

2022 Topic Report – Civil Rights Reform
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Overview:

Since the ratification of the U.S. Constitution on March 4, 1789, the rights of citizens and non-citizens occupying space within the United States' borders have continuously been negotiated. A little over a decade earlier the Declaration of Independence was used as a rallying cry against the tyranny of the British government. "We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness" was used to boost the morale of the bewildered colonial forces and to contextualize the cause of the colonial efforts. However, what those rights specifically are, who is included in "all men", and how those rights should be interpreted have been championed by scores of politicians, activists, artists, courts, voters, and terrorists.

Surely the authors of both the Constitution and the Declaration of Independence did not intend for the liberal application of the words they wrote. Both Thomas Jefferson and James Madison were slave owners that never intended for their words to apply to all. John Adams, the second President of the country and Federalist who championed the ratification of the Constitution, disregarded a letter from his wife that implored him to "remember the ladies" while deliberating with an all-white male collective at the 1787 constitutional convention in Philadelphia.

Fortunately for many, the country has not completely wedded itself to eighteenth century sensibilities. The ratification of the Constitution came with a promise of ten amendments, the Bill of Rights, that offered more explicit protections for state and individual rights. In all, the US Constitution has been amended twenty-seven times. Many of the amendments were specifically designed to make the country ever more inclusive.

However, for every constitutional amendment, Federal legislation, and Supreme Court decision that seeks a more egalitarian society– if not equitable, there have been State and Federal legislation and Supreme Court decisions that have sought, intentionally and unintentionally, to subvert the freedoms and liberties of many who live within the borders of what has become the United States of America.

The past few decades have provided no shortage of court decisions, state, and Federal legislation that have galvanized large portions of the country. It has led to political analyst Bill Schneider calling the US the "most divided since the Civil War."¹

Tensions have been steadily raising with coverage of police brutality, discussions and decisions on reproductive rights, public education, and more. In tense moments like this is important to

¹ <https://thehill.com/hilltv/what-americas-thinking/409718-analyst-says-the-us-is-the-most-divided-since-the-civil-war>

remember that children are watching what's happening, and it's our duty to provide outlets for them to explore these topics, be educated and given a platform to advocate for themselves.

With this topic we seek to provide a platform for students of diverse backgrounds to learn about an issue that is integral to their and their community's lives regardless of political sensibilities. It is the nature of policy debate that students are not required to adopt any particular political sensibility while exploring these concepts. However, they will have the opportunity to learn how the interpretation of laws and rulings can lead to intended and unintended consequences and be provided with the opportunity to explore the reach and scope of federalism and how the rights of people's individual freedoms hang in the balance of who the actors are.

In implementation, this means debaters in certain regions can explore concepts that come naturally to the areas they live in. Southern states may want to consider arguments of federal overreach, where students in northern states may want to advocate LGBTQ rights. One constant, no matter the state, is respecting other people's perspectives and debating in responsible ways. Responsible clash is accessed through implementation, actors, economics etc. These are unique benefits to this topic, instead of minimizing debate to a yes side and a no side, debaters must prioritize critical thinking to debate impact calculus, procedurals, and dive deep into the source material to compete respectfully.

This pivot to more intricate debate also benefits novice level debaters specifically. Rather than teaching them every argument has an exact opposite, then forcing them to unlearn that concept to develop deeper critical thinking. Novices will be able to get a head start on deeper concepts of debate like impact calculus and framework since it will prove an important tool when debating the merits of structural violence and political impacts arguments.

This will allow for a smoother transition into junior varsity where they will have a much easier time using prior skills to develop more sophisticated abilities of building their own arguments and cutting cards. Junior varsity debaters will be able to utilize these skills while adding PICs and agent counterplans to their debate arsenals. Varsity debaters will have plenty of space for expression and addressing specific aspects of the topic that are most closely connected to personal interests without having to run and run against topicality or anti-K framework since many K theses can easily be made topical under the resolution options.

This topic offers great debate specific opportunities for all students to debate a topic that many already have some understanding and interest in as it pertains to issues that directly affect them and their communities. This is crucial in the times where major political decisions are being made and many of them are watching trying to make sense of it or just on the edge of being thrown into the mess as a young adult. Giving all debaters in that bystander spectrum, a chance to learn and advocate for themselves is necessary. Space needs to be made in the resolution for this advocacy, rather than students being forced to default untopical to talk about things they care about and the things that affect them. This topic also leads to less burnout and more engagement with debate from marginalized communities.

The resolution options we are considering serve a dual purpose. The first purpose is to narrow the concept of civil rights from a seemingly infinite number of civil rights causes to those that specifically pertain to those that already have been designated as federally protected characteristics, or classes. The classes include: race, color, religion, sex (including gender identity, sexual orientation, pregnancy), national origin, age, and disability.² Though there are already legal protections for these classes either through language or interpretation of language, many of those who depend on the protections of the rights and champion the causes of those who stand to be most harmed by the fluidity of interpretations within those groups have been under constant threat of the uncertainty by agents that seeks to restrict or redefine who should determine what protections should exist, if any, for said classes. The second purpose is to provide a safe and flexible resolution that does advantage any political ideology over another and provides ground for diverse and thoughtful debates to be held anywhere in the country without risk of comprising debaters or educators.

To meet both aims, the resolutions that are being proposed allow for a wide variety of affirmative plans and link to numerous off case arguments. This allow ground affirmatives to formulate plans to increase Federal protections of peoples in the United States in whatever way they determine most beneficial and offer the strategic opportunity for both affirmative and negative teams to determine not only how to best protect civil rights, but who is best the best actor equipped to produce the desired outcome and still align with the US Constitution. Debaters are afforded the opportunity to review present and historical deficiencies in the legal protections of US citizens and non-citizens and to develop plans that will challenge, extend, or supersede any existing or proposed state law, Federal law or to confront any Supreme Court ruling.

The Civil Rights Act of 1875, 1964, 1968, the Voting Rights Act of 1965, and other subsequent civil rights related legislation have proven to inadequately contend with the will of many Federal, state, and local elected officials and an ever changing legal and constitutional interpretation by state and Federal judges and the US Supreme Court.³

Important Legal Sources and Definitions:

Civil Right Act of 1964

<https://www.dol.gov/agencies/oasam/civil-rights-center/statutes/civil-rights-act-of-1964#:~:text=The%20Civil%20Rights%20Act%20of%201964%20prohibits%20discrimination%20on%20the,hiring%2C%20promoting%2C%20and%20firing.>

Fourth Amendment:

<https://www.uscourts.gov/about-federal-courts/educational-resources/about-educational-outreach/activity-resources/what-does-0>

Fourteenth Amendment:

² https://www.law.cornell.edu/wex/protected_characteristic

³ <https://firstfocus.org/blog/unfinished-business-the-civil-rights-act-of-2020>

<https://constitutioncenter.org/interactive-constitution/amendment/amendment-xiv>

Tenth Amendment:

<https://constitution.findlaw.com/amendment10.html>

Protected Characteristics/Classes:

https://www.law.cornell.edu/wex/protected_characteristic

Civil Rights:

https://www.law.cornell.edu/wex/civil_rights

Proposed Resolutions:

Resolved: The United States Federal government should pass a new Civil Rights Act that significantly increases Federal civil rights standards based on the principles of the fourth and fourteenth amendments of the US Constitution.

Resolved: The United States Congress should ratify a constitutional amendment that codifies Federal civil rights protections for an identity category.

Resolved: The United States Federal Government should ratify a constitutional amendment that codifies civil rights protections in one or more of the following: ability, age, race, religion and/or sexual identity.

Both resolutions provide debaters around the country an opportunity to review easily accessible civil rights relevant legislation and court rulings that have been enacted, passed, or set since the Civil Rights Act of 1964. The wording of the resolutions allows students to learn about and take stances on the current state of civil rights in the country, but also allows for spirited investigation into the merits and scope of Federalism and the fourth and fourteenth amendments to the US Constitution. Therefore, students are not required to challenge any state or local education restrictions to have robust debates at all levels.

Timeliness: If accepted as the NFHS National High School Debate Topic, the final debate on this resolution would take place in June of 2024, placing it between the end of the 2024 primary season and the nominating conventions for the 2024 general election. We cannot think of how this resolution would be more timely. Between state and Federal legislation and potential precedent resetting Supreme Court decisions the topic of what civil rights are and should be and how they best should be protected are as contentious as ever. And it is a topic that offers a wealth of literature for debaters at all levels to participate.

Scope, Range, and Quality: Depending on the exact wording of the final resolution that emerges, we expect most of the policy cases likely to emerge to be rather straightforward and not complicated, but also offers K debaters room to challenge the use of traditional mechanisms to achieve the desired aims. This provides a wide canvas for varsity affirmative, but keeps them within a reasonable range for negative teams to not face an undue burden entering into rounds.

The key feature of all our resolutions involve a change to already existing legislation and legal precedent and/or the text of the United States Constitution.

Material: Google searches for “Civil rights issues today”, “current proposed civil rights legislation”, and “current civil rights supreme court cases” generated over one million hits each. Public policy, journalists, and law organizations have committed a wealth of resources and personnel to these issues. We do not anticipate students having issues accessing good research that is in the public domain and not hidden behind paywalls.

Interest: We do not see any issue with debaters being interested in this topic. The scope of this topic either directly or tangentially affects the lives of debaters across the country. By using such a prescient topic coaches of all experience levels will not be forced to help debaters with subject matter that is obscure and provide greater accessibility.

Potential Off Case Positions: These are common positions that could directly link to affirmatives developed under both resolutions. These are tried and true arguments passed down for generations,

Backlash DA

Populism DA

Federalism DA

States CP

Anti-Blackness K

Newer more specific arguments would be constructed like this:

Execution DA – in the squo federal laws act as a standard and states decide what works for them as time progresses and resources are available. The aff plan overloads states with too large a standard. Lack of resources and political stability causes a civil war.

Performative DA – In the squo individual people’s desire to learn is genuine. Enforcing federal change would draw more people to learning about *aff specific link* but in a performative manor. The sudden mainstreaming of the topic undermines the importance of it and sets the identity group back to experience worse structural violence