



PETITIONING

SPEAKING



LISTENING AT THE 1979 PKD NATIONALS

The FORENSIC of Pi Kappa Delta

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The President's Message . . .

*Past President
Ulrey inducts
President Harte
into the Order of
the Beards.*



FAREWELL PERSONAL REMARKS

When I was elected president of Pi Kappa Delta two years ago, one of my first concerns was whether I would be able to find enough to write about to fill four president's columns each year. Now I find myself with only one message left and still so much to say. I hope the reader will forgive me if this message is a little longer than usual.

Since I have never pretended that this column is anything more than my own opinion, it seems only proper to begin the last in this series with some personal remarks. When I took the oath of office in Seattle in 1977, I said that being elected president of Pi Kappa Delta was the highest honor that could be granted someone in the field of forensics. Nothing in the last two years has altered my belief in that statement. As my term comes to a close, I want to publicly thank all of those who have helped and supported me in

this office: the members of my forensic squad and staff, the administration of Southeast Missouri State University, my colleagues in the Province of the Missouri, and my associates on the National Council. I particularly wish to thank the more than 500 delegates who attended the National Convention and Tournament in St. Louis. You overcame the inevitable difficulties associated with such a large event (including occasional bad weather) and made the convention a success. Once again I was impressed, as I always am at PKD Nationals, by the vitality, good sense, and character of our members. Those who constantly criticize today's generation of college students have obviously not been to a Pi Kappa Delta National Convention and Tournament lately. To those who were not at the Thirty-First Biennial Meeting, we missed you. We hope to see
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The Secretary's Page . . .



Secretary-Treasurer Karl confers with Vice-President Starr (center) and Council Member Hufford (left).

Having just finished the official minutes of the business meetings at the St. Louis Convention, I must admit that really no time has been allowed for real reflection on the convention itself. It would be an advantage if the deadlines for this page were not so pressing. Although the time for reflection is not allowed, at least a few comments might be in order from this office as we see it.

It was quite obvious that most of the delegates did take my remarks seriously and availed themselves of the "services" offered by the ladies who were "in command" of "the store." It seemed to me that the reports from that facility would indicate that most everyone at the convention at one time or another did at least look in and see the many supplies on display. I wish to thank those who came by and picked up supplies, and also thank the ladies, Betsy Karl and Jean Lawrence, for the long hours they spent at that loca-

tion. The storekeepers performed many other duties which were their responsibilities.

My report to the convention indicated, at least indirectly, that attendance at the St. Louis Convention was somewhat larger than at the Seattle meeting. This was true in relation to numbers in all three of the categories mentioned in the report. Approximately ten additional chapters, fifty more people, and two more states were represented.

My personal main negative reaction to the time spent there is that I was permitted time to see and talk to fewer students and longtime friends than ever before. Certainly we were not busier, but, whatever the reason, I did miss the opportunities which seemed to be present at other conventions.

From the standpoint of this office, the convention was a successful one — time

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INHERENCY, LARGELY A BOGUS ISSUE

John R. E. Bliese

All of the current attempts to reform intercollegiate debate practice seem to have a common focus: they want to make debates more like real world policy disputes. Thus the concern over topicality, since no one in the real world would ever think that bail reform is a land use issue or that chiropractors are consumer products. Thus, also, the desire to make debate style "communicative" or "persuasive," since no one in the outside world would advocate a policy position at 300 words per minute.

With this same general focus, I would like to add another concern: inherency. Inherency, as it is often argued, is in large part an evasion of the real issues. Yet it is a rare debate, indeed, in which most of the first negative constructive is not spent reading inherency blocks. Negatives, in fact, often make it *the* critical issue in a debate. Inherency is so much a part of debate today that we take it for granted.

We should realize, however, that inherency as it is often argued is neither a substantive issue nor a realistic argument. We hear negatives claim, for example, that some existing agency has the power, should it but choose to use it, to do exactly what the affirmative wants done. But by that argument the negative avoids the substantive question of whether it should be done at all. We also hear negatives contend that merely expanding appropriations for an existing program would solve the affirmative's problem or obtain their advantages. Yet in the real world, controversy frequently focuses on purely quantitative changes in the level of appropriations. Moreover, surely no one in the real world who advocated unlimited expansion of appropriations for some existing program, as negatives so casually do, could present himself as a defender of the present system!

At this point we need to analyze further two distinctly different ways, suggested above, in which inherency is raised as a

common but spurious issue in debates today. One is identified by John Schunk and is labeled "pseudo-inherency."¹ In this approach the negative calls for rejection of the affirmative plan because some executive agency currently has the power, should it ever choose to use it, to promulgate a regulation that would be identical to the affirmative plan. It is normally conceded that such a regulation has not yet been issued. As an example, recall the 1977 National Debate Tournament final round where the affirmative case proposed requiring air bags in automobiles.² First negative inherency arguments included the claim that the Secretary of Transportation had the power to require these air bags. Although it was clear at the time that he had not in fact done so, and that, therefore, the status quo did not require them, the fact that someone could require air bags was used as an argument against the proposal to require them! That the Secretary of Transportation may in the future accept the affirmative plan was given as grounds for rejecting the very same plan!

Such "pseudo-inherency" arguments stretch the notion of the status quo far beyond reason. They fail to understand the nature of a modern regulatory agency, confusing *structure* with the *procedures and mechanisms for establishing and changing structures*. That some executive agency has the power to legislate or regulate something is really irrelevant to a debate if the agency has in fact not issued the regulation in question. A regulatory agency is like Congress. Both are simply mechanisms which can make and change legal structures. The agency has an established procedure by which it issues regulations. Its regulations have the same force as a statute passed by Congress.

John Bliese is a member of the order of instruction. He has taught at several PKD schools.

Therefore, arguing that the affirmative plan should be rejected because some agency now has the power to enact it, is the precise equivalent of asking the judge to reject the plan because Congress now has the power to pass it. We have long recognized the latter as a silly argument used only by bad high school teams. Yet for some strange reason, the former argument is accorded respectability.

Consider the situation a few years ago when Congress had given President Nixon power to control wages and prices. For some time Nixon refused to use this power. During that period it would surely have been ludicrous to argue that the status quo structure controlled wages and prices or that they could be controlled without a major change. The policy and structure were precisely the opposite; wages and prices were not controlled, regardless of discretionary powers available to the President. It was surely a major change in the structure of our economy when Nixon finally instituted controls. Until he did it would have made complete sense for someone to argue that controls should be implemented as a major, structural change. This case is logically no different from the air bags one. In the latter case, one need only look at the reaction of the car manufacturers to know that to require air bags would be a major change from the present system within which they build their cars. Nevertheless, the fact that one of the best teams in the nation thought this approach to inherency was a viable strategy and that one of the judges accepted it as sufficient strategy shows how far we have strayed from substantive issues in favor of "pseudo-inherency" arguments.

In the second common spurious inherency claim, the negative advocates virtually unlimited expansion of appropriations for a current program and calls that a "minor repair." This argument is especially critical in those areas where a purely quantitative expansion of a status quo program would in effect be resolutive. Consider, for example, the resolution to guarantee opportunity for employment to all U.S. citizens in the labor force. Since present policy is designed to provide a limited number of public service jobs,

the negative could conceivably propose expansion of this program so that it would be extensive enough to guarantee an opportunity for employment. Although the present policy is precisely *not* to guarantee everyone a job and the present structure certainly does not guarantee jobs, if one were simply to expand that limited number of jobs to, say, ten times its present level, the effect would be resolutive. We would be guaranteeing jobs for all, using a "current program." Traditionally we have allowed negatives to expand existing programs as "minor repairs."

But at what point does a repair cease to be "minor" and therefore cease to be a negative option? Where might we draw the line? Since minor repairs have been so much abused, should we disallow entirely the negative option of expanding appropriations? That does not seem reasonable, for then presumably the affirmative could use a small increase in appropriations as a plan, thereby avoiding serious plan attacks. It would also seem to restrict the negative unreasonably to either a complete defense of the status quo or to a counterplan. But should we allow the negative to expand appropriations up to the "resolution-minus-one?" (Allow the negative to guarantee jobs to all but one person — presumably one of the affirmative team members? Then, of course, the affirmative would lose the significance issue.) Wherever the line might be drawn, it would be arbitrary. And the current sorry status of our topic parameters shows the futility of drawing any line at all. The unlimited "minor" repair cannot be minimized by an arbitrary line but only by a change in debate topics.

The substantive issues in a policy debate should focus on whether something should be done at all. The debate ought to deal with the merits of the policy in question. Debaters ought to be concerned with the pragmatic and philosophical justifications for a policy. Those are the issues that are important in a real world context. However, with these two common approaches to inherency, the substantive issues are not debated. In fact, arguing inherency in these ways often precludes argument over the real issues. If

the negative stand is that the status quo can do or is doing what the affirmative plan proposes, normally the negative cannot consistently argue that it should not be done at all. Against an air bags case, if the first negative defends the status quo because it does or will require air bags, for the second negative to raise disadvantages to requiring them is inconsistent. The negative can, logically, argue that the status quo could do what the affirmative proposes but has chosen not to because of the disadvantages. Cases that argue for new powers to expel illegal aliens can be attacked reasonably enough by claiming that the government already has ample power to expel them, but because of the disastrous consequences to our economy and foreign relations that would result, has wisely chosen not to use its power. But that is not the way the position is usually presented. Normally the only realistic and consistent disadvantage the negative has left is that the affirmative plan would be a wasteful bureaucratic duplication of efforts. Therefore, the second negative has shifted to emphasis on solvency arguments ("to the extent that the status quo does not produce the advantages neither will the plan") or outrageous disadvantages that are *prima facie* absurd. And even the solvency arguments can easily become inconsistent with the inherency attacks, for the first negative usually claims that the present system can produce the affirmative's advantages.

What, then, is inherency, if it is so often neither substantive nor realistic, and if it so often diverts debates away from real issues? Our literature is full of esoteric attempts to grasp the ontological essence of inherency; to me, however, the whole point seems much simpler. If we consider the grammar of a resolution, we find that inherency arguments need not be involved at all. In a value proposition, such as CEDA³ debaters use, inherency has no role. Last year's CEDA topic stated that a U.S. foreign policy significantly directed toward the furtherance of human rights is desirable. It makes absolutely no difference what the status quo policy is. Therefore, inherency cannot become an issue. Even a policy resolution simply asks

one side to affirm that something in particular ought to be our policy. The resolution need not be worded to propose a change in our policy. It makes perfect grammatical sense to resolve that a present policy should be maintained. It would then be up to the negative to attack the status quo. The informal "debate" between an incumbent politician and a challenger often takes this form. So does the "debate" when one seeks a court order preventing someone from doing something, such as building a nuclear plant. The "affirmative" defends the status quo policy, yet a real "debate" occurs.

However, presumably by analogy with a court trial, where the plaintiff or prosecutor argues for a change in the status quo and the defendant has presumption, American academic debate traditionally has required the affirmative to indict present policy and propose a change. *Within that tradition* (one that is by no means God-given) inherency is a concept that once had a very clear function: to assure that there could be a debate at all. It was an integral part of the affirmative's burden of proof to establish either that a problem inheres in the existing structure so that current mechanisms cannot solve it, or that the affirmative proposal would produce advantages that the existing structure cannot produce. Within the general burden of proof, the function of inherency was to force the affirmative to propose a major, structural change. It prevented the affirmative from supporting the status quo or from proposing relatively insignificant changes about which there could be little debate. Thus, for example, on the resolution that the Federal Government should guarantee an opportunity for higher education, the affirmative could not support the status quo, saying that such an opportunity is now guaranteed, for that would not be any "inherent" indictment of the present system. (Although, once again, such a stand would make perfect logical and grammatical sense. It only violates the *tradition*.) Nor could they advocate adding a mere \$2000 to the current appropriations for scholarships, for that would be only a very minor extension of a present program. Thus, inherency was

functional; it made the affirmative advocate a major change.

I have used the past tense in discussing the function of inherency, for its traditional role has been largely eroded. In the 1950's and early 1960's, the activities of government were far fewer than they are today. Unfortunately for substantive debate, over the past decade and a half, the Federal and state governments have enacted an ever-expanding number of programs in almost every conceivable area of policy dispute. They have also established numerous agencies, such as the Environmental Protection Agency and the Consumer Product Safety Commission, with broad mandates to exercise regulatory control over nearly every aspect of our society. It is therefore increasingly difficult to find debatable issues where there are few or no status quo programs. The affirmative is left to deal with an exigence that many existing programs cover, more or less adequately and completely, making it much more difficult to find "inherent" problems to solve. Consequently, the negative increasingly has shifted to inherency attacks, arguing that what the affirmative proposes can be done under the aegis of an existing agency or program, rather than that it should not be done at all. Thus the concept of inherency which originally provided for substantive debate has become a way to avoid substantive arguments.

Ironically, inherency arguments have assumed increasingly greater importance in debate at the very time when their theoretical base, the judicial analog, seems to have been largely rejected by the forensic community. Time and again these days we are asked to be policy makers or hypothesis testers, very different analogs from that of the trial judge. The real world equivalents of inherency and presumption are much less important in public policy disputes than in courtroom trials. At the extreme, zero base budgeting and sunset laws are attempts to remove presumption of the status quo entirely. Nothing "inherent" would have to be established to change the status quo. The present system would have a burden of proof, and present policies would have to be justi-

fied anew to maintain their existence.

It is time to focus academic debates once again on substantive arguments. Schunk recommends that we "abandon the concept of structural change altogether" and test inherency by asking whether we can "solve the problem *without adopting the resolution?*"⁴ If universally accepted, this recommendation would help reduce what he calls "pseudo-inherency" arguments. However, two major barriers confront it. First, debaters and judges would have to agree to give up the very well established concept of structural change. Too many times we hear the frustrated claim that some vice of debaters would cease if judges would not accept it. The claim is, of course, true but not very helpful. Judges *do* accept it, and the futility of attempting to change all debaters' and judges' attitudes on so important a concept as structural change should be clear. Second, to succeed the negative must accept the topicality of the affirmative proposal.⁵ If topicality is an issue, then the recommendation does not help, because there would be no agreement on what "adopting the resolution" means. Therefore, in a large percentage of debates, Schunk's recommendation would not help. Furthermore, his solution would seem less likely to prevent the "unlimited expansion" minor repair. Again, the notion that the affirmative must propose a structural change is well ingrained, leaving the negative with the option of increasing appropriations for some existing program. The negative repair could always stop just short of adopting the resolution, and it would then presumably still be a legitimate negative strategy by his standards.

However, it would be extremely easy to minimize both kinds of bogus inherency arguments and still debate policy propositions. Since the problem stems from the vast number of things the Federal and state governments now do or can do, the status quo has become more and more like the resolutions affirmatives are asked to propose. Thus, the grounds for debate are being reduced. Therefore, I propose that we simply word debate topics negatively, and the problem will be solved. If a resolution proposed that the Federal

Government stop doing something it now does, the spurious inherency arguments would not apply and the debate would center on real issues. The resolution that the power of the presidency should be significantly curtailed was a first step in that direction. Affirmatives were generally able to write cases that were inherent. It was very easy to discover powers the presidency undeniably possessed. The debates tended to focus more on the real issues: *should* the presidency have a particular power? The inherency arguments that were raised by negatives focused on the checks and balances within our government. "Pseudo-inherency" issues were seldom heard, nor were incredible "minor" repairs. The proposed resolution that Federal regulatory agency control over our economy should be substantially reduced is another good example of a negatively worded proposition. It takes a status quo policy and proposes its elimination, thereby minimizing illegitimate inherency arguments.

My proposal to reword debate topics in one respect reverses the traditional affirmative position, for the affirmative would be proposing the elimination of some program rather than the addition of one. Instead of arguing that the absence of some policy or structure creates prob-

lems, the affirmative would argue that the continued presence of some policy or structure is bad or that the original need for the policy or structure no longer exists. Consistent with tradition, however, the affirmative would still be proposing a structural change from the present system. With this new approach to policy topics, the substantive issues, the important arguments over whether our government *should* do some particular thing, are not only fully retained, they are emphasized once again. Debaters would be forced to confront the desirability of a particular policy, and debates would no longer bog down in the largely irrelevant issues of "pseudo-inherency" and the unlimited "minor" repair.

NOTES

¹John F. Schunk, "A Farewell to 'Structural Change': The Cure for Pseudo-Inherency," *Jafa*, 14, No. 3 (Winter 1978), 144-49.

²Stanley G. Rives and John K. Boaz, eds., "1977 National Debate Tournament Final Round," *Jafa*, 14, No. 1 (Summer 1977), 16.

³CEDA is an independent debate association that chooses its own topics and selects its own national champions. Most tournaments in the West have a separate division to debate the CEDA topic. It is frequently the largest division in the tournament.

⁴Schunk, p. 147. Italics in the original.

⁵*Ibid.*, pp. 147 ff.

The President's Message

(Continued from page 3)

you in two years at our Thirty-Second Convention in the Southeast Province.

To the membership at large I say thank you for your support in the form of encouragement, advice, or criticism. All have been appreciated. This organization, after all, is like many other democratic ones. Though the national office holders are among the more visible members, the real source of power and strength resides at the local level. So, communicate with your province and national leaders. Let them know what you want this organization to be. That is not only your right but your obligation. What Pi Kappa Delta is and what it will become rests in your hands.

Finally, as I prepare to turn the gavel over to a new president, I cannot help but observe — as I did when the gavel was first turned over to me — that trying times may be ahead for the forensic community. Inflation, the energy shortage, and dwindling college enrollments may well conspire to force some schools to weaken or abandon entirely their financial commitment to quality forensics. The debate budget will become an inviting target for those administrators charged with making ends meet. Therefore, it is crucial that we in forensics examine what we do and make sure that we can justify our activities, for we may well be called upon by outsiders to defend them. That is why I think the so-called "debate about debate" is so important. The issues are not really new; they are just more urgent

now.

The debate about debate, like most controversies, has more than one side, and I am not sure that the "truth" resides entirely on one side, not even my own. But I am sure of this. We are better off debating this crucial issue than ignoring it. Though the debate may at times become heated, the organization is strong enough to survive it. PKD has survived similar arguments in the past, and it will be better off for our airing of the matter.

I do not mean that there is no room for diversity in Pi Kappa Delta. There is. But I happen to be one of those who believe that our motto — "The art of persuasion, beautiful and just" — is not a meaningless phrase but an educational ideal we have always stood for and one we must continue to practice. All of us should voice our views on what we think is the best way to achieve that ideal. It is through such discussion that needed changes in Pi Kappa Delta will be made, while what is worth preserving will be preserved. As we look ahead to potentially lean years in higher education, Pi Kappa Delta can and, in my judgment, should take the lead in articulating what is educationally sound forensic training. Let's not shrink from that challenge.

Best wishes and good luck to you all!

The Secretary's Page

(Continued from page 4)

was given for everyone to be heard, and all had the opportunity to express their opinions. I am very sure that the National Council will take very seriously the recommendations which were made in the reports, as well as the motions made from the floor. One of the apparent requests was to attempt to hold down costs. This office spends much of its time in devising ways to institute economies. Some have been successful; others have not necessarily effected economies, but neither have they added cost. One of the most notable of these has come in the distribution of *The Forensic*. Some of the requests for copies of *The Forensic* seem to indicate that you would like two copies for each member. Therefore, we have identified the size of the membership of the chapter and thus have reduced the

number of copies sent out by about one-third. We hope they will be passed around to the various members so that all may have a chance to read them. We shall attempt to hold down the costs to the best of our ability and still give the services you have ordered and have the right to expect.

The limitations of time and space do not afford the opportunity to discuss some of the thoughts I have about some of the discussion on the floor of the convention or in the pages of *The Forensic*. That time will come, and the space will be available. In the meantime, let me say that I fully expect that the National Council will respond with mature judgment to the requests made and that such judgments will be made with all of the possible facts before them. I, for one, pledge that any decisions to which I am a party on the Council will be rendered with concern and only after much thought. I believe this to be in the best interests of our fraternity.

I wish to use this space to express my deep personal appreciation to our soon to be Past President Tom Harte. It has been a most pleasant opportunity to work with him and to respond to the best of my ability to his leadership. He has given much time and effort to the organization and has accomplished all that could be expected of his office. Carolyn Keefe has done much for our publication and deserves much commendation. It should come as no surprise that this office must work closely with the editor, and these four years have been a pleasure. To the other people who will soon be leaving the Council, I also wish to express my thanks.

To the new president and newly elected members of the Council, I say that I feel the convention chose well. This office will do everything it can to make your tenure a pleasant one, and it will give you the cooperation in our power.

To all I wish a pleasant last month of the school year, as well as a pleasant future. These wishes are meant especially for all of the graduates who leave the institutions this year. We educators in PKD are sorry to have your leave us, but, after all, your commencement is our goal. Good luck to all!