

A Coach's Notes¹

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Resolved: The Dakota Access Pipeline should not be built.

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Introduction

This is the November edition of the 2016-17 CDA season. Previous year's editions can be found through the [Training Materials](#) page on the [CDA web site](#). I was not able to observe any of the final rounds this week, so I have no flows.

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.

It's a bird! It's a plan! It's a counter-plan!

You set a straight forward resolution. It's not necessarily the most clever or cerebral resolution CDA has ever debated, but it's got good solid issues worth discussing. You're sure the wording is clear and confident what the Affirmative and Negative sides will be arguing in each round.

And then someone reads it differently and it's a whole new debate!

Actually, a coach first mentioned the idea to me: Aff should propose completing a modified pipeline along a different route. Define the Dakota Access Pipeline (DAP) as precisely the one proposed. Propose a plan re-routing it to avoid the disputed areas. By

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the definition this is a different pipeline, and the Aff case is based on all the benefits a completed pipeline will bring, with the additional benefit of pleasing the Sioux Nation and the environmentalists.

But isn't this proposal really the expected Neg counterplan (or minor modification to the status quo). The resolution says that the DAP should not be built, but much of the immediate criticism has to do with the route: Native American burial grounds and a Missouri River reservoir. I would expect most Neg teams would follow President Obama in suggesting the parties consider re-routing but completing the project to avoid these disadvantages.

Two questions arise: can Aff define the resolution this way? And what does Neg do in response?

Definition and Fiat

I think Aff would be on shaky ground defining DAP as exactly the pipeline being built and proposing a new route. First, "Dakota Access Pipeline" is a capitalized term identifying an entire project. Most projects of this magnitude undergo many revisions from conception to completion. A change in route isn't unusual. A different route would carry the same name and be completed by the same company. Second, the purpose of the pipeline is to provide an outlet for the Dakota shale oil fields. A re-routed pipeline does exactly that. Aff has a right to a reasonable definition of terms, but this seems to stretch the normal use of the English language a bit far.

The second issue concerns a concept called Affirmative fiat. Affirmative fiat is like the "necessary and proper" clause of the US Constitution (if you don't know what that is, you should definitely look it up). The Affirmative plan can include anything reasonably necessary to implement the resolution, but nothing more. The benefits claimed by the Affirmative should derive from implementing the resolution, not from actions outside of the resolution.

For example, with the resolution "The US should implement compulsory voting in Presidential elections," Aff can clearly require everyone to vote. To do that Aff must have an enforcement mechanism: they could propose to fine anyone who fails to vote, or even a prison term for repeat offenders. Implementing the resolution requires an enforcement mechanism. If Aff simply required everyone to vote but provided no penalty if they failed to do so, there would be little difference between the resolution and the status quo.

But under this resolution Aff can't propose providing voters with limousine service to the polls, for two reasons. First, making voting easier isn't part of the resolution. The right of Aff to bring the resolution into being without worrying about how that happens doesn't extend to things not specified in the resolution or required by it. Otherwise, in the extreme, Aff could propose all sorts of unrelated things—end poverty, bring world peace, limit candidates to people everyone likes—with no limit on their actions. Second, if Aff proposes voter limousine service, Neg can argue that any benefits derive from the ride, not compulsory voting: make it easy enough to vote and you don't have to force anyone to do it. The resolution requires Aff to argue benefits from compulsion. Neg is likely to

argue the problem with voter turnout is ease, convenience or the quality of the candidates. If Aff could add plan provisions willy nilly, they could coopt almost any Neg argument.

This month's pipeline resolution gives Aff fiat power in the phrase "should not be built." There is nothing—excuse the pun—constructive in this phrase. To the extent the Aff shows benefits if a pipeline isn't built, they derive from the resolution. But if the benefits derive from building a pipeline, they do not. Otherwise, why couldn't Aff add a new branch to the West Coast to allow exports to China, and one to Canada to take in oil from the Alberta tar sands, or a branch to... You get the idea.

Three Approaches

You are on Negative. Aff defines DAP as precisely the existing pipeline, proposes a plan consisting of a new route, and presents advantages including greater oil supplies and less risk than existing rail transport, as well as respecting the Native American rights and protecting the Missouri River and other water supplies. In other words, they present exactly the case you expected to present. What do you do?

One approach is to make the definitional and fiat arguments above, conclude the Aff case is invalid, and present your standard case in favor of DAP, even agreeing with those Aff advantages that come from completing the pipeline. This is a bit tricky for two reasons.

First, if the judge buys the Aff definition, you lose the round. Second, if the judge doesn't understand your definition and fiat arguments, the rest of your case is largely agreeing with Aff that pipelines are good. An inexperienced judge is likely to become very confused at this point because the only clash is on definitions and this "fiat thing" that may not be clear. The judge might just vote Aff.

A second approach is, again, start with the definitional and fiat arguments, but then say to the judge, "We've explained why the Affirmative definition is abusive, and that alone is reason for you to vote Negative. But if you don't agree with that argument and accept the Aff definition, then here are the reasons why you should reject their new pipeline." You then basically present *the Aff case* you prepared with all your anti-DAP arguments.

One new argument you have is the inherent uncertainty of any new route. This also derives from the fiat issue described above. Aff can give no assurances their pipeline won't cross someone's burial ground, sacred site, town water supply or major river. Re-routing a pipeline isn't a magic formula that avoids all problems. Any benefit from avoiding these is uncertain at best. And since the existing pipeline was approved after supposedly considering all of these concerns, it's likely any alternative route would be worse.

A third approach is to accept the Aff definition, and convert your own Aff case against the DAP pipeline into an attack on the re-routed pipeline, adding the uncertainty argument above. This requires you think quickly and stick to the role reversal through the debate. But it might catch Aff unawares. They are expecting to win by surprise, and this turns the tables.

The worst thing to do is to present the standard Neg pro-pipeline case you prepped without comment. The judge, faced with two teams arguing the same thing, will likely be totally confused. Either call out the Aff for abusing the definitions, or clearly accept

them and alter your case. Whatever course you take, you also must remind the judge of your strategy in each speech. And don't mix and match: pick one of the three options above and stick with it.

Sunk costs

One argument Neg might use in favor of the Dakota Access Pipeline is that it is 75% complete (page 1 of the packet, 5th paragraph). Cancelling it means most of that expenditure will have been wasted; there is nothing in the packet about alternative uses for the finished segments.

This sort of argument is very appealing, but an economist would point you to a concept called "sunk costs" (which you can find on Wikipedia, among other places). We prefer to avoid waste, and we are reluctant to walk away from a partially completed project.

But we can change the future, not the past. From a rational perspective, there is no profit in persisting in a mistake. Better to save the remaining expenditures and use them for something else. Only future costs and benefits matter in any decision, not what has gone before.

You find sunk cost arguments in many situations, not all of them economic. In the 1960's it was argued we shouldn't pull out of Vietnam after all we had spent in lives and money. The same argument today is made with respect to Afghanistan and Iraq. Supporters are reluctant to abandon a losing candidate for someone less desirable but with a better chance of success (sound like our recent primary season?). Does the risk of global warming justify closing down a perfectly good and expensive coal-fired power plant with another 30 years of useful life?

It's a concept you should learn more about.

Decimal points

I'm a numbers guy, degrees in computer science and mathematics, studied econometrics and statistics. So I'm pretty sensitive to the use and misuse of figures in debates. And I'm aware of how big things ought to be.

Slipping in to catch the tail end of one of the finals I heard the following, the first by Aff and the second by Neg:

"Remember, the pipeline will carry 450 million barrels of oil a day."

"The US imports 700 million barrels of oil a day."

Both of those numbers are way too high. On the front page of the packet it stated the Dakota Access Pipeline is expected to carry 450,000 barrels of oil per day. That figure is right next to the top of the map, though later in the packet you will find other numbers, 470,000 and 540,000. US oil production and imports can be found on the middle of page 4, at 7.5 million and 7.7 million barrels per day respectively. The debaters were off by factors of one-thousand and one-hundred respectively.

Why does it matter? I'm not sure anyone else noticed. These facts weren't material to the arguments being made, which only required the listener to accept the fact that there

was a lot of oil involved. And the arguments themselves didn't seem to be the ones that won or lost the debate.

It matters because it goes to your credibility, and credibility can cover a lot of mistakes and win or lose you a lot of debates. In a perfect world a judge would listen only to what you say. They would forgive your obvious misstatements. They would not be influenced by your tone of voice, how you looked or what you wore. And this is what we tell them in the judge's workshop. But it's not a perfect world.

When I hear a number I know is wrong or a "fact" I know is incorrect it's like hearing a singer go flat or off key. It may not hurt you, but it certainly doesn't help. It alerts me to listen more carefully for more mistakes. You are at least careless and possibly just plain wrong.

Numerical arguments are one of the most powerful weapons in your arsenal: most debaters don't use them or don't make them well. Consider the consequences of getting it wrong:

Aff: The pipeline will carry 450 million barrels a day. If it leaks, in just one hour nearly 20 million barrels will spill into the environment!

Neg: Wait a minute! The packet says the pipeline will only carry 450,000 barrels a day. So the Aff's hypothetical spill is only 20,000 barrels. And given constructions, inspection and safety features, even that is highly unlikely.

Now 20,000 barrels is still a awfully big mess, but who do you think wins this point? Who'd win it if Aff had the numbers right in the first place.

Similarly, 450 million barrels a day is over half of 700 million barrels a day, but 450,000 barrels is almost insignificant compared to 700 million. However, 450,000 barrels a day is a bit over 5% 7 million barrels a day, not indispensable, but nothing to scoff at either.