

Terms of Art

Occasional Dispatches from the Intersection of Language & the Law

One Chad, Two Chad, Red Chad, Blue Chad

David Franklin

NOW THAT THE FLORIDA ELECTION contretemps is safely behind us, *Terms of Art* dares to ask the question that has been on every right-thinking lawyer's lips since before Thanksgiving: Is the plural of *chad* really *chad*?

You remember chad, the little rectangular piece of cardboard on whose tiny hinges hinged the election of 2000. By now, we know more about him than we ever wanted to. We all know that he can be hanging or dimpled or pregnant (and possibly also “undescended,” as Sunshine State wag Carl Hiassen suggested). A helpful website called yourdictionary.com informs us that the word *chad* may have evolved by mistaken back-formation from the surname of one Mr. Chadless, who invented an eponymous machine that cut u-shapes in punch cards, rather than open circles or rectangles. Unlike most mistaken back-formations

of late (*ept*, *shevelled*), this one seems sincere and unironic: if the contraption that did not generate those little pieces of confetti was called the Chadless machine, it must have seemed obvious what to call the little pieces.

And then there is St. Chad, who had no known contact with little pieces of cardboard but whose story contains an uncanny parallel to the recent electoral snafu. Chad was quietly going about his business as Bishop of York one day in 669 A.D. when he was informed that there had been an irregularity in his consecration years earlier. It seems he had been ordained by English bishops following Celtic church customs, rather than by bishops from the Continent following Roman customs, as was required. Rather than raise a ruckus or plead irreparable harm, Chad graciously stepped down. The guy was a saint.

So *chad* enters the lexicon as one of many

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words to have been coined, or at any rate gained greater currency, as the result of a presidential election campaign. Incidentally, most of these words are rather ugly, perhaps not surprisingly given the nature of politics. *Miscegenation* was invented in 1864 by the author of an anonymous anti-Lincoln tract. *Mugwump*, meaning a person of inconstant political loyalties, came to prominence during the 1884 campaign; sadly, it appears to derive from an Algonquin word for “great man” and not from the phrase “his mug’s on one side of the fence and his wump’s on the other.” And, of course, *normalcy* owes its unfortunate popularity to Warren G. Harding, who used it as a rallying cry during his 1920 run. (Actually, Harding’s biographer, Francis Ursell, reports that the speechifying candidate meant to say “not nostrums, but normality,” but mispronounced it as “normality,” to the amusement of reporters who later thoughtfully changed the gaffe to “normalcy” in their copy. There’s a message here for current members of the Fourth Estate, but let’s keep it subliminal.)

Back to the question of the day: does *chad* really not take an “s” when multiplied? Some grammatical gurus say he does not. CNN’s website offers this authoritative-sounding quote from one Paul J.J. Payack, president and CEO of the aforementioned yourdictionary.com: “Chad is its own plural.” A website called logophilia.com agrees.

With all due respect to these experts, hogwash. At least when chads are hanging out in small groups, that’s what they’re called: *chads*. As usual, common usage has the final word here. Only the grammatically challenged or the terminally pedantic would speak of “three dimpled chad” or “several chad that are sort of pregnant.” (If you find anyone who does speak that way, *Terms of Art* paraphrases the current resident of the White House and politely suggests that you ask he or her to take a literacy test.) Even the Supreme Court *per curiam* managed to get this one right, referring

to *chads* more than once.

The twist is that when the numbers get large, the usage changes. Thus, in those heady post-election days, we often heard beleaguered local election officials saying things like “We’re drowning in chad over here” and “There are mountains of chad on the floor.” To at least one pair of ears, this collective singular usage sounded awkward. Where did it come from? William Safire draws the thoroughly reasonable parallel with *chaff*, but for some reason the association that comes to *Terms of Art*’s mind is *chum*, defined charmingly by my venerable Webster’s *Second* as “chopped fish ... thrown overboard to draw fish.” (A secondary definition is “the pulp left after expressing oil from menhaden.” One supposes, therefore, that a recipe for chum could begin: “First we take menhaden...” Sorry.)

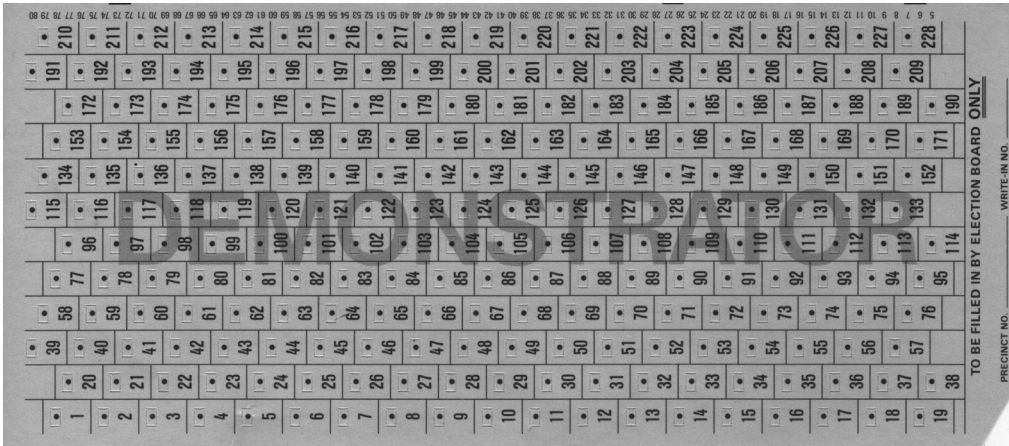
So perhaps the plural of *chad* really is *chad* after all, at least when there’s enough of it lying around? Nope. In the examples given above, *chad* is not being used as a plural at all, but as what your seventh-grade teacher would have called an “uncountable.” Roughly, an uncountable is something that, even when it grows in amount, remains a single, undifferentiated whole, like pig iron, or common sense, or John Grisham’s novels. If you’ve got a lot of *it*, rather than a lot of *them*, and you can’t preface it with *many* or *few*, chances are you’ve got an uncountable on your hands. By contrast, even an enormous forest is not made up of *tree*, the reason being that you could count the *trees* if you had to, even if you’d rather pay someone else to do it. What’s unusual about *chad* is that it seems to metamorphose from a countable to an uncountable after it reaches a certain critical mass. (Unusual but not unheard-of: for example, we don’t talk about *wine*, *women* and *songs*, and in some circles it can be said colloquially of a person with a large salary that he *makes a lot of coin*. On the other hand, *sand* seems to move in the other direction, paradoxically becoming a countable

only in expressions where its purpose is to epitomize uncountability: *numberless as the sands of the sea.*)

Herein lies the legal significance of this seemingly pointless linguistic exercise – for didn't the entire sorry Election 2000 episode boil down in the end to whether chads were, in fact, countable? In light of this question, the conspiracy-minded among us might wonder whether those seemingly offhanded references to "drowning in chad" and the like were not in fact precisely scripted by devious Republican operatives to steer the national dialogue toward envisioning chads (er, make that *chad*) as an uncountable commodity. If chad are truly so numerous that they form one huge, pulsating mass, then no amount of totalling or

manual recount produces a degradation of the ballots, which renders a subsequent recount inaccurate." This statement, free of any citation to authority, conjures up images of counting rooms as confetti-strewn abattoirs whose floors resemble the pits at the New York Stock Exchange at 5:30 on a Monday afternoon or the Canyon of Heroes the morning after a ticker-tape parade. It also runs counter to some contemporaneous news articles suggesting that hanging chads are about as easy to detach as the side-view mirror of a Buick. But *Terms of Art* digresses.)

In the end, putting both conspiracy theories and semiotic theories to one side, it becomes clear that there isn't much at stake here. The word *chad*, like the tiny pieces of



retotaling will get us closer to the truth. The post-election mess is just that: a mess, an exercise in counting soup. Might as well certify the machine count and go eat some turkey.

(Incidentally, comments about "mountains of chad on the floor" also align perfectly with Justice Scalia's confident assertion, in his concurrence to the issuance of a stay in *Bush v. Gore*, that "it is generally agreed that each

cardboard themselves, will soon be swept away, as punch-card balloting machines are replaced nationwide by touch-screen devices that allow you to make a \$50 withdrawal from checking while you vote. And there will probably never be an election this close again. So we can all get back to counting the usual countables, like *sheep*. Or should that be *sheeps*? *GB*