

A Coach's Notes¹

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Connecticut Debate Association

Novice Scrimmage

September 24, 2016

Resolved: The US Electoral College electors should vote their conscience.

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Introduction

This is the Scrimmage edition of the 2016-17 CDA season. Previous year's editions can be found through the [Training Materials](#) page on the [CDA web site](#).

These Notes are intended for your benefit in coaching your teams and for the students to use directly. I hope that you will find them useful. Please feel free to make copies and distribute them to your debaters.

I appreciate any feedback you have, good and bad. The best comments and suggestions will find their way into subsequent issues. I would also consider publishing signed, reasoned comments or replies from coaches or students. So if you would like to reply to my comments or sound off on some aspect of the debate topic or the CDA, I look forward to your email.

Why This Topic?

You should notice something different about the Novice Scrimmage packet this year: there's not much in the way of arguments directly for or against the resolution. The first article is a plea to free the Electoral College vote, but most of the rest of the packet is background information on the history of the College and US Presidential elections.

There are reasons for my choice. The weakest one is that I wanted to have a topic on the elections in this Presidential year to get that topic off the table. If you look at past years' resolutions on the web site we rarely revisit the same topic during a season. Given how

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partisan and unpleasant the election has become, I wanted to get debaters thinking about other things.

The better reason is two-fold. When approaching a topic debaters need to think through the consequences if the resolution is adopted and if it is not. Let's call this imagining a different world. In doing this, they must accept and defend both the good and bad that fall to their side, and especially not try to avoid or ignore negative consequences. Let's call that embracing the resolution.

Imagining a Different World

The Electoral College is probably one of the oldest, hoariest debate topic around. The usually form is, *Resolved: The Electoral College should be abolished*, or *Resolved: the US President should be directly elected by popular vote*, or something similar. You can debate that if you want, but (zzzzzzzz!) please don't wake me until it's over. It's not uninteresting; it's just been done too many times.

I like the Scrimmage version because it gets to a core issue—direct versus representative democracy—that is especially relevant in today's world. With the internet, we now have the technology to let everyone vote on every major—or even minor—public policy. Look to your right and to your left: do you want those people voting on everything? Or listen to the news and the campaign ads: do you want to leave it to those politicians? What about recent referendums, like Brexit?

The Founding Fathers would all be called elitists today. They were generally significantly richer and better educated than the majority of the population, and felt that gave them the right to a greater say in public affairs. Today more people have college degrees than, in the 1700's, graduated from what we would now call elementary school. Most could read, but were taught at home. Universal public education was a project for the 19th century, not completed until the 20th. The Founding Fathers were afraid that the poor and uneducated would make decisions against the common good, or the common good as seen by the propertied class. It wasn't until the 20th Century that the majority of the adult population was permitted to vote. We are still a “representative democracy” where responsible elected officials decide on and implement what is best for the common good. At least that's the theory.

We accept that without question for the legislative and executive branch, but we forget the Electoral College was initially intended to be the same way. The Senate and President were not intended to be directly elected by the eligible voters. Each State appointed its two Senators, usually selected by the State Legislature. Each State had its own method for choosing the Electors, and the Electoral College selected the President and Vice President, who did not even have to be from the same party (well, at first there were no political parties). The Electors were intended to be responsible men (no women!) who would exercise their best judgement to select the most capable and deserving individuals to lead the country.

The Electoral College has since evolved to be a rubber stamp reflecting the popular vote in each State, though not the country as a whole. But no provision in the Constitution requires this; as the packet notes, only some State laws, which are of uncertain enforceability, require Electors to vote as pledged. This election, which every poll tells

us is between two of the least trusted and least liked candidates ever to face each other, might provide reason to reconsider that evolution.

Suppose the Electoral College actually met and exercised independent judgement? Who might they choose? What would happen if they selected someone who did not get a majority of the popular vote? That has happened before due to the apportionment of Electors among the States. What if they chose a third party candidate? What if they chose someone who wasn't even on the ballot?

None of these are fully investigated in the material in the packet. You get a review of the history behind the Electoral College. You'll find out that a few contrary Electors have voted against their pledge, but to no real effect. Generally, the country knows what the Electoral College vote will be the day after the election, barring a close popular vote and re-count in some States.

Your job as a debater is to consider and elaborate on the consequences. Even Novices should have some idea of the workings of our democracy and the election process. What does democracy mean? What does it require? How do we balance the right to vote against the need for honest and competent leaders? Think these issues through, state them as clear contentions, and explain your position, and you will be a debater.

Embracing the Resolution

Not all of the consequences will be interesting, and not all will be good for your side. If they were all good for one side or the other there would be no point in having a debate.

Many debaters develop the bad habit of trying to minimize the consequences of their side of the resolution. And many debaters tend not to notice and let their opponents get away with it. Remember that (in its simplest form) an argument has three parts: the claim being made; the explanation and evidence supporting the claim; and the impact or significance as to why the argument is important and should be heeded. If one of those pieces is missing, your argument falls short. If you notice a piece missing in your opponents' argument, you have your refutation.

Consider the following example from one of the exhibition debates at the scrimmage. The Affirmative's first contention was that Electors have an obligation to choose the best candidate. Fair enough. But their second contention was that freeing Electors to vote their consciences would have no significant consequences! Then why bother? If the results will always be the same whether Electors vote independently or follow the popular vote, then there is no reason to adopt the resolution.

To win, Aff must show there are significant advantages to change. That means Aff must consider situations where the Electoral College chooses someone else. It isn't hard to think of interesting scenarios: are the two candidates we have today the best choice? What if there is new information about a candidate after the election but before the Electoral College votes, say a Wikileaks email or tax return dump? Suppose the winning candidate dies before the Electoral College meets? This year's choices will be the oldest or second-oldest every inaugurated, depending on who wins.

There are other aspects about our election process that feed these questions. The Constitution does not mention political parties or primaries or how candidates are

selected. The system we have to select and vet candidates is not based on any considered set of rules, but has developed ad hoc over time. If we still have Electors, why not make use of them?

When Neg hears an Aff case like this, their first argument should be that Aff fails to justify adopting the resolution. Change has a cost and incurs a risk that it will not be successful. That's why significance matters, even in the absence of disadvantages. In this case why would anyone incur the cost of a Constitutional amendment, Federal legislation or state by state legislation if it wasn't going to make a difference? Add to that is the likelihood (admitted by the Affirmative)! that it will make no difference. The strongest arguments a debater can make are those based in what their opponent says.

What Is Democracy?

We have lots of election in the US: Federal, State, local. Not everyone votes, not everyone has the right to vote. The practical business of government is carried out by a variety of elected, appointed and hired individuals and firms. We don't vote individually on most specific legislation, executive actions, and certainly not on court decisions. Yet most would say we are a democracy.

As noted above, the internet suggests it is possible to increase direct and immediate participation in government. Is that really a good idea? Do the people really want to be consulted or will they just be annoyed? Consider how hard it has become for pollsters to get people to answer them. Consider how low voter turnout is in even Presidential elections.

Is it efficient? Opinions change, sometimes quickly. There would have to be a process to decide what to vote on, when and whether one vote decided an issue or whether and how it could be taken to a second or third vote by those who did not get their way. Legislatures have rules of procedure developed over a long period of time to deal with these issues.

Some consider direct democracy—everyone gets a vote on every issue—to be the ideal. But there is a common sense argument based on efficiency and stability in favor of an indirect and more deliberative process.

You'll see these issues again, even if it won't be in the context of the Electoral College. Learning more about the theory, practice and history of government is a useful addition to your debate toolkit.

It would not be useful to have you debate the merits of the two major party candidates we have this year. The news is full of too much petty nonsense; I'd rather not risk our tournaments descending to the same level as the public debate. But I thought the topic here allows you to bring the current election into the round in a productive and thoughtful way.