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# The FORENSIC OF PI KAPPA DELTA

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The author served as president of the Nebraska Zeta Chapter of Pi Kappa Delta in 1942 at Kearney State College. He debated four years for his alma mater. This article was written at the request of the editor after a sketch of Mr. Harding appeared in the January 1957 issue of THE FORENSIC.

# College Debating as Preparation For Advocacy

JAMES F. HARDING, JR.

*Trial Attorney, Civil Division  
United States Department of Justice*

I am especially pleased to write on this subject because through the years I have come to appreciate that college debating is not only the *best*, but very often the *only* training the lawyer may receive for trial court argumentation. More and more, the law school curriculum is becoming so crowded with essential "bread and butter" courses, Torts, Contracts, Taxation, Evidence, etc., that there is no room for the polishing courses which the young lawyer would like to have. Courses in oral argument are virtually unknown in today's law schools. It is presumed that such matters have been dealt with in the four years of undergraduate study before law school, or may be acquired piecemeal in practice later on. The moot court procedures in most law schools are a once a year project. Unlike the first recorded moots in 1545 in the English Inns of Court, they are mock trials or hearings of *appellate* cases such as might be heard in a state superior court or in the Federal Appeal Courts, with more emphasis on the brief than the argument. The budding lawyer actually has *no* training in the give and take of *trial court* procedure, and it is for this reason, I submit, that every one seeking ultimate admission to the bar should have some undergraduate training in oral argumentation.

Perhaps before proceeding further we should have a definition of terms. Advocacy is, of course, the advocating or

speaking for someone or some thing. There are many ways in which this function may be performed; by business and advertising men, by legislators, by Government administrative agency personnel, etc. But in the normal sense of the word we mean the kind of oral presentation made by an attorney, for a client, in a trial court, to a judge and/or a jury. There is no higher calling than pleading a just cause for someone unable to present it for himself.

Many people have a Hollywood conceived idea of the trial lawyer as a Perry Mason type who struts into the court room (surrounded by beautiful secretaries and bright young brief case carrying assistants), with no apparent preparation, and by sheer personality and charm, wins a hopeless case by one brief, brilliant speech to the jury. This is not a true picture. In reality the trial lawyer usually is a tired-eyed man who carries his own heavy brief case, and after days and weeks of careful and exhaustive preparation makes the best possible presentation of the available evidence to the court. Histrionics are of little value. Cold clear logic, good organization, a thorough understanding of the rules of evidence, ability to think on his feet and to speak fluently and spontaneously . . . these are the best tools of the trial lawyer.

It would be presumptuous for me to discuss techniques of delivery in this publication. Suffice it to say that the techniques used to convince a judge in a debate tour-



nament, i.e., timing, clarity of expression, and emphasis, are precisely the same ones best suited to convince a judge and jury. The research and organization of material is much the same. The objective is still to emphasize the strongest points and play down the weakness in the case, always bearing in mind the best way in which the entire argument may be presented to this particular audience.

There is little opportunity for a prepared oration in most trial practice. You have to "play by ear" all the time, thinking out the second step while talking about the first or listening to your opponent's argument. This becomes second nature to the experienced debater who has been trained to think and speak or listen at the same time.

Trial practice takes a great deal of concentration and discipline, and what for want of a better term, I would call "mental stamina." This is the ability to "take it" for many hours a day, concentrating, thinking and speaking without respite. The de-

bate tournament, with its tension crowded split-second schedule, is an excellent training ground for this quality.

Debating engenders another trait essential to all lawyers; to get and analyze all of the facts and not to pre-judge, or give way to personal prejudice. "Prejudice is the badge of stupidity because it is a substitute for thinking." In the law we size up a case, but we do not pre-judge it. We get the facts, present them, and accept the judgment of the Court.

This brings me to the last, but not the least, of the things learned in the debating arena. You must learn to lose like a gentleman, even when you think you have won. A final decision must be accepted without rancor, if you would go on to argue the next case with a clear and untroubled mind.

All of these things and more you learn, without fully realizing the gifts bestowed, while you are debating. So think on these things as you carry your card box into the next round. You are well on your way — an Advocate, the highest calling of man!

*The following article appeared in the PHI DELTA KAPPAN, national honorary education fraternity, and is reprinted by permission of the journal and the author. Mr. McIntyre is director of a school principalship at the University of Texas, Austin.*

## *How to Make an Impression on a Discussion Group Without Actually Saying Anything*

KENNETH E. MCINTYRE

You, too, can become chairman of the Committee for Study of Extrapolations from the Obvious if you will but follow these eleven easy lessons, whose *raison d'être* is *non omnia possumus omnes*.

Several years ago I attended my first conference on education. It happened to be a conference on safety education, about which I knew virtually nothing. I was impressed with two things at that conference: First, one of the leading participants, in fact one of the main speakers, showed up with a broken arm; and second, several people (including me) seemed to be attempting to gain recognition in the discussion groups without having much of anything to contribute. Many years and many conferences later, I am still fascinated with the art of fooling people in

discussion groups, and I am making my experience available to the profession by passing along some practical hints. One or more of the following should get results in almost any discussion concerning education:

1. Cite the findings of the Eight-Year Study. This is particularly effective with education professors, who have long since canonized the findings of the study and carved them on stone tablets, that all future generations may come and behold. The Eight-Year Study is the universal antidote for all criticisms of modern educa-



tion; hence, it can generally be counted upon to silence the skeptic who starts confusing the issue with facts.

2. Blame the parents for whatever it is that seems to be wrong. Even the parents who are present will nod approval when you come up with this one, because they will understand that you are referring to *other* parents.

3. After a question has been flailed for awhile, remind the participants that they have been missing the point by failing to consider the problem from the point of view of *The Child* — the *raison d'être* of all schools. This is sure-fire. Veteran discussion group manipulators sometimes develop a voice tremor when referring to *The Child*, and have been known to break up meetings in a lachrymose chorus of self-incrimination.

4. Throw in a foreign phrase (for example, *raison d'être*). This impresses people, and it is easier to do than it appears to be. One can always memorize three or four such phrases, and then steer the discussion so that at least one can be casually interjected. French seems to work best for this purpose, but do not trust the suggestions supplied by World War II veterans who spent some time in Paris.

5. Deplore the over-emphasis on ..... (depending on the biases of the group). If those present are highly football-minded, then question the emphasis on music. If it is a group of college faculty members (arts and sciences), hint that things are never going to get much better until the Educationists' stranglehold on the schools is released. If it is an Educationist meeting, inveigh against the Dead Hand of Tradition (and cite the Eight-Year Study). At the climax of your peroration, remove your glasses and gesticulate with them. If you do not wear glasses, get some — their use as a prop can lend an air of scholarship roughly equivalent to the mention of a foreign phrase.

6. Suggest that semantics is at the bottom of whatever trouble the group is having. Not that it isn't, but it will presumably make a good impression to use the word *semantics*. Even better, point out that there is a dichotomy some place.

7. Compare conditions in education with those in the medical profession. This in itself will not result in any job offers, but it will open the door for a mention of the Flexner Report. The chances are that nobody in the group has read the Flexner Report, which is a distinct advantage to the person who brings it up, because he probably has not read it either. The best strategy seems to be to mention it and then change the subject at the first opportunity.

8. If you are a professor, you can generally gain in stature by pointing out that "there is considerable evidence . . .". This evidence might consist of a master's thesis that a student wrote last year (or, indeed, one that will be written next year), confirming your hunch that a certain notion is true. Since experimental methods are almost always found to be superior to the control methods with which they are compared,\* and since questionnaires can generally be depended upon to produce whatever evidence is desired, one can usually assume the risk of saying that there is evidence even if he has to produce it to satisfy somebody.

9. Suggest that the people who are present are *not* the ones who should be hearing the discussion. This implies that something is being said that should be heard by somebody (which might be, but probably will not be, debated). It also suffuses with a favorable light those who are present; those who are not present, and who might resent the castigation, will never hear about it. Your conscience should not bother you either, because you will have actually said that those who are present should not be hearing the discussion, which could well be the only understatement of the day.

10. Use the modesty approach. This is particularly effective after you have established beyond all doubt that you are really quite an authority on the subject under discussion (through the use of the techniques listed above). If you are alert, you can be the first person in the group to say, "I am just a country boy . . .," and accomplish the twin objectives of appearing both modest and witty. Be careful that you don't appear too modest too soon, lest you

\* "There is considerable evidence" that this is true.



convince your listeners that you (as Winston Churchill said of somebody or other) have a great deal to be modest about.

11. If you fail to make an impression with two or three sallies of the type recommended here, you might try the silent treatment. This can be accomplished, preferably when a somewhat controversial matter has been mentioned, by hinting darkly that you have information which you are not at liberty to divulge, and which would blow the entire issue wide open.

Then settle back and refuse to say another word, but tantalize the group with a knowing smile occasionally when a particularly obscure point is made.

If the group is still unimpressed, either think of something important to say or abandon the effort to appear impressive in discussion groups and write an article instead. There is considerable evidence, in the Eight-Year Study and elsewhere, to indicate that some people are different from other people, and besides, *non omnia possumus omnes*.

## The National Public Discussion Contest

Lenore E. Evans\*

On April 5, 1957, the finals of the Sixth National Public Discussion Contest were held in Minneapolis during the convention of the Central States Speech Association. The choice of the winner marked the close of the most successful of these contests to date. This report on the contest is for those who have expressed interest in the contest and for those who are not yet familiar with its operation.

In 1951, Dr. Wayne N. Thompson of the University of Illinois, Chicago Undergraduate Division, spoke out against some of the problems which plague the discussion contest as it is commonly conducted. Among the problems he discussed were these:

- (1) The misalliance of the inherently cooperative discussion activity with the inherently competitive contest activity;
- (2) The subordination of discussion to debate in contests, and the expense of holding special discussion tournaments;
- (3) The lack of serious purpose on the part of the discussion participant;
- (4) The lack of appropriate criteria by which discussants are evaluated.

Almost any teacher of forensics is aware of the difficulty of motivating research for discussion. We are also familiar with the competitive attitude wrongly manifested by a great many discussion participants.

Perhaps this attitude is explained by the fact that individuals are contesting with individuals for a medal or certificate. A discussion participant is too often out to show himself off as a good discussant, not to work with others to solve a problem.

In an attempt to remedy the problems listed above, Dr. Thompson planned and began the National Discussion Contest. For the last three years I have assisted him in the direction of the annual contests.

Very briefly, the contest is conducted in this way. Competition is among schools, not individuals. Through this plan, sincere cooperation with problem-solving as its aim can exist within a single discussion; but the contest element, valuable for its motivating power, is not lost. The discussions are recorded on tape and are judged in groups of four or five tapes in a series of elimination rounds at specially selected judging centers throughout the country. For the final judging, three authorities on discussion are chosen to evaluate the three recordings which have successfully passed through the preliminary rounds. Detailed written evaluations are sent to each participating school, which is notified before the contest of the criteria to be used in the judging.

The Sixth National Public Discussion contest was the most successful to date, from all points of view. The finals were conducted on April 5, 1957, at the Central States Speech Association convention in Minneapolis, Minnesota. The three judges

\*Lenore E. Evans, Instructor in Speech and Assistant Director of Forensics, University of Illinois at Chicago.



were: Dr. William Howell of the University of Minnesota, Dr. John Keltner of Kansas State College, and Dr. William Sattler of the University of Michigan. The winning schools were:

First — The University of Texas

Second — The University of Virginia

Third — The University of Notre Dame

Although the southern part of the country seems to have taken the two top honors in the 1956-57 season, the contest was truly national in scope. Colleges and universities from the following states participated: California, Florida, Illinois, Iowa, Indiana, Kansas, Maryland, Michigan, Missouri, Montana, New York, Ohio, South Carolina, South Dakota, Texas, Virginia, and Wisconsin. The size of the school seemed to have no bearing on success, as was seen by the fact that both large state universities and small colleges were included in the semi-finals. Judging centers were used in the following states: California, Illinois, Louisiana, Michigan, Nebraska, South Dakota, Texas, and Virginia.

Two particularly happy observations can be made following the contest. First, the number of participating schools has increased from seventeen in the first annual contest to thirty-eight in the sixth. Second, from those individuals who have heard recordings from each of the annual contests came remarks concerned with the great improvement shown in the quality of the discussion programs. There was unanimous agreement on the value of the contest.

In recent years, the winning tapes have been recorded for placement in the National Tape Repository of the Department of Audio-Visual Instruction of the National Education Association in Washington, D.C. These tape recordings may be auditioned by future contestants.

Pi Kappa Delta has been strongly represented in the contest each year. In the Sixth Annual contest, the following member schools participated: Los Angeles State College won a Certificate of Superior; and St. Mary's University and Kansas State Teachers College were rated Excellent. Dr. Wayne Thompson, the originator of the contest, is the Pi Kappa Delta sponsor

at the University of Illinois in Chicago. Other Pi Kappa Delta institutions which competed are: University of Redlands, Humboldt State College, Idaho State College, Bradley University, Illinois State Normal University, Eastern Illinois State College, University of Illinois in Chicago, Kansas State Teachers College, Michigan State University, William Jewell College, Kent State University, Wisconsin State College at River Falls, and Wisconsin State College at Eau Claire.

The success of the contest heretofore seems to insure its permanence. Those who have evaluated recordings in previous contests agree that there is still need for more analysis of the question for discussion, more material to support statements made by discussants, and more showmanship and planning on the part of the participants.

The Seventh National Public Discussion Contest will begin this fall. The contest rules are as follows:

(1) Any university, college, or junior college in the United States may enter a "team" of five members. Participants must be classified by their registrars as full-time undergraduate students.

(2) The discussion team will prepare a twenty-five minute presentation recorded on single track tape at 7½ inches per second.

(3) The topic will be the national discussion question. The "team" may consider the whole topic or a phase of it.

(4) Tapes or their containers must give in writing the name of the college. Participants, although they may address each other by name, are not to reveal the name of their college on the recording itself.

(5) The tournament management will use all reasonable precautions against the breakage, loss, or theft of the recordings, but it will assume no legal or financial responsibility. Upon the completion of the contest, all tapes will be returned to their respective owners.

(6) The programs will be judged by the following criteria:

(a) amount, quality, and relevance of the information;

(b) originality and accuracy of thought;



(c) progression of thought;

(d) interestingness;

(e) delivery.

(7) Awards of first, second, and third will be given to the three best programs; and evaluations of superior and excellent will be given to other worthy entrants. The decision of the judges will be final.

(8) Participating colleges will receive the written comments of at least three judges.

(9) The intention of entry is to be mailed by November 10, 1957, to Dr. Wayne N. Thompson, University of Illinois, Navy Pier, Chicago 11, Illinois. Recordings are to be shipped by the competing institutions by December 10, 1957 to the sec-

tional center assigned by the tournament manager.

(10) A fee of two dollars to cover postage, secretarial help, and administrative costs of sectional, regional, and final contests should accompany the entry.

(11) For further information, write to Dr. Wayne N. Thompson, University of Illinois, Navy Pier, Chicago 11, Illinois.

There is hardly need to say that this contest is not a cure-all for the problems found in so many discussion contests. This contest is an attempt, however, to put a "premium on cooperativeness" in discussion and, at the same time, retain the valuable qualities which the contest element brings.



Powers Model, Wretha Whittle, participated in the Brookings Convention of Pi Kappa Delta for Hardin-Simmons University, Abilene, Texas. She will be enrolled this fall at Union Theological Seminary, New York City, New York, as the recipient of a Rockefeller Foundation Scholarship.

These awards are for those considering religious service. Only 52 are given each year. Miss Whittle was a major in speech at Hardin-Simmons University, and is at present uncertain about her future plans.

Her modeling experience for the John Robert Powers Agency was gained in the summer of 1956 in

Dallas, Texas, when she was in the midst of a highly successful college program.

In Forensics she compiled an outstanding record at Hardin-Simmons University. President of the Texas Theta Chapter, she was undefeated in debate in 6 out of 8 debate tournaments in 1956-57. At the Brookings National Tournament she was rated excellent in debate, superior in extemporaneous speaking, and good in oratory.

A native of Abilene, Texas, Miss Whittle is a statuesque blonde who received a number of honors for her personality and beauty while at Hardin-Simmons University. Included among these are Senior Class Sweetheart and Miss Future Teacher.

Other honors won by Miss Whittle include membership in Alpha Chi, Honorary Scholarship Organization, and election to "Who's Who Among Students in American Colleges and Universities." She spent four years at Hardin-Simmons University and was a member of the forensics squad for three of these years.

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## IN MEMORIAM

During the summer word was received by The Forensic of the death of Dr. J. Thompson Baker, founder of the modern debate tournament. He died April 30, 1957.

In an article in the March 1956 Forensic, Edna Sorber of Southwestern College, Kansas, recounted the beginnings of the tournament from Dr. Baker's initial efforts at Southwestern. The May 1956 issue contained quotations from a letter received from Dr. Baker commenting on the earlier article.

A minister and lecturer for fifty years, Dr. Baker was head of the Department of Speech at Southwestern from 1922 to 1941. A member of Pi Kappa Delta, his "first" tournament bore the name of the fraternity.

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# Report of the 1957 National Questions Committee

Larry Norton, Bradley University

One hundred and twenty-two Pi Kappa Delta chapters voted on the national questions this year. One chapter did not vote for the debate propositions and one did not vote for the discussion questions so we had one hundred and twenty-one valid ballots for each. The results of the vote on the National Debate and Discussion Topics for 1957-58 are listed below as announced on August 10, 1957. In debate each first-place vote counted as five points, each second place as four points, each third place as three points, each fourth place as two points, and each fifth place as one point. In discussion each first place vote counted as four points, each second place as three points, each third place as two points, and each fourth as one point. Thus the topic in each list receiving the highest total was chosen as the official question.

## DEBATE

Rank		Vote
1st	Resolved that the requirement of membership in a labor organization as a condition of employment should be illegal.....	1032
2nd	Resolved, that the further development of nuclear weapons should be prohibited by international agreement.....	966
3rd	Resolved, that labor organizations should be under the jurisdiction of anti-trust legislation.....	962
4th	Resolved, that all electric power facilities in the United States should be operated by private enterprise .....	853
5th	Resolved, that the federal government should subsidize the higher education of superior students .....	843

## DISCUSSION

Rank		Vote
1st	How can our colleges and Universities best meet the increasing demand for higher education?....	880

2nd	How should the federal government deal with the problems of inflation? .....	754
3rd	What steps should now be taken toward world disarmament?.....	745
4th	How can the United Nations be made a more effective instrument for world peace?.....	692

Each year a few new chapters are added and new sponsors enter the field. Many new student members are just becoming acquainted with our activities so, as in previous years, we shall call attention to the basic procedures which govern the work of the national questions committee: 1) The Speech Association of America Committee on Intercollegiate Debate and Discussion Activities is composed of one member from each of the four cooperating forensic societies — Delta Sigma Rho, Phi Rho Pi, Pi Kappa Delta, and Tau Kappa Alpha — one member appointed by the president of the American Forensic Association, and one member appointed by the president of the Speech Association of America. The chairmanship of the committee rotates among the four forensic societies and the AFA and SAA appointees.

2) Each committee member is responsible for polling the chapters of the organization which he represents. All suggestions for topics must be submitted to committee members not later than the May date set by the committee.

3) The committee members must meet during the months of May or June to decide on topics and phrase the questions for discussion and the propositions for debate.

4) The debate propositions and discussion questions are submitted for preferential vote not later than August first to all chapters of the four forensic organizations and to a representative number of the non-affiliated schools.



5) If circumstances require a change during the season, the committee may, by a two-thirds vote, alter the wording or move to a second choice proposition or questions. Individual chapters or schools are encouraged to write their reactions to the propositions or questions to members of the committee as the forensic year progresses.

6) The four cooperating forensic societies agree to use the SAA questions as their official propositions for debate and discussion for the college year. This does not prevent individual schools or groups of schools from debating or discussing more than one question during the school year; but it does mean that none of the four societies would select a different question.

7) The topics must be announced by September 10th.

Working under these regulations, the

following committee members met in New York City on June 28 and 29, 1957, and phrased the topics listed above: Larry Norton, Bradley University, Pi Kappa Delta; Winston Brembeck, University of Wisconsin, Delta Sigma Rho; T. Earle Johnson, University of Alabama, Tau Kappa Alpha; Austin J. Freeley, Boston University, American Forensic Association; and Glen Mills, Chairman, Northwestern University, representing the Speech Association of America.

The regulations under which the committee operates prevent issuing any official interpretation by the committee, nor is any organization or individual so authorized. The right of interpretation rests with those who debate the question. The committee has attempted to phrase questions that are broad in scope in order to encourage thorough analysis and investigation and to give the advantage to those students doing the more extensive and intelligent work.



## Ridin' The Provinces

In the first issue under his direction, your editor two years ago expressed hope that the excellence of *The Forensic* would be upheld in the years ahead. He stated that changes would be few. The time has come to take stock of these two years.

In this time a full cycle of issues has come off the press encompassing eight publications and covering our largest national convention last April in Brookings, South Dakota.

We have received many commendations and for these we are deeply grateful. Suggested improvements have likewise been

received with pleasure and we have considered all of them.

We are perhaps proudest of the balance of the magazine which has been achieved. Last year, in addition to the usual items, we were able to publish a number of significant articles on forensics. We have attempted to encourage special articles of particular significance to PKD.

We believe we gave adequate coverage to the national and provincial conventions and the activities of the chapters. Regular reports from the Council, the President, and Secretary-Treasurer have been continued. Alumni news has been increased and a number of those reading about themselves have written to us. One has written an article which appears in this issue.

For several years the Council has considered a change in the cover of *The Forensic*. Obviously out-dated, the old cover had been kept in recent years out of a feeling for tradition. With this issue we present a new cover in color which was approved at the last convention.

Your editor finds himself in a new position this falls as follows:

Emmett T. Long, Registrar  
California State Polytechnic College  
Pomona, California



## President's Letter

When the time comes that a new school year no longer quickens the pulse of those engaged in forensic activities, it's time to fold our tents. I'm sure we're all open for business.

Dean Dennis of Northwestern University's School of Speech used to tell us in connection with his course in Program Building that there was nothing new with which to be concerned but there were tremendous possibilities for arranging the old in creative combinations never before conceived. Forensic directors are busy working with a debate proposition and a discussion question which concern areas we have debated and discussed in previous years. A different wording, a different perspective in time and different students all combine to provide a new and challenging arrangement. Although students should be at least casually informed about both of these problem areas, they are probably giving their first intensive study to them. Many debaters will be learning to work with a colleague for the first time and some will be working with a different colleague. In many cases directors will have changed schools and new arrangements of students and coaches will be taking place. Wherever these new combinations occur, I hope the results will be creative and highly successful.

There is, however, one arrangement in Pi Kappa Delta which remains essentially the same. It is the relationship of the local Chapter to the Province and of each to the National Organization. The real strength of Pi Kappa Delta lies, of course, on your college campus. Much depends upon how active each member is in the encouragement of beginning students to participate in the forensic program. Much depends also upon the continued drive of present members to work a little harder and to achieve a little more than last year. This is the year when every effort should be made to strengthen Pi Kappa Delta on campus. Whenever the local Chapter or any of its members contribute to the welfare of the campus community — and it should be often — let the name Pi Kappa Delta be given recognition.

This is also the year when each of our ten Provinces assert themselves a little more vigorously within the total framework of the organization. Whereas it is sometimes very difficult for a local Chapter to attend the National Conventions regularly, it should seldom be impossible to attend your Provincial Conventions which are now being planned for this year. I would like to see the largest representation at our Provincials that we have ever had. Let's keep accurate attendance records in terms of entries and event participation and announce the total figures in the May Forensic for 1958. Be sure your Chapter is well represented.

At the time this is being written, I have just returned with my family from a vacation through some of the Eastern states. Among the colleges and universities we visited for the first time were three Pi Kappa Delta schools, Lenoir Rhyne at Hickory, North Carolina; Wake Forest at Winston-Salem, North Carolina, and the University of Maine at Orono. We can be very proud of each of these schools and their forensic programs.

We concluded our travels with attendance at the Speech Association of America Convention in Boston. Here I had the privilege of meeting Mr. David W. Stallard, Director of the National College Student Foundation, Inc. You will note in a later issue of the Forensic that plans for the Pi Kappa Delta Scholarship have progressed under the direction of Mr. Stallard and our immediate past-president, Theodore Nelson. More information on this project should be appearing from time to time as our scholarship committee begins to implement the program.

