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DECISION-MAKING PROCESSES IN PUBLIC AFFAIRS

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Speaker and Gavel

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THE POLITICO-RHETORICAL CLIMATE OF THE KOREAN DECISION

ROBERT M. EZZELL

While analysts disagree about the quality of the Truman administration's initial decision to deploy U.S. troops in Korea in June, 1950, there is a general consensus among historians and political scientists that the more ambitious decision in October, 1950, authorizing the pursuit of North Korean troops above the 38th parallel with the goal of political reunification of Korea, was particularly poor.¹ Janis, following Neustadt, suggests that the decision was poor primarily because it was risky. But unlike Neustadt, he sees the risks mainly as military—a position from which Neustadt specifically demurs.²

Janis assigns the cause of this poor, because risky, decision to that curious constellation of conditions which he characterizes as "groupthink": ". . . a mode of thinking that people engage in when they are deeply involved in a cohesive in-group, when the members' strivings for unanimity override their motivation to realistically appraise alternative courses of action."³ Such a mentality no doubt exists, especially in decision-making groups which are constrained to conformity by a legacy of previous commitments or where the power and ethos of one or more of the members is sufficient to elicit a docile consensus from the remainder.

With regard to the Truman administration's decisions about Korea, however, the word "groupthink" is but a bit of locutionary legerdemain masquerading the really crucial question: viz., why did a decision-making body, whose previous rhetoric, commitments, policies, and practices had consistently relegated Korea to a marginal status, suddenly decide to commit itself to intervention and the admittedly risky expansion above the 38th parallel. I contend that the decisions may have been risky (especially the second one) but not poor, and that the prevailing climate was such that they were "necessary," given the decision-makers' perception of the politico-rhetorical parameters within which they operated. In order to understand these decisions, one must first be familiar with administration policies at the time and the fierce opposition to them from the Right. So stridently were countervailing policies set forth by Right-wing politicians, in fact, that they rhetorically preempted the official policies.

One of the most widely cited scholars of Korea, John W. Spanier, has delineated in considerable detail the domestic political climate during the

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¹ Irving L. Janis, *Victims of Groupthink* (Boston: Houghton Mifflin Co., 1972), p. 55.

² Cf. Richard E. Neustadt, *Presidential Power* (New York: New American Library, 1960), pp. 121-122.

³ Janis, *op. cit.*, p. 9.

time just preceding the North Korean invasion of South Korea.⁴ Indeed, he sums up my bias in terse terms: "The Korean War was from the beginning deeply embroiled in American politics."⁵

In the several years prior to the Korean War, the Democratic administration had directed its foreign policy energies to Europe, primarily through NATO and the Marshall Plan. Since Europe was perceived to be the critical area in which to blunt any additional USSR imperialism, both these programs were designed to retard further Soviet encroachments. We were still very insecure about Europe, and the Berlin blockade of 1948 exacerbated our anxiety, becoming an *objet de resistance*. All was not desperate, however. Some encouragement must have been gained with the June, 1948 announcement of Yugoslavia's expulsion by the Cominform from the Communist bloc—on the grounds of ideological heresy!

If we were myopically preoccupied with Europe in our foreign policy, we were nonchalant, if not insouciant, toward Asia in general and Korea in particular. The reason for this was simple enough. The Administration gave top priority to the deterrence of the Soviet Union, which it wanted to be able to stop in case of a global war. Relying on its best military intelligence, it concluded that Korea, and indeed Asia in general, was of little strategic importance in the event of a major conflict with Russia. Thus, the Joint Chiefs of Staff, with Eisenhower as unofficial chairman, had recommended in late 1947 the removal of the 45,000 U.S. troops then stationed in Korea.⁶ Spanier adduces three reasons for this recommendation by the Joint Chiefs. First, because of cutbacks in military expenditures, the military wanted to concentrate its resources in high priority areas of major strategic importance. Noteworthy in this regard is the fact that it was the Republican-dominated 80th Congress which had imposed these cuts on the military budget with the intention of providing thereby a twenty per cent income tax reduction.⁷

The second reason for the withdrawal of American forces from Korea was the Joint Chiefs' preoccupation with total war. "This left Korea militarily dispensable within the global pattern of American security, since in an all-out war the fate of Korea would be decided in other theaters of war; Soviet occupation of Korea would not raise Korea's strategic significance since the peninsula could be neutralized by American air and sea power."⁸ Third, the Joint Chiefs feared that the ". . . lack of progress toward a free and independent Korea might in the coming months give rise to violent disorders which would place the occupation forces in an untenable position." Furthermore, the South Koreans had exerted considerable pressure for the removal of our troops, and the Russians had withdrawn her troops from North Korea. Thus, not to remove ours would have placed the U.S. in an indefensible propaganda position.⁹

Secretary of State Dean Acheson gave public expression and Administration sanction to this policy in his celebrated speech before the National

⁴ John W. Spanier, *The Truman-MacArthur Controversy and the Korean War* (New York: W. W. Norton and Co., 1965), chaps. 1-3. Glenn D. Paige, *The Korean Decision* (New York: The Free Press, 1968), chaps. 2-3.

⁵ Spanier, *op. cit.*, p. 41.

⁶ *Ibid.*, pp. 16-17.

⁷ *Ibid.*, pp. 17-18.

⁸ *Ibid.*, p. 18.

⁹ *Ibid.*, p. 19.

Press Club on January 12, 1950, in which he defined the American defense perimeter in the Pacific. "It ran, he said, from the Aleutians (outside the Kuriles) to Japan, through the Ryukus (Okinawa) to the Philippines. In this strategic island chain, the United States possessed immediate responsibilities and the power to act. Beyond this defense perimeter, however, the United States had no specific obligations. Washington could not, therefore, guarantee areas lying outside this American chain against military attack; proposals to this effect were neither sensible nor necessary within the 'realm of practical relationship.'"¹⁰

In the few months preceding Acheson's speech, two events of considerable long-range consequence for American foreign policy occurred. They were the explosion of an atomic bomb by the Russians in August, 1949 and the Communist takeover in China in October, 1949. In light of these, Acheson's rhetoric is all the more remarkable. Indeed, he went on to suggest that Russia's and China's interests were inherently incompatible. He viewed the Communist coup in China as a Nationalist movement whose interests would cause it to continue its traditional geopolitical conflict with Russia.¹¹ Should Mao not become another Tito, as Acheson envisioned he would, the result would be a loss of support from the Chinese people. In either case, the United States would benefit, but only if it would disengage itself from Chinese politics and dissociate itself from Chiang's exiled government on Formosa, lest it incur the pique of Peking and the Chinese people.¹²

The Administration, with concurrence from the military, fully expected Formosa to fall to the Chinese Communists before the end of 1950. In fact, in December, 1949, the State Department had prepared and distributed a guide for use by information officers charged with the task of interpreting the fall of Formosa. It was to aid them in countering any "false impressions" that the loss of Formosa would seriously harm the interests of the U.S. or any other country opposed to communism.¹³

Although our official position toward Korea was different from that toward Formosa, in that we were formally committed to its support, our policies of troop withdrawal and reduction in aid, and the Joint Chiefs' disclaimer of Korea's strategic significance all contributed to the impression that our support was more nominal than real. As Glenn D. Paige says: "Despite declarations of support for the Republic of Korea, American words and actions in early 1950 gave the impression both in Korea and abroad that the United States government was not deeply committed to its survival."¹⁴ Senator Tom Connally, chairman of the Senate Foreign Relations Committee, was asked in an interview published on May 5, 1950, if he thought the suggestion that we abandon Korea was going to be seriously considered. He replied:

I'm afraid it's going to be seriously considered because I'm afraid it's going to happen, whether we want it to or not. I'm for Korea. We're

¹⁰ *Ibid.*, p. 20.

¹¹ *Ibid.*, p. 52. Acheson accurately anticipated the Sino-Soviet split which began in 1956, although he erred in his assessment of the ideological nature of the alignments of that split. Far from being another Tito as Acheson expected, Mao was the leftist ideologue in the dispute, charging Khrushchev and the Kremlin with rightist revisionism.

¹² *Ibid.*, p. 53.

¹³ *Ibid.*, p. 56.

¹⁴ Paige, *op. cit.*, pp. 66-67.

trying to help her; we're appropriating money now to help her. But South Korea is cut right across by this line (the Thirty-eighth Parallel)—north of it are the communists with access to the mainland—and Russia is over there on the mainland. So that whenever she takes a notion she can overrun Korea just like she will probably overrun Formosa when she gets ready to do it. I hope not, of course.¹⁵

Paige, commenting on Connally's statement, notes that it ". . . contributed further to the impression that the Administration was prepared to accept the loss of the Republic of Korea as well as the Republic of China on Formosa."¹⁶

In light of these speeches, public statements, and policies of the Administration, "groupthink" can hardly account for their reversal a few months later by the very people who made them. For beginning June 25, 1950, this group was to make decisions, in concert with the UN, to intervene on behalf of the Republic of Korea to restore the *status quo ante*, i.e., push the North Korean troops back above the 38th parallel, deploy the Seventh Fleet in a blockade to prevent Communist China's takeover of Formosa and, after MacArthur's successful invasion at Inchon, to authorize U.S. troops to proceed above the 38th parallel with an escalated goal of reunifying Korea.

To account for this reversal, one must look again at the domestic political scene and see the ways in which the Administration's policies were politically preempted by a countervailing rhetoric from the Right, particularly in the period from January to June, 1950.

The year 1950 was an election year and the Republicans were still recuperating from the trauma of their surprising defeat in 1948. They were fervently searching for issues and policies where the Democratic Administration's position might be vulnerable to attack; they found a poignant issue in the Administration's Asian policy and converted it into a *cause celebre*.

The State Department information document on China, alluded to above, was leaked by General MacArthur's Tokyo headquarters in January, 1950 and was immediately seized upon by Congressional Republicans as the occasion for a scathing denunciation of the Administration's decision to let Formosa fall to the Communists.¹⁷ Led by Senators William Knowland, Robert Taft, and Joseph McCarthy, and with public support from former President Hoover, the Republicans accused the Democrats of selling out to Communism in the case of China, just as they had done with the Eastern European countries at Yalta in 1945. Concomitant charges were made that the government in general and the State Department in particular were populated with Communists and those sympathetic to the Communist cause.¹⁸ As Spanier says: "The Republican thesis was simplicity itself: America's Chinese policy had ended in Communist control of the Chinese mainland; the State Department and the Administration leaders were responsible for the formulation and execution of policy; thus the government must be filled with Communists and 'Communist sympathizers' who 'tailored' American policy to advance the Soviet Union's global aims."¹⁹

¹⁵ Cited in Paige, p. 68.

¹⁶ *Ibid.*, p. 68.

¹⁷ Spanier, *op. cit.*, p. 57.

¹⁸ Paige, *op. cit.*, p. 37.

¹⁹ Spanier, *op. cit.*, p. 59.

The chief reason the Republicans were able, rhetorically, to exploit this issue so effectively was that it appealed directly to the American people's feeling of frustration with the contemporary Cold War policy of containment. That policy clashed with a mentality deeply rooted in the average American's psyche. It is the mentality which believes that if you have an enemy, you should fight until you force him to surrender in order that you can peacefully get back to those desired normal routines. In this *Weltanschauung*, containment and coexistence are unacceptable aliens, confounding our categories by adding ambiguity to the facile distinctions of friend or foe.²⁰

To cast the problem a different way, the onus was on the Administration for not educating the public, rhetorically, to the kinds of policies which were mandated by the current international political and military situation. However, it is a moot point whether such efforts, even if attempted, would have succeeded, since the time span in which to do the job was relatively short before the Administration was put on the defensive. And, as Walter Lippmann has observed, ". . . any democratic government has a difficult time managing foreign affairs because it must cope with public opinion that is years behind the time."²¹ Thus it was precisely through an anachronistic rhetoric that the Republicans were able to capitalize on public opinion which was still years behind current policies.

That they were eminently successful in their efforts can hardly be doubted. Truman's popularity in the Gallup polls had dropped drastically, from a 69 per cent approval of his leadership in January, 1949, to a 37 per cent approval in June, 1950, prior to the Korean decision—a drop of almost 50 per cent! "The Gallup Poll analysts, aware of the sensitivity to events of this kind of political opinion, speculated that the decline in the President's popularity might have been associated with the prolonged coal strike that had occurred during the winter, with increased international tension, with 'Communist gains in Asia,' and with 'constant criticism leveled at the State Department.'"²² Also, in May of 1950, the polls showed that the American public was more acquainted with Senator McCarthy's charges against the State Department than with any other domestic issue.

Only 14 per cent of the persons questioned were uninformed. Of the remainder, 39 per cent thought that the charges would be beneficial for the country; 29 per cent considered them harmful; 16 per cent had no opinion about their effects. Republican voters tended to have attitudes more favorable to the charges (50 per cent considered them good; 22 per cent thought them harmful) while Democratic voters were more evenly divided in their judgements (35 per cent thought them good; 33 per cent considered them injurious).²³

The upshot of this Republican rhetorical victory was that it forced the Truman Administration, for political reasons, to reverse its avowed and preferred policies. The political and rhetorical climate had changed so that the Democrats were put in a position of having to prove their virility:

²⁰ For an excellent discussion of this American attitude toward war, see Spanier, *op. cit.*, pp. 2-14.

²¹ Joseph H. deRivera, *The Psychological Dimension of Foreign Policy* (Columbus, Ohio: Charles E. Merrill Co., 1968), p. 345.

²² Paige, *op. cit.*, p. 45.

²³ *Ibid.*, p. 46.

Indeed, in the general atmosphere of distrust and suspicion which the Republicans had first created and then exploited, the Democrats could not have afforded to discard Chiang completely or to establish any relations with Communist China. The Republican explanation of the fall of China gained widespread acceptance as revelations of Communist espionage became known; perhaps the government and the State Department were full of subversives. Harry Truman's outright dismissal of legitimate criticisms of existing security regulations as 'red herrings' only furthered the acceptance of the belief that the United States was being betrayed from within. To have abandoned Chiang and established diplomatic relations with Communist China under these circumstances would have been tantamount to political suicide.²⁴

It is in the context of this political climate that I would interpret the decision to intervene in Korea, although it was certainly not inconsistent with our policy of containment. But given the rhetorical climate which prevailed, it was a *politically necessary* decision. The subsequent decision to escalate the effort was a regressive capitulation to the all-out win and total surrender mentality. But it, too, though militarily risky, was probably politically necessary, because that military mentality had attained rhetorical ascendance, aided and abetted by the enormous ethos of General Douglas MacArthur.

According to Janis, one of the characteristics of "groupthink" is "deflection of anger away from the group." He interprets President Truman's anger upon discovering that the presence and strength of the Chinese Communists in North Korea was far more formidable than he had been led to believe as an example of this deflection of anger. Instead of directing his anger at those whom Janis says should have been its obvious objects, Truman rather turned it toward Republican newspaper publishers and other Republicans.²⁵ I would suggest that his anger was not displaced at all. Petulant and puerile for a President it may have been, but not displaced. For Harry Truman's political instincts were such that he knew who had politically victimized him and his Asian policies; and who knows what might have happened if he had not been pressured politically into a more belligerent, anti-Communist position in Asia?

²⁴ Spanier, *op. cit.*, p. 61.

²⁵ *Op. cit.*, p. 67.

WATERGATE: CRISIS BY DECISION

RICHARD E. CAPLAN

In August of 1974, the collection of "horrors" known as Watergate reached the level of a national crisis, destroying the ability of ex-President Nixon to govern. Criminal cases have been generated against forty men, including two Attorneys General, two Cabinet Secretaries and over a dozen White House staff members.¹ During the last months of the Nixon Presidency no significant effort was made to deal with national problems. Confidence in government and the future of the nation had been replaced by cynicism. What was called a "third-rate burglary attempt"² had become a national crisis. This crisis was not created by an act of natural disaster or territorial desire, but through the calm and reserved process of discussion. Watergate was created by rational men seeking to solve problems in groups. It became a crisis because these men made it one through their decisions to initiate plans involving a great amount of risk.³ I offer that Watergate can best be understood as a rhetorical event through the application of the theory of shift toward risk. This essay will apply the theory of risky shift to the Watergate crisis in an attempt to understand the decisions that led to this crisis.

The theory of shift toward risk contends that decisions made by groups are more risky than decisions made by average individuals.⁴ The evidence for this theory is highly consistent. It has been found to be valid in a variety of situations and with a variety of subjects. The theory appears to be generalizable. There is clear and distinct evidence that decisions following discussion exhibit greater risk than individual decisions.

The commonly held belief that group decisions foster conservatism must be questioned. Whyte, *The Organization Man*, argues that committees produce pressures for conformity.⁵ Research indicates that committees do not seem to produce conservative and mediocre decisions. The social influence within groups seems to produce ideas involving greater risk.

Three explanations of this phenomenon have been offered: first, that risk-taking is a cultural value; second, that the most risky individual is the most influential in a group; third, that the responsibility for the risk is diffused between the group members. All three factors contribute to risky shift; however, the diffusion of responsibility has the greatest experimental support.

The Watergate crisis would have been incompletely understood, like

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¹ "Was Justice Finally Done?," *Newsweek*, January 13, 1975, p. 19.

² Ronald L. Ziegler, White House press secretary, news conference, Key Biscayne, Florida, 19 June 1972.

³ "Watergate: An End of an Epoch," *Ramparts*, August-September 1973, p. 16.

⁴ See Mervin E. Shaw, *Group Dynamics* (New York: McGraw-Hill Book Company, 1971), pp. 73-82, and D. Cartwright and A. Zander, *Group Dynamics: Research and Theory*, 3d ed. (New York: Harper & Row, 1968), pp. 430-442 for a review of risky shift.

⁵ W. H. Whyte, Jr., *The Organization Man* (New York: Simon & Schuster, 1956).

most other historical events, except for two critical decisions. First, Richard Nixon's decision to record all Presidential conversations as a historical record of his administration. Second, Nixon's decision, under pressure from the Committee on the Judiciary of the House of Representatives and the American people, to release 1,308 pages of edited transcript.

Analysis of the transcripts should reveal elements in the decision-making discussions that brought about the crisis. It can be seen that the decision to use clandestine techniques for information gathering was itself risky. A number of options were available for an intelligence operation, among them the plan that produced the Watergate break-in. This, the most risky plan, was accepted. The decision to continue the risk of a growing cover-up was made in the context of these previous decisions of great risk.

On March 21, 1973, the clandestine White House electronic recording system recorded John Dean's explanation to President Nixon of how Watergate started. Dean relates that H. R. Haldeman, the White House Chief of Staff, instructed him to set up "a perfectly legitimate campaign intelligence operation."⁶ Dean asked John J. Caulfield to prepare a plan that would involve "normal infiltration, buying information from secretaries and all that sort of thing."⁷ Caulfield and his plan were rejected by John Ehrlichman, the President's adviser on domestic affairs, and John N. Mitchell, former Attorney General and the director of the Committee for the Re-election of the President. Dean felt that this was a mistake because Caulfield was an "incredibly cautious person."⁸ Mitchell suggested Gordon Liddy as a replacement for Caulfield. Dean reminded the President that Liddy had been involved in the clandestine break-in at Dr. Lewis Fielding's office, Daniel Ellsberg's psychiatrist. The transcript quotes Dean:

So I came over and Liddy laid out a million dollar plan that was the most incredible thing I have ever laid my eyes on: all in codes, and involved black bag operations, kidnapping, providing prostitutes to weaken the opposition, bugging, mugging teams . . .

. . . And so Liddy was told to go back to the drawing board and come up with something realistic. So there was a second meeting . . . they were discussing again bugging, kidnapping and the like.⁹

The President was then told that at this point Dean stopped Liddy's presentation as such things should not be discussed in the office of the Attorney General. Dean then reported that he threw out Liddy. He thought that this was the end of it, but later concluded that the people at the committee started to push for information. A variation of Liddy's plan was ultimately accepted by this group.

As of March 21, 1973, it was Dean's belief that a plan had been approved by a group headed by Mitchell, at the Committee to Re-elect the President. The plan involved infiltrating, bugging, and "all this sort of thing."¹⁰ The plan that originated as a "normal" information-gathering operation led by a cautious John Caulfield shifted to an incredibly risky plan developed by Liddy.

⁶ *The White House Transcripts, Submission of Recorded Presidential Conversations to the Committee on the Judiciary of the House of Representatives by President Richard Nixon* (New York: Bantam Books, Inc., 1974), p. 134.

⁷ *Ibid.*

⁸ *Ibid.*

⁹ *Ibid.*, p. 136.

¹⁰ *Ibid.*, p. 138.

On April 14, 1973, Ehrlichman briefed the President about events leading to the break-in. Ehrlichman believed that this was the first full briefing that the President had had. This conversation took place in the Executive Office Building and was recorded by the White House recording system. This briefing gives evidence of how the final decision was made. Charles W. Colson, special counsel for the President, was nervous about Liddy's plan and felt that Mitchell was nervous too. However, Colson got the thing moving. A meeting was set up for final approval. Ehrlichman states:

Around the end of March [1971], Magruder and LaRue went to Key Biscayne where John Mitchell was . . .

They presented to Mitchell Liddy's final proposal . . .

It involved bugging three places—Watergate, McGovern Headquarters and the Fontaine Bleu.

In the conversation, Mitchell orally approved it.¹¹

A plan involving the bugging of Democratic National Committee Headquarters was accepted. Mitchell and Colson were uneasy about the plan as it entailed a great amount of risk. There was a shift from a cautious plan to a risky plan, from cautious Caulfield to risky Liddy. The plan for the clandestine break-in at the headquarters of the Democratic National Committee was inherently more risky than other information-gathering techniques.

Bad luck alone will not explain what happened. No matter how one interprets the evidence, the testimony and the transcripts, Watergate from the start involved risk. Statistics indicate that the risk involved in burglary is overwhelming. One out of five burglaries end in an arrest.¹² The Watergate burglars were involved in at least seven burglaries and attempted burglaries.¹³ With each attempt the probability of capture increased. On May 23, 1973, former New York City policeman Anthony T. Ulaswicz testified before the Senate Select Committee as to the method the Re-election Committee was using to gather intelligence information. When questioned by Senator Howard Baker, he stated:

I will tell you, any old retired man in the New York City Police Department who would become involved in a thing like that. . . he would not have walked in with an army, that is for sure. . .

He probably would have walked in like any decent, common-looking citizen. . .¹⁴

Burglary is a dangerous business even for those who are expert in it. The Watergate burglars were not experts in espionage. Liddy put together a "James Bond" scenario. There were other ways of gathering information. There were legitimate ways that Dean had talked about. Ulaswicz felt

¹¹ *Ibid.*, pp. 380–81.

¹² Max Ways, "Watergate as a Case Study in Management," *Fortune*, November, 1973, pp. 109–111.

¹³ Seven burglaries or attempted burglaries have been connected to Liddy and Hunt; however, Carl Bernstein and Bob Woodward suggest there may have been more. See Carl Bernstein and Bob Woodward, *All the President's Men* (New York: Simon and Schuster, 1974).

¹⁴ Anthony T. Ulaswicz, testimony before the Senate Select Committee, in *Watergate: Chronology of a Crisis*, ed. by William Dickinson (Washington: Congressional Quarterly, Inc.) p. 180.

that experts wouldn't go about it the way Liddy and his group did. The President stated on March 21st in the transcripts that the "people around here are not pros at this sort of thing."¹⁵ The risk involved in the Watergate clandestine activity was extremely high. Yet the decision was made to accept one of Liddy's plans.

Why would such intelligent and reserved men make such a risky decision? These men were not experienced with clandestine activities. Their candidate, Richard Nixon, was so far ahead of his opponent it seemed foolish to bother. I conclude that since the decision was made by a group, shift toward risk is a logical explanation. There were a number of options open to gather information: no plan could have been accepted; Caulfield's cautious plan could have been accepted; Liddy's plan could have been accepted. There was a shift from the Caulfield plan to a consensus for the Liddy plan. The plan with the highest risk was finally implemented.

The decision to accept Liddy's plan reflects the philosophy and decision-making pattern that influenced later decisions. Apparently decisions in the Nixon Administration were made by discussions of selected advisers. The shift toward risk can clearly be seen in the cover-up that followed the June 17, 1972, break-in. The transcripts are evidence of what took place in these decision-making discussions that led to the payment of hush money to Hunt and the continuation of the cover-up. The two Presidential conversations of March 21, 1973, concern the establishment of a conspiracy to obstruct justice.

The first of the March 21st conversations took place in the President's Oval Office at 10:12 a.m. The President and John Dean began the discussion and, at the President's request, H. R. Haldeman joined the meeting. The second conversation took place in the Executive Office Building at 5:20 p.m. Present were the President, Dean, Haldeman and Ehrlichman. The conversations evolved within the context of the sentencing of the seven men convicted in the burglary and evidence that Judge Sirica was trying to pressure the burglars into implicating higher-ups. In addition, E. Howard Hunt was making demands for legal fees and family support, threatening to expose White House involvement.

Nixon, Haldeman, Dean and Ehrlichman discussed and debated a number of plans to deal with this situation. There were two basic plans formulated. The first, suggested by Dean, was that a cover-up was a cancer close to the Presidency and that it should be cut out. The second plan proposed by the President was to continue the cover-up. The continuation of the cover-up would have bought time, while Dean's plan of disclosure would have ended the scandal. Of the two plans discussed, the one offered by the President obviously required greater risk. Dean pointed the risk out to the President. He stated:

Basically, it is because (1) we are being blackmailed (2) people are going to have to start perjuring themselves very quickly that have not had to perjure themselves to protect other people in the line. And there is no assurance—that that won't bust.¹⁶

The cover-up was growing. Blackmail and perjury were involved, and above all there was no assurance that it wouldn't "bust." In fact, the likelihood of containment or a cover-up "busting" was extremely great.

Blackmail was the immediate problem, but Dean advised the President

¹⁵ *Transcripts*, p. 146.

¹⁶ *Ibid.*, p. 134.

that it would continue as long as the burglars were in prison. Dean states that this would "compound the obstruction of justice."¹⁷ It would cost money and it would be dangerous. The people in the White House were not experienced in subterfuge. Dean's solution was to cut the losses and minimize any further growth of the cover-up.

The President did not show any interest in Dean's plan. Instead of wanting to cut out the cancer he wanted to plug the holes in the cover-up. The President asked how much it would cost. Dean estimated that it would cost a million dollars over the next two years. President Nixon stated:

We could get that. On the money, if you need the money, you could get that. You could get a million dollars. You could get it in cash. I know where it could be gotten. It is not easy, but it could be done.¹⁸

The President thus rejects a plan of disclosure and cutting losses for a cover-up plan. His plan was to "keep the cap on the bottle."¹⁹ Dean returns to his allusion toward a growing cancer. The conversation indicates that the President was aware of facts of the situation. Dean explained that the number of people who were aware of a cover-up was great and would continue to grow. Hunt was threatening to involve Ehrlichman if he was not given \$120,000 for attorney fees and personal expenses. Liddy, McCord or the Cubans could blow at any time. In addition, the lawyers had knowledge that could blow the lid off. Hunt's wife knew a lot before her death, along with the wives of some of the other aides. If any of these minor players talked, it would blow the lid off the cover-up. President Nixon shows his understanding of the risk when he observes:

. . . the secretaries, the assistants know all of this. The principals may be hard as a rock but you never know when they, or some of their people may crack.²⁰

Dean stated that this plan was "a very high risk."²¹ Some were bound to break with so many people involved. A cover-up plan was full of "soft spots," and if it blew it would involve the President in a cover-up situation.²²

Dean did not have a complete plan but it was his feeling that the growth of the cover-up had to be stopped. He suggested to the President that the Attorney General could be told that for the first time all the pieces were together and another Grand Jury could be called. Dean states:

There are two routes. One is to figure out how to cut the losses and minimize the human impact: get you up and out and away from it in any way. In a way it would have never come back to haunt you.²³

Dean wanted to disclose the information about the cover-up. This would end Watergate once and for all. It would not come back to involve the President.

The President's plan was one to continue with the cover-up. President Nixon was a fighter. He felt that it was better to "stone wall" it rather than

¹⁷ *Ibid.*, p. 146.

¹⁸ *Ibid.*, pp. 146-147.

¹⁹ *Ibid.*, p. 148.

²⁰ *Ibid.*, p. 161.

²¹ *Ibid.*, p. 177.

²² *Ibid.*, p. 151.

²³ *Ibid.*, p. 154.

quit. The problem for the President was not adverse publicity but the danger of criminal liability to his aides and members of the committee. This would require a million dollars and more to keep the burglars silent until the administration had left office. The story would then come out but no one would care. Then some form of pardon or parole could have been worked out. The first thing that had to be done was a payment of \$120,000 to Hunt to get him to hold.²⁴

At this point, Haldeman joined the meeting. Haldeman was very supportive of the President's plan to continue the cover-up. It was suggested that Watergate be put on national security grounds. Haldeman states that "it absolutely was" on security grounds.²⁵ The discussion then returned to hush money. The President attempted to evaluate the two plans. Haldeman argued that in a plan of full disclosure the administration is going to look like "dopes."²⁶ Dean countered that the paying of blackmail would put them in "great jeopardy,"²⁷ and they "are chancing a very high risk for perjury."²⁸ Haldeman pressured the President into a decision to pay off Hunt. The transcripts state:

President—To hell with it!

Dean— They're going to stonewall it, as it now stands. Excepting Hunt. That's why his threat.

Haldeman—It's Hunt opportunity.

President—That's why for your immediate things you have no choice but to come up with the \$120,000, or whatever it is. . . .²⁹

In the second conversation of March 21st, there is considerable interaction between Haldeman, Ehrlichman and Dean. Dean brings into the conversation the fact that a cover-up would not be an ultimate solution. He again returns to the analogy of cleaning out a cancer.³⁰ Ehrlichman proposed that a cover-up plan lets the President control the situation better. Haldeman's reaction to Dean's return to the cancer analogy and the full disclosure plan were very negative. He states:

Well, see if we go your route, you can't draw the line someplace and say—

If you take your move and it goes slightly awry, you have a certainty, almost, of Magruder going to jail, Chapin going to jail, and you going to jail, and probably me going to jail.³¹

At the end of this meeting the President made no change in his earlier decision to pay Hunt to keep quiet, continue the cover-up and engage in a conspiracy to obstruct justice.

There was a greater risk in the President's plan, but it was accepted. The President and his advisers committed themselves to continuing the cover-up. The next day McCord sent a letter to Judge Sirica which started to blow the cover-up. The cover-up plan, although it had the most risk, was accepted.

²⁴ *Ibid.*, pp. 164–66.

²⁵ *Ibid.*, p. 163.

²⁶ *Ibid.*, p. 165.

²⁷ *Ibid.*, p. 167.

²⁸ *Ibid.*, p. 171.

²⁹ *Ibid.*, p. 172.

³⁰ *Ibid.*, p. 188.

³¹ *Ibid.*, p. 190.

In applying the risky shift theory to the transcripts, one can see all three explanations stated previously. In this group, Haldeman seems to have been the most influential member. In the conversations of March 21st, Ehrlichman's reaction to Dean's plan was negative, showing passive rejection.³² Haldeman's reaction is negative, displaying considerable aggression. He refers to Dean in the third person to the other members of the group.³³ Haldeman's statements are an attempt to defeat Dean's status, thereby persuading the others to accept the more risky alternative. Thus, it would be expected that his influence on the group was responsible, to some degree, for the risky shift. This can be seen from Dean's testimony before the Senate Select Committee on June 27, 1973. Dean stated his reaction to the behavior of Haldeman and Ehrlichman during the conversation:

I could tell that both Haldeman, and particularly Ehrlichman, were very unhappy with my comments. I had let them very clearly know that I was not going to participate in the matter any further. . .³⁴

The shift could also be due to the preconceived expectations of the group members to conform to the cultural values for risk-taking. The political history of the Nixon administration was one of taking risks. It would be expected of members of the administration to conform to risk-taking. Finally, the diffusion of responsibility for Watergate and the cover-up could have been responsible for the shift. No one person felt responsible for the decision which led to the cover-up. The responsibility was pushed off onto other members of the group. Indeed, ex-President Nixon and his aides are still attempting to diffuse responsibility for Watergate and the cover-up.

In the March 21st conversations between the President and his advisers, two plans were proposed. The plan involving the greater risk was adopted. This was due in part to the influence of the most risky individual, Haldeman, cultural pressure to conform to risk-taking, and the diffusion of responsibility for the risk. The transcripts of the Presidential conversations indicate that there was a shift of group thought toward a plan involving greater risk.

Watergate is evidence of how government decisions are made on the highest levels. In the Federal government, high officials have so many activities and responsibilities that they must rely on the conscience and competence of subordinates. This is especially true of the Presidency. Government officials must continually judge the quality of their decisions and the effect of aides on those decisions. An extremely persuasive aide will have an overly dominant role in policy making. The method in which decisions are made will affect the outcome. There is reason to believe that decisions made by groups of aides may be inherently more risky.

Watergate is an artifact of the decision-making method employed. Decisions made by groups are inherently risky. Government officials are now employing groups of aides to help make policy decisions. Watergate is an example of what can happen when groups are given the task of making decisions involving risky alternatives. It illustrates the need to be concerned about the process as well as the substance of decision-making.

³² *Ibid.*, p. 188-189.

³³ *Ibid.*, p. 189.

³⁴ John W. Dean III, "Statement before the Senate Select Committee," in *Watergate: Chronology of a Crisis*, ed. by William Dickinson (Washington: Congressional Quarterly, Inc.) p. 187.

MEN OF WISDOM OR BUILDERS OF BABEL: A STUDY OF THE DECISION-MAKING PROCESS IN THE CONSTITUTIONAL CONVENTION OF 1787

ROBERT V. FRIEDENBERG

“When you assemble a number of men to have the advantage of their joint wisdom,” commented Benjamin Franklin as the Constitutional Convention drew to a close,

you inevitably assemble with those men, all their prejudices, their passions, their errors of opinion, their local interests, and their selfish views. From such an Assembly can a perfect production be expected? It therefore astonishes me, Sir, to find this system approaching so near to perfection as it does; and I think it will astonish our enemies, who are waiting with confidence to hear that our councils are confounded like those of the Builders of Babel.¹

Clearly, the delegates to the Constitutional Convention of 1787 were not confounded like the Builders of Babel. Rather, they were able to overcome their prejudices, passions, errors of opinion, local interests, and selfish views. They created an enduring form of government, currently the oldest written Constitution in use. There have been few, if any, deliberative assemblies as remarkably successful as the Constitutional Convention.

Many explanations for the success of the Convention have been offered. Indeed, it is entirely fair to suggest that no single deliberative body has been subjected to more careful scrutiny by historians, political scientists, lawyers, jurists, rhetoricians, and laymen than that body of men who in 1787 wrote the American Constitution.² Yet few of the Convention's students have attempted to evaluate the rules which governed the decision-making process in that body.³ Those rules facilitated wise decision-making

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¹ James Wilson of Pennsylvania read Franklin's address to the Convention for the ailing elder statesman. Madison was given a copy of the manuscript Wilson read. It can be found in James Madison, “Notes on the Proceedings of the Federal Convention of 1787,” *The Records of the Federal Convention of 1787*, ed. Max Farrand (New Haven: Yale University Press, 1937), II, 641-643. Hereafter cited as Madison, “Notes,” volume and page numbers refer to the Farrand edition.

² Among the better known studies are Catherine Drinker Bowen, *Miracle at Philadelphia* (Boston: Little, Brown, and Company, 1966); William Crosskey, *Politics and the Constitution in the History of the United States* (Chicago: University of Chicago Press, 1953); Andrew C. McLaughlin, *The Confederation and the Constitution: 1783-1789* (New York: Collier Books, 1962); Clinton Rossiter, *1787: The Grand Convention* (New York: Macmillan, 1966); Robert Schuyler, *The Constitution of the United States: An Historical Survey of its Formation* (New York: Macmillan, 1923); Charles Warren, *The Making of the Constitution* (New York: Barnes and Noble, 1967).

³ The most serious attempt made in this direction can be found in Chapter 2 of Paul Eidelberg, *The Philosophy of the American Constitution* (New York: The

in the Convention, and consequently contributed appreciably to the success of the Convention.

The Rules Committee

On Friday, May 25, 1787, the delegates to the Constitutional Convention elected George Washington to preside over their meetings, and then elected a committee composed of George Wythe, Charles Pinckney, and Alexander Hamilton, to prepare rules of procedure. The delegates knew that each of these three men was well prepared for such a task.

George Wythe of Virginia was the committee chairman. Wythe, along with James Wilson of Pennsylvania, was perhaps the finest legal mind in the new nation, and certainly in the Convention. Thirty-two years earlier he had become Attorney-General of Virginia. He served in that position only briefly, and the following year began his extensive service in the Virginia House of Burgesses and later in the Virginia House of Delegates. Although volunteering to serve in the Revolutionary Army, his fellow Virginians instead prevailed upon him to help represent the Old Dominion in the Continental Congress, where in 1776 he ably supported Richard Henry Lee's resolution for independence, and signed the Declaration, written largely by one of his former law students, Thomas Jefferson. During the war he continued to serve in the Virginia House of Delegates, and with Thomas Jefferson and Edmund Pendleton was given the massive task of rewriting all of Virginia's laws, many of which needed alteration and revision after the break from England. In 1778 he was appointed to one of the three positions on the new Virginia High Court of Chancery, and the following year he was appointed Professor of Law and Police at the College of William and Mary. This was the first chair of Law in any American college, and from it, according to one biographer, "Wythe literally charted the way in American jurisprudence."⁴ By the time of his election to Virginia's delegation to the Convention, Wythe was recognized as "probably the foremost classical scholar in Virginia, and was widely read in Roman and English law."⁵ Though he was not able to participate extensively in the three-month Convention, Wythe had long labored for a strong central government. In the crucial Virginia Ratification Convention, Wythe repeatedly spoke on behalf of the strong central government created in the Constitution.

Like Wythe, Charles Pinckney was well grounded in the law. He was admitted to the South Carolina bar at an exceptionally young age, and though only twenty-nine at the time of the Convention, he had already served in the South Carolina House of Representatives, and the Congress of Confederation. While in this latter body, he had consistently attempted to secure a stronger federal government. One of the most active speakers in the Convention, at least one of Pinckney's biographers suggests that the South

Free Press, 1968). Eidelberg's work, though going beyond the secrecy rules, is not as complete an examination as this one. He concludes that the rules of the Convention facilitated "genuine inquiry into questions of political *right*—questions of principle as well as policy."

⁴ Remarkably, in light of the existence of many of his papers, decisions, and other materials, Wythe has not been made the subject of a first-rate biography. Perhaps the most readily available reliable study of his career is the entry by Theodore S. Cox in the *Dictionary of American Biography*, ed. Dumas Malone (New York: Charles Scribner's Sons, 1936), X, 586-589.

⁵ Cox, "George Wythe," *Dictionary of American Biography*, p. 588.

Carolinian "had a larger share than any other individual in the determination of the form and content of the finished Constitution."⁶ While such a remark seems to exaggerate Pinckney's importance, by 1787 Pinckney had established himself in the front rank of those calling for a stronger government.

Alexander Hamilton, today the best known member of the rules committee, had like Wythe and Pinckney, long desired a stronger central government. During the Revolution he had served as an *aide-de-camp* to Washington. In this capacity he had been involved with Army organization, and had been exposed to the problems created by the weaknesses of the Articles of Confederation. As early as September 3, 1780, even before they had been officially ratified, Hamilton had perceived the fundamental weakness of the Articles, and begun to call upon his friends to work for their improvement.⁷

In 1781, after only five months of study, Hamilton was admitted to the New York bar. In private practice, such as in the case of Rutgers vs. Waddington, when he maintained the superiority of federal laws over those of the state, Hamilton worked to improve the government. Moreover, simultaneously, while in Congress, he worked to strengthen the central government.

The Constitutional Convention itself was an outgrowth of the Annapolis Convention of 1786, where Hamilton, with strong support from James Madison, had convinced the other delegates that they could not accomplish their task, a reconsideration of the interstate commerce regulations, without reconsidering the entire fabric of government. Primarily at Hamilton's insistence, the Annapolis Convention called upon all the states to send delegates to Philadelphia to consider amending the Articles of Confederation. When the Congress of the Confederation also issued a similar call, the Constitutional Convention materialized.⁸

Each of the members of the rules committee was well versed in the law, and each had served extensively in a wide variety of legislative assemblies. Most importantly, each recognized the weaknesses of the Articles of Confederation, and sought to remedy those weaknesses. These men may have suspected that the Convention might be the nation's last chance to improve its floundering government. Certainly, these three men wanted the Convention to act, not to delay. They wanted achievement, not indecision. The rules they established reflect these desires, and facilitated decisive, but judicious, action.

Rules of The Constitutional Convention

On Monday, May 28th, Wythe reported for his committee. Over the weekend, they had developed a full set of rules. With one crucial addition, and a significant deletion, the committee recommendations were adopted.

⁶ J. Harold Easterby, "Charles Pinckney," *Dictionary of American Biography*, ed. Dumas Malone (New York: Charles Scribner's Sons, 1935), VII, 611.

⁷ Letter, Alexander Hamilton to James Duane, September 3, 1780, *The Papers of Alexander Hamilton*, ed. Harold C. Syrett (New York: Columbia University Press, 1962), II, 401-402.

⁸ By far the most extensively studied member of the Rules Committee, Hamilton has been the subject of numerous biographies. An exceptionally incisive study, stressing his essential role in the movement for a stronger central government is John C. Miller, *Alexander Hamilton and the Growth of the New Nation* (New York: Harper and Row, 1959). See particularly pp. 83-218.

The best known rules of the Convention, virtually the only rules mentioned in most accounts of the proceedings, are the secrecy rules. These three rules provided

- (1) That no copy be taken of any entry on the Journal during the sitting of the House without the leave of the House.
- (2) That members only be permitted to inspect the Journal.
- (3) That nothing spoken in the House be printed or otherwise published, or communicated without leave.⁹

The motive for such regulations is clear. The Convention was attempting to provide for a completely free exchange of ideas. George Mason of Virginia no doubt summarized the delegates' thinking in a letter written two days before the secrecy rules were passed.

It is expected our doors will be shut and communications upon the business of the Convention be forbidden during its setting. This I think myself a proper precaution to prevent mistakes and misrepresentation until the business shall have been completed, when the whole may have a very different complexion from that in which the several crude and indigested parts might in their first shape appear if submitted to the public eye.¹⁰

The secrecy rules would protect the delegates from later being held individually responsible for any comments they might make as debate progressed. Their responsibility would be a collective responsibility, for the document they produced. Secrecy would insure candor and openness in debate. The remarks of many of the delegates, particularly those of Hamilton, indicate that Mason's thinking was typical of the Convention.¹¹

Even the press, which might be expected to have been hostile to secrecy rules, recognized the high purpose behind their passage. The *Pennsylvania Herald* told its readers that "we readily admit the propriety of excluding an indiscriminate attendance upon the discussions of this *deliberative* council."¹² This was, as the *Herald* correctly emphasized, a deliberative council. The secrecy rules reflect the Convention's commitment to honesty and openness in its deliberations.

The secrecy rules are by no means the only rules which facilitated decision-making within the Convention. Five additional rules, heretofore virtually never examined, particularly warrant our attention.

The Convention decided that "a member shall not speak oftener than twice, without special leave, upon the same question; and not the second time, before every other who had been silent, shall have been heard, if he

⁹ Major William Jackson, an associate of Washington's, maintained the official minutes of the Convention. William Jackson, "Journal of the Federal Convention," *The Records of the Federal Convention of 1787*, ed. Max Farrand (New Haven: Yale University Press, 1937), I, 5. Hereafter, cited as "Journal," volume and page numbers refer to the Farrand edition.

¹⁰ Letter, George Mason to George Mason Jr., May 27, 1787, *The Life of George Mason*, ed. Kate Mason Rowland (New York: Russell and Russell, 1964), II, 103-104.

¹¹ For Hamilton's comments see his "Reply to Anonymous Charges," *The Records of the Federal Convention of 1787*, ed. Max Farrand (New Haven: Yale University Press, 1937), III, 366.

¹² *Pennsylvania Herald*, June 21, 1787, p. 151.

choose to speak, upon the subject."¹³ This rule guaranteed that everyone would have an opportunity to express his opinion. No group of men would be able to dominate debate, holding the floor to the exclusion of others. The Convention was providing that each of its members would have the opportunity to speak on every issue.

But the Convention was not satisfied to simply guarantee that all members would have the opportunity to speak: several of the rules indicate that the members wished to insure that every speech was presented to an attentive audience. At the recommendation of the Wythe Committee, the delegates decided that "committees do not sit whilst the House shall be, or ought to be, sitting."¹⁴ Not only would all the delegates be able to speak, but the work of the Convention would not draw members off the floor. Committees would never interfere with debate. Moreover, the delegates also stipulated in their rules that "every member, rising to speak, shall address the President; and, whilst he shall be speaking, none shall pass between them, or hold discourse with another, or read a book, pamphlet, or paper, printed or manuscript."¹⁵ Committee work, movements in the room, and other forms of distraction, were all being prohibited. The Convention was committing itself to decisions arrived at by debate, and with these rules it was clearly attempting to eliminate all foreseeable distractions. Rules of this nature are rarely, if ever, observed in contemporary legislative assemblies.

Two additional rules indicate the delegates' desire to give their debate maximum opportunity to exert its effect. The Convention agreed that "the determination of a question, although fully debated, shall be postponed, if the deputies of any state desire it, until the next day."¹⁶ The delegates were committing themselves to decisions by debate. But, such decisions can be made hastily, often under undue emotional pressure brought on by stirring words. This rule was designed to avoid such decisions. It gave any state the opportunity to ask the Convention to back off from voting, to thoroughly consider the question overnight, to avoid undue haste and emotional influences.

Finally at the urging of Richard Spaight of North Carolina, the delegates added one crucial rule to the recommendations of the Wythe Committee. As eventually worded, Spaight's recommendation resulted in the adoption of the rule which stipulated

That a motion to reconsider a matter, which had been determined by a majority, may be made, with leave unanimously given, on the same day in which the vote passed, but otherwise, not without one days previous notice; in which last case, if the House agree to the reconsideration some future day shall be assigned for that purpose.¹⁷

The importance of Spaight's suggestion cannot be underestimated. Supporting his motion, Spaight noted that the Convention should never be totally precluded from reconsidering an issue. He envisioned such a rule being used only when members of the Convention saw just cause to reconsider. Spaight recognized that this rule might be used improperly, to question and delay over decisions already based on "mature discussion."

¹³ "Journal," I, 8.

¹⁴ "Journal," I, 16.

¹⁵ "Journal," I, 8.

¹⁶ "Journal," I, 8.

¹⁷ "Journal," I, 16.

But, he felt that this potential harm had to be risked in order to provide the Convention with a sure means of reconsidering decisions.¹⁸ Repeatedly, the Convention utilized the Spaight addition to the rules. Initial decisions can be wrong. Subsequent events, greater thought, additional information, all can alter opinion and fuel new arguments. In approving Spaight's addition, the Convention was committing itself to decision by the highest quality of debate, regardless of how long it took to achieve that quality.

Finally, one of the rules rejected by the Convention also indicates the desire of the delegates to maximize the opportunities for fruitful debate. The Wythe Committee had recommended that any member of the Convention should be allowed to call for the yeas and nays and have them entered on the minutes.¹⁹ Rufus King of Massachusetts and George Mason spoke against this proposed rule. King objected because he felt that "changes of opinion would be frequent in the course of the business."²⁰ Consequently, he did not want to bind the members to their prior decisions. Similarly, Mason added "that such a record of the opinions of members would be an obstacle to a change of them on conviction, and in case of its being hereafter promulgated must furnish handles to the adversaries of the result of the meeting."²¹ No one defended the Committee's recommendation, and this proposed rule was rejected. In rejecting this rule, the Convention was again affirming its desire to let the debates have maximum effect. The members would not be restrained from reversing their decisions by records of previous votes. Thus, individually and collectively, the rules adopted and rejected by the delegates to the Constitutional Convention reflect an intense dedication to allow unrestrained debate to serve as the means of their decision-making.

Conclusions

Soon after the Convention's work was concluded, Washington expressed his amazement at its success. "It appears to me," the General wrote to his close friend Lafayette, "little short of a miracle, that the Delegates from so many different States (which States you know are also different from each other, in their manners, circumstances, and prejudices), should unite in forming a system of national Government, so little liable to well founded objections."²² Washington notwithstanding, the creation of the Federal Constitution was not a miracle. That document was wrought by studied deliberation on the part of delegates who made legislative debate the tool of their creation. During one of the hottest summers in the history of Philadelphia, often meeting for five hours or more a day, the delegates debated almost forty key issues as they created a new form of government.

Yet, theirs were not typical legislative debates. The rules governing the decision-making process of the Constitutional Convention were unique. Those rules provided for decisions arrived at through secret debate. Those rules provided that each delegate would have an equal opportunity to speak. Those rules provided precautions to prevent distractions, such as

¹⁸ Madison, "Notes," I, 13.

¹⁹ Madison, "Notes," I, 10.

²⁰ Madison, "Notes," I, 10.

²¹ Madison, "Notes," I, 10.

²² Letter, George Washington to Marquis De Lafayette, February 7, 1788, *The Writings of George Washington*, ed. John C. Fitzpatrick (Washington: Government Printing Office, 1939), XXIX, 409-410.

committee work, from interfering with debate. Those rules provided that decisions could be made after pausing for an evening of reflection. Those rules provided that even thoroughly debated and apparently resolved issues could be reopened for additional consideration. Even in rejecting the proposals of its rules committee, the delegates firmly indicated their desire to allow debate to have maximum effect in forming opinion. Clearly, few of our current legislative bodies operate with rules such as these.

There have been numerous explanations for the success enjoyed by the delegates who gathered in Philadelphia during the summer of 1787. The brilliance of individual members, and indeed the brilliance of the entire Convention, which Jefferson called "an assembly of demigods" is most frequently credited with creating the Convention's success. The dominance of men firmly committed to a strong federal government, the urgency of the crisis of government that existed in 1787, and the willingness of the delegates to compromise, have all been offered as explanations of the Convention's ability to structure a new government in the face of impending chaos. All these explanations have merit. Clearly however, any serious attempt to explain the many factors which contributed to the remarkable achievements of the Constitutional Convention must also consider the unique rules which governed the debates of the Convention. Those rules distinguish this body from other American deliberative assemblies, and established an atmosphere conducive to sound decision-making.

NEW DSR-TKA CHAPTER INSTALLED AT EAST TENNESSEE STATE UNIVERSITY

A new chapter of Delta Sigma Rho-Tau Kappa Alpha was installed on the campus of East Tennessee State University in Johnson City on May 24, 1974 by Dr. Theodore J. Walwik, national secretary.

The student initiates included Ronnie Greer, Reggie Lett, Lloyd Pierce, "Skip" Carson, Lee Chase, Jerry Henderson, Jerry Waddell, Ken Hill, Alan Sheets and Carolyn Taylor.

Three faculty members were also initiated, as well as several members of the administration. Among the faculty initiates were Dr. Paul A. Walwick, chairman of the speech department, Dr. Richard Dean, chapter sponsor, and Dr. Valerie Schneider, chapter co-sponsor. Administrators included Dr. D. P. Culp, president of East Tennessee State University, Dr. Mack P. Davis, vice-president for academic affairs, Dr. George N. Dove, dean of the College of Arts and Sciences, and Dr. Ella V. Ross, dean of students emeritus and resident member of the university Board of Regents.

Special awards and recognition were accorded Dr. John P. Lamb, dean of the College of Health, Mrs. D. P. Culp, wife of the university president, and Dean Ross for their outstanding forensic skills in securing the federally-funded and newly-established College of Medicine. Dean Dove, Vice-President Davis, and Dr. Walwick were honored for their support of the university forensics program.



Dr. D. P. Culp, president of East Tennessee State University, receives a national charter for Delta Sigma Rho-Tau Kappa Alpha from Dr. Theodore J. Walwik, national secretary, at the University Honors Day on May 24, 1974.

NEWS FROM DSR-TKA CHAPTERS

At *Albion*, Al Moore is now serving as director of forensics. The new director of forensics at *Creighton* is Fr. Marion Stitzmann, who has his Ph.D. in medieval rhetoric from Southern Illinois.

The *Clemson* DSR-TKA chapter is an affiliate of the Calhoun Forensic Union, which each year sponsors the coveted Trustees Medal Competition and the DSR-TKA Outstanding Speaker awards, given to the best public addresses presented in an open forum to a panel of judges. These awards are considered to be two of the highest honors granted at the university. The director of forensics at *Clemson* this year is Harold L. Goodall, Jr., and assisting with the debate program is Charles DeLancey. Charles Montgomery is on leave at the University of Florida.

The *DePauw* debate team again sponsored a student congress in October, expanded to two days this year. The topic for legislation was inflation.

Two *Florida State* graduates, both of whom did a little debating while undergraduates, competed for the governorship of Florida. Reubin Askew, the incumbent, won the Democratic nomination with nearly 70% of the vote and Jerry Thomas received the Republican nomination. (Late flash: Askew won the election.) On campus, David Cornelius, from the University of Pittsburgh, serves as graduate assistant in debate, and Marilyn Young, director of forensics, completed her doctorate at the University of Pittsburgh.

Martha Stout Kessler has been appointed director of forensics at *George Washington*.

From *Hawaii*, Jeanne Oka reports that their two-man audience debate tournament has been well received both by students and local community groups and school assemblies. The tournament features University of Hawaii debaters selected from among students enrolled in the argumentation and debate course. They compete against each other alternating between the affirmative and negative sides for each round and using the Lincoln-Douglas format. Audiences judge the debates using a modification of the Woodward shift-of-opinion ballot. The debates are generally timely, controversial and informative. They stimulate community interest in the topic and inform the audiences about the major issues involved.

At *Illinois*, a parliamentary debate with an international debate team from New Zealand on the topic, "This House Stands Resolved that the United States Should Become a Monarchy," climaxed a series of seven major campus forums which drew an aggregate audience of 1500 persons during the 1973-74 school year. During the year present and potential DSR-TKA members participated in 50 public debates before community groups in Illinois, discussing such topics as the impeachment of Richard Nixon, nationalization of U.S. energy industries, and ratification of the equal rights amendment. The Thomas E. Finfgeld Most Valuable Debater Award for 1974 went to Gail Lovinger, an alternate on the S.C.A.-sponsored debate team which toured Russia in October of 1974. Chapter president Carl Fisher is serving as Director of Community Forums and Debates this year.

The *Massachusetts* chapter expressed its appreciation to all the visitors to their campus for the DSR-TKA National Conference last spring. The forensics staff for 1974-75 consists of Ronald J. Matlon, Thomas J. Hynes,

Marlene G. Fine, Michael McCambridge, Therese Hofmann, and Jean Gaurmer. About 30 debaters are participating in this year's program. The Most Outstanding Novice Debate Awards for 1973-74 went to David O'Brien and John Cross. The Angell Award to the Most Outstanding Senior went to Therese Hofmann.

From *Mercer*, sophomore debater Greg Hammond is serving as a Senate intern with Sam Ervin during the fall quarter. Alumnus John Winkle has received a Ph.D. degree from Duke and is teaching at the University of Texas.

Miami University will host the Region V tournament January 24-26 and a team of touring Polish debaters on February 25-26, 1975. Robert Kelley, formerly of Kent State University, will coach individual events this year. Charlotte Hoch, formerly of the University of Nebraska-Omaha, is debate assistant for Gary Turner.

According to sponsor Steve Mudd, the *Minnesota* chapter has changed brands of instant coffee from Maxwell House to Hills Brothers, due to the extreme bitterness of the former and the advantageous cost of the latter. (Ed. note: I don't know what that is all about, but I sort of expected more of a systems approach from up there.)

The *Nevada* chapter of DSR-TKA received the first annual debate scholarship from the Robert S. Griffin Forensic Association. This association, composed of alumni of the Nevada forensic programs, was formed to support the Nevada forensics program and was named for Dr. Griffin, professor emeritus, who was long the director of forensics there and is a Distinguished Alumnus (1968) of DSR-TKA. Recipient of this first scholarship was Sharon Zadra, a freshman from Reno.

North Carolina alumnus (and former national student president of DSR-TKA) Joe McGuire reached the final round of moot court competition at Harvard Law School. Another alumnus, Brent McKnight, was selected as a Rhodes Scholar to study for two years at Oxford University.

Late flash: *Pennsylvania State* alumnus Richard S. Schweiker was re-elected to the United States Senate.

St. Lawrence debater Michael K. Torenza was elected Speaker of the House for the 1973 New York State Intercollegiate Legislative Assembly held in the Albany chambers.



Michael K. Torenza
St. Lawrence

The *South Dakota* chapter started the year with a successful money-making project, selling nearly \$700 in raffle tickets. Prizes included groceries, savings bonds, and records. Although the squad is not large this year, they made a good showing in their first tournament and plans are being made to organize for the campus college bowl games.

Susquehanna again hosted their Flying Dutchman Tournament, with special awards for DSR-TKA schools with the best records.

The *Vermont* Invitational Tournament will be unique this year as a "no flow sheet" tournament, in the hope that total impact and persuasive argument can replace the "follow that across your flow sheet" type of debating. Although Robert Huber was made emeritus professor last spring, he will continue to coach debate one or two more years. Boston College named him outstanding debate coach for 1974 and the citation was placed in the Congressional Record by Congresswoman Margaret Hechler.

The new director of forensics at *Virginia* is Craig R. Smith, who joined the program after four years as co-director at San Diego State University. Michael Shortley is the president of the chapter at Virginia.

At *Wabash*, Victor Powell has become dean, Joseph O'Rourke is chairman of the speech department, and James Flynn is the new director of forensics. Wabash sponsored a debate tournament in November.

Washington and Lee hosted the Region VII DSR-TKA tournament November 9 and 10, with debate and individual events scheduled. The W. W. Chaffin Memorial Trophy, in memory of Washington and Lee's debate coach who died returning from a debate tournament, travels to the winning school team for the season.

Wayne State has established an award in honor of Dr. George V. Bohman, former chairman of the Department of Speech Communication and Theatre. The award recognizes outstanding performance in forensic activities.

The *Wesleyan* chapter has been revitalized in the past year, according to sponsor James Fuller, and has voted to admit three alumni: Samuel Saracino and Timothy Atwood (both now at the University of Chicago Law School), and Steven Torok (in his first year at Harvard Business School).

TO SPONSORS AND MEMBERS

Please send all communications relating to initiation, certificates of membership, key orders, and names of members to the National Secretary. All requests for authority to initiate and for emblems should be sent to the National Secretary and should be accompanied by check or money order. Inasmuch as all checks and money orders are forwarded by the Secretary to the National Treasurer, please make them to: "The Treasurer of Delta Sigma Rho-Tau Kappa Alpha."

The membership fee is \$10.00. The official key of 10K (size shown in cut on this page) is \$10.50, or the official keypin of 10K is \$11.75. A lapel button is available for \$7.00. **Prices include**



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The names of new members, those elected between September of one year and September of the following year, appear in the November issue of *SPEAKER* and *GAVEL*. According to present regulations of the society, new members receive *SPEAKER* and *GAVEL* for two years following their initiation if they return the record form supplied them at the time their application is approved by the Executive Secretary and certified to the sponsor. Following this time all members who wish to receive *SPEAKER* and *GAVEL* may subscribe at the standard rate of \$5.00 per year.

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The Delta Sigma Rho-Tau Kappa Alpha National Council has established a standard subscription rate of \$5.00 per year for *Speaker and Gavel*.

Present policy provides that new members, upon election, are provided with two years of *Speaker and Gavel* free of charge. Life members, furthermore, who have paid a Life Patron alumni membership fee of \$100, likewise regularly receive *Speaker and Gavel*. Also receiving each issue are the current chapter sponsors and the libraries of institutions holding a charter in the organization.

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