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THE SPEAKER
Of Tau Kappa Alpha

Dr. Gifford Blyton
Director of the Golden Jubilee Conference
University of Kentucky, April 10, 11, 12, 1958

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THE SPEAKER

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A look at the calendar is just a bit frightening at this point. The time remaining between now and the Golden Anniversary Conference at Lexington is growing shorter and the number of things to be done seems to increase. I hope that all of you had a very happy holiday season and that you are now really ready to get to work on making our Golden Anniversary the greatest event in the history of any organization. There is work to be done.

Conference Director Blyton has advised me that he has received some cards from chapters indicating that they will not be represented at the Conference. This is most disappointing. I ask that these schools reconsider and that all chapters consider the importance of attendance at this particular convention. It is one of our most important goals to have every chapter of TKA represented at the 1958 Conference. It will mean more to each chapter to have a representative present for this conference than any event in the history of the chapter. It would be impossible for the chapter to invest more wisely of its forensic budget than to send a representative to this conference. So, to all chapters, let me request that you make it your goal to be represented and to those who have indicated that they will not attend, please reconsider!

This brings up two additional points that should receive immediate consideration: first, get your hotel or motel reservations in at once. This is most important. And second, you will want to initiate new members at the conference. You should give this matter your immediate attention and prepare the applications soon and get them in to the office of the National Secretary-

Dr. Earl Bradley

Treasurer. We would like to make this an important event in the Conference.

Contributions for the Golden Anniversary Fund got off to a good start and then dropped off all at once. I hope that this does not indicate that only the few enthusiastic chapters are going to participate. We must have the cooperation of all chapters in this project. I am sure that all chapters can contribute and I feel that if all really understood the full import of the project, that all would contribute. The meeting at Lexington will open our Golden Anniversary Year. We hope to make this the greatest year in the history of any organization. It is the goal of TKA to launch a program for the next fifty years that will be unparalleled
in the history of any organization. You are not giving when you contribute to the Golden Anniversary Fund, you are investing. The participation of every chapter in this project is of utmost importance. Give it your immediate consideration and send your check to our National Secretary-Treasurer at once. The deadline for contributions is March 1. However, we would like to know your intentions. Make your pledge today.

April 10, and the opening of our historic event in Lexington, is not far away. Only you of each chapter can make it possible for us to achieve our goals for this event: Every chapter represented at the conference and every chapter a contributor to the Golden Anniversary Fund!

JUDGE NOT . . . .

John McDonald and Richard Roberts*

In the November issue of The Speaker I wrote soliciting ideas and suggestions pertaining to student activities of TKA. Certainly the foremost activity of any student member of this organization is his participation in active debate. Following the Tau Kappa Alpha regional tournament at the University of Kentucky, Dick Roberts and I engaged in a rather spirited discussion of the various "evils" inherent in college debate as it now exists.

One of the most frequently voiced complaints dwells on the matter of judging. At best, the college debate coach who is called upon to judge is faced with an extremely difficult task. Familiar, at least to a degree, with the question, the judge often hears evidence and reasoning which to him seem questionable. Or, he may be forced to listen to an argument which to him is filled with contradiction. Again he may note the glaring fallacy inherent in the arguments expressed. However, it is not for the judge to answer these matters but merely to determine whether the opposition has been adequate in its attack. A judge is expected to be free from prejudice, but how many persons can, after studying a matter of such importance as foreign aid or the guaranteed annual wage or the union shop, maintain a completely "disinterested" position or a mind absolutely free of bias? The judge is faced with these and many other equally trying matters, not the least of which is the problem of how to please both the affirmative and the negative with his critique!

This is not, however, intended to be a defense of the judge. Neither is it an attempted outlet for every debater who thinks he got a "bad deal from judge so and so."

* John McDonald of Denison University is TKA Student Council President; Richard Roberts of the University of Kentucky is First Vice President.

(Continued on page 6)
The transfer of the national office from Tallahassee, Florida, to Missoula, Montana, was completed during the past summer. As the new Secretary-Treasurer, I have endeavored to learn all of the operations of the office and I have examined the records of each chapter of the fraternity.

About one-third of the chapters have not yet returned the chapter report for last May. It is very important that the report be returned at once. For example, mail to several former chapter sponsors is being returned stamped "address unknown" or "moved". In such cases, TKA correspondence is then sent to the Dean of the College.

All chapters are asked to throw away outdated membership blanks, Speaker blanks and key order blanks. Much correspondence from chapters is being sent to Florida State University. Although Dr. Phifer forwards it immediately to Montana State University, three or more days are lost in the process. Some of the less active chapters are even sending application forms to Purdue University and Denison University, former locations of the national office. A supply of ten copies of all application forms has been sent to all chapters. As a chapter uses the supply for new members, additional blanks will be sent by the national office in order to keep the chapter's supply up to ten.

Montana State University has provided excellent office space for the records of Tau Kappa Alpha. Also, the university is providing a reasonable amount of student secretarial help, without cost to TKA. In this Golden Jubilee year, the volume of correspondence will multiply. Also, the volume of work in the national office will increase due to such tasks as supplying every chapter with the names of all members for the last twenty-five years. In some cases such a list exceeds three hundred names. Delays are bound to occur in supplying this information to those chapters. But the national office will expedite the process as much as possible.

Last year two new chartered chapters of TKA were granted to Ball State College at Muncie, Indiana, and to Morgan State College at Baltimore, Maryland. At present, more than twenty colleges and universities are in the process of making application for a chartered chapter of Tau Kappa Alpha. Many of these can be expected to be completed before our Golden Anniversary Jubilee at the University of Kentucky, Lexington, April 10-12, 1958.
JUDGE NOT . . . (continued from page 4)

Rather, this is an attempt on our part to present a few suggestions in an effort to make the judging of debates more objective than subjective. Admittedly this is not an easy matter, for debates are argued and judged by the most highly subjective of all creatures—human beings. In this attempt for objectivity we offer two suggestions: 1) a higher degree of understanding on the part of both debaters and judges of the responsibilities of both affirmative and negative teams and 2) a universal ballot which will have several distinctive features.

Our first suggestion is deceptive in its seeming simplicity. A better understanding of debate procedure and technique might seem, to many persons, to be so fundamental as to be beyond question. Yet many students have no concept whatsoever of the meaning of burden of proof, the difference between refutation and rebuttal, or the place and implications of a negative counterplan. A thorough understanding of these and many more methods and techniques of debate are essential to the good debate. Not only do many students show an alarming ignorance of these principles but one may also point to judges who by either their ignorance or disregard of these ruling principles must be classed as unqualified to judge college debate. These principles are fundamental. An outstanding debate cannot be waged which disregards these principles regardless of the excellence of the arguments advanced. When a common understanding exists between debaters and judges, a major step forward will have been achieved. This advance will ease many of the problems that must be met in the course of judging a debate.

Our second suggestion deals with that of a uniform ballot. Virtually every tournament has its own special judge's ballot, which, while it contains certain essentials, also has its deviant features placing greater stress on this or that aspect of debate. If a standard ballot could be adopted, perhaps through the auspices of this organization, such disparities as do exist would be eliminated, and debaters would not be forced to adapt to the quirks of each tournament's ballot. While ballots are now generally based on a 1 to 5 scale this range could well be doubled. This would cause a judge to use greater discretion in rating a speaker. With only a 5 point scale, two speakers of somewhat comparable ability must either be given equal ratings or ratings 20% apart; whereas, the 10 point scale would offer a finer distinction. A final consideration is the insistence upon more written comments. Judging has become too much a game of numbers, which is not always as revealing and helpful as the written word. While this would require more time, it would be more beneficial to the debater who is, after all, engaged in the learning process.

These thoughts are offered in the interests of good debate. Good debate is one of the aims of TKA and good debate will be at its best at the National Conference when it convenes at the University of Kentucky in April. Our goal for this Golden Anniversary is 100% participation, and on behalf of the student officers of TKA Dick and I join in urging your support and attendance. Hope YOU will be there!
Advance responses indicate that the Golden Anniversary Conference will be very well attended. Present indications are that at least sixty schools will participate in the various events.

TENTATIVE SCHEDULE

Thursday, April 10  8:00 A.M.  Registration—Fine Arts Bldg.
9:00  Opening Session
10:00  Round I Public Speaking
11:00  Round I Debate and Discussion
12:15 P.M.  President's Luncheon
1:30  First meeting of Congressional Committees
3:00  Round II Debate and Discussion
4:30  Round III Debate and Discussion
5:45  Initiation of new members
6:30  Executive Council
6:30  Student Council meeting and elections
8:15  Robert Wagner Chorale

Friday, April 11  8:30 A.M.  Second meeting of Committees
10:00  Student Congress
12:00 noon  Lunch
1:15 P.M.  Round II Public Speaking
2:30  Round IV Debate and Discussion
3:45  Round V Debate and Discussion
5:30  Anniversary Banquet

Saturday, April 12  9:00 A.M.  Round VI Debate
10:30  Finals, Public Speaking
11:45  Awards Luncheon
1:30 P.M.  Horse Racing at Keenland

It may become necessary to make some slight changes in this schedule, but the general form will not be varied as the schedule had to be worked out in terms of availability of rooms.
The various activities are to be directed by experienced personnel, but the Conference can succeed only if each person willingly carries his share of the responsibility. Contact me, or anyone of the following should you have suggestions pertaining to the many aspects of the program.

TWO-MAN DEBATE .......................... LEONARD SOMMER, Notre Dame
FOUR-MAN DEBATE ......................... JAMES McINTYRE, Case
DISCUSSION .............................. ORVILLE JOHNSON, Earlham
CONGRESS ................................. HENRY EWANK, Purdue
PUBLIC SPEAKING ......................... HELEN THORNTON, Mercer
INITIATION ............................... DEELDE HERMAN, Western Michigan
BANQUET ................................. ANNABEL HAGOOD, Alabama

Complete details covering each phase of the Conference are to be mailed under separate cover. You should have made hotel reservations by the time this reaches you. Should you meet difficulty in this regard, please let me know and I'll do my best to help you. If any of you plan to arrive via air, rail, or bus notify me accordingly and local transportation will be furnished free of charge. Lexington is on Central Daylight Time.

Meal costs have not been determined, but they will not exceed what you would pay on any college campus. Costs of the President's Luncheon and the Anniversary Banquet have not been set. You will receive this information in January.

IMPORTANT—ALUMNI MAILING LISTS

Dr. Bradley has requested that all chapters send alumni mailing lists to the Editor of The Speaker so TKA alumni might receive the special issue of The Speaker in March. The expenditure of time and money on this project requires that such a mailing list be accurate. Check with your local alumni office records before you submit your mailing list. Your chapter's contribution to the Golden Jubilee fund can be dissipated on loss of Speaker copies or on return postage bills unless mailing lists are accurate. One other request: please have the information on your alumni members to the Editor by March 1, 1958.

Mail to:

Prof. Keith S. Montgomery
Department of Speech
Purdue University
Lafayette, Indiana
LUTHER MARTIN: THE FEDERAL BULLDOG*

RICHARD B. LILLICH**

Among the founding fathers of the United States, few have made greater contributions to our constitutional development and few have received less historical acclaim than Luther Martin of Maryland.¹ Lawyer, public servant, speaker supreme, during his fifty years in public life he participated in many of the great moments of the Republic's history. But as Albert Beveridge has written:

Luther Martin well illustrates the fleeting nature of the fame of even the greatest lawyers. For two generations he was "an acknowledged leader of the American bar," and his preeminence in that noble profession was brightened by fine public service. Yet within a few years after his death, he was totally forgotten, and today few except historical students know that such a man ever lived.²

There are two reasons, one historical and one pragmatic, for Martin's absence from literary limelight. First, unlike lawyers Hamilton, Jefferson and Marshall, he never occupied a prominent federal office;³ throughout his long career his forum remained the courts, where his activities left far less of an imprint on the public mind. Second, his endeavors have seemingly sifted through the gaps between the three fields of law, history and public address.⁴ As a result, the

* This is the first of three articles on early American lawyers by this author. The others will appear in May and November of this year.

** Mr. Lillich is an attorney with the Department of Audit and Control of the State of New York. He graduated from Oberlin College in 1954 where he was a member of Delta Sigma Rho. His LL.B. was awarded by Cornell University in 1957.

¹ A fairly complete monograph may be found in Henry P. Goddard, Luther Martin: The 'Federal Bull-Dog,' (Baltimore: Maryland Historical Society Fund Publication No. 24, 1887). See also Ashley M. Gould, Luther Martin, in Great American Lawyers, ed. William Draper Lewis (Philadelphia, 1907), II, 3-46. Judge Gould leans heavily on Mr. Goddard.


³ He did, however, occupy an important state political office. In 1778, through the influence of Samuel Chase, his close friend and later Associate Justice of the Supreme Court, he was appointed Attorney General of Maryland. He resigned the post in 1805, after twenty-seven years of consecutive service, to devote his full time to his large law practice. In 1818, forty years from the date of his first appointment, he was reappointed Attorney General. His powers waning, he served several years before being struck by paralysis and forced to retire.

⁴ Lawyers have tended to study the opinions of judges in the constitutional cases, while historians have concentrated on the political atmosphere and pressures producing the decisions. For the most part, students of public address have been occupied with the more romantic lawyers of the second generation, such as Daniel Webster, whose tear-jerking plea in Dartmouth College v. Woodward, 4 Wheat. 518, 4 L. Ed. 629 (1819), a decision of far less importance today than those of the Chase and Burr trials, has received more attention than all of Martin's efforts combined.
man who was Maryland's leading delegate to the Constitutional Convention, for fifty years her foremost lawyer and for thirty years her Attorney General, is today all but forgotten, "his speeches and arguments ... buried in the briefs of counsel in the reports of the important cases upon which his learning and ability were lavished." 

Luther Martin was no Renaissance man; he was a lawyer's lawyer. Born near New Brunswick, New Jersey, on February 2, 1748, he attended grammar school before matriculating at Princeton College, from which he graduated in 1766, first in a class of thirty-five. After five years of teaching school and learning law, he was admitted to the Virginia bar in late 1771 and to the Maryland bar the following year. He set up practice in Somerset, Maryland, and "his success was immediate and tremendous. His legal learning was prodigious—his memory phenomenal." During one term of criminal court in Williamsburg, Virginia, he defended thirty defendants, of whom twenty-nine were acquitted and the last, indicted for murder, was convicted of manslaughter. His income soon reached one thousand pounds annually, a substantial sum for pre-Revolutionary War days.

Upon the establishment of the federal government, Martin was admitted to the bar of the Supreme Court, before which he appeared annually for over a quarter of a century in a wide variety of cases. No spellbinder, his repeated success stemmed from a combination of thorough preparation and convincing, albeit repetitious, delivery, "based solely upon his profound knowledge of the

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5 Martin was by far the ablest of the five delegates that Maryland sent to the Convention, and the only one who took an active part in the debates. He consistently opposed proposals tending toward the establishment of a strong centralized federal union and, when the Constitution was approved, left the Convention without signing it. Jonathan Elliot, Debates on the Federal Constitution (Washington, 1845), V, 501, 565. His arguments against ratification have been called "probably the ablest presentation of the cause of the Anti-Federalists." Gould, op. cit., p. 18. They may be found in Secret Proceedings and Debates of the Convention, including The Genuine Information laid before the Legislature of Maryland by Luther Martin (Louisville: Alston Mygatt, 1844), pp. 3-96. When the Constitution was approved, Martin supported it as the law of the land and eventually became one of its warmest advocates. His alliance with Federalists found him in frequent conflict with Jefferson, who in 1807 dubbed him the "Federal Bulldog." Maryland, WPA's Program, W.P.A. (New York, 1940), p. 425. See note 43 infra.


7 There is some dispute as to the year of his birth. Gould, op. cit., Maryland, op. cit. and Webster's Biographical Dictionary (Springfield: G. & C. Merriam, Co., 1943), p. 980, give 1748 as the year. Goddard, op. cit., states it as 1744. More likely it was the former.

8 Goddard, op. cit., lists 1763 as the date of his graduation. This seems unlikely.

9 Beveridge, op. cit., p. 186.

10 Two of the most important of which were Fletcher v. Peck, 6 Cranch 87, 3 L.Ed. 162 (1810), where John Marshall decided for a unanimous court that the constitutional prohibition against the impairment of the obligation of a contract applied to states as well as individuals, and McCulloch v. Maryland, 4 Wheat. 316, 4 L.Ed. 579 (1819), where Marshall, again for a unanimous court, held that the establishment of a United States Bank was constitutional under the "necessary and proper" clause, and that states could not tax such a bank since there was an implied limitation preventing them from interfering with the functioning of federal agencies. In the latter, Martin, as Attorney General of Maryland, argued the states-right side, certainly because of duty and not belief.

(Continued on page 20)
"I don’t want to debate affirmative; that’s the kiss of death. I prefer debating on the negative because I can make a much better record.” So spoke one of my debaters this fall. Debaters come to us with false notions, and all of us try to present facts and arguments to reveal the truth. Unfortunately, the truth is on the side of the young man; it is easier to make a better record on the negative. Here are some of the facts that back up this young man’s statement.

Annually the University of Vermont holds an Invitational Debate Tournament. Nearly eighty debates occur each round and altogether there are nearly four hundred debates in the whole tournament. Every year the story is the same. From 53% to 60% are wins by the negative. Never in the twelve years have the affirmative teams won more. Typical was this year. There were one hundred and thirteen affirmative wins as against one hundred and thirty-seven negative wins in the varsity division, while in the novice division there were sixty affirmative wins and seventy-four negative wins. This meant 55% of the decisions were for the negative.

This evidence becomes more impressive when we consider the number of teams in the tournament which were undefeated and those which lost all their debates. Out of one hundred and fifty-four debate teams participating in the tournament only eleven were undefeated during the five rounds of the tournament. Out of these eleven, nine were negative and only two affirmative. Out of the one hundred and fifty-four teams, thirteen teams lost all five debates. Of these thirteen teams that lost all five, eleven were affirmative but only two negative.

The foregoing set of statistics concerning our tournament this year is typical of other tournaments as well. For twenty-seven years I have been attending debate tournaments of all kinds, and I have yet to attend a tournament in which the affirmative won more than the negative. Further statistics may substantiate the young man’s accusation further. Last spring at the West Point National Invitational Debate Tournament, sixteen debate teams were chosen for the final day of eliminations. Certainly these teams were some of the best in the country. During that day fifteen debates were held. There were eleven negative wins and four affirmative. Two years ago the ratio of negative to affirmative wins on that last day of the West Point Tournament was approximately the same. Some years it is not quite that bad, but always if you have a choice, choose the negative because you are more likely to win.

* Professor Huber is Chairman of the Department of Speech, University of Vermont. He is the author of many articles in general speech and forensics and his debate teams have won numerous regional and national tournaments, among them the West Point and National TKA tournaments.
It seems to me that the statistics reveal an alarming problem concerning the judging that is going on in debate tournaments. It certainly tends to suggest that judges prefer to judge in favor of the negative team. Personally, I think it reveals that the debate coaches, hence the judges, are not deciding on the basis of who does the better debating. Debaters with from three to seven or eight years of experience do not suddenly become superior debaters simply because they debate on the negative side of the question. The debate coaches of the land must be judging on the basis of their prejudice in favor of the negative and this problem becomes worse when the topic under discussion is more strongly favored on the negative side by the American public.

If you ask what is the harm in this situation, I would suggest at least two. The first harm is that we are definitely doing an injustice to affirmative teams. In other words, they have to be distinctly superior to win. We are not even giving them an equal break. We start out with the affirmative having two strikes against them. It would seem to me that this is unfair and unjust. Secondly, we are doing harm to debating as an educational enterprise. If we are discouraging students from taking the affirmative side and we don’t do something about it, we warrant some of the criticism leveled against us.

The causes for this problem are readily discernible, but unsupportable. One of the causes rests with the traditional attitude we have had in legal trials: that a man is innocent until proved guilty. We demand of a prosecutor that he establish all the issues before the man is declared guilty. Such demands as these of the law court are completely justifiable. To carry this philosophy to the debate platform brings injustice to the affirmative. Typical of this attitude is that voiced by a debater who had been eliminated in the late rounds of the West Point Tournament last spring. We were walking out from the final debate in which the decision had been five to four for the affirmative team from Augustana. He disagreed with the decision on the grounds that he believed Army had won the objections issue. When I asked him if he thought Army had won more of the total arguments in the debate than the affirmative, he said, no, that Augustana had. When I asked why shouldn’t Augustana have the decision, his reply was, “But the affirmative must establish all the issues to win the debate.”

The second cause arises from misconception of the “burden-of-proof” concept. All debaters and coaches realize that the affirmative has the burden-of-proof. Many, but unfortunately not all, have been informed that the negative carries the “burden-of-rebuttal.” In the classroom the coaches teach and the students learn that any time an individual makes an assertion with which an audience will disagree, he should supply evidence and argument to support it. This means that any time any debater, whether he be affirmative or negative, makes an assertion that needs argument and evidence to support it, that debater has a burden-of-proof for that statement. Likewise, whenever a debater develops an argument with evidence that has the tendency to gain the belief of the audience, the opposite side has the burden-of-rebuttal if he desires to prevent the audience from believing that argument. Thus, in the classroom in discussing the realistic situation of audiences, both the coaches and the students realize that the burden-of-proof and the burden-of-rebuttal are dependent on what is happening in the
minds of the auditors. For some strange reason the same understanding is not taken to the debate platform.

All this gives rise to peculiar judgments rendered in a debate. I have heard numerous judges in the past twenty-seven years say that they voted for the negative because “the negative raised significant questions about the affirmative case.” Having heard the same debate I was ready to grant that the negative had raised significant questions about the affirmative, but that is all they did do. They at no time developed good, sound negative arguments. On these occasions I always feel like suggesting that any four year old can raise significant questions, but it takes a good speaker to build strong arguments. I would suggest that the negative has a certain burden-of-proof in the form of constructing arguments well adapted to the affirmative which will gain the belief of the audience toward the negative side of the question. On other occasions I have heard judges who have helped the negative win the debate. In an outstanding tournament last year, a judge was kind enough to give me information about why our affirmative team had lost. I appreciated his kindness in passing this information on to me, but was amazed at the reason for the loss. He said that the affirmative had an inconsistency in the case. When I asked if the negative pointed it out in trying to carry out their burden-of-rebuttal, his reply was, “No, they didn’t.” If either an affirmative or a negative team makes a mistake such as having a basic inconsistency of case, there is no reason to vote in favor of the opposite side. In fact, a team which fails to take advantage of the mistakes of the opposing team hardly demonstrates superior debating.

What is the solution of this injustice to affirmative teams? We must be more realistic in our teaching of the burden-of-proof and burden-of-rebuttal. The starting point must be with the textbook writers in the field of debate. The second step is in the teaching in the classroom and in those extra-curricular sessions. We must teach both the burden-of-proof concept and the burden-of-rebuttal concept, but in a different context. We must point out that in any audience, regardless of which side of the question we are debating, some will be in favor of our point of view, some will be neutral, and some will be opposed. We must then point out that under any circumstances with these differing attitudes among our listeners, whether we be affirmative or negative, we have the burden-of-proof for any argument that we choose to introduce into the debate. We can explain that the affirmative probably has the greater burden, but we should also make our negative debaters aware of the fact that there are probably those who are opposed or neutral toward the negative position. For that reason, the mere asking of questions will hardly change attitudes, particularly of those who start out somewhat in favor of the affirmative side of the proposition. In our teaching we can certainly use the unusual burden of the prosecuting attorney as illustrative material. On the other hand, we should be careful to point out that the average audience situation differs from the courtroom trial considerably.

We must also teach that both sides, affirmative and negative alike, have the burden-of-rebuttal. We should explain that the burden-of-rebuttal means that a well built argument of the opposition will probably have the power of estab-
lishing attitudes among the audience unless it is refuted. Thus, not only must the negative refute arguments advanced by the affirmative, but also the affirmative must refute arguments advanced by the negative. Thus, the affirmative too has the burden-of-rebuttal.

To be just and fair in judging a debate and to eliminate the problem as indicated earlier, judges should go into a debate and judge in a context that both affirmative and negative have burdens-of-proof and burdens-of-rebuttal. At the start, both teams should be equal in the minds of the judges. It may be hard for some coaches and students of debate to agree, yet if we have equated the affirmative and the negative before the debate begins, it should be that there are as many tournaments in which the affirmatives win more as there are those in which the negatives win more.

You ask how this can be done? We should continue to judge the debates on the basis of who wins which issues. If we are to define an argument as one of the sub-issues to the main issues, we can render our judgment on the basis of who wins the greater number of arguments. It is quite satisfying to me when a judge rendering a decision against a negative team of mine says that he did it on the grounds that he thought the affirmative in winning the need issue did so by a wider margin than my team did in winning the practicability issue.

I suggest in addition to this, however, that we cross-check our decision by ranking the debaters and rating them on the basis of how effective they were in the particular position they debated in the debate. In other words, if the first affirmative did a better job of what he was supposed to do in his spot than the first negative, and if the second affirmative was exactly equal in carrying out his duties as a second affirmative as compared to the second negative, the decision should go to the affirmative team. One should be careful to remember that coaches differ as to what they would like to have the various debaters do. In other words, be careful to make allowances for extreme differences in teamwork. On the other hand, by using such a rating system as this, a judge can reduce his tendencies to vote for one team or the other on the basis of beliefs on the question or beliefs about burden-of-proof which must be carried by the affirmative.

An article like this is far too short to discuss completely all the elements of debate theory. It is our hope that at least we can stir up some discussion by which we can begin to be more just to affirmative teams. At least we can start taking the “kiss-of-death” off the affirmative.
TAU KAPPA ALPHA MEMBERSHIP LIST, 1956-1957

Following is a list of new members for the fiscal year. If the list for your school is incomplete or inaccurate, please inform the national secretary-treasurer.

ALABAMA
Wm. Harold Albritton, III
Kay Marie Cowan
Barbara Mae Clifton
Emily Jo Bundy
Janice Weinstein
James Truman Stovall

AUBURN
Ellis Oneal Cross
Charles Griffin Gibson, Jr.
John Askew Stovall, Jr.

ALMA
Charles Robert Beltz
Richard Henry Schluckbier
Kenneth Raymond Radant

U. OF ARKANSAS
Charles Russell Shaddox
Dean Brown
Arthur Eugene Raff, Jr.
Milas Howard Hale

BRIDGEWATER
Joseph Lee Kinzie
David LeRoy Miller, Jr.
Ruth Elaine Bowman
Jesse Marion Wampler, Jr.

BRIGHAM YOUNG
GlenDora Staker
June Meiners
Reta Alice Gilbert
Alice Schindler
Clifton Keith Rooker
Robert Reed Boren

BUCKNELL
Stuart Ennis Berelson

Ruth Anne Clark
Theodore Joseph Walwik

CAPITAL
E. Richard Atkinson
Cecil Oren Johnson
James H. Patterson
W. Eric Rauch
Judith Evelyn Eilmann
Marcus Langholz
James Rave
Philip Walley Warken

CASE INSTITUTE OF TECHNOLOGY
Kenneth Lee Kutina
William Charles Lynch
John Owen Richards
George W. Sanford
CINCINNATI
Joyce Eleanor Bredlinger
Robert Charles Fischer
Joseph Patrick Leo
Ch. Samuel Gordon
Mary Caskey Caldwell
Burton E. Osborne
Bryan A. Bailey

COLORADO COLLEGE
Marianne Smith
Gilbert X. Drendel, Jr.
Keith K. Maves
Harold Allan Harkess
Thomas Earl Playle

DENISON
Charles William Weathers
William Matthew Zinn
David Grant Brown
Sally Ann DeWitt

DENVER
Harry Dean Bollman
Louis Maxine Sirois
Ellwood R. Tame
R. Edward Fenner III
Patricia Nadine Howard
Thomas Jennings Pace, Jr.

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Wesley Edwin Bishop

DUKE
Julian Conrad Juergensmeyer
Alexander Bustard Lacy, Jr.
Frederick Oscar Brownson
Stephen Liddon Hester

EMORY & HENRY
William Steger Rodgers
Barbara Josephine Cress

EVANSVILLE
William Lester Acker, Jr.
Gail Welborn Compton

U. OF FLORIDA
Jules Simon Cohen
Fred Robert Berger
Daniel Robert Graham
Joseph L. Schwartz

FLORIDA STATE UNIVERSITY
Lewis Alexander Hester
Genevive A. Bleicher
Thomas Roy King

FURMAN
Louise Wallace Brigham
Harold Maxwell Owens
Robert Raymond Kunkel
INDIANA STATE TEACHERS COLLEGE
Joseph Leonard Baker
Charles Joseph Stewart
Donald Warren Jones
Richard Alan Hahn
Richard Roberts

KENTUCKY
Suzanne Shively

LAFAYETTE
Duncan Andrews
Leonard Jeffries, Jr.
Roger Philip Nelson
John Piper
Thomas Norton
Lembhard G. Howell

LONG BEACH
Virginia May Cole
Edward Charles Peacock
Leo Goodman-Malamuth
Donald L. Spence
Ottis Lamont Castleberry
C. Eugene Douglas
Mary Lou Fairman
John Lovejoy Healy
Anne H. White

MANCHESTER
Gloria J. Anderson
Donald Hardman
Phil Shellhaas
James Stewart Taylor
Sondra L. Miley

MANKATO
Joan Prom
Marilyn Ann Heinemann
David Bruce Youel
Joseph Myron Pellish

MASSACHUSETTS INSTITUTE OF TECHNOLOGY
Robert Eliot Hillman
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MERCER
Beverly Bailey Bates
Herbert C. Cottrell
Milton Cook Gardner, Jr.
Layfield L. Martelle, Jr.
Thomas Emory Campbell

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James Butler Cushman
Walter B. Laffer, II
James Leroy Blasingame

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Edith Naomi Herndon

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NEW MEXICO
Robert Hanna

NEW YORK UNIVERSITY (University Heights)
David Peter Simerman
Harvard Hollenberg

NEW YORK UNIVERSITY (Washington Square)
Edith Tolkin
Samuel Harte
Theodore Franklin Simms
John Herman Blake

NOTRE DAME
Paul Bernard Coffey
John Robert Martzell
John Charles Hirschfeld
Arthur Edson Lord, Jr.
Albert Joseph Fleig, Jr.
James Michael Anglin
Rogell Van Wyk
Dale Arthur Level, Jr.
Robert Phillip Friedman
Alice Jane Huddlestun
Michael Loughran Davidson
James Allen Watson
Paul Schlender, Jr.
Steven M. Buck

RICHMOND
Irvin Hugh Acree
Edward Luther Felton, Jr.
Richard Coleman Brown
Bettie Lewis Warren

ROANOKE
Bettie Sue Siler
Frederick E. Weed

RUTGERS
Albert Angus Austen
Lawrence Stern
Henry Holtzman
William Frank Kingsbury

ST. CLOUD
Faith Annette Revier
Richard Lee Strand

SOUTH DAKOTA
Shirley Joanne Kahler
Robert Reed Redfield
Richard Friberg

SOUTH CAROLINA
Peggy Jo Sasser
Michael McDonald Osborn
Frederic Schuman LeClereq
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Kathy Grosman
George Jean Kaloyanides
Robert Bennett Schwartz
URSINUS
Jerrold Charles Bonn

Caroline Stewart
Joan I. Roberts
Paul F. Liston
Douglas R. Jensen

Carole Cook

VANDERBILT
Gary Ormand Cohen

VERMONT
Raymond Emil Plankey
David Goodsell Gale
John Art Gay

Verdine Stewart English

WABASH
John T. Banghart
Frederick D. Wampler
Harold A. Hovey

WAYNESBURG
Rosemarie Gloria Rocher

WESTERN MICHIGAN
Patricia Byrnes
William Fredericks
Patricia Carpenter

John Vitek

WESTMINSTER
Neil Wood Brown
Jean Davis Grohman
Alan Arthur Wheeler

WILLAMETTE
Phillip Lewis Bright
Katherine Ruth Ruberg

WITTENBERG
Mary Margaret Cox
Judith Anne Henline
Roy Merle Newell

William Edward Elsass
Henry Katz
Rickard Norman Ogle

XAVIER
Daniel Vincent Brinlane
Francis Ignatius Hamel

Wayne LeRoy Fehr
Richard Eugene Mennen
LUTHER MARTIN *(continued from page 10)*

law and his skill in applying this knowledge to litigated cases.” It was not before the Supreme Court, however, but during the two great state trials in which he sat as chief counsel for the defense—the Chase impeachment of 1805 and the Burr treason trial of 1807—that the character and ability of Luther Martin are best displayed. In each of these trials Martin was confronted with a complex that summoned the finest from him: (1) a difficult and undecided constitutional question; (2) an opportunity both to make political hay for the tottering Federalists and to attack his personal enemy, the President; and (3) the chance to come to the aid of an old friend, beleaguered, as Martin saw him, by the slings and arrows of an arrogant Administration. The personalities involved and the issues decided in these two great cases have not gone unnoticed, but Martin’s contributions at these two crossroads of American history deserve examination which they have hitherto not received.

I. The Chase Impeachment

When he stepped before the bar of the Senate on February 4, 1805, as chief counsel for Justice Samuel Chase, Luther Martin was approaching the zenith of his career. Attorney General of Maryland, leader of the American bar, possessed of a keen mind and a sharp tongue, he was the logical leader of the corps of counsels surrounding Chase, himself an outstanding attorney. Charles Lee, United States Attorney General under Washington, Robert Goodloe Harper, Federalist leader of the House of Representatives under Adams, Joseph Hopkinson and Philip Barton Key all appeared for the Supreme Court Justice.

But in the chair next to Chase sat a man who, single-handed and alone, was more than a match for all the managers of the House put together. Luther Martin of Maryland—of medium height, broad-shouldered, near-sighted, absent-minded, shabbily attired, harsh of voice, now sixty-one years old, with gray hair beginning to grow thin and a face crimsoned with the brandy which he continuously imbibed—was the dominating figure of this historic contest.

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12 The third important state trial was the impeachment of President Andrew Johnson.

13 By 1805 Martin was an ardent Federalist, although his roots had been Republican. See note 5 supra. His switch from strict constructionist to strong nationalist is comparable, conversely, to Madison’s shift in political beliefs.

14 Although Martin strongly opposed Jefferson’s politics, their animosity was furthered by a bitter personal feud. In 1783, Martin married Miss Cresap of Old Town, Maryland, daughter of Captain Cresap, whom Jefferson had charged in his *Notes on Virginia* with the massacre of the family of the Indian chief Logan. Martin published a reply which has been lost. By the time of the Chase impeachment his favorite denunciation of any bad man was “Sir! he is as great a scoundrel as Thomas Jefferson.” Goddard, *op cit.*, p. 16.

15 That Martin had long been a close friend of Chase’s is shown by the fact that the latter had exerted his influence to secure Martin’s appointment as Attorney General of Maryland in 1788. Gould, *op cit.*, p. 9. His friendship for Burr was less developed by the time of the Burr trial, but it ripened during this affair and in later years when Martin was poor, paralyzed and infirm, he spent his last days at Burr’s New York home in comfort, dying July 10, 1826.

16 Beveridge, *op cit.*, pp. 185-186.
And what a contest it was! In the annals of American history, it is doubtful whether any trial has had greater political overtones. Hard on the heels of the Judiciary Act of 1801, and Adams' filling of the federal bench with "midnight judges," had come the Republicans' repeal of the act and the suspension for over a year of the Supreme Court itself. When the court reconvened in early 1803, John Marshall, the Chief Justice and next to Alexander Hamilton the country's leading Federalist, had rallied to the attack. Speaking for a unanimous court in Marbury v. Madison, he firmly laid down the doctrine of judicial review, ruling that the Constitution gave the court the power to determine whether acts of the Legislative branch were repugnant to it, and, if so, to declare such acts unconstitutional.

This decision, which helped to establish the supremacy of the Judiciary branch, irked Jefferson, for he did not look with relish on the prospect of a Federalist entrenched bench passing on the validity of his laws. Yet so careful had Marshall been in his conduct that Jefferson's only avenue for reprisal—impeachment of the Chief Justice—was out of the question. Hardly had Marshall concluded reading his famed opinion, however, than the President was given the peg on which to hang his hat. Marshall's fellow Justice, Samuel Chase, committed what can only be described as a serious tactical error by utilizing the bench as a political platform. Charging a Baltimore grand jury, the Justice interpolated several comments on the relative strength of the federal judiciary, concluding with a direct and ill-disguised attack on the President. Hearing reports of Chase's unusual lecture, Jefferson contacted two of the House's leading Republicans, Joseph Nicholson and John Randolph, and the Chase impeachment was under way.

The proceedings against Chase, which took well over a year and rendered impeachment as a political weapon forever impractical, were a tangled mess of law and politics. On the political level, there can be no doubt Jefferson wished to remove the Supreme Court as an obstacle to his way of government by vividly showing that the judiciary was subordinate to the will of the other two branches of government. On a constitutional plane, however, this object had to be clothed in a broad construction of the power of impeachment. Taking the broad view was something new to the President, but he was not unused to this type of political slight of hand. Henry Adams observed this when he wrote:

17 1 Cranch 137 (1803).
18 Report of the Trial of the Hon. Samuel Chase (Baltimore: Printed for Samuel Butler and George Keatinge, 1805), App., p. 61. "The independence of the national judiciary, is already shaken to its foundation, and the virtue of the people alone can restore it . . . our republican constitution will sink into mobocracy, the worst of all possible governments . . . the modern doctrines by our late reformers, that all men, in a state of society, are entitled to enjoy equal liberty and equal rights, have brought this mighty mischief upon us; and I fear that it will rapidly progress, until peace and order, freedom and property, shall be destroyed."

19 To Nicholson the President wrote: "You must have heard of the extraordinary charge of Chase to the grand jury at Baltimore. Ought this seditious and official attack on the principles of our Constitution and on the proceedings of a State to go unpunished; and to whom so pointedly as yourself will the public look for the necessary measures? I ask these questions for your consideration; for myself, it is better that I should not interfere." Quoted from Henry Adams, History of the United States (New York: Charles Scribner's Sons, 1889), II, 150. This, of course, is an excellent example of presidential buck-passing.
This right of impeachment was as yet undefined, and if stretched a little beyond strict construction it might easily be converted into something for which it had not been intended; might even be made to serve for the British removal of judges by address. That, in order to do this, the strict constructionists must strain the language of the Constitution out of its true sense was evident, but they had, without flinching, faced the same difficulty in the Louisiana purchase. The actual disregard of the Constitution would hardly be so flagrant in regard to impeachment as it had been in regard to the treaty-making power.20

Granted that Adams, in the wisdom of hindsight, overstates the extent to which it was "evident" in 1805 that the Constitution would have to be stretched to remove Chase, the fact remains that the Republicans’ view of impeachment, though plausible on the surface, did not have its origins in the document itself. Baldly stated by Jefferson’s fellow Virginian, Senator Giles,

A removal by impeachment was nothing more than a declaration by Congress to the effect: You hold dangerous opinions, and if you are suffered to carry them into effect you will work the destruction of the nation. We want your offices for the purpose of giving them to men who will fill them better.21

This, then, was the constitutional question at stake when the thirty-four members of the Senate, twenty-five of whom were of Giles’ party, convened to weigh the eight articles of impeachment advanced by the managers. Washington Campbell expressed the Republicans’ position when, after three weeks of testimony, he noted in his summation:

So far as the offense of the officer is injurious to society, and calculated to endanger the lives and liberties of the people, so far is he impeachable before this tribunal, and not elsewhere. But where an indictment will lie for the offense, there an impeachment will not. An impeachment is a kind of inquest, to examine in what manner the officers have discharged their duty. It is not therefore necessary that the offense should be an indictable one, to render it subject to impeachment, but that the officer has abused the trust reposed in him and endangered the liberties of the people.22

On Saturday, February 23, 1805, Luther Martin arose to speak. With a plea for fair play23 and an appeal to authority24 he began his address with an analysis of the constitutional prerequisites for impeachment: “Treason, bribery, or other high crimes and misdemeanors.”25 Rebuffing Campbell’s suggestion that impeachment would lie for offenses not indictable, he went one step further:

But while I contend that a Judge cannot be impeached except for a crime or misdemeanor, I also contend that there are many crimes and misdemeanors for which a judge ought not to be impeached, unless immediately relating to his judicial conduct.26

21 Gould, op. cit., p. 18.
22 Trial, op. cit., p. 108.
23 “I speak not from any apprehension I have of this honorable court. In their integrity I have the greatest confidence. I have the greatest confidence they will discharge their duty to my honourable client with uprightness and impartiality.” Ibid., p. 173.
24 “I see two honourable members of this court, who were with me in the convention, in 1787. . . .” Ibid., p. 173.
26 Trial, op. cit., p. 176.
Pausing to let this bold assertion sink in, he resumed his argument with an apt illustration:

Let us suppose a judge, provoked by insolence, should strike a person; this certainly would be an indictable, but not an impeachable offense. The offense for which a judge is liable to impeachment must not only be a crime or misdemeanor but a high crime or misdemeanor.\(^{27}\)

Having established this second stage position, Martin advanced his reasoning to an extreme third stage:

Nay, Sir, I am ready to go further, and say, there may be instances of very high crimes and misdemeanors, for which an officer ought not to be impeached, and removed from office; the crimes ought to be such as relate to his office, or which tend to cover the person, who committed them, with turpitude and infamy; such as show there can be no dependence on that integrity and honor which will secure the performance of his official duties.\(^{28}\)

Such was the gist of Chase's counsel's legal argument. But this was the Senate and not a court of law, and Martin was well aware of the political implications of the case he was pleading. These he summed up in one brilliant paragraph:

I speak not, Sir, with a view to censure the principles or the conduct of any party, which hath prevailed in the United States since our revolution, but I wish to bring home to your feelings, what may happen at a future time. In republican governments there ever have been,—there ever will be, a conflict of parties. Must an officer, for instance a judge, ever be in favour of the ruling party, whether wrong or right? or, looking forward to the triumph of the minority, must he, however improper their views, act with them? Neither the one conduct or the other is to be supposed but from a total dereliction of principle. Shall then a judge, by honestly performing his duty, and very possibly thereof offending both parties, be made the victim of the one or the other or perhaps of each, as they have power? No, Sir, I conceive that a judge should always consider himself safe while he violates no law, while he conscientiously discharges his duty, whomever he may displease thereby.\(^{29}\)

It was hard for any Senator, even a Republican one, to dissent from the above political abstraction, especially when supported as it was by innumerable learned authorities, English cases and other precedents. Martin, having established in a half hour the outline of his case, proceeded to embellish his argument with a day and a half's searching review of the evidence presented by the various witnesses who had appeared before the Senate, coupled with numerous jibes at the managers. While the pace of the times and the accepted style of oration condoned such a lengthy effort, even Martin felt compelled to issue a disclaimer. "If I have been thought tedious," he observed, "my apology is the respect I feel for the dignified source from which these charges have proceeded."\(^{30}\)

Other arguments followed Martin’s, including John Randolph's inept and fumbling closing for the managers, but within a week the Senate came to a vote

\(^{27}\) Ibid., p. 176.

\(^{28}\) Ibid., pp. 176-177.

\(^{29}\) Ibid., p. 177.

\(^{30}\) Ibid., p. 220.
on the eight articles of impeachment. Not one received the necessary two-thirds vote, and only three achieved even majority support. Even the ardent Giles voted to convict on only half the charges.\(^31\) Impeachment as a political weapon was as dead as the lame duck session of Congress then in session.

In attempting to evaluate Martin's efforts during the Chase impeachment, the complex of the legal issues, political overtones and reputations of the participants make accurate evaluation impossible. There can be no doubt that his reputation both as a lawyer grounded in the common law and as one who served, though in a negative fashion, at the Constitutional Convention, carried great weight with the Senate. His selection by Chase as chief counsel and the position of his oral argument at the strategic close of the trial indicate that he carried the weight of the law for the defense. One historian has summarized his forensic efforts on this occasion well:

Rough and coarse in manner and expression, verbose, often ungrammatical, commonly more or less drunk, passionate, vituperative, gross, he still had a mastery of legal principles and a memory that overbalanced his faults, an audacity and humor that conquered ill-will. In the practice of his profession he had learned to curb his passions until his ample knowledge had time to give the utmost weight to his assaults. His argument at Chase's trial was the climax of his career.\(^32\)

II. The Burr Treason Trial

If the Chase impeachment was the climax of Martin's career, his handling of the team of defense attorneys at the treason trial of Aaron Burr must rank a close second. Burr, who two years prior as Vice President had presided over the impeachment of Justice Chase, had spent the intervening years financing and gathering support for a western expedition, which in late 1806 assembled on the island of Harman Blennerhassett on the Ohio River near Marietta. Whether Burr's party had as its goal the separation of the western states from the Union, the waging of an unofficial war against Spanish Mexico, or the establishment of a small empire across the wide Mississippi can not be determined with any amount of certainty;\(^33\) it is doubtful that Burr himself knew just what he was about.

Nevertheless, rumors were rampant\(^34\) that the man who in 1800 had come so close and yet so far was intent on dismembering the United States, and Jefferson—after several months of ambivalence, brought Aaron Burr from distant Mississippi to the prisoner's dock in Richmond, Virginia. On March 30, 1807, in a small room at the Eagle Tavern, he was arraigned before Chief Justice Marshall for examination and commitment. The latter, ruling that the evidence was insufficient to establish a case of treason, bailed Burr to appear before a grand jury to answer the charge of a misdemeanor in preparing an expedition against Mexico, a territory of Spain with whom we were at peace. Trial was set for the next term of the Circuit Court of the United States, which was to be held at Richmond on May 22.

\(^31\) Ibid., App., p. 62.

\(^32\) Adams, op. cit., p. 232.


\(^34\) Ibid., pp. 190-191.
When the appointed day arrived and the Government’s star witness, General Wilkinson, failed to arrive, the proceedings lagged until June 9, when Burr arose to claim that the General’s letter to Jefferson of October 21, the latter’s reply and the federal orders for his arrest were material to his defense. Alleging the denial to his counsel of access to these documents, he requested a subpoena duces tecum be issued to the President, requiring him to produce the papers. When George Hay, the United States Attorney, protested, “Martin availed himself of the opportunity afforded by an allegation that Jefferson was keeping back certain important papers necessary for Burr’s defense, to pour upon him the vials of wrath which he was ever ready to uncork when the President’s name was mentioned.”

All that we want is, the copies of some papers, and the original of another. This is a peculiar case, sir. The President has undertaken to prejudge my client by declaring, that “Of his guilt there can be no doubt.” He has assumed to himself the knowledge of the Supreme Being himself, and pretended to search the heart of my highly respected friend. He has proclaimed him a traitor in the face of that country, which has rewarded him. He has let slip the dogs of war, the hell-hounds of persecution to hunt down my friend. And would this president of the United States, who has raised all this absurd clamour, pretend to keep back the papers which are wanted for this trial, where life itself is at stake? It is a sacred principle, that in all such cases, the accused has a right to all the evidence which is necessary for his defense.

After further argument, Marshall read a long opinion granting the subpoena. Here, 150 years ago, can be seen a surprising harbinger of the recent controversial case of Jencks v. United States, decided within the past year. Indeed, Mr. Justice Brennan twice refers to Marshall’s opinion in the Burr trial, and Arthur E. Sutherland has stated that “the essentials of the ruling, as Mr. Justice Brennan suggests, are as old as John Marshall’s decisions in the Burr prosecution.” Marshall’s decision was only a reiteration, clothed in the grand and logical style of that master mind, of Martin’s passionate and rambling oration.

36 Goddard, op. cit., p. 25.
37 Trials, op. cit. p. 128.
38 The prosecution’s haggling debate over the propriety of the subpoena caused Martin to get hot under his frilled collar. “What, sir! shall the cabinet of the United States be converted into a lion’s mouth of Venice, or into a repertorium of the Inquisition? Shall envy, hatred, and all the malignant passions pour their poison into that cabinet against the character and life of a fellow-citizen, and yet that cabinet not be examined in vindication of that character, and to protect that life? Shall a citizen be privately accused, and the name of his accuser not even made known to him?” Trials, op. cit., p. 165.
39 Ibid., pp. 177-189.
43 The recipient of Martin’s verbal uppercuts was not immune to passion himself. Wrote the man from Monticello upon hearing of the issuance of the subpoena: “Shall we move to commit Luther Martin as a particeps criminis with Burr? Graybill will fix upon him misprison of treason at least, and at any rate his evidence will put down this unprincipled and impudent Federal bull-dog.” Quoted from Goddard, op. cit., p. 25.
While the lawyers were sparring and the grand jury hearing evidence, another constitutional point arose which also has received attention recently. Dr. Erich Bollman, who had been in consort with Burr, had disclosed his knowledge to Jefferson, refused the latter's pardon and gone before the grand jury. When the Government demanded that he decipher a letter in code, his counsel claimed that this might incriminate Bollman, that he was under no obligation to give any answer which might tend to incriminate himself and that he was the best judge of whether his answers would lead to such a result. Alexander McRae, for the Government, contended that the fact that a witness's answer might tend to incriminate him was not sufficient to excuse his silence; "I hope," he urged, that "the court will compel him to answer the question, unless it be shown, that he will or may criminate himself." And George Hay went further to add that "a witness must make answer, unless it directly criminate him; or, what is the same thing, subject him to punishment."

Martin, while not Bollman's lawyer, could not resist the opportunity to refute the prosecution and simultaneously aid his client's cause:

The great question is not, whether the witness ought to answer or not? But whether he is not the sole judge, whether his answer to the question will criminate him or not? I contend that he is, and if it were otherwise, the provision in his favour would be nugatory. He ought to answer no question, if it tend or lead to criminate him. The Chief Justice held with Martin:

The gentlemen of the bar will understand the rule laid down by the court to be this: It is the province of the court to judge, whether any direct answer to the question, which may be proposed, will furnish evidence against the witness. If such answer may disclose a fact, which forms a necessary and essential link in the chain of testimony, which would be sufficient to convict him of any crime, he is not bound to answer it so as to furnish matter for that conviction.

The parallel to modern events makes comment superfluous.

Finally, after a month of procedural jockeying and the deciding of the above two important questions, the grand jury brought in a treason and misdemeanor indictment against Burr, the trial of which commenced on August 3 and lasted nearly a month. The major point of contention was the constitutional clause stating that "Treason against the United States, shall consist only in levying war against them," and that "No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court." It was Burr's position that the assembling of armed men on Blennerhassett's island did not constitute levying war, and that, since no overt act had been shown to which he was connected, he had not committed treason. The

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44 Trials, op. cit., p. 219.
46 Ibid., p. 228.
47 Ibid., p. 245.
48 Constitution, Art. III, sec. 3.
49 Ibid.
United States, on the other hand, contended that the assembling of men for a treasonable purpose was in itself an act of levying war and hence treason, and that anyone instigating such an assembly, even though absent, was guilty of the crime.

The arguments of counsel, running into hundreds of pages and inexcusable today, are pardonable on the ground that the question before the court was undecided, and that the defense counsel wanted to show clearly that constructive treason, the common law doctrine of elevating lesser dissentions into treason that had been so greatly abused in Great Britain, had no place on this continent, where the sole test of treason was the question of "levying war." The defense, for theoretical as well as practical reasons, wanted the crime kept within its constitutional straightjacket; the prosecution, while never advocating the constructive treason theory, attempted to arrive at somewhat the same result by broadening the scope of "levying war."

Martin and his co-counsel met the attack directly. After the prosecution had presented its evidence on the overt act at Blennerhassett's island, they moved that collateral testimony about what had been said and done as to Burr's activities beyond the jurisdiction of the court, which if allowed might well have swayed the jurors into eventually finding an overt act where none existed, should not be admitted. Since this was a prosecution for treason, they argued, the overt act of levying war must first be shown. Pledged Martin:

In every other case, where a material act constitutes the crime, the prosecutor must begin by proving that act, either by positive testimony or strong circumstances, to show that the party accused committed it. In a prosecution for treason for "levying war," after the cause is opened, proof of the overt act should be adduced, as is done in every other criminal case. At common law, he willingly admitted, where intention could constitute the crime, once the conspiracy was shown the evidence of one conspirator could be utilized against the other.

But in an indictment for "levying war," the acts of one person have never been admitted to be given in evidence against another; the overt acts must be proved against every individual accused. . . . Here they have brought witnesses, from remote parts of the union, to prove the declarations of Colonel Burr. I contend, that till an act of war shall have been proved, these declarations are utterly inadmissible against him.

In any event, reasoned Martin, the mere assemblage of men on Blennerhassett's island did not constitute treason within the constitutional definition.

If by "levying war," they [the framers of the Constitution] meant inlisting [sic] of troops or raising an army, they would have said so in plain terms. . . . If levying troops, embodying men, or inlisting [sic] soldiers with intention to subvert the government of the United States, were intended as sufficient to constitute treason, why did not the framers of the constitution say so?

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50 Martin knew what it was like to live under the British definition of treason. See note 57 infra; Federalist, No. 43; Joseph Story, Constitution of the United States (New York: Harper & Brothers, 1847).

51 Trials, op. cit., p. 461.

52 Ibid., pp. 463-464.

At the conclusion of Martin's two day, fourteen hour speech, the Chief Justice, after thanking counsel for their splendid argument, rendered an opinion holding that, while a man may be guilty of treason although not present when the war was levied, no testimony can be received to charge one man with the overt acts of others until these acts are proved to the satisfaction of the court. Since the overt act had not been proven by two witnesses, this opinion was virtually an instruction to the jury to acquit the prisoner, which they promptly did. Martin, who during the pre-Revolutionary War era frequently had good cause to worry about the British conception of treason, had seen this concept firmly rejected in the United States. Of Marshall's decision, Henry Adams has observed:

The intent of the Constitution was clear. The men who framed that instrument remembered the crimes that had been perpetrated under the pretense of justice; for the most part they had been traitors themselves, and having risked their necks under the law they feared despotism and arbitrary power more than they feared treason. No one could doubt that their sympathies, at least in 1788, when the Constitution was framed, would have been on the side of Marshall's decision. If Jefferson, since 1788, had changed his point of view, the chief-justice was not under obligation to imitate him.

An interesting postcript to the Burr trial shows Martin in one of his rare reported orations outside the courtroom. After having been hanged in effigy along with Burr, Marshall and Blennerhassett, he pulled out all of the forensic plugs in a bitter denunciation of those who, just seven years previous, had awarded all their electoral votes to Aaron Burr.

Who is this gentleman whose guilt you pronounce and for whose blood your parched throats so thirst? Was he not a few years past adored by you next to your God? I mean your earthly God [Jefferson], for whether you believe in a Deity, who has any government over your Republic of dust and ashes, I know not. Were you not, then his warmest admirers? Did he not, then possess every virtue? Had he then one sin—even a single weakness of human nature? He was, then, in power. He had, then, influence. You would, then, have been proud of his notice. One smile from him would, then, have brightened up all your faces; one frown from him would have lengthened your visages. Go, ye holidays, ye sunshine friends, ye time-servers, ye criers of hosannas today and crucifiers tomorrow. Go, hide your heads, if possible, from the contempt and detestation of every virtuous, every honorable inhabitant of every clime.

54 "A degree of eloquence seldom displayed on any occasion has embellished a solidity of argument and a depth of research by which the court has been greatly aided in forming the opinion it is about to deliver." Ibid., p. 401.

55 Ibid., pp. 401-445.

56 Ibid., p. 446.

57 In alluding to these days, when he was active in the opposition against the British, he wrote: "Throughout which not only myself but many others did not lie down one night in our beds without the hazard of waking on board a British ship or in the other world." Quoted from Goddard, op. cit., p. 14.


59 Gould, op. cit., p. 33.
III. Summation

Luther Martin, as has been stated above, was a lawyer's lawyer. There can be little doubt that to a degree his legal learning was a handicap as well as an asset, for he was knowledgeable in the common law to the point of redundancy. Utilizing the "buckshot" approach, he left no precedent unturned in his courtroom perorations. Chief Justice Taney, referring to Martin as a "profound lawyer," noted that "he never missed the strong points of the case and, although much might have been omitted, everybody who listened to him would agree that nothing could be added." Solidly built and of medium height, he used his strong and sometimes harsh voice to its fullest in addressing both bench and jury. Although his figures of speech tended to be as frilly as the ruffles he wore, his orations were frequently permeated with a bit of amusing sarcasm or a heavy invective. Slovenly in utterance as well as appearance, it is undeniable that he won his cases "more by weight of precedent and knowledge of law than by personal eloquence." Yet who can criticize preparedness, and his speeches, amply adequate as a framework for his legal knowledge, are certainly no more rambling or verbose than others of the time.

His efforts, as a total package, were not well organized. Robert Yates, Chief Justice of New York, in his notes to the Constitutional Convention, prefaced an address of Martin by the following:

Mr. Martin, the Attorney-General from Maryland, spoke upon this subject upwards of three hours. As his arguments were too diffuse, and in many instances desultory, it was not possible to trace him through the whole, or to methodize his ideas into a systematic or argumentative arrangement.

This criticism, however, has less validity when applied to his arguments in later years. While his was leisurely oratory, with time taken for numerous asides, it was always logically and legally consistent. If three main legal points were to be covered in one address, these points, each in itself, were invariably well organized and well presented. Meanderings while moving from one point to another can be excused.

At a time when written briefs were seldom used, when new points of law were calling for decision, with ample time in which to decide them, when American precedents were at a minimum, Martin's long and thorough arguments, grounded on the bedrock of the common law, played a significant part in the development of our constitutional law. It is small wonder that Jefferson, little pleased with this development, awarded Luther Martin the title of "The Federal Bulldog."

60 Quoted from Goddard, op. cit., p. 30.
61 Ibid., p. 29.
62 Secret Proceedings and Debates of the Convention, op. cit., p. 188.
REGional AND CHAPTER NEWS

Northeastern Region
The annual meeting of the Northeastern Region of Tau Kappa Alpha was held at The Hotel Vermont in Burlington on Saturday, November 23rd. This meeting is held in conjunction with The University of Vermont's Invitational Debate Tournament. Various members voiced their desire to make the coming Golden Anniversary successful as possible. All are going to try to attend and all are going to try to contribute the twenty-five dollars requested. The annual Eastern Tau Kappa Alpha Forensic Meet was invited to Rutgers University and this region accepted. Events at the Eastern Meet would include: debate, both four and two man teams, discussion, congressional session, extemporaneous speaking, and after-dinner speaking. Professor Raymond Beard was elected the new Regional Governor for the Northeastern District. Inasmuch as the Northeastern District is some distance away from National Council Meetings, Professor Jones was elected as Vice-Regional Governor and the authority was delegated to him that in case Professor Beard could not attend, he could represent the region. Ten of the twelve schools having chapters in the Northeastern Region were in attendance at the Invitational Tournament.

Massachusetts Institute of Technology
Amid the confusion of sputniks, guided missiles, and union corruption, the debate season got off to a good start with a round of intramural novice debates. The intercollegiate debates began with a series of Greater Boston Forensic Association tournaments. The schedule hit its full stride with the Vermont Tournament where the team won eight and lost two.

The Tufts Tournament was next on the list. Winning ten straight debates the team placed second, edged out by Princeton on rating points. At the Hall of Fame Tournament in N.Y. the team enjoyed the bright lights of Broadway and gave a good account of itself in splitting even.

Preparations are now being made for our own tournament to be held on February 14-15. This tournament, one of the oldest in New England, will be going into its thirteenth year. All TKA schools are invited to participate. Please address any inquiries to the sponsor.

New York University—Heights
On Nov. 21, at the regional conference held at the University of Vermont, Prof. Raymond S. Beard, Tau Kappa Alpha chapter sponsor was elected governor of the Northeastern Region. Prof. Beard, a member of both Tau Kappa Alpha and Delta Sigma Rho, has been coach of debate at University Heights for five years.

On Dec. 13 and 14, the University Heights Debate Council played host to fifty schools from the North, South and Midwest in its eighth annual Hall of Fame Debate Tournament. The tournament was highlighted by a lively and enlightening symposium on this year's debate topic in which prominent representatives from both labor and management participated. In the actual competition, St. Peter's College of Jersey City, New Jersey, won the first place trophy.
The Council plans many public appearances in the latter half of the year. The first of these will be an exhibition of cross-examination debate to be held at a Rotary Club luncheon on Feb. 20.

**Tufts University**

The Tufts University Chapter has maintained an active fall term program at both the varsity and novice levels. Both groups have been active in the frequent Saturday afternoon Greater Boston Forensic Association Tournaments, sponsored largely by Tufts and its sister TKA member in this area, M.I.T. Of a different nature the schedule has included participation in varsity tournaments at Brown, Vermont, and New York University, as well as novice tournaments at Dartmouth and St. Anselms.

The major event of the fall program has been the tenth annual Tufts Invitational Tournament, in which honors were shared by Princeton, M.I.T., and Harvard, in that order. This year's tournament was the largest and most ambitious yet sponsored by the Tufts Chapter.

As a sidelight to its more competitive activities, the Tufts Forensic Council and TKA Chapter have sponsored a series of demonstration debates on the national topic before various civic organizations in the Greater Boston Area. This program was climaxd on December 6 by the sponsorship of a demonstration debate and analytical symposium, featuring Harvard and Tufts debaters, before the New England High School Debate Clinic at the Belmont Hill School.

The spring semester promises an equally active forensic program, with promise of varsity tournaments at William and Mary College, M.I.T., Dartmouth, Boston University, Brooklyn, Harvard, Georgetown, the District VIII West Point Regional, TKA Regional, and, most hopefully, if time and funds permit, the TKA National at Kentucky in April.

**Mideastern Region**

The Mideast Region of Tau Kappa Alpha will act as host for the annual spring Eastern TKA Conference. As has been the custom in the past years, this conference is a joint affair including the Northeastern, Virginia and Mid-east regions. The chapter at Rutgers University will be the host school for this conference to be held on March 27, 28 and 29. A full program is planned with events in debate, discussion, public speaking and after-dinner speaking contests, in addition to a two-meeting congressional session. Another feature of the program will be a debate on "Union Security," co-sponsored by the Institute of Management and Labor Relations. The Institute will provide outstanding representatives of both labor and management, and the debate is to be chaired by Mr. Jack Chernick of the Institute.

The newest member of the Mideast Region, Morgan State College, under the direction of Dr. Harold Chinn, is continuing a very active program this year and is making a valuable contribution to forensics. Two other schools in the region are at the present time negotiating for charters.

**Drew University**

The Drew University Debate Squad has approximately six members. The chapter makes a special effort to have an audience at each debate. It is also a practice at Drew to have three qualified judges at each debate. To promote interest in speech at Drew a contest
is held each year. The contest is divided into freshman and upper-class levels.

Rutgers University

The Rutgers University Chapter began this season’s activity with four new members. The Chapter, in conjunction with the debate team of the University, will offer the largest forensic program in its history. In addition to the twenty tournaments that are scheduled, there are about thirty engagements planned on the “knife and fork circuit” as a public service offering before various civic, religious, and service organizations.

The Chapter sponsored a novice debate tournament in November and will handle the administration of the University Speech Contests in March. Another major activity this year will be the administration of the Eastern TKA Conference to be held at Rutgers University on March 27, 28 and 29. Thirty-five schools are expected to attend.

Dr. Albert A. Austen of the Speech staff at Rutgers University was elected to active membership in TKA in December. The Chapter is acting under the presidency of David Dykhouse with Joseph Leo as secretary-treasurer.

Hampden-Sydney College

Hampden-Sydney Chapter of TKA was host to the annual fall tournament of the Virginia Region; five schools participated in the two-day gathering, highlighted by an address on the need for a resurgence in Southern Oratory, delivered by Dr. J. C. Robert, President of Hampden-Sydney. Hampden-Sydney, at the general business session of the convention held in conjunction with the tournament, suggested that the Virginia Region charter a railroad car for the National Convention, a move made to counter the omnibus advocates.

The Chapter awarded its annual trophy which is given to the senior who has made the greatest contribution to debating to Mr. T. T. Biggs, presently a student at Union Theological Seminary in Richmond. Dr. and Mrs. F. S. Johns of Richmond presented the Rosewell Page Prize in Public Speaking to the current president of the chapter, J. L. Brinkley.

The Chapter’s plans for the spring
include a public program with speaker and reception.

We invite all travelling TKA members to visit with us in gracious, historic Virginia, home of the Randolphs.

University of Richmond

The forensic program of the University of Richmond began in the fall with the school participating in the Annual Virginia Conference on Public Affairs at the University of Virginia. Shortly afterwards an intramural debate tournament open to students who had never participated in an intercollegiate tournament was held on the campus. Four participants in this tournament represented the University at the Wake Forest Novice Tournament. In addition to these activities, the school sent teams to the Regional TKA Tournament held at Hampden-Sydney College, and to the Cross-Examination Tournament at the University of Pittsburgh. The school participated in the Dixie Classic Tournament at Wake Forest College for the first time and hopes to include this tournament in its regular fall schedule.

In the second semester the school is looking forward to the Marshall-Wythe Tournament at William and Mary College. The University's schedule also calls for attending the Annual North-South Tournament, the Cherry Blossom Tournament at Georgetown, the West Point Elimination Tournament, and, of course, the National TKA Tournament.

Southern Region

The Tenth Annual Southern Regional Debate Tournament of TKA was held on the campus of the University of Arkansas, Friday and Saturday, Nov. 15 and 16, 1957. TKA schools represented were: University of Alabama, Vanderbilt University, Mercer University, Memphis State University, Furman University, Louisiana State University, the University of Arkansas, and one invited college, The College of the Ozarks.

Vanderbilt University won first honors in debate with an over-all record of 10-0. They also took first honors on the affirmative side and on the negative side. The University of Alabama and the University of Arkansas tied for second place in debate with identical records of 8-2. The top speaker in the tournament was Joe Sills of Vanderbilt with 124 points. Close behind him was Gene Raff of the University of Arkansas with 122 points.

The guest speaker at the tournament banquet, held Friday night, was Dr. H. F. Constans, Head of the Dept. of Speech at the University of Florida, who spoke on the history of debating in the United States, and of the history of Tau Kappa Alpha in particular.

More than 150 Univ. of Arkansas students assisted with the tournament. Bags of Arkansas-grown apples were given to each school delegation at the conclusion of the tournament.

University of Alabama

The Alabama Squad began its season with the Twelfth Annual Alabama Discussion Conference. Julian Butler was awarded a Superior Certificate in discussion, and Betty Grimmer and Wayne Loudermilch received Certificates of Excellent.

At Southern TKA the Alabama teams of Betty Grimmer and Janice Weinstein, Leonard Schwab and Hoyt Blalock won second place with a 10-2
Janice Weinstein was elected Secretary-Treasurer of Southern TKA. Betty Grimmer, Janice Weinstein, and Hoyt Blalock received speaker's awards.

The Alabama Chapter of TKA sponsored a TKA Day on November 26. All TKA faculty members and debaters were invited to a "TKA-get-together." President of the Alabama Chapter, Janice Weinstein, presided over a program in which David McCaleb, vice-president, Frederika Bapp, secretary-treasurer and other members of TKA spoke on the history, ideals and purposes of the fraternity. Dr. T. Earle Johnson, a charter member of the Alabama Chapter, spoke to the group about the growth of the TKA chapter on this campus.

Among the debate trips scheduled are the Mid-South, Gulf States and Magnolia Debate Tournaments, the Savage Forensic, the Southern Speech Tournament, and the TKA National Convention.

**Alabama Polytechnic Institute**

Auburn debaters are looking forward to the first event of the post-holiday season at Agnes Scott College where the All-Southern Tournament will be held in January. Several other tournaments have been tentatively scheduled for the squad in recent weeks. They are the Azalea Tournament at Spring Hill College and the FSU Invitational Tournament, both in February. It is anticipated that the annual intramural contests in debate and public speaking will be held in March. In the past these events have been well received at Auburn and have created much interest.

**University of Arkansas**

On October 31, the University of Arkansas participated in the Arkansas Warm-Up Debate Tournament. The University team of Joe Max Smith and George Jernigan took first place in the Junior Men's Division. In the Senior Men's Division, the team of Charles Shaddox and David Hughes of the University took first place. Second place went to the team of Gene Raff and Milas Hale, also of the University.

On November 15-16, the University of Arkansas hosted the Southern Regional Debate Tournament of TKA. Vanderbilt University took first place debating both affirmatively and negatively. The University of Arkansas and the University of Alabama both tied for second place with identical 8-2 records. Members of the Arkansas team were Gene Raff, Joe Max Smith, Charles Shaddox, and David Hughes. Gene Raff was adjudged one of the top three speakers.

On November 21-23, the University of Arkansas participated in the 10th Annual Purdue Debate Conference, tying for third place with a record of 5-3. The negative team of Gene Raff and Joe Max Smith went through the tournament undefeated. Gene Raff was awarded a Wachtel Certificate for superior debating.

The Varsity Debate Squad debated before the Pine Bluff High School assembly on December 5. Similar trips are planned for the future to Fort Smith, Eldorado, and West Helena.

The University will participate in the following tournaments: Mid-South, Rocky Mountain at the Univ. of Denver, and the TKA National Tournament. We also hope to get in a Florida tournament, the Piney Woods Tournament, and the Southern Speech Association Tournament.
University of Florida

The first semester has been active for TKA members and for all debaters. TKA members assisted with the high school discussion conference on November 23 and with a novice tournament on December 6 and 7. Novice debaters from Florida entered this affair as well as making a trip to Stetson University for an informal meeting with teams there.

Also on the Florida agenda were tournaments at the Universities of South Carolina, Wake Forest, and Pittsburgh. Fred Berger and Bill Hollingsworth were rated top affirmative team at the Carolina Forensics, and teamed with Harold Klapper and Joe Schwartz, they tied Miami for top school honors. At Winston-Salem, Tom Weisenfeld and Mike Schneider were the top affirmative team. The school award went to Pittsburgh, speaker points breaking a tie with Florida. Don Grubbs and Bill Holt made up the negative team.

At the Pittsburgh Cross-Examination, Klapper and Schwartz were top affirmative team, with Berger and Harold Eisner rated top negative team. Florida won the Crucible Steel Trophy. All four debaters are from Miami and are TKA members. Schwartz tied for top speaker, Eisner for second.

Participation in the Miami Invitational will end first semester activities. Second semester tournaments include: William and Mary, Florida State, Notre Dame, Kansas, Tulane, Dartmouth, West Point Regionals, and the National TKA.

In addition, TKA will assist with district and state high school debate tournaments and with the Intramural Speech Conference on campus.

Florida State University

Florida State University's intercollegiate activity began with four discussants participating in the Alabama Discussion Conference. Lonnie Keene received an excellent rating.

Intrasquad competition followed with four rounds of debate.

At the Florida Junior Tournament FSU was represented by Charles Van Delinder and Pat Batal on the affirmative, Art Danart and Judie Webb on the negative. These four freshman debaters took second place, the affirmative team winning five debates out of six, and the negative team winning four.

In January we are planning to attend the Agnes Scott Tournament and the University of Miami Tournament. In February we will be represented at the West Georgia Invitational, Azalea Tournament, Gulf States Speech Festival, and of course our own Invitational Tournament.

FSU will sponsor its ninth Annual Intercollegiate Debate Tournament on February 21 and 22, 1958. There will be competition in debate, oratory, impromptu, and after-dinner speaking. For the last two rounds of debate a new "courtroom style" of debate will be employed. Fifteen to twenty schools from eight or ten states are expected for this event.

Lincoln Memorial University

Forensic activities at L.M.U. began with a great deal of enthusiasm because all of our debaters but one who graduated returned to participate again this year. The Chapter is glad to report that its debate teams won the highest number of points in the Junior and Senior Divisions at the Smoky Mountain Debate Tournament, a statewide invitational event.
The debaters are looking forward to the Golden Jubilee with much pleasure, as is Prof. Smith whose first alma mater is the University of Kentucky.

University of Mississippi

The chapter is in the process of establishing the foundation for a rebuilding program, and hopes to regain a position of eminence among the chapters old and new before too long.

University of South Carolina

South Carolina Chapter sponsors the annual Carolina Forensics debate tournament, held at the University of South Carolina in November.

Of much interest among local high schools is the annual South Carolina High School Workshop which provides instruction for young debaters. The state high school debate finals are also held each year at the University, under TKA's sponsorship.

The local chapter recognizes its former debaters who go on to places of prominence in state affairs with honorary memberships. This year some ten former debaters who have proved their mettle in the courts of the state were welcomed into honorary membership in TKA.

In addition, the local chapter carries on a debate program which will include 200 debates before the end of the season. And each year the South Carolina Chapter welcomes to this campus the touring British debate team, and the widely publicized match annually draws a large crowd into the local student union building auditorium.

Vanderbilt University

Last fall was truly a “jubilee” beginning of the year for Vandy debaters as they swept the Southern Regional TKA Tournament at the U. of Arkansas. As the only undefeated team, the boys copped the overall team plaque as well as the affirmative and negative best team plaques. Local TKA president Vastine Stabler and Fred Beesley were affirmative; Chester Burns and Joe Sills, who were initiated into TKA at the tourney, were negative. Sills was elected president of the Southern Region for the year and was the top scoring debater. Fred Beesley and Stan Ruby will be initiated at the National.

The Vandy novice teams were winners in their division at the Western Kentucky Tournament also in November. They will enter the junior division at the Millsaps and Tennessee State Tournaments.

Further events to occupy the squad will include the Millsaps, Magnolia, Notre Dame, Southern Speech Association, and Southern Universities forensic tournaments. Vandy is also host to the state tournament at which Governor Frank Clement will greet the debaters.

Ohio-Kentucky Region

Denison University

Seventeen Denison debaters and speakers entered the Morris Harvey Forensics Tournament this fall and compiled individual and team records that won the Sweepstakes trophy awarded annually at this event. In achieving this victory the Denison debaters won nine of ten rounds; Don Kendziora and Bill Zinn were affirmative speakers while John McDonald and Bob Beltz debated the negative. Dan Shell placed second in interpretative poetry; Joe Krakora spoke in the finals of the oratory and extemporaneous speaking contests; Shirley Smith and
McDonald were finalists in discussion and impromptu speaking, respectively. Second debate team members were Carol Hornby, Bob Canary, John Jeisel, and Stevie Story.

Ohio University

The Ohio University Chapter of Tau Kappa Alpha will sponsor and host the First Year Debate Tournament for Ohio schools next spring.

Midwestern Region

The sixteenth Annual Conference of the Midwest Region of Tau Kappa Alpha was held at Purdue on November 1 and 2 with Alma, Ball State, Butler, Cornell, Earlham, Indiana State, Manchester, Notre Dame, Purdue, Wabash, and Western Michigan chapters being represented. At the Council meeting Ted Walwik, Butler, was elected president for 1957-58; Pat Dunn, Western Michigan, was elected vice-president; Prof. Charles Helgesen, Western Michigan, was elected secretary. The conference will be held at Western Michigan next year. Plans for the Golden Jubilee year were discussed with special emphasis on ways and means of selecting distinguished alumni and the necessity of chapter contributions for putting over this year's national conference. In the student discussion and congress activities some sixty-nine students participated. Plaques were awarded to the top five schools in this order: Butler, Notre Dame, Ball State, Western Mich., Earlham.

Butler University

Butler speakers have had a busy and successful first semester. They have attended the TKA Midwest Regional Conference at Purdue, and five debate tournaments (two of which they put on here at Butler). At the regional conference Ruth Anne Clark was judged the number one participant. At the new debate tournament sponsored by Indiana State, Butler had the best win-loss record in the varsity division and tied St. Mary's of Notre Dame in the novice. At the Purdue Invitational Ruth Anne Clark and Ted Walwik were tied for third ranking speaker. Butler was second to Notre Dame at the Butler Novice. Butler won the University of Illinois (Chicago) Freshman-Sophomore Tournament and "The Friendly Five" tournament here at Butler. In addition to tournament debating, Butler debaters have been in seven non-decision audience debates. Next semester should be even a busier one with at least two oratorical contests, twelve debate tournaments, and a number of audience-forum programs.
Cornell College

Cornell is sponsoring four rounds of cross-examination debate on January 11. About ten schools have indicated they will participate.

Earlham College

Five Earlham students participated in the Fifteenth Annual Midwest Regional TKA Conference at Purdue University on Nov. 1 and 2. Mike Callon, junior from Las Vegas, New Mexico, and Brenda Baumhart, freshman from Eaton, Ohio, won Wachtel certificates and a Wachtel plaque for excellence in discussion. Novice debate teams have participated in tournaments during November and December and plan to enter the Purdue meet in February. Varsity debate teams will enter tournaments at Ohio State and Indiana University and expect to represent Earlham at the TKA National Conference at the University of Kentucky in April. Speakers from Earlham will enter the state oratorical contests in February and Earlham will serve as host for the contests of the Indiana Intercollegiate Peace Speech Association in April.

University of Notre Dame

The University of Notre Dame debate team opened its season with twenty-one experienced debaters and forty-five novice debaters. The early part of the year was spent in preliminary training of the new men and in research. Several trips were made to surrounding colleges for practice debates.

Thus far Notre Dame has attended tournaments at Purdue University, South Carolina University, Bradley University, and Butler University. The last of these tournaments was won by Notre Dame.

In the weeks to come Notre Dame will attend tournaments in Pittsburgh and at Navy Pier in Chicago. Tournaments planned for the second semester include trips to Abilene, Texas, and Miami, Florida.

Notre Dame attended the Regional TKA Discussion Conference at Purdue this fall. Paul Coffey of Notre Dame was rated second in the conference.

St. Cloud State College

Forensic activities for the 1957-58 school year at St. Cloud State College are beginning to take shape. Our schedule calls for participation in tournaments scheduled to be held in Minnesota, Illinois, Wisconsin, North Dakota, South Dakota, and Nebraska.

We are currently making plans for our Eighth Annual Minnesota State College Speech Conference to be held at St. Cloud on January 24 and 25, 1958. Events are scheduled in debate, original oratory, extemporaneous speaking and discussion.

The St. Cloud Chapter is planning to take part in the 50th Anniversary of TKA in April at the University of Kentucky.

University of South Dakota

The TKA Chapter at the University of South Dakota has this fall sponsored an international debate with the Cambridge University and in conjunction with the forensic organization has played host to schools from five states at the University's annual invitational forensic conference. On January 10 and 11, TKA and the forensic group will entertain and act as critics for a two day high school forensic conference.

The University of South Dakota's debaters and discussants have journeyed
to the University of Iowa, Wayne State Teachers College in Nebraska, Sioux Falls College, and are planning to participate in forensic conferences at the Universities of Nebraska, Minnesota, and Wisconsin. In addition, we will participate in the annual Missouri Valley meet, National TKA Golden Jubilee, and a number of other one and two day tournaments. Audience exchange debates have been arranged with North Dakota State College and the University of Nebraska. Other home-and-home debates are being planned.

Elected to membership last spring were Richard Frieberg, JoAnne Kahler, and Robert Redfield. Current officers are Marge Rogers, president; Richard Frieberg, vice-president; and Robert Redfield, secretary-treasurer.

Plans are being formulated for a local observance of the Golden Jubilee of TKA.

**Western Michigan University**

The WMU women debaters have been active in a variety of forensic events. The first intercollegiate debate of the year was a demonstration debate on “foreign aid” with Central Michigan College presented for the High School Debate Clinic on September 21. Seven WMU women participated in the Midwest Regional Conference and, for the third year, Pat Dunn won a Wachtel Plaque for excellence in discussion. Ruth Ann Kvapil served on the Investigation Committee at the Committee Hearing at Albion College on Nov. 15. The two women’s teams were undefeated at the Michigan Intercollegiate Speech League Novice Debate Tournament. By borrowing a freshman debater from the men’s squad, we were able to participate in the Freshman-Sophomore Tournament at Navy Pier. The “mixed” team of Betty Kujala and Dan Turonek won an excellent award for winning three of their four debates.

A variety of audience debate experiences have kept the girls busy. Following a demonstration debate before the local Kiwanis club, the girls have received numerous invitations to appear before other local groups. Two TV experiences proved very stimulating. On Nov. 25, Pat Dunn and Pat Sodelland participated in a split-team debate on science education with two Michigan State University debaters over WKAR-TV. On Dec. 10, four of the girls—Marilyn Savage, Helen Romsek, Pat Dunn, and Ruth Ann Kvapil—discussed compulsory unionism on WKZO-TV.

In addition, the WMU debaters sponsored two debate events for high schools. The Ninth Annual High School Debate and Discussion Clinic was attended by 40 high school groups with over 300 pupils. Fifty teams participated in the Novice Debate Tournament. In February the High School District Elimination Tournament will be held at WMU.

WMU women plan to attend the National TKA Conference and will participate in debate and discussion. Western Michigan University men’s debate team has fourteen men participating in debate and discussion. Nine of the fourteen are in their first year of college debating. Three members of the squad participated in the Regional TKA Conference held at Purdue. Bill Dock, in his first year of participation in intercollegiate discussion, won regional honors. Four first-year debaters entered the Michigan Novice Tournament winning five out of six debates. Four freshmen and one sopho-
more entered the Navy Pier Tournament (one man was paired with a member of the women's debate team). Three of the five men won Certificates of Excellence. Lynn Clapham and Robert...Morsink, members of last year's team that placed second in the National TKA four man division, represented Western in a TV debate on the Michigan State campus TV station. Four varsity members participated in a triangular audience debate with Alma and Calvin Colleges on the Calvin Campus.

In the second semester Western plans to participate in two more TV debates, Purdue's novice tournament, Michigan's varsity tournament, Northwestern's varsity tournament, and Notre Dame's national tournament. Members will be entered in the discussion and debate divisions of National TKA. A road trip for a week, for which a number of debates will be arranged, is also being planned.

John Vitek, a member of TKA, former Western debater and now a graduate student is assistant debate coach this year.

Western Region
Occidental College
Occidental won lower division school honors at the Western Speech Association Tournament, Nov. 25-27, in which fifty-four schools from nine western states participated. Individual records at this event included first and second places in lower division women's interpretative reading which went to freshmen Judy Gould and Marcia Williams; thirteen certificates of excellence were received by other team members.

At the Southern California Collegiate Association Tournament held the next weekend, Oxy team members won six certificates of excellence and one of superiority. Fernando de la Pena, a junior, took first place in upper division men's oratory and second in interpretative reading.

University of Southern California
The U.S.C. forensic season began with the annual Fall Individual Events Tournament hosted this year by San Diego State College. The eighteen Trojan delegates earned thirty-two awards of excellence. Practice tournaments at Los Angeles City College and Loyola University preceded the Western States Forensic Tournament at Pepperdine College. In this meet of fifty schools from the eleven Western states, Southern California again received one of the four sweepstakes awards. One week later at the Western States Alternate Tournament, another U.S.C. group took sweepstakes honors.

Squad members presently are working on the traditional TKA-sponsored high school speech tournament, January 10-11, 1958. Last year the meet attracted over six hundred high school students. Semester's end will see four speakers at the Baylor University Tournament inaugurating an intersectional program to culminate in Lexington.

Willamette University
Lewis Bright and Mac Baker, TKA, received third place out of a field of 67 teams at the Western Speech Association Forensic Tournament at Los Angeles on Nov. 25-27.

Willamette tied for first place in junior men's debate at Pacific Lutheran College Forensic Tournament at Tacoma, Washington. Another team was among those awarded second place.

Katherine Ruberg, TKA, tied for third place in the annual State Extemp Speaking Contest.
# CHARTERED CHAPTERS OF TAU KAPPA ALPHA

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