

IT AIN'T FAIR

YEAH, BOYS! DEE-BAIT HAS GONE ALL TO HALE SINCE I WAS BEDATIN' YAYUH, THIS HERE COLUMN IS ABOUT WHY SPEED IS TARRIBLE. AS SEEN BY A YOKEL OUT IN KANSAS. AIN'T NO NEED FER YEW POWERFUL NASHNUL CIRKIT FELLERS TO READ THIS JUST US GOOD OL' BOYS AND GALS SITTIN' HERE, CHEWIN', SPITTIN' AND VOTIN' STOCK ISSUES!!

Are they gone?

All right. You and I, let's talk about what this immigration topic is really about. You've probably been sitting there rasslin' with six hundred dollars of fancy handbooks written by folks who had a vested interest in making this topic as broad and confusing as possible. I mean, if I was selling you evidence, I would be, too. And if I was selling negative handbooks, I would be trying to blow up the world also, with all the nuke wars and species extinctions I could muster.

But I'm just sitting here on my hay bale, watching the cows not worrying much about the beef d/a, and I'm still wondering what the shouting is all about. You see, this topic boils down to one specific concept.

Equity.

Now, I'm not confusing policy and value debate. Policies, of course, are based on values -- it is how we weigh advantages and disadvantages after all. The blow up the world scenarios are based on the life value aren't they? If I respond to your nuke war with the response "Good! The whole Earth experiment was on one of God's bad weeks", then what are we discussing?

And this topic is about equity.

A second caveat -- I am not talking about equality.

Equality is when all participants have sameness. A golf tournament with no handicaps awarded to the weaker golfers has equality. A golf tournament with handicaps has equity -- this is, fairness instead of sameness.

As the law has evolved, the principle of equity has replaced equality. It is the source of controversial court decisions such as busing and affirmative action, and less controversial regulations, like handicapped access to public buildings.

The key word in the resolution is *regulation*. A regulation modifies on-going behavior. A regulation that says no hats in class modifies all behavior in that class after the regulation is pronounced. Of course, if hats are out of fashion, then the regulation is rarely invoked. And if the regulation is "no beards in class" and I teach kindergarten, the regulation is never an issue. Oops, excuse me.

YAYUH. STOCK ISSUES. LIKE IS ANGUS BETTER THAN HOLSTEIN? GIVES A HOLE KNEW MEANIN' TO SLINGIN' THE BULL. DON'T IT?

There. Where was I? Now, the affirmative, no matter how twinky, is proposing a regulation that will in the future have to be enforced. Otherwise, there would be no need area. Let's say the affirmative moans about the Haitians boating to the United States. Obviously, when the policy is announced, there will be people who will have their behavior modified. If the policy keeps the Haitians out, then the Haitians will bear the brunt of the regulation. If the policy is to open the ports to them, then many more people will have their behavior changed by the regulation. The key is to discover these

parties, and see if the regulation is fair, equitable, to them.

Let's take a twinky case -- ban Chinese dissidents. Some joker has a quote that letting the survivors of Tianamen Square find refuge here is hurting the relations of China and the US. Fair enough; check ye olde file -- no mucho. Meditate for the moment on the evils of mixing languages, and then consider the question of equity.

Obviously, the affirmative is making a regulation that intends to accomplish one of two policies; either to gain from the Chinese mess specifically, or in general to apply this policy to any dissident immigrants that may cause tension between the governments.

Let's take the latter case. What will be the results of such a regulation?

1. A violation of equal treatment before the law. Chinese that have entered the United States before the regulation should be immune to deportation; to deport them after they have been granted asylum would be grossly unjust. Those after the regulation are imposed cannot immigrate. What are the differences between these two classes of immigrants except for the time factor? Nothing.

So what? The courts will serve their protective function and declare the action invalid. The affirmative will declare this a matter of fiat. I really don't believe this part of fiat power -- the regulation is established by action of the executive branch, and its approval by the courts is a second action after fiat power has expired. But let's grant them the power to change the court's mind. The result is.

2. Court stripping. The vital component of justice is

stare decisis: that is, that similar cases must be treated similarly. The fact that the immigrants are only distinguished from each other by the time of their entrance to this country is not significant until the court is forced by the power of fiat to recognize it. The affirmative must force courts to recognize time of application as a critical component in admitting any immigrant. Therefore, any immigrants may be deported, years after entry, merely because the government has reason to believe the current foreign government would be happier to have them back. There is much further to go, with some good law school research, you find the future of totalitarian government argument easy and believable to reach.

TOTALITARIAN CEREAL IS SUFFERING FROM POOR STOCK FUTURES. KELLOGGS, GENERAL MILLS, EVEN CAPTAIN MILLS STOCKS ARE VOTIN' ISSUES.

Whew, those big impacts had them coming back like a 2AR to a missed turn. Now, use your little grey cells. Consider that second case, that ONLY the Chinese will be the subject of this regulation. Does that sound like a violation of civil rights? Not if they are not citizens, the affirmative claims. Now that is a strange declaration, since the courts have upheld due process for immigrants in the matter of deportation. Further, if we ignore that, the prospect of Japanese -- American WWII settlement camps is easy to invoke. If Chinese immigration is displeasing to the current Chinese government, we should send ALL Chinese back, correct? Surely the fact that millions of them were born here and are American citizens is unimportant,

if the Chinese government wants them back, then they should go. And why not their property, too? Send all their savings to China, and sell their property and send it back, too. What STOPS IT? The courts cannot, because fiat power has stripped them of ability to stop this injustice.

But, that's not all. Equity is the central consideration of ALL immigrants while in the United States. Green cards become worthless by the action of the affirmative case. Immigrants will lose the right to defend themselves in a civil suit. The affirmative cases that develop the inequities of current law can all be run as disadvantages to such a system.

Probably the best reason to study and develop the equity concept is because it is anathema to the debaters who like to run from debate. It is the type of argument they call "stupid" because they are forced to consider it. And if they can beat the argument... Well, I really don't think a debater who would run a specific country or specific regulation case is a good enough debater to beat it.

Do I think these arguments are unanswerable? Of course not. But the pickier the affirmative, the more trouble they pose. And if that means the affirmatives debating this topic will have to discuss the issues, that's all the better.

DEBATE ISSUES. THAT'S THE TICKET. GOT ALL MY EVIDENCE OUT OF USELESS NEWS AND WOULD DISTORT, AND CARRIED 'EM IN MY BACK POCKET RIGHT NEXT TO MY CATTLE PROD. USED ONE IN REBUTTAL, AND THE OTHER IN CROSS -EX. YAYUH, THEM WAS THE DAYS.....

(Bill Davis coaches at Blue Valley (KS) and writes this regular Rostrum Column.)