

Cross Examination Example: Where the Battle's Lost and Won

It's only three minutes per side—six minutes total in a 32 minute Lincoln-Douglas debate. Yet in this brief time period, much acrimony can occur and many controversies can arise—some necessary, some irrelevant, some distracting and even unpleasant. Nevertheless, most coaches, judges and debaters would probably agree that cross examination affords a unique opportunity for each side to set up or even score memorable and decisive points.

Unfortunately, as implied in the previous paragraph, cross ex. is also frequently abused or poorly handled. Some students preface their line of questions by DEMANDING strictly “Yes” or “No” answers to all questions, no matter how complex they may turn out to be. Such debaters seem to forget that all students in the U.S. have basic First Amendment rights, and very few are willing to be stripped of these rights by a debate opponent (more on this subject later). Other debaters ask questions that seem primarily to be used for shock value to unnerve the opponent. In one round last year a male (debating the Negative side of “The public’s right to know ought to be valued over a candidate’s right to privacy”) asked his female opponent if she was a virgin, and if she bathed frequently. The reader may be relieved to know that this debater failed to impress the judge with this tactic and did not win the debate. However, it illustrates the degree of rudeness and poor decorum that can occur in the free atmosphere of cross examination.

With the above travesties in mind, some coaches and debaters may ask themselves if anything substantive can be accomplished in such a short period of time. In preparation for this article, I made and administered a questionnaire to survey twenty-three of the participants (coaches, judges and debaters) at our February county league tournament. From this survey, the overwhelming consensus was that cross examination is a one of a kind learning experience and a crucial stage in the Lincoln-Douglas debate format.

The survey questionnaire was an attempt to explore some of the perennial controversies that surround cross ex. First and foremost among these is the demand often made by the examiner (the debater doing the asking) that all questions be answered “yes” or “no” by the examinee (the opponent being questioned). A small majority of those surveyed felt that this is a legitimate demand, since the examiner has the right and responsibility to control the cross ex. period when doing the asking. However, all but one of the respondents in the survey went on to state (when answering question 4) that it is also acceptable and in many cases desirable for the examinee to attempt to give more elaborate answers than a mere yes or no. As one judge put it, the examinee has the right to ignore the request for yes/no answers; another judge said that it is the examinee’s duty to “sneak in more information to support their case, just as the other side should try to stop them.” Most of the respondents went on to state that the key here is for the examinee to elaborate briefly beyond the “mandated” yes/no limit, and to do so

courteously and with relevant information (i.e., NOT with the intent to filibuster and take up the opponent's valuable time for questioning). Thus the other extreme—students giving long-winded, vacuous responses just to rob the opponent of time—was seen, especially by the judges, as equally obnoxious as the dictatorial demand for yes/no responses.

The next two questions in the survey deal with the strategies used effectively or ineffectively by debaters to cut off filibustering and to regain control of cross ex. As one judge put it in her response to these questions, the art of debate includes “masterfully saying ‘Thank you’ and then proceeding with one’s own questions.” The method for ending wordy responses by the opponent endorsed by the majority of respondents was

- 1) Say “Thank you.”
- 2) Say “I have another question” or “On to my next question” and
- 3) Ask the next question.

Even opponents who ignore 1) and 2) will realize that they going to appear rude and inconsiderate if they refuse to answer the next question that has just been asked.

Since the cross ex. segment is so short at three minutes per side, efficient use of time is a major concern for both debaters. Interestingly, both judges and debaters responded that they enjoy the tension created by the examiner’s push to get answers to all questions, versus the examinee’s desire to elaborate at length, and even to use up the examiner’s precious minutes by expounding at much greater length than is necessary. Virtually all experienced debaters and judges seemed to acknowledge that the pressure thus created is both inevitable and acceptable as simply one aspect of competition. In other words, skillful debaters know that the opponent will try to take over the cross ex. period through making his/her own points or even filibustering, and they also acknowledge that part of the job of the examiner is to prevent this from happening! All’s fair in love and debate.

One issue that was not addressed specifically in the survey was the question of whether cross ex. can be prepared in advance, just as students without exception prepare their constructives weeks before the actual debate. Fortuitously, several judges addressed this point in their comments, especially in those related to question 7 about what debaters could do to improve their cross ex. performance. All those who volunteered comments on this matter recommended that debaters should definitely have a line of questions prepared in advance, since they have already prepared both sides of the topic, and thus should be well aware of “questions they would hate to have to answer” (as one judge put it). The consensus was that in addition to prepared questions, the debaters must also write questions on the spot which are more specifically designed to pounce upon apparent weaknesses, inconsistencies, or contradictions in the opponent’s case.

Probably the most troubling issue, which arises over and over again in any discussion of cross examination styles, is the potential for rudeness or inappropriate exchanges. Let’s look back at that opening example of the student who chose to question his female opponent about her sexual history and bathing habits. Aside from the obvious attempt to shock and perhaps disconcert his opponent, this debater probably understood his other purpose quite well (a legitimate purpose at that): to demonstrate that the press can go way too far in delving into a candidate’s personal life, and in so doing create more harm than good by focussing on embarrassing details that might be better left to the realm

of privacy. However, I am certain that this debater's coach would have been appalled at this tactic, as were the opponent and the judge when he actually posed the question in this manner. The debater could easily have scored his point by asking two or three other questions, such as: "Do you value privacy?" "Does a candidate have privacy rights?" "Is sordid, personal information about a candidate relevant to the candidate's public performance and views on the issues of importance to the voters?"

Over the past decade, our society has been repeatedly taken to task for its lack of civility. It's no wonder, then, that many of our teen-age debaters cross the line between being assertive and intellectually challenging on the one hand, and domineering and crudely shocking on the other. Yet herein lies the greatest value of cross examination: it provides exactly the experience students need to develop courtesy, assertiveness and diplomacy, in a setting where they receive immediate feedback from a caring, adult judge. What better way to learn the ropes in preparation for a career in law, politics, journalism, education, or business?

Finally, the cross ex. period places a great premium on the most valuable communication skill of all: listening. How often have we seen a debater rattle off a list of questions, get some interesting and potentially useful responses, and then fail to use them in the rebuttal speeches that follow? The beauty of this situation is that a good judge will explain on the ballot how the debater could have used responses given by the opponent in the rebuttal speeches that followed, but failed to do so because the debater either did not listen to the opponent's answers, or neglected to note the responses on the sheet of cross ex. questions. Ideally, the judge's skill in listening will teach the debater to listen better and take brief notes in future rounds.

Coaches, debaters and judges all agree that cross examination can be the liveliest and most entertaining part of a debate. The examiner wants quick yes/no answers; the examinee wants to elaborate to give speech-length responses to take over the three-minute period. Both aims are legitimate. Ironically, these two contradictory agendas are exactly what make the exchange lively—as long as both sides maintain a sense of purpose—and a sense of humor!