



**United States Department of Education  
Office for Civil Rights**

**DISCRIMINATION COMPLAINT FORM**

**You do not have to use this form to file a complaint with the U.S. Department of Education’s Office for Civil Rights (OCR). You may send OCR a letter or email instead of this form, but the letter or email must include the information in items 1-15 of this form. If you decide to use this form, please type or print all information and use additional pages if more space is needed. An online, fillable version of this form, which can be submitted electronically, can be found at:**

**<http://www.ed.gov/about/offices/list/ocr/complaintintro.html>.**

Before completing this form, please read all information contained in the enclosed packet including: Information About OCR’s Complaint Resolution Procedures, Notice of Uses of Personal Information and the Consent Form.

If you have questions about civil rights or how to file a complaint, you may contact OCR at 800-421-3481, 800-877-8339 (TTY), [OCR@ed.gov](mailto:OCR@ed.gov), or by calling the enforcement office that serves your state or territory. Contact information for enforcement offices can be found at: <https://ocrcas.ed.gov/contact-ocr>.

If you have difficulty understanding English, you may, free of charge, request language assistance services for this Department information by calling 1-800- USA-LEARN (1- 800-872-5327) (TTY: 1-800-877-8339), or email us at: [Ed.Language.Assistance@ed.gov](mailto:Ed.Language.Assistance@ed.gov). If you are a person with a disability, you may request disability-related assistance by contacting OCR at 800-421-3481, 800-877-8339 (TTY), [OCR@ed.gov](mailto:OCR@ed.gov), or by calling the enforcement office that serves your state or territory. Contact information for enforcement offices can be found at:

<https://ocrcas.ed.gov/contact-ocr>. To request this document in an alternate format such as Braille or large print please contact the Department at 202-260-0852 or [om\\_eeos@ed.gov](mailto:om_eeos@ed.gov).

1. Name of person filing this complaint:

Last Name: Trachman First Name: William Address:

2596 South Lewis Way

City: Lakewood State: CO Zip Code: 80227

Primary number: [REDACTED] Alternate number: [REDACTED]

Email Address: [REDACTED]

2. Name of person discriminated against (if **other** than person filing). If the person discriminated against is age 18 or older, we will need that person's signature on this complaint form and the consent/release form before we can proceed with this complaint. If the person is a minor, and you do not have the legal authority to file a complaint on the student's behalf, the signature of the child's parent, guardian, or other authorized legal representative is required.

Last Name: \_\_\_\_\_ First Name: \_\_\_\_\_ Address:

Middle and High School Students competing in

City: NSDA Activities State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Primary Phone: \_\_\_\_\_ Alternative Phone: \_\_\_\_\_

Email Address: \_\_\_\_\_

3. OCR investigates discrimination complaints against schools, colleges and universities, institutions, and agencies which receive funds or other forms of financial assistance from the U.S. Department of Education and against public educational entities and libraries that are subject to the provisions of Title II of the Americans with Disabilities Act. Please identify the institution or agency that engaged in the alleged discrimination. If we cannot accept your complaint, we will attempt to refer it to the appropriate agency and will notify you of that fact.

Name of Institution: National Speech and Debate Association

Address: 6600 Westown Parkway Suite 270

City: West Des Moines State: IA Zip Code: 50266

Department/School: \_\_\_\_\_

4. The regulations OCR enforces prohibit discrimination on the basis of race, color, national origin, sex, disability, or age. The regulations also ban retaliation against persons who assert the right to be free from discrimination. Please note the following:

- Discrimination based on race, color, and national origin includes failure to provide meaningful access to English learners and limited English proficient parents and guardians, as well as discrimination based on shared ancestry or ethnic characteristics or based on citizenship in a country with a dominant religion.

Discrimination based on race, color, and national origin also includes discrimination, including harassment, because you and/or another individual are, for example, Jewish, Muslim, Arab, Hindu, or Sikh; or based on other ethnic and religious characteristics. For example, individuals who have been subjected to ethnic slurs (such as antisemitic or anti-Muslim harassment); harassed for how they look, dress, or speak in ways related to their ethnic background (such as skin color, religious attire, or language spoken); or stereotyped based on their perceived ethnic characteristics.

- Discrimination based on sex includes discrimination based on sex stereotypes, pregnancy or related conditions, sexual orientation, and gender identity, as well as rules about parental, family, or marital status that treat people differently based on sex.
- Discrimination based on disability includes discrimination against individuals who have a physical or mental impairment that substantially limits a major life activity, as well as individuals who have a record of or are regarded as having a disability.
- Discrimination based on age does not limit protection against discrimination to a certain age group (e.g., people over 40); however, there are a variety of exceptions to the relevant Federal law that may permit age to be taken into account.
- Retaliation refers to actions taken for the purpose of interfering with any rights under the laws enforced by OCR, or because you made a complaint, testified, or participated in any manner in an OCR proceeding.

Please indicate the basis of your complaint:

**Discrimination based on race (specify)**

1. NDSA Judges discriminate against competitors based on their race; 2. NSDA Judges create a hostile environment for students based on race. 3. NSDA tolerates peer-on-peer harassment based on race.

**Discrimination based on color (specify)**

1. NDSA Judges discriminate against competitors based on their race; 2. NSDA Judges create a hostile environment for students based on race. 3. NSDA tolerates peer-on-peer harassment based on race.

**Discrimination based on national origin (specify)**

1. NDSA Judges discriminate against competitors based on shared ancestry (Judaism); 2. NSDA Judges create a hostile environment for students based on shared ancestry. 3. NSDA tolerates peer-on-peer harassment based on shared ancestry.

Discrimination **based on sex (specify)**

1. NDSA Judges discriminate based on sex and non-transgender status; 2. NSDA Judges create a hostile environment based on sex and non-transgender status; 3. NSDA tolerates peer-on-peer harassment.

Discrimination **based on disability (specify)**

Discrimination **based on age (specify)**

**Retaliation because you filed a complaint or otherwise asserted rights under laws enforced by OCR (specify)**

**Violation of the Boy Scouts of America Equal Access Act (specify)**

5. Please describe each alleged discriminatory act. For each action, please include the date(s) the discriminatory act occurred, the name(s) of each person(s) involved and, why you believe the discrimination was because of race, disability, age, sex, etc. Also please provide the names of any person(s) who was present and witnessed the act(s) of discrimination.

See attached memorandum

6. Do you have documents or written information that you think will help us to understand your complaint?
- No  
 Yes

If yes, please describe the documents or written information you have.

Review the memorandum and exhibits to the memorandum  
(Table of contents included before Memo)

**If OCR investigates your complaint, we may ask you to provide us the items you describe above.**

7. What is the most **recent date** you were discriminated against?

Date: Ongoing

8. If this date is **more than 180 days ago**, you may request a waiver of the filing requirement.

I am requesting a waiver of the 180-day time frame for filing this complaint.

Please explain why did not file your complaint within 180 days.

9. Have you complained about the allegations that you raise in this complaint to your school, institution, or another organization or agency?

YES       NO

If yes, have you complained about the allegations that you raise in this complaint by:

- filing an internal complaint or appeal with your school or institution?  
 participating in your school or institution's grievance procedures?  
 participating in a due process hearing either at your school or institution, or through another organization or government agency?

If you answered **yes to any of the above questions**, please describe the allegations that you raised in an internal complaint or appeal, through your school or institution's grievance procedures, or in a due process hearing, identify the date you complained about the allegations and where you made the complaint, and tell us the status of the complaint, appeal, grievance procedures, or due process hearing. If possible, please provide us with a copy of your complaint or grievance or appeal or due process request and, if completed, the decision in the matter.

10. If the allegations contained in this complaint have been filed with any other Federal, state or local civil rights agency, or any Federal or state court, please give details and dates. We will determine whether it is appropriate to investigate your complaint based upon the specific allegations of your complaint and the actions taken by the other agency or court.

**Agency or Court:** \_\_\_\_\_

**Date Filed:** \_\_\_\_\_

**Case Number or Reference:** \_\_\_\_\_

**Results of Investigation/Findings by Agency or Court:**

11. You do not need to have a lawyer to file a complaint with OCR; however, if you do have a lawyer, OCR staff are required to communicate directly with your lawyer. If you have a lawyer representing you in this matter, please provide the lawyer's contact information.

Last Name: Trachman First Name: William  
Telephone: [REDACTED] Email: [REDACTED]

12. If we cannot reach you at your home or work, we would like to have the name and telephone number of another person (relative or friend) who knows where and when we can reach you. This information **is not required**, but it will be helpful to us.

Last Name: Nation First Name: D. Sean  
Telephone: (303) 292-2021 Email: [REDACTED]

13. **Option to Participate in OCR's Early Mediation Process**

OCR provides an early mediation process as an opportunity for you and the recipient institution to voluntarily resolve your complaint soon after you file it with OCR.

Mediation is a form of complaint resolution that OCR offers as an alternative to its investigative process. Mediation is an informal process in which a staff member from OCR who is trained in mediation assists the parties to reach a negotiated resolution of the complaint. The mediator does not decide who is right or wrong and does not have the authority to impose a settlement on the parties. Instead, the mediator helps the parties to find a mutually acceptable resolution to your complaint. Mediation is a strictly voluntary process. If either party does not want to participate in mediation, OCR will address the complaint through its regular processes.

***If you are interested in participating in the early mediation process, you must check the box below.*** If you indicate your interest in early mediation by checking the box below **and** OCR determines that your complaint is appropriate for this process, OCR will contact you and the recipient institution and offer this resolution option. If the recipient agrees to participate in early mediation, OCR will work with you and the recipient to achieve a mutually agreeable resolution of your complaint. If the recipient does not wish to participate in early mediation, OCR will proceed with its regular processing of your complaint. ***If you do not indicate your interest in early mediation by checking the box below, early mediation will not be offered to you and OCR will proceed with its regular processing of your complaint.***

*I am interested in participating in early mediation (Please check box):*

**NOTE:** You **MUST** submit a signed Consent Form to OCR if you want to participate in early mediation.

14. What would you like the institution to do as a result of your complaint — what remedy are you seeking?

Thorough OCR investigation leading to radical change in the NSDA. NSDA must prevent judges from treating student debaters differently based on race, sex, and shared ancestry, creating a hostile environment, and tolerating peer-on-peer harassment.

15. We cannot accept your complaint if it has not been signed. Please sign and date your complaint below.

01/12/2024  
(Date)

1/12/24  
(Date)

William E. Trudner  
(Signature)

[Signature]  
(Signature of person in Item 2)

Please mail or email the completed and signed Discrimination Complaint Form, your signed consent form and copies of any written material or other documents you believe will help OCR understand your complaint to the OCR Enforcement Office responsible for the state where the institution or entity about which you are complaining is located. You can locate the mailing information for the correct enforcement office on OCR's website at <https://ocrcas.ed.gov/contact-ocr>.

**CONSENT FORM - FOR DISCLOSING NAME AND OTHER PERSONAL INFORMATION  
CONTAINED IN THE DISCRIMINATION COMPLAINT FORM TO OTHERS**

(Please print or type except for signature line)

Your Name: William E. Trachman

Name of School or Other Institution That You Have Filed This Complaint Against: \_\_\_\_\_

National Speech and Debate Association

- The purpose of this consent form is for the Office for Civil Rights (OCR) to request your consent to disclose your name and other personal information when OCR decides that doing so will assist in investigating and resolving your complaint.
- For example, to decide whether a school discriminated against a person, OCR often needs to reveal that person's name and other personal information to employees at that school to verify facts or get additional information. When OCR does that, OCR informs the employees that all forms of retaliation against that person and other individuals associated with the person are prohibited. OCR may also reveal the person's name and personal information during interviews with witnesses and consultations with experts.
- If you do not consent to OCR disclosing your name or other personal information, OCR may decide to close your complaint if OCR determines it is necessary to disclose such information in order to determine whether the school discriminated against you.

**NOTE:** If you file a complaint with OCR, OCR can release certain information about your complaint to the press or general public, including the name of the school or institution; the date your complaint was filed; the type of discrimination included in your complaint; the date your complaint was resolved, dismissed or closed; the basic reasons for OCR's decision; or other related information. Any information OCR releases to the press or general public will not include your name or the name of the person on whose behalf you filed the complaint.

**NOTE:** OCR requires you to respond to its requests for information. Failure to cooperate with OCR's investigation and resolution activities could result in the closure of your complaint.

**Please sign section A or section B (but not both) and return to OCR:**

- If you filed the complaint on behalf of yourself, you should sign this form.
- If you filed the complaint on behalf of another specific person, that other person should sign this form.  
**EXCEPTION:** If the complaint was filed on behalf of a specific person who is younger than 18 years old or a legally incompetent adult, this form must be signed by the parent or legal guardian of that person.
- If you filed the complaint on behalf of a class of people, rather than any specific person, you should sign the form.

A. **I give OCR my consent to disclose my name (and that of my minor child/ward on whose behalf the complaint is filed) and other personal information contained in the Discrimination Complaint Form to others for OCR's investigation of, and enforcement activities related to, the Discrimination Complaint Form.**

William E. Trachman  
Signature

01/12/2024  
Date

**OR**

B. **I do not give OCR my consent to disclose my name (and that of my minor child/ward on whose behalf the complaint is filed) nor other personal information contained in the Discrimination Complaint Form to others for OCR's investigation of, and enforcement activities related to, the Discrimination Complaint Form. I understand that OCR may have to close my complaint.**

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**Signature**

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**Date**

I declare under penalty of perjury that it is true and correct that I am the person named above; and, if the complaint is filed by a parent or legal guardian on behalf of a minor child/individual who has been declared to be incompetent due to physical or mental incapacity or age by a court of competent jurisdiction, that I am that person's parent or legal guardian. This declaration only provides consent for the disclosure of identity of the persons (and other individually identifiable information about them contained in the Discrimination Complaint Form) and does not extend to any of the claims filed in the complaint.

*Updated October 30, 2023*

## **Excerpt from the Online Interactive Complaint Form**

### Race / Color / National Origin / Ethnicity / Shared Ancestry

Discrimination based on national origin includes discrimination based on the country, world region, or place where a person or their ancestors come from; a person's limited English proficiency or English learner status; and a person's actual or perceived shared ancestry or ethnic characteristics, including membership in a religion that may be perceived to exhibit such characteristics (e.g., Hindu, Jewish, Muslim, and Sikh students). For more information about race, color, and national origin discrimination, please visit [www.ed.gov/ocr/frontpage/pro-students/race-origin-pr.html](http://www.ed.gov/ocr/frontpage/pro-students/race-origin-pr.html).

### Sex

Discrimination based on sex includes discrimination based on sex stereotypes, pregnancy or related conditions, sexual orientation, and gender identity. Discrimination based on sex also encompasses rules about parental, family, or marital status that treat people differently based on sex. For more information about sex discrimination, please visit <https://www2.ed.gov/policy/rights/guid/ocr/sexoverview.html>.

### Disability

A person with a disability is defined as any person who (i) has a physical or mental impairment, which substantially limits one or more major life activities, or (ii) has a record of such impairment, or (iii) is regarded as having such an impairment. Whether a person has a disability is determined without considering mitigating measures. For more information about disability discrimination, please visit [www.ed.gov/policy/rights/guid/ocr/disability.html](http://www.ed.gov/policy/rights/guid/ocr/disability.html).



**MOUNTAIN STATES LEGAL  
FOUNDATION**  
FREE COUNTRY. FREE PEOPLE.

**2596 South Lewis Way | Lakewood, CO 80227 | Tel: 303.292.2021**

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FREE COUNTRY. FREE PEOPLE.

**2596 South Lewis Way | Lakewood, CO 80227 | Tel: 303.292.2021**

**MEMORADNDUM**

To: Catherine Lhamon, Assistant Secretary for Civil Rights in the U.S. Department of Education

CC: U.S. Department of Education Office for Civil Rights

From: William Trachman, General Counsel, Mountain States Legal Foundation  
D. Sean Nation, Deputy General Counsel, Mountain States Legal Foundation

Date: January 11, 2024

RE: The National Speech and Debate Association’s (NSDA) Serious Title VI and Title IX Violations

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**Executive Summary**

The National Speech and Debate Association (NSDA) subjects middle and high school student debaters to discrimination by (1) allowing them to be treated differently based on race, color, sex, and perceived shared ancestry; and (2) being deliberately indifferent to severe, pervasive, and objectively offensive harassment based on these protected statuses.

NSDA engages in this misconduct in several ways. First, it hires, pays, or otherwise deploys individuals to judge debate rounds, despite their stated judging philosophy—or judging “paradigm”—explicitly referring to differential treatment of the debaters before them, on the basis of a protected characteristic. Second, it allows these judges to make discriminatory statements in their paradigms about individuals

based on race, sex, or shared ancestry. And third, it encourages debaters themselves—fellow competitors—to engage in harassment based on these characteristics, by forcing them to tailor their arguments to judges who incentivize the discriminatory behavior of students, thus subjecting many students to peer-on-peer harassment with the blessing of NSDA.

NSDA knows that this misconduct is occurring. Yet it has failed to stop, prevent, and remedy each of these forms of discriminatory misconduct. It is therefore violating Title VI with respect to race, color, and perceived shared ancestry status, and Title IX with respect to sex. OCR must open a systemic investigation into NSDA's violations of federal civil rights laws.

### **Factual Background and OCR Jurisdiction**

The National Speech and Debate Association is a nationwide organizer of middle school and high school speech and debate events. It possesses a role akin to the NCAA's overseeing function with respect to college athletics, such as football and basketball programs. NSDA chooses the debate topics, sets the rules, organizes events and tournaments, and declares champions.

OCR possesses jurisdiction over NSDA because it is an indirect recipient of Federal funding. NSDA has significant involvement from member school representatives who devote official time and district resources to NSDA. In addition, NSDA receives revenue through tournament and judging fees to debate tournament contests—revenue that would otherwise remain with the schools. Separately, NSDA's member schools have ceded some controlling authority over their high school debate

programs to NSDA, whose purpose is to supervise, direct, and set the rules for middle and high school debate tournaments that occur throughout the nation, most commonly hosted at public middle and high schools.

With respect to these tournaments, NSDA sponsors and hosts hundreds of debate competitions every year. And it uses thousands of volunteer and paid judges—oftentimes college students and recent graduates who participated in high school and/or college debate. These judges disclose to the student-debaters what “paradigm” they use to evaluate the debate round.<sup>1</sup> For many judges, their paradigm amounts to some form of “I will judge the round based on what you tell me to judge the debate on.” This form of judging is called “tabula rasa” or blank-slate judging. But many other judges set boundaries on how much of a “blank slate” they can genuinely be; indeed, it’s common for judges to articulate the types of arguments that they are most persuaded by.

Unfortunately, some judges use the power that they have over middle and high school debaters, and the opportunity to set their own judging paradigm, as a broad permission slip to impose their own values and beliefs on student participants in debate; sadly, many judges even misuse their paradigms to engage in race discrimination, anti-Semitic misconduct, and sex discrimination. And numerous judges engage in these habits regardless of whether they say so expressly in their written paradigms.

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<sup>1</sup> <https://www.tabroom.com/index/paradigm.mhtml>

NSDA has been made aware of these issues, but it has been deliberately indifferent to the problem. In particular, former NSDA member and national champion debater, Mr. James Fishback, has been a prominent critic of NSDA's misconduct. Two of Mr. Fishback's articles in an online publication called "The Free Press" have garnered a great deal of attention. First, on May 25, 2023, Mr. Fishback published an article entitled "At High School Debates, Debate is No Longer Allowed." (Exhibit 1).<sup>2</sup> Second, on June 26, 2023, Mr. Fishback published a follow-up piece entitled "Part II: At High School Debates, Watch What You Say." (Exhibit 2).<sup>3</sup> These articles document the growing trend of debate rounds where race, shared ancestry, and sex are part of a judge's criteria for evaluating who wins the debate round, among other troubling developments within the NSDA.

Despite the prominence of these articles, NSDA has essentially ignored them. It has failed to develop a system to stop, prevent, and remedy unlawful discrimination that occurs in debate rounds. And worse, peer-on-peer discrimination has been occurring with increasing frequency, as student debaters respond to incentives posed by judges, and as they see little consequence to their actions. NSDA must rein in the problem, by stopping, preventing, and remedying discrimination when it occurs. But at this point, OCR must step in to ensure NSDA's compliance with federal civil rights laws. That includes making sure that NSDA disallows judges from using race, sex (including transgender status), or shared ancestry, as a factor in how debaters may

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<sup>2</sup> <https://www.thefp.com/p/judges-ruin-high-school-debate-tournaments>

<sup>3</sup> <https://www.thefp.com/p/personal-tweets-lose-high-school-debates>

debate, and who wins debate rounds. Similarly, schools may not display deliberate indifference to students who engage in race, sex, or shared ancestry discrimination.

### **The Importance of Debate on Students and Academic Growth**

NSDA was founded in 1925 as the National Forensic League, and is headquartered in West Des Moines, Iowa. NSDA organizes speech and debate events for its more than 140,000 students and coaches each year. These events have a significant and real impact on competitors, often meaning college scholarships, connections with academic institutions, and alumni networks across many fields. Undersigned counsel both participated in high school debate through the NSDA (then called the National Forensic League), and have cherished memories and friendships that are maintained to this day. Many authors, entertainers, journalists, lawyers, and politicians got their start through speech and debate, including: Senators Russ Feingold, Ted Cruz, and Elizabeth Warren; noted political scientist Robert Putnam; comedian and commentator Stephen Colbert; actors Brad Pitt, James Dean, Joyce DeWitt, and Oprah Winfrey; Supreme Court Justices Samuel Alito, Ketanji Brown Jackson, and Sonia Sotomayor.

There are absolutely real stakes when teens are discriminated against because of their race, sex, or perceived shared ancestry. Students are forbidden from fully engaging in all aspects of debate, and will suffer both (1) direct differential treatment and (2) severe, pervasive, and objectively offensive harassment from both peers and judges in a position of authority over them, based solely on their immutable characteristics.

Unfortunately, a discriminatory ideology has infected the speech and debate world through the NSDA and their willingness to permit discriminatory judging philosophies. The following is a sampling of discriminatory judging philosophies found on tabroom.com, an NSDA website.<sup>4</sup> It should be noted that since Mr. Fishback published his articles, some judges have opted to take down their published judging paradigms, in a transparent effort to sweep the serious nature of these problems out of sight.

### **Facts Regarding Race and Color Discrimination**

Race/Color: Title VI bars recipients of federal funding from engaging in differential treatment on the basis of race, offering significant assistance to others to engage in such conduct, or being deliberately indifferent to bullying based on race.

One prominent example of a judge who uses their paradigm to engage in racially motivated misconduct is Lila Lavender. *See* Exhibit 3 (L. Lavender Paradigm Statement). Specifically, Lavender has published a judging philosophy that limits which debaters may make which arguments in debate rounds, using race as the essential factor. For instance, with respect to one theory of the African-American condition—called “Afro-pessimism”—Lavender states that only black debaters may advance arguments in support of the theory. The paradigm states: “Non-Black

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<sup>4</sup> NSDA acknowledges that “Tabroom.com is a project of the National Speech & Debate Association, and its purpose is to provide a tournament management system for debate and speech tournaments worldwide.” *See* Exhibit 1 (NSDA statement in Editor’s Note).

debaters should not read afro-pess, I will drop you if you do.”<sup>5</sup> In other words, if a non-Black debater advances arguments about Afro-pessimism, they will automatically lose, whereas Lavender will fully consider such arguments if advanced by a black debater.

Lavender also addresses a form of debate involving “Kritiks,” which is another term for a broad philosophical critique of other debaters. Kritiks are often also referred to as “Ks” in debate slang. With respect to Kritiks, Lavender’s philosophy ties certain arguments to concepts of race. Specifically, she states that some arguments in response to Kritiks will not be well-received under her paradigm, because she claims that these arguments merely advance “white chauvinism in debate.” As a consequence, Lavender states that debaters making certain arguments will automatically lose her vote in the debate round.

Another judge, Lindsey Shrodek, also published a discriminatory judging paradigm. Shrodek’s judging philosophy included the idea that non-whites shouldn’t make arguments where the impact being discussed is primarily on non-whites. She wrote: “If you are white, don’t run arguments with impacts that primarily affect POC [People of Color]. These arguments should belong to the community they affect.” *See Exhibit 1.*<sup>6</sup>

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<sup>5</sup> Debate culture includes numerous lingo and slang phrases. To “read” means to advance a position or argument; to “drop” means to cause a person or team to lose a debate round.

<sup>6</sup> <https://www.thefp.com/p/judges-ruin-high-school-debate-tournaments>

After these statements were noticed online, Shrodek eliminated this sentence from her judging philosophy, but has publicly acknowledged that she still uses this principle to judge debate rounds. She wrote in a communication to Mr. Fishback that she “didn’t eliminate the idea itself” of using race as a factor to determine which debaters can advance which arguments. In her current judging philosophy, she notes that arguments may not be used in front of her “when one team is using the argument as a means to get a win without considering the feelings/experiences of their opponents (especially if their opponents are directly affected by the impact).” Exhibit 4. In other words, debaters should not advance arguments related to the impacts that a proposed policy might have on other races.

Some judges even publicly acknowledge specific instances where they have engaged in race discrimination when judging debate competitors. For instance, in a debate round regarding water policy, a judge named Jacob Wilkus cast his ballot for a team in order to “challenge white debate norms where it is okay to just let racist or violent activity slide.” Exhibit 2.<sup>7</sup> Referring to “white debate norms” inherently makes sweeping generalizations about Caucasians, in the same way that it would be objectionable to describe “black debate norms” or “Hispanic/Latinx debate norms.” Sadly, Wilkus has already judged hundreds of debaters at dozens of high school debate tournaments, with no attempt to exclude him based on his express admission of engaging in discriminatory conduct.

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<sup>7</sup> <https://www.thefp.com/p/personal-tweets-lose-high-school-debates>

Another judge, who goes by “X” Braithwaite, has a paradigm that specifically addresses how debaters ought to behave differently in debate rounds. For instance, some debaters ask others to “disclose” the types of cases or arguments that will be made in the round. Braithwaite states: “Disclosure theory is fine EXCEPT when you are debating a black person or you are one. 1. Niggas don’t have to disclose to you 2. Disclose to niggas.” Exhibit 5.<sup>8</sup>

Additional instances of discrimination abound. At the 2023 National Debate Tournament (the Superbowl of High School Debate), multiple judges limited the potential argumentation that could occur before them, based on race of the competitors. A judge named Jackie Poapst, who is the Director of Debate and George Mason University, noted “I find judging non-black teams reading afro-pessimism affirmatives against black debaters an uncomfortable debate to decide, and my threshold for a ballot commodification style argument low.” She also states: “I am extremely sympathetic to critiques of non-black people reading afropessimism.” *Id.* In other words, Poapst adjudicates certain debate rounds in a manner differently than she otherwise would, in an instance where a non-black debater is advancing a specific argument.

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<sup>8</sup> [https://www.tabroom.com/index/paradigm.mhtml?judge\\_person\\_id=77592](https://www.tabroom.com/index/paradigm.mhtml?judge_person_id=77592) . Braithwaite also states that debaters should refrain from advancing certain types of critiques unless a competitor does something egregious “like saying the N-word without being black.” Braithwaite also states that competitors making arguments related to Topicality—i.e., whether an affirmative team is truly faithfully defending the resolution—is discouraged because “it is often used against black debaters to get out of hard convos.” *Accord* Exhibit 6, Nick Lepp Judging Paradigm (“non-black people don’t say the N word).

Another judge, David Rooney of the University of Wyoming, wrote “I am extremely sympathetic to critiques of non-black people reading afropessimism” and “Reading afropessimism is all the rage for non-black people in debate but if you are not black I will be very sympathetic to arguments about that from the otherside- - years of seeing in this debate has made me very uncomfortable with this.” (Exhibit 7).<sup>9</sup> In his written paradigm, Rooney then cites an article in a publication called *Rhizomes*, which discusses the how afro-pessimism is an alluring theory to Caucasians, and thus may not be advanced by Caucasians so as to avoid trauma to black individuals:

The only people who can be and embrace it are particularly these white, male, young academics who are so excited. They’re excited by it. And it’s an invigorating theory because it’s a purely intellectual enterprise for them. This is something we have to experience and re-experience viscerally when we read Frank [Wilderson III] and Jared [Sexton’s] work. It’s a traumatic experience. But it’s not a trauma that is being imposed by us— by the theory or by those of us who write and critically engage with the work. It’s a trauma that we’re reliving because we’re never outside of this trauma. So I think Black people's responses, Black academics’ responses in particular ... it’s not a foreclosure the way white or non-Black academics would respond.

*Id.* (emphasis added) (Exhibit 8) (citing Selamawit Terrafe, What Exceeds the Hold? *Rhizomes* (2016)<sup>10</sup>: An Interview with Christina Sharpe . In other words, judges at *the most important and prestigious debate tournament* are actively engaged in invidious racial discrimination by stating that only certain races can make certain

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<sup>9</sup> [https://www.tabroom.com/index/paradigm.mhtml?judge\\_person\\_id=13993](https://www.tabroom.com/index/paradigm.mhtml?judge_person_id=13993)

<sup>10</sup> Exhibit 8, <http://www.rhizomes.net/issue29/terrefe.html>

arguments. It is antithetical to the entire ethos of debate, and moreover violates Title VI.

Similarly, at the 2020 Tournament of Champions semi-finals, the debaters abandoned the formal resolution regarding the International Monetary Fund, in favor of arguments on race and gender. One team argued that because they were two minority women, they should be awarded a victory in opposition to “whiteness.” See Timestamp at 13:20-13:50 (“They have a white debater on their team which means they inherently have more whiteness than us. We obviously know that J.J. is not white. It’s pretty obvious. ... Whiteness is really bad. The best way to further the protest is to vote for our PIC [Plan-inclusive counter-plan] and to affirm it, but minus the whiteness.”).<sup>11</sup> Rather than immediately stopping the debate round to address and remedy racial bullying, the judges let the round continue unabated. Indeed, they shamefully commended the young women for fighting against “white supremacy” through their discriminatory conduct. That is the discriminatory world that the NSDA fosters.

In another debate in 2020, a debater accused his opponents, who were debating the merits of “predictive policing” in good faith, of engaging in racism because they were not black. The debater simply ignored that the topic of the debate round was about to be about “predictive policing,” and instead rambled off a series of accusations of racism. The debater went even further, suggesting that his opponents’ arguments were actually going to trigger “black terrorism,” a “parasitic” form of “blackness,” and

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<sup>11</sup> <https://youtu.be/IIH0MxJDweU?t=793>

consequently lead to blacks being humiliated and pushed out of debate. The debater stated:

All your arguments are anti-black, both in form and content. Why should a debate exist in the attempt to preserve a fair and educational but anti-black debate space is bad because they are complicit with anti-blackness, causing a proliferation of violence. That symbolic rupture can only come in the form of black terrorism in which blackness weaponizes its existence by injecting blackness into the space and by being parasitic. You want me to out my strategy which leads to black debaters being contested and negated in public spheres just to be humiliated and pushed out?

See James Fishback, X Feed (Jan. 4, 2024) (emphasis added) (Exhibit 9).<sup>12</sup> In another debate paradigm, a judge named Gabby Knight announces that although she doesn't encourage it, she will consider—by listening to—arguments that one debate team ought to lose the round solely because they have a white person on the team. (Exhibit 10) (“White partner DAs: While I'll listen to them, probably not the most strategic argument.”).<sup>13</sup>

NSDA knows of these instances, but has not responded to them, much less investigated them, and remedied the racially discriminatory environment.

Imagine if judges in competitive gymnastics publicly announced that only Caucasians could perform certain routines. Or that judges in competitive cheerleading competitions permitted only Caucasian students to perform certain styles of dancing. Or that in competitive chess, black students were compelled to apprise Caucasian competitors of their planned strategy before the game began.

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<sup>12</sup> [https://twitter.com/j\\_fishback/status/1742971315491840154](https://twitter.com/j_fishback/status/1742971315491840154)

<sup>13</sup> [https://www.tabroom.com/index/paradigm.mhtml?judge\\_person\\_id=19671](https://www.tabroom.com/index/paradigm.mhtml?judge_person_id=19671)

Surely none of these forms of discrimination would ever be consistent with Title VI. And certainly, any league or school that learned of these civil rights violations would owe a duty to promptly stop, prevent, and remedy the situation.

Anti-Semitism: Title VI protects students from anti-Semitism. *See* Office for Civil Rights, *Dear Colleague Letter on Addressing Discrimination Against Jewish Students*, (May 25, 2023) (“Title VI protects all students, including students who are or are perceived to be Jewish, from discrimination based on race, color, or national origin.”).<sup>14</sup>

Once again Lila Lavender’s judging paradigm is indicative of the type of discriminatory behavior that NSDA permits among its debate judges. The paradigm states that she will never vote for a debate team that advances a position supportive or Zionism. She states “I will never vote for ... normalizing Israel or Zionism.” *See* Exhibit 3. While Zionism does not completely overlap with the perceived shared ancestry of Judaism, there is significant conflation of the ideas, and OCR has acknowledged that specifically targeting Israel for criticism may constitute evidence of anti-Semitism, as it does here. Office for Civil Rights, *Questions and Answers on Executive Order 13899 (Combating Anti-Semitism) and OCR’s Enforcement of Title VI of the Civil Rights Act*, at 5 (January 19, 2021) (“Manifestations might include the targeting of the state of Israel, conceived as a Jewish collectivity.”); *see id.* (manifestations of Anti-Semitism include “Denying the Jewish people their right to

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<sup>14</sup> <https://www2.ed.gov/about/offices/list/ocr/docs/antisemitism-dcl.pdf>

self-determination, e.g., by claiming that the existence of a State of Israel is a racist endeavor.”).<sup>15</sup>

Sexism: Once again, Lila Lavender’s judging philosophy explains that she will never accept certain arguments in a debate round, due to the fact that such arguments “justify blatant male chauvinist harassment.” For instance, Lavender says that she will never vote for a team criticizing the idea of speaking very quickly—which she refers to as a “Speed Bad theory”—unless an individual can demonstrate that they have an audio-processing disability. *See* Exhibit 3. To do otherwise, she insists, would mean that her vote in the debate round would further male chauvinism. Similarly, Lavender explains in her judging paradigm that many debaters make arguments about Marxism that are misguided specifically because of shameful “white feminism” and “cissexist feminism.” *Id.* These sweeping negative comments about men—and Lavender’s association of the negative stereotypes with which debate arguments are disallowed—implicate Title IX.

Similarly, another judge, Lilo De Los Santos, purports to allow debaters to express many arguments, unless it comes across as “antiblack or anti queer.” Exhibit 9 (“i’m down to hear any of it as long as you arent being fucked up. dont think that if you say something antiblack or anti queer youre going to get away with it.”).<sup>16</sup>

### Analysis

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<sup>15</sup> <https://www2.ed.gov/about/offices/list/ocr/docs/qa-titleix-anti-semitism-20210119.pdf>

<sup>16</sup>

[https://www.tabroom.com/index/tourn/paradigms.mhtml?tourn\\_id=16803&category\\_id=43471](https://www.tabroom.com/index/tourn/paradigms.mhtml?tourn_id=16803&category_id=43471)

As you know, Title VI of the Civil Rights Act of 1964 was enacted to prohibit race, color, and national-origin discrimination in programs or activities that receive federal financial assistance. OCR, *Questions and Answers for K-12 Public Schools In the Current COVID-19 Environment* (Sept. 28, 2020), at 1 (“[A]ny school policy ... that prioritizes, otherwise gives preference to, or limits programs, supports or services to students based on their race, color, or national origin— regardless of how that plan is formulated—would likely violate Title VI of the Civil Rights of 1964.”); *id.* (“[A]ny classification based on race is presumptively invalid ...”).<sup>17</sup>

Title VI extends at least as far, if not farther, than the Equal Protection Clause. *See Students for Fair Admission v. President and Fellows of Harvard Coll.*, 143 S. Ct. 2141, 2156 n.2 (2023) (SFFA). In *SFFA*, Chief Justice Roberts famously stated: “Eliminating racial discrimination means eliminating all of it.” *Id.* at 2161. And the Court rejected the idea that schools may engage in racial stereotyping of any kind, including by grouping together individuals based on their skin color and ascribing to them certain characteristics. *Id.* at 2171 (“[R]espondents’ programs tolerate the very thing that *Grutter* foreswore: stereotyping.”). And in a highly apropos statement rejecting the dissenting opinions in *SFFA*, Chief Justice Roberts condemned the idea of judges picking “winners and losers based on the color of their skin.”

The Court wrote the opinion in *SFFA* broadly, to apply to host of areas involving race discrimination outside of the college admissions context:

In other words, the student must be treated based on his or her experiences as an individual—not on the basis of race.

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<sup>17</sup> <https://www2.ed.gov/about/offices/list/ocr/docs/qa-covid-20200928.pdf>

Many universities have for too long done just the opposite. And in doing so, they have concluded, wrongly, that the touchstone of an individual's identity is not challenges bested, skills built, or lessons learned but the color of their skin. Our constitutional history does not tolerate that choice.

SFFA, 143 S. Ct. 2176. And as OCR has acknowledged, it is bound to follow SFFA in its enforcement efforts with respect to Title VI. Office for Civil Rights, *Questions and Answers Regarding the Supreme Court's Decision in Students for Fair Admission Inc. v. Harvard College and University of North Carolina*, at 1 (Aug. 14, 2023) (“The Departments of Justice and Education will continue to address all complaints of race discrimination by applying the relevant legal standards under civil rights statutes and will vigorously enforce civil rights protections, including prohibitions against racial discrimination.”).

Moreover, the Title VI regulations clarify that when an event is hosted or organized by a recipient of federal financial assistance, the entire operation is subject to Title VI. *See* 34 C.F.R. § 100.13(g)(2) (“The term program or activity and the term program mean all of the operations of ... [a] college, university, or other postsecondary institution, or a public system of higher education.”).

As noted above, NSDA is an indirect recipient of federal funds. Public and private schools participate in NSDA events. And even if a portion of the funds supporting NSDA stem from private sources, the events are unambiguously a program or activity of a federal recipient under Title VI. *See Association of Mexican-American Educators v. State of Cal.*, 195 F.3d 465, 474-75 (9th Cir. 1999) (“Congress wanted to avoid the use of federal resources to support discriminatory practices[,] and

it wanted to provide effective protection against those practices.”); *see also U.S. v. El Camino Community College Dist.*, 600 F.2d 1258, 1260 (9th Cir. 1979) (holding that a school has the burden to prove that the third-party activity will not affect the federally funded institution); *see also Joint DOJ/OCR Dear Colleague Letter on Segregated Proms* (Sept. 20, 2004) (stating that a school’s mere “assistance” in facilitating a racially segregated prom is a Title VI violation);<sup>18</sup> Joint DOJ/OCR Resource, *Resource on Confronting Racial Discrimination in Student Discipline* (May 2023), at 1 (“[A] school’s responsibility not to discriminate against students on the basis of race, color, or national origin applies to any program or activity of the recipient, directly or through contractual or other arrangements.”).<sup>19</sup>

NSDA is effectively the NCAA of high school speech and debate. It is the governing body that sets the rules, creates the various formats, and sponsors the National Speech and Debate Tournament.

The National Speech & Debate Tournament is the largest academic competition in the world and serves as the capstone experience for thousands of speech and debate students each year. The event is hosted in a different city each summer and brings nearly 6,000 students from more than 1,200 schools from across the country, U.S. territories, and select guest countries together for a week of rigorous competition to determine national champions. High school students in the United States compete to attend Nationals through the district qualification series. Additionally, each member school may bring up to two non-qualifying students to compete in supplemental events. International schools who are interested in attending the tournament can reach out to [info@speechanddebate.org](mailto:info@speechanddebate.org).<sup>20</sup>

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<sup>18</sup> <https://www2.ed.gov/about/offices/list/ocr/letters/segprom-2004.html>

<sup>19</sup> <https://www2.ed.gov/about/offices/list/ocr/docs/tvi-student-discipline-resource-202305.pdf>

<sup>20</sup> <https://www.speechanddebate.org/faq/>.

NSDA is not some minor organization, it is effectively the governing body of the speech and debate world affecting hundreds of thousands of middle and high school students across the country.

The implementation and posting of the judicial philosophies referenced above clearly demonstrate that there is a rot at the core of the NSDA. NSDA is not only accepting philosophies that promote discrimination on the basis of race and sex, and perpetuating an environment where students suffer from peer-on-peer harassment. *SFFA*, 143 S. Ct. at 2173 (holding that state actors may not attempt to “remedy the effects of societal discrimination through explicitly race-based measures.”); *Dear Colleague Letter on Race and School Programming*, at 3 (recipients of federal funds “may violate Title VI when they create, encourage, accept, tolerate, or fail to correct a racially hostile educational environment.”).

NSDA has no defense. While it may assert that it has a non-discriminatory Diversity, Equity, and Inclusion policy, it has opted to disregard its own stated principles in favor of allowing discriminatory judges to keep judging. Its DEI policy incorrectly states that within NSDA:

all forms of harassment and discrimination, whether written or oral, based on race, color, religion, sex, gender identity or expression, sexual orientation, marital status, citizenship, national origin, age, disability, genetic information, or any other characteristic protected by any applicable federal, state, or local law are prohibited, whether committed by participants, judges, coaches, or observers.<sup>21</sup>

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<sup>21</sup> <https://www.speechanddebate.org/equity/>.

But in reality, NSDA has clearly allowed, and indeed blessed, judges to discriminate in favor of certain preferred races at the expense of others. In so doing, it is sending a clear message that certain races are more welcome than others.

Moreover, with respect to bullying, OCR has stated:

Harassing conduct may take many forms, including verbal acts and name-calling; graphic and written statements, which may include use of cell phones or the Internet; or other conduct that may be physically threatening, harmful, or humiliating. Harassment does not have to include intent to harm, be directed at a specific target, or involve repeated incidents. Harassment creates a hostile environment when the conduct is sufficiently severe, pervasive, or persistent<sup>22</sup> so as to interfere with or limit a student's ability to participate in or benefit from the services, activities, or opportunities offered by a school. When such harassment is based on race, color, national origin, sex, or disability, it violates the civil rights laws that OCR enforces.

OCR Dear Colleague Letter, *Guidance on Schools' Obligations to Protect Students from Student-on Student Harassment on the Basis of Sex; Race, Color, National Origin; and Disability* (Oct. 26, 2010)<sup>23</sup>; see also *Dear Colleague Letter on Race and School Programming*, at 9 (August 24, 2023) ("The use of content that promotes hateful or demeaning racial stereotypes or violence toward people of a particular race can create a racially hostile environment for students, even if the content is not targeted at a specific person.").

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<sup>22</sup> Note that since the publication of this document, the standard for harassment has been codified in regulation as "severe, persistent, and objectively offensive." See 34 C.F.R. § 106.44.

<sup>23</sup>

<https://www2.ed.gov/about/offices/list/ocr/frontpage/faq/rr/policyguidance/index.html?page=6&offset=50>

NSDA’s deliberate indifference also means that many students—often non-white students—are slapped with a badge of inferiority, by implying that without special assistance from judges, they cannot win debate rounds. Imagine if judges of a mock trial exhibition stated that black competitors must be allowed to introduce more or better evidence on behalf of their clients; or if judges of a robotics competition announced that black competitors needed to be allowed to use better or different mechanical parts in their designs; or if judges of a Quiz Bowl tournament gave black students credit for any answer that is somewhat close to correct. Surely these forms of demeaning “benefits” would give rise to a Title VI problem. *See SFFA*, 143 S. Ct. at 2170 (“One of the principal reasons race is treated as a forbidden classification is that it demeans the dignity and worth of a person to be judged by ancestry instead of by his or her own merit and essential qualities.”). Here, it should be no different. NSDA judges are engaged in the demeaning bigotry of low expectations.

### **Conclusion**

An OCR systemic investigation into NSDA’s civil rights violations is necessary. NSDA’s inclusion and implementation of discriminatory judging philosophies, along with the discriminatory behavior of judges and competitors alike, pose clear Title VI and Title IX violations. Only a long-term monitoring agreement can provide the assurances necessary to protect the rights of all student debaters to participate in a non-discriminatory environment.

/s/ William E. Trachman  
William E. Trachman  
D. Sean Nation  
Mountain States Legal Foundation

2596 South Lewis Way  
Lakewood, Colorado 80227  
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Exhibit 1 - At High School  
Debates, Debate Is No Longer  
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Members of the Walter Johnson High School debate team in Bethesda, Maryland, take part in an American tradition in 2005. (Nikki Kahn via Getty Images)

## At High School Debates, Debate Is No Longer Allowed

*At national tournaments, judges are making their stances clear: students who argue ‘capitalism can reduce poverty’ or ‘Israel has a right to defend itself’ will lose—no questions asked.*

**By James Fishback**

May 25, 2023



Subscribe

By four years on a high school debate team in Broward County, Florida, I caught me to challenge ideas, question assumptions, and think outside the

box. It also helped me overcome a terrible childhood stutter. And I wasn't half-bad: I placed ninth my first time at the National Speech & Debate Association (NSDA) nationals, sixth at the Harvard national, and was runner-up at the Emory national.

After college, between 2017 and 2019, I coached a debate team at an underprivileged high school in Miami. There, I witnessed the pillars of high school debate start to crumble. Since then, the decline has continued, from a competition that rewards evidence and reasoning to one that punishes students for what they say and how they say it.

First, some background. Imagine a high school sophomore on the debate team. She's been given her topic about a month in advance, but she won't know who her judge is until hours before her debate round. During that time squeeze—perhaps she'll pace the halls as I did at the 2012 national tournament in Indianapolis—she'll scroll on her phone to look up her judge's name on [Tabroom](#), a public database maintained by the NSDA. That's where judges post “paradigms,” which explain what they look for during a debate. If a judge prefers competitors not “spread”—speak a mile a minute—debaters will moderate their pace. If a judge emphasizes “impacts”—the reasons *why* an argument matters—debaters adjust accordingly.

But let's say when the high school sophomore clicks Tabroom she sees that her judge is Lila Lavender, the 2019 national debate champion, whose [paradigm](#) reads, “Before anything else, including being a debate judge, I am a Marxist-Leninist-Maoist. . . . I cannot check the revolutionary proletarian science at the door when I'm judging. . . . I will no longer evaluate and thus never vote for rightest capitalist-imperialist positions/arguments. . . . Examples of arguments of this nature are as follows: fascism good, capitalism good, imperialist war good, neoliberalism good, defenses of US or otherwise bourgeois nationalism, Zionism or normalizing Israel, colonialism good, US white fascist policing good, etc.”

How does that sophomore feel as she walks into her debate round? How will knowing that information about the judge change the way she makes her case?

Traditionally, high school students would have encountered a judge like former West Point debater Henry Smith, whose [paradigm](#) asks students to “focus on clarity over speed” and reminds them that “every argument should explain exactly how [they] win the debate.”

In the past few years, however, judges with paradigms tainted by politics and ideology are becoming common. Debate judge Shubham Gupta’s [paradigm](#) reads, “If you are discussing immigrants in a round and describe the person as ‘illegal,’ I will immediately stop the round, give you the loss with low speaks”—low speaker points—“give you a stern lecture, and then talk to your coach. . . . I will not have you making the debate space unsafe.”

Debate Judge Kriti Sharma [concurs](#): under her list of “Things That Will Cause You To Automatically Lose,” number three is “Referring to immigrants as ‘illegal.’”

Should a high school student automatically lose and be publicly humiliated for using a term that’s not only ubiquitous in media and politics, but accurate?

Once students have been exposed to enough of these partisan paradigms, they internalize that point of view and adjust their arguments going forward. That’s why you rarely see students present arguments in favor of capitalism, defending Israel, or challenging affirmative action. Most students choose not to fight this coercion. They see it as a necessary evil that’s required to win debates and secure the accolades, scholarships, and college acceptance letters that can come with winning.

On paper, the NSDA rejects what Lavender, Gupta, and Sharma are doing. Its [rules](#) state, “Judges should decide the round as it is debated, not based on their personal beliefs.” Founded in 1925, the NSDA chooses the debate topics and facilitates hundreds of tournaments, including the annual national tournament, [starting June 11](#) in Arizona, where six thousand students from across the country will compete. (The NSDA did not respond to emails and phone calls asking for comment before this story went to press.)

A random scroll through Tabroom reveals there are still sane judges out there. “I have been a trial lawyer for 25 years,” reads Amanda Marshall’s

paradigm. “I like clash, quality evidence from qualified sources, comparative analysis, and crystallization in last rebuttals. Don’t take anything for granted. You have to explain your arguments, why your evidence is compelling, and how the arguments weigh in the round. It’s your job to persuade me and communicate your positions in a way that is effective—that is how you will win my ballot. I don’t like whining, personal attacks, dominance, aggression, and disrespect. I do appreciate professionalism, kindness, and integrity.”

Or this paradigm, from debate judge Steven Macartney: “My favorite debates are rigorous, but friendly. I actually appreciate when one debater accepts one of their opponent’s arguments as valid, but still persuades me that they should win the round. I will make my decision based on who is the most persuasive, but persuading me will be done by showing with evidence that one side upholds their value and criterion better than the other side. In order to do this, a debater must speak slowly and clearly enough for me to hear and understand the arguments.”

Unfortunately for students and their parents, there are countless judges at tournaments across the country whose biased paradigms disqualify them from being impartial adjudicators of debate. From “I will drop America First framing in a heartbeat,” to “I will listen to conservative-leaning arguments, but be careful,” judges are making it clear they are not only tilting the debate in a left-wing direction, they will also penalize students who don’t adhere to their ideology.

In the past year, Lindsey Shrodek has judged over 120 students at tournaments in Massachusetts, New York, and New Jersey. The NSDA has certified her with its “Cultural Competency” badge, which indicates she has completed a brief online training module in evaluating students with consideration for their identity and cultural background. Until last month, Shrodek’s paradigm told debaters, “[I]f you are white, don’t run arguments with impacts that primarily affect POC [people of color]. These arguments should belong to the communities they affect.” Recently, her paradigm was updated to eliminate that quote. When I asked Shrodek why, she told me she didn’t “eliminate the idea itself,” and that she “doesn’t know if it’s exactly my place to say what arguments will or won’t make marginalized communities feel unsafe in the debate space.”

I disagree. In debate, “unsafe” conversations should be encouraged, even celebrated. How better for young people from all backgrounds to bridge the divides that tear us apart, and to discover what unites them? The debate I knew taught me to think and learn and care about issues that affected people different from me.

We’ve come a long way from the 2004 Democratic National Convention, when an obscure state senator from Illinois named [Barack Obama](#) said, “If there’s a child on the south side of Chicago who can’t read, that matters to me, even if it’s not my child. . . . If there’s an Arab American family being rounded up without the benefit of an attorney or due process, that threatens my civil liberties. It’s that fundamental belief—I am my brother’s keeper, I am my sister’s keeper—that makes this country work. It’s what allows us to pursue our individual dreams, yet still come together as a single American family.”

Twenty years ago, the NSDA I knew encouraged me to think and speak about how policies and issues impacted different communities. Not anymore.

One judge gives people of color priority in her debates. In general, students voluntarily, and mutually, disclose their evidence to their opponents before the debate round, as both teams benefit from spending more time with the other team’s evidence. But X Braithwaite, who’s judged 169 debate rounds with 340 students, has her own disclosure policy in her [paradigm](#), which uses a racial epithet: “1. N\*\*\*\*s don’t have to disclose to you. 2. Disclose to n\*\*\*\*s.”

This is racial discrimination, of course: If you’re black, you get to keep your evidence to yourself and have a competitive advantage. If you’re not black, you must disclose all of your evidence to your opponent and accept a competitive disadvantage. Students who win under this rubric may view their victory as flawed, as if their win isn’t a reflection of their hard work. Those who lose may view this as the singular reason for their loss, even if it wasn’t. Students suffer and so do the sportsmanship and camaraderie that high school debate was once known for.

It’s not just that certain arguments are no longer welcome; it’s also the students who make those arguments. At the 2018 NSDA National Tournament in Fort Lauderdale, a student was publicly ridiculed by peers

for making conservative arguments. She later posted an [“Open Letter From A Deplorable Shitbag”](#) on Reddit, which read, “To the judge(s) and student(s) wearing the “fuck trump” shirt(s), Tears stream down my face as I write this. I have never felt so hurt in my entire life. I really did not appreciate your words towards me after the round. I did not appreciate the spectators/competitors wearing shirts with matching sentiment with you following me to my next rounds. . . . I understand I speak fast sometimes, and that I often unknowingly use words that offend certain groups of people. . . . Also, I am sorry that my attire did not fit your standards. I know about the stain on my shirt, but it really is all I had.”

During my time as a coach, I saw many students lose interest and quit. They'd had enough of being told what they could and couldn't say. A black student I coached was told by the debate judge that he would have won his round if he hadn't condemned Black Lives Matter.

In 2019, I gave up on the NSDA and formed a new debate league, [Incubate Debate](#). To judge debates, we recruit elected officials, members of the armed forces, business executives, faith-based leaders, and others. At the eighteen no-cost tournaments we've hosted this year, thousands of students have come together to debate, have fun, and learn from each other.

Think back to that high school sophomore who's nervously pacing before an NSDA debate. Before she enters her round, she reads her judge's paradigm and says to herself, “I'm going to lose.” Her loss won't be because her argument lacked evidence or support. Her argument simply doesn't conform to her judge's ideology. Imagine her disappointment and hopelessness, imagine her weeks of research and rehearsal. She never had a shot.

**EDITOR'S NOTE:** One day after this story published, the NSDA released a [statement](#) on Twitter, stating in part: “Our judge training materials in partnership with the National Federation of State High School Associations provide best practices for adjudicating speech and debate, such as ‘Judges should decide the round as it is debated, not based on their personal beliefs.’...Tabroom.com is a project of the National Speech & Debate Association, and its purpose is to provide a tournament management system for debate and speech tournaments worldwide. The 47,000 judge paradigms housed therein represent the opinions and viewpoints of the

individual paradigm authors. Schools or other organizations that use Tabroom.com to hire judges are free to evaluate those paradigms before engaging their services.”



***This is James Fishback’s first piece for The Free Press. Follow him on Twitter [@j\\_fishback](#).***


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## Comments 625

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 KP May 25, 2023  
Oh my God, all of the old institutions must be swept aside. This is appalling! Thank you for bringing this rot to light. Bret Weinstein says that it only takes one institution to prize excellence to break the chains of group think, but I think you need more than that. It needs to be a tsunami. May your institution be the forerunner in the debate sphere. May University of Austin, Hillsdale, and Jordan’s endeavor break the line in higher ed. The new Twitter crush it in social media. FIRE overcome the ACLU.

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 Brian Fish May 25, 2023  
How can one be a judge of anything with biases so strong? They simply must not be allowed to judge - period.

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### NYC Public School Wipes Israel from the Map

FRANCESCA BLOCK

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  189
 



### A Professor Quits MIT. China's Bullying Goes Global. Haley Surges.

OLIVER WISEMAN

JAN 10

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Exhibit 2 - Part II At High  
School Debates, Watch What  
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Students earlier this month compete in the National Speech and Debate Tournament, where several biased judges took part. (Photo via Livestream)

## Part II: At High School Debates, Watch What You Say

*Kids are losing high school debates because of their personal tweets, reveals James Fishback in a new exposé.*

**By James Fishback**  
June 26, 2023

👍 💬 📄

*One month ago, James Fishback, a former debate champion, wrote a piece for us exposing how high school debate has been hijacked by political and ideological judges. The article went viral. Politicians on both sides of the aisle tweeted their shock at Fishback's findings. Democratic Rep. Ro*

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***Khanna and Republican Sen. Ted Cruz invited him to meet with them to discuss the problem.***

***Most importantly, more than a hundred coaches, debate parents, and debaters (both current and former) reached out to Fishback to share their own experiences, confirming that in high school debate, debate is no longer allowed. That number included people from inside the National Speech & Debate Association, the key institution Fishback investigated, who told him he didn't know the half of it.***

***So we asked Fishback to dig deeper. Here's what he found. — BW***



Once upon a time, the National Speech & Debate Association, or NSDA, was the country's premier debating organization, touching the lives of two million high school students across its nearly hundred-year history. Its famous alumni include Oprah Winfrey, and Supreme Court justices Neil Gorsuch and Ketanji Brown Jackson. The NSDA, formerly known as the National Forensics League, currently has 140,000 young debaters on its roster—but now, rather than teaching them to debate, it is teaching them to self-censor and conform their arguments to a new politically correct standard.

The NSDA has allowed hundreds of judges with explicit left-wing bias to infiltrate the organization. These judges proudly display their ideological leanings in statements—or “paradigms”—on a public database maintained by the NSDA called [Tabroom](#), where they declare that debaters who argue in favor of [capitalism, or Israel, or the police](#), will lose the rounds they're judging.

This has fundamentally changed the culture of high school debate—or so scores of students are telling me. One of them is former high school debater Matthew Adelstein, a rising sophomore studying philosophy at the University of Michigan, who was a member of the NSDA in high school.

Adelstein told me that, in April 2022, he competed at the prestigious Tournament of Champions in Lexington, Kentucky, where he debated in favor of the federal government increasing its protection of water resources.

In his final round of the two-day tournament, Matthew was shocked to hear the opposing team levy a personal attack against him *as their central argument*. The opposing team argued: “This debate is more than just about the debate—it’s about protecting the individuals in the community from people who proliferate hatred and make this community unsafe.”

Then they pulled up a screenshot of a tweet from earlier that month, which Matthew had responded to.

The tweet read: “Name one thing that you, personally, feel is morally disgusting, but that you think, rationally, should be legal and accepted by society.” Matthew had replied: “Calling people racial or homophobic slurs.”



Suddenly, Matthew’s six-word tweet and an accompanying Discord message became the focus of the round, U.S. water policy be damned. You can read his opponents’ entire argument—a rambling 25-page treatise in a multi-font format with no real mention of U.S. water policy—[here](#).

But what is most incredible is that this argument actually won Matthew's opponents the round.

In his written decision, Judge Jacob Wilkus explained his reasoning for giving Matthew's opponents the win. "A debate space where racist or violent people are not allowed is preferable to one where they are," he wrote, adding that "the ballot has a transformative power to challenge white debate norms where it is okay to just let racist or violent activity slide."

Matthew, who considers himself a progressive, told me he had misread the tweet, and thought it was prompting comments only on what "should be legal" not "accepted by society." He had made a mistake. But that's beside the point.

Wilkus, who has judged 488 debaters at dozens of tournaments, had allowed a personal attack to outweigh a reasonable argument between debaters.

What's more, he sent a signal to all high school debaters that they can be penalized in a tournament on the basis of their personal conduct. (I reached out to Wilkus twice via email, asking him for comment, and did not receive a response.)

After hearing Matthew's story, I looked deeper into the problem and found that some judges actually state outright they will punish debaters for comments or actions they've made outside the debate arena.

Zachary Reshovsky is one of these judges. His [paradigm](#) tells students, "I will consider indictments of an opponent on the basis that they have done [or] said something racist, gendered, [or] -phobic in their personal behavior. The indictment, however, needs to be clearly documented (e.g. a screen shot Facebook post, an accusation with references to multiple witnesses who can corroborate the incident) and the offending violation/action needs to fall into the category of commonly understood violations of norms of basic decency surrounding race/gender. . ."

He continues by stating that "microaggressions will be considered" even if "they are more difficult to prove/document."

What defines a microaggression? The answer is broad. The University of Minnesota offers a two-page sheet listing [scores of examples](#), including the phrases “America is a melting pot,” “There is only one race, the human race,” and “I believe the most qualified person should get the job.”

These statements are hardly controversial, but for Reshovsky, they could be enough to torpedo a debater’s chances in the ring. What’s more, encouraging debaters to comb through competitors’ social media accounts in order to publicly shame them in a tournament is reprehensible.

It also begs the question: why would students subject themselves to high school debate if these are the consequences?



Steve DuBois, a high school teacher in Lenexa, Kansas, who has been an NSDA coach for 27 years, said he has noticed that a majority of high school debates now occur “within fairly narrow ideological parameters.”

“There’s the moderate left, there’s the far left, and that’s essentially the range in which debates occur,” DuBois told me. Students, he said, “are told that there are certain things that you shouldn’t say in debate rounds because they create an unwelcoming environment for people in the community.”

This obsession with safety conceals a disdain for anything the NSDA deems unsafe. Here is just one example of the problem DuBois noted that I found from a debate event online:

In [this video](#), Quest Sandel, the tournament parliamentarian at the 2019 NSDA Nationals, urges students to refrain from using gendered language in the realm of debate:



“I don’t want to hear *Mr.* or *Miss* from anyone. That would be greatly appreciated, as we try to respect the differences of every single person here.”

When I asked Quest via email why he warned students not to refer to each other as *Mr.* or *Miss*, he told me his warning was in “direct alignment with the spirit of equity and inclusion that the NSDA promotes.”

The irony of the NSDA’s obsession with “safety” is that it actually fuels an atmosphere of fear among students—the fear that they will lose if they once said the wrong thing on Twitter or accidentally refer to their competitor as *Miss*. This fear is palpable. The NSDA debates—once a forum for the open exchange of ideas—have become a minefield of political correctness, says NSDA student Briana Whatley, 15, of Miramar, Florida.

“At NSDA tournaments I am not guaranteed a win based on my reasoning, facts, or delivery, rather if I can reinforce my judges’ ideology throughout the debate,” Whatley told me. “It’s antithetical to what true open debate is.”



In reporting my first piece about high school debate, I reached out to the NSDA for comment three times via email and three times via phone before it was published. Each time I was ignored.

But less than 48 hours after the story came out and stirred national outrage, the organization issued [a statement](#) on Twitter saying in part: “The NSDA prohibits all forms of discrimination, and we continue to provide training and resources to combat any behavior that is contrary to our policies and goals so that every member of our community feels included in an atmosphere of anti-bias.”

The NSDA did not announce that it would remove or even reprimand the ideological judges who punish students for what they say. In fact, just weeks later, the NSDA went ahead with its National Speech and Debate [Tournament](#) in Phoenix, Arizona, from June 11–16, and employed biased judges in several of its rounds.

John Hollihan, debate coach at Pittsburgh Central Catholic High School, judged three rounds at NSDA nationals. His [paradigm](#) tells students that “I am EXTREMELY skeptical of ‘capitalism good’ arguments. If you go for them, you better do a lot of analysis to convince me.”

Chaz Wyche, who judged the final round of middle school policy debate, states in his [paradigm](#) that “I reserve the right to end the debate due to anti-blackness.”

What does Wyche mean by “anti-blackness”? He did not respond to my request for comment, but his [2021 master’s thesis](#) on the topic argues that “anti-blackness created the concept of policing” and that “police are a direct extension of the slave master.”

“To say that ‘All Lives Matter,’” he wrote in the thesis, “is to ignore the way that anti-blackness produces unequal life chances for Black people.”

Wyche, who has judged 1,192 debate students over his tenure, was given the honor of judging the final round of this month’s NSDA national championship.

Rich Kawolics, a recently retired debate coach who also judged June’s NSDA Nationals, tells students in his [paradigm](#) that “any argument or behavior that is racist, sexist, homophobic, transphobic, xenophobic, ableist, or diminishes any person’s humanity because of their identity will earn you a loss.”

I agree with this. Any student attacking his or her peers because of their race, sex, disability, or identity is abhorrent and disqualifying. But Rich also says that *arguments* related to these ideas will “earn you a loss.”

What’s a “xenophobic” argument? Is it a student arguing that the U.S. must secure the southern border? And what exactly is a “transphobic” argument? Is it a student arguing that teenage girls cannot consent to double mastectomies?

When I asked Kawolics over email whether arguments like the one above were transphobic, he replied that he could not answer my specific question “outside the context of a debate round.”

When a judge’s “rules” have no definition, any student can be guilty of them.

At NSDA nationals, there were at least two dozen judges who warned students against “transphobia” in their paradigms. These ambiguous warnings instill fear in students about the arguments they can’t make. This fear drives self-censorship and eliminates certain viewpoints that need to be heard.



I wrote the piece for *The Free Press* because I care about high school debate. When I competed as a high schooler, it helped me overcome a stutter and gave me confidence. The censorship going on in debate today concerned me so deeply that, in 2019, I launched my own nonprofit called [Incubate Debate](#), where I offer no-cost, free-speech debates for kids in my home state of Florida.

A few critics have pointed out that my piece was written out of self-interest. That all I was trying to do is publicize my own organization. And it’s true that since my first piece was published, hundreds of students have contacted Incubate Debate asking to compete in our tournaments, and more than 50 volunteers have reached out to me, offering to judge our debates. These volunteers include former debaters, school superintendents, veterans, and even an assistant U.S. attorney.

I also admit I am a capitalist. I believe in competition in the free and fair marketplace. I would love nothing more than for the NSDA to return to its

liberal roots of allowing the best argument to win—and to give my organization a run for its money. In the meantime, I would also love to see others like me, who care about high school debate, to start similar grassroots organizations in their own states.

Yes, I am self-interested. I love high school debate, and I want to preserve the tradition for other kids. I want them to experience the joy of hearing a diverse range of ideas, and to discuss those ideas freely without feeling fear, or the shame of saying the wrong thing.

Surely, this is what we want for all kids, even if they don't aspire to become debate champions. And surely, it's what we want for all of society, too.



***Follow James Fishback on Twitter [@j\\_fishback](#). Send us tips about your experience with high school debate at [tips@thefp.com](mailto:tips@thefp.com).***


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Thursday, January 11, 2024






## Comments 374

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 Write a comment...

 Sid - Retired Lawyer Writes Sid's Substack Jun 26, 2023

I was a college debater from 1955 to 1960 and then a judge. I really cannot countenance what our young people are now subject to. Go ahead with your own debate league and leave these anti-intellectuals to stew in their own bigoted juices. You don't need them. Good young minds don't need them. Our nation doesn't need them. I wish you every success.

 LIKE (377)  REPLY  SHARE

24 replies

 Lady in the Lake Jun 26, 2023  Liked by James Fishback

"I also admit I am a capitalist."

This is how insidious Marxism and leftists are. I am proud to be a capitalist. It is the ONLY economic system that enables people of all colors, backgrounds and gifts to succeed.

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25 replies

See all comments

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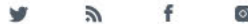
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# Exhibit 3 - Lila Lavender



# LILA LAVENDER

Paradigm

Record

Certifications

## Paradigm Statement

Last changed 18 February 2023 2:42 AM PDT

She/Her

Hey yall!! I'm lila, and I have been involved with debate for around 10 years (with 7 years of HS + collegiate competition). I competed in LD for all 4 years of highschool, qualifying to and debating at the TOC my senior year, and competed in NPDA for 3 years in college - the lovely Jessica Jung and I won NPDA nationals in 2019. Have been coaching CX, LD, and Parli for the 6 years to varying degrees. Currently, coaching for both EVHS (Parli and LD) and MVLA (LD)!!

Email Chain: For both LD and Policy I would like to be on an email chain, email is "lilalavender454@gmail.com." If you have any questions or revolutionary criticisms of my paradigm, I would love for you to email me as well!! ^^ To keep my paradigm as short as possible, I have also omitted my thoughts on how I evaluate specific positions (i.e Ks, theory, ADV/DAs, etc). So if you have any questions about that, feel free to email me or find me before prep/the round/etc!!

Quick Pref Sheet:

1 - K

2/3 - LARP

3/4 - Theory (I am good at evaluating theory and went for it all the time when I was competing, vacuous debate just makes me mad).

4/5 - Phil

10 - Tricks (ill just never vote on this).

Paradigm - Short:

- Tech > truth.
- Go as fast as you want, i'll be able to flow it.
- I judge every debate format in the same way: on the flow and based on (in one way or another) which team or debater wins offense that outweighs their opponents.
  - I will never vote for rightest capitalist-imperialist positions/arguments. For example:
    - capitalism good, neoliberalism good, imperialist war good, fascism good, bourgeois (like US) nationalism, normalizing Israel or Zionism, US white fascist policing good, etc.
  - Barring the above, read whatever you want and i'll vote on it if you win it!!

HS Parli Update - 10/3/22

Given events that happened during the 2022 Stephen Stewart finals, I now have a very specific threshold for voting on Speed Bad theory. That threshold being that unless you have disclosed to your opponents that you have an audio-processing disability and/or show me your flows (your lack of ability to flow the arguments being spread), I will not vote on Speed Bad theory. The way this will function on the technical level is that if that threshold is not met, or another threshold which objectively not subjectively proves engagement was not possible (because of speed), I will grant the other team a we-meet on the interp - regardless of what happens on the flow. To be clear, this is not because I don't think that there are legitimate justifications of Speed Bad theory or that teams don't abuse speed in reactionary ways, there are and they do. But rather, it's because this interp has and continues to be used in an actively counterrevolutionary way. I.e., to advance monopoly capitalist and thus imperialist propaganda, and justify blatant male chauvinist harassment. This does not apply to novices.

Paradigm - Long:

Before anything else, including being a debate judge, I am a Marxist-Leninist-Maoist. I have realized as a result of this, I cannot check the revolutionary proletarian science at the door when i'm judging - as thats both impossible and

## Search Judge P

kusha

Last name

opportunism. If you have had me as a judge before, this explicit decision of mine does not change how you understand I evaluate rounds, with one specific exception: I will no longer evaluate and thus ever vote for rightest capitalist-imperialist positions/arguments. Meaning, arguments/positions which defend the bourgeoisie's class dictatorship (monopoly capitalism and thus imperialism), from a right-wing political form. I.e., the politics, ideology, and practice of the right-wing of the bourgeoisie.

Examples of arguments of this nature are as follows: fascism good, capitalism good, imperialist war good, neoliberalism good, defenses of US or otherwise bourgeois nationalism, Zionism or normalizing Israel, colonialism good, US white fascist policing good, etc. In the context of a debate round, by default this will function through 'drop the argument.' I.e., if you read an advantage or DA that represents the right-wing of the bourgeoisie, I won't evaluate that advantage or DA. If your whole 1AC or 1NC strategy is rightest capitalist-imperialist in nature, I won't evaluate your whole 1AC or 1NC. This only becomes 'drop the debater' if you violently and egregiously defend counterrevolution.

For example, if the arc of your argument is about how Afghanistan can never be self-reliant and is inherently 'full of terrorists' (thus requiring US imperialist rule), you will lose regardless of what happens on the flow. The brightline for what I described above is liberalism. Or in other words, I will still evaluate 'soft left' positions/arguments - those which represent the liberal wing of the bourgeoisie. To be clear, this is not because liberalism is any less counterrevolutionary or less of a weapon of monopoly capitalism than rightism is. Nor is this the modern revisionist nonsense which posits that there is a 'peaceful' wing of the bourgeoisie and thus imperialism.

Rather, it's because it's a practical necessity given debate's class basis. In one way or another, given debate's bourgeois class basis and function as imperialist propaganda, the vast majority of 1ACs/1NCs are liberal in some form; this includes the vast majority of Ks. Thus, if I were to extend this paradigm to correctly also cease evaluating liberal arguments/positions, it would mean either it would be impossible for me to evaluate 99% of rounds or there would be a even higher chance of me getting struck out of the pool. Which in the practical sense is not a decision I can make, because as a result of US monopoly capitalist exploitation, I rely in-part on judging to eat and survive bourgeois class warfare otherwise.

So within that context, as much as I can, I will use my power as a judge to propagate the Maoist line and remove as much of the most explicit reactionary arguments/positions as possible. As Aly put it, "some level of paternalism from those of us who are committed to ensuring the future survival of this activity is necessary." I know that there are going to be some individuals who are greatly upset by this paradigm. For the vast majority of you, that's fine, the class antagonism is clear. For the rest of you, whose concerns may be genuine, consider the following.

Every single judge exerts a paradigm that, to differing degrees, will not evaluate particular arguments/positions. Most judges do not explicitly state or justify what that entails, and many judges do explicitly as well - in both positive and negative ways. For example, many judges (correctly) will not vote for openly racist/cissexist/misogynistic/nationally oppressive arguments; it goes without saying, but I won't ever vote for and will drop you for these arguments as well. Or in another way, (incorrectly) debate conservatives refuse to vote for Ks all the time.

The only reason this specific paradigm will seem especially concerning, is because of the bourgeois class nature of debate and thus its ideological function in service of imperialism. One which is inherently in contradiction to proletarian revolution and human emancipation, and thus antagonistic to Marxism-Leninism-Maoism. This is demonstrated well by the contradiction that most judges correctly will vote down debaters for being openly racist, yet will vote for positions which endorse the butchering of colonized and nationally oppressed People by US imperialist wars; something I've been guilty of in the past. As always, if you have any questions or good-faith criticisms of anything I mentioned within my paradigm, please don't hesitate to email me - I will always get back to you as soon as I can!! :))

Proletarians of all countries, unite!!

#### Misc Thoughts:

- Non-Black debaters should not read afro-pess, I will drop you if you do. Read: <https://thedrinkinggourd.home.blog/2019/12/29/on-non-black-afropessimism/> Note: don't use this as an opportunistic excuse to not defend or have a line on New Afrikan national liberation, as that's gross and chauvinist.

- I am a transgender woman who has a deeper voice, please take that into account. It's exhausting to see judges and debaters who are unable to resolve this contradiction, either attribute my RFD to men on the panel, or treat me like a man as a result of my voice.

- Cap debaters need to stop reading modern revisionism or 'left' opportunism guising itself as 'Marxism,' and truly grasp what Marxism is. This is a good place to start study wise: <https://michaelharrison.org.uk/wp-content/uploads/2022/04/The-Collected-Works-of-The-Communist-Party-of-Peru-Volume-2-1988-1990.pdf>

It's a real shame that as a result of bourgeois feminism, be that white feminism or cissexist feminism, debaters have abandoned advancing the necessity of women's liberation. The proletarian line on feminism needs to be brought to debate, here is a good place to start study wise:

- <https://foreignlanguages.press/wp-content/uploads/2021/11/S02-Philosophical-Trends-in-the-Feminist-Movement-9th-Printing.pdf>

For Parli Only - I will NEVER vote for an argument that says "reading Ks is only for rich schools and only rich debaters read Ks." There is a reason why this argument is read 99% of the time by schools and debaters flush with capital, it's because it's a bourgeois lie and distortion of debate history. Particularly one which, among many things, enables and was enabled by white chauvinism in debate. There is a good chance I will drop you for making this argument as well, so either don't read it in front of me or better yet strike me.

While there are certainly contexts in which trigger warnings are legitimately necessary, i.e. in graphic descriptions or displays of counterrevolutionary violence (sexual or otherwise), there are also ways in which trigger warnings are weaponized by bourgeois politics for counterrevolution. I.e., how it's used to obscure or mystify ongoing exploitation and thus oppression, or to protect bourgeois sensibilities. Merely discussing the existence of counterrevolutionary violence **DOES NOT** require a trigger warning, that is absurd and nothing but liberalism. If this occurs in a round that I am judging you in, I am very receptive to revolutionary criticisms of this liberalism. As Black Like Mao puts it "**it is important to steel oneself because real life has no trigger warnings. This is not a call to willfully subject oneself to a constant barrage of horrors, because that is a recipe for depression and all kinds of other nasties, but a reminder that this stuff is happening and if you happen to be in the midst of one of these incidents there is no running away or covering one's eyes.**"

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# Exhibit 4 - Lindsey Shrodek

# LINDSEY SHRODEK

Paradigm Record Certifications

## Paradigm Statement

Last changed 3 January 2024 1:15 PM EST

I'm Lindsey, I am a law student who has some past experience with public forum debate.

### My Paradigm

I will vote for the team that presents a stronger logical argument. I will consider arguments on quality of evidence presented, arguments speaking to why your case is impactful, and strength of responses to the opposition's argument.

### The New York Post Article

I want to clarify a few things as succinctly as I can for future reference.

1) I do not condone banning topics from discussion or any judging style that automatically disregards a topic based on the subject matter. I have always been open to discussing difficult topics and will continue to be an advocate of freedom of speech.

2) In high school, I did not have access to many debate resources and did not regularly compete at national circuit tournaments (usually we had around 5 teams per tournament). Because of this, I often found advising and judging from online paradigms, forums, or message boards. When I became a Judge briefly, parts of my paradigm were meant to give free advice related to style and decorum. The main point I wanted to convey is that being respectful and genuine about presenting arguments leads to more persuasive argumentation.

Contrastingly, utilizing provocative arguments only for the purpose of shocking a judge and winning is less fulfilling. I apologize if my language came across the wrong way, debaters should have the freedom to explore any topic they want

3) I do not support the recent publication of videos of debaters with the intention to shame their argument style. Every debater deserves the autonomy to make arguments that they want without fear of being cancelled or harassed on twitter. I think we should all try to be more open-minded about different ideas and understand that young people will often make mistakes and grow from them. Be respectful, engage with people in a good-faith way, and allow students the space to change their mind.

4) A good lesson for debate (and life) is to always try to understand nuance and different perspectives. I hope that anyone that reads any article (especially an article of this nature) would be intrigued enough to learn more, to contextualize their information, and to understand evidence before drawing conclusions. I will post the full conversation I had with James below for context.

Hi Lindsey:

I am writing an article for [The Free Press](#) about judging bias in the NSDA. This bias is illustrated by Tabroom paradigms that tell students what they can and can't say on the basis of politics and ideology.

I am reaching out because you along with other judges and the NSDA are the focus of my reporting. I will be publishing your name and your Tabroom paradigm below. In the interest of fairness and accuracy, I would like to provide you with the opportunity to comment and answer the following questions.

I am reporting on the following comment from above: "...if you are white, don't don't run arguments with impacts that primarily affect POC. These arguments should belong to the communities they affect."

1. What is an example of an argument that you believe a white student could not run because of their race?
2. Why did you eliminate this statement about race from your most recent paradigm update?

## Search Judge Paradigms

First name

Last name

Search

There are 7,385 paradigms on Tabroom reviewed since January 1, 2024

If you could provide a response by 9PM Eastern today (Fri, May 12), that would allow sufficient time for your comments to be incorporated.

Best, James T. Fishback

Hey James!

I don't know if it's exactly my place to say what arguments will/won't make marginalized communities feel unsafe in the debate space and that's one reason I updated my paradigm. I want it to ultimately be the debater's decision, but I want to ensure a team that is directly affected by the argument is comfortable discussing it in the debate space. Another reason I eliminated this sentence was because I incorporated a similar idea in my section about progressive debate and I feel it captures the main idea better: I think debaters should communicate before the round to make sure both teams are aware of what topics will be discussed and are comfortable with it. In essence, I think arguments that may be super hard to argue for communities that are directly involved with the impacts should be discussed prior to the round to ensure debate is fun for everyone. My goal isn't to "eliminate free speech", but to have both teams be able to have a productive and fun debate.

This kinda goes along with my first comment, but I didn't eliminate the idea itself. I wanted to clarify later in my paradigm that students should notify one another to see if their opponents are comfortable with a proposed topic. I think these topics are important to be discussed, but not when one team is using the argument as a means to get a win without considering the feelings/experiences of their opponents (especially if their opponents are directly affected by the impact).

I am happy to clarify anything else if needed! Best, Lindsey Shrodek

Thanks Lindsey! This is helpful

Re: "I want to ensure a team that is directly affected by the argument is comfortable discussing it in the debate space."

If, before a round, a team of black students expresses discomfort about their non-black opponents' case because it details the impacts of defunding the police on black families, would the non-black team still running that argument without consideration for the experiences of their opponents factor into how you chose the winner/assigned speaks?

I consider everything that happens in round. The goal of debate is to be a productive, positive-sum experience for everyone, and debaters need to be considerate of that goal when deciding how to run an argument and whether to run it at all. You can look at my updated paradigm if you want more information as the one you have is nearly two years old.

Best, Lindsey Shrodek

If you want to know where my intentions lie, please know that I intend to judge every round to its entirety, regardless of subject matter, that is why I wrote to James: "I consider everything that happens in a round." Thank you for reading! :)

# Exhibit 5 - X Braithwaite

# X BRAITHWAITE

Paradigm Record

## Paradigm Statement

Last changed 10 September 2021 1:42 PM EST

Aight this'll probably change throughout the course of my like judging career but yeah, here we go for now.

edit for grapevine: pls don't go at ur top speed, school is already scrambling my brain and its the first tournament of the year. 70-90% is good but above that I'm def gonna miss arguments

ADD ME TO THE CHAIN: sbraithwaite@guilford.edu

\*\*\*If you're addressing me call me X. I will doc your speaks by 0.5 if you call me anything else but judge or X\*\*\*

I'm X, aka Newark Science SB (she/they), i've done LD debate since I was a freshman and policy debate a couple of times since I was a junior. I qualled twice to the TOC (2019 & 2020) and took two tourneys my junior year, Byram Hills and Ridge, and got to bid rounds of policy tournaments with 3 different partners. I almost exclusively read identity-based arguments from the time I was a sophomore until my senior year. My literature base consists of Alexis P. Gumbs, Saidiya Hartman, Nadia Brown, Lisa Young, etc. This should tell you a little bit about my stance towards Ks

A few paradigm issues (aka TLDR):

1. Ks/K affs/Performance/Non-T>K Theory>T>Theory>Policy>Tricks
2. YOUR 2NR/2AR SHOULD BE WRITING MY BALLOT FOR ME- The best way to get high speaks/my ballot is for my RFD to sound damn near like those 2 speeches. closing the debate is realllly important, especially in close rounds. I won't do the work for you.

Things I default to-

1. Truth > Tech: Techy arguments make it so that important conversations about race, sex, positionality, etc. get drown out by things that don't matter like a debater dropping subpoint A8 of impact 35. By truth I mean, big picture debate, not claims that are literally true. Ex: The aff says that black women should sacrifice themselves to save the entire world. The neg should engage with this idea, it's clearly a bad one. The way tech is used against K debaters is unable to hold them accountable for the ways in which they add to a violent debate space. That brings me to my second point.
2. Debate is not a game. Debate has material impacts for those who engage in it, especially POC. Please be mindful that debate is sometimes some debater's only option when it comes to funding college or having a platform to speak freely. Also it's just not unreasonable to consider how it can be a game for some and not for others. You have a high threshold to prove to me why it is (hint: maybe find better, more strategic T shells, friend)
3. Word PICs against K affs are not a good look whatsoever. Unless they do something OVERTLY wrong, like saying the N-word without being black, etc. don't read it in front of me. It's violent and abstracts from infinite violence against the group of people they're talking about. So you're telling me changing the 'e' to an 'x' in women will change discourse about black women in gender studies? Yeah aight. Anyways, it's a form of infinite policing and promotes a bad model of

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debate. But if you feel like there's a legit reason to read a PIC go for it! I exclusively read PIKs in the latter half of my senior year.

4. Util framing is kinda ridiculous and anti-black. Not saying I won't evaluate it, but if your opponent warrants why it is, given that the claim is literally just true, you're gonna be held at a higher threshold to prove why it's not. Just saying.

Now the fun stuff:

Ks/Ks affs/Performance: This is what I LIVE for. But only if you know what you're talking about. If you're just doing just to do it or for my ballot and execute it poorly, I won't hack for you. K debate takes work, dedication and reading. If you think that you can override all three layers, read some K off the Wake backfiles and get my ballot, it's gon be a sad day for you.

Theory/Tricks: Friv theory belongs with tricks, don't like it, it's violent, will not even flow it. Disclosure theory is fine EXCEPT when you are debating a black person or you are one. 1. Niggas don't have to disclose to you 2. Disclose to niggas. Besides that, theory can be really creative and fun and actually substantive/responsive.

T: Traumatizing, mentally exhausting and often times whiney. Fairness isn't a voter, read it and I will not flow it as an impact. T is often used against black debaters to get out of hard convos. Also like if we being REAL right now, I think theres probably like one or two completely untopical affs per year. Y'all like to run T against K affs to silence their relation to the topic because it's "too hard to engage with". Boo-Hoo for you. Ask your coach how to engage. It's what they're paid for.

\*\*\*EDIT AS OF 1/1/2021: I do like a good T debate but please please please don't read from some K aff block. make it nuanced. make it relevant. make it meaningful.

Policy: This is lowkey an unknown for me if i'm being honest. Never debated in a policy way, it's towards the bottom because I don't trust myself to judge policy, but if you do, hey, go off.

\*Speaker points for me aren't based off of aesthetics of debate norms, but big picture debate. Meaning if I vote you up on T USFG or something like it, it'll be a low point win.

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# Exhibit 6 - Nick Lepp

# NICK LEPP

Paradigm Record Certifications

## Paradigm Statement

Last changed 4 January 2024 5:59 AM EST

I am currently an assistant debate coach with both Montgomery Bell Academy and George Mason University. This is my 15th year in policy debate.

I use he/him pronouns.

Last updated: 10/11/2023

Please put me on the email chain & make me an ev doc at the end of the debate. [NJL1994@gmail.com](mailto:NJL1994@gmail.com).

Set up and send out the 1AC 10 minutes before the debate begins. Please avoid downtime during debates. If you do both of these things without me needing to say anything (send out the 1AC 10 minutes early + avoid downtime) you'll get higher speaker points.

If I'm judging you online, please slow down a bit and emphasize clarity more than normal.

### Top level things:

I think about debate in terms of risk (does the risk of the advantage being true outweigh the risk of the disad being true?). I am willing to vote on presumption, particularly when people say really ridiculous stuff.

I like nuance and for you to sound smart. If you sound like you've done research and you know what's going on, I'm likely to give you great points. Having nuances and explaining your distinctions is the easiest way to get my ballot.

Judge direction is a lost art. If you win the argument that you're advancing, why should it matter? What does this mean for the debate? What does it mean for your arguments or the other team's arguments? This is the number one easiest way to win my (and really anyone's) ballot in a debate. Direct your judges to think a certain way, because if you don't, your judges are likely to go rogue and decide things that make sense to them but not to you. So impact your arguments and tell me what to do with them. I think it's way more valuable to do that than include one more tiny argument.

Decorum is very important to me. If your strategy is to belittle, upset, talk down to, yell at, escalate, curse at, or otherwise be rude or mean to your opponents, then you can expect me to give you terrible speaker points. I also reserve the right to end the debate early if I find the behavior particularly atrocious or potentially threatening to anyone in the room. You certainly don't have to be best friends with your opponents, but I do expect a sense of cordiality when engaging your opponents and their arguments.

"The existence of speech time limits, the assumption that you will not interrupt an opponent's speech intentionally, and the fact that I (and not you) will be signing a ballot that decides a winner and loser is non-negotiable." (taken verbatim from Shree Awsare).

I am incredibly uncomfortable adjudicating things that did not occur in the debate I am watching. Please do not ask me to judge based on something that didn't happen in the round. I am likely to ignore you.

High school debaters in particular: I have consistently noticed over the past few years of judging that I vote for the team whose arguments I understand. If I

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cannot connect the dots, I'm not going to vote for you. This goes equally for kritikal and policy debaters. Most of my decisions in high school debates come down to this, and I will tell you that your argument makes no sense in my RFD.

How I decide debates:

First: who solves what?-- does the aff solve its impacts, and (assuming it's in the 2NR) does the negative's competitive advocacy solve its own impacts and/or the aff? In framework debates, this means the first questions I resolve are "does the aff solve itself?" and "does the TVA solve the aff sufficiently?"

Second: Who's impact is bigger? This is the most important question in the debate. Do impact calculus.

Third: Whatever you have told me matters. Because I have started with solvency & impact calculus questions, everything else is always filtered along those lines (including framework/role of the ballot/role of the judge).

Other misc things:

1. A dropped argument is a true argument but it needs to be a complete argument to begin with or I will likely allow people new answers. For example, this epidemic with high schoolers reading aspec on the bottom of T flows to hide it: if it's so quick I didn't catch it in the 1NC, the 1AR gets all the new args they want. Additionally, an argument is not just a claim and a warrant, but a claim, warrant, and reasoning. In other words, your warrant needs to be connected to your claim in order for it to be an argument.
2. I am very flowcentric. Do not ask me to not flow, because I won't listen. Please do line-by-line. If you don't, I'll be frustrated and less likely to buy new extrapolations of arguments. Your speaker points will definitely drop if you don't do line-by-line. I do not like overviews ("overviews are evil"-- one of my labbies; "flowing is good for your health" -- another one of my labbies).
3. Show me that you care. Show me that you know things, that you've done research on this topic, that you want to win, and that debate matters to you. I love this activity and if you also love it I want to know that.
4. Judge kicking makes sense to me but I frequently forget about it, so if you want me to judge kick something you should tell me so in the block/2NR.
5. Cards and highlighting: Teams should get to insert rehighlightings of the other team's cards, but obviously should have to read cards if they're new/haven't been introduced into the debate yet. Two offshoots of this-- 1. You should insert rehighlightings of other team's cards if they suck 2. You should read cards that don't suck.

I do not follow along with speech docs during debates.

Please highlight your ev so it reads as complete sentences. This does not mean that I need you to highlight complete sentences, but if you are brick highlighting, I want to be able to read highlighted portions of your ev as complete sentences—it flows better to me. IE don't skip the letter "a" or the words "in" or "the". Just a random pet peeve.

If you do not have a complete citation or at least a full paragraph from your evidence I will not evaluate what you've said as evidence. Cherrypicked quotes with no context are not evidence.

I tend to not read a lot of cards after the debate unless things are highly technical or I think the debaters aren't explaining things well. That being said, I'll likely read at least some cards. Please put together a card doc for me.

6. Debaters parroting their partners: I usually just flow what the partner said. That, obviously, only exists within reason (you don't get to give a third speech in a debate, but you can interrupt your partner to say something and I will flow it).

7. New 2AR args are bad for debate. I consciously hold the line against them as much as I can. I as a 2N feel as if I got a few decisions where a judge voted aff on an arg that didn't exist until the 2AR and it's the most frustrating. You can expect me to try to trace lines between args in earlier & later speeches. However, if I think the argument they're making is the true argument or a logical extrapolation of something said in the 1AR, I'm more likely to buy it. 2As-- this means if you're gonna do some 2A magic and cheat, you should trick me into thinking that you're not cheating.

Some specifics:

Disads: I'm better for the smart DAs than the silly ones, but I understand the value of bad DAs and will vote for them. I will likely reward you with higher speaker points if I think I understand your story really well and/or you have some cool/unique spin on it. I am fine with logical take outs to DAs that don't require cards (especially if there's some logic missing internally in the DA). Don't just read new cards in the block or 1AR, explain your args (although also read new cards obviously).

I really do not understand how the economy works. I'm sorry. I've really tried to get it, but I just don't. You absolutely can go for econ DAs and/or econ case turns in front of me, but please be extra careful to explain (in lots of detail!) what you're arguing here.

Theory, CPs, and K Alternatives: I put these pieces together because my thoughts on these three args blend together.

Competition is determined off the plantext, not off cross-x, nor off the resolution. PICs & PIKs are only competitive if they PIC/PIK out of something in the plantext. I do not believe that you get to PIC/PIK out of a justification or non-plantext based word. The only way I will ever be convinced otherwise is if the aff allows you to do so.

Condo: It's good. Stop going for this, you cowards. "They should get one less CP" is an arbitrary interp and makes no sense. The phrase "dispo solves" at the end of your bad 2AC condo block is not an argument and I will not be writing it down on my flow. I will vote on this if it's dropped, but I'm pretty persuaded by neg flex and education-style args.

"Performative Contradictions" is a term of art that has been bastardized to no end by debate. You're either saying the neg has double turned themselves or you're saying conditionality is bad; in my mind, perf con is not even worthy of being written on my flow.

Particular Theory: I'm better for this than most judges (and MUCH more persuaded by it than condo). States theory, international fiat, consult/condition, vague alts, utopian alts, etc—I have gone for all of these and actively coach my debaters to do the same. My predisposition is to reject the arg not the team, but I can be persuaded to reject the team on non-condo theory args (you should introduce the arg as reject the team in the 2AC if you want this to be an option).

Theory can be a reason you get to make a cheating perm.

Counterplans/alternatives that use aff evidence as solvency advocates are awesome.

If the CP/alt links less I think it makes sense that I prefer it, but make that arg yourself because I won't make it for you.

Case: I love love love case debate. You should make logical extrapolations that take out the internal link chains and make me question how the advantage makes sense. The block should read more cards but feel free to make logical case take outs without cards. I don't think you should have to go for impact defense to beat advantages-- uniqueness and internal link take outs are almost always the easier place to attack advantages. I tend to prefer a well-developed take out to the death by a thousand cuts strategy.

Affs-- 2NR that don't do well-developed case debate are generally overwhelmed by your "try or die"/"case outweighs"/"1% chance of solvency" args.

Topicality: I'm getting better for this as a strategy lately than I used to be. I do still generally think that it's about the plantext, but can be persuaded that I should think of the plantext in the context of the 1AC. Topicality is only ever a voter, not a reverse voter. I'm not great for silly/arbitrary T interps (I am very persuaded by the arg that these interps are arbitrary).

Kritiks: I like Ks that care about people and things. I'm optimistic to a fault. I certainly believe that things are still terrible for billions of beings, but it's hard to convince me that everything in the world is so absolutely screwed.

Your long overview is actively bad for debate and you will not change my mind.

Make your K interact with the affirmative. I want your links to be about the result of the aff as opposed to just the reading of the aff. Fiat bad links are a waste of time. Your "state is always bad" links are slightly better, but also terrible. Don't just explain your theory of how power works, explain how the action of the aff is bad according to your theory of power.

I think that I am worse for structuralist style kritiks (and if you don't know what structuralism means, I would recommend doing some reading) I used to be for two reasons: 1) I feel more so that I want you to be responding to the action of the aff than I used to 2) I generally study poststructuralism and queer theory. I read a lot of Jacques Derrida and Judith Butler.

Grad school has taught me that theory is way more complex than I used to think it was. I will get annoyed if I know that you're deploying the theory wrong. I'm not good for things like "death good," "meaning doesn't mean anything," or "language is meaningless" because I don't think those are questions even worth asking.

I have read some literature about antiblackness academically and have read a bit more from a debate standpoint. I would not call myself an expert by any means in this literature, but I do understand some of it better than I used to. I am still unwilling to fill in those blanks for you if you are lacking them (ex-- just saying the words "yes antiblackness ontological, natal alienation proves" is not an argument in my mind).

99.99% of the time I will entirely ignore your framework/role of the ballot args when you're going for the K against a topical aff. There's a high chance that I will just stare at you and not flow during your offensively long and generic 2NC framework block on your K. I am serious, I may not even waste the ink in my pen flowing this. I do not know how to decide debates unless I'm weighing the merits of the aff against the merits of the K. For example, if the aff is an object of study, then to evaluate that object of study I have to weigh the aff's consequences. You are better off just saying "yes the aff can weigh the plan, we'll just beat it" in front of me. This also means that the role of the ballot/judge is only ever to vote for whoever did the better debating in every round I judge.

"Perms are a negative argument" and "method v method debate means no perms" are both not arguments. Despite judging for however long I have, I still do not know what a "method v method debate" even is or why it's different than every other debate. I will not write these words on my flow.

I also generally do not find the "voting for us gives us more wins/sends us to elims" as a solvency mech persuasive or that "X thing done in the debate is policing/surveillance/violence" (other than actual/physical policing/surveillance/violence) to be persuasive.

Ultimately, I evaluate K debates just like I evaluate policy debates. Technical line by line is key. Explain your args well. Put the debate together. Don't ignore the other side.

2NRs on the K that include case debate (with some level of internal link/impact defense; not just your security K cards on case) are substantially more persuasive to me.

Framework debates: you should also read my section on Ks (right above this one) as well.

Framework is a strategy and it makes a lot of sense as a strategy. Just like every other strategy, you should try to tailor it to be as specific to the aff as you possibly can. For example, how does this particular aff make it impossible for you to debate? What does it mean for how debate looks writ-large? What's the valuable topic education we could have had from a topical discussion of this aff in particular? Same basic idea goes for when you're answering generic aff args—the generic "state always bad" arg is pretty easily beaten by nuanced neg responses in front of me. The more specific you are, the more likely I am to vote for you on framework and the more likely I am to give you good speaks.

Stop reading huge overviews. They're bad for debate. Your points will suffer. Do line by line. Be a good debater and stop being lazy. The amount of times I have written something like "do line by line" in this paradigm should really tell you something about how I think about debate.

I do not find truth testing/"ignore the aff's args because they're not T" very persuasive. I think it's circular & requires judge intervention.

I do, however, think that fairness/limits/ground is an impact and that it is the most important standard in a T debate.

T and/or framework is not genocide, nor is it ever rape, nor is it a microaggression, nor is it real literal violence against you or anyone else.

I'm a sucker for a good TVA. Teams seem to want to just laundry list potential TVAs and then say "idk, maybe these things let them discuss their theory". I believe that strategy is very easily beaten by a K team having some nuanced response. It makes way more sense to me if the TVA is set up almost like a CP-- it should solve a majority or all of the aff. If you set it up like that and then add the sufficiency framing/"flaws are neg ground" style args I'm WAY more likely to buy what you have to say (this goes along with the whole "I like nuance and specificity and you to sound like you're debating the merits of the aff" motif that I've had throughout my paradigm-- it applies to all debaters).

I oftentimes wonder how non-topical affs solve themselves. The negative should exploit this because I do feel comfortable voting neg on presumption. However, I won't ever intervene to vote on presumption. That's an argument that the debaters need to make.

Non-topical affs should have nuance & do line by line as well. Answer the neg's args, frame the debate, and tell me why your aff in particular could not have been topical. You HAVE to have a defense of your model and not just say that framework is bad or else I will probably vote neg on presumption. The same basic idea applies here as it does everywhere else: the more generic you are, the more likely I am to vote against you.

Cross-ex: I am becoming increasingly bored and frustrated with watching how this tends to go down. Unless I am judging a novice debate, questions like "did you read X card" or "where did you mark Y card" are officially counting as parts of cross-x. I tend to start the timer for cross-ex pretty quickly after speeches end (obviously take a sec to get water if you need to) so pay attention to that. I'm really not much of a stickler about many things in debate, but given that people have started to take 2+ minutes to ask where cards were marked/which cards were read, I feel more justified counting that as cross-x time.

I pay attention & listen to CX but I do not flow it. Have a presence in CX & make an impact. I am listening.

Speaker points-- I do my best to moderate these based on the tournament I'm at and what division I'm in. That being said, I won't lie--I am not a point fairy (seriously why do teams need a 28.9 to clear these days?).

I will grant extra speaker points to people who number their arguments and correctly/aply follow the numbering that has been established in the debate.

Paraphrasing from Shree Awsare-- I will not give you a 30.

29.7-- Top speaker

29-29.5-- You really impressed me and I expect you to be deep in the tournament

28.9-- I think you deserve to clear

28.3-- Not terrible but not super impressive

27.5-- Yikes

I will award the lowest possible points for people who violate the basic human dignities that people should be afforded while debating (e.g., non-black people don't say the N word).

I've also been known to give 20s to people who don't make arguments. I will not be giving you a 30; nobody gives a perfect speech.

If you have any other questions, feel free to ask me before the debate begins, or send me an email. I also do seriously invite conversation about the debate after it occurs-- post-rounds are oftentimes the most valuable instantiation of feedback, the best way to get better at debate, and important for improving intellectually. I know that post-rounds sometimes get heated, and I think we all get defensive sometimes when we're being pressed on things we've said (or think we've said) so I will likely consciously try to take deep breaths and relax if I feel myself getting heated during these times. This also means that I may take a second to respond

to your questions because I am thinking. I also might take slightly awkward pauses between words— that's not because I don't think your question is important, I'm just trying to choose my words carefully so I can correctly convey my thoughts. I only post this here because I don't want anyone to feel like they're being attacked or anything for asking questions, and I apologize in advance if anything I say sounds like that.

#### Ethics Challenge Addendum:

I would strongly discourage ethics challenges in all but the most extreme instances. I don't want to adjudicate them, you don't want to be the team who makes the challenge, etc. If you notice something is wrong, please contact coaches and/or debaters and try to fix the problem rather than making it a challenge.

An ethics challenge is not a no-risk option for me. That is, when an ethics challenge is issued, the debate ends. I will clarify that the team issuing the challenge has issued one and then end the debate and adjudicate the challenge. I will either decide to vote for the team who issued the challenge or the team who the challenge was issued toward then and there. The debate will not continue for me under any circumstances.

An ethics challenge may be issued along one of three lines: either you have accused the other team of clipping cards, of misciting evidence, or of misrepresenting evidence. Nothing else will be considered an ethics challenge for me.

Clipping cards is defined as claiming to have read more or less of the evidence than one actually has. Please note that I do not follow along with evidence as the debate is occurring. Missing a single word/a few words is not enough. I will decide what constitutes enough of the card to be considered clipping.

Misciting evidence is understood as providing the incorrect author and/or date as well as missing the first author, source of publication, and date (at least the year). Please note that putting something like "the New York Times" instead of "Nate Silver" is acceptable for an authorship. Source of publication can be broad (article title, URL, book title). If the article is easily accessible, then it is acceptable. Again, I will determine what constitutes an incomplete or miscited citation if this becomes a relevant question.

I do not consider missing credentials to be unethical but I do consider those pieces of evidence to be incredibly weak.

Misrepresenting evidence is understood as inserting evidence which is missing lines or paragraphs within the parts of the initial article/book being read. So, for example, if you want to read the first and third paragraph from an article, you must leave the second paragraph in the evidence you read in the debate. This means that, for me, ellipses to indicate that parts of the card are missing or stating something like "pages 4-5 omitted" is unethical. Cards need to be full paragraphs.

Providing a single quote from a book or an article is not a card. As such, I will not consider it as you having introduced evidence and it is not unethical for me. However, not providing full paragraph pieces of evidence means your argument is substantially weaker for me (because, again, then you have not read evidence).

I will either decide to vote for the team who issued the challenge or the team who the challenge was issued toward. The debate will not continue for me under any circumstances. Please note that I will take this seriously; an ethics challenge is not something to be debated out in a round.

The speaker points I will give are as follows: 28.6 for the 2<sup>nd</sup> speaker of the team I vote for, 28.5 for the 1<sup>st</sup> speaker of the team I vote for, 28.4 for the 2<sup>nd</sup> speaker of the team I do not vote for, 28.3 for the 1<sup>st</sup> speaker of the team I do not vote for. My assumption in the event of an ethics violation is that you made an honest mistake and that you were not intentionally cheating. I do not understand ethics challenges to be the equivalent of academic dishonesty or worthy of any punishment besides my ballot being cast in that particular debate (I do not hold these challenges against you in future rounds nor do I believe that you should be in trouble with your debate coaches or schools).

Please note that what I have written here is designed for varsity debate only; that is, when judging novice and JV debates, I will be more lenient and talk through what's going on with the students and, depending on the situation, allow the debate to continue.

These are thoughts that are still evolving for me as I talk with more people. Please bear with me as I continue to think this out. (Also note that this caveat goes along well with the first statement in this section: I would prefer you not introduce an ethics violation unless it is a serious issue in that particular debate).

Please also note that these rules do not apply to my standards for threatening violence against another debater (physical or otherwise) or hurling slurs at your opponent. I will immediately end the round and give the lowest speaker points that Tab will allow me to in that situation.

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# Exhibit 7 - David Rooney

# DAVID ROONEY

Paradigm Record

## Paradigm Statement

Last changed 7 January 2024 4:12 AM CST

Put me on your email chain (all of them, even if I'm not judging. I just want to be included): [dar298@cornell.edu](mailto:dar298@cornell.edu)

### Update (2023/2024)

Less involved in debate than previous years and I judge even less. I probably will be confused about certain acronyms and shorthand others might get.

Please do what you do. I will try my best to meet you where you are, and on the grounds you start from. I am, however, not a blank slate.

The longer version of this paradigm was written when I was an over-eager debate coach, and is way too long. Here's the short of it:

- All arguments are Ks and performances and about identity– yes, even the Japan prolif DA (especially!). Just make good ones.
- I am equally good for T/FW and against it. I believe that FW as traditionally conceived is bad on a truth level, but I think some things implicit to all FW debates (what we talk about and where we devote our energies) are so important that they often contest the core of the aff and thus overshadow this error.
- Being able to critically contest ideas and sort out moral quandaries without prepared research isn't just useful, it's an essential skill that we should actively cultivate in debate. Effective research is also an essential skill and highly prepared debates are extremely fun and informative.
- Please respect your opponents enough to speak with and in their terminology, language and concepts, even if you haven't read their literature. The best answer to most K affs is to simply think on the fly and contest their understanding of the world/problem and their solution.
- I will never vote for anthro good. I will happily vote for criticisms of how animal subjectivity/rights are traditionally conceived. I just will never accept that I am more important than a cow or a chicken.
- I am extremely sympathetic to critiques of non-black people reading afropessimism.
- Be nice. Sometimes being nice to yourself means no longer being nice to your opponents and I respect that. But don't be needlessly cruel.

I would like to repost something from one of my favorite judges when I was a debater, Will Baker. This part of his paradigm resonated deeply with me:

Cherish this moment. Being at a university with the resources to send you across the country to represent them in intellectual combat forwarding whatever arguments you wish against some of the most talented debaters in the world backed by an incredible braintrust of coaches, in front of a critic that you preferred is an immense privilege and a societal rarity. In a world that thrives on hot takes over listening and polarizarion over pragmatism, debaters need to understand your power, hone your craft, and value others. We lose brilliant, debate minds too often. Others globally perish in silence, pain, disasters and darkness. Thank your parents/guardians, your administrators, your coaches, but most of all your OPPONENTS. None of us would be here without others to debate

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so respect them whether your perfect strat features a Politics DA & a CP or impassioned narratives set to Janelle's dulcet tones.

#### Update (2022)

Less involved with debate than before, so please keep that in mind. That said, my research does involve animal personhood and I did contribute to the animals K neg section of the topic paper, so I am familiar with the RoN/animal topic.

I am less familiar with the AI topic than the personhood topic, but I am willing to listen and learn.

I've become more dissatisfied with the presumption that debate arguments follow the narrow exceptions to make them justified unless "beaten" (e.g. First Strike an enemy of the US because it could be justified under consequentialist grounds if certain things are met--counterforcing works, war coming now etc., which is supposed to lessen the vileness of that thought experiment). I have trouble distinguishing the universally agreed areas outside these limits (spark, death good, homophobia good, etc.) from things currently accepted that I see as similarly pedagogically harmful (first strike US enemy, US heg good, warming not real). Do whatever you may with that info.

#### Overview/Long of it

Started as a novice in college and I love novice debate! Don't talk badly of it in my presence.

Started policy debate running xo and politics every round, devolved into reading one off Ks most rounds (mostly anthro and disability [as 2n/1a], sometimes various strains of afropessimism [not as 2n])

Do NOT assume that because I read critical arguments you are better suited to read critical stuff in front of me- do what you do. I love policy research and did a lot of it for various squads over the years so please don't be afraid to go for it in front of me.

I enjoy critical affs, especially if it's something that you have put thought into/challenges how I think of the world. It's some of the best and most educational part of debate.

This does not mean I am opposed to voting on FW or T arguments- it's a large amount of what I debated against so I am well aware of when a team does it well. I think a lot of affs mishandle T/FW and it can be a very strategic choice for the negative - especially when T/FW implicates the aff's knowledge production/method.

I am very line by line and flow centric- I don't think this is at all opposed to "big picture debate" or in-depth argumentation but that's just my style that will be represented in my judging- i dislike implicit "overview" clash that doesn't flag what your argument does or how it functions in relation to their argument.

I would rather not read every card referenced in the debate after it ends- debate is a game about communication and spin can beat evidence if you do it well enough- I don't vote on whether or not your or your coach cut a good card, I vote on the way you articulate the importance and weight of an argument the card makes (or comes close to making).

Skip here if you don't care to read above/Specific arguments:

Case: Debate it more- most cases don't make sense and can be dismantled with analytic arguments/a small amount of cards.

DA: I probably have a higher threshold for internal link explanation to impacts than other people - especially advantage extensions in the speeches like the 1AR- too often the 1ar runs through a scenario without an internal link and it pops back up in the 2ar again magically.

FW: FW is a K, defend your alternative view of the world/debate and the relative disads to the counterinterp/aff and how you capture/mitigate/outweigh/turn their offense. No feeling one way or another, either side can win- debate it.

T: Do your thing, but I'm probably extremely unfamiliar with norms of T/shorthand, etc.

K: Familiar with most lit bases in debate, in particular animal studies, afropessimism, disability etc. Don't assume my familiarity with the K- explain the arguments in depth and their importance as if I had no idea what you were talking about.

CPs: Impact out your solvency deficits or else it's hard for me to compare relative deficits/advantages in solvency

Other things:

Reading afropessimism is all the rage for non-black people in debate but if you are not black I will be very sympathetic to arguments about that from the otherside- - years of seeing in this debate has made me very uncomfortable with this. (Christina Sharpe and Selamawit Terrefe in Rhizomes- "The only people who can be and embrace it are particularly these white, male, young academics who are so excited. They're excited by it. And it's an invigorating theory because it's a purely intellectual enterprise for them. This is something we have to experience and re-experience viscerally when we read Frank and Jared's work. It's a traumatic experience. But it's not a trauma that is being imposed by us— by the theory or by those of us who write and critically engage with the work. It's a trauma that we're reliving because we're never outside of this trauma. So I think Black people's responses, Black academics' responses in particular...it's not a foreclosure the way white or non-Black academics would respond. If it's a negative response it's foreclosing on their own...ethical relationship—")

The one exception to this is I can think of is if you have a partner that is black and wants to read that argument, but I am willing to hear args for and against that. (This does not mean don't discuss race/colonialism/your relation to that if you are white but be critically aware of how you are situated in relation to identity and the dangers involved.)

Please respect people's pronoun choices.

I will never vote for anthro good. If you decide to argue that in front of me, that is your issue.

That twitter account is not me, it's some impersonator.

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Exhibit 8 - What Exceeds the  
Hold?: An Interview with  
Christina Sharpe

# Rhizomes: Cultural Studies in Emerging Knowledge

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## What Exceeds the Hold?: An Interview with Christina Sharpe

Selamawit Terrefe

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[1] Selamawit Terrefe: Thank you Christina, for making the time to speak with me. I want you to know how influential your work has been for me throughout my tenure as a scholar in training.

[2] Christina Sharpe: I'm happy to be doing this interview with you. It's a pleasure.

[3] ST: I'd like to begin with a question that invokes, for me, your first book—*Monstrous Intimacies*<sup>[1]</sup>—in particular your formulation of the "sodomasochism of everyday Black life"<sup>[2]</sup> and the representation of Black suffering. I recalled your investigations of the spectacle, imagination, and identification when I watched President Obama's performance at Reverend Pinckney's funeral in Charleston, South Carolina and I could not help but think of the compulsion to remember and repeat, this compulsion with regards to the funeral as a televised event, replete with entertainment brought to you by the US' first Black President. You reference Saidiya Hartman's *Scenes of Subjection*<sup>[3]</sup> in much of your work and you discuss the "staging of black suffering" in your essay "Blackness, Sexuality and Entertainment."<sup>[4]</sup> I wonder what your thoughts are regarding non-blacks' desires to consume the spectacle of Black death—funerals in particular—and the role of both memory *and* forgetting in Black people's response to, participation in, and consumption of these practices and images?

[4] CS: I have several responses to this. The first is that I'm not so interested in thinking about the non-Black desire to consume, produce and stage spectacular and quotidian Black death. I think it's enough for me to say that that is the case; that is the ground that we stand on, the space that we enter into. Your question, though, has me thinking about Amiri Baraka's funeral service, which I watched live streamed from Newark Symphony Hall. I was struck (but not surprised) by the number and range of people who came forward to speak. Poets like Jessica Care Moore and Sonia Sanchez, musicians such as Saul Williams, activists, and, of course, Ras Baraka. And I was struck as well by the musical performances and the testament to Baraka's profound influence in the world, in Newark, and Newark in the world. I remember very well the sound of people speaking (how they spoke as well as what they said), the activists who got up to speak, and in particular the sound of Savion Glover's dance for Baraka. I don't know if you saw it, but Savion Glover performs a tap dance and in that dance was the sound of mourning and joy and presence and it was *all* there. It was completely gorgeous and moving and life giving. As I watched the funeral for Rev. Pinckney, Baraka's funeral was somewhere in the back of my mind, disturbing my mind. Of course, Pinckney's service was religious and Baraka's was secular; I knew why

Barack Obama delivered the so-called eulogy for Rev. Pinckney's funeral and I say so-called eulogy because it wasn't a eulogy, it was a political speech.

[5] ST: Yes, exactly.

[6] CS: But I really wanted him not to deliver that speech. I wanted him, if he was going to be there, to stay in the audience to greet the family, to comfort the family, and to sit in the audience and listen, but of course he didn't. When he took the stage he gave the same one note performance that I think he always gives when it comes to Black people. It's the sort of note that sutures Black suffering to romance and redemption. The note of a more perfect union, the note of unhearable Black suffering. The note of romance of empire. There's a moment when I watched—and I didn't want to watch, but I was compelled to watch the funeral, to watch his eulogy—there was this moment as I watched his face that looked as if he was deciding what he was going to do next and then it became clearer to me that, oh my god, he's going to sing. And that line from *Invisible Man* kept going through my head, "the Brother *does not sing!*"

[5] I tweeted that because I could and couldn't believe he was actually going to do that. And then, of course, when he sings it's the opposite of Glover's tapping. For that reason, it seemed to me that he had to sing "Amazing Grace" because "Amazing Grace" is precisely that...unhearable Black suffering. It's precisely that song of romance and redemption because we know John Newton's history, that he keeps working on the slavers after his conversion and it's only later that he writes "Amazing Grace."

[7] I'm going to digress here and say that because I presented on a panel at the Black Portraiture Conference in Florence, Italy, I had the opportunity to attend the Venice Biennale. I wanted to go this year because it was curated by Okwui Enwezor and the title was All The World's Futures. It was my first time in Italy and given the crossings, sinkings, and drownings in the Mediterranean Sea and elsewhere, Venice, is a beautiful space and a deeply fraught space. On this day we decided not to go to either of the two main exhibition sites—the Arsenale or the Giardini—but to some of the other exhibition spaces. It's prohibitively expensive for countries to be in the main exhibition space so many pavilions are off-site. We saw a sign for the "Scottish and Venice Pavilion" and decided to go there. Once we're inside we realize that the theme of the Pavilion is "The Slave's Lament" and we are, to say the least, trepidatious. The artist is a white Scottish man named Graham Fagen and the exhibition spans four different rooms. In the fourth room was a four-screen installation featuring Ghetto Priest, the reggae artist, and three members of the Scottish Ensemble; so three instruments and then Ghetto Priest's voice singing the Robert Burns 1792 poem "The Slave's Lament." The program tells us that: "Fagen draws our attention to an episode in Burns' life." In 1786 he books a passage to Jamaica to escape economic and other pressures and accepts the position of slave overseer. At the last moment news that his recently published first work has been well-received changes his mind and the journey is seemingly forgotten, or perhaps not quite. He writes "The Slave's Lament," 1792, the poet's only work that empathizes with the appalling hurt of the displaced, the trafficked and the enslaved. A beautiful lyric written over 200 years ago with a narrative that remains entirely contemporary as we think of current tragedies unfolding on borders and hinterland locations. If this is not your specialty and you think about Robbie Burns it may be as somebody who at some point is involved with abolitionism. I was thinking about that and how it meets up with John

Newton; Robbie Burns meets John Newton: one man who makes his living on slave ships and one man who is about to become an overseer on a plantation until he gets news that his first book is well received and then he abandons the contract. Fagen says "The Slave's Lament" "isn't a song with a beginning, middle and end—the version is endless so he's been understanding it as a kind of formal sonic landscape." Slavery was the weather.

[8] In thinking about the sonic landscape of Savion Glover and the sonic landscape of Barack Obama delivering the eulogy at Rev. Pinckney's funeral, it seems to me that people must actively and continually allow that song to escape its genesis in order to offer it there in those circumstances: the murder of six Black women and three Black men in *that* church in South Carolina that was Denmark Vessey's church. To me, that speaks profoundly to the hold. As in the hold of the ship. It speaks profoundly to the hold and to the hold that the hold has on Obama's imagination. It seems to me that where Obama's imagination is involved where Black folk are concerned, he's always tied to the logics of the hold, of captivity, those sort of brutal arithmetics. Think of the difference between the speech Obama gives at the vigil after the Newtown, Connecticut murders at Sandy Hook Elementary School versus the speech that he gives in Chicago, Illinois at Hyde Park Academy in the wake of the murders and the lack of a trauma center for young people on the South Side of Chicago. In Newtown Obama's refrain is that we must do everything we can to save every child. When he gets to Chicago the refrain is that we might not be able to save every child. That is what I mean by the kinds of brutal arithmetics that are completely sutured to the hold. I write about this in the section of the book called "The Hold" and also in an essay called "Three Scenes" that was just published in *On Marronage: Ethical Confrontations with Antiblackness*. To sing Amazing Grace is to "mispronounce the song." The grace is not for us. It's to misunderstand the genesis and the subject of the song and the violence that the song never begins to deal with. It's about Newton's journey; it has nothing to do with slavery for the enslaved. And it's always trying to articulate some kind of romance of salvation. The grace is for Newton.

[9] ST: And would you categorize this idea of "mispronouncing the sound" as a form of forgetting or actually the memory of the hold?

[10] CS: Well I think it's both. It's a type of forgetting the origin of the song that then passes as a remembering: Newton's salvation, which is not the salvation of the enslaved, but Newton's own salvation—he's caught in a storm and he survives it. Maybe he participated in the throwing overboard of enslaved people, but he survived the storm. So it's both that memory and forgetting as they're sutured.

[11] ST: I know the focus of your work now isn't about non-Blacks' desire to participate in the spectacle of Black death, but isn't that what John Newton is doing in his role on the ship?

[12] CS: Well yes, of course it's everywhere, but I spent so much time in *Monstrous Intimacies* trying to think through Black and white encounters with this violence and that's just not what I'm interested in right now. Of course I'm always thinking about that in my teaching, but as far as thinking through this work, that's work someone else can do.

[13] ST: Can you say more about how your current project differs from *Monstrous Intimacies*?

[14] CS: The set of texts I'm thinking through and the way I'm thinking through them are different. I'm trying to be very clear about the "we" I'm summoning. In some senses it's a much more theoretical work; it is the performance of theorizing.

[15] ST: I think the type of violence that we are attempting to address and work through requires this type of theorization, prioritizing the performance of theorizing over attempting to enter or maintain a particular place in the academy. It's the ethical intervention, right?

[16] CS: Yes, that's what I think.

[17] ST: And I think it's tied to when Spillers talks about theory and praxis. Black women's flesh.

[18] CS: That's right. It is. We can also turn to Moraga, Anzaldéa, and Barbara Smith who are all talking about that in the 1980s at the same time as Spillers' intervention. They are all thinking about theory and praxis and enfleshment.

[19] ST: And flesh is the meditation required for theorizing. Black women's flesh is what people have been meditating upon and attempting to theorize for centuries.

[20] CS: Meditating upon, and marking—

[21] ST: Exactly!

[22] CS: Scoring—

[23] ST: And this is our way of reflecting back on that.

[24] CS: Yes.

[25] ST: I see strands of Spillers, Hartman, Wynter, Gordon, Sexton, Brand, and Wilderson throughout much of your work and all of these theorists, including yourself, continue to provide profound insights and generate penetrating questions for me, primarily how your work responds to Wilderson's question regarding Black people—"What does it mean to suffer"? How would you place your work in relation to this question Frank posits?

[26] CS: I would add a few others to that list: Rinaldo Walcott, Katherine McKittrick, and M. NourbeSe Philip. I think that once one accepts that violence precedes and exceeds the Black, that it's not situational violence or a conflict in civil society—that that violence is the grammar that articulates "the carceral continuum of black life"<sup>[6]</sup>—then one has to take up the question of what it means to suffer. I'm thinking this through two recent highly acclaimed works, Claudia Rankine's *Citizen*<sup>[7]</sup> and Ta-Nehisi Coates' *Between the World and Me*<sup>[8]</sup>. I don't think that they take this as the ground because if they did the address of the work would be quite different than it is. There's a point in the introduction to Frank's book [*Red, White & Black*] where he talks about Baldwin and Mailer: "In 'The Black Boy Looks at the White Boy,' James Baldwin writes about 'the terrible gap between [Norman Mailer's] life and my own.'" Wilderson writes it's "a painful essay in which Baldwin explains how he experienced, through beginning

and ending his 'friendship' with Mailer, those moments when Blackness inspires White emancipatory dreams and how it feels to suddenly realize the impossibility of the inverse." He goes on to write that "Baldwin's condemnation of discourses that utilize exploitation and alienation's grammar of suffering is unflinching: 'I am afraid that most of the white people I have ever known impressed me as being in the grip of a weird nostalgia, dreaming of a vanished state of security and order, against which dream, unflinching and unconsciously, they tested and very often lost their lives,'" etc. and he goes on to quote Baldwin saying, "There is a difference," he writes, 'between Norman and myself in that I think he still imagines that he has something to save, whereas I have never had anything to lose."<sup>[9]</sup> I was thinking about this in terms of the language of what it means to suffer and tying that language of what it means to suffer to a refusal to continually try to make Black suffering visible, hearable, and understandable to white people. But it seems to me that Rankine and Coates' books are invested in that translation. I'm interested in how these books are being received in the present and in the possible afterlives of the books; what do they or will they have made more or less possible in their wake? Because it's as if a whole other body of work has never happened. Coates' book in particular feels stuck in a particular mode of address that ejects me every time I try to read it. What I'm trying to say is that I'm thinking about the ways that the work of the people we started with, work I'm engaging and trying to extend and think with and through, does not circulate in the same ways in various publics as profound and transformative. Those bodies of work don't meet even for people who read them both. The address of both Coates and Rankine's books seems to me quite a young address. It presumes a certain kind of naiveté and refusal to acknowledge that there is a logic of the hold. It participates in the same logic as Obama's singing of "Amazing Grace" and his speech at Hyde Park Academy in Chicago.

[27] ST: It seems as if it's a way for them to alleviate non-Black folks' anxieties as well.

[28] CS: Yes, it's certainly a way to alleviate many non-black folks' anxieties, those non-Black folk who are so inclined to be made anxious. [Laughter.]

[29] ST: I have some critiques of my own of Coates' work—for instance that it's geared more toward white liberals and non-radical Black folk—but as much criticism that is warranted for Coates, he's shifted quite considerably from where he was a few years ago. He's almost there... almost in comparison to where he was before, don't you think?

[30] CS: Perhaps, but I don't think he's "almost there" and I think one might read his move to France as more evidence of that. This is not to say that there is not room for Coates and Rankine to do the work that they do; there is. My real problem is that the work is being considered sort of ground-shaking revolutionary work when it's not. It is work that is within a particular liberal and neo-liberal mode of address and if we see it as that and engage and use it from that place...that, is perhaps a quite different thing. I think about those moments in various Coates essays in *The Atlantic* when he writes about learning French as if somehow learning French would get him outside of something. That is not explicit but it is the implicit desire—the desire there to be read: as if there were not French colonies, as if the French had not participated in the slave trade, as if the French aren't still extracting indemnity from Haiti. As if, as if, as if. As if somehow this language that is not English will get him outside of a particular kind

of Black suffering, out of Black unhumaning. And I think that those moments in essays (in English) that he would punctuate with, "On y va," as a sort of punctuation of desire, a desire to be read as fully human. Which is to say capable of mastering another (colonial) tongue.

[31] ST: I read this desire for mastering another tongue as another extension of this compulsory desire for whiteness, or anything-but-Blackness specifically. Do you find Rankine's text demonstrates a similar naiveté to Coates' regarding the logic of the hold? I find a particular section of the text troubling, but I'd like to get your thoughts about the address in and of *Citizen*.

[32] CS: I think that there are moments in *Citizen* that are quite good and open up some kind of possibility; however, the beginning and the end are framed with this kind of naïve voice that is continually thrown off—not that we aren't thrown off by the racist encounter, but that in being thrown off by the racist encounter that voice in *Citizen* is plaintive; it is still looking for recognition. Looking in the face of the white person to try to see something, to be seen as something. But, as I said, there are other moments where I think that look gets deployed in different ways. For instance, the moment in "Script for Public Fiction at the Hammer Museum"<sup>[10]</sup> where the poet writes about a Black woman on a crowded train, with one empty seat, and a white woman standing up. We aren't told that the woman is white but we understand it's a white woman who won't sit in the one space that's open because it is next to the Black man. Rankine writes about the Black woman moving into that space and what happens then. "You put your body there in proximity to, adjacent to, alongside, within. You don't speak unless you are spoken to and your body speaks to the space you fill and you keep trying to fill it."<sup>[11]</sup> And I think that's a different mode, and a different "you" summoned onto the page and into the world, than the "you" in Section I, the poem with the therapist who orders the Black woman away from her door! Or in the same section, the poem in which the Black woman tells the Black male friend who is babysitting that he should accede to the antiblack demand that he not talk on the phone outside in the front of the house. (It seems to me that this is not about making him aware of the racist violence of and in the neighborhood. Not about protecting that Black man but of asking that he accede to the antiblack demand.) The address in "Script for Public Fiction" though is not naïve, it's alongside, adjacent, it is in the experience of Black non-being. But then you arrive again at the end of the text and those short poetic vignettes. "When the waitress hands your friend the card she took from you, you laugh and ask what else her privilege gets her? Oh, my preferred life, she answers. Then you both are laughing so hard, everyone in the restaurant smiles."<sup>[12]</sup> What is that shared laughter? How are we supposed to understand the quality of that laughter? It's similar to the moment in the first section, in one of the early poems, in which the narrator (of the poem) talks about standing in line behind a white man in a coffee shop when he directs an epithet at several young black people. The Black woman in the poem responds with, "oh do you need to do that?" And in responding she also smiles at the recognition that that tone of voice is one that she uses with her husband. I don't find those moments interesting. They don't reach out to me; they are constituting a particular Black subject. But you asked me about a particular section and I want to ask you to say a little bit about why that part troubled you.

[33] ST: It's the poem in which she states, "The patience is in the living. Time opens out to you. The

opening, between you and you, occupied, zoned for an encounter, given the histories of you and you —..."<sup>[13]</sup> It troubles me because I'm wondering about this idea of opening. How can she find or conceive of an opening? How can time open out to Black people given these "histories," given the evidence in the wake of this evidence? How are we saying that "patience is in the living" when the evidence we have is in the death and the dying—Marriott talks about a death that cannot die. Yet there are moments where I'm with Rankine, such as on the previous page wherein she writes about "the weight of non-existence," but then again the section begins "Some years there exists a wanting to escape...still the ache to coexist" and subsequently she calls that the "immanent you."<sup>[14]</sup> I think it just troubles me how she is reading immanence in non-being.

[34] CS: How she is reading an immanence in —

[35] ST: In non-being, non-existence. She continues, "Even as your own weight insists you are here, fighting off the weight of non-existence." So I'm questioning whether or not this is a disavowal because in disavowing there's a knowledge of 'reality,' unlike with fantasy. With fantasy—you're not aware when you're in fantasy; it's embedded deeply within the unconscious unlike disavowal.

[36] CS: Of course I have to go to etymology and think about the patience in the living. The capacity to accept or tolerate trouble or suffering without getting angry or upset. The bearing of provocation, misfortune, pain, etc. So if we think it in those lines as well, the bearing of misfortune and pain is in the living even if it is a living in preparation for death. So I don't know, I don't have a full reading of it. But who are the various "you(s)"?

[37] ST: Yes, yes.

[38] CS: I'm not sure who the "you and you" is in that encounter. Is "the patience is in the living, time opens out to you"—an address to a non-Black you? I'm not sure because in this work, at one point, the "you" is most clearly a white you, so I'm not sure what that "you," who those "you"s are in this instance.

[39] ST: This coalesces for me now, considering how you are reading both the production and reception of Rankine's and Coates' work together in terms of their address.

[40] CS: There need to be many different levels of disruption, of attempts to remake the world and yet I'm disturbed by the ways that, and here I am referring to Black people, can abandon a certain criticality because one can see oneself in the text. So I don't believe that Coates' address is to me. Maybe it's to some other Black people, but I also think that at least part of the address is to white people. And I'm disturbed by some of the ways that the work is being taken up and the ways in which it will become part of a curriculum; more than that, the way that the work will set the terms for a curriculum. I keep thinking about Dasani Coates, "The Invisible Child,"<sup>[15]</sup> and the way that narrative (that is supposed to be about her) becomes part of the *New York Times'* education curriculum that is assigned to sixth graders. Those sixth graders will read about this young Black girl who, in the end, is asked, 'who's going to save your life?' And told "You are." Now this may be true, but it's a narrative of profound failure. I keep wanting to

read these books in relation to a work like Alice Goffman's *On the Run*<sup>[16]</sup>, as they each become part of the curriculum. I'm not sure that they are such different animals. Now that might be a very ungenerous statement.

[41] ST: No, I think it's accurate, especially since I'm thinking about how Black death, which is to also say Black social life within social death, to reference Jared's work<sup>[17]</sup>, is mediated through the white gaze.

[42] CS: Yes.

[43] ST: Speaking of this mediation, have you seen *Let the Fire Burn*<sup>[18]</sup>? The recent documentary on the MOVE bombing?

[44] CS: I haven't, but you know I was in Philadelphia at U Penn when MOVE was bombed and they allowed Osage Avenue to burn. I haven't seen this documentary yet but I did see Toni Cade Bambara's documentary, *The Bombing of Osage Avenue*. For a long time I wanted to write about MOVE because it was so profoundly traumatic to witness.

[45] ST: I would be interested in your thoughts on the documentary because it has incredible footage that has yet to be compiled cinematically this way—it's very different than Bambara's documentary, which I discuss in one of my chapters because she is working from the perspective of the intramural. I am enraged at the new film—what the director does with the footage that he has.

[46] CS: Ok, I have to—I'll watch it.

[47] ST: Because it ends with a libidinal demand for catharsis through the suffering of a white police officer who has to leave the force. He's the officer into whose arms Birdie Africa runs when—

[48] CS: And doesn't he try to push Birdie back into the building?!

[49] ST: Of course, but if you watch this documentary, it ends with a lament, at the very abstract—symptomatically and at the level of libidinal economy—on the suffering of this white officer who was called "n\* lover" and had to leave his job because he was so traumatized by—

[50] CS: Being called n\* lover?

[51] ST: By the experience of being rejected by his peers, I presume? So you have two hours of footage of Black people being slaughtered, executed—

[52] CS: And that's the note that you end on. That's crazy. What I remember from the newspaper footage, from listening to it on the radio, from remembering the 1979 razing of the MOVE house—and I might be making this up because I was a young person and I've tried to find it since—that they killed a baby in 1979 and I swear I remember a picture of a police officer picking the baby up by the foot and throwing it down. That is a memory that is burned in my brain. And so you have all of this footage and that's the note one ends on—which of course would be a complete misunderstanding of what actually happened. (Another mispronouncing the note.) He was there to kill them. They forced some people back into that

burning house.

[53] ST: Yes, yes—of course! This is a matter of the ethics of reading and if one is attuned to Black suffering. Ramona Africa speaks at a lot of events that screen this documentary and, if I remember correctly, there isn't a single contemporary interview of Ramona in this film.

[54] CS: So why does she speak?

[55] ST: Because she needs to 'free' her family.

[56] CS: Yes, that's right. Well there's this moment, and I think about this a lot, this optic white, through Brand's *A Map to the Door of No Return*,<sup>[19]</sup> where I ask what's on your retina? Is the slave ship on your retina? What's the door? Is the door on your retina? And I end the chapter on the hold with the picture that Oscar Grant has taken of Johan Mehserle that is found on his [Grant's] camera. Grant has captured the image of the person who is policing him in the hold. There was a story in the *New York Times* several years ago about a white supremacist named Jeff Hall who was in his 30s and was a leader of a neo-Nazi movement in Southern California. Hall's 10-year-old son shot him to death while he was lying on the sofa in their living room. That's one set of articles in the news section. Then there's a Lens Photography blog about Hall and his neo-Nazi group documented by Julie Platner, a young white woman around 28 years old years old, a photojournalist, who was with them for several months. After the son murdered his father (which is all about the father abusing the mother, the other child, and the son physically, as well as just growing up in this noxious atmosphere, this ecology of hate) the photojournalist was still talking about what a good father Hall was. The Lens lead is "Family tragedy in a Neo-Nazi home." Platner writes, "I'm trying to give human voice to people that most of society sees as monsters..." and "I'm interested in truth at the end of the day."<sup>[20]</sup> This seems to me to be a similar gesture, "human voice to the .... what?!?! No! They are already profoundly human. They *are* the human.

[57] ST: That's why Dylan Roof can get a bullet proof vest and—

[58] CS and ST: And Burger King!

[59] CS: And Tamir Rice is murdered within 2 seconds of police showing up. John Crawford is murdered in an Ohio Walmart and he does not even know what is happening. That Ramona Africa speaks after the film is really something. But as you said, to the extent that she can, she needs to help her family.

[60] ST: She needs to free her family. As free as they can get because they're still incarcerated, but even on the outside...

[61] CS: So the mediation is an ethical choice.

[62] ST: Of the profoundly human variety. [Laughter.] Also, I'm thinking about the split Black psyche here and as you were discussing optics and questioning what is on one's retina. Do you think it's a choice for Black folks to either look at the ship or to look where Coates is looking? A choice based on these unconscious, or conscious, desires?

[63] CS: It depends on what we understand choice to be. One example that I use in the book is Kara Walker's comments in *Dreams are Colder than Death*, which you've seen, right?

[64] ST: Yes. [Laughter.] I'll save my thoughts on that film for another conversation.

[65] CS: Well, then you know that moment when Kara Walker says, something along the lines of my most comfortable place of creating is that place where you lift up the skin and it's barely tethered and it's kind of visceral and gory. She thinks of that as a kind of retinal detachment. So I think about her in relation to Brand writing in *Map* that the door of no return is on her retina: it *is* her optic for seeing and being in the world. Which is to say that she knows where she is positioned and therefore she acts from there. So yes, I think it's a choice, and it's a refusal and a disavowal. It may be a choice for survival and so I don't pathologize that choice; nonetheless, given the ground, one has to actively look away.

[66] ST: Options versus choices, tactics versus—

[67] CS: Or strategy. I mean there are a number of things we could call it.

[68] ST: Well, I could understand this refusal in terms of desire. Frank always says you can't manage desire.

[69] CS: Well, that would be it too, right? That's why I marked the "on y va" in Coates. It's desire, it's a desire to be in another space, to have *that* marking mark his body and therefore allow him transit to someplace else.

[70] ST: But isn't part of wake work, not just in the idea of the funeral —the wake—but waking one's—

[71] CS: Consciousness, as in stay woke. Yes, it's all of those things. The funeral, the track behind the ship, the movement of a body or something through air or water, in the line of sight of a gun, the awakening of one's consciousness. It's what I think of a Blackened consciousness.

[72] ST: Yes!

[73] CS: To say I know where I stand, where I am placed, and therefore I can act from there, I can see from there. So yes, all of those things.

[74] ST: A consciousness that prevents us from mispronouncing the sound, as you mentioned earlier. This has me thinking of the Kendrick Lamar song, "Alright," in particular the refrain, "we gon' be alright," which was in many ways the anthem for the weekend convening of Movement for Black Lives.

[75] CS: Did you go?

[76] ST: Yes, and it was an amazing experience to be around over 1500 Black people with very radical if not revolutionary politics. And this song was playing after the first plenary where you had, for over half an hour, the family members of Emmett Till, Mike Brown, Rekia Boyd, Eric Garner, Jordan Davis, Kendrick Johnson, Oscar Grant, Ramarley Graham, Tamir Rice, Tanisha Anderson—whose daughter spoke about

watching her mother die from the two gunshots she saw police officers pummel into her body—VonDerrit Myers, and many many more. You had these family members go onstage and talk about their murdered loved ones, and they ended each memorial with "This is why we fight." The profundity of the gratuitousness of this violence had permeated the room. And after that we have Miss Major come onstage and she shifted everything. Because at this point we were all feeling the acuity of the violence that precedes and exceeds us, as you pointedly noted about Frank's work, and our proximity to and baptism in and by violence had permeated the auditorium. After the family members had spoken, organizers had asked people in the audience to stand up if they've had family members murdered by state or vigilante violence, which of course—what room filled with Black people doesn't have a majority of participants affected by this personally? And shortly thereafter Miss Major takes the podium and tells us "You don't have to take this shit anymore!!!" and we just erupt in tears, and rage, and laughter, and clapping, and shouting, and relief. Then the plenary ends with the blaring of Lamar's "Alright" and we all just jump out of our seats and start dancing and singing. In one sense it felt amazing, but to understand the reality of Black suffering would be to acknowledge that no, everything's *not* going to be alright. That is the ontology, our political ontology. And until there's a revolutionary shift, or destruction of what we know, it's not going to be alright. So yes, I'm questioning; I'm thinking if this is to quell one's own anxiety or the anxiety of others it doesn't necessarily matter because we're talking about the Black psyche, a Black psyche which is never formed or conditioned outside of how white people are viewing us. So when you were speaking of Coates' use of "On y va" as punctuating a desire to be read as fully human, that reminded me of this experience of wanting Lamar's address in "Alright"—"we gon' be alright"—to be true, also knowing the reality of where we are right now, which is a structural position always-already punctuated by the violence of/that is white desire, whether the Black psyche recognizes and/or is ready to wrestle with that positioning.

[77] Speaking of how others view us also coincides with how I interpret the response to Afropessimism that we're seeing in the academy, which sometimes seems much more violent from Black academics than from non-Black academics.

[78] CS: Can you say more about that connection? Because it makes me also think about the ways that a number of white academics have taken up Afropessimism. Particularly white male academics of a certain age group.

[79] ST: Yes, yes.

[80] CS: And how do we understand that?

[81] ST: I think the only people who can *be* Afropessimists are non-Black people. I don't think Black people can actually *be* Afropessimists; my colleague, Kara Hunt, reminded me of this. We can theorize, we can meditate on Black suffering, we can experience the violence, we're marked. But we cannot *be* Afropessimists since the idea and reality of being is foreclosed to us: we're non-being. The only people who can be and embrace it are particularly these white, male, young academics who are so excited. They're *excited* by it. And it's an invigorating theory because it's a purely intellectual enterprise for them.

This is something we have to experience and re-experience viscerally when we read Frank and Jared's work. It's a traumatic experience. But it's not a trauma that is being imposed by us— by the theory or by those of us who write and critically engage with the work. It's a trauma that we're reliving because we're never outside of this trauma. So I think Black people's responses, Black academics' responses in particular...it's not a foreclosure the way white or non-Black academics would respond. If it's a negative response it's foreclosing on their own...ethical relationship—

[82] CS: Relationship to thinking, to wanting to think outside of Black suffering.

[83] ST: Yes. I think of white progressives' violent responses to the Black women of Black Lives Matter, who are taking over these stages at Bernie Sanders events. It's similar with the responses to Afropessimism—don't hold a mirror up to *my* position in this world. But when Black people are responding so viscerally to Afropessimism, it's because the only capacity they have is that of consciousness. Consciousness of one's positioning in this world as non-human, or more precisely anti-human. Yet some desire to forget. And Afropessimist theory reminds them of their inability to forget, reminds them of their unexamined psyches and an unresolved antagonistic relationship to Blackness itself. Whether if it's this impossible desire to forget—and this foreclosure is always blamed on the theory and its proponents—or if it's too painful for them to examine Black suffering as structural, ontological rather than experiential, I have much more sympathy for them; nevertheless, their responses can be much more vehement.

[84] CS: I want to think about the sort of modulation and hearing of "we gon' be alright." Is there a way to hear "we gon' be alright" not as we're going to be *alright*? Not as we can be alright within the state of things as they are, but as a way of thinking laterally. And in this room, in this space, enacting a particular kind of ethics.

[85] ST: The intramural.

[86] CS: Yes. Is there a way to think it through the intramural because the whole day is about the gratuitous (violence), right? So one has to think that through the intramural. I'm trying to articulate something about care that is *not* the care of the state, that is, not the "care" of the state, which is care as prison cell, as grave, as mental institution, etc. It's something about intramural relations that might by necessity use some of the same language but is meant to sound a different note. The thing that I keep coming to and have written about now is, for example, Hi Man in *Beloved*<sup>[21]</sup>. Hi Man does not change the circumstances of their being imprisoned in what Dennis Childs has excavated for us as the prison slave ship: the slave ship that's on land, that is the moving prison. But what Hi Man seems to know is when to stop that particular violence of the white men demanding fellatio, those daily rapes, when to say Hiiiiii before the moment that would be too much for the men on the chain gang. And that is some kind of intramural relation and it is something that Hi Man takes on himself and that Paul D cannot quite figure out. That's a kind of ethics of care, living as we do in the hold, in the wake, in this *longue durée* of Atlantic chattel slavery and as we work to rupture it, to make a new world.

[87] ST: So the sound is pronounced accurately but we're hindered by the semiotics.

[88] CS: Yes! And then by wanting to extend the sound and subject it to the sign.

[89] ST: Thank you! That helps.

[90] CS: So this convening was in Cleveland?

[91] ST: Yes. But there were also moments where Black folks were policing their own responses, their rage.

[92] CS: There was police violence.

[93] ST: Yes, on the last day. Many participants had left, but the LA contingent, the Chicago contingent, and many others were still there. There was a 14-year-old arrested, accused of not paying fare and/or for having alcohol. He was injured during the arrest, I think the transit police had body slammed him onto the police car, and participants circled the police cars and were demanding they let the child go.

[94] CS: That was amazing, that people interrupted. That's the kind of interruption, that's the kind of care that I'm thinking about. To insist.

[95] ST: And they insisted "call his mother, call his mother" because he had been injured, "call his mother." And the police would not. There were cops circling the group of Black activists who had encircled the two cop cars that were there to detain the child and the activists would not stand down. They refused to submit to the commands of the police officers inside or outside of the circle. But these were transit police officers initially who had arrested the child. And we see the difference between transit police versus city police. Which is why, I think, Cincinnati reacted so quickly to the University of Cincinnati campus police officer and his murder of Samuel DuBose. These are white intramural debates, right?

[96] CS: Yes.

[97] ST: *You* can't police as well as *we* can. If you are going to murder Black people, let *us* be the ones—

[98] CS: Let it be the city or the state—

[99] ST: The *real* cops.

[100] CS: Oh that's so interesting because in thinking back to the question of what does it mean to suffer and what does it mean for Black people to suffer when suffering is the ground? Who makes meaning of suffering? It's *who* makes meaning of it, for whom the suffering is performed and this comes back to the question that you asked before in relation to the non-Black desire, or we could say white desire to consume the spectacle of Black death. That my suffering is supposed to mean something, it's supposed to be educative somehow. But it's not educative for me. It simply is. And so how do we theorize, how do we contend with that is-ness. In those ways I found Afropessimism extremely useful and when I first found Jared and Frank's work I thought, here are two other people who take seriously the ontology of Black suffering. I'd been searching for this other than Saidiya and Spillers. And at the same time I'm not at all wedded to psychoanalytic thought, I use the tools that help me try to think through what I'm trying to

think through which is always centered on Black being or Black non-being. And so in *In the Wake: on Blackness and Being* I've been thinking about the hold and the wake and the ship and the weather as I try to think through what Rinaldo Walcott calls "black life forms," and questions of their continuing in the wake. And in thinking about the Zong I've also been trying to work some with the science of wakes. If something or someone is thrown or jumped overboard or if someone drowns and their body is not recovered that body won't last long in the water. And you will most likely not recover the bones. A colleague who teaches fluid dynamics told me about residence time, which is the amount of time that the nutrients exist in the water. So I've been thinking about residence time, those Africans thrown, jumped overboard who, as their bodies broke down into various components, like sodium from their blood, are with us still in residence time. I've been trying to think through those things in terms of how we understand the conditions and duration of Black suffering.

[101] ST: It's not only duration, though, it seems as though it's the sustenance—

[102] CS: Precisely!

[103] ST: Of the world as we know it. Not just on the ontological or psychic level, but at the—

[104] CS and ST: Material

[105] ST: Yes, which could also be the reason why there's such an unconscious resistance to dealing with the ethics of Black suffering.

[106] CS: Absolutely, because it is so much the stuff of non-Black existence and Black nonexistence.

[107] ST: Yes!

[108] CS: Materially, in very material ways. I'm thinking about that session that you organized at MLA and I've been thinking about anagrammatical Blackness. That's in the section on the hold in the book and I'm really struck by what you were saying about the Black activists saying "call his mother" and the police wouldn't call his mother, but also the activists wouldn't stand down, and thinking about the word mother. What does mother actually mean as far as Black people are concerned? That's one of the main words that I've been trying to think through in that section because of all of these examples—like, the most dangerous place for an African American is in the womb. Thinking about the Black woman who in the midst of the uprising in Baltimore slaps her son and she's called onto talk shows to talk about this disciplining of her son. The "bad mother" becomes the "good mother" in the context of white supremacy; but it is the noun that is really at issue here and not the modifier. In another instance she's the bad mother because she's "abusive," but she is called on to talk shows to talk about a particular kind of "care" which is violence. And *we understand* that violence, right, but it's not for our consumption.

[109] ST: Precisely, and I was so angry because it's a way of weaponizing the Black maternal in order to justify state violence. But I'm also working through the idea of what Black motherhood means, especially in light of Spiller's "Mama's Baby Papa's Maybe"<sup>[22]</sup> which continues to illuminate things for me.

[110] CS: Yes, what could Black motherhood possibly mean? I keep coming back to we need new words. How can we put these things together, how can we talk about them? Can we talk about a "Black woman" who gives birth to a "Black child" but individually and together those terms mean nothing? They mean nothing that the state has to recognize.

[111] ST: I would love for you to discuss anagrammatical Blackness for folks who haven't had the honor of seeing you present on this. And of course your theory of wake work too, please. The students here [UC Irvine] who attended your talk at ABC [Afrikan Black Coalition] are so profoundly moved by your discussion of wake work. They've been working through ideas of self-care alongside the intramural work they're doing here, and they call it wake work.

[112] CS: That couldn't make me happier. I am deeply gratified by that. Thank you.

[113] ST: I think they are profoundly receptive to this idea because of the strength of the African American Studies department here and the critical work that faculty like Frank and Jared, among others, are doing. Speaking of Black studies, I know your recent article in *The Black Scholar* engages this topic, but do you see the state of Black Studies today as encouraging or prohibiting this type of inquiry, especially considering the increasing attacks against formulations of Black experience as singular and without analogy?

[114] CS: I think it depends on what Black Studies we're talking about because there are various iterations of Black Studies. The Black Studies that I'm interested in has room for that type of inquiry and that's the kind of work that I think is completely necessary and important. Because people continue to mistake or willfully confuse or refuse an insistence on the particularity of Black suffering and a refusal of analogy with a love of suffering and not with a principled or ethical demand to refuse erasure.

[115] ST: Yes!

[116] CS: I think about Michel-Rolph Trouillot who says the Haitian Revolution has, and this is not an exact quote, the distinction of being unthinkable even as it happened. So one could say that even as it happens is it supposed to be unthinkable, the non-analogization, the inability to analogize Black suffering—is that supposed to be unthinkable even as everywhere we see that it is being made clear to us? Certainly there's a branch of Black Studies that sees the necessity of this ground for thinking, and are other branches, one of which wants to say something like suffering and trauma have been too thoroughly theorized and we need to be theorizing pleasure. I think Black Studies needs to contend with those claims of Afropessimism and also with other claims. An ethical Black Studies has to contend with the materiality of our circumstances globally. So not a U.S. Black Studies, but a global Black Studies that looks at the ways that everywhere we are we are shipped, held, contained, and also in excess of the shipping, the holding and containing, but nonetheless those are the forces that are arrayed against us everywhere that we are. I think that there is room for theorizing joy, but I think that's quite different than pleasure. And I think that there are moments of joy that we have to have access to, that we have to create, and again that that's different than pleasure. But I don't think you can theorize joy or even pleasure under certain kinds of extreme force unless you are marking them as simply the absence of

force.

[117] ST: This is why your theorizing of Black consciousness and the wake is so crucial. Forgive me for reducing it to the following brevity, but you describe wakes as, for instance, rituals and "processes [through which] we think about the dead and about our relations to them," "a watching practiced as a religious observance," the "track left on the water's surface by a ship," "the air currents behind a body in flight," and, "finally...being awake and, most importantly, consciousness." In thinking about Black people's structural positionality as subtended in slavery, would you describe your work on anagrammatical Blackness and the wake—wake work itself—as not only a product of but also producing the very Blackened consciousness called forth in your work?

[118] CS: Let me reprise what I say about wakes from the piece in *The Black Scholar*—wakes are processes. Through them we think about the dead and about our relations to them. They're rituals through which to enact grief and memory. They allow those among the living to mourn the passing of the dead through ritual. They include the watching of relatives and friends beside the body of someone who is dying and the deceased from the passage to death to burial and then afterwards whatever feasting drinking or other kinds of observances take place. They're often religious observances but they also can be secular ones. Also, wakes are the track left on the water surface by a ship, the disturbance caused by a body swimming or one that's moved in water or in air. They're the currents behind a body in flight, "a disturbed flow" it's what's in the line of sight of an observed object, it's also something that's in the line of recoil of a gun. And also wake means something like being awake and consciousness. So I've been thinking a lot about wakes, on a personal and larger Black global diaspora level. And that brought me to what I am trying to articulate as a theory and praxis of the wake and wake work. A praxis, a theorization, and a performance of the wake and wake-work, about how we think and live in the unlivable in the wake of slavery. We walk into these unlivable lives and we're faced with what are supposed to be, as far as the larger society is concerned, ungrievable deaths. And so thinking about grieving the ungrievable, living in—wresting something from the unlivable—is some kind of wake work. I'm thinking too of the ways that the call seems always to be about death. We're called into action by death and I'm thinking of the call—the call on the phone, that dreaded late night, or early morning, or mid-afternoon—it doesn't really matter what time—call that you know is somehow about death. And the ways we are both animated and also made inanimate by it. We are brought into some kind of action at the same time that it is another deadening blow. We continually respond to those grievous conditions of Black life that about Black death. Black life that isn't life, not life as and for those who determine life. Not the human with a capital H. I am thinking about how we recognize imminence and immanence (imminence with an I and immanence with an A) so that imminence with an I is something that's about to occur and immanence with an A is something's inherent, it remains within, so the imminence and immanence of Black death. I'm trying to think carefully about how to say this, but I also want to think about all those ways in which subjectification only confers violence—that violence precedes and exceeds the Black—that absolutely useful framing of Frank's. But I also want to think about what exceeds that hold, even as we recognize Blackness as ontology, as structural position, something is in excess of that that does not mean that that something exceeds deathliness, but that one might imagine otherwise even as one sees and recognizes captivity.

So how might we think about that? In some ways, that's the intramural.

[119] ST: Exactly.

[120] CS: I am theorizing the wake also as a problem for thought and care and trying to figure out how we might make operative care, wresting it away from surveillance and the state because the state also wants to imagine care but that care is the foot on your neck. All of these things are wrapped up together for me. Back to you asking me about the anagrammatical. In the summer 2014 article in *The Black Scholar*, I say that the birth canal of Black women is a space of the anagrammatical. The space of the anagrammatical has been all about the space of Black women. I've been thinking about the space of the womb of Black women and those who reproduce Blackness as another kind of domestic middle passage, the afterlife, the ongoing life of *partus sequitur ventrem* which translates as that which is brought forth follows the womb. I quote Hartman who says 19th century observers saw the domestic passage as well as this imposition of tremendous force as a domestic middle passage. So I was thinking with Hartman about how the belly of the ship produces Blackness as fungibility, the womb in the US was made to do the same thing through *partus sequitur ventrem*. Now, after the end of that form of chattel slavery, the birth canal of Black women and women who birth Blackness is also meant to do the same thing. As I stated in that article and I think in the panel that you organized on Spillers, it's womb to tomb all over again. So I really wanted to think about the anagrammatical and the ways that mother falls apart, child falls apart: can you claim mother, can you claim child? What new words do we need? What new ways must we think these relations that at any point, as Spillers says, "can be invaded at any given and arbitrary moment by ... property relations."<sup>[23]</sup> That is part of how I came to think anagrammatical Blackness. And one of the primary examples for me is Frederick Douglass' turning Hester into Esther, which is literally the anagrammatical (the same letters are rearranged) because the violence will not hold. Once you have Hester Prynne in *The Scarlet Letter*, all the work that Douglass has done to show the way that that violence comes down on Hester and himself is unsustainable once you have the grammar of the Human who can consent or not to law. All of this is tied in for me in thinking about the wake, so for me the theory of the wake is produced in relation to knowledges, both those that are gained from formal studies but also ones that run counter to that kind of formal study and it makes me think of Ama Ata Aidoo's *Our Sister Killjoy* where she writes "from knowledge gained since."<sup>[24]</sup> So those kinds of knowledges that we gain from living within the Black everyday, from what Brand calls "sitting in the room with history,"<sup>[25]</sup> and the work that she does at the end of Map in her "Ruttier for the Marooned in the Diaspora." Think, for example, of the demands for publishing in HWCU's, the demands of conference presentation, the demands on the Black academic to produce a "legible work" that means that we're always expected to discount and measure, if not totally disregard, many of the ways of knowing that we come to. We are called on to enact epistemic violence against ourselves and others. So, in order to produce legible work within the academy, we are so often called upon to keep, to research and teach and *be* along methods that Sylvia Wynter says are "drafted into the service of the law or to a destructive force." And it seems like we're continually fighting against— if we do not disavow that this is the ground, are continually fighting against—

[121] ST: Yes, Yes!!!

[122] CS: Doing violence against our own capacities to read, think and imagine otherwise. That we're continually fighting that antiblack disciplining. And again, if we are lucky enough to not disavow that that disciplining is already happening and to be poised to see it and then disrupt it. I'm thinking of all of this by way of explanation of the theory of the wake, about living in and as the wake of slavery. Living that—and I'm going to coin a term, that Hartmanian—afterlife of property. It's knowing that Black life, Black non-being is that push toward death. Knowing that we are and inhabit bodies, flesh to which anything and everything can be done. Knowing that is the ground, I've tried to arrive at a theory of the wake and a theory of wake work. And I want to keep thinking and theorizing the tension between being and instrumentality that is Black non-being in the wake. So for me wake theory, what I've been calling wake work, the theory and performance of the wake, is a mode of attending to Black suffering and Black life that exceeds that suffering. I think all kinds of wake work are happening. And I was really struck and very gratified that you told me that after I gave that talk at Irvine that students have been working with wake work and so I've been hoping that the theories that are wake work, and within that is anagrammatical Blackness, within *that* is the Trans\* Atlantic—

[123] ST: Transasterisks?

[124] CS: Yes, I've been thinking about the Trans\* Atlantic both in terms of Omise'ke Tinsley saying the Black Atlantic has always been the queer Atlantic, I'm also saying it's also been something in excess of that: the Black Atlantic has always been the Trans\* Atlantic, the unmaking of Black bodies, Black flesh, and then the eruption into that of all those transes—transmogrification, transubstantiation, transmigration, transmediteranean, etc. as a way to think about a non-coherence in relation to gender, to space, to home, to time. So I'm hoping, and you've given me more hope, that the things I'm trying to work with are capacious enough and also specific enough for people to think with as we try to wrest something out of these worlds that consign us to death. I keep thinking too of the wake work that someone like Mariame Kaba, does in Chicago with Project Nia and her many other projects.

[125] ST: Indeed, and her advocacy work has been instrumental in bringing Marissa Alexander's case into public consciousness.

[126] CS: Absolutely, absolutely with Marissa Alexander. I'm thinking about the work that she does to dismantle police and prisons and her political education work. Thinking too about those young people who put their lives on the lines fighting for a trauma center on the south side of Chicago knowing already that their lives are on the line because, were they to be grievously wounded, there is no trauma center for those under the age of 16 on the south side of Chicago. So in that transportation time, in that sort of trans\* time to a trauma center, the likelihood is that you will die. Thinking about the Movement for Black Lives in Cleveland that you went to, the work that Black people are doing to make a new world, not just to fight for access to the present one that demands your subjection, but really to make a new world. I think of all of this as wake work because wake work takes as ground, as knowledge, the position of the Black and then says, from this position and from all of these things that wake means, how then do we

struggle for a new world, the end of the world as it is and for something new? How can we imagine otherwise? And so that's what I've been trying to think through with wake work. I think I told you the book has four parts, the first part being the Wake in which I talk about all of that. But I also begin from the point of the deaths in my own family over the course of the past year and a half, two years now, and I take up what Hartman calls in an interview with Patricia Saunders that "courage and recklessness are required to be a host of history."<sup>[26]</sup> She's talking about the inclusion of the autobiographical in *Lose Your Mother*<sup>[27]</sup> and she says that she never set out to write what some people would call a memoir. She writes that the "autobiographical example, which is not a personal story that folds onto itself, it's not about navel gazing, it's really about trying to look at historical and social process and one's own formation as a window onto social and historical processes, as an example of them. I wanted to tell a story capable of engaging and countering the violence of abstraction."<sup>[28]</sup> I begin with the personal because it seemed to me unethical to be thinking through and with and in the midst of the ongoingness of Black death and not also position myself in it in those ways. I was reeling from the losses in my own immediate family and in the Black diaspora world outside of that immediate family, and really trying to theorize what it means to be in the wake. So I, too, begin from within my experience because I also wanted to tell a story capable of countering the violence of abstraction with the very specifics of my particular experience in the wake. The second section of the book is the Ship. The third is the Hold and the fourth is the Weather. Each section works through my theorization of the wake and wake work. I don't want to say too much because I want people to read the book.

[127] ST: We've been waiting for it, believe me! I'm compelled by how you're thinking through the intramural, theorizing Black consciousness in light of competing and compulsory gestures that make demands of the Black psyche—

[128] CS: Yes.

[129] ST: —taking this passage to burial which, in the Hartmanian sense, would be to take it out of the violence of abstraction. But this is the materiality that we're dealing with.

[130] CS: Yes, Yes.

[131] ST: And this idea of unmaking and how Black people through Black consciousness, through theorizing performance are finding ways in which... to—I don't want to say *live* with the unmaking—

[132] CS: But live *in* and as the unmaking. Because it's not with, it's not alongside.

[133] ST: Exactly. Yes.

[134] CS: It's *in* and *as*. So I have this Black *being* in the wake as *being/in* because it's not alongside, it's at the same time. It's you are living *in* and *as* this unmaking.

[135] ST: So would you agree with Frank's assertion regarding the impossibility of our relationality in terms of how *Humans* have relationality? What you're elaborating could be an articulation of the way in which Black people—

[136] CS: Have relationality.

[137] ST: This is the intramural. It's working within that impossibility.

[138] CS: Yes. Well, I'm also trying to think with Glissant and relation. How does Glissant's poetics of relation as including the totality of existence, on one hand, work with Afropessimism's ideas of non-relationality? I'm thinking of the ways in which they speak and don't speak to each other. But certainly I think it determines the relationality of the Black to the non-Black.

[139] ST: I see Frank's theory as discussing the limitations of Lacanian psychoanalysis to account for the way violence forms our psyches, and by extension relations to one another, demonstrating how we don't have access to incorporation and recognition in the same ways— how they are the ground for thinking through the Human psyche.

[140] CS: Yes, Yes.

[141] ST: So I can see how it would be interesting to work with these two theorists.

[142] CS: I can give you one line from each of the sections of the book if that would be useful.

[143] ST: Please!

[144] CS: Very simply, in the section on the Ship I'm trying to show how the slave ship lives on in the present. How it marks and haunts the present through its recurrence and through the trans\* formations enacted on Black being in the wake of those ships. I move through a variety of examples from film to text to image and to contemporary quotidian horrific events that are not seen to be horrific except by those of us in the wake, in the ways that Black people are in the wake. We can all be said to be in the wake but we are not all in the wake in the same way. Since some are conferred humanity and for others there is the absolute denial of humanity. Then in the Hold I'm really thinking about containment, regulation, punishment, captivity, capture but also the ways in which the Hold cannot and does not hold even as it remains. That there is something in excess of it.

[145] ST: Like when Jared discusses the truth rather than the totality of Black existence within regimes of antiblack violence.

[146] CS: Yes. It's in the Hold that I've most wrestled with the tension between being and instrumentality that is Black being in the wake. I'll say it was very hard to get out of the hold, to leave behind the writing of the hold. And not get out of the hold in the way that Frank says in terms of fantasies of flight, but the Hold, that section kept growing and growing and growing and finally I had to say, well, *it simply is* that the hold repeats and repeats and repeats. For the Weather, I'll say quite simply, that at stake in the Weather is antiblackness as total climate. I'm trying to think antiblackness as total climate and ways in which we might hear, might sound—there might appear Black visual and sonic resistance to that imposition of non-being, but again, not the totality. It doesn't rupture the totality. But that doesn't mean that we don't have to attend to it. So that's what I'm trying to work with and through as ways of attending to Black suffering.

[147] ST: It's interesting the way you describe the Weather, it reminds me of the question I had about being an Afropessimist—

[148] CS: And who can be —

[149] ST: Exactly.

[150] CS: And who can use.

[151] ST: So the fact that antiblackness —as it is and its total climate—it's why Black people cannot actually be Afropessimists. It would be too overwhelming for the psyche to bear.

[152] CS: And it is simply... everything we do is riven through with it. My first thought for the weather really came from the end of *BeLoved* when Morrison writes it's "[J]ust weather": "[C]ertainly no clamor for a kiss." That it's "[J]ust weather." "By and by all trace is gone and what is forgotten is not only the footprints but the water too and what is down there. The rest is weather...Just weather." But that also made me realize the ways in which weather was so fundamental and always marked in the plantation management —

[153] ST: Yes! During the middle passage—

[154] CS: Yes, and on the plantation. The weather is central to every aspect of it—the wake, the ship, the hold, —

[155] ST: The funereal...

[156] Thank you so much for speaking with me about your work. I can't wait for the book to be released. It's going to be fiya.

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# Exhibit 9 - James Fishback Tweet

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### Post

James Fishback   
@j\_fishback

High school debater: "All your arguments are anti-**black**, both in form and content. Why should a debate exist in the attempt to preserve a fair and educational but anti-black **debate** space is bad because they are complicit with anti-**blackness**, causing a proliferation of violence. That symbolic rupture can only come in the form of **black** terrorism in which **blackness** weaponizes its existence by injecting **blackness** into the space and by being parasitic. You want me to out my strategy which leads to **black** debaters being contested and negated in public spheres just to be humiliated and pushed out?"

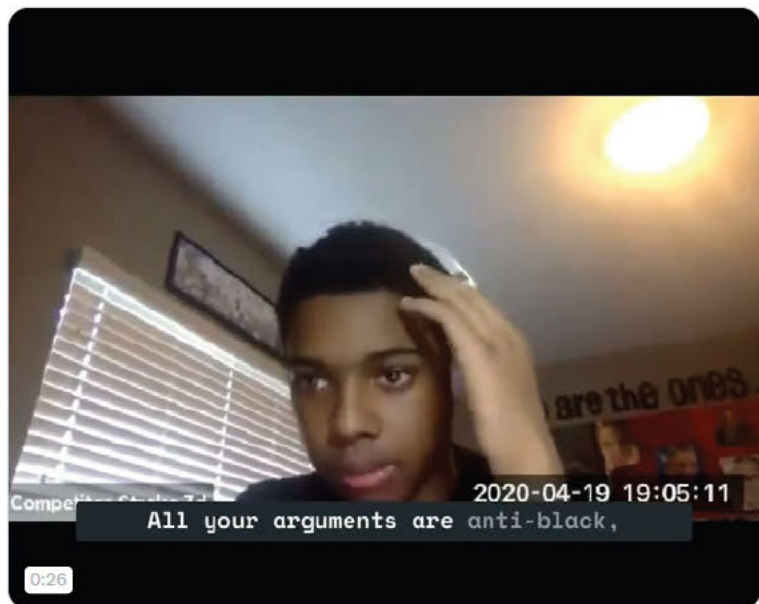
He was supposed to debate whether "predictive policing" is unjust. In the nearly hour-long debate, he didn't mention "predictive policing" once. His entire "argument" was just an unintelligible, off-topic CRT rant.














Nowadays, debate judges **reward** students for rejecting the topic and **punish** students for debating the topic with conservative arguments. They are failing these kids. Debate has zero educational value when judges rig the debates to push their own agendas.

It is incredibly sad to see. High school debate changed my life. It taught me how to critically analyze issues, construct logical arguments, and articulate my thoughts. More than anything, debate helps shape young Americans into informed and engaged citizens.

We must save high school debate. That's why I started [@IncubateDebate](#). We are a no-cost debate league where thousands of students debate the issues, not spout illogical Marxist rants.

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**James Fishback** @j\_fishback · Jan 4  
 This young man is probably very bright. He would actually benefit from real debate. Unfortunately, that isn't available anymore. Instead, debate judges and coaches are taking advantage of him and others to push their own agenda. It's sad. I wrote about it extensively for The Free...  
[Show more](#)

2 46 2.3K

**Natalya Murakhver** @AppletoZucchini · Jan 4  
 Maybe this is obvious, but why is this debate being hosted online, with kids staring into screens instead of in-person?

3 1 12 1.4K

**Nucific** @Nucific Ad  
 🚨 SHOCKING Honey Scam!  
 Many U.S. stores sell 'honey' that's actually laced with high fructose corn syrup. 🚨 Dr. Amy Lee reveals 3 home tests to ensure your honey's purity. Fight back against hidden health truths with Bio-X4! 🚨 [lnk.to/BioX4TwP?utm\\_t...](https://lnk.to/BioX4TwP?utm_t...)



2K 13K 33K 23M

**RonSReal** @ronsext79681926 · Jan 4  
 Wow. Shocking to see!

366

**Reliever Privilege** @SKNChota · Jan 4



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Benjamin Franklin @benfranklin Jan 7

One of the lamest arguments I've heard in a long time. The irony is that his voluntary presence in this debate space undermines his whole argument...

1 787

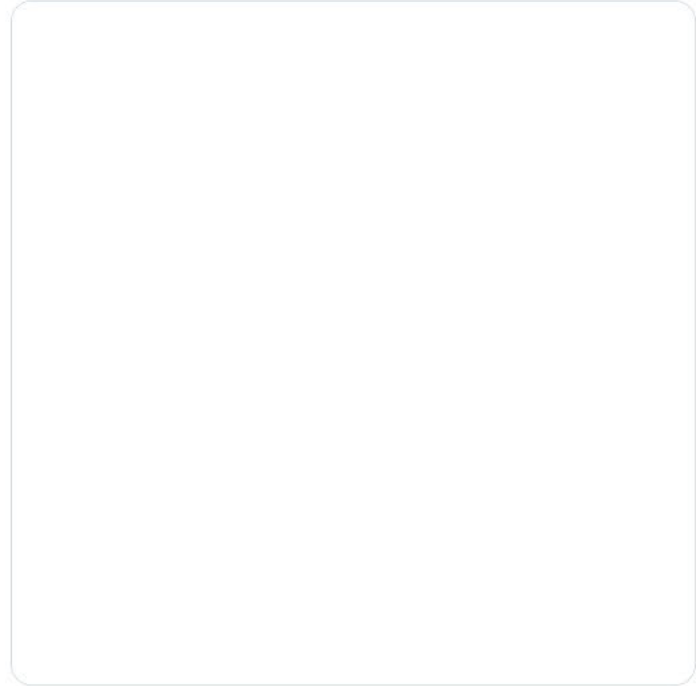
Mocking SF Values @Mockingsfvalues · Jan 5

So when will he be crowned national debate champion? Or do you anti-black folks hate him for his blackness?

1 320

Aidan @aidanonX · Jan 4

My arguments against this sort of thing would have me like this



1K





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# Exhibit 10 - Gabby Knight

# GABBY KNIGHT

Paradigm Record

## Paradigm Statement

Last changed 25 March 2023 9:55 AM EST

7 years of debating experience, NDT quarters, two time CEDA semifinalist. 6 years coaching, previously coached Rochester, Binghamton, CCS.

I ran all types of arguments throughout my time in debate and will similarly vote for any type of argument within reason if compelling and won. While I debated mostly ks and performance based debate, I flow whatever's in front of me. If you want me to flow a particular way, or not flow at all, let me know.

Add me on the email chain if you want: gabbyk13@gmail.com

Specific arguments:

T: Have an impact and interpretation at the end of the debate please. So many people don't extend them and just assume it carries over from all other speeches. Saying fairness isn't enough, explain why it matters

DA: It irks me when tags just say 'extinction' but if you explain how we get there, give me a good link story, and do good impact framing you're more likely to get my ballot. To be clear, ptx das are not my cup of tea but I'll vote on them if you win.

FW: one minute, twenty argument fw shells are not particularly compelling, any leeway given to those arguments is always reciprocally given to the aff's responses on my ballot.

PIKs: I love them. People should read them more.

CPs: I have a low threshold for voting against extremely abusive counterplans, but do enjoy when they're strategically deployed.

Ks: I'm familiar with most literature bases, most familiar with race, fem, disability, queer theory and anthro.

Additional Things:

White partner DAs: While I'll listen to them, probably not the most strategic argument to go for in front of me considering throughout my seven years of debate I never had the opportunity to debate with a non-white debater so I'm very sympathetic to the 'don't force me to debate by myself/exert extra labor because my university is racist' args. HOWEVER, this doesn't give blank checks for white partners to say whatever. If you say negro, or other problematic things, having a black/poc partner will not protect you and you will be called out.

Do not say that Obama ended racism

I shouldn't have to say this but I will: do not be racist, sexist, ableist, homophobic, transphobic, etc.

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