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THE PUBLIC APOLOGY OF A PRIVATE MATTER: REPRESENTATIVE WAYNE HAYS' ADDRESS TO CONGRESS

JOHN T. MORELLO

Since 1974, she had worked as a clerk for a Congressional subcommittee, yet she had "not been asked to do any Congressionally related work."[1] She evaluated her clerical talents with the explanation that "I can't type, I can't file, I can't even answer the phone."[2] She admitted that she did visit her office at least once or twice a week, but only for a few hours at a time.[3] Nevertheless, she drew a salary of $14,000 a year by "giving Academy Award performances once a week"[4] in her role as congressional concubine for one of the most influential men in the House of Representatives.

Initially, the man accused of keeping a mistress on the government payroll replied with a terse, "Hell's fire! I'm a happily married man."[5] Representative Wayne Hays claimed that he had never had an intimate relationship with Elizabeth Ray. On the day that the story first appeared in print, Hays dismissed Ray's claims as "a figment of her imagination."[6] Later, Hays denied the allegations of sexual misconduct by issuing a public statement in which he noted that Ms. Ray was seeing a psychiatrist—that she was "a very sick young woman."[7] He challenged the motive of the *Washington Post,* the newspaper which broke the story, by observing that it "has sought to ruin my political career for some time."[8] Hays even suggested that his accuser and the press were in cahoots as he claimed that "it is indeed unfortunate to see an irresponsible newspaper team up with an irrational woman to produce such flagrant yellow journalism."[9]

Hays continued to deny his illicit involvement with Ms. Ray. He delivered a speech on the floor of the House in which he argued that, "any Member of this House, or of any other body, is wide open to anyone who wants to make malicious statements about him and who wants to write a book or to get into *Playboy* magazine. The statements do not have to be

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[1] *Washington Post,* 23 May 1976, p. A-1.
[2] *Ibid.*
[3] *Ibid.*
[4] "Indecent Exposure on Capital Hill," *Time,* June 7, 1976, p. 13.
[5] *Washington Post,* 23 May 1976, p. A-13.
[6] *Ibid.*
[7] *Washington Post,* 25 May 1976, p. A-8.
[8] *Ibid.*
[9] *Ibid.*

true necessarily for any of those purposes."[10] Denials notwithstanding, investigative machinery began to swing into action.

The Justice Department was first to announce that it would look into Ms. Ray's claims.[11] Hays insisted that the swift decision to investigate was precipitated by an exchange of letters between Deputy Assistant Attorney General Richard L. Thornburgh and himself. Hays had accused Thornburgh of political favoritism in the prosecution of House members receiving gifts from corporations.[12] In effect, Hays charged that the Justice Department was merely using the Ray affair to carry out a vendetta against him. While Hays and the Justice Department traded punches, the House Committee on Standards and Official Conduct announced that they might look into the matter as well.[13]

Suddenly, there came a dramatic reversal: "After two days of lying about it, Ohio Democrat Wayne Hays stood in an unusually hushed House chamber and admitted that he had carried on an affair with Elizabeth Ray."[14] Before 315 of his peers,[15] "he confessed to an all-too-human error—keeping a mistress with a mind of her own."[16]

A variety of reactions followed the speech. Some of those in the immediate audience responded favorably. The speaker's remarks drew mild applause,[17] handshakes from twenty-five colleagues,[18] and kisses from two congresswomen.[19] Representative Spark Matsunaga of Hawaii commented that "it took courage to make that speech,"[20] and Representative Joseph Gaydos of Pennsylvania called the address "a real-life episode."[21] Others were less impressed. A letter signed by more than two dozen congressmen, requesting an official investigation of the whole incident, was sent to the House ethics committee.[22] Representative William Goodling, of Pennsylvania, demanded that Hays either exonerate himself of all charges or resign.[23]

Besides its mixed reviews, the speech suffered additional shortcomings. The address did not succeed in altering the course of the investigations prompted by Ms. Ray's allegations.[24] Hays ultimately had to step down from his chairmanship of two committees.[25] He did manage to win his primary election contest over a court bailiff who, for the third successive primary, did no campaigning and merely paid the filing fee in order to serve as an outlet for protest votes.[26] When 14,800 citizens so protested, a

[10] *Congressional Record,* May 25, 1976, p. H4863.
[11] *Washington Post,* 25 May 1976, p. A-1.
[12] *Congressional Record,* May 25, 1976, p. H4861.
[13] *Washington Post,* 24 May 1976, p. A-1.
[14] "Indecent Exposure on Capital Hill," p. 12.
[15] *Congressional Record,* May 25, 1976, p. H4895.
[16] "Congressman's Lady," *Newsweek,* June 7, 1976, p. 26.
[17] *Chicago Tribune,* 26 May 1976, p. A-1.
[18] *Detroit Free Press,* 26 May 1976, p. A-1.
[19] *Chicago Tribune,* 26 May 1976, p. A-1.
[20] *Washington Post,* 26 May 1976, p. A-4.
[21] *Ibid.*
[22] *Ibid.*
[23] *Ibid.*
[24] "What Liz Ray Hath Wrought," *Time,* June 21, 1976, pp. 21–22.
[25] Hays first yielded control of the Democratic Campaign Committee. See the *Washington Post,* 4 June 1976, p. A-1. Later, he was forced to step down from the chair of the House Administration Committee. See the *Washington Post,* 19 June 1976, p. A-1.
[26] *Washington Post,* 10 June 1976, p. A-4.

longtime worker for the Democratic party was moved to remark that "Wayne is in trouble."[27] An episode in which Hays took an overdose of sleeping pills followed the primary election.[28] Ultimately, Hays resigned his seat in the House of Representatives.[29]

Hays' speech in which he admitted the affair with Ms. Ray properly belongs to the genre of apologic discourse, since it represented a public statement given on an occasion when an individual, confronted by charges of misconduct, chose to face the accusers and speak in self-defense.[30] Rhetorical analysis of the speech is warranted for two reasons.

First, the address is a case study which lends insight into the matter of how a speaker's motives influence the apology produced. It has been noted that a proper evaluation of apologetic speaking results only when the critic understands both the rhetorical situation and the motives of the apologist immersed in that situation.[31] Hays faced a rhetorical situation where the integrity of his behavior as both a private citizen and a public official were in question. To achieve full success in his apology, Hays needed to answer each challenge. This essay contends that Hays was motivated to respond to the charges lodged against his private conduct. As a result, he produced a speech which did not offer an effective response to the accusation that he had been guilty of official misconduct in the performance of his job. Thus, this speech illustrates a motive conflict which could confront any public apologist—the necessity to choose between defending private conduct or public behavior. Additionally, analysis of this speech demonstrates how the apologist's rhetorical choices, motivated by private interests, can work to produce a message which does not respond effectively to the charges of official misconduct.

Second, the speech deserves critical attention because of its uniqueness. While speeches of apology are hardly new to the political scene, this address was sort of a landmark. As the *Washington Post* indicated, "it was the first such confession of such a personal matter by a member in a House speech in memory."[32] The event itself justifies attention because the speech was an unprecedented one.[33] Certainly, the understanding of any rhetorical genre is advanced when new, and unusual, examples of the genre receive systematic scrutiny.

The remainder of this paper provides an analysis of Hays' speech of apology by first describing what motivated the speaker to respond as he did, followed by an explanation of how that motive precluded a successful answer to the question which was on the public's mind at the time.

Hays' Motive

Hays replied to these three charges in his speech: to the charge that he had kept a mistress; to the claim that he had lied about his affair; and to

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[27] *Ibid.*

[28] "An Overdose of Scandal," *Newsweek,* June 21, 1976, p. 31.

[29] *Washington Post,* 2 September 1976, p. A-4.

[30] B. L. Ware and Wil A. Linkugel, "They Spoke in Defense of Themselves: On the General Criticism of Apologia," *Quarterly Journal of Speech* 59 (October 1973), p. 273–274.

[31] Noreen W. Kruse, "Motivational Factors in Non-Denial Apology," *Central States Speech Journal* 38 (Spring 1977), p. 13.

[32] *Washington Post,* 26 May 1976, p. A-4.

[33] Representative Paul M. Simon (Democrat—Illinois) noted that, "I doubt there's been any occasion when a member disclosed publicly on the floor that he had been keeping a mistress." *Washington Post,* 26 May 1976, p. A-4.

the accusation that he had paid for his pleasures with public funds. A review of the speech indicates that Hays spent most of his time responding to the first charge. He devoted equal time to the other two charges, but they comprised a smaller portion of the address.[34] The initial question, then, asks why Hays chose to emphasize what he did in the speech.

Any attempt to uncover a speaker's motive is a risky proposition, but fortunately the critic is not without resources with which to set about the task. Hays issued his apology in order to achieve an outcome shared by all speakers who produce this kind of discourse—"to repair his character if it has been directly or indirectly damaged by charges, or rumors and allegations, which negatively value his behavior and/or his judgment."[35] It seems reasonable that a speaker will undertake a public apology only when the charges are perceived as threatening, when inaction is perceived as something which will only worsen the situation, and when public discourse is perceived capable of exerting some influence to help change the situation. Given these assumptions, "what the speaker says in any one example of apologia is determined by the needs, or drive states, activated within him by the circumstances calling for the discourse."[36] To interpret those needs or drive states is to answer the question of what motivated the speaker.

Ling has noted that, "as man speaks he indicates how he perceives the world around him."[37] Thus, the text of the speech of apology gives the critic clues from which the needs which motivated the speaker can be inferred. By "viewing discourse as an artifact of human behavior, by noting to which topic within the message the apologist devotes the most time, . . . the critic can determine which one of the apologist's needs have been most severely threatened."[38]

As noted earlier, Hays spent most of his speech detailing the history of his relationship with Ms. Ray. He focused on the issue of whether or not he had been keeping a mistress. The drive state threatened by the charge was that of survival. Responding to this need, Hays produced a survival response: "The individual whose needs relate to his own security will speak primarily of himself and his involvement in the charges, so that the discourse will portray the speaker as one egocentrically related to the incident(s) prompting the message."[39] Characteristic of this kind of a response, Hays relied on "concrete examples of occurrences in the environment of the speaker or his audience to the exclusion of abstractions and sophisticated argument."[40]

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[34] The text of the speech used for this paper was found in the *Congressional Record*, May 25, 1976, p. H4895. Other texts do exist, with only minor variations from this one. See, for example, the *Washington Post*, 26 May 1976, p. A-4. Specific quotations from the speech will not be paginated.

[35] Kruse, p. 13.

[36] *Ibid.*

[37] David A. Ling, "A Pentadic Analysis of Senator Edward Kennedy's Address to the People of Massachusetts, July 25, 1969," *Central States Speech Journal* 21 (Summer 1970), p. 81. While Ling's article was discussing motivation from a Burkean standpoint, and this paper is not, the reader should not fear that his words have been used in an inappropriate context. Ling's article indicates that analysis of a speaker's language allows the critic to infer the motive-state which gave rise to the speaker's decision to employ particular words. That view squares with the one used in this paper, even though the perspective used is not Burkean.

[38] Kruse, p. 15.

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

[40] *Ibid.*

A closer look at Hays' speech provides some understanding of what he was trying to save by speaking publicly. It appears that protecting his job was not Hays' primary concern, and that the speech was really an attempt to save his marriage by means of public confession. Several aspects of the speech point to this conclusion.

First, Hays focuses on defending his behavior as a private citizen. He speaks not as a public official, but as a man trying to prove that he conducted his personal life in honorable fashion. When he admits to having the affair, he is quick to add that "I was legally separated and single. It was voluntary on her part and mine." He confirmed that he did recommend Ms. Ray for a job in the office of a colleague, but pointed out that he informed the prospective employer of her rather serious "emotional problems." In short, the speech centers on Hays' explanation of his personal behavior during his relationship with Ms. Ray. He does not present himself as a congressman having an affair, but rather, as an individual involved with a woman.

Second, the style of the speech suggests that Hays was speaking as a private citizen. Many apologies have been laced with invective aimed at the accusers.[41] Hays, known for his "acerbic tongue,"[42] would be expected to have some choice one-liners for those who would besmirch his reputation. After all, this was the man who gained fame by calling his friends in the House "potato heads and pipsqueaks."[43] Vituperation was a key part of Hays' public image. Yet, the speech is devoid of the kind of name-calling which made him famous.

In place of direct insults, Hays employed a more subtle approach. He attempted to minimize the credibility of his chief accuser, Ms. Ray, by juxtaposing his own valiant conduct with her irrational behavior. The following statement illustrates the technique:

> When I proposed to my new bride, I explained to Miss Ray that our relationship would have to end—as a matter of fact, it had ended some time before—but that I would continue to help her in any way that I could, as long as she continued to perform her duties as best as she could.
>
> It was at that time that Miss Ray became hysterical—threatening suicide, as she had done numerous times in the past. She also threatened blackmail, and did blackmail me, and threatened to destroy my engagement.

The juxtaposition technique clearly emphasizes once again Hays' role as private citizen. The fact that he avoided direct invective which was part of his public speaking style also suggests that the person addressing the House was principally motivated to discuss private behavior rather than questions of official misconduct.

Finally, Hays specifically placed the safety of his marriage above his career. He stated that "six weeks ago I was married to the woman I love more than anything in this world, including this House." When defending his initial lies about the affair, Hays explained that "my first and most overwhelming reaction was to protect my marriage and my new wife." At

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[41] Lawrence W. Rosenfield, "A Case Study in Speech Criticism: The Nixon-Truman Analog," *Speech Monographs* 35 (November 1968), p. 449, notes that both Nixon and Truman employed invective in their speeches of apology. Other apologists have not resorted to this approach. See Sherry Deveraux Butler, "The Apologia, 1971 Genre," *Southern Speech Communication Journal* 37 (Spring 1972), p. 283–284.

[42] "Hays: Bully of the Block," *Newsweek*, June 7, 1976, p. 27.

[43] *Ibid.*

the close of the speech, he adds that "only time will tell whether Miss Ray will be successful in destroying my career. I pray to God that she will not have destroyed my marriage."

When Hays resigned from office, Representative Carl Albert remarked that he believed the action was taken in order to "save his family."[44] Examination of Hays' speech of apology supports that conjecture, and reveals that Hays spoke in order to save his marriage through the act of a public confession of his private activities.

The reasons why Hays would elect to try to save his marriage through public declaration are unclear. Some evidence suggests that interpersonal communication between Hays and his wife about the Ray incident may not have been possible, but the case on this point is far from certain.[45] Perhaps Hays found it easier to express his feelings in public as opposed to private communication. Regardless of the reason, Hays devoted most of his speech to an issue which was not of principal concern to the public. Hence, his motive to defend his private conduct interfered with Hays' ability to produce a speech which was a fully appropriate response to the rhetorical situation confronting him.

Hays' Response to the Rhetorical Situation

The decision to concentrate on the question of whether he had kept a mistress was an unfortunate choice. Simply put, the public did not perceive this matter as most important. Instead, they wanted to know if Hays had financed his affair with tax dollars.

Ample evidence suggests that funding was the subject which most concerned the public. William Crabbe, Mayor of Steubenville, Ohio, and Hays' opponent for the general election, contended that, "the issue is did he pay her $14,000 a year in federal funds to be his mistress?"[46] Columnist James J. Reston concurred.[47] An agent for the Public Integrity Section of the Justice Department put the matter this way: "if she was coming into work every day, it doesn't matter how much shacking up they were doing—it's not a federal case. If we learn that she's been coming in only one day a week—payday—then he's got a problem."[48] The *Washington Post* agreed, and noted that "the public issue would be the same if she were the chairman's aged aunt and sat home crocheting doilies at a cost to the taxpayers of $14,000 a year."[49] As *Nation* concluded, "except for its entertainment value, it does not matter whether fun and games took place under the Capital dome. What matters is that Congress should be a body whose members do not use their high positions (and the public's tax dollars) for their private amusement."[50]

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[44] *Washington Post*, 2 September 1976, p. A-12.

[45] Two reports indicated that interpersonal communication between Hays and his wife Pat was less than satisfactory. One report described his wife's attitude as "cold anger." See "What Liz Ray Has Wrought," p. 21. Also, ". . . columnist Jack Anderson last week quoted Hays as saying that Pat would not speak to him—although Anderson later admitted 'there could have been a misunderstanding' in his conversation with the congressman." See "An Overdose of Scandal," p. 32. The fact that these reports surfaced a few weeks after the speech raises the speculation that Hays' effort to save his marriage might have failed. In the long run, however, Hays and his wife remained together.

[46] *Washington Post*, 28 May 1976, p. A-3.

[47] *New York Times*, 4 June 1976, p. A-25.

[48] "Congressman's Lady," p. 26.

[49] *Washington Post*, 25 May 1976, p. A-14.

[50] "All in Due Course," *Nation*, June 12, 1976, p. 708.

The most fitting response to the rhetorical situation facing Hays would have been a statement which concentrated on the charge that Ms. Ray was a federally funded floozie. Hays said little on that point. His speech included only three references to that accusation. Hays noted that "while she was employed by me, and in her previous job, she was able to perform normal office duties." In describing how he had broken off his relationship, Hays said that he told Ms. Ray she could continue in her job as long as "she performs her duties." Finally, Hays stood by "my previous denial of Miss Ray's allegation that she was hired to be my mistress."

The essence of his approach in dealing with the tax money issue can best be described as a strategy of denial. In the speech of apology, one characteristic of the strategy of denial is that it does "not attempt to change the audience's meaning or affect for whatever is in question."[51] It simply disavows.

In implementing his denial, Hays failed to take advantage of message strategies which would have given his position the best chance for success. To add force to a denial, a speaker should "attempt to demonstrate that his depiction of reality has been accurately presented."[52] An effective denial would ensue when the speech of apology provided the audience with some reason to believe that the charges against the speaker were groundless.[53] Hays gave his listeners no such evidence.

An important point at this juncture involves the determination of whether or not Hays could have provided any information to support his denial. If Hays was without recourse to additional data, then his situation would not have been a rhetorical one since a "situation is rhetorical insofar as it needs and invites discourse capable of participating with the situation and thereby altering its reality."[54] With the advantage of hindsight, it appears that Hays had several alternatives which he could have employed.

Hays implied that Ms. Ray performed some duties, but he failed to mention what they were. A cynical listener might think that the only duties she accomplished were those taking place on the nights of the alleged hanky-panky. Hays could have given some examples of the office functions which Ms. Ray performed. Given that "no official standards define what 'work' properly means on the Hill,"[55] Hays would not have to worry that the descriptions he provided would be matched up against any official criteria.

If Hays rejected the detailing of Ms. Ray's duties, he still had access to other options. He could have expressed dismay at the charge that his accuser did no work for her salary. In such a case, he would have issued a denial of intent—a rhetorical strategy frequently employed by public apologists.[56] For Hays to be proven guilty of criminal fraud, it would have to

[51] Ware and Linkugel, p. 276.

[52] Kruse, p. 13.

[53] See Rosenfield, p. 435–450. In that study, he indicated that both Nixon and Truman used specific evidence in their speeches of apology as a means of showing their audiences that their stories were believable.

[54] Lloyd F. Bitzer, "The Rhetorical Situation," *Philosophy and Rhetoric* 1 (Winter 1968), p. 6. While Bitzer's view that situations invite discourse is not universally accepted, it is employed here since the evidence seems to indicate that the public was looking for a particular kind of response from Hays—an answer to whether or not tax money had been misused. For an alternative view on the nature of the rhetorical situation, see Richard E. Vatz, "The Myth of the Rhetorical Situation," *Philosophy and Rhetoric* 6 (Summer 1973), p. 154–164.

[55] "An Overdose of Scandal," p. 31.

[56] Ware and Linkugel, p. 276.

be shown that he knew she did no work and that he paid her anyway. Some evidence suggests that Ms. Ray was bending the truth a bit when she claimed complete secretarial incompetence. Jack Anderson pointed out in his column that "she can type, answer the phone, and take messages. They [our reporters] have seen her do it."[57] In fact, Anderson refused to break the Ray story because "we felt that the evidence was not adequate to prove that she had been put on the payroll for this purpose [to be a mistress]."[58] Hays could have denied therefore that it was his intent to make the lady his mistress when she was hired as a secretary.

Hays' situation was a rhetorical one since he had access to the evidence which could have demonstrated that he had not violated the public trust by bankrolling sexual adventures with federal monies. Hays avoided the alternatives open to him, and as a result, his response to the situation was an ineffective one.

It could be argued that Hays was simply unaware of the options available, but given that the strategies discussed above are neither complex nor obscure, that claim constitutes a weak interpretation of his rhetorical behavior. Instead, this paper posits the contention that Hays' preoccupation with the charges lodged against his private conduct prevented him from adequately dealing with the allegations of public misconduct. The speech dwells at length with the defense of Hays' handling of the affair with Ms. Ray. The speech does not, however, devote the time or the information necessary to persuade the public that Hays had not misused tax dollars. This oversight is at least understandable when we recognize that Hays was primarily interested in saving his marriage. Given that motive, he was not psychologically prepared to respond to the issue which the public felt was crucial.

Conclusion

All along, this paper has assumed that Hays was telling the truth when he claimed that he had not hired Ms. Ray to serve as his mistress. If he was lying about that, then the speech met with a deserving end. If he was telling the truth, however, he became the victim of his own rhetoric. By speaking with a desire to save his marriage, Hays produced a rhetoric which was incapable of rescuing his career. This speech, thus, points out a dilemma which could face any apologist accused with official misconduct—the decision to save one's private life or to salvage one's career. In this case, the decision to save a marriage produced a speech which did not exert much protection for an endangered career. It remains to be seen if this formula works the same way in reverse.

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[57] Jack Anderson and Les Whitten, "The Hays-Ray Affair," *Washington Post,* 14 June 1976, p. B-11.

[58] Jack Anderson, "The Senator Byrd Story: Jack Anderson Responds," *Washington Post,* 24 June 1976, p. A-31.

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FOREWORD: ANTITRUST ON THE CAMPUS DEBATE CIRCUIT

Welcome to 'Communications 101'

We're not really sure why it didn't sink in the first time but somehow it just didn't. It was a phone call to our Florida office, one from a young man who said he was a student at the University of Texas in Arlington; that he had been a fan of ours for years; and that he would like to talk to us about antitrust. Was he an economics student or a law student? Neither, the lad replied: He was enrolled in his school's Communications Department, working on a pre-law (political science) bachelor's degree and *then* he would be off to law school and perhaps a career in politics. So what, we had to ask, is a "Communications" department? Is that some newfangled word for what used to be called, say, journalism when *we* were in college? And what does it have to do with antitrust? He wasn't sure what century our college experience had occurred in but he assured us that, yes, all colleges now have a Communications Department; that it houses drama, journalism, and speech; and that the latter includes something called "debate." Virtually all colleges have a debate team and, in recent years, one of the topics that his own team had been debating was antitrust. Our caller was getting ready to attend a debate tournament and, in support of his "affirmative" case—resolved that busting up the country's oligopolies would be a good idea—he wanted to find out if we could perhaps add anything to the arsenal of ammunition he had already gleaned from the many back issues of this *Review.*

A Different 'Frequency,' Perhaps?

That call was nearly a year ago and, like we say, the significance of it simply didn't register with us. The second time around, though, there was no way we could have missed the message: Debating is a *national* activity on virtually *all* of the country's campuses and antitrust is one of the "hotter" topics on that national debate circuit. How could this be? We not only read the professional literature in our field but a wide array of national magazines and newspapers, everything from the news weeklies, the *New York Times,* the Washington *Post* and *Star,* and down through *New Republic,* the *Progressive,* occasionally even *Business Week,* and on and on. Don't we, indeed, take no small amount of pride in knowing our own special field like the good shepherd knows his own sheep? If, as we have supposed for lo these many years, not even the proverbial sparrow can fall in the antitrust world without our far-flung network of correspondents tipping us off, how could it be possible that the very core of the subject—*our* subject, one in which we claim a personal proprietary interest!—could be

getting all this attention in so many public forums without us having detected even a tremor on our prized journalistic seismograph? Obviously the whole thing was some king of isolated fluke, a regional pecularity that had no bearing on the big antitrust picture.

On Intellectual 'Greed'!

But then the second call came in, this one only a few weeks ago. It was the same young man from the University of Texas and *this* time he wanted to know if he and one or two of his debate teammates could come down and *visit* with us awhile in our Florida office? Well, *when* did they have in mind? How about Saturday night for an arrival time? (It was then Thursday!) They'd make immediate reservations in a local hotel and stay in Vero Beach for about a week. A week? Yep, they thought what they had in mind would take about a week: They had quite a few questions to ask us and of course they'd like to browse through our library, copy any relevant documents we'd let them borrow for a few hours, and so forth. We met them at our local airport at 9 p.m. on Saturday and they left Vero Beach the *following* Saturday at 2 p.m. It was a week we won't be forgetting soon. Talk sessions into the wee hours of the night, reams of books and articles being copied (they had brought two extra *empty* suitcases and left with them both full), tape recorders whirring for days, a two-hour appearance on a local radio talk show. These two young college sophomores *already* knew more about antitrust than most of the veteran antitrust officials in Washington and yet here they were greedily scarfing up every *new* morsel of information they could lay their hands on!

Shades of Dunkirk

So how had they gotten into antitrust in the first place? (Yes, we asked them about as many questions as they asked us.) One of them, Stan Leu—the other's name is Richard Ketola and both are 19 years old—had discovered the subject several years ago while still in high school. As a member of his high school debate team he had gone over to the local *college* campus to see what he could pick up there in the way of pointers from the more experienced university debaters on its team and, in the course of that visit, had ended up doing a little research in their bigger library. And while browsing through the stacks there, he came upon this most interesting journal, one called the *Antitrust Law & Economics Review*. The rest, to borrow a cliche, is debating history: Stan was promptly "hooked" on that *Review*, began reading all the back issues, and eventually decided that its central theme—the economic and social benefits of an effectively competitive rather than an effectively monopolized economy—would make a splendid "affirmative" debate topic. It did. If a debater wins say 60% of the dozens of individual debates he will have during the course of a year, he's considered fairly good. Armed with our 4,000 pages of evidence, he had promptly begun to massacre his "negative" opponents, consistently winning 90% of his bouts over a period of several years!

Arsenal of the East

So what's the problem? Why take the time and trouble to spend a week a thousand miles from home? Well, it seems that Stan, Richard, and their teammates are beginning to have a bit of a problem: Their "negative" opponents on the other campuses around the country, having been clob-

bered repeatedly by the Texas antitrust juggernaut, have started to get wise and are *also* reading the *Antitrust Law & Economics Review* these days! More than that, the blackguards are not only arming themselves with every scrap of the Texas "affirmative" evidence out of that *Review* but are *then* going out and scraping up a bevy of misguided authors who claim to have *refuted* its 4,000 pages of evidence on the merits of trustbusting. Now that the "negative" teams know what they have to face, they've stopped coming in unprepared and letting themselves get slaughtered.

'Take No Prisoners'

Did *we* know, for example, that there were people out there with alledged economic credentials who have written books and articles saying (1) that monopoly is *good* for the country and/or (2) that we don't *have* any monopolies in America? And that, with the help of these pro-monopoly materials, the "negative" antitrust debate teams around the country had now whittled the Texas "win" record down to a pitiful 70%? The time had clearly come when, if still further erosion of their "market" was to be prevented, Stan and Richard had to refurbish their own brief. Where else but in Vero Beach would one go to acquire the latest in antitrust armaments? (The working motto of the Texas debate coach, Professor Carroll E. Hickey, is apocryphally alleged to be: "Take no prisoners!")

As Serious as *Football*? Egad!

In short, competition had reared its ugly head for the Texas debaters and they were responding the way rational monopolists have responded since time began, by trying to improve their *own* product. As the innovators who had introduced the subject on the national debate circuit, they had enjoyed a fairly lengthy "lead time" over their opponents but now the inevitable imitators were showing up and the size of their initial "affirmative" *informational advantage* was now beginning to shrink. More strenuous efforts were called for if it was to be restored to its proper magnitude. Their "negative" opponents would of course go on reading the available literature but Stan and Richard were now escalating the fight by introducing more advanced weaponry, the direct *interview* technique with a major source. (The money to make the trip was raised by aggressively soliciting contributions for the debate team's travel fund from local businessmen.) Debating is apparently taken almost as seriously as football in Texas!

Hold the Calculus, Dean!

We were of course deeply flattered that these two splendid youngsters had gone to these lengths to visit us—their personal graciousness and intellectual camaraderie quickly caused us to cancel their hotel reservations and make them our houseguests for the week—but we couldn't avoid asking a rather delicate question that had been plaguing us from the beginning. We thought we knew the answer but we had to ask it anyway: Why hadn't they just gone to the economics departments of their own and the various other nearby universities for the economic aid they needed? Why travel a thousand miles and miss a week of classes—yes, debate teams *are* taken seriously in Texas!—when they were quite literally surrounded by economic expertise? As a matter of fact, they told us, they *had* tried the obvious approach of consulting with the various economics depart-

ments around them. And the cooperation they received was warm and fulsome but, alas, it took a form they simply couldn't follow. Blackboards quickly filled up with geometric illustrations and differential calculus. "Unless you have a degree in advanced mathematics—and few of us college debaters do—there's not much help for you there." When College A debates College B *on economics,* their own respective economics departments are irrelevant? (We knew the answer before we asked the question but that's a story for another day.)

Speak to Us, Merlin!

A concluding word needs to be said about the debate circuit we mentioned earlier. Apparently all or virtually all of the country's roughly 3,000 colleges and some 30,000 high schools teach at least a course or two in "speech" and, as we recall from our own early educational days, even the smallest and most remote of the latter incorporates some rudimentary form of organized in-class or regional debating into its speech activities. There is, moreover, a "filtering down" of debate *topics*: A subject that manages to get itself selected as *the* national debate issue by the top college teams at the annual tournament—the subject this year, for example, is the pros and cons of the Humphrey-Hawkins Full Employment Act—reportedly becomes in time a staple out on the regional and local circuits as well. The merits of trustbusting being debated in 30,000 high school auditoriums across the length and breadth of America? It is a thought to conjure with!

Boot Camp for Society's 'Leaders'?

And especially so when one considers some of the personal characteristics of the debaters themselves. Since the winning of debate tournaments allegedly confers on debate *coaches* a mantle of prestige, status, and opportunities for advancement that is only slightly less lustrous than what the regular winning of athletic contests bestows on other kinds of coaches, and since debating is by its very nature an intellectual activity that favors those with research talents, verbal facility, and a capacity for abstraction, the debaters tend to be (a) the brightest and (b) the most articulate members of their particular student bodies. In a word, they're the *opinionmakers* on their respective campuses. And they tend to be, we're beginning to learn, primarily political science majors who're planning to go on to law school and after that into elective politics or other forms of public service. In short, it is society's future *leaders* who are being trained here.

Good Guys Finish Where?

How *deep* does the typical debater's research go and, perhaps most interestingly of all, does he tend to get "locked in" to a given intellectual position as a result of having taken a particular "side" of an issue over and over? The answer to the latter question, we're assured, is a definite "no": He obviously acquires a personal *opinion* as to which side has the socially-superior "case" but he is quick to concede that it is quite often the opposing team's, not his own! The rules in formal debating are that one "wins" not for *having* the inherently best case but for *presenting* what one has been given better than one's opponents presented what *they* had to work with. The victor is the one who presents the most persuasive "evidence"—the most impressive factual data and the published opinions of the most credentialed commentators—and arrays it in the most engaging

manner. The intrinsic *merits* (as perceived, for example, by an all-knowing and benevolent Providence) of the position one has chosen (or been assigned) thus has nothing to do with the judges' verdict. Just like in the antitrust courtroom, eh class?

The Victory Was Won *Yesterday*?

Most striking of all, however, is the amount of sheer scholarly *industry* that goes into debating, a matter we mentioned briefly above. A little research of our own here has turned up this disquieting statistic: The average tournament debate team carries its "evidence" with it on the road, alphabetized onto 4-by-6 inch file cards, and the *average number of such cards carried by the said team is a mere 7,000!* If you've ever written anything on the subject of antitrust, for example, virtually every word of it is doubtless inscribed on hundreds of those little cards, is on the road somewhere traveling from one campus to another, and is being hurled back and forth between two podiums by a pair of latter day gladiators, losing the field one moment, recapturing it the next. When you've written as much as we have, you find it all a very sobering thought. You also find it, however, a very encouraging one: If great empires of the past have won their battles years before they were fought on the "playing fields of Eton," for example, the fate of antitrust in some distant future decade may now be in the making in all those high school and college auditoriums we haven't thought about in so many years!

Drink Deep or Taste Not?

And while you're thinking about that one, you might also like to think about this one, too: When was the last time you heard of a group of students in an economics or a law class that had compiled 7,000 citations on how to improve their society? If you want to teach some socially-relevant economics, and if you want to teach it to a group of students that really wants to *learn* it, get in touch with the debate coach on your campus and volunteer to help his kids out with their research. But be forewarned that, if *advocacy* is not your bag—if the mathematical "model" is the only cup of brew you savor—they'll politely excuse themselves and leave you to it. They're out to change the world and *that's* what drives them to drink deep rather than just dip their toe into the great Spring. If student apathy (and ultimately *public* indifference) to the great economic issues lies at the core of our current economic malaise—and we think it obviously does—a big chunk of the solution seems to have been found: Don't lecture to your classes; give them the key topics (antitrust first, of course), organize them into debate "teams," and *then* see how long it takes for the "dismal science" to come to life. [So] here's to Stan, and Richard, and all their fellow debaters. We think you're onto something in economic education!

The Editors

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