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ORIGINAL ARTICLE

The Public Debate on Abortion in Georgia in 1989

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In 1989 in Webster v. Reproductive Health Services, the Supreme Court of the United States upheld a Missouri law that imposed restrictions on the availability of abortions. This ruling empowered state legislatures to consider whether to regulate abortions more closely. The Court's decision caused a "firestorm" of debate in Georgia, initiatives covered widely by the state press. While their leaders were often fearful of taking a stand, pro-life and pro-choice advocates marched and spoke throughout the state in support of their cause. This state-wide debate apparently influenced legislators in 1989 in Georgia to avoid changes in Georgia's abortion laws.

In 1973, in *Row v. Wade,* by a 7-2 vote, the Supreme Court upheld a three-judge District Court that declared Texas' "abortion statutes void as vague and over broadly infringing those plaintiffs' Ninth and Fourteenth Amendment rights."[i] At the same time, in *Doe v. Bolton, t*he Court rejected Georgia's abortion law.[ii] In *Webster v. Reproductive Health Services*, July 3, 1989, by a vote of 5-4, the Court upheld a Missouri law that required "extensive tests for any woman 20 or more weeks pregnant and desiring an abortion to determine if the fetus was 'viable'." *Webster* ruled "that some degree of State regulation (and criminalization) of abortion was consistent with the Rehnquist Court's view of privacy rights."[iii]

The repositioning by the Court from *Row v. Wade* to *Webster v. Reproductive Health Services* inflamed the argument publicly between the rights of the fetus versus the personal choice of a woman. Some two weeks after *Webster*, "versions of the Missouri law" were "being introduced in Florida, Michigan, and being drafted in Indiana, Kentucky, Minnesota, and Louisiana." [iv] One day after *Webster*, Representative Robert Steele of Columbus announced that "he and other pro-lifers . . . would pattern proposals" to Georgia's General Assembly "after the Missouri law."[v]

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A Savannah editor predicted that W*ebster* will "mean more public debate, more theological and philosophical discussions about what constitutes life and personhood."[vi] And more "battlefields."[vii] The Morris News Service explained that the Court had thrown the "issue . . . back into 50 separate political arenas."[viii] Larry Sabato, a "prime politician watcher" at the University of Virginia, predicted that "abortion will be the Beirut of American politics -- a no-win issue."[ix] The *Athens* (Georgia) *Daily News* noted how, in speaking to the National Women's Political Caucus convention, St. Paul, Minnesota, Bella Abzug envisioned the struggle over abortion to be the "Vietnam of this generation".[x] In an interview with the *Columbus Ledger-Enquirer* of Georgia, insurance magnate John B. Amos perceived "abortion" to be "the most divisive issue facing Americans since the Civil War. It is tearing the nation apart. Activists . . . seem unyielding in their positions. Churches" and "families are split over the highly charged emotional issue."[xi]

Deliberations about abortions reached from the classroom to professional conventions, from courtrooms to legislatures. But what did citizens and their representatives have to say publicly? What role would they play? Rayhan Sunay contended that "democracy appears as a system" that survives "by . . . people who talk to one another about social problems and shape up their future. . . . A democracy," he continued, "that is run by . . . inactive subjects will transform into a democracy that operates despite the people. A democracy despite the people . . . is a product of an elitist political understanding that views people only as objects."[xii]

In researching the public debate that took place in Georgia in 1989 relating to abortion, I examined coverage from nine newspapers published in that state.[xiii] I focus upon the persuasion covered in the press that took place publicly prior to the General Assembly's session that was expected to address this issue. The *Macon Telegraph and News* observed that, while "controversy is raging, the media have provided coverage of both sides," including "court decisions, demonstrations, speeches, threats and predictions."[xiv] In letters to newspapers, pro-life activists disagreed. Alex Shamby, for example, maintained that the "media came to the aid of the advocates of child killing. . . . Suddenly everyone was (or is) pro-abortion."[xv]

Georgia Leaders on Abortion

Former State Senator Bob Andrews, drawing upon his experience in the General Assembly in 1968 helping to "liberalize" Georgia's abortion law, forecast the whirlwind awaiting public officials and candidates in 1989. Because of his efforts for the earlier bill, Andrews was called a "baby killer." One individual "came to his Gainesville home with a dead fetus." The "fight," he recalled, "was one of the nastiest of his political career, even when compared to integrating schools. . . . We caught unshirted hell for it from right-to-life people. . . ." Andrews expected the debate "in 1989" to be "even more strident" than 1968 because the "issue is more important and" opponents have "better organization. . . . I don't envy these boys [in the General Assembly] now."[xvi]

Journalist Tom Teepen clarified the rhetorical dilemma confronting Georgia elected officials and candidates: "Nationally Georgia is looked on as . . . going fully anti-abortion, but locally the picture doesn't appear quite so grim. . . . Georgians will have to be well-organized to make their point."[xvii] Bill Shipp, long time commentator on Georgia politics, contemplated a "fire-storm of debate" and "a testing time for

Georgia's leaders. . . . Failure by any political figure to gauge accurately the public's private feelings on abortions could blow him or her right out of state government for good."[xviii]

Celinda Lake, democrat polling expert, counseled the Atlanta Women's Political Caucus at its biennial meeting in St. Paul Minnesota that "no other single issue cuts across party lines to such an extent." There is a "net 22% advantage for a gubernatorial candidate who promises to veto legislation to restrict the right to abortion. The voters most likely to be moved" are "well educated, affluent younger women, many of whom are republican or political independents. . . . One-third of republican women are pro-choice."[xix] An *Atlanta Journal and Constitution* poll found that "southerners do not want abortion outlawed but are amenable to some restrictions," including when pregnancy results from "rape or incest, but not if a woman's reason for seeking one is that she cannot afford to have a child."[xx]

African-Americans' attitudes regarding abortions also varied, a constituency that candidates and elected representatives in Georgia could no longer ignore. The Associated Press reported that interviews with "1,403 adults in 12 Southern and border states . . . from July 20 to July 28" – some three weeks after *Webster* -- found "no differences between men and women . . . on the broad question of abortion. . . . Much of the abortion debate has centered on the effect more restrictions would have on poor women, many of them black," who "less strongly favor abortion rights than their richer, white counterparts."[xxi] However, Chuck Stone found

> an almost unanimous pro-choice position among the nation's African-American leadership . . . . The reactionary nature of the anti-abortion movement has caused many black women to compare the right to control their bodies with the right of their forebears to prevent the Ku Klux Klan from destroying their bodies. . . . Also of concern is the overwhelming male dominance of the anti-abortion leadership, while women are in charge of the pro-choice movement.[xxii]

Changing attitudes among many voters worried leaders who before had found it politically safe to "oppose abortions". An editorial in the *Atlanta Journal and Atlanta Constitution* contended that officials were finding it "difficult to base political decisions on such varied and inconsistent findings, but there is no mandate for extremism. If anything, such conflicted responses warrant legislative restraint."[xxiii]

Tom Teepen, editor of the *Atlanta Constitution's* editorial pages, observed that party loyalty often gave way to a woman's choice: "Candidates who favor individual decisions on abortion have been doing well, and republican candidates have begun to defect. . . . Live by abortion opposition, die by abortion opposition. A hard line against abortion is no longer safe politics**."[xxiv]** Georgia leaders could hardly have missed hearing how "anti-abortion candidates . . . fared poorly in special elections in California and Texas." They probably "paid . . . close attention . . . to an obscure Republican legislative primary in Hilton Head, South Carolina, . . . watching for sign that voters' opinions on abortion have begun to shift."[xxv] During the first debate among "eight candidates seeking a north Fulton county seat in the Georgia House, . . . the first questioner . . . asked for their positions on abortion. No one seemed surprised."[xxvi]

After *Webster e*ven veteran leaders were puzzled about the future for abortions in Georgia. Kil Townsend, republican, predicted that "we'll pass some pretty tough restrictions. At least . . . the Senate will."[xxvii] House Majority Leader Larry Walker, democrat from Perry, was less certain: "If you put it in black and white, pro-choice [vs.] pro-life, pro-life would probably win out, but I'm not sure this is one of those black-white questions."[xxviii] A concerned Mrs. Mary Boyert, president of Right to Life in Georgia from 1986 to 1988, scrambled to mobilize pro-life initiatives: "It's not totally hopeless at this point. We don't have any pending legislation at this moment, but we're working on it. It's not finished yet."[xxix] Maureen Downey, staff writer for the *Atlanta Journal*, predicted that, in Georgia, the "pro-choice forces will fight hard -- and probably lose."[xxx] Laura Bateman, democrat from Macon, predicted: "The legislature will be doing wild and crazy things. This is going to make" earlier sessions "look like a tea party. What lawmakers will do is anybody's guess, but the abortion issue should be a tremendous factor in the governor's race."[xxxi]

With attitudes toward abortions shifting, Tom Baxter detected how "state leaders have adopted a go-slow approach."[xxxii] Indeed, democrats and republicans "headed for the tall grass."[xxxiii] Bill Shipp assessed: "Note how quiet our public officials became when the court tossed the issue of outlawing abortion directly into the laps of state legislatures. . . . Several noted Georgia pols uncharacteristically decided silence was truly golden. . . . They all said they were personally opposed to abortions, but several became a bit fuzzy about whether they would endorse a prohibition on abortion."[xxxiv] Thomas E. Heines observed: "There's been a lot of speechifying coming from politicians grandstanding on the abortion issue"[xxxv] State Representative Kil Townsend, republican, agreed: "With elections coming up, people are going to be hedging all over the place, talking out of both sides of their mouths."[xxxvi] The editor of the *Augusta Chronicle* was more precise: "Politicians found abortion an easy issue to demagogue."[xxxvii]

Senator Nathan Dean cautioned that it is "too early to say how legislation might fare in his Judiciary committee"; however, "I think we should be very careful in what we do."[xxxviii] While on "record opposing abortions," Governor Frank Harris "refused to comment on" the Court's "ruling" on *Webster.*[xxxix] Representative Lauren "Bubba" McDonald, republican from Commerce and candidate for governor, maintained that, "It's a no-win situation politically." He pledged "to walk very carefully for a little bit."[xl] While declining "to take a public position,"[xli] he "left the door open to exemptions."[xlii]

Representatives Jerry Jackson, from Chestnut Mountain and Wyc Orr of Gainesville, both democrats, refused to "speculate on how" they "would vote."[xliii] Orr eventually "opposed" the Court's ruling on *Webster*, worried about a "slippery slope which might result in an 'erosion' of individual liberties."[xliv] State Senator Paul Broun, Sr. of Athens waited to "see what legislation is introduced." Alex Shamby insisted that "State Senator Don Johnston should be named `Silent Don' on the killing of babies. Senator," he chided, "why do you remain silent and non-committal on this all important matter? . . . Where do YOU stand?"[xlv] Mrs. Karen Osborne Irwin of the 13th Congressional District straddled a more secure fence. She "wants to hear" from voters. "I welcome the opinions of my constituents on all issues. . . . I listen to everybody."[xlvi]

Even the highly influential Speaker of the House of Representatives, Tom Murphy, said he "would try to stay out of that debate. . . . I'm going to let the House Judiciary committee do its thing. I don't propose getting involved in it." "Rarely," however, "does legislation pass the House without at least his tacit approval."[xlvii] Although Murphy planned "to limit debate on" abortion in the House, ostensibly including his own, he could not resist meddling. He "opposed cutting off county funding for abortions," choosing to leave "the decision to county commissions." The state law at that time prevented "using public money to pay for abortions, but abortions were performed at publicly funded hospitals." Clarifying further, Murphy maintained, "I personally don't believe in abortions, but . . . I don't believe in the state's taking that choice away from a woman."[xlviii] Responding, Mary Haecker insisted: "We will not accept House Speaker Murphy's position that would allow each county to decide for itself whether or not to restrict tax funds for abortions."[xlix] The editor of the *Augusta Chronicle* assured that "the pro-choice and pro-life activists don't agree on much, but they'd surely agree that 159 separate abortion laws . . . would be a total disaster."[l] After signing a "pro-life" resolution, Charles Welch, Commissioner in Forsyth, refused to have this buck passed to him by Murphy: "The county commission is not a proper forum for this argument."[li]

Probably because of the persistence of the press, criticism from their constituencies and political rivals, and from personal conviction, some leaders and officials began to defend their thinking. "Bubba" McDonald, having sampled roiling waters, opposed "any new abortion restrictions." Former Governor Lester Maddox, running for another term, "favors new restrictions on abortions."[lii] Apparently having now received ample pro-choice letters, Mrs. Irwin insisted that "abortion is a woman's right." Louie Clark of the 18th Congressional District promised to "protect the lives of our unborn little ones from the cruel knife of the abortionist."[liii] Neither Irwin nor Clark, however, would "support further restrictions on abortion."[liv]

Alex Shamby ridiculed Attorney General Michael Bowers for having "trouble with abortion, but thinks that the state of Georgia has no right to force women to have children."[lv] While claiming to be "supportive of women," State Senator and democrat gubernatorial candidate, Roy Barnes, received "boos" from pro-choice advocates for "favoring restrictions with regard to gender selection abortions, late-term abortions, and abortion as a matter of convenience." Candidate Barnes and Representative Johnny Isakson, republican, would "outlaw abortion except in cases of rape, incest or danger to the mother's life."[lvi]

Former Atlanta Mayor Andrew Young, also a candidate for governor, "would try to uphold unfettered rights to abortions even if the Supreme Court rules in favor of restrictions."[lvii] Lieutenant Governor Zell Miller, democrat and candidate for governor, opposed additional restrictions.[lviii] Miller was "uncertain whether he would propose any new legislation on the issue, but he would oppose any attempt to outlaw abortion completely." The decision," he insisted, "ought to be in the hands of a woman, her pastor, her doctor and her family, and not in the hands of the state." For whatever reasons, Miller was elected governor, serving from 1991 to 1999.

The People Speak

Whereas many Georgia leaders, at least early on, often skirted the issue of abortion, advocates among the public at large spoke soon, often, and vociferously.

Immediately after *Webster*, both sides organized public rallies. There was "enough emotional energy building in both camps to ignite a revolution."[lix] "Protesters for and against abortion rocked Georgia's capital city."[lx] Lori Denise Booker contended that, "Although activists on both sides of the issue agree that the chances of any change in Georgia's abortion law this year are remote, thousands of demonstrators will converge today on the Capitol to denounce or applaud the historic *Roe v. Wade* ruling that legalized abortion 17 years ago."[lxi]

In the *Columbus Ledger-Enquirer* of Georgia, Albert Hunt, the *Wall Street Journal's* Bureau Chief, explained how, "In political terms, 'abortion' is a classic case of unintended consequences. Whenever one side scores a major victory, the principal effect is to energize the losers. The 1973 [*Roe*] decision spawned the pro-life movement," whereas "July's [*Webster*] ruling was a shot in the arm for the pro-choice movement."[lxii]

Pro-Life Initiatives

Pro-life protests proliferated Georgia. Joe Earle, staff writer for the *Atlanta Constitution*, observed that "*Roe* cut off the political process and created the ferociously fervent anti-abortion movement."[lxiii] Ned Dominick of Macon maintained that *Webster* "'taking the issue out of the courts and putting it in the political arena" provides "a great opportunity for our local delegation to take the lead in drafting anti-abortion legislation."[lxiv] Ronnie Baker felt that he was "echoing the Dr. Martin Luther King, Jr. proclamation, 'free at last, thank God almighty, we're free at last.' The battle, however," he urged, "has just begun. We must not stop here. . . . Write to your state senator and representative, insisting upon tougher restrictions on abortions."[lxv] Several persons advocated "a human right to life amendment to the *Constitution*."[lxvi]

Janet Kinzey insisted that government "not only has the right, but also the duty to impose morality on its citizens in certain cases. Most laws which are necessary to provide social order are based on morality. The practice of abortion is definitely a disruption of social order."[lxvii] Larry Letich, free-lance writer, contended that the "abortion issue is right at the core of the public debate between individual rights and old fashioned moral obligations. Much of the American public believes that liberalism is amoral and has contributed to the ethical decay of our society."[lxviii] Eddie Minor insisted: "If everyone lived . . . according to the Bible, there wouldn't be unwanted pregnancies."[lxix] Reverend Tom Allen was more graphic: "God will defend the unborn, and the blood of these little ones will be on the hands of abortion advocates."[lxx]

Dan Brautigam, 70 and a retired businessman and teacher near Lavonia, believed that "the pro-choice movement is an out-growth of a changed lifestyle. Young men and women now think in terms of self-fulfillment, financial success, and enjoyment of the good life. There is just one good reason," he continued, "for disposing of a developing human fetus," when "parents are unfit or unable to care for it after birth. Pro-life and pro-choice" should "promote pro-family."[lxxi] Connie Reynolds testified publicly, "I am a mother with two children, middle class and not wealthy. . . . Abortion is being used as a means of birth control." There "are many ways," she insisted, "of preventing pregnancy that do not take the life of unborn babies. . . . Society has gotten carried away with self and individual rights when they

sacrifice unborn children to obtain this so-called right to privacy."[lxxii] Claire J. Frahler declared that "the naïve will no longer be deceived" into thinking that an "embryo is only tissue. The unborn have now been given rights like everyone else. Unfortunately," she stated, "30 million babies had to die before the Supreme Court decided."[lxxiii]

Representative Tommy Smith, democrat of Alma, who is "most often mentioned as likely to introduce anti-abortion legislation, is 'pessimistic' about action next year. There's going to have to be lots more involvement by churches in this state." [lxxiv] Michael Hirsh of Operation Rescue Atlanta expected "more churches" to "join the anti-abortion movement." Pleased by their street initiatives, Hirsh calculated, "We've had four times the people arrested" than "were arrested in the entire civil rights movement."[lxxv] Church goers from the Edgewood Action Council "are already 'very involved politically' in telephone and letter-writing campaigns to lawmakers on local, state and national levels. Father Herbert J. Wellmeier, of the Holy Family Church, continued prayer campaigns and sermons hammering away at the evil of abortion."[lxxvi]

Mary Boyert, executive director of Georgia Right to Life, reported that 200 people from Chatham, Effingham and Camden counties attended a pro-life meeting to "get the facts on abortion and share them with their neighbors." She told how "more than 1,000 abortions had been performed in Chatham County in 1986." Boyert "described most abortion procedures, causing members of the audience to wince and moan."[lxxvii] Jim Lynn of the Atlanta bureau reported there were "33,509 abortions in Georgia in 1987, the latest year for which figures are available. . . . At least a quarter of those abortions were by women on welfare. Of 26,400 teen-age pregnancies," he continued, "32% ended in abortion."[lxxviii]

In response to the charge that restricting abortions would be dangerous to women, showing how extreme discourse could become, Jim Koan proclaimed: "If pro-abortion forces argue to keep women out of 'back alley' abortions, would they seek to legalize rape to take it out of the alleys and into a safe, clean hotel room?"[lxxix] Reverend R. E. Richardson argued that, "the claim that 'millions' of women . . . died from 'back alley' abortions before Roe vs. Wade . . . is truly unmitigated nonsense." Seemingly incognizant of the parable of the lost sheep, Richardson stressed: "The U.S. Public Health Department reported that, in '1942' there were 1,232 deaths from 'back alley' abortions; 1947: 583; 1957: 260; 1967: 160; 1968: 130; 1972: 140."[lxxx]

Pro-lifers justified what they perceived as "nonviolent civil disobedience" for their cause by linking their aggressive actions to those used by African-Americans.[lxxxi] "Thirty-three anti-abortion activists, including five juveniles, were arrested Saturday after blocking doors at a Chamblee, Georgia abortion clinic. The group, members of Youth for America and Operation Rescue, were charged with interfering with a business and released on $500 signature bonds."[lxxxii] "Vandals did an estimated $5,000 in damage to the Feminist Women's Health Center, an abortion clinic." Although denying any part in it, Michael Hirsh stated, "I could see how somebody frustrated with the fact that the child killing continues might do something like that."[lxxxiii] Randall A. Terry, founder and national director of Operation Rescue, was "released from Fulton County Jail" in Atlanta "after being arrested for three counts of criminal trespass and one count of being a party to a crime." His bond was set at $20,000.[lxxxiv]

Many persons promoted alternatives to abortion. Janet Kinzey contended that "blocking abortion clinics is not the answer. . . . We need to offer and emphasize positive alternatives to women in crisis pregnancies, providing prenatal care, job training, help in finding financial assistance, and counseling."[lxxxv] Jim Lynn agreed: "More money will have to go to programs, including Child Protective Services, foster care, adoption services, prenatal care, child support, and women, infants and children nutrition programs."[lxxxvi]

Others would strive to prevent pregnancies. Mary Ann Drake advocated more "sex education," plus more distractions from sex: "Birth-control methods . . . are easily available. We should plan worthwhile activities for young people. Rather than depending upon sex, society should provide constructive projects to enhance skills and raise self-esteem."[lxxxvii] More realistically Valerie Daniell would "put birth control devices where they are easily available . . . in restrooms, in high school and soon, with no questions asked and at no cost. . . . A lot of teenagers that I know would NEVER dream of talking to their parents about birth control. Teenagers will always have sex; give them birth control so that they don't have to make a choice." [lxxxviii]

Pro-Choice Initiatives

Pro-choice advocates also mobilized throughout Georgia. Alta Birdsong of the Atlanta division of the America Association of University Women explained that "the battle to protect the right of women has shifted from the judicial arena to the political one. Women have learned that the judicial system will not uphold their basic rights." We "must use our voices in order to give courage to others to speak out for CHOICE."[lxxxix] Charles L. Martin, Jr. insisted: "I believe abortion should be a lawful option for women . . . based on quality of life, privacy rights and my experience. . . . We must express our position loudly and consistently."[xc]

Mrs. Lloyd assured that pro-choice supporters plan to "lobby the General Assembly to" prevent "legislation that could restrict abortions. . . . Georgia has one of the better abortion laws in the Southeast" and we must "make sure they are not changed."[xci] Mrs. Cowie alerted members of the "General Assembly" that "we will be looking for you to act to protect women's rights to choose safe, legal abortion."[xcii] Representative Stone who was anti-abortion, reported: "I'm getting a lot of intimidation calls from pro-choice people. They call me . . . early in the morning**. . . .** I give them my very straight forward answer. They say, 'I'm pro-choice and I'm going to vote against you' and hang up."[xciii]

Irene Natividad, head of Atlanta Women's Political Caucus, forecast that "the women voters who haven't acted as a bloc before will now become a bloc."[xciv] One "pro-choice mobilization" in Georgia was "billed as `the single most ambitious human rights activity ever undertaken in the United States'." The rally would be held on the "grounds of the Capitol in Atlanta."[xcv] There were also numerous local initiatives. Lea A. McLees reported that 54 members of Northeast Georgians for Choice from Hall, Habersham, White, Banks, and Gwinnett counties "met at Chestatee Regional Library concerning reproductive rights."[xcvi] "Fifty people of Savannah Citizens for Choice attended an organizational meeting" that was "filled with placards: 'Protect Your Choice, Raise Your Voice,' 'Kids Deserve to be Wanted,' and 'Women's Rights, Not State's Rights'." They "oppose[d] any new

restrictions" placed on Georgia's current law.[xcvii] On another occasion, "about 300 pro-choice demonstrators, both men and women, marched angrily in downtown Atlanta . . . carrying giant coat hangers and chanting, 'We won't go back, we defend the right to abort'." Others, they urged, "should get on the band wagon."[xcviii]

In Augusta city administrator Pete Brodie denied the local chapter of NOW permission to "meet on River Walk," refusing to "turn" that area "into a site for political demonstrations." He suggested "alternatives these people can use."[xcix] Undeterred, elsewhere the northeast Georgia chapter of NOW sponsored "120 pro-choice activists carrying banners . . . shouting, 'We won't go back'."[c] In another rally, "one hundred local residents met at Columbus Technical Institute to join Columbus Citizens of Choice." They were "just a group of local neighborhood citizens who are angry about the Supreme Court's ruling in *Webster.* Mrs. Caryla Lloyd cautioned that we cannot allow this to "happen in Georgia."[ci]

Pro-choice supporters confronted pro-life activists directly. In response to pro-life defenders' accusing "feminists" of "burn[ing] an American flag" and "turn[ing] this country upside down," [cii] pro-life advocates insisted their "demonstrators who have surrounded abortion clinics in a wave of civil disobedience have the same constitutional rights . . . as demonstrators against racial injustice and war."[ciii] Michael Hirsh was met by 50 angry pro-choice protesters when he tried to hold a news conference outside an Atlanta abortion clinic."[civ] "One woman . . . yelled at Hirsh, 'You're a Nazi. You're talking just like Hitler, man'."[cv] "Singing and murmuring prayers and Bible verses, about 200 banner-carrying anti-abortionists squared off against 20 abortion rights advocates outside a Spring Street abortion clinic. . . . . Darlene Carra of Coalition Opposing Operation Rescue (COOR) reported that, 'We're here to oppose them. None of these men carrying signs is ever going to carry an unwanted baby'."[cvi]

Journalist Tom Teepen predicted that in Georgia "the political system, left to its own devices would drift toward abortion opposition."[cvii] Consequently pro-choice advocates deployed a variety of arguments. Recognizing the challenge, Mary R. Sandok devised an underlying strategy:

> [Do not] allow your opponent to frame the dialogue. They have equated . . . abortion with murder. They have shifted the focus from the mother to the fetus, and we let them get away with that. Bring back the "W" word -- woman -- into the discussion. It is a cohesive issue that ties women from all regions, all backgrounds, and all ages. The one issue that touches each woman -- the right to reproductive choice -- will be the galvanizing issue that will make a woman vote to protect that right.[cviii]

"Feminists voiced fear of a return to 'the bad old days,' . . . . "talk[ing] urgently about the need for activism."[cix] Jan Stansel regretted that *Webster* "was the worst it could have been, and we expected the worst, but it was chilling." Janice Pike, vice president of a local NOW chapter agreed: "It's terrifying, . . . the amount of women who are going to be dying because they don't have a choice."[cx] Beverly Thomas, Grady Hospital spokeswoman of Atlanta, testified how making abortion illegal "would mean a significant increase in botched-up, back-alley abortions."[cxi] Kay Scott, a Planned Parenthood advocate, maintained that, in 1971, a pregnant woman "ended up climbing into the back of a van in a mall's parking lot where an amateur

aborted the fetus with a knitting needle. Today women have safe, legal alternatives, and we want to preserve them."[cxii] Wendy Glasbrenner added, "No matter what your beliefs, . . . severe restrictions on abortion will cause women to die because of illegal . . . abortions, more unwed teen-age girls to become mothers, and more unwanted and often defective children."[cxiii]

Nancy Saltmarsh maintained: "Failing to provide a woman with adequate sex education and birth control and then refusing her an abortion amounts to . . . slavery."[cxiv] Lynne Randal of the Feminist Women's Health Center insisted that "the right to abortion is meaningless without access . . . . We will fight any restrictions that come down in the Georgia legislature."[cxv] Hope Morrison, a senior Romance Languages major at the University of Georgia, stated that "the availability of abortion is directly related to women's health and to the quality of health care that they receive. . . . Abortion is a legal, legitimate and essential part of family planning in the U. S."[cxvi] Caryl Lloyd related how "a lot of women come to a point when they must consider abortion. . . . People choose abortions for economic and health reasons." We must "continue to have that right."[cxvii] Liz Goodson explained that, "because I value lives, I am pro-choice. . . . No kind of contraception works without some failures." Thus, she insisted, it is "so urgent that we keep our freedom to choose."[cxviii]

In response to a letter by Marion Jones in which she reportedly wrote "that fornication and abortion is a double sin," Cathy Correa rebutted: "She described fornication as sex without marriage. Does she realize that many women having abortions are married?"[cxix] Cheli Brown demanded, "I want to decide the issue by myself for myself. Doesn't anyone see it is just as morally wrong to force someone to have a baby as it is to force someone to have an abortion?"[cxx] Drawing upon personal experience, six days after the *Webster* decision, Joanne Jacobs wrote:

I know what it's like to be a single mother, to be the only one there in the middle of the night when the baby cries and won't stop. How many state legislators, how many Supreme Court justices, have been alone with a crying baby at 2 a.m.? . . . Anti-abortion absolutists [say] "abortion is murder." Most Americans do not believe that. . . . At least [after *Webster*] politicians will have to get honest. Till now, legislators could give speeches and pass laws secure in the knowledge that the courts would stop them from doing anything really stupid. If *Row* falls, it's reality time for politicians -- and for voters.[cxxi]

Loretta Ross of the Atlanta Black Women's Health Project extended the pro-choice strategy: "Pro-choice advocates will be looking for wider bases of support, including more men. With women comprising only 15 % of state legislatures, we are going to have to tap into that 85% male majority'."[cxxii] Janice Pike recommended that "abortion" should be decided "by women rather than state legislators"; however, "we need to make it a broad based community organization that draws people from across all political parties and both sexes."[cxxiii]

Donna Boland gave another justification for recruiting men, reminding that "women have taken the blame and persecution . . . for rape, incest and unwanted pregnancies. Let the men take some of the responsibility for a while."[cxxiv] Shirley Lagrand was not optimistic. In a letter to the *Augusta Chronicle*, she wrote:

I have yet to hear a man say candidly, "I want abortion kept legal in case I ever get my girlfriend pregnant." We tend to imagine a feminist making a cold-blooded decision . . . . What really happens is: A young man begins an affair with a young woman . . . less experienced than he is. One day she finds she's pregnant. So she tells him, hoping he'll respond positively. Maybe he'll offer to marry her, or at least to help her take care of the abortion. But he doesn't. . . . He asks what SHE intends to do . . . . He may suggest an abortion; more likely he'll leave it to her to raise the subject. She's crushed, bewildered, bitter. She's carrying the child of a man who doesn't want it -- and doesn't want her, except as a thing he can play with. . . . The male doesn't have to make any decision . . . only . . . scuttle backward, like a crayfish."[cxxv]

Unwittingly corroborating Shirley Lagrand's argument, State Representative Robert Steele of Columbus recalled that, "in 1982, he gave a former fiancée a $100 check to pay for an abortion." Steele "never verified," he rationalized, "whether the abortion had taken place. . . . I was not married. I was not campaigning on a pro-life agenda. At 24, I could care less about a lot of things. . . . He still opposes abortions and said he would support pro-life measures."[cxxvi] "Pro-choice activists said they are ready to fight any bill Steele introduces. Even without the pro-choice lobby group," the editor concluded, "Steele has an uphill fight. . . . Leading legislators have expressed a reluctance to tamper with Georgia abortion law."[cxxvii]

Carole Ashkinaze envisioned the tragedies and cost resulting from *Webster*: "R*oe v. Wade* has been overturned. Georgia is one of the nine states considered most likely to ban abortion outright. And yet, its teen pregnancy, infant mortality, and child abortion rates are among the highest in the country."[cxxviii] Lori Clifton Conway challenged every state legislator opposed to abortions: "Are you ready to . . . appropriate . . . millions, even billions for welfare" and "drug-addicted and birth defective babies" who could be "abused" and "unloved?"[cxxix] Chris Bolton told how "The guilt is thrown back on the pro-lifers because they have no practical solutions to these after-birth ills."[cxxx] State Representative Mary Margaret Oliver, democrat, planned to require a "spending authorization to care for . . . unwanted babies."[cxxxi]

The debate reported widely in newspapers spilled over into television. "Forty abortion rights advocates picketed a suburban Atlanta church . . . where an anti-abortion group was conducting a 'side-walk' counseling' training session. Chanting, 'Don't go inside' and 'don't kill women,' the demonstrators crowded around cars as they pulled into the parking lot of Mt. Vernon Baptist Church and tried to discourage visitors from attending." Abortion advocates "chanted . . . at passing cars and posted a 6-foot-tall inflatable Bozo the Clown along the road, a reference to . . . Ted Turner's recent comment that abortion opponents are 'idiots and Bozos'."[cxxxii]

In a speech in Los Angeles, referring to a pro-choice program, "Abortion for Survival," to be aired on his Broadcasting Station out of Atlanta, Turner promised to "give the other Bozos a chance to talk back. They look like idiots anyway."[cxxxiii] Later TBS "taped a panel discussion . . . between two anti-abortion advocates and two pro-choice supporters."[cxxxiv] "In a letter to the *Atlanta Journal and Constitution*, Wayne J. Brown of Tuskegee, Alabama indicated that he was "heartened" by Turner's "bravery in scheduling the pro-choice program on his station." Too many, he continued, were "cowed in the past by such Christian terrorists as Jerry Falwell and Donald Wildmon." It was "refreshing," Brown continued, "to see Turner stand up to

the anti-choice religious bigots who are using the abortion issue as a backdoor attempt to control people's sexuality."[cxxxv]

Conclusion

As noted, in 1989 in *Webster v. Reproductive Health Services*, the Supreme Court upheld a Missouri law that authorized individual states to further regulate abortions. In response, pro-life and pro-choice backers organized rallies and addressed voters, office holders, and candidates through the press and on numerous and varied public occasions.

While Supreme Court justices approached *Webster* within a legal framework, they also recognized practical implications of their decision. In his **concurring** opinion on *Webster*, Justice Antonin Scalia insisted that the issue of abortion ought to be moved from the courts to the political arena:

> The outcome of today's case will doubtless be heralded as a triumph of judicial statesmanship. It is not that, unless it is statesmanlike needlessly to prolong this Court's self-awarded sovereignty over a field where it has little proper business, since the answers to most of the cruel questions posed are political, and not juridical -- a sovereignty which therefore quite properly, but to the great damage of the Court, makes it the object of the sort of organized public pressure that political institutions in a democracy ought to receive. . . . We can now look forward to at least another Term with carts full of mail from the public, and streets full of demonstrators . . . .[cxxxvi]

Father Peter Dora of the Catholic Archdiocese of Atlanta agreed with Scalia that the issue should be left to legislatures, but for his own purpose. Dora stated: "I expect to see people respond to this window of opportunity" provided by *Webster*. This decision "gives ordinary people a voice . . . a chance to influence public policy like never before."[cxxxvii] Opposed to Scalia's analysis entirely, Anita Blalock maintained that "the decision to have" an abortion "is private and should not be taken over by any form of government."[cxxxviii] During one protest in conjunction with NOW, "120 pro-choice activists shouted: 'not the church, not the state, women must decide our fate!'"[cxxxix]

In a dissenting opinion, Justice Harry Blackmun, author of *Row*, argued that *Webster* is an

> implicit invitation to every State to enact more and more restrictive abortion laws . . . . The plurality . . . casts into darkness the hopes and visions of every woman in this country who had come to believe that the Constitution guaranteed her the right to exercise some control over her unique ability to bear children. The plurality does so either oblivious or insensitive to the fact that millions of women, and their families, have ordered their lives around the right to reproductive choice, and that this right has become vital to the full participation of women in the economic and political walks of American life. The plurality would clear the way once again for government to force upon women the physical labor and specific and direct medical and psychological harms that may accompany carrying a fetus to term.[cxl]

Carole Ashkinaze, Georgia citizen, concurred that *Webster* "has changed the whole tenor of the debate, maintaining that you" now "don't have to have sound legal or medical reasons for restricting abortions."[cxli]

With *Webster* licensing states to reconsider laws regulating abortions, nationally some assumed Georgia would further restrict or abolish abortions. Locally journalists and many elected officials were less certain, provoking heated public debate. Because pro-choice and pro-life supporters defended their interests so determinedly, this rhetorical intransigence brought efforts to ride *Webster* to new legislation limiting abortions in Georgia to a standstill. The more vocal the two sides became, the more cautious were many elected officials and candidates. Pro-choice supporters capitalized effectively on these leaders' worries about shifting voter preferences. Upon checking all Acts passed by the Georgia General Assembly in 1989, I found none on abortion.[cxlii]

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ORIGINAL ARTICLE

Developing Intellectual Virtues in the IPDA

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Participation in IPDA can help debaters sharpen how they think and develop good intellectual virtues. Recent work on intellectual virtues by Professor Jason Baehr of Loyola Marymount University, and other scholars, provides some helpful concepts for IPDA coaches to use in fostering good thinking. This essay argues that coaches can and should help students cultivate intellectual virtues. This cultivation will help students grow as thinkers, debaters and promote a more vibrant intellectual community for IPDA. This essay will discuss what intellectual virtues are, why coaches should develop them and how IPDA can foster four particular intellectual virtues.

What are Intellectual Virtues?

Baehr (2013) says "an intellectually virtuous person is one who desires and is committed to the pursuit of goods like knowledge, truth and understanding" (p. 248). Baehr in Dow (2013) notes "your intellectual character consists of your inner attitudes and dispositions toward things like truth, knowledge and understanding" (p. 11). He explains:

> This is because good or "virtuous" intellectual character is marked, first and foremost, by a deep and abiding love of truth, a desire to know and understand things as they really are. Virtuous intellectual character also involves a number of other traits that arise from a love of truth, including inquisitiveness, attentiveness, intellectual carefulness and thoroughness, fair mindedness, open mindedness, intellectual courage, caution, tenacity and rigor. (p. 12).

Baehr describes the contrasting traits including intellectual laziness, carelessness, superficiality, narrow mindedness, and dishonesty. He calls these "intellectual vices." Ideally, persons seek to develop these virtues and avoid these vices.

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Intellectual virtues are acquired character traits which require effort to cultivate and develop. Roberts and Wood (2007) believe "…a human virtue is an acquired base of excellent functioning in some generically human sphere of activity that is challenging and important" (p. 59). For example, contrast the thinking patterns of Student A who reads primary sources diligently and thoughtfully engages opposing ideas, with those of Student B who skims secondary sources and tends to avoid reading ideas that oppose his or her own perspectives. Student A is developing traits or habits that would be intellectually praiseworthy.

King (2014) notes several important features of intellectual virtues, and two of them are central to this discussion. First, virtues are acquired and require practice to develop. He argues "Someone might be born with good vision or hearing, but no one is born with intellectual courage, open-mindedness, or perseverance. We have to get the virtues through instruction and practice." Second, they are dispositions of excellent people, not mere skills:

> Intellectual virtues are excellent character traits. They are features that make a person excellent as a person. As traits of character, intellectual virtues aren't mere faculties or skills. Good eyesight isn't a virtue in this sense. Nor is mathematical skill. Important as these may be, they aren't by themselves virtues, and they aren't central to our evaluation of persons as persons. To put it bluntly, being intellectually courageous makes you a better person in a way that good eyesight and mathematical skills do not. As traits of character, the intellectual virtues are what philosophers call dispositions to perform in certain ways under certain circumstances. (King 2014).

This means IPDA coaches could help debaters develop abilities that would serve them as human beings as well as debaters.

Lists of Intellectual Virtues

There is not one definitive list of agreed upon intellectual virtues, but there are many works that list a variety of similar ideas. Baehr (2015) lists curiosity, intellectual humility, intellectual autonomy, attentiveness, intellectual carefulness, intellectual thoroughness, open-mindedness, intellectual courage and intellectual tenacity (p. 36) Dow (2013) lists intellectual courage, intellectual carefulness, intellectual tenacity, intellectual fair mindedness, intellectual curiosity and intellectual honesty and intellectual humility (p. 12). Paul and Elder (2014) offer intellectual humility, intellectual courage, intellectual empathy, intellectual integrity, intellectual perseverance, confidence in reason and intellectual autonomy (p. vii). In these lists, and others, there are some overlapping expressions about particular virtues even if the authors use different language for similar concepts.

Why Should the IPDA Foster Intellectual Virtues?

Development of good thinking skills is an important function of debate. Yet virtues education is about more than skill development. It is about fostering a good intellectual character. Coaches should develop students who are virtuous and not manipulative in their use of arguments, evidence and ideas. Coaches should also develop practice routines and team norms that reinforce good thinking habits. The assumption is that practicing these virtues can help thinkers develop positive habits, which become traits of a debater's character.

Some voices might say teaching virtues are secondary to teaching debate skills and winning tournaments. Those voices might say building a winning program and thus securing school funding are more important goals than having philosophical discussions. These perspectives seek to elevate practical considerations at the expense of other educational objectives. Yet there are two compelling reasons why coaches ought to promote the discussion and development of intellectual virtues on their team.

First, teaching intellectual virtues is consistent with a classic Greek education. Aristotle, Quintilian and other classical thinkers wrote on the importance of a speaker's character. They argued who speakers were mattered in addition to the logical and emotional proofs they used. The IPDA Textbook (Franklin, 2016) calls on speakers to "…hold to high ethical standards in their presentation" (p. 55). Character is both formed, and displayed in the round. The degree to which debaters are careful or careless in handling facts reveals their intellectual character.

The Chronicle of Higher Education notes that professors often encourage development of intellectual virtues, if a bit unreflectively. It argues "We would do much better to take the time to think through what the central intellectual virtues are, why they are so important, and how they should be integrated into our curricula" (Schwartz and Sharpe, 2012). Perhaps debate coaches are relying on an implied understanding of the virtue of honesty when they instruct students to not fabricate sources, or the virtue of fairness when they teach how to properly read statistics from the Department of Education's website. This implied understanding may be seen in the IPDA Textbook (Richey, 2016) which notes "it becomes the ethical responsibility of the debaters to not lie or misrepresent material in a fashion to purposefully confuse or confound the judge" (p. 31). Coaches who provide a more overt discussion of intellectual virtues and how they shape thinking will yield debaters who think better, and are likely to debate better.

The nature of IPDA requires students to examine and argue a wide range of subjects. It stands to reason IPDA debaters should consider the intellectual virtues at least as another field of study. Debaters should also see this as a rich body of knowledge to help inform their patterns of thinking which they carry into debate rounds, and into their classrooms.

Imagine a coach spending time discussing the virtue of honesty, establishing why honesty is important inherently, and why academic honesty is important in the context of one's own university as well as in the debate community. Coaches are educators, normally with graduate degrees and a faculty appointment. As such they have responsibility to uphold the values and virtues of their university. If coaches overtly discuss honesty, whether in a lecture or discussing why their university opposes plagiarism, students will be better equipped to understand the foundation for honesty. This creates a greater likelihood of their being honest in their research and debate habits.

Second, debaters should be more than sophists with mere technical training. Coaches ought not simply teach the best way to win or tricky ways to win without some examination of the rationale behind patterns and habits they are endorsing. The habit of some NPDA negative teams to always run topicality no matter what is inconsistent with intellectual honesty. Perhaps a team will win many rounds by running topicality, but the question remains, is that an honest practice? Does a pattern of automatically claiming the affirmative is not topical (when they are in fact topical the clear majority of the time) promote intellectually honest thinking? And is that a recurring pattern of

thinking coaches wish debaters to glean from the activity? The overt exploration of intellectual virtues causes educators to ask deeper questions about what they are teaching and why.

Debate should provide more than technical skill. Coaches should help students understand what undergirds their thinking. Students need to know the WHY and not simply the HOW of argumentation. Many coaches provide instruction on how to turn an argument, or how to use a model of refutation. Many coaches teach lessons on logic or Toulmin's model of argument. Such practical knowledge of argumentation strategy will be stronger after an examination of thinking patterns and dispositions. Students would then know why they are using a particular strategy.

There are plenty of persuaders in the world with polished delivery and technical skill. Some of them may cut corners, fabricate proof, or exaggerate the efficacy of their claims for the sake of winning. Perhaps IPDA could promote both the development of argumentation and communication skill, along with a concern for virtuous thinking. IPDA could help students develop thinking dispositions rooted in classical excellence.

How Can IPDA Foster Four Intellectual Virtues?

Skills are developed by constant practice. Affirmative debaters running rebuttals repeatedly get a sense of how long those short three minute speeches are, and they develop a sense of how long to spend on key points. Debaters looking up statistical data for several economics related topics become familiar with the best sources of such information and how to read and analyze that type of data. Likewise, repeated exercises to develop intellectual virtues can help debaters become oriented to thinking in a certain way. Over time that may become a disposition and part of their character.

Baehr (2015) notes that pursuit of intellectual virtues causes students to learn in a new way:

> …an intellectually virtuous person is one who thinks and inquires in ways that are open, honest, fair, careful, and courageous out of a desire for an understanding of important subject matters. She is not content with simply memorizing what others (including her teachers) have to say; nor is she satisfied with a superficial or cursory grasp of important topics. She wants to know why things are the way they are, how they have come about, how they work and relate to each other, and so on. She desires deep understanding. (p. 7).

IPDA would benefit from students seeking deep understanding. Practice rounds are a great place to foster such habits. Several examples follow of how coaches can promote four specific intellectual virtues.

Baehr (2015) notes "we can and should narrow our focus to a limited number of 'target virtues'. That is we should consider the question 'which specific virtues (e.g. curiosity, open mindedness, etc.) do I want to focus on with my students this semester" (p. 5). He suggests between two and five as to work on specific types of thinking. Following that advice, this essay focuses on developing four intellectual virtues: Attentiveness, intellectual humility, intellectual honesty/fair mindedness, and intellectual carefulness.

Attentiveness

Baher (2015) describes attentiveness as "a disposition to stay focused and stay on task; notices and attends to important details" (p. 5). The Intellectual Virtues Academy (2017) website defines attentiveness as "readiness to be personally present in the learning process." Attentiveness means listening to others by being fully present in the moment of conversation and the exchange of ideas.

Attentiveness requires effort and energy to focus and listen honestly. Some debaters can be prone to automatically dismissing the claims of opponents without really listening or listening carefully to them. The very format and competitive nature of the activity requires a clash of ideas and a forced choice for decision-making by a judge or audience. But a virtuous attentive debater will take the time to listen deeply to the claims, evidence and reasoning of the opponent, and then respond in an appropriate fashion. Opponents ought to receive the best focused attention from each other.

Imagine the affirmative arguing for the resolution "The United States federal government should increase the federal minimum wage." Perhaps the affirmative has argued that increased wages lead to a higher quality of life in urban areas that have already raised their minimum wage above the national requirement, and increased the number of jobs in such a community. The affirmative may have some new or nuanced arguments and examples on this classic resolution. Negative debaters who simply respond "no" and use counter examples and counter claims as an automatic response will miss a full engagement of the argument. Negative debaters ought to consider the affirmative claims by listening carefully to them, and believe the affirmative must have found some proof or a clear link. Negative debaters should give a full hearing to the affirmative, and then clash directly with their ideas clearly and accurately. Both sides ought to listen to each other in this fashion. Making the effort to listen to the opponent, and starting from a disposition that the opponent is being honest and has a worthy claim to consider is virtuous.

Some specific coaching strategies to promote this virtue could include the negative not flowing a practice first affirmative speech but listening to what is being said, and then summarizing the speech back to the coach and affirmative debater. Multiple negative debaters could respond to this same speech in this same way. The goal is to develop focused listening skills and cultivate a habit of deep listening. Another strategy could be to develop paraphrasing drills to sharpen listening skills. After a practice first affirmative and first negative speech, coaches could ask the squad for description (what did you hear), inference (why might the debater have come to that conclusion) and then move to refutation (how can you respond accurately to what was said). The IPDA Textbook (Strange & Franklin, 2016) also includes helpful ideas on teaching listening (p. 20). These skill exercises may help cultivate the practice of focused listening as a disposition.

Intellectual Humility

Baehr (2015) calls intellectual humility "a willingness to own up to one's intellectual limitations and mistakes, unconcerned with intellectual status or prestige" (p. 17). Roberts and Wood (2007) concur, saying "as the opposite of intellectual arrogance, humility is a disposition not to make unwarranted intellectual entitlement claims on the basis of one's (supposed) superiority or excellence…"(p. 250). Dow (2013) describes this virtue as "an attempt to see ourselves as we really are" and having "an honest

appraisal of the capacities and limitations of our minds…" (p. 70). Intellectual humility calls thinkers to recognize the limits of their own claims and knowledge. This practice should lead to making more careful and accurate claims.

The Foundation for Critical Thinking (2017) argues that "intellectual humility depends on recognizing that one should not claim more than one actually knows. It does not imply spinelessness or submissiveness. It implies the lack of intellectual pretentiousness, boastfulness or conceit, combined with the insight into the logical foundations or lack of such foundations, of one's beliefs." Knowing these limits would be helpful to debaters when they might tend to make errors in reasoning or in overstating their claims. This trait promotes a healthy sense of assessing one's thinking, and eschews a haughtiness and unhelpful pride.

Perhaps borrowing from Toulmin's model of argument would be helpful. Many debate courses and team practice sessions introduce students to the six-part model of argument developed by British logician Stephen Toulmin. He presented the data-warrant-claim triad as the foundation for argument (1958). Then he presented the qualifier, backing and rebuttal. The qualifier is the limit or scope of the argument. In making claims, debaters identify the scope of the argument, making choices like "always," "sometimes," "occasionally" or "never." Debaters signal they know the limitations inherent in their claim.

The rebuttal, also called the reservation, indicates the conditions under which the argument is not true. Debaters might argue "The United States federal government should increase the hourly minimum wage to $15, except in farm communities." The reservation might be that farm communities could not sustain a workforce if the minimum wage had to be at that level, and debaters are exempting that farm context from their argument. This shows debaters are aware of the limits of their argument. Developing this virtue of intellectual humility can help debaters resist the temptation to overstate claims, or make absolute claims that are not entirely true. Coaches could teach the Toulmin model and emphasize making careful, clear and cogent claims.

Intellectual humility means you are open to learning from people you disagree with (Lamothe, 2014). As debaters are forced to argue for or against a resolution, they should be looking to learn about the topic and about displays of intellectual skill from their opponent. In a macro sense, beyond wins and losses at tournaments, debaters should be learning about many subjects in addition to developing good debating, speaking and thinking skills. During a 2015 tournament, the author saw the affirmative argue for legalizing polygamous marriage in the United States. The negative countered with a call to eliminate marriage as a legal construct altogether, rather than defending marriage as a two-person institution. Both debaters appeared surprised by the position of the other. The intellectual virtue of open mindedness would mean one is willing to examining ideas not previously considered, and intellectual humility calls on one to not make claims about matters not fully researched or thought through.

The intellectual virtue of open mindedness keeps thinkers open to learning about varied beliefs and opinions, and intellectual humility keeps the conversation more honest. Humility can help capitalists and socialists, progressives and social conservatives and urban and rural dwelling students each learn from one another. Humility fosters this sense of continued learning, relying on listening to what others say, to listen attentively and without prejudice, to hear the claims of others on their own

terms. Lamothe (2014) notes “when we are more engaged and listening to the other side, the disagreements tend to be more constructive." This appears true in both conversation and in IPDA rounds.

Some specific coaching strategies could include focused work on Toulmin’s model with attention to the qualifier and reservation. Debaters could offer the same claim with varied qualifiers to better understand how to make a claim with the most accurate scope.

Debaters practicing intellectual humility recognize the limits of their own knowledge, and do something about it. Debaters could also list recurring or likely recurring debate topics about which they are under informed, and then set out to learn more about those topics. Imagine a debater drawing a topic on Saturday that she knows little about. The following week she commits time to reading on this topic, especially if it is likely to be a recurring one. This might be a simple pragmatic choice i.e. "it is likely we will discuss the Electoral College all season so I should learn more about it." Or it could be a realization "I know very little about this topic and if I am going to engage in discourse at and beyond tournaments, it would be good to learn more so I can argue from an intellectually honest point of view."

Intellectual Honesty – With Fairmindedness

Dow (2013) describes the goal of intellectually honest people is to communicate with integrity. Such people are “…consistently careful to not use information taken out of context, to distort the truth by describing it with loaded language or to otherwise mislead through manipulation of statistics or any other types of supporting evidence” (p. 61). Paul and Elder (2014) define fairmindedness as "being conscious of the need to treat all viewpoints alike, without reference to our own feelings or selfish interests, or the feelings of selfish interests of our friends, company, community or nation” (p. 26). This trait calls for debaters to treat evidence and opponents, in fair handed fashion. Claims and evidence should be presented appropriately and accurately, not slanted or taken out of context. Debaters should approach all arguments in a round in this fair-minded way.

Debaters should consider the arguments of others with good will. Debaters ought not start from the standpoint of "this is a weak claim" but give opponents the benefit of the doubt, thinking they have made serious and strong claims that require investigation. (An opponent’s claims may in fact be weak but debaters should not start from that premise automatically).

Intellectual charity invites debaters to treat the claims of the other in an honest and respectful fashion. Debaters acknowledge the claims of their opponent without distortion, exaggeration or in an ad hominem description. Roberts and Wood (2007) argue for treating the ideas of others with care and a critical and fair reading, just what one hopes to experience from others (p. 74). This practice promotes virtue development and enhances civility in a fair debate. This also means to apply standards of rigor equally to all claims in a debate round or conversation.

In the world of NDT, CEDA or high school Lincoln-Douglas debate, there are often key arguments and sources of evidence that many debaters, coaches and judges

have read. When debating one resolution repeatedly every weekend, a debate community can be more aware of key data, and strengths and weaknesses in recurring arguments. This might make it harder for debaters to fabricate evidence, especially with an option for judges to ask to see pieces of evidence after a round.

However in IPDA printed sources of evidence are not permitted in the round. It is quite possible the affirmative and negative find different sources of evidence that honestly support their respective sides of the resolution, and judges must weigh this evidence accordingly. Some debates end up with a "he said/she said" contest of evidence. Success in the round relies on a premise that both debaters have investigated the resolution in good faith and have discovered conflicting bits of proof. But fabrication of evidence is dishonest and a lazy way out of a problem. IPDA does not have a strong mechanism to catch and punish fabricators. Rather it seems up to coaches to foster a climate of intellectual honesty to instruct students to make claims based fairly and honestly on the data they have on hand. This requires coaches to foster this value and get students to internalize it and act on it.[2]

A prevailing idea is that requiring students to debate for a position they oppose helps them better understand that topic. Making the Republican leaning student defend the Affordable Care Act helps the student better understand the facts and details of that legislation, and the arguments for it. Students may or may not leave the round convinced by their own argument, but they have been better informed about the merits and facts on the other side, and how to describe them in fair terms. That is an educational good.

Debating on the other side of a resolution is also good practice for better preparing students for work in their vocation. Such a practice prepares students for making legal arguments in court by defending the likely claims of the other attorney or prepares salespeople for anticipated objections from clients and suppliers. Over the course of an IPDA season students will have ample opportunity to debate popular topics of the day, and draw assignments they agree and disagree with. The Keystone XL Pipeline was a popular topic on the author's circuit for several years. Students had many opportunities to research and argue this topic. The IPDA Textbook (Franklin, 2016) notes “fairness involves being open minded and seeing both sides of an issue” (p. 56). Arguing on both sides of a recurring topic gives debaters opportunity to conduct honest research and help foster a deeper intellectual exchange. And this can help build intellectual charity by forcing students to learn at arguments in a fairminded way, and hoping that opponents will respond in kind.

Some specific coaching strategies could include coaches presenting three pieces of evidence and asking students for reasonable claims that could be made from this proof. Coaches could discuss when someone overstates the claim or misconstrues what the evidence is saying. Then the table could be turned, and coaches could present some arguments that are not honest. Students could practice how to respond to such dishonest claims in clear, civil and honest ways. Another strategy is to discuss statistics and how

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[2] Perhaps this is another place where topic disclosure by the affirmative can promote integrity and honesty in the round. See Ingram for a discussion of when debaters disclose in an intellectually dishonest fashion.

to properly and honestly interpret them. Coaches could give students a data set and opportunity to apply what they have learned.

Intellectual Carefulness

The last intellectual virtue is carefulness. Dow (2013) notes that:

> Those who are intellectually careful earnestly want to know the truth; thus they are reasonably and consistently careful that they do not overlook important details and habitually avoid hasty conclusions based on limited evidence. They are patient and diligent in their pursuit of knowledge. (p. 34).

This virtue is a disposition to notice and avoid intellectual pitfalls and mistakes, and not rush to judgement.

Dow (2014) cautions against jumping to conclusions without a careful examination of the facts and connecting arguments. He uses the example of the shooting of Michael Brown in Ferguson, Missouri in 2014 and a subsequent rush to judgement in the press about what happened, and about the motives of members in that community. Sadly, there are many such examples where people jump to conclusions before details and information are known. Dow discusses the March 2006 story of three male Duke University lacrosse players accused of rape. There was a significant media backlash against them and their sport. Later the investigation showed the accusations against the three lacrosse players were baseless and false. Dow wonders what would have happened if a jury had rushed to judgment as media reporters did.

Dow (2014) argues the intellectually careful thinker looks for precision in argument. He offers the example of "In the academic world, neglecting to use quotation marks and not citing a source can mean expulsion for students, and the loss of a job or a severely damaged reputation for professions. Plagiarism is often intentional, but quite regularly it is simply the result of intellectual carelessness." Precision in stating claims, dates and facts is essential. The limited time frame for preparation in IPDA could lead some debaters to jump to rapid and incorrect conclusions without a careful consideration of the facts. Coaches should not let limited preparation time justify bad habits of failing to verify claims or facts, or rushing to a conclusion based on just one example.

Imagine Jay draws affirmative on "The Golden State Warriors will win the NBA title" and Lynn draws affirmative on "The new iPhone will outsell Android phones next year." Both resolutions require the affirmative to make predictions about a future outcome. Imagine both affirmative students know little about their respective topic areas. They will read furiously to learn about the pertinent facts on the current NBA season and the new technological features of the iPhone respectively. If the students are both comparatively not very informed about these realms of sports and technology it would be quite easy for them to accept the first numbers they find and use them as the basis of a claim. Jay might take the musings of the first experts found on ESPN.com and use that alone to frame the argument. Lynn might take the first predictions from Ars Technica and use that as the sole evidence. Even when students are debating in realms outside of their knowledge base, they should look for good evidence from a variety of sources. They should take time to get a good overview on the topic area so

they can make informed claims. (This is also type of intellectual perseverance, to keep looking for good claims and evidence, and not simply take the first easy bits of data that come to mind.) It is also a way to avoid the fallacy of hasty generalization.

Some specific coaching strategies could include making debaters finding more than one example or more than one source before they may advance a claim. Coaches could require students to have evidence from multiple sources, not simply two examples from the same CNN story. This could foster both research skills and the habit of looking more broadly for proof.

To develop these traits and avoid intellectual laziness of simply taking the first bits of information, coaches might use practice rounds to force students to debate outside of their preferred knowledge bases. Coaches should make the sports fans debate topics on entertainment, make the political science students debate technology and make the users of social media debate about international politics. This would not only develop skills in identifying pertinent data and careful argument creation under time pressures, but would further develop the habits of doing this in a systematic and honest way, and help cultivate the habit of careful thinking.

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F O R U M

Editorial Note: In 2014, this journal began a Forum feature in hopes of stimulating a productive, reflective discussion among the members of our association. In that issue, a variety of viewpoints were solicited around the issue of case disclosure. Case disclosure remains a point of interest and continues to generate contributions. As before, they are reprinted here without editorial intervention beyond copy-editing and proof-reading.

An Analysis & Rebuttal of In Defense of Topic Disclosure

Nakia Welch[1]

One of the more highly discussed debate concepts in the IPDA in recent years, has been that of disclosure, specifically the Affirmative's disclosure to the Negative of the framework of the Affirmative's case, shared during the preparation period of a debate round. The IPDA journal has produced a variety of essays and forums discussing the concept in several of its most recent issues. In the latest issue, Ingram (2017) provides a more in-depth article defending disclosure in debate, offering case studies as examples and retorts to arguments presented by Duerringer & Adkins (2014) and Richey (2015) against disclosure in previous issues. This essay will address (a) the arguments presented in the eighth volume of the IPDA journal article In Defense of Topic Disclosure, with particular focus on the flaws of the evidentiary case studies introduced as support for disclosure within the article and (b) expanded arguments previously presented regarding the disadvantages of disclosure, some of which were not addressed.

Coaching and teaching students the brilliant extracurricular activity of competitive debate requires instruction about both effective delivery and debate theory. It is in my opinion that many of the issues identified as weaknesses within the IPDA, particularly regarding the practice of disclosure, are attributed to a lack of

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understanding by students of the latter, a fundamental understanding debate theory, or the rules of the competitive "game" (Duerringer & Adkins, 2014 p. 20) of debate.

The fundamental premise of disclosure is to provide the Negative the opportunity to combat unreasonable and seemingly unfair definitional practices by the Affirmative. Ingram presents three case studies to affirm the argument where the Negative was, in his opinion, placed in an unfair position where winning the round seemed difficult at best and impossible at worst.

Analysis of Case Studies

Ingram (2017) presents great overall theoretical arguments as to the value disclosure could provide in debate rounds, introducing three case studies where proper use of disclosure would have been, in his opinion, beneficial. However, this paper argues disclosure (a) is not necessary, (b) frequently is not practical, (c) often does not solve for the problem disclosure is theoretically designed to solve, and/or (d) can actually result in more convolution than clarity in a debate round. The case studies presented in Ingram's original article as evidentiary examples of the need for disclosure will each be addressed with an explanation of how the practice of disclosure in those instances fail to fully support the original argument for affirmative disclosure. To use basic policy debate arguments: (1) the harms presented are not significant and/or the status quo already provides solvency to the harms, (2) the plan cannot or does not address the presented harms, and/or (3) solvency is not achievable based on the arguments presented.

In the Case 1 example, at a tournament held in October 2011, the resolution was "The primary season is already over." I agree with Ingram that many observers would interpret this resolution as related to the political primary season, even though the election remained more than a year away. However, the Affirmative's definition of the resolution establishing "primary season' as the primary season for agriculture and vacation, created grounds for a (a) topicality argument as the link between "primary season" as it relates to agriculture and vacations is arguably not reasonable, a concept eloquently explained by Richey (2015), and (b) a tautology argument. The poor definitional analysis, or link as described by Duerringer & Adkins (2014) by the Affirmative creates the opportunity for the Negative to counter with an established counter within debate theory, which results in a Negative ballot for the infraction. This case study is a perfect example of a tautology whereas the resolution as defined is presented as a truism and thus a prima facie case is not established by the Affirmative, thus resulting in a ballot for the Negative. In essence, the Affirmative was arguing that the primary season for agriculture and vacation is prior to October.

It is common knowledge that crops are typically planted in the spring, grown throughout the summer and harvested in the fall. Additionally, vacation "season" is traditionally during the summer months, although it is understandable that vacations also occur in all months, often during the holiday season and/or late winter/early spring. During one's preparation period, one of the fundamental practices is to define the terms of the resolution. A simple dictionary.com (2017) search would present a variety of definitions for the term "primary," as being (1) first or highest in rank or importance, (2) first in order in any series, (3) first in time, (4) relating to, or characteristic of primary school, (5) constituting or belonging to the first stage in any process, (6) of the nature of the ultimate or simpler constituents in which something complex is made up, and

(7a) original or (7b) pertaining to being a firsthand account, such as in primary research. Using definitions 1-3 and/or five of the seven offered definitions demonstrates that primary, and especially how used by the Affirmative, means the Affirmative's case is a tautology. Planting crops must occur first/early in the "agricultural season" thereby the affirmative case is a truism. As the time of the tournament was in October, the tenth month of the year, any vacations that occurred during the first nine months of the year occurred during the "primary" months and thus again, the resolutional analysis is a truism.

A debater who is familiar with debate theory should easily identify the flaw in this affirmative case and negate the entire case with the truism argument, regardless of whether disclosure existed or not. While it is understandable the response of this author may not be typical of an undergraduate debater, (a) I recognized the tautological definition and arrived at this counterargument within three minutes of reading the explanation provided by Ingram, and (b) upon consultation with an individual who has never debated but has served as a judge, primarily in IPDA rounds identified this same flaw in the definitions within five minutes. Having a basic understanding of debate theory would allow for a negative debater, regardless of his/her level of experience, the opportunity to easily address an affirmative case such as this.

In Case 2, at a tournament held in March 2015, the resolution was "America should drink less Koch." I must disagree with Ingram's opinion that "Most observers would look for a debate centered on the influence of wealthy Wisconsin brother Charles and David Koch funding Republican candidates." I attended this tournament and recall the debaters, both the Affirmative and Negative, from this specific round presented as Case 2, discussing the round with me afterwards. First, we must recognize that debaters are primarily undergraduates, absent of the accumulated wisdom and knowledge seasoned coaches may have. While it is arguable that a well-educated college student, especially a debater would obviously make the connection between the name Koch and the Koch brothers regarding Republican candidates, it is only arguable and certainly should not be expected. As this debate occurred in March, it was 18 months before the presidential election, at a time when reference to politics is not an automatic thought response (even though admittedly it now seems there is no starting or stopping points to the political season).

Second, while many debaters have the luxury of consulting his/her coach and/or teammates for assistance in making the connection, not all debaters always have that luxury. In this case, this undergraduate debater had absolutely no knowledge about the Koch brothers in regards to politics. In an effort to prepare for the round, the debater did as many debaters do and Googled the name Koch. The first 10-15 results related to a variety of Koch results involving manufacturers and fertilizers, the founder of Samuel Adams beer – Jim Koch, as well as a few articles regarding the Koch brothers' contributions in politics. The debater used context clues within the resolution, as is common practice by debaters to more narrowly identify the context of the resolution, and noticed the words "drink less." The debater made a connection between Koch and drink with the theme of results related to beer consumption.

It is easy to pass judgement on an undergraduate debater's decision making, but we must recognize (a) the debater's inexperience, especially as compared to coaches and/or more seasoned debaters, (b) the pressure of researching and developing one's case within a limited amount of time, and (c) especially when a debater does not have

the luxury of a coach and/or multiple experienced teammates contributing to one's case. Ingram presents as evidence for disclosure his opinion in this case study that to the judge, the debater was maliciously attempting to "employ tricky definitions and narrowing the topic specifically to catch the negative unprepared" (Ingram, 2017, p. 20). We must be careful not to confuse ignorance and/or inexperience of a debater with malicious unethical behavior in debate. While it is understandable that some debaters may engage in this type of behavior, in the case study presented, this was not the situation.

Finally, regardless of whether the resolutional analysis was in an attempt to catch the Negative off guard, the case, although it may have not been ideal, was debatable as presented. While the Affirmative presented a case that was in a direction unexpected to the Negative, a skilled debater could still easily identify arguments against drinking less beer, less Samuel Adams in particular, or whatever other arguments were presented by the Affirmative; individuals are often exposed to arguments promoting the consumption of beer, which is the position the Negative was to take based on the Affirmative's analysis and definitions. These quick critical thinking skills, referenced as one's ability to think on his/her feet, as presented by Duerringer & Adkins (2014) and Key (2009; 2014) are a valuable component of the educational aspect of debate.

In Case 3, at a tournament held in January 2012, the resolution was "Christian Bale is the best Batman." In this round, the Affirmative disclosed he would run the resolution literally as Christian Bale, the actor, is the best performer of the Batman character among the various actors who has portrayed Batman through the years. As the round began, the Affirmative defined "Christian Bale" as "Mitt Romney" and defined "the best Batman" as "the best Republican candidate for president." I agree with all of Ingram's arguments assessments regarding the deceit of the affirmative debater and its harms to fairness, ethical practices, etc. However, this Case 3 evidence actually supports the arguments why disclosure should not be allowed as a common practice in debate.

First, the argument must be raised that creating a rule only allows for abuse of that rule, especially by a debater who is unethical in his/her approach and participation of the activity. If a debater is willing to engage in what many view as cheating, disclosure only perpetuates and further allows for these unethical practices to continue. If a debater is willing to ignore the rules of debate and deceive, disclosure will not somehow miraculously influence that same debater to no longer engage in deceit.

Second, as stated in previous arguments, there exists rules/procedures in debate that are available to the negative debater to combat clear abuses by the affirmative debater, especially in cases such as this. The bright-line argument, as mentioned earlier allows the negative debater to offer topicality arguments to the judge as a check and balance in debate. The negative debater can make the argument, not only that the affirmative debater deceived him/her by disclosing something completely different, but even with that deceit, the resolutional analysis is absurd and unreasonable and thus should result in a ballot for the Negative.

Finally, as this case study presents, disclosure only causes more problems and detracts from the educational process of the activity. In the case study as presented, it seems the negative debater would raise objections to the resolutional analysis based on

the claim the affirmative debater deceived him/her by disclosing a completely different direction and definitions of the terms. The affirmative debater can simply dispute those claims to the judge stating he/she disclosed the direction exactly. The judge was not part of the disclosure process, thus it becomes a "yes I did – no you didn't" argument that consumes much of the time reserved for debate. Remember, it is reasonable to assume that a debater who is willing to deceive in such an obvious manner during disclosure would also actively lie about his/her previous deceit to the judge during the debate round! The entire debacle could be avoided if disclosure was not allowed in the first place. In theory, the affirmative debater would be more hesitant to define in such an absurd manner if he/she knew a topicality argument would result, especially if the option of disclosure was not allowed, thus improving the education and fairness of the debate round.

Obstacles/Issues Related to Disclosure in the IPDA, Both Addressed and Unaddressed

One of the major contentions concerning disclosure is the lack of an agreed upon definition of what disclosure actually means. As there is no universal definition, the Affirmative must walk the line between "telegraphing [one's] strategy" (Duerringer & Adkins, 2014, p. 14) to the Negative and providing "a vague gesture in the general direction the round might go" (p. 19) as explained, based on an elaboration by McMullin (Duerringer & Adkins, 2014). While Ingram's definition of disclosure as "the affirmative providing the negative with one or two sentences that accurately describe the affirmative approach to the topic before five minutes have elapsed in the preparation time" is noble, it is at best difficult or impractical and at worst it creates a plethora of problems that may prove to convolute the round further than if disclosure was not allowed nor attempted in the first place.

The first obstacle with the practicality of Ingram's definition concerns the word "accurately" in one's attempt to communicate the topic. Accuracy of message, as communication scholars can attest, is difficult to communicate, specifically within one to two minutes and especially within five minutes of having selected the resolution of the debate round. There is a reason the IPDA affords competitors 30 minutes of preparation time. Adequate preparation time is necessary to fully develop an understanding of one's case and prepare it for more accurate communication. If a competitor is fully capable of determining an accurate and adequate debate case within five minutes, then it seems IPDA is very inefficient by allowing 30 minutes of preparation!

There are a series of questions this paper raises concerning the requirements established in Ingram's definition of disclosure. First, what happens if the affirmative debater has not determined his/her resolutional analysis within the five minutes? What if it doesn't occur even within ten, or 15? As a former debater, there were numerous occasions where I did not arrive at my affirmative approach of the topic until 20 or more minutes of time had elapsed; sometimes it finally occurred to me what to present during the final five minutes of preparation time as I was walking to the room to debate.

Second, what is the protocol if a debater, who is required to announce his/her approach to the topic within five minutes changes his/her mind, especially after having conducted further research concerning the topic? Is the affirmative debater not allowed to institute a change from the initial resolutional analysis? Arguably, such a requirement

on the affirmative to would tip the favor of competition to the negative who has been "telegraphed" the play of the affirmative before the start of the round. For example, what if, upon looking at the resolution "America should drink less Koch," the affirmative initially directs the negative that the round will be about the founder of Samuel Adams, Jim Koch (as is a legitimate interpretation of the resolution now that the readers of this IPDA journal are more familiar with this beer founder). Upon further reflection and during the preparation period, the affirmative realizes/learns about the Koch brothers by reading about their scrutiny in the news for their contributions to the Republican political party and the affirmative then wants to change the resolution to take more of a current event approach. Is the affirmative debater suddenly tied to that original analysis without the benefit to maneuver his/her scope and direction based on what he/she learns during the preparation period? Re-informing the negative of the change in analysis only opens the door for the negative to argue abuse and unfair tactics for changing the direction of the case after 15 minutes of preparation as the negative will argue he/she was only provided 15 minutes of preparation time whereas the affirmative had a full 30 minutes! If the argument remains that it is the prerogative/right of the affirmative debater to change his/her direction if this is to occur, then what is the purpose of disclosure in the first place? This would produce an experience not unlike the Case 3 as described in Ingram's original article, thus circumventing the argumentation in support of disclosure in the first place.

Third, what is the protocol if the resolutional analysis fits within the parameters of Ingram's definition, i.e. is 1-2 sentences and provided within the first five minutes of the round and is, in the Affirmative's mind, accurate, however is not viewed as entirely helpful by the negative? Equivocal interpretations and explanations can result from expanded disclosure regarding the direction of the round by the affirmative. This could even result in the strategy described in Duerringer & Adkins (2014) article concerning the apparent lack of usefulness of the disclosed information to the negative. This could result in yet another distraction within the debate round in which the negative spends time, and thus requiring the affirmative to conversely spend additional rebuttal time, on the argument of unfair sportsmanship derived from the lack of clear debate direction stemming from the equivocal and unhelpful disclosure. At what point is the line drawn that absolves the affirmative from these claims yet does not overstep the idea of "fairness" as advanced by Duerringer & Adkins (2014), Richey (2015) and others?

Fourth, how does disclosure discourage pre-prepared, or canned, cases? One of the fundamental hallmarks of the IPDA format is the emphasis on original debate ideas, formulated during a brief preparation period for the exclusive purpose of debate for that specific debate round. Shouldn't we be suspicious of any debater who has a specifically narrow case, arrived at within minutes of receiving the resolution, especially when the resolution is not "straight up" as described by Duerringer & Adkins (2014), such as when the resolution is a proverb? While this author agrees with Ingram concerning the example advanced by Duerringer and Adkins regarding the resolution "We should work smarter, not harder" would benefit from some disclosure to the negative narrowing the idea to "oil," however, one should be skeptical about the organic nature of a case when a debater can make this leap within five minutes of receiving the resolution. Certainly the link to the resolution is valid and the topic is debatable, but reservations about the case not being a canned case are also warranted. If this narrowing of the topic is not disclosed so soon after the resolution draw, the negative retains a legitimate argument concerning the case being a canned case to the judge and can argue fairness. This

negative argument has more weight to a judge than an affirmative's retort to such an argument that the negative received disclosure of the narrow scope within minutes of the preparation period. In essence, the lack of disclosure allows for a valid check and balance against the introduction and use of clear canned cases in the IPDA. To piggy back off the opinion of Ingram(2017), this author's opinion is also that debaters who enjoy utilizing canned cases may "find a welcome home in many NPDA rounds" (p. 22) alongside those who enjoy the gamesmanship and meta-debate.

Disclosure, no matter how well-intended or honestly executed, can result in cries of abuse by the negative. These arguments, regardless of their merit, must be addressed by the affirmative or risk loss of the ballot. Disclosure often is a lose-lose option for the affirmative. In an attempt to scope the round for the negative, the negative can (a) argue the scope was too narrow, arguing the affirmative introduced a canned case, (b) claim not enough time was provided to the negative to adequately research and prepare a case if the affirmative is not fast enough in his/her disclosure, (c) argue the disclosure was too ambiguous and/or identify an equivocal understanding of the disclosure, thus nullifying the disclosure efforts, resulting in a or b above, and finally, (d) simply argue no disclosure was provided (unethical and deceitful, but possible) and thus a and/or b above again.

It is not the opinion of this author that disclosure should never occur as there are instances where disclosure can contribute to both the educational value and/or fun (Key, 2009) of the round. I am reminded of an instance where an affirmative debater disclosed to the negative. At a tournament in November 2014, the resolution was "Elizabeth is a proud one." It is the opinion of this author, the framer's intent in this instance regarding the Elizabeth in question was probably referring to Elizabeth Warren, the Democratic Senator from Massachusetts. However, this resolution could also be referring to Queen Elizabeth II, the long-standing monarch since 1952. The negative debater in this case was from Louisiana State University at Shreveport (LSU-S). It just so happened that one of the most impressive debaters on the IPDA circuit at that time was on the LSU-S team, Elizabeth Kemp. The affirmative elected to define the round so as to argue the negative's teammate, "Elizabeth (Kemp) was a proud one" within the specific context of her many debate tournament accolades. This was done in an attempt to make the debate more enjoyable and fun and take a direction away from politics as the Affirmative had grown weary of politics-based debates at the tournament. Disclosure was made to the negative so an enjoyable (and flattering) round could ensue. This, however, is an example of a time when disclosure was necessary and made in a good faith effort to allow for an enjoyable round.

It is the opinion of this author that disclosure should remain a rarely-used option, reserved for only the most select instances. Additionally, it should also never be by the insistence of the negative. There remains a check and balance in debate theory/procedures that punishes affirmatives who abuse their provided "right to define" the round. Affirmative debaters should always be given the latitude to define and punished if that latitude is abused as established by debate theory/procedures.

Issues – Specific to the IPDA

Upon inspection of the arguments presented over the past several years related to disclosure and the personal experiences of the author during the past 20 years involved in debate, there are several causes to the continued complaints and criticisms regarding disclosure in the IPDA. Four of these causes will be briefly addressed as a conclusion to the argumentation against the need for widespread disclosure in the IPDA.

The first root issue regarding disclosure stems from the resolutions themselves. The argument for interpretation and analysis of a resolution is often referred to as "framer's intent." As Richey (2015) explains, the standard for defining terms is reasonability. The terms, as defined in a debate round, must be reasonable to the debate participants – the Affirmative, Negative, and adjudicator. This may create a problem within debate as "reasonable" is often a subjective idea. While most terms may easily be defined using a standard dictionary, not all terms are; also, equivocation occurs whereby there exists two or more plausible definitions for a term(s) within a resolution (e.g. Case 2 above – definition of Koch). To solve for this problem, an abstract would need to be provided to competitors, written by the individual who crafts the tournament resolutions, to provide accurate insight and understanding of the "framer's intent." This solution seems unreasonable, especially within the parameters of the IPDA. Additionally, the activity of debate itself has established burdens for each position with resolutional analysis and definition of terms being the responsibility of the affirmative. Debaters are evaluated (ballot rendered by the judge) on his/her debate skills, which include fulfilling his/her debate burden. If a debater does not perform these tasks well, he/she is penalized on the ballot much like a student who does not answer questions accurately and correctly on an exam receives a poor grade. Disclosure of the affirmative's position before the round begins is akin to sharing the questions of an exam to the student who is preparing to take the exam shortly!

Coaches, or other teachers of debate, also share a portion of the burden of responsibility regarding the practice of disclosure. Not enough emphasis is placed on teaching the fundamentals of debate theory and/or too much emphasis is dedicated to delivery in the IPDA. This is not an argument that delivery is not important; there is plenty of historical evidence of what happens to competitive debate when delivery takes a back seat to application of debate theory. However, it seems that in an effort to resist the IPDA becoming part of the "narrative…of how the form and practice of academic debate changes over time" (Ingram, 2017), the approach has been by some to de-emphasize understanding of debate theory and over-emphasize argumentation delivery. It is the opinion of this author that both are equally necessary. The result of overemphasis on debate strategy without appropriate emphasis on delivery currently exists for analysis in many other formats and styles of competitive debate. Activities that focus on delivery are readily available within the various Individual Events offered at Forensics tournaments across the nation.

Many debaters, especially those new to the activity, rely too heavily on others to build their debate cases for them during the preparation period. This often results in participants simply regurgitating arguments and claims that were fed to them, often without a solid understanding not only of the arguments themselves but of how those arguments fit within the context of debate theory as a practice. While it is an understandable practice that debaters learn how to debate by engaging in competitions,

it seems to this author there is a common practice to focus on the participant's delivery first and primarily with the hopes that learning theory will occur through osmosis, post-round analysis, or even luck. Instead of focusing primarily on delivery with the hope and belief that a competitor will develop an eventual solid understanding of debate theory in time, a better approach should be to focus on understanding debate theory, coupled with fundamentally sound delivery with the hope and belief that one will develop into a more eloquent and skilled debater.

Third, lay judges, while a hallmark and "great equalizer" (Richey, 2015) in the IPDA format, have contributed to debaters' perception of need for and practice of disclosure. The list of benefits and positives to lay judges is plentiful, but to refuse to recognize the negatives is either delusional or foolish. Within the IPDA Constitution (2015), one of the foundational objectives of the organization is to provide participants the "chance to develop advanced skills in audience sensitivity and analysis and the opportunity to develop a range of speaking and argumentation styles which will be successful in business, legal and professional settings". This mission is helped, in part, through the use of lay judges. Unfortunately, there is a disconnect between what the constitution describes and what the organization practices through its use of lay judges.

The original premise of the IPDA is to provide students a "real world" opportunity to develop positive critical thinking and communication skills (Cirlin, Duerringer, Franklin, Key, Richey, & Steinmiller, 2015). Lay judges were the check and balance to prevent the format from emulating other formats that are more focused on technical strategy in an effort to simply win. There is no argument from this author that lay judges are not more than qualified to evaluate effective persuasiveness and presentation. Additionally, lay judges are not unqualified to evaluate quality argumentation too. The disconnect mentioned previously is the role judges are forced to play within the IPDA organization, a role thrust upon them by competitors but not mitigated by the organization itself (or at least not mitigated well). The IPDA bears in its name debate, meaning it is a debate organization. That identity and claim brings with it an expectation to adhere to debate theory and rules. Most debate rounds adhere to this identity, however there are rounds that do not, evidenced by the entire disclosure discourse over the past several years.

For a lay judge to perform his/her duty effectively, he/she must have a baseline of understanding concerning debate rules and practices. Otherwise, lay judges are forced to endure technical debate jargon and arguments that are foreign to them, often resulting in a decision that is either misinformed, persuaded by deliver performance, and/or the result of a mental coin flip within the judge's mind. These three options should not be tolerated by the organization as these options serve only to mar the reputation of the IPDA in addition to creating a negative impression on competitors, judges, and observers. The IPDA is on the verge of allowing the demonstration of the term Delivery as a substitution the for the identity term Debate in its namesake, IPDA.

In the initial days of the IPDA, tournaments would host and require all scheduled lay judges to attend a 'training' session prior to the start of the tournament. Regrettably, yet for practical & understandable reasons, these trainings sessions have become a practice of the past. In recent years, attempts have been made to provide some instructional information for judges by providing abridged debate rules on the reverse side of ballots, but there are no universal standards for the information that is included as instructional. The amount of space to include instructions to the judges on the reverse

side of ballots is limited, resulting in inadequate coverage of debate theory and rules, and most importantly, there is no requirement for the judge to read, interpret, or even follow these instructions.

Finally, and perhaps most concerning, is the movement towards data driven debates by the affirmative, which results in insistence (if not demanding) by the negative for disclosure to ensure "fairness." One of rules established in the IPDA Bylaws (Article I - section I, 2015) regarding the use of evidence in a debate round states:

"Use of evidence during debates: Contestants may not bring printed reference materials into the round with them. No "reading" of evidence will be permitted. They may only bring and reference handwritten case outlines and limited notes which they have worked up during the round's preparation time. Evidence must be memorized or paraphrased for use during debates."

Many affirmative debaters introduce a high volume of heavily cited data within the round. While this information is often scribbled on notes and thus remain handwritten (to adhere to the letter of the law expressed within the IPDA Bylaws) and not as evidence cards traditionally used in other debate formats, the practice of "stat-bombing" (a term used by a former debater to describe this practice) creates an anxiety in the negative to introduce a number of researched and cited sources during what becomes a very data-driven round. This anxiety causes negative debaters to insist on disclosure by affirmative debaters to enable them to prepare a number of counter sources they may in turn introduce. This practice is the result of the realization by many debaters that ballots often are won by the debater with more and/or better sources, especially if the judge is a lay judge. As society has become much more data driven in recent years, it is the opinion of this author that lay judges expect and are persuaded by the competitor with more cited data. Because of this realization, negative debaters have turned to requests/demands for disclosure to better prepare a case that includes a number of researched and cited data for the specifics that will inevitably be introduced by the affirmative.

Conclusion

In conclusion, there is no simple solution to disclosure in the IPDA. It is the opinion of this author that many of the stakeholders of the format agree with Lawson's (2015) position regarding the occasional benefit of disclosure but that it should be reserved for only the most rare and necessary circumstances. The first objective of this article was to address Ingram's arguments and case study examples by reaffirming the harms and lack of necessity for disclosure. Disclosure should be a tool that is used only when necessary and as a final resort, not the first. Modifying the common practice of disclosure by the affirmative to occur less frequently should deter negative expectations and insistence of disclosure. The second objective was to call attention to over-emphasis on delivery and/or under-emphasis on debate theory by coaches and others whose responsibility is to teach and train participants new to debate. The final objective was to open a dialogue, stemming from personal concern and opinion, of recently noticed changes and uninvited, yet predicted, shift that is coming to the culture of the IPDA originating from an embedded foundational identity crisis, influenced by practices of other debate formats the IPDA was originally designed to avoid.

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