

# The Final Round<sup>1</sup>

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**THW (This House would) allow public sector workers to strike.**

## A Note about the Notes

These are my notes from the final round at New Canaan. They are limited by how quickly I could write and how well I heard what was said. I apologize for any errors, but I hope debaters will appreciate this insight: what a judge hears may not be what they said or wish they had said.

There are two versions of the notes. The one below is chronological, reproducing each speech in the order in which the arguments were made. It shows how the debate was presented. The second is formatted to look more like my written flow chart, with each contention “flowed” across the page as the teams argued back and forth. It’s closer to the way I take notes during the debate.

## The Final Round

The final round at New Canaan was between the Greenwich team of Aubrey Niederhoffer and Connor Hone on Government and Joel Barlow team of Catherine Gutowski and Quinn Speck on Opposition. The debate was won by the Government team from Greenwich.

### 1) Prime Minister Constructive

- a) Introduction
- b) Statement of the motion
- c) Outline: Framework/Definitions/Gov Case
- d) Framework: which side best serves the public interest, including that of public sector workers
- e) Definition: allow strikes to occur, handling them by legal means rather than suppression
- f) G1<sup>2</sup>: Workers have the human right to go on strike
  - i) This is agreed for private sector and is effective
    - (1) E.g., New York private sector nurses earn 19% more
    - ii) Public sector workers are no less valuable
  - g) G2: Threat of Strike Encourages Reforms
    - i) Reform of workers job activities, e.g., teachers
    - ii) Reform of institutions,
      - (1) E.g., in MA teachers strike led to reform of standardized testing
    - iii) Why does reform occur?
      - (1) Workers are most familiar with issues

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<sup>2</sup> “G1” indicates the Government first contention, “O2” the Opposition second contention and so forth.

- (a) E.g., school board culture wins over subject knowledge
- (2) Teachers shape policy through strikes
- iv) POI: Aren't there other ways to reform?
  - (1) Not in all cases
- h) G3: Reduces risk of catastrophic strike
  - i) Law alone doesn't prevent strikes
  - ii) Illegal strikes are unregulated
    - (1) E.g., 1970's CT teachers strike, gov't jailed strikers
  - iii) Led to use of binding arbitration (BA)<sup>3</sup>
    - (1) No strikes for 40 years
- i) Summary repeating all three contentions
- 2) Leader of the Opposition Constructive**
  - a) In my school a biology teacher quit leaving student and teacher schedules disrupted
  - b) Intro and motion
  - c) We accept the Gov definitions and framework of public interest
  - d) O1: Public Sector strikes harm people
    - i) 1919 Boston police strike 80% increase in robberies, resulted in a riot with deaths
    - ii) Scope of PSWs is large
      - (1) Postal, transport, public defenders, teachers, health care
  - POI: Wasn't the Boston police strike illegal?***
    - (2) Yes, but you need repercussions to avoid losing workers
    - (3) There is an incentive to work if strikes are illegal
    - (4) Chicago Tribune: striking firefighters denied access to equipment, resulting in lives lost
  - e) O2: National Security is threatened
    - i) Army strikes? Foreign threat, terrorists, coup
    - ii) Police/fire strike? Increase in crime, deaths
    - iii) Constitutional rights? A compelling interest justifies restricting personal liberty
  - f) O3: Binding arbitration (BA) is a better course
    - i) Workers get representation without having to strike
    - ii) Like parents splitting a chocolate bar among children: one cuts, the other chooses
  - POI: What is your mechanism for BA? What if one side refuses?***
    - iii) It's still better than having strikes
      - (1) 34 states require BA for teachers
  - g) G1: Gov't has a compelling interest to limit strikes
    - i) Many reasons for a pay differences between public and private workers
- 3) Member of Government Constructive**
  - a) Intro
  - b) E.g., teachers
    - i) There is a shortage as they are underpaid, overworked
    - ii) Outlawing strikes addresses symptoms, not causes

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<sup>3</sup> This introduces "BA" as an abbreviation for "binding arbitration"

- c) O3/G3: What happens with BA if strikes are illegal?
    - i) Workers strike illegally
      - (1) Worse situation, harms negotiations
    - ii) Workers quit
      - (1) Teachers are doing it already
      - (2) Consider the LO's biology teacher
    - iii) Burnout: teacher quality goes down
  - d) Recall Opp's POI during the PMC
    - i) Are there other ways to reform?
    - ii) Reform only happens when necessary
    - iii) Outlaw strikes gives workers little power to force reform

**POI: BA gives other avenues to solve problems?**
  - e) BA only works with both sides have equal power
    - i) No right to strike, no power
    - ii) E.g., Greenwich split the difference, gave 4% pay raise vs 10% inflation
    - iii) Threat of strike forces negotiation
  - f) O1/O2: Risks of army or police strike
    - i) Alternative is overwork/underpay
      - (1) Workers quit or slow decline in effectiveness
      - (2) Vs shock of strike to fix the problem

**POI: Isn't it better to have over-worked fire fighters than none?**

    - (3) That's a false dichotomy, they can strike by limiting action
    - (4) E.g. When strikes were illegal, Chicago fire fighters were refused access to their equipment during a strike
    - ii) If strikes are illegal, both sides refuse to cooperate and bargain fairly
  - g) G1: Gov't compelling interest?
    - i) Gov't can require someone to work
    - ii) For most of the 20<sup>th</sup> century, gov't sided with companies
- 4) Member of the Opposition Constructive**
- a) Intro/motion
  - b) G1: Human rights need to be balanced against gov't interest
    - i) If in conflict, judiciary resolves it
    - ii) Private firms have profit incentive to pay more
  - c) G2: Does the threat of strike prompt reform?
    - i) Compare to binding arbitration
      - (1) Encourages bargaining
      - (2) E.g., children fighting over a chocolate bar
      - (3) No agreement, 3<sup>rd</sup> party takes over

**POI: What power does a union have over the government?**

    - ii) Laws manage the arrangement
      - (1) If gov't/union agree, no problem
      - (2) Disagree, 3<sup>rd</sup> party imposes a solution
    - iii) Impact on society
      - (1) BA yields better education and equality
      - (2) BA tired fire fighters
      - (3) Strikes mean no fire fighters, avoiding tragedy

- iv) BA treats all parties fairly
  - (1) Still have workers on the job
  - (2) 3<sup>rd</sup> party makes the hard decisions
- v) POI: Better to have workers quit or go on strike?
  - (1) If strikes are legal, there is an increased incentive to do so
  - (2) If they strike, no fire fighters, teachers or police
- d) G3: Making strikes legal will not reduce their number
  - i) E.g., France is always on strike
    - (1) Move to raise the retirement age caused strikes
    - (2) Public transit is stopped
  - ii) Chicago fireman strikes led to deaths
- e) O3: BA doesn't require a strike threat
  - i) Negotiations are about working conditions, salary
  - ii) BA meets demands peacefully

### 5) Leader of Opposition Rebuttal

- a) Framework is the public interest
- b) Which side will cause the most harm?
  - i) Gov says we can reduce risks if strikes legal (G3)
    - (1) This acknowledges strikes will happen
  - ii) O1 notes risks to safety and security
    - (1) What happens if army or public health go out for a week?
  - iii) Better to have workers than not
- c) Which side promotes reform?
  - i) BA/O3/G3
    - (1) No strikes in 40 years
    - (2) Shows no need for strikes
  - ii) Strikes may work in some cases, but cause too many harms
    - (1) Look at France
- d) What is our moral obligation?
  - i) Balance human right against public sector interests
  - ii) If people die, wages don't matter

### 6) Prime Minister Rebuttal

- a) Harms vs benefits
  - i) Opp neglects the benefits of reform
    - (1) E.g., teachers need to be involved in the decisions
    - (2) E.g., why did their biology teacher quit: working conditions
    - (3) Better to have reform
  - ii) Opp results in a constant worker shortage
- b) France is not a good example
  - i) Legalizing strikes does not make them more common or dangerous
  - ii) No punishment occurs for strikes in France
- c) Binding arbitration helps avoid strikes
  - i) Opp has BA with no right to strike
  - ii) Gov notes this leaves workers with no power over gov't
  - iii) Right to strike give workers with power in BA
- d) E.g., firefighters, police in Boston, strikes were illegal, punished

- i) Opp has no examples of dangerous strikes that were legal
- ii) Illegal police strike left dead strikers
- iii) This is like other countries, not the US