arguments are made and evaluated. We explained above why Mr. Ludlum's concern regarding improper jurisdiction is a red herring. Arguing over state vs. state or state vs. federal jurisdiction is simply not important in L/D debate because no court has jurisdiction over an L/D judge's evaluation of the quality of the value-based argumentation presented. Even the final outcome of judicial decisions is not of primary interest

– just the reasoning and arguments behind those outcomes. It does not matter that a court voted 2-1 for a particular side; instead, debaters derive value from analyzing the formulation of arguments by both sides and the reasoning of the court's decision. As we noted in our initial article, it is never proper to cite the holding of a court case as a reason why a proposition of value is necessarily true.¹² Of course one cannot prove an "ought" with an "is."

Furthermore, Mr. Ludlum underplays the significance of state opinions by claiming that they "have no application, and doubtfully any relevance to high school debate."¹³ However, as we stated in our previous article, state opinions frequently interpret important issues of both state and federal law. For example, the Wisconsin Supreme Court upheld the constitutionality of a school voucher program over an Establishment Clause challenge in *Jackson v. Benson*, 578 N.W.2d 602 (Wis. 1998). Were we to debate whether the government ought to fund education through vouchers used by parents (even if many parents would use the vouchers at sectarian schools), *Jackson v. Benson* would be an extremely relevant source. Consulting the opinions would increase debaters' understanding of the real-world context in which voucher programs are implemented and debated, thereby increasing general knowledge of the topic. It would also provide arguments, or at the very least ideas for arguments and examples. Finally, the decision might also contain some eloquent, substantive passages which would be useful to quote in L/D debate rounds. Like federal court opinions, state court opinions can be relevant to L/D – debaters and coaches have much to gain by consulting them.¹⁴

On the Use of Legal Dictionaries

Mr. Ludlum warns not to use legal dictionaries because debaters "misuse these legal dictionaries as authorities..."¹⁵ Regardless of source, if a debater tried to use just a definition as an authority and failed to provide a reason why it was a reasonable boundary, we would join Mr. Ludlum and vote against that debater on a 3-0 decision. Mr. Ludlum cites warnings from two legal dictionaries that "definitions are within the context of specific facts and issues."¹⁶ However, Mr. Ludlum cited two dictionaries – *Words and Phrases*, and *Corpus Juris Secundum* – which provide definitions by quoting court cases. For those two legal dictionaries, it is true that debaters and coaches should read the cases cited

to ensure that the facts of the case square with the dilemma posed in the L/D resolution. It may often be the case that these definitions accord with the context intended in the resolution. However, this criticism really represents a strawperson argument because *Black's Law Dictionary* provides general definitions for legal words and phrases. Note that generic definitions from *Webster's* or *American Heritage* are also capable of being twisted out of context. That objection applies to *any* source of evidence; it in no way warrants rejection of the use of legal dictionaries in particular.

The approach Mr. Ludlum takes in proving his argument fails to credit the argumentation process in contemporary high school L/D debate. Attorneys use legal definitions to "aid their research,"¹⁷ but in L/D debate, definitions are used to set reasonable boundaries and meanings. The abuse of legal definitions in college debate observed by Walter Ulrich back in 1985, which by the way has since been remedied, is also not a reason for banning legal dictionaries from L/D. If, as Mr. Ludlum warns, a debater uses grossly out-of-context definitions, the remedy is straightforward: the opponent can easily defeat that definition by explaining how it is unreasonable given the context of the resolution.

For many resolutions, failing to consult legal dictionaries would actually cause the problems Mr. Ludlum wants to avoid.¹⁸ When topics employ a legal phrase, the only way to get a contextual definition is to consult legal materials. For example, debaters who went to *Random House Webster's College Dictionary* to define "commercial speech" for the NFL September/October 1999 topic found no explanation of the phrase in the context of freedom of speech. The definitions of the two individual words "commercial" and "speech" are so broad that they require excessive explanation and would allow non-contextual interpretations. In fact, attempts to conjoin generic dictionary definitions of "commercial" and "speech" were at a high risk of misconstruing the phrase. Those who consulted *Black's Law Dictionary* or read cases such as *Central Hudson Gas v. Public Service Comm'n*, 447 U.S. 557 (1980), fared much better at understanding and defining "commercial speech" in a context-appropriate manner.

Mr. Ludlum's unwillingness to risk sources being taken out of context undermines the credibility of debate materials like briefbooks and quotebooks. Such materi-

als utilize a format that combines short tags and quotations to make “arguments.” Where is the understanding and context here? If we applied Mr. Ludlum’s “contextual consistency standard” to published L/D debate briefs, we expect that that virtually all would fail. This observation, however, is certainly not meant as an indictment of debate preparation materials as a whole.¹⁹ Rather, it is meant to illustrate that all research material can be taken out of context. As a community we must take care to avoid such abuse; however, context can be preserved without banning the use of sources. After all, no one would abuse any sources in L/D if we ceased debating, or if we debated but prohibited quotations. These absurd measures are unnecessary because the risk that debaters will abuse sources can be reduced without banning materials. A more plausible measure is to consult all relevant sources, but cite them to support propositions only when we are sure they actually do so.

On the Use of Legal Periodicals

Unlike his first two primary claims, Mr. Ludlum does not advocate an absolute ban on the consultation of legal periodicals. In fact, he advocates limited use of legal periodicals in L/D debate. Mr. Ludlum points out that law journals and law reviews can be complex, usually address unsettled legal controversies, are often written by law students, and are not proof that a court opinion was decided incorrectly.²⁰ Importantly, Mr. Ludlum agrees that -- provided these caveats are acknowledged -- the use of legal periodicals is desirable in L/D debate despite his final three arguments (that the use of legal resources is impracticable, unfair and bad for debate). Thus, even Mr. Ludlum recognizes that his final three arguments are not fatal to a claim that the use of certain legal resources can assist in L/D debate. But what is the difference between legal periodicals and other legal resources such that the alleged impracticability, unfairness, and detriment to debate win out only with regard to the latter? The only positive attribute Mr. Ludlum assigns to legal journals is that they “at least are written in a familiar style and can be accessed more readily.” By omission, and perhaps as a consequence of their accessibility, Mr. Ludlum indicates that he considers the risk of out-of-context application less of a concern for legal periodicals than legal dictionaries or court opinions. However, it is not necessarily the case that law review articles are more easily understandable and less

prone to out-of-context application than other legal resources. Consequently, Mr. Ludlum’s internal logic suggests the following simple rule: use legal resources to assist in preparing for L/D when you can understand them and avoid using them out of context. This rule seems entirely reasonable. We advocate following it as you would with any other research source.

On the Practicality of Legal Resources

Mr. Ludlum claims that using legal resources is impractical because debaters and coaches cannot understand the material. He cites Jack Perella, attorney and debate coach, who wrote that “this process of learning takes about a year in law school.”²¹ While it might take a year of law school to read cases to the standards of practicing attorneys, it does not take special education to read cases and derive some basic understanding of the issues. In fact, as the Director of Forensics at the University of California at Berkeley, Mr. Luong was a colleague of Jack Perella when they coached together in Northern California and Jack would strongly disagree with Mr. Ludlum’s claim.²² As a debate coach, Jack taught his community college students (first and second year students who often did not have any previous debate training or experience) at Santa Rosa Junior College to use legal argumentation quite successfully – an example of how it is possible not only to conduct legal research but to apply it in debate rounds effectively.

The allegation that coaches and debaters cannot understand the material contained in legal resources is patently false. To be sure, some legal resources are so poorly written that virtually no one can understand them. The authors have encountered a few themselves. It is also imaginable – although we have yet to encounter any – that someone in the L/D community is incapable of understanding all legal resources. Much more plausible, however, is the intuition that the debate community is comprised of people who are intelligent and experienced enough to weed out the few impenetrable legal resources, and to focus on the useful portions of the well-written, relevant legal resources that abound. At the very least, most debaters are in a position where they would benefit from giving supplementary legal research a try.

On the Issue of Expense and Fairness

One of the most common objections to on-line research made by opponents is that it is too expensive and will “destroy the activity.” Mr. Ludlum makes the same

argument in his response, to which we must ask: did Mr. Ludlum read our article? Expense is an important concern; however, our initial article documented three examples of free or low-cost services.

Free Resources:

FedLaw, which can be found at:

<http://www.legalgsa.gov>

Forensics 2000 which can be found at: <http://www.forensics2000.com> (once there, click on the L-D section).

USSCplus

Both a web-based search and CD-ROM product updated semi-annually, includes complete Supreme Court coverage from 1938 through 1998. Together with selected older leading cases from 1793, the USSC database has a total of more than 8,500 decisions at:

<http://www.usscplus.com>

Additionally, Cornell University Law School’s “Cornell Legal Research Encyclopedia” includes many free services to find primary source material as well as legal articles at:

<http://www.lawschool.cornell.edu/library/take1.html>

Mr. Ludlum attempts to scare high school programs into adopting his proposal by asserting that “this form of financial elitism has been devastating in college debate, leading many colleges to abandon their program rather than spend a small fortune on forensics.”²³ First of all, as a former college coach and program director, Mr. Luong points out that colleges have not abandoned their forensics programs simply because of research expenses. Shrinking university operating budgets are forcing institutions of higher learning to reduce or eliminate many programs, not just forensics. If anything, on-line research has been the saving grace for many more programs for the following reasons:

- Decreased operating expenses.

The traditional research method, book and journal photocopying, can be reduced by on-line research. By storing documents electronically and editing them in word processors, many programs have reduced copy expense and paper waste by up to 75%.²⁴

- Decreased handbook expenses.

By conducting original research and editing the quoted material, many programs

have reduced or eliminated the need for brief/quotebooks. Consider the cost of one USSC+ CD-ROM containing Supreme Court cases that can be used throughout the season (and beyond) and costs no more than two or three briefbooks, which are good for only one topic.²⁵

• Small colleges are now competitive with big universities. On-line research (including legal research), contrary to Mr. Ludlum's claims of financial elitism, has been a tremendous equalizing factor in college debate, allowing previously uncompetitive small colleges with limited library collections to successfully compete against programs from large research universities. Look at the facts: ten years ago, large programs dominated the top-20 rankings; today there are small colleges as well as traditional powerhouse programs in the top ranks of college debate. The directors of small programs have been able to justify their budgets and even save their programs because of their ability to "compete on equal footing with the big universities."

The bottom line is that now more than ever, access to low-cost or free legal research is widely available. Even if computers are not installed in every classroom, as Mr. Ludlum notes, we observe that many public libraries have internet terminals and because of intense competition between national and regional internet service providers, there are now offers of a free internet-ready home computer if a customer signs up for two years of \$20.00/month internet service. The huge financial disadvantages that Mr. Ludlum claims simply are not true anymore. In fact, the cost savings of on-line research has kept forensic participation affordable for small and rural programs which have traditionally been at a disadvantage.

On the Issue of Goodness or Badness for Debate

Finally – and this is our favorite – Mr. Ludlum claims that the use of legal materials is bad for L/D debate because it will generate a need to carry "stacks of materials." According to Mr. Ludlum, these materials will exceed the heavy loads of evidence he perceives novices currently lugging to tournaments, and even if debaters manage to correctly interpret what they have lugged, the limited L/D time format will foreclose a thorough discussion of legal issues.

With regard to the charge of excessive materials, we do not advocate any research so intense that L/D debate would require the need for a "pack mule to transport it to the classrooms."²⁶ Rather, we ad-

vocate using legal resources to assist with: understanding and defining resolutions; generating case and rebuttal arguments and real-world examples; and finally, using limited but substantive quotations of the kind typically incorporated into L/D cases. In L/D debate, the reasoning behind the value-claims expressed in evidence is questioned. Debaters should – and do – treat arguments expressed in quotations as they would any other argument. Consequently, there is little danger that debaters who incorporate legal resources into their preparation will trigger the need to out-research one another in search of the mythical "winning card." By now, L/D coaches and debaters know that there is no such card. Those who still buy into the myth need a warning as dire as Mr. Ludlum's, though it is a warning that has to do with legal research only tangentially if at all.

With regard to the problem of limited time, L/D resolutions raise tremendous dilemmas – no resolution can be thoroughly discussed within the time limits. Years could be spent discussing each topic. In fact, many social and political philosophers have done so. Consequently, the fact that there is inadequate time to explore an issue raised by legal research should come as no surprise. There is a time and place for thoroughness, but there is also significant real-world value in the lessons taught by L/D debate. Among the most important L/D lessons are: "here is an introduction to major social issues we face"; "social issues affect and arise in numerous contexts including personal moral dilemmas, and group contexts – especially the legal system because it reflects our efforts to resolve these issues"; and, "you will never be given sufficient time to say everything you want to say, so cut to the heart of the matter."

Conclusions

Legal resources can be extremely useful in preparing for value-based argumentation. Learning to utilize them in preparation for L/D debate will not turn you into an attorney, but it will help you become a better debater and coach. When analyzed from the perspective of a debater or coach attempting to engage in the best preparation for L/D debate rather than from a lawyer's perspective – from which legal materials are useful mainly for their precedential value – the arguments against the use of legal resources in L/D debate deflate.

When someone suggests that we are incapable of doing something, there is almost always more to the story. Over the

years the authors have learned an important lesson: beware of those who suggest that your own intellectual advancement threatens to destroy an activity you hold dear. For years, doctors opposed patient education on the grounds that patients who knew too much would try to become amateur doctors themselves and kill themselves. Today, medical websites are the most valuable resources on the internet because they dispense information. As with our position on utilizing legal materials in L/D debate, we are not advocating self-performance of triple bypass surgery; we are simply pointing out that the acquisition of knowledge is helpful despite the paternalistic cries of those who benefit from people remaining in the dark. Legal research leads to a better informed debater and, as a result, citizen and leader.

The American democratic experiment has flourished because we have trained successive generations of leaders who can debate over issues and make decisions instead of having a king do it for them. Advances did not come because someone else thought for them or told them what they could or could not consider. The educational mission of debate remains the same today – we must train tomorrow's citizens and leaders. Will our students utilize legal arguments perfectly 100% of the time? Probably not, just as we know that licensed attorneys make mistakes. But to deny L/D coaches and students access to extremely relevant and substantive legal research material because they may misunderstand or misapply it is misguided. In an activity whose heart and soul are independent thought and analytic potential, the argument against legal research is – at best – misplaced paternalism.

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1. Rogers, Elizabeth I. and Minh A. Luong "Utilizing Legal Resources in Value Argumentation and Advocacy." *Rostrum* 73.5 (January 1999): 33-37.
2. Ludlum, Marty. "An Attorney's View: Using Legal Materials in Debate." *Rostrum* 73.9 (May 1999): 31.
3. Ludlum, 31.
4. This is the motto of the National Forensic League and can be found on nearly all NFL publications.
5. Ludlum, 31.
6. Although reading legal material might be more complicated, the standards for contextual application are no different from other quoted material.
7. As coaches, we simply cannot limit our students to materials written to a 9th grade level such as *Time*, *Newsweek*, or *U.S. News & World Report* which are informative and rarely persuasive in nature. Debate offers

students an opportunity to develop and exercise their research skills at a time where they can afford to make mistakes without affecting a grade in a college course, for example.

8. Ludlum, 31.

9. Rawls, John. *A Theory of Justice*. Harvard Belknap: Cambridge, 1971.

10. Nozick, Robert. *Anarchy, State, and Utopia*. Basic Books, 1974

11. Consider the enormous value of researching primary source material and incorporating ideas from that material into a research paper. This is the basic evaluation method of learning and competence in Advanced Placement and college courses. Implementing restrictions on primary research deprives students of this essential experience.

12. Rogers and Luong 35.

13. Ludlum, 31.

14. Even the Supreme Court recognizes the potential importance of state opinions. The Court hears relatively few cases, and only hears them for compelling reasons. Supreme Court Rule 10(b) contains the following illustration of a reason which might be so compelling: "a state court of last resort has decided an important federal question in a way that conflicts with the decision of another state court of last resort or of a United States court of appeals."

15. Ludlum, 31.

16. Ludlum, 32

17. Ludlum, 32

18. When comparing legal dictionaries to general dictionaries, Mr.

Ludlum's use of the term "bankrupt" and "bankruptcy" provides neither accurate nor realistic support of his claim. Those terms have not been used in any NFL LD resolution in the past ten years. A more realistic comparison can be made by using actual terms from NFL LD resolutions. Our example comes from the most recent (at publication deadline) Sept/Oct 1999 topic.

19. In fact, several organizations offer excellent material which provides comprehensive literature reviews and "tours of the topic." Rather than rely on the "log and card" format, these analysis books explain key concepts, assist debaters in conducting original research by highlighting issues to consider when reading primary source documents, and enable debaters to develop positions based on their understanding of the material. Professor Roger Solt (University of Kentucky) and Scott Robinson (Texas A&M University), for example, have taken this pedagogically-sound approach in their materials found at <http://www.oneparadigm.com/>. Victor Jih (JD., Harvard Law School and practicing attorney) and his staff of former national champion LD debaters take a slightly different but still valuable approach in their LD research series at <http://www.victorybriefs.net/>. Such resources can serve as a springboard in preparing debaters to conduct sound original research. The authors have absolutely no financial interest in these organizations but simply use them as examples of educationally-sound debate preparation materials.

20. In order to distinguish the credentials of the author of a law review piece, the following method is usually accurate: if there is no author listed, the author is a student member of the journal; if the author is listed, there is a note listing the author's credentials. With regard to the point that an argument in a law journal is insufficient to prove that a court has erred: this is correct if law journal argument is purporting to say what the law is. However, if one happens to be assessing what the law or social value-commitment *ought* to be -- as we do in LD -- then arguments proffered in a law review article should carry as much weight as is warranted by the reasoning used to support the author's claim. The same holds true for the reasoning put forth in the prior court opinion. Our position is that by reading cases and articles, debaters and coaches may become aware of and better able to communicate these reasons.

21. Perella, Jack. *The Debate Method of Critical Thinking*, revised.

Dubuque: Kendall-Hunt, 1997: 252-255.

22. Both Mr. Luong and Mr. Perella are alumni from the University of California at Berkeley and shared many conversations on campus and at tournaments on applying legal argumentation in value debate when Mr. Perella was attending law school in the 1980s.

23. Ludlum, 32

24. Coaches with whom the authors have had discussions also report that on-line research has eliminated lost book fees and library fines for late returns, some of which ran into the hundreds of dollars.

25. Many programs have discovered the Electric Library at <http://www.elibrary.com> which offers full-text articles searchable by natural or Boolean search language on an annual subscription basis for around the price of only two briefbooks (~\$60.00 total).

26. Ludlum, 32

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• **Position statements:** Limit your focus to one or two main issues. Successful Spar competitors combine elements of both impromptu and basic debate into their position statements which include:

- *Introduction*
- *Statement of the resolution*
- *Main point*
- *Analysis and reasoning*
- *Example or hypothetical situation illustrating main point*

• **Clash period:** Be firm but reasonable. The clash period is enjoyable for everyone if the debaters take turns asking a question or lines of questions. Debaters who are overly-aggressive or rude are penalized by the judge. Courtesy, professionalism, and assertiveness should be balanced.

• **Summary statements:** Be sure to contrast and compare your and your opponent's positions. Do not get bogged down squabbling over petty details. Summarize your main points. Be sure to conclude on a strong note – a vivid story, example, or clever quote are all memorable ways of closing your statement.

• **Serious topics:** Since no "evidence" is allowed in Spar, focus on support based on general knowledge as well as logic and reasoning. Arguments should not require excessive explanation nor be so bizarre that a reasonable person would not accept them.

• **Silly/light topics:** Have fun and keep the humor in good taste. Storytelling and a quick wit (play on words, clichés, and witty sayings) will take you far in Spar.

Conclusions

Spontaneous Argumentation is a fun and lively exercise which can serve a variety of purposes. I used it as an exercise in my middle school, high school, and college classroom with great success. Coaches can use Spar to introduce non-debaters to argumentation and tournament directors who are considering offering a new event can count on attracting public speakers as well as debaters.

Spar shares several common features with L/D debate, most notably a one-on-one format, question-and-answer component, and a non-technical delivery style. Because formal evidence is not permitted in Spar and there is limited preparation time, this event encourages students to develop a broad base of knowledge and communicate persuasively in an interesting manner. Spar represents a new opportunity for the forensic community to try an event which can serve as both a classroom and tournament introduction to Lincoln-Douglas debate.