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In 1983, Bob Frank published his critique of evidence use in Persuasive Speaking at the 1981 NFA championship tournament. While many similar critiques have been done since then, this analysis attempts to update Frank's critique in the light of modern informative speaking. The authors analyzed the 2011 NFA Informative Speaking final round speeches, examining the use of evidence. This article presents those findings and offers points of discussion for the forensic community.

Evidence use in forensics has long been studied (e.g., Cronn-Mills & Schnoor, 2003; Del Casale et al., 2003; Perry, 2002; Perry, 2003; Thomas & Hart, 1983) as has informative deception (White, 2009; Willoughby, 2010). Frank (1983) authored a hallmark study which examined the use of evidence in forensics and found evidence misuse at the highest level: the 1981 NFA Final Round of Persuasive Speaking. Recently, Mendes (2014) sought to revisit Frank's study by analyzing the 2011 NFA Final Round of Persuasive Speaking. Mendes noted that "over the course of more than three decades of study, a recurring pattern of evidentiary abuse at the highest level of competition has been found" (p.21). Mendes' analysis suggests that evidence misuse is still a problem in college forensics today and serves as the impetus for the present analysis.

To honor Frank's (1983) groundbreaking study, other scholars have followed Mendes (2014) and begun to examine the other public address events; Kellam (2014) critiqued vocabulary use in modern Rhetorical Criticism and Hall and Doyle (2013) analyzed the use of humor in After-Dinner Speaking. This analysis aims to continue this push by examining the use of evidence use in the 2011 NFA Final Round of Informative Speaking.

To examine these speeches, the authors purchased the video recordings of the 2011 Informative Final Round from the National Forensic Association and watched them thoroughly, attempting to accurately transcribe the speeches. In order to maintain speaker anonymity, the comments on specific speech content have been kept generalized. Due to this approach, the examination of the speeches is at times intentionally vague. The analysis that follows is for educational purposes only, investigating the state of evidence use in modern forensic speeches. The authors do not attempt to punish any of the speakers in the round for any misuse of evidence as any discrepancies may have been done unintentionally or intentionally. Indeed, the present analysis suggests that the problem of evidence misuse is not limited to the six speakers in the 2011 NFA Final Round of Informative Speaking – it is a symptom of certain forensics practices that the forensics community as a whole contributes to and is responsible for. Source misusage and misattribution is a collective problem. All members of our forensics community are collectively culpable and it is the authors' hope that the community will collectively address the continued misusage and misattribution of source-based evidence in modern forensic speeches.

**Analysis**

Relying on Frank's (1983) controversial critique of evidence in persuasive speeches, this analysis frames misuse of evidence into the same categories: Fabrication, Source Deception and Plagiarism. While Frank generally attributed these violations to intentional abuse, we have approached this analysis with the belief that speakers and their coaches intend to cite evidence ethically but often lack the tools and strategies necessary to prevent and address mistakes.

*Fabrication*

Fabrication, as defined by Frank (1983) is where "either (1) the speaker attributed data to a wholly non-existent source, or (2) the speaker attributed data to a source that does exist but does not contain the information claimed" (p. 97). In these instances, the speaker cites accurate information, but the source either does not exist or the information is found in another place. For example, if a speaker cited information from Time Magazine of June 3rd 2014 and there is no such publication on that date, Frank would dub this the first version of fabrication. An example of the second kind of fabrication would be if a speaker cited information from the New York Times of January 27th and there is indeed an article about the topic present in that source, but the information cited in the speech is not present in the source cited. Frank's (1983) analysis revealed fabrication of sources to be a significant problem and this analysis found similar results.

Out of seventy-eight total sources cited, forty showed evidence of source fabrication. Of those forty, in fifteen instances, the source cited could not be found. This mishap most often occurred when the source being cited was a newspaper or magazine. Twenty-five citations presented information that could not be validated by the source that was cited: speakers attributed data to an existing, but inaccurate source. One example from the round includes a citation for a magazine that exists but did not contain the information shared. The specific information cited, however, could be found in two separate sources: a different article from the same source and a Wikipedia page. That is not to say the speaker used those other two sources to gather the information, but rather the information was verified from non-cited sources. It is important to reiterate that this analysis cannot ascertain where the student gathered their source material, nor is that its purpose. Rather, the key element is that the information presented could not be verified. In such cases, it is unclear whether or not the source fabrication within the speech (and more specifically, the verbal citation) was intentional. What is clear, however, is that fabrication, as defined by Frank (1983), was present.

Complicating the enterprise of verifying source material was the inaccuracy of several dates and titles throughout the speeches. Some citations had incorrect months and dates cited, making it more difficult to verify information. One speaker continually cited the date of many of his/her sources as the same day of the month (January 1st, March 1st, August 1st, etc.), which became suspicious when the sources were difficult or impossible


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to find. Another trend making sources harder to verify included the citation of websites using copyright or "last updated" references; many speeches used these citation practices and this analysis was unable to confirm the information from those sources due to the vague nature of that particular citation method and the ever-changing nature of a website.

While it is possible the speakers engaged in deliberate fabrication, it is perhaps more plausible that the age and type of the citation (the majority of citations being from older issues of news reports/magazines) factored more prominently into the authors' inability to locate the precise article or webpage cited by the speaker. Many sources were found easily, while others took more diligent effort. Most major newspapers and magazines make it easy to search for old articles but in some instances we were unable to locate sources cited. In such cases, verification of source information might have been aided considerably if speech manuscripts, and their references, had been annotated and catalogued completely for future reference.

*Source Deception*

Source deception can be construed as a subtle variation on fabrication and refers to the "tactics used [by the speaker] to deceive the listener as to the true source of evidence" (Frank, 1983, p. 97). Again, while Frank places blame on the speaker we believe source deception can and often does occur accidentally. In this case, the evidence used by the speaker is real but the original or primary source of the information is masked. To distinguish from fabrication, instances of source deception, for example, may bolster the credibility of a speaker's message by attributing a fact/claim to a source more reputable than where the information actually came from. This may be the most difficult of the categories to track due to the shifting nature of the sources during the analysis.

There are several possible examples of this. Consider the hypothetical following: "According to the LA Times of April 14$^{th}$ 2012, the rioters have started to organize into groups. Leaders of the groups have said they refuse to move until their voices are heard." In this quotation, the speaker correctly notes that the LA Times reports that rioters have organized. However, a review of the source confirms that the LA Times did not report on April 14th, 2012, about the leaders' intentions. Therefore, we can assume that the information came from the speaker's own extrapolation of events, or from another, undisclosed source.

Undisclosed sources, or sources that were used but never verbally cited in the speech, were present in each of the six speeches. To account for the exceptional difficulty in accurately tracking this phenomenon, this analysis deemed that only the claim immediately following the citation (be it in the same sentence or the next) be associated with that source. Once a new claim or information was presented, this analysis looked for a new source to help verify its accuracy. We found at least forty instances where information was present but the connection to a source was unclear. This means that of the seventy-eight total sources cited, more than half that number should have been present but were not. The vast majority of these instances were omissions of verbal citations for what this analysis deemed as a new claim or fact.

Adding to the complexity of this issue is the tendency for speakers to begin verbal citations with stock phrases like "According to...", "[Source] notes...", or "[Author] stated in an online article...". These stock phrases, while useful in making verbal citations palatable for the audience and grammatically correct within the context of the speech, may in fact exacerbate the issue of inaccurate citation. Stock citation phrases (like those listed above) assume the author's direct influence on the speaker's message or the direct presence of information in the source, thereby nullifying the normal process of synthesis in research. In other words, there is no verbal citation stock phrase that indicates the incorporation of multiple sources in the formation of a cohesive, multi-focal platform which is then paraphrased and presented in the speakers' own words. If a speaker read about their topic from five different sources and then composed a claim derived from all of those sources, they are in a citation bind. In the previous example using the LA Times, the speaker most likely got that information from a variety of sources, but due to time constraints, only cited one source. Without a way around this bind, the speaker is left to present this synthesized information as lifted directly from a singular source (which is often not accurate) or to present it as "common knowledge" information without direct citation, further muddying the academic accuracy of the information presented.

Another example of Source Deception is source-splitting: when the speaker cites different sources, even though the information is gathered from the same primary source. For example, when a news outlet like the Associated Press releases a story which is then published in other news outlets, the exact same story may be accredited to the Detroit Times and the Milwaukee Journal Sentinel and the Associated Press. The student may then cite all three news outlets throughout the speech, essentially giving credit for the original article where credit is not due. Several instances of source-splitting occurred in the speeches, with one speaker pulling the majority of his/her information from only two sources. A speaker who engages in source-splitting technically cites where he/she retrieved the material accurately. However, the information originated from one primary source and should be attributed as such. Because speakers fail to disclose this distinction, source-splitting qualifies as a source deception.

The last major kind of source deception is when information and a source are verbally cited, but the source name has been changed to something else. For example, instead of correctly citing the Huffington Post, a speaker might cite CNN instead. This analysis found this source deception occurred several times. In one case, the speaker attempted to present information critical to one of his/her main points in a more credible light by attributing the information to a reputable university source. In reality, the information came from a website directly tied to vested players in the speaker's topic. It is the authors' interpretation that source deception in this case was done to bolster the credibility of the fact being cited, as well as the broader point of the speech, by avoiding ties to a potentially biased source.

There were other instances of source deception that did not fall into larger categories. One speaker cited a book with an author's named completely changed to a name with harder consonant sounds. Another example includes a speaker spouting a quick list of sources about the topic without giving any specific information about the sources (e.g., "...the New York Times, Time Magazine, and the Washington Post all report that..."). One source from another speech was cited as "recent" even though it was four years old at the time of the presentation. With all of its iterations, Source Deception is a particularly tedious phenomenon to track and account for. As with Fabrication, it is possible to engage in Source Deception unintentionally, specifically when student competitors cope with the nerves that come with competition. However, even unintentional Source Deception constitutes a breach of trust between the speaker and their audience and demands attention and correction.

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*Plagiarism*

Plagiarism differs from fabrication and source deception in that speakers state false information untrue to source material. This could (but does not necessarily) mean the information is fabricated or altered with the intention to deceive the audience. Accidental plagiarism can occur, especially when we remember we are dealing with undergraduate students often put under intense competitive pressure. However, examples of plagiarism do seem more likely to be intentional source misuse than the other two categories. While this examination cannot determine intent, nor does it attempt to, certain signs point to planned deceit. Frank's (1983) analysis found that plagiarism does indeed occur and instances of it should be brought to light. The cases of plagiarism uncovered by this analysis were few in number, but the nature of evident plagiarism is no less disturbing.

In one instance where the evident plagiarism is most likely to be accidental, one speaker attributed claims in his/her implication section without any valid evidence of support. Instead of having sources that connected the topic to the ascribed implications, the speaker cited generic information and made conjecture a part of his/her informative presentation. A basic example of this might be a speaker giving a speech on automobiles and in the implication section citing a source that says cars run on gasoline, but then extrapolating about the labor concerns of the oil industry. The source at hand notes only that cars run on gasoline, but the speaker's main point isn't about that; there is a topical connection between the source and the claim, but when the speaker talks about labor concerns, no sources are cited. There appears to be a disconnect from the source information and what the speaker ultimately asserts. This may not be construed as plagiarism in the traditional sense, but this form of "soap box informative speaking" presents the audience more with what the speaker thinks and less with what the sources provide. Plagiarism of this kind may deceive the audience into viewing speaker opinion as reputable reporting. While speakers are expected to contextualize source material as part of the process of integrating borrowed information into the speech, this particular speech contained the only example (of the six analyzed) of this type of plagiarism, reconstructing opinion as evidence.

In a more alarming situation, a different speaker cited a source that not only did not contain the information cited, but contradicted much of what was being presented in the speech. In fact, many of the sources cited in the speech offered information counter to what was said by the speaker. This misrepresentation of information is troubling because it indicates the speaker seemingly chose to ignore certain aspects of his/her topic in order to present material in a favorable light. This same speech cited statistics that this analysis was unable to verify from any source, cited or otherwise. In the speech, a person was mentioned in an example but no record of this story was found either in the source cited or elsewhere. While it is certainly possible that we simply did not find the statistics or story, the signs points to plagiarism.

An even more heinous violation occurred in another speech, where not only did the speaker present false findings from a real study (statistics cited from the study were not found in the actual study), but the speech also had several misquotes, twice attributing direct words to people which were altered from the original phrasing. Possibly the greatest abuse of evidence was that direct portions of this speech can be found in a source not cited. In a passage from the speech, forty-two out of forty-eight consecutive words were lifted straight from a Wikipedia page related to the topic. The only alterations were to rephrase a date, add an adjective, and summarize a longer passage from the webpage. It certainly is possible that the speaker has since edited the Wikipedia page after delivering the speech that season. However, just as in the previous speech, the evidence suggests plagiaristic intent.

**Discussion**

Frank (1983) noted the largest amount of sources cited in a speech in the 1981 NFA Persuasive Speaking Final round was fifteen. In contrast, the speakers in the 2011 NFA Informative Speaking Final round incorporated unique citations totaling twenty-two, sixteen, twelve, twelve, ten, and seven. Citations in the 1981 round numbered at fifty-eight compared to the seventy-eight sources cited in 2011. Comparing the source citation totals may not be indicative of a growing use of evidence given that the respective analyses investigated different speaking events (Persuasive/Informative). However, the increased citations are something to note for future researchers tracking trends in evidence use.

Investigating the amount of sources cited in a national final round certainly has its merits, but it was the actual use of those sources that was the focus of the present analysis. Frank (1983) argued that when it comes to judges being able to tell the difference between real or deceitful evidence use in a speech round, “they probably will not ever be able to do so” (p. 106). Without punitive threat any speaker may garner competitive incentive to perform unethical practices. We are not suggesting those in the final round did not earn their placing rightly. Nor are we asserting that source misusage and misattribution is necessarily a purposeful, insidious practice on the part of speakers or coaches. Rather, we are observing that without a system to properly check for evidence abuse, students, within and without national final rounds, may not adhere to higher ethical standards.

Although students should not need fear as a motivator, one way to prevent abuses like those documented above might be for tournament directors to require printed copies of source material annotated with their citations, and to do systematic reviews of the final rounds. Of course, annotations on a reference page will not prevent instances of fabrication and deception wherein a student's claim cannot be tracked to a source because that source has since been altered (e.g., dynamic sources like webpages). In such cases, the cataloguing of sources should include a screen shot of the source information, complete with date/time-stamp, to demonstrate the accuracy of the source information and the source citation at the time the speech was written and delivered. With many students turning to the internet to gather the most recent source material possible, our cataloguing strategies must evolve to account for the unfixed nature of these sources. Reference annotation and “screen-shot cataloguing” would not completely prevent abuse of evidence. However, it might incentivize the prevention of negligent behavior by providing a clear pathway toward transparency. Added transparency would make it easier to distinguish between purposeful, malicious source misuse and accidental source misattribution. When judges and/or tournament directors suspect source misuse, they would be able to reference the annotated manuscript and/or screen-shots to decipher if the speaker has fabricated information or if the student merely misspoke in the round.

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Forensic adjudicators would be able to more confidently defend the punitive action of purposeful source misuse as well as avoid punitive action when the students' annotated references prove the action unnecessary. As in real-world public speaking situations, wherein the onus to defend the truth of a rhetor's claims falls on the rhetor, student competitors should responsibly prepare themselves to defend the voracity of their claims if and when they are called into question.

Instances of intentional fabrication, source deception, and plagiarism should be rooted out and strongly discouraged; not doing so sends the message that it is acceptable to deceive audiences for personal gain as long as you are not caught. Of course, not all abuse we've documented is necessarily intentional, which is why the organization would have to use discretion while reviewing evidence. Clearly this approach is not ideal because it is retroactive – it does not actively teach students how to use sources correctly but would only act as a punitive measure. Our community should take a more active approach in preventing this as well as penalizing blatant abuses of evidence.

While misleading citation practices certainly impact the game of forensics, the more important aspect of this is how it ties into our educational goals as a community. Frank (1983) noted citations are important, but perhaps less so in a speech as compared to other academic work, observing that "a speech requires less complete documentation than a term paper or journal article" (p. 105). However, citations are still considered an important part of public speaking. As forensics educators, we have a responsibility to teach our students about the importance of giving credit where credit is due and for the most part, we feel the community does an acceptable job of emphasizing that importance. If we agree with Frank (1983) that many problems with evidence use may result from carelessness on the student's part, coaches may have to double check student work more insistently to prevent source misusage and misattribution.

The real problem may stem from the fact that oral citations, preferable speaking style, and time restrictions all inhibit accurate presentation of evidence. Preventing more instances of evidence abuse requires that we give students the adequate tools they need to credit sources. One way would be to conceive of more accurate verbal citation stock phrases that account for situations in which students paraphrase or synthesize multiple sources into one integrated idea. This approach however returns us to the similar problem of how to give credit to all sources involved. It appears to be a puzzle without an easy answer and in lieu of a better system, we may have to resign ourselves to the fact that some instances of source amalgamation do not lend themselves to verbal citation and are simply part of integrating research seamlessly into a speech.

This calls into question the merits of current verbal source citation practices in forensics. If citations cause this much trouble we may need to reconsider how we teach and judge source use in speeches. Frank (1983) questioned whether source ambiguity is morally objectionable in this context, comparing a news reporter to a forensic speaker. While Frank argued documentation is important as a judging criterion in contest speaking because it reflects curricular learning objectives, the point of looking to non-academic speaking scenarios is not lost on us. With education praxis trending toward the practical, at what point do we start to bend traditional practices and teach students what they see in Presidential addresses, TED talks, and other forms of modern public address? As teachers, we find our classroom students objecting to the requirement of full citations due to its cumbersome nature and lack of real-world exemplars. While such an extreme departure from our traditional pedagogy is not something we are advocating for here, forensic educators might benefit from novel approaches to sources, citations, and use of evidence in speeches.

The authors do not claim to have addressed source misusage and misattribution in its entirety, nor do they promote the suggestions above as the only way(s) to address this issue. The present analysis has only attempted to reinvigorate an old discussion pertaining to source usage and citation in modern forensics speeches. This is a conversation that must be carried forth by all those with vested interest in the health and integrity of forensic competition: the student competitors who face potential discipline for source misusage, the coaches who are reflected in the work of their students, and the adjudicators who judge the merits of students' competitive works. Future researchers should explore the potential for a re-prioritization of source citation in different forms of speaking. Forensic educators must find ways to adapt to the demands of dynamic technology when assessing source usage and citation. Additionally, forensic educators should continue to explore the real-world applications of evidence usage in modern public speaking. With an ever-growing list of ways to gather information, speakers may have a more difficult time giving proper source credit. Instead of clinging to traditions that may no longer work, coaches need to be continue to discuss the problems found in this analysis in hopes that innovative solutions arise.

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