Judges Ballots 2014

Georgetown vs Michigan 4-1 for Georgetown

This ballot by Ryan Galloway

Love Each Other
Galloway's 2014 NDT Final Round Ballot

On my drive home from Indiana, while thinking what I was going to say in this ballot, I saw "Love Each Other" spray-painted on the side of a bridge. I thought that was a good theme for this ballot. I'll start with a discussion of my thoughts on where we are as a community after the NDT, follow up with some thoughts on the participants, and conclude with a discussion of what I thought of a great final round.

The Community
This was a great NDT for our community. After a rough year of friction, the community really came together at the NDT, and we saw some notable accomplishments.

1. We saw the first African American top speaker. The community reaction was amazing, and you could really see the powerful emotions going through Rashid when he won the award. It was a special moment we should cherish together.
2. We saw incredible amounts of diversity in the community. I've never seen so many debaters of color get their participant mugs, speaker awards, awards for the elims, etc. There may be some things we are doing wrong, but we are doing a lot right.
3. Our community got through multiple clash debates decided by a lone ballot without major incident. People accepted victory and defeat well and without major incident. The trust in the decisions of our community is refreshing to see after a tough year. The NDT has made me more optimistic than we can keep this big tent together and avoid the rumblings of a split.
4. The competition at the NDT is tremendous. Four former winners were in the pool. This doesn't even account for the fact that the CEDA National champions were there, a former NDT finalist was there, Oklahoma ended up going 8-0 with 23 ballots. To win this tournament, one had to defeat some tremendous teams.
5. There are a number of new programs on the scene. Fritch's announcements of the number of teams who were participating at the NDT for the first time was a lengthy one indeed. Seeing Irvine participating, seeing Fresno State reach the octa-finals of the NDT were all significant accomplishments.

The Debaters
The four debaters in the final round are some of my favorites in the community. As well as being clear, articulate, and smart, the way they handle themselves is exemplary. Both Georgetown and Michigan have been class acts in victory and defeat. And I get to repay the debt I promised in my 2012 final round ballot—Andrew Arsht and Andrew Markoff have made debate history. With two NDT wins, a Copeland, and another semis, they are strong contenders for team of the decade. And they did it

the right way, worked hard, played by the rules, they respected their opponents and their judges. I thought their move in the elims at the tournament to engage critical aff's on the substance represents where we are going in debate. They will be trend setters and long remembered in the community. I didn't always vote for them, but I always respected them.
The Decision

I voted **Affirmative for Michigan**. I thought there was a sizeable solvency deficit to the Counterplan that accessed the China advantage and only a very small link to the terrorism disad. There were a lot of technical elements that were difficult for me to figure out, but here is what I came up with.
The Plan and the Counterplan

I do not think the plan is forced to speed up the timeline of the decision to move operations from the CIA to the DOD. Georgetown spends a lot of time trying to prove this, but Michigan is strong at arguing that FIAT doesn't force them to do this. I don't see why merely having Congress codify the move means the CIA has to make the move before the DOD is ready.

I do think the affirmative has to immediately put ex ante review of Congress on executive decisions to strike (the debate on what "restrict" in the plan means). But I'm not sure how that affects drone strikes. Are there more strikes? Are there less strikes? Will Congress somehow force the DOD to conduct strikes before they are ready? Some time spent in the 2nr clarifying the link to the plan and not resting on the assumption that they will win that the plan has to be an immediate transition would be helpful.

This means the link debate on the disad is largely irrelevant—those links depend upon the transition from the CIA to the DOD, which both the plan and the counterplan do in the same time-frame. I think there will be the same number of drone strikes after the plan as there will be with the counterplan, they will just be subject to ex ante review. Markoff points out that ex ante review links to the "War Powers disad" in the 2nr, but I'm not sure how it links to the Pakistan disad. In other words, I'm not sure what happens with strikes that are needed to kill terrorists. Therefore, there is only a slight link to the disadvantage based on ex ante review.
Solvency Deficit to the Counterplan

I think there is a sizeable solvency deficit to the counterplan. I think executive actions alone will be seen as hollow rhetoric, and the Congressional action to fund the executive does not limit the executive, meaning the norm setting function is not fulfilled. Michigan's evidence here is very strong and controlled my determination of the solvency deficit to the counterplan.

The Kriner evidence says that nonbinding actions without concrete consequences are seen as "hollow rhetoric" and do not represent serious challenges to the president's pre-eminence. I don't think the Congressional follow-on aspect of the counterplan to fund the transition deals with the question to rein the executive in.

The <u>Alston evidence</u> ties international legal norms to the construction of a regime that limits the circumstances in which one state can kill another, and identifies that assertions by Obama lack credible transparency or verifiable accountability. I think the norm the counterplan establishes is a flimsy one that does not bolster international law very well.

The NEG responds with their <u>Singer</u> executive speech evidence, which is pretty good identifying that the much needed stamp of the President's voice and authority are necessary, but it doesn't speak to the question of norm setting as much as the <u>Alston evidence</u>. The <u>Brezinski evidence</u> says the executive is the ultimate definer of the goals for America, but again I think the <u>Kriner evidence</u> defines that foreign actors don't perceive it this way, and Alston says we need to set a limit. I think the counterplan would be perceived as hollow rhetoric by Obama with no teeth—teeth that are needed to set an international norm. The <u>Dodd evidence</u> on binding and durability of the counterplan doesn't speak to international perceptions of such norms, just that constitutionally and legally that eo's have the force of law. The <u>Twomey evidence</u> read by the negative seems to suggest rules codification is necessary—which creates the need for the counterplan.
The China Advantage

The fact that the Counterplan doesn't solve for the China advantage still begs the question of the impact to the China advantage, and Georgetown does have some pretty good defense cards. Before diving into the specifics of those cards, I don't think Georgetown's cards speak to the question of accidents or miscalculation to answer the strong evidence that Michigan has that accidents or miscalc could escalate. I think it would be a war that no one wanted, escalated by a drone miscalculation.

The <u>Brimley evidence</u> from the affirmative is pretty controlling on this question—it argues that Chinese drone adventures can lead to instability and escalation resulting from a minor incident of which unmanned systems could be just this trigger. This is consistent with the 2ar move to debate around Georgetown's impact defense by arguing that the war would occur by accident. The evidence is also specific to norm setting—so the lack of an established norm created by the counterplan triggers the impact. I also thought the <u>Heydarian evidence</u> was pretty good that recent years have been disconcerting on the South China Seas.

The <u>Stutter evidence</u> from the Negative is good that China wants to promote stability and that interdependence reinforces constructive relations. Georgetown could have done a slightly better job convincing me that interdependence checks the escalation of the conflict—not just the likelihood of the conflict itself (which I think can occur by accident). The <u>Erickson evidence</u> on drones is also quite good, but the <u>Kaiman evidence</u> says drones have already taken centre stage in the escalating arms race between China and Japan and that neither side will back down. The <u>Stein evidence</u> from the negative actually seems to speak to the need for clear norms, which do not exist.   Therefore, I think there is a moderate probability that Chinese drones could cause a war that would spiral out of control via accident or miscalculation, something that the plan doesn't solve for.
Pakistan DA

Most of this is dealt with regarding the question of what the plan's mandate does (i.e. it is only ex ante review, and not a faster shift to the DOD than the counterplan).

The Affirmative does make two mistakes on the disadvantage. The first is that they don't read any impact defense to terrorism. This places the judges in the unusual decision making situation where terrorism becomes equivalent to an escalatory nuclear war between the US & China. This seems to be Cram Helwich's reason for decision, and I did think for a while about the notion that the China impact defense might just mean that terrorism outweighs, because there is no terrorism impact defense. The Affirmative also bets a lot on the NEG Saulino evidence, i.e. instability now caused by covert operations. However, I just think this says there is some instability now, not that there is terrorism now.

I do think the Affirmative is doing well on the JSOC portion of the debate—I think we will have just as many strikes after the plan as before the plan. As for JSOC being underfunded, I think both the counterplan and the plan transition from the CIA to JSOC in just the same capacity, at the same time. Thus, there is some vague link to the ex ante review created by the plan, and I can't point to any negative evidence saying that ex ante review will lead to us doing anything different with drone operations. Throughout the decision-making time, I struggled to come up with an explanation for the link to the disadvantage that wasn't reliant on immediate transfer of authority from the CIA to the DOD—which I don't think the plan does any differently than the counterplan. Therefore, I assign less of the risk of the Pakistan disad than I do to the China advantage.

Concluding Thoughts

This was a great final round of the NDT and memorable not only for the clarity of the participants, but the excellent execution and high level of civility of the participants. The NDT also confirms that our community is strong—we are a diverse, growing community that rewards excellent competition. This has been a tough year though. There have been multiple incidents that played themselves out on facebook and on ceda forums that led me to wonder about the future of the community. I'd like to return to the theme of loving each other. If we appreciate each other not just as debaters making arguments, but on people coming together to participate in an activity that makes the world a better place, I think we can ease on down this road together.

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