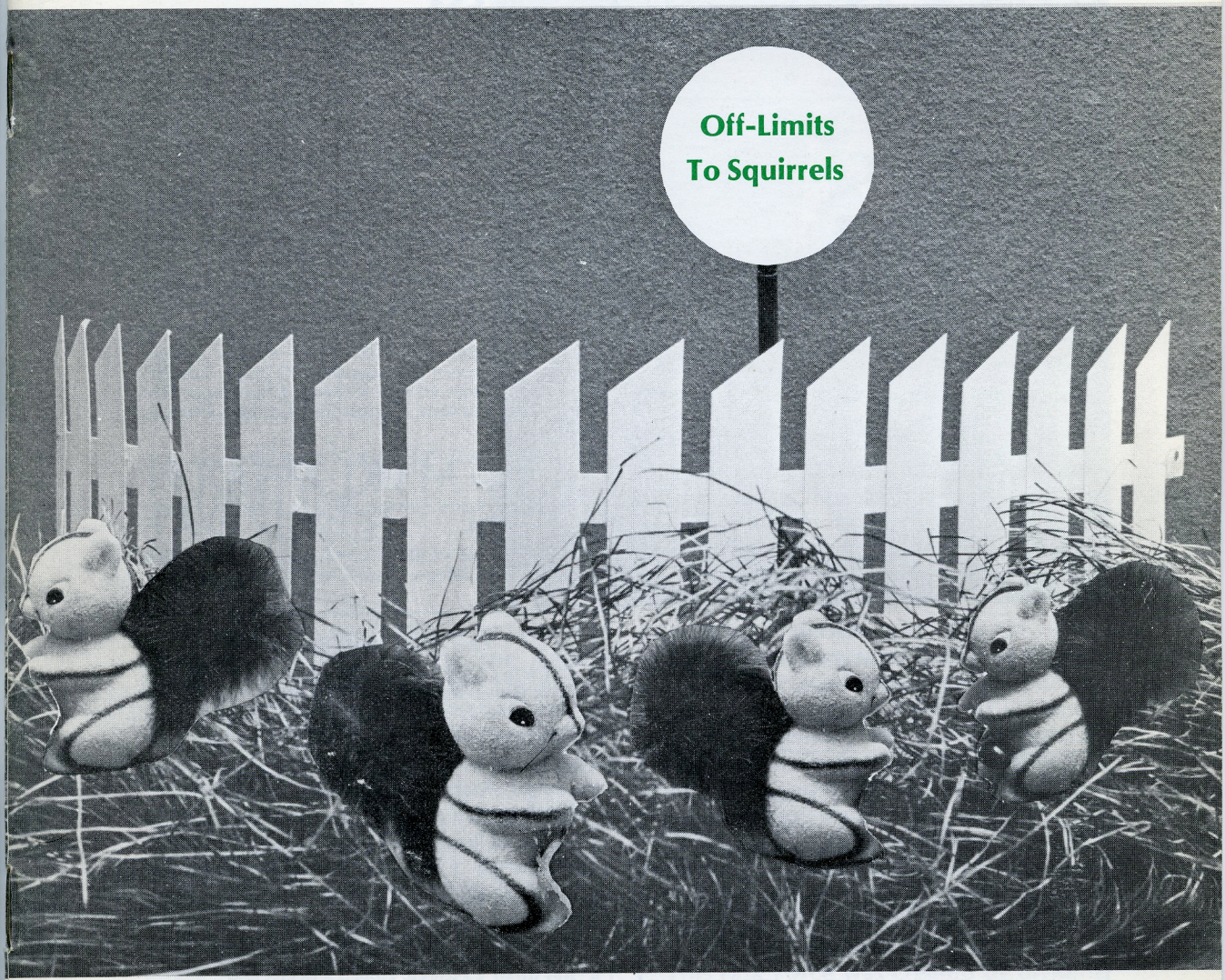
The FORENSIC
of Pi Kappa Delta

MARCH 1978



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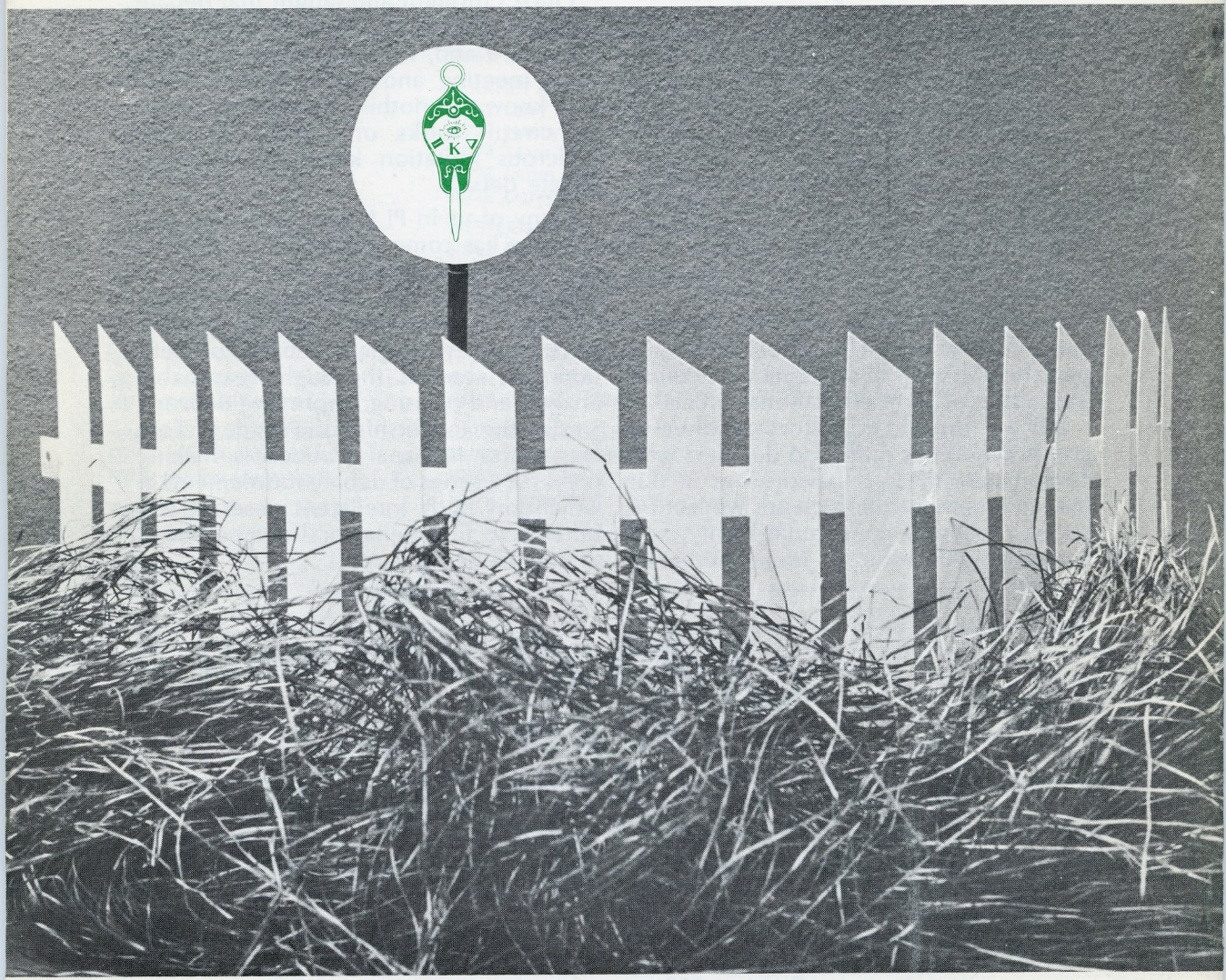

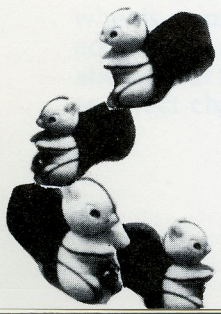

The FORENSIC of Pi Kappa Delta

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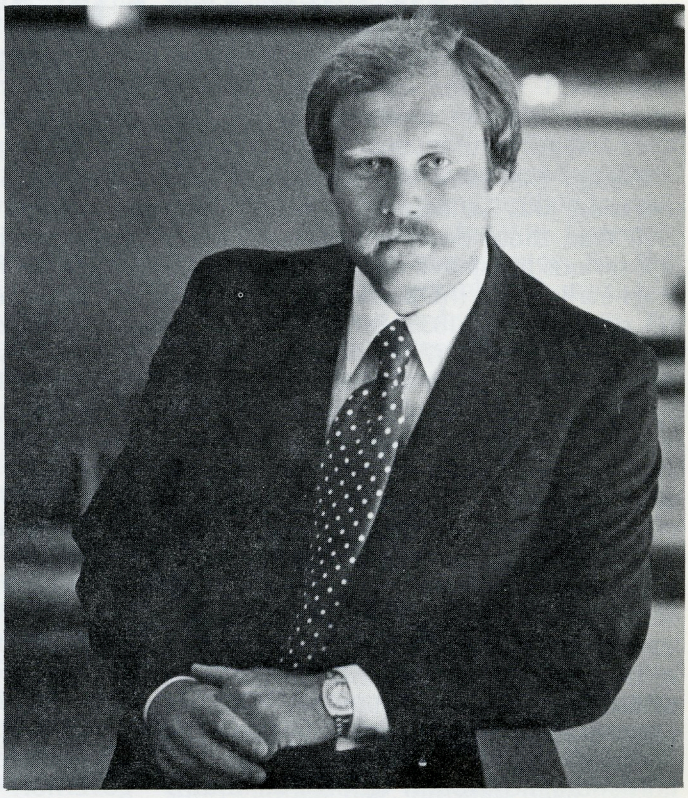

PI KAPPA DELTA TASK FORCE

Many of you may already be aware of the creation last year at the Seattle Convention of the Pi Kappa Delta Task Force on Forensics. However, you may not be particularly excited by the announcement that this organization, like many businesses and a myriad of government agencies, has established such a committee. After all, to many of us a task force is simply a group of people who spend a great deal of time studying and investigating something only to announce that a problem everyone was aware of actually does exist. It is hoped that the Pi Kappa Delta Task Force will not be that type.

Last March it seemed only appropriate to establish a committee to investigate the status of forensics and Pi Kappa Delta's role in it. You are no doubt aware that the forensic community is currently engaged in a considerable controversy about what should be the nature and objectives of competitive debate and that in many places debate programs are struggling for survival. Our activity is often held in low regard by other (noncoaching) members of the profession. We hear complaints that academic debate has deteriorated to the level of sophistry, and there is even a growing organization of coaches and sponsors that dubs itself the "reform movement" in forensics. So the time seemed ripe to establish a committee to look at these things. And, thus, the Pi Kappa Delta Task Force was born.

The Task Force was created by dividing the National Council into three subcommittees, each charged with investigating and making recommendations in three separate areas. The Philosophy Subcommittee is composed of Larry Norton, Roselyn Freedman, and Evan Ulrey. Its job is to consider the goals and objectives of our organization, to examine current

(Continued on page 14)

THE WEBSTER-CALHOUN DEBATE: ITS SIGNIFICANCE IN AMERICAN PUBLIC ADDRESS

Charles W. Kneupper

Though the issue of nullification and secession was ultimately settled in the Civil War, those doctrines received their first serious legislative defeat nearly thirty years earlier with the passage of the Force Bill on March 2, 1833. John C. Calhoun and Daniel Webster, both renowned advocates, were among the most prominent figures in this debate. Though their debate was nominally on the Force Bill, the arguments and clash center on fundamental differences in their conception of the Union and the Constitution. Curiously, this debate has not received the consideration which the significance of the issue, the prominence of the advocates, and the quality of the arguments would indicate it deserves. Even the most extensive available treatment by Robert T. Oliver in his *History of Public Speaking in America* does not provide a full examination and almost totally ignores Calhoun's second speech, which is the most important speech of the debate. This limited consideration is even more curious in light of the fact that historians of Calhoun and Webster believe that it was abler in "legal and constitutional argument"[1] and "exposed the issues far more thoroughly"[2] than the more famous Webster-Hayne debate. One historian goes so far as to contend that since this debate of February 1833 "no new arguments have been added . . . on the great question of Union and secession."[3]

Such viewpoints of historians should peak our curiosity and justify further investigation of this debate. Yet before examining the debater *per se,* we would do well to briefly survey the course of events which form the context necessary for an appreciation of the historical significance of this debate.

Background

In 1832 Congress passed "a new and more protective tariff."[4] The South, traditionally opposed to the tariff, threatened resistance. In the presidential election of that year, South Carolina "in protest against the Democratic candidate, Andrew Jackson, and the Whig candidate, Henry Clay, both of whom had declared against nullification, voted for Governor John Floyd, of Virginia, a pronounced nullificationist."[5] On November 24, 1832, the people of South Carolina issued an Ordinance of Nullification against the tariff to be effective February 1, 1833. On December 4, 1832, President Jackson attempted to conciliate South Carolina by urging a reduction in the tariff, but he warned that if the state interfered with the execution of the tariff laws, "measures as may be deemed necessary to meet it"[6] would be undertaken. The South Carolina Legislature elected Robert Y. Hayne governor.

On December 10, 1832, President Jackson issued a Proclamation against Nullification. Referring to the actions of South Carolina, Jackson wrote, "Fellow citizens of the United States, the threat of unhallowed disunion, the name of those, once respected, by whom it is uttered, the array of military force to support it, denote the approach of a crisis in our affairs, on which the continuance of our unexampled prosperity, our political existence, and perhaps that of all free governments may depend."[7] In early January 1833 President Jackson issued a special message to Congress on nullification. It was in response to this message that the Senate Judiciary Committee reported the Revenue Collection Bill on

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January 16, 1833. Called the Force Bill by its opponents, the bill was intended to "facilitate the execution of the tariff laws in South Carolina, by authorizing, in the case of conflict between the Federal officers and citizens, the change of ports of entry and the removal of the customs office from one building to another, and the employment of the land and naval forces of the United States to put down resistance to the collection of duties."[8] Webster was a key member of the Judiciary Committee.

Meanwhile John C. Calhoun who in 1832 had been reelected to his third term as Vice-President of the United States resigned his office and returned to South Carolina where he was elected to the Senate. Prior to his resignation, Calhoun's popularity next to that of Jackson was unrivaled in the nation.[9] This was a period of considerable emotional stress for Calhoun, as his actions associated him with a highly unpopular cause from a national perspective. Coit supposes that "for a man of his make-up, proud, sensitive, high-strung, only a few years back a popular hero, now little more than a pariah, all his dreams and hopes blotted out — his position must have been intolerable."[10] He returned to Washington with the personal emotional stress of having his wife suffering from a "dangerous illness."[11] Along his return route he heard rumors that Jackson would hang him. He faced the possibility of a civil war between South Carolina and the United States. It was within this context that the Calhoun-Webster debate took place.

The Debate: Preliminaries

Calhoun introduced a series of three resolutions which he hoped to pass prior to the debate on the Force Bill. From these resolutions he would launch his attack on the Force Bill and defend his position on the doctrines of nullification and secession. While the resolutions are too long to be reprinted here, the first is included because it is a crucial logical basis for the later two. The resolution was introduced as follows: "Resolved, That the people of the Several States composing these United States are united as parties to a constitutional compact, to which the people of each State acceded as a separate sovereign community, each binding itself by its own particular ratification; and that the Union, of which the said compact is the bond, is a union between the States ratifying the same."[12]

Recognizing that Calhoun intended to use this and the other two resolutions as a basis for his attack on the Force Bill, Calhoun's opponents engaged in some parliamentary maneuvering. Senator Felix Grundy of Tennessee introduced an alternate set of six resolutions tending to support the Force Bill. Senator Grundy's resolutions took precedence in the debate. Calhoun, unable to persuade Grundy to withdraw his resolutions, allowed both sets of resolutions to be laid on the table in order for the Force Bill to be debated directly.

The Debate: Round I

On February 16 Calhoun rose to address the Senate. "He set the stage dramatically for the great occasion. Pushing some chairs down to both ends of a long desk which stood before the lobby rail, he enclosed himself in a sort of cage where he could pace up and down as he spoke. Close observers saw how rapidly he had aged in the past few months: the chiseled bone structure of his face was clearly visible; the dark lustrous eyes were sunken. His short-clipped hair, brushed back from a broad forehead, was streaked with gray."[13]

This was the beginning of the "inevitable clash between Calhoun and Webster" that many had been anticipating. "For three weeks the galleries were crowded . . . The audience always included at least one member of the cabinet, Cass being the most frequently in attendance, presumably to serve as eyes and ears for the President."[14] National interest focused on the debate.

The speech was long and rambling. The debate on the Force Bill had been going for over a month. Calhoun, replying to arguments of several speakers, did not have a tightly organized presentation. Though some of his arguments are interesting, their strength was marred by the lack of pointed organization, a tendency towards digression, and occasional emotional outburst and invective.

His primary constitutional argument rested on the distinction between the

delegated and reserved powers. He claimed that South Carolina "had not claimed a right to annul the Constitution; nor to resist laws made in pursuance of the Constitution; but those made without its authority. She claimed no right to judge of the delegated powers, but of the powers which were expressly reserved to the respective states."[15] Defending the South Carolina Ordinance of Nullification's refusal to submit to court arbitration, he declared, "But it is contended that the constitution has conferred on the Supreme Court the right of judging between the States and the General government. Those who make this objection overlooked, he conceived, an important provision of the constitution, it will be seen that the reservation of power to the States is not only against the powers delegated to Congress, but against the United States themselves; and extends, of course, as well to the Judiciary as to the other departments of the Government."[16] This was an important argument insofar as Calhoun had to show that nullification and sucession as urged by his state constituted *a constitutional and legal action.*

His digression into subtle and powerful *ad hominem* is perhaps most brilliantly illustrated in his response to the accusation of Senator Clayton of Delaware that he used metaphysical reasoning. Calhoun replied, "If by metaphysics he means that scholastic refinement which makes distinctions without difference, no one can hold it in more utter contempt than he, (Mr. C) but if, on the contrary, he means the power of analysis and combination, that power which reduces the most complex idea into its elements, which traces causes to their first principle and, by the power of generalization and combination, unites the whole into one harmonious system — then, so far from deserving contempt, it is the highest attribute of the human mind. It is the power which raises man above the brute; which distinguishes his faculties from mere sagacity, which he holds in common with inferior animals . . . And shall this high power of mind, which has effected such wonders when directed to the laws which control the material world, be forever prohibited, under a senseless cry of metaphysics, from being applied to the high purpose of political science and legislation."[17] Though the content of the illustration was not objectionable *per se,* it did little to further Calhoun's cause. At best he scored a few points with partisans for putting Senator Clayton down. This did not win votes.

In the latter portion of the speech he placed the issue into what probably were for him the most cogent terms. He believed that "to maintain the ascendancy of the constitution over the law-making majority is the great and essential point on which the success of the system must depend; unless that ascendancy can be preserved, the necessary consequences must be, that the laws will supersede the constitution; and finally, the will of the Executive, by the influence of its patronage will supersede the laws."[18] To maintain the ascendency of the Constitution, over the mere will of the majority, Calhoun felt that states must have the right "of interposing their authority to arrest the enactments of the General Government within their respective limits."[19] Calhoun was fighting for his view of Constitution and Union.

The initial reception of the speech was not very positive. "'A total failure' was the summary of the Richmond *Enquirer.* 'He is too much excited to do even justice to himself.' Accounts generally agreed that he had failed, with the *Telegraph* pointing out that his mind was 'so much worried.' To Webster even the constitutional argument was inconsiderable. 'There is nothing to it,' he asserted. To a friend he wrote: 'You are quite right about his present condition. He cannot I am convinced make a coherent argumentative speech.'"[20]

While Webster's expectation concerning Calhoun's ability to make a "coherent argumentative speech" was soon to be corrected, his initial response to Calhoun's address was to ignore it. Though he rose to address the Senate immediately following Calhoun, he chose to address himself to the resolutions which Calhoun had previously presented. Webster argued grammatically against Calhoun's use of *constitutional compact,* insisting that the Constitution is a noun not an adjective. Displaying the

keen sensitivity of a skilled advocate, Webster objected to the substance and strategy of Calhoun's use of *accede* in the first resolution. Webster noted that "the first resolution declares that the people of the several States "acceded" to the Constitution, or to the constitutional compact as it is called. This word "accede", not found either in the Constitution itself or in the ratification of it by any of the States, has been chosen for use here, doubtless, not without a well considered purpose. The natural converse of accession is secession; and, therefore when it is stated that the people of the States acceded to the Union, it may be more plausibly argued that they may secede from it."[21] Exposing this strategy was a masterstroke and prompted Calhoun's latter rephrasing of his first resolution. From here Webster launched an attack directly at the doctrine of nullification. He argued that "nullification, if successful, arrests the power of the law, absolves citizens from their duty, subverts the foundation both of protection and obedience, dispenses with oaths and obligation of allegiance, and elevates another authority to supreme command. Is not this revolution? And it raises to supreme command four-and-twenty distinct powers, each professing to be under a general government, and yet each setting its laws at defiance at leisure. Is not this anarchy, as well as revolution?"[22]

Continuing his attack on nullification as of a nature to undermine the government, he argued, "The right of State interposition strikes at the very foundation of legislative power of Congress. It possesses no effective legislative power, if such right of State interposition exists; because it can pass no law not subject to abrogation."[23] Such arguments undoubtedly had a persuasive impact on many members of the general government.

While Webster was clearly the victor in Round I, he also made one crucial error which was to prove his undoing. He admitted that if Calhoun's first resolution could be established, then the other two would logically follow. This would allow Calhoun to concentrate his clash on establishing this resolution. Also Webster, perhaps somewhat carried away or led into carelessness by Calhoun's weak presentation, made a number of overstatements and factual errors which were easily refuted.

The Debate: Round II

On February 26 Calhoun arose to address the Senate on an order of special privilege in order to reply to Webster. Calhoun spoke for a mere two hours. But in those two hours he presented what, if not the most eloquent rebuttal, certainly was one of the more powerful refutative speeches in the history of the United States Senate. While such a claim may seem somewhat overdrawn, an examination of the speech reveals a tightly structured, well-documented, point by point refutation of Webster's arguments. Initially Calhoun accused Webster of engaging in personalities and by innuendo suggested that his motive might have been to make the defense of a weak case appear stronger. Quickly progressing to a defense of his first resolution he dealt with Webster's objections to the phrase *constitutional compact* and *accede*. He quoted a section of the Webster-Hayne debate in which Webster used the very words *constitutional compact* which he now disputed. In addition to using Webster's authority against him, Calhoun noted statements of Washington and Jefferson supporting his use of *accede*. Then apparently after establishing his position, he chose to change the wording of his resolution. Ostensibly, this change was made in order to narrow the ground between Webster and himself, but it was probably motivated by Webster's astute exposure of implications of the resolution as worded.

The revised resolution read as follows: "Resolved that the people of the several States composing these United States are united as parties to a compact, under the title of the Constitution of the United States which the people of each State ratified as a separate and sovereign community, each binding itself by its own particular ratification; and that the union, of which the said compact is the bond, is a union between the States ratifying the same."[24] He noted that this revision eliminated Webster's objections to his language, while retaining the sense that

Calhoun required to serve as the ground of his later resolutions.

Calhoun proceeded to consider Webster's other arguments on an individual basis. He progressed in a classic manner, neutrally restating in concise terms the essence of Webster's argument; he then cogently presented his refutation. Illustrating his technique is the following excerpt: "The next argument which the Senator advances to show that the language of the constitution is irreconcilable with the idea of its being a compact, is taken from the portion of the instrument which imposes prohibitions on the authority of the States. He said that the language used in imposing the prohibitions is the language of a superior to an inferior; and that, therefore, it was not the language of a compact, which implies the equality of the parties. As a proof, the Senator cited the several provisions of the Constitution which provide that no State shall enter into treaties of alliance, and confederation, lay imposts, etc., without the assent of Congress. If he had turned to the articles of the old confederation, which he acknowledges to have been a compact, he would find that these very prohibitory articles of the constitution are borrowed from that instrument, that the language he takes as implying superiority were taken verbatum from it. If he had extended his researches further, he would find that it is the habitual language used in treaties, whenever a stipulation is made against the performance of any act."[25] Calhoun caught Webster in a damaging inaccuracy to which Webster could not and did not reply.

Another example of Calhoun's refutation is: "But the principal argument on which the Senator relied to show the constitution is not a compact, rests on the provision in that instrument which declares that 'this constitution, and the laws made in pursuance thereof, and treaties made under their authority, are the supreme law of the land.' He asked, with marked emphasis, can a compact be the supreme law of the land? I ask in return, whether treaties are not compacts; and whether treaties, as well as the constitution are not declared to be the supreme law of the land? His argument, in fact, as conclusively proves that treaties are not compacts, as it does that the constitution is not a compact."[26] Again Webster failed to reply to this argument in his final speech.

Calhoun marshalled an impressive array of documentation to support his contentions, quoting or referring to Webster, Washington, Jefferson, Burlamaqui, the Magna Carta, a 1688 resolution of Lords and Commons, the Massachusetts and New Hampshire ratifying conventions, the Virginia Resolution of 1798, the seventh and tenth articles of the Constitution, Blackstone, and Madison. Through the use of such non-artistic proof, he attempted to substantiate his first, second, and third resolutions and to avoid a charge that he was merely engaging in "metaphysical reasoning."

Upon completion of Calhoun's speech, Webster rose and gave a relatively brief reply. He completely dropped all arguments on the second and third resolutions, clashing only on the first. He attempted to counteract Calhoun's use of his own words against him; he charged that he was quoted out of context; and he tried to clarify his meaning in the Webster-Hayne debate. Webster argued that the general government was created by the people, not by the States. He raised logical dilemmas, such as the source of sovereignty of territories that had acquired statehood. Yet the bulk of his speech dealt in patriotic appeals that tended to leave the field of argument.

The Winner

Calhoun's friends were "perfectly satisfied he was the victor. John Randolph, of Roanoke, sat in the Senate when the great nullifier was replying to his opponent, and a hat on the desk in front of him interfering with his view, exclaimed, 'Take away that hat. I want to see Webster die muscle by muscle!'"[27] And of Webster's friends, even the *North American Review* edited by Alexander H. Everett, brother of Massachusetts Congressman Edward Everett, and one of Webster's warmest friends, admitted Calhoun's success.[28]

In a more ultimate sense, Wiltse notes that "the historical confusion as to the outcome of that famous debate stems largely from the subsequent course of

events. For though he lost the argument with Calhoun, it was Webster's ideas that triumphed in the end — were in fact well on the road to triumph then. Calhoun based his case on the meaning of the Constitution for those who wrote and ratified it, and in these terms his argument was basically sound, even though nullification itself was drawn from a Jeffersonian gloss rather than from the literal text of the instrument. But Webster's interpretation was the only one compatible with the existence of a great national state, in a world growing every day more nationalistic."[29] Calhoun seemed to recognize this. The Force Bill had been passed, and, regardless of argument, this was a victory for Webster's interpretation of the Constitution. Calhoun stated, "It would be idle to attempt to disguise that the bill will be a practical assertion of one theory of the Constitution against another — the theory advocated by the supporters of the bill that ours is a consolidated government, in which the States have no rights, and in which, in fact, they bear the same relation as the counties do to the States and against that view of the Constitution which considers it as a compact formed by the States as separate communities, binding between the States, and not between the individual citizens."[30] Despite their legislative defeat, Calhoun and the South continued to adhere to their compact theory. It is in the arguments between Calhoun's and Webster's conception of government that the rhetorical roots of the Civil War lie.

The Webster-Calhoun debate is a rhetorical paradox. Calhoun won the critical constitutional arguments and yet lost the debate. Though Calhoun's arguments were historically sound, they were not persuasive to a majority of his audience. Calhoun was a sincere pleader of sectional interests. His views and leadership were widely respected in the South. Yet, in similar fashion, Webster represented the North and West. These sections no longer adhered to the Southern conception of the Constitution, and Calhoun's historical demonstration did not sway them. Though Webster lost the logically central constitutional issues, his queries and objections to the practical implications of Calhoun's position reflected the dominant values of the North and West. Though Webster's argumentation was technically inferior to Calhoun's in style and evidence, his appeals were better grounded in the current values and the practical political views of the majority of the audience. In the final analysis, it was this grounding which gave potency to Webster's appeals and ultimately won the votes and thereby the debate.

Notes

[1]Sydney George Fisher, *The True Daniel Webster* (Philadelphia: J.B. Lippincott Company, 1964), p. 319.

[2]Richard N. Current, *John C. Calhoun* (New York: Washington Square Press, Inc., 1963), p. 17.

[3]Fisher, p. 329.

[4]Marion Mills Miller, *Great Debates in American History* (New York: Current Literature Publishing Company, 1913), p. 75.

[5]Miller, p. 77.

[6]*Ibid.*, p. 80.

[7]*Ibid.*, p. 88.

[8]*Ibid.*, p. 92.

[9]Margaret L. Coit, *John C. Calhoun* (Boston: Houghton Mifflin Company, 1950), p. 215.

[10]Coit, p. 247.

[11]*Ibid.*

[12]Miller, pp. 95-96.

[13]Coit, p. 248.

[14]Charles M. Wiltse, *John C. Calhoun* (New York: The Bobbs-Merrill Company, Inc., 1949), p. 187.

[15]Gaillard Hunt, *John C. Calhoun* (Philadelphia: George W. Jacobs and Company, 1908), p. 181.

[16]*Register of Debates in Congress* 1832-33, Vol. 9, Part I (Washington, D.C.: Gales and Seaton, 1837), 521.

[17]*Ibid.*, pp. 537-38.

[18]*Ibid.*, p. 549.

[19]*Ibid.*, p. 550.

[20]Coit, p. 252.

[21]*Register of Debates*, pp. 555-56.

[22]*Ibid.*, p. 560.

[23]*Ibid.*, p. 572.

[24]*Ibid.*, p. 753.

[25]*Ibid.*, pp. 754-55.

[26]*Ibid.*, p. 755.

[27]Wiltse, p. 194.

[28]*Ibid.*

[29]*Ibid.*

[30]Miller, p. 102.

DO DEBATE PARAMETERS MAKE ANY DIFFERENCE?

David Congalton

Pi Kappa Delta through its representative on the Topic Selection Committee and in the pages of ***The Forensic*** *has endorsed debate parameters. In the true spirit of debate, the Editors publish David Congalton's article.*

In selecting a very specific parameter to accompany this year's debate resolution, the debate community has opened itself up to division and conflict which has not been witnessed since the discussion over switch-side debating. The anger over the parameters has been just as loud as the applause. A new debate issue has been created, allowing negative teams a new topicality approach and judges a new reason for decision. Yet consideration has not been directed toward determining the effects, if any, of the parameter on affirmative case areas.

In the October issue of *The Forensic,* Bob Beagle argued that "the rationale for a national parameter is a good one — to limit the boundaries of affirmative cases, thereby improving the chances for a meaningful, substantive debate."[1] If such analysis is correct, then we should be able to see some difference in affirmative cases under this year's resolution. Based on my own judging this year, at all levels of competition, it is hard to detect substantial shifts in affirmative analysis. I believe that this is true for several reasons.

1. *Affirmative analysis is based solely on interpretation.* In considering the notion of topicality, David Thomas concluded that "debate resolutions require interpretation and affirmative teams have the privilege of defining the terms of the resolution."[2] When affirmative teams define consumer product safety as heroin or land use as being nuclear safety, they reach this analysis from their interpretation of the topic. The parameter statement is also subject to interpretation. A major affirmative case this year has involved the question of mandatory sentencing, a process excluded by the parameters because sentencing does not take place *prior* to conviction. Affirmative teams are defending this approach, because if mandatory sentencing does work, then the prosecutor will be given greater freedom to investigate and prosecute for he will have more time. Another interesting case has been the one involving the reopening of the investigation into the 1963 Kennedy assassination. Clearly, this is a legitimate approach because it meets all of the mandates of the parameter.

Yet these approaches do nothing to reduce the unfair burden of preparation placed on the negative teams.[3] As long as any form of interpretation is allowed, the affirmatives will always be able to consider the gray areas of the resolution. Parameter statements only add to their interpretation of the topic.

2. *Parameter statements are not meant to be a giant killer.* Many people feel that with the parameter statement, we can now get rid of all the squirrel cases. This is not a decision that should be made by a national committee but by the judge and debaters in any given round. We know from experience that judges interpret the topic just as widely as debaters do. If a judge considers a particular affirmative case to be topical, then he should be allowed to vote for it. The parameter statements are meant simply to *clarify* the expectations and interpretation of the National Topic Selection Committee. That committee did not list the cases they thought were topical; they left that discretion to the individual judge. That is where it should remain.

3. *The binding nature of the parameters is unclear.* As mentioned before, the

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parameters are only the official interpretation of the topic, but the interpretation is not binding on either the debaters or judges. If a judge does not believe in the parameters, then he will not use them as a reason for decision. If an affirmative team chooses a nonparametric approach, then they will simply argue that the parameters are not binding. The only alternative is for tournament directors to make clear in their invitations that they will consider the parameters as binding on both debaters and judges.

The parameters do not appear to have had much effect on affirmative analysis. But that does not mean that academic debate has emerged into the nightmare claimed in some quarters.[4] Affirmative analysis has become more related to the topic in recent years; any veteran of thirty or more air bag cases last year can testify to that. This year I have heard excellent rounds concerning arson, rape, antitrust, illegal aliens, organized crime, the exclusionary rule. These areas, I think, have direct bearing on the question of law enforcement procedures. We have done this without the aid of specific parameter statements, and I think there are several advantages to keeping it this way.

1. *Debate is an educational process.* We strive to teach our students the tools of critical analysis and research. We should not try to stamp out any form of original thinking that our students might possess; rather the laboratory nature of debate should be expanded to test new ideas. We have the issue of topicality as a safeguard against outrageous cases. If a negative team does not know how to argue topicality, then they deserve to lose. If they have a judge who does not accept topicality, then the parameters probably will not help them much. As people concerned with education, we should not rush towards ideas that will restrict the thinking of our students.

2. *Debate is a self-contained process.* By this I mean that the status of debate is a reflection of the people in the activity. Now comparative advantages cases are accepted by the debate community. That same debate community has not as yet given complete approval to the alternative justification approach. The result is its minimal use. The judge's individual ballot remains the best way of maintaining debate as a viable process. If the judge feels that a case is not topical, then he will vote against it. It is indeed interesting to notice how many teams drop their cases when they are not winning.

3. *Parameter statements preclude reasonable approaches.* In being too specific, the parameters run the risk of also being too narrow. This year the resolution has been concerned with legitimizing certain investigatory/prosecutorial procedures with regards to felony crime. But if one is to follow the parameters, then what happens if a special prosecutor wants to investigate political abuse, or the IRS wants to look into tax fraud and embezzlement, or someone wants to see arson become a part I felony crime? All of these areas lie outside of a straight interpretation of the parameters, yet these should be legitimite concerns of any debate over felony crime. With parameter statements, we run the risk of being too narrow and shallow in our analysis.

If there is a problem in academic debate, there is no guarantee of solution through the use of parameter statements. Certainly nothing can be done as long as people remain unclear as to the intention of the parameters; that issue must be decided before anything else can be done. In choosing the formula for national topic selection, the debate community has made a commitment to defend the right of interpretation. That is one commitment that we should not relinquish. If the debaters choose to interpret land use as being aerosol cans, then that is their prerogative as long as they can universally defend their case as being a reasonable interpretation of the topic. To put blind faith in parameters is counterproductive to debate as an educational exercise.

Notes

[1]Bob Beagle, "Forensic Forum," *The Forensic,* Series 63, No. 1, October 1977, p. 20.

[2]David Thomas, "What Makes An Affirmative Case Topical?" *Debate Issues,* October 1973, p. 2.

[3]Beagle, p. 20

[4]*Ibid.,* p. 21