

**The Ethical Use of Evidence in Public Address Events**

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**Introduction\***

As we enter the decade of the '90s and round the corner heading toward the 21st century, Americans appear to be more concerned than ever about the issue of "ethics." This continued interest in studying moral behavior has led to the development of more explicit codes of conduct in business, professional, and educational settings. In keeping with this interest, the forensic community has also spent the last two decades exploring the ethical nature of forensics; specifically, the forensic community has continued to consider the ethical standards that should be established for use of evidence in public address events.

For purposes of this discussion, evidence will be defined simply as

data, consisting of statements of fact or opinion, which may be transformed into proof through the use of reasoning...and is usually attributed to a source other than the speaker (Thomas, 1983, pp. 1-2).

Evidence of this nature is typically used in the following public address events found in national competition: persuasive speaking, informative speaking, after dinner

\*A portion of the initial rationale developed in this paper was presented by the author in an earlier publication; this publication is cited as a "Reference."

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speaking, rhetorical criticism/communication analysis, extemporaneous speaking, and impromptu speaking. These public address events usually require the speaker to posit claims which may be supported by evidence attributed to sources other than the speaker.

#### The Need for Ethical Guidelines

The classic textbooks which focus on the coaching of individual events most often address the use of evidence in the public address events from a "qualitative" perspective rather than an "ethical" perspective. The discussion of evidence usage for specific individual events typically includes a description of the types of supporting evidence available as well as traditional tests of evidence credibility. In contrast, the discussion of the ethical use of evidence in the public address events is limited almost exclusively to a discussion of plagiarism. For example, Faules et al. (1976) "suggest" that the individual events of extemporaneous speaking and persuasive speaking be evaluated in part by "sure use of supporting material" and note that writing the original speech should be the primary responsibility of the student rather than the coach; however, the authors provide no clearly-defined guidelines for the ethical use of supporting material in the public address events. Klopff and Lahman (1976) provide a bit more specificity concerning the ethical use of evidence when they note that "not more than 150 words of quoted material should

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be used and that direct quotes are set off by quotation marks; plagiarism is forbidden" (pp. 206-207). In both of these noted texts on coaching forensics there is no amplification of the term "plagiarism" or the many variations of willful distortion that may be considered unethical for individual events competition. Furthermore, the bulk of evidence usage discussion in these texts focuses on such concerns primarily in debate competition rather than individual events competition.

While such textbooks on coaching forensics provide little focus on the ethical use of evidence in public address events, the forensic community as a whole has clearly demonstrated a concern for the issue of ethics. The 1974 National Developmental Conference on Forensics at Sedalia brought forensic scholars together for the purpose of identifying common concerns and establishing common goals for the forensic activity. Among several issues addressed, the conferees offered a resolution which introduced the ethical goal of forensics and role of coaches in furthering this goal. The resolution posited the following philosophy:

Forensics should promote adherence to the ethical and scholarly obligation of the advocate, including respect for the integrity of evidence, accurate representation of the ideas of others, and rigorous examination of beliefs (McBath, 1976, p. 16).

This resolution specifically encouraged forensic scholars to pursue an understanding of evidence used to make claims in contest speaking (debate and individual events) and urged

forensic contestants to present that evidence in an ethical manner. After addressing the issue of evidence usage in both debate and individual events, the Sedalia Conference offered the following resolution:

Evidence should be evaluated not by its quantity, but by its quality determined in part by its credibility and audience acceptability. Thoroughness and care must be exercised in finding, recording, and documenting evidence. Advocates should recognize their ultimate responsibility for all evidence they use, whether discovered by them or by others (McBath, 1976, p. 33).

The conference report noted that discussion following this resolution focused on the concern for both inappropriate and inaccurate use of evidence. For the most part, the conferees believed that inaccuracies in evidence usage were the result of carelessness or deliberate distortion. Regardless of intent, however, forensic scholars viewed ethical evidence usage as the responsibility of the individual competitor in contest speaking. In addition, the conferees noted that even if the evidence had been commercially reproduced with inaccuracies, the user, is still accountable for its ethical consideration in the contest setting (McBath, 1976).

A decade later, the Second National Conference on Forensics at Northwestern University once again wrestled with issues surrounding ethical conduct in forensics. While there was no lengthy discussion focused on the ethical use of evidence reported in the proceedings, the conferees did endorse the following resolution:

2. THE AMERICAN FORENSIC ASSOCIATION SHOULD PUBLISH AND DISSEMINATE A SPEAKER'S GUIDEBOOK OF SCHOLARLY CITATIONS TO ASSIST STUDENTS IN PROPERLY CREDITING MATERIALS USED IN FORENSIC COMPETITION (Parson, 1984, p. 19).

The brief discussion that followed the proposed resolution suggested that such a guidebook would provide a standardized and commonly-accepted source within the forensic community to be used by students in the preparation of their oral and written presentations. Such a speaker's guidebook would help to educate the student so that citation errors due to ignorance could be minimized. In addition, such a guidebook would also help to educate the forensic coach/judge on accepted standards and criteria for evaluating the ethical use of evidence in original speeches. While this deliberative body strongly urged that the American Forensic Association undertake such a project, to date no single forensics organization has produced such a guidebook for student use.

Furthermore, the First Developmental Conference on Individual Events (1989) encouraged forensic organizations that currently have established, formalized codes of ethics to advertise and make available copies of these codes for coach and student use. While this recommendation did not specifically address the ethical concerns of evidence usage, standards for ethical use of evidence are specifically addressed in current codes of ethics established by such organizations as the American Forensic Association and the National Forensic Association. However, these conferees

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recommended that the forensic community join together to establish a single code of ethics. As reported in the conference proceedings,

...a single unified code of ethics governing forensic activities which is endorsed and supported by all national, regional, and state organizations in desirable (Schnoor & Karns, 1989, p. 93).

Following this recommendation, the conferees suggested that the Council of Forensic Organizations may be the appropriate body to establish such a unified code.

Historically, then, the forensic community has both identified and strongly reiterated the need for clearly-defined, well-established, and widely-distributed guidelines for ethical use of evidence. In spite of such a resounding call for action, however, no single organization or combined effort in the forensic community has come forward to meet the challenge. Unfortunately, the forensic community continues to be plagued by claims that unethical use of evidence in public address events does occur even at the highest levels of competition.

#### **The Unethical Use of Evidence Exists**

When we consider the vast numbers of students who compete in public address events throughout the forensic season and whose ethical use of evidence is never questioned, it is difficult to speculate on how pervasive is the actual problem of unethical evidence usage. Perhaps it is reasonable to state that rarely do coaches and/or judges

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complete a forensic season without questioning the ethical nature of evidence used a public address event at some time. Although not taking issue with the democratic philosophy, the defendant is innocent until proven guilty and most coaches/judges simply assume innocence because they don't have the time or tools necessary to investigate potential ethical abuses of evidence usage sufficiently. As a result, students may never really be held accountable for their ethical use of evidence throughout the forensic season. The irony is that usually only if the speech is successful in national competition will it run the risk of being scrutinized for the student's ethical use of evidence. Unfortunately, those few nationally-successful speeches that have been studied have not fared well under the scrutiny.

It seems the individual events community is still somewhat limited in its study of evidence usage over the years. Perhaps the only published article on actual evidence usage in public address events is one that examines the six persuasive speaking finalists at the National Forensic Association's I.E. Nationals in 1981 (Frank, 1983). Results of this study reported instances of source and data fabrication, source deception (undisclosed sources, pseudo-citations, and source splitting), and even outright plagiarism. While not all of these uses of evidence may be deemed "unethical" by everyone in the individual events community, many individual events educators were surprised at the number of evidence uses that could clearly be labelled

"unethical" in these persuasive speeches that had been judged to be of such high quality.

Since 1983, this author could not locate similar published studies that examine actual use of evidence in public address events. However, two unpublished studies that do examine the ethical use of evidence in public address events also produce disturbing findings. Wayson (1989) examined the use of evidence in the National Forensic Association's 1987 National Champion in Informative Speaking. His analysis uncovered incidences of fabrication, source deception, and plagiarism in this speech. Fowler and McCafferty (1989) examined the National Forensic Association's 1986 National Final Round in Extemporaneous Speaking. Their findings also revealed instances of fabrication and source deception in varying degrees among the six speakers. While admittedly these studies examined only isolated cases, the fact that the few times researchers have analyzed evidence usage in public address events there appear to be ethical violations is cause for alarm. The issue of ethical evidence usage persists and the individual events community must take some concrete action to address this issue more conscientiously than we have in the past.

**Recommendations to Enhance the Ethical Use of Evidence  
in Public Address Events**

1. Develop a Speaker's Guidebook

While forensic educators cannot eliminate a student's

conscious choice to engage in fabrication, source deception, or plagiarism, we can eliminate those instances of unethical evidence usage that result from ignorance. It is conceivable that some students as well as coaches simply may not understand the criteria that guide the ethical use of evidence in public address events; consequently, unethical choices in the use of evidence may actually be unintentional.

The forensic community not only has an opportunity to instruct students on this ethical issue, but I contend that the forensic community has the obligation to do so. While forensic educators must set the tone for the ethical choices their students make, the forensic community can develop a tool that will assist coaches with a variety of backgrounds, experiences, and expertise to teach the ethical use of evidence in public address events. Portions of the ethical codes already established by such organizations as the American Forensic Association and the National Forensic Association can provide the foundation for such a speaker's guide. Amplification of definitions coupled with clear examples of ethical/unethical, correct/incorrect, appropriate/inappropriate uses of evidence can provide a constant source of instruction for the student as well as the coach.

The forensic community identified the need to provide this information to students almost two decades ago, but during the ensuing two decades no concrete speaker's guide has been developed. The Council of Forensic Organizations,

as the representative body of the forensic community, should appoint a specific committee to begin work on this project immediately.

2. Require the Use of Complete Source Citations

A complete source citation is usually considered one that allows the source to be located with ease. While some educators may argue that students use incomplete source citations to deceive the listener, others argue that complete source citations in a speech disrupt the oral flow of the speech. Some forensic educators even question if the speaker should be held to the same documentation standards as the writer since the medium used to deliver the in competition is different. Regardless of the preferences of individual forensic educators, the forensic community as a whole should be explicit about what information constitutes a "complete" source citation and rigorously adhere to that definition in judging standards. For example, if standards for the oral and written presentations are decidedly different and the forensic community deems it appropriate to consider both sets of standards, some restriction on source citations may be deemed appropriate for the oral presentation as long as a written bibliography is provided for the judge and audience before or after the speech is given. Regardless of the option chosen, guidelines for complete source citations with examples must be provided in the speaker's guidebook.

3. Re-examine the Quantity and Quality Standards Used to Evaluate Evidence

Frank (1983) identified two forms of source deception typically found to occur in the unethical use of evidence: 1) pseudo-citations--the citing of the secondary source rather than the primary source and 2) source-splitting--dividing the details found in one source, attributing one detail in one part of the speech to one part of the source and attributing another detail in another part of the speech to another part of the source. While some forensic educators may be reluctant to label these techniques as "unethical," the forensic community cannot ignore the nature of an activity that may encourage such deception to attain success.

Unfortunately, students who use these techniques may feel the need to create the illusion of using many more sources than were actually used in the speech or the need to disguise a published source that may not be perceived as credible by the judge. Specifically, the forensic community may set an unrealistic standard concerning the number of sources that are appropriate and even desirable for a ten-minute speech. This unrealistic expectation may encourage students to value the quantity rather than the quality of evidence used in their speeches.

Furthermore, the forensic community may be quick to place great value on the use of technical information printed in professional publications rather than the use of credible information written for a general audience and printed in a

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publication geared to a general readership. After all, both the students and the judges are, for the most part, members of the general population for the majority of topics used in public address events. Again, it seems ironic to me that an article written for a general audience--often one that cites reputable experts--is the article that usually captures the student's interest in pursuing the topic.

While students should certainly explore all facets of a topic and seek challenging research, more than one forensic educator can probably recall an example of a student who wanted to cite a credible expert who provided a clear, concise, explanation of the topic written in Reader's Digest or Cosmopolitan. Although the same expert had written for technical journals, the explanation provided for the general audience in the questionable source was much more appropriate for the general audience who would evaluate this speech. The ethical dilemma then becomes whether to abandon a solid piece of supporting evidence or disguise it as a pseudo-cite because the forensic community will condemn use of the primary source. In developing a speaker's guidebook, the forensic community should re-examine some of the implicit standards it holds that may, in fact, create ethical dilemmas for the student.

#### Conclusion

Issues surrounding the ethical use of evidence in the public address events have concerned the forensic community

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over the last two decades. While forensic educators have clearly identified and reiterated the need for explicit guidelines on evidence usage, no organization in the forensic community has undertaken the development of a speaker's guidebook. Using current codes of ethics as a basis and considering some of the implicit expectations that serve to perpetuate ethical dilemmas may prove useful in developing a speaker's guidebook that will be valuable as an educational tool for the entire forensic community.

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