

LADI Mid-Topic Update

This file contains answers to the Militarism Affirmative, the Title IX Disadvantage, and the Capitalism Critique. Read the headers of each section to learn more about these arguments!

Want to improve at debate this summer? We're hosting 3 weeks of camp in San Jose. Check out our website, www.theladi.org, for more information about our camp!

A2 Militarism Aff

While you'll see many iterations of the militarism aff throughout the January/February LD topic, many of them boil down to the same couple of ideas conceptually and just have different internal links to get there. The general idea of the militarism aff is that the way we currently come to understand the world and America's relationship to other countries and cultures comes from a militaristic and neoliberal mindset that centers American dominance as something that is natural and essential to maintaining stability within the existing order. This mindset is socially engrained, starting within the educational settings we put our students through. AFF's claim to solve these mindset in a couple of different ways:

- 1. Military Schools: Plans will remove restrictions in military academies and that opens up the ability to criticize military officials and encourages dialogue to break down the military industrial complex at the core of institution.**
- 2. General protests: People will argue that removing free speech restrictions encourages more protests that results in an increase in civic engagement.**

A2 Dialogue Good

Your speech is not neutral and risks demonizing black folk and reinforces systems of whiteness – your calculus always places black folk outside your impact framing

Gillborn 09 [(David, Professor of Education at the University of London) “Risk-Free Racism: Whiteness and So-Called Free Speech.” Wake Forest Law Review 44 Wake Forest L. Rev. 535. Summer, 2009. LexisNexis Academic]//LADI Despite the numerous critiques that have debunked a belief in general intelligence, and especially the spurious link between “race” and intelligence, in the twenty-first century it remains the case that education policy (like radio call-in shows) continues to trade in racist assumptions that place disproportionate numbers of Black students in low-ranked teaching groups where they cover less of the curriculum and achieve systematically lower results. This is true of “tracking” systems in the United States and “setting” in the United Kingdom. At the other end of the educational spectrum, on both sides of the Atlantic, measures to reward so-called “gifted” youth systematically advantage children from the majority ethnic group. **Despite claims that “free speech” never hurt anyone, we can see that, as Mahoney argues,⁵⁹ unregulated racist talk** (that is, speech that systematically denigrates a “racial” group) **is part of a wider network of beliefs and practices that has real-world impacts on the educational and life chances of minoritized groups in general, and Black people in particular.** In this Article, I have explored the element of “risk” involved in certain forms of speech and, drawing on the traditions of critical race theory, I have shown that **risk is racially structured**. **White people do not generally risk demonization and stereotyping as a result of criminal or other negative acts by other White individuals.** In addition, **Whiteness operates to invest speech with different degrees of legitimacy, such that already debunked racist beliefs can enjoy repeated public airings where they are lauded as scientific and rational by many White listeners, who simultaneously define as irrational, emotional, or exaggerated the opposing views of people of color.** In the call-in show that I analyzed, **White callers** were no more eloquent than their minoritized counterparts; rather, they **were already and always in an advantaged position because of the regime of Whiteness that operates in the United Kingdom (like the United States). The fundamental problem here is not the absence or presence of a Fairness Doctrine: the problem is that genuinely free speech is an impossibility in a context where “common sense” (what is rational and irrational) is determined by, and for, White people.**

A2 Bans Bad

Hate speech bans are productive and don't drive people underground

Parekh 12 [(Bhikhu, Professor) 'Is There a Case for Banning Hate Speech? The Content and Context of Hate Speech: Rethinking Regulation and Responses. Cambridge: Cambridge University Press, pp. 37–56.]//LADI
It is sometimes argued that banning hate speech drives extremist groups underground and leaves us no means of knowing who they are and how much support they enjoy. It also alienates them from the wider society, even makes them more determined, and helps them recruit those attracted by the allure of forbidden fruit. This is an important argument and its force should not be underestimated. However, it has its limits. **A ban on hate speech might drive extremist groups underground, but it also persuades their moderate and law-abiding members to dissociate themselves from these groups. When extremist groups go underground, they are denied the oxygen of publicity and the aura of public respectability. This makes their operations more difficult and denies them the opportunity to link up with other similar groups and recruit their members.** While the ban might alienate extremist groups, **it has the compensating advantage of securing the enthusiastic commitment and support of their target groups.** Besides, beyond a certain point, alienation need not be a source of worry. Some religious groups are alienated from the secular orientation of the liberal state, just as the communists and polyamorously inclined persons bitterly resent its commitment (respectively) to market economy and monogamy. We accept such forms of alienation as inherent in collective life and do not seek to redress them by abandoning the liberal state. **The ban might harden the determination of some, but it is also likely to weaken that of those who seek respectability and do not want to be associated with ideas and groups considered so disreputable as to be banned, or who are deterred by the cost involved in supporting them. There is the lure of the prohibited, but there is also the attraction of the respectable.**

Cooption DA

Violent agitators coopt protests – turns free speech

Nguyen 17 [(Tina, writer @ Vanity Fair) "TRUMP THREATENS TO DEFUND U.C. BERKELEY AFTER STUDENTS PROTEST BREITBART WRITER" February 2, 2017, <http://www.vanityfair.com/news/2017/02/uc-berkeley-protests-milo-yiannopolous>]//LADI

Yiannopoulos, who gained notoriety during the Trump campaign as a popular figure within the "alt-right" movement, blamed "**violent left-wing protesters**" for **shutting down the event**, writing on his Facebook page that, "The Left is absolutely terrified of free speech and will do literally anything to shut it down." **More than 1,500 demonstrators gathered outside the venue to protest Yiannopoulos's appearance, The Washington Post reported, a protest that grew violent when a large group of agitators showed up, hurling rocks and Molotov cocktails.** It was unclear whether the masked protesters were Berkeley students. Campus officials instituted a "shelter in place" order, and police eventually fired pand pepper balls into the crowd to disperse it, according to the local police chief. The optics could not have been worse for Berkeley, the birthplace of the Free Speech Movement in the 1960s and a longtime center of nonviolent protest movements. Breitbart writer Tom Ciccotta seized the opportunity to argue that by rioting, the students had "betrayed" their university and proved Yiannopoulos correct in his denunciations of liberal culture. In a statement, the college expressed profound disappointment that "**the threats and unlawful actions of a few have interfered with the exercise of First Amendment rights**" on a campus that is proud of its history and legacy as the home of the Free Speech Movement."

Protests DA

The 1AC mistakes action for activism—their protests are a display of collective powerlessness that panders to the converted but refuses to make specific demands of the power elite.

Doss 15 [(J. Pharoah Doss, black activist blogger and writer—graduate of Geneva College. His writing has appeared in The New Pittsburgh Courier, The Commonline Journal, Gutter Eloquence Magazine, The Shepherd, and Commonline/The E Journal.) “Protest conveys nothing without a demand” January 28, 2015 <http://newpittsburghcourieronline.com/2015/01/28/protest-conveys-nothing-without-a-demand/>]/LADI

Frederick Douglass said, **“Power concedes nothing without a demand.”** **Douglass’ demand was specific, the abolishment of slavery.** The movement to end slavery even named themselves after their demand. They were called abolitionist. **What are the specific demands of modern protesters?** I remember during the Bush administration I asked an anti-war demonstrator. “Why are you protesting the war?” He said, “Because the president lied.” During the occupy Wall Street movement I met a participant. I asked the young lady, “What exactly are you protesting?” She said, “Corporate greed.” After a white police officer was not indicted by a grand jury for killing an unarmed black man in Ferguson, Missouri there was a rally in my home town of Pittsburgh. **The protesters carried signs that read: Black Lives Matter and People of Color Deserve Equality. The one sign that actually stated a demand said: Stop Racist Police Terror. What are these modern protesters asking power to abolish? More importantly does the power being protested have the power to abolish or change the circumstances?** Lying and greed are subjective matters of morality. Congressional staffers and elected officials assembled on the capital steps with their hands up. Their reason was to show solidarity with those protesting death caused by the police. But the only thing hands up can symbolize from elected officials and their staff is that they’re powerless to legislate morality. The signs held by those protesting the grand jury decision made basic statements no civilized person would oppose. **Of course black lives matter, of course people of color deserve equality, and who would not oppose the concept of racist police terror? But stopping racist ... fill in the blank is not a demand that can be rectified by those in power. Power has limits.** Racism is a belief in superiority. It can be held by any race. Holding this belief is a problem for the holder alone. It becomes a social problem when the holder puts this belief into practice and discriminates against specific groups. **But the government has already legislated against discrimination. So what is the purpose of modern protest?** According to the editorial board of The Gazette, Western’s Daily Student Newspaper, the purpose of protest ... in all of its various forms, has **the same goal -- To create awareness of an issue. Really? I don’t think Douglass and the abolitionist sought to create awareness of the institution of slavery.** Protest is defined by Dictionary.com as: An expression or declaration of objection, disapproval, or dissent, often in opposition to something a person is powerless to prevent or avoid. **When Trayvon Martin, a black teen, was shot and killed by a Hispanic neighborhood watch volunteer in Florida the police did not arrest the volunteer. People protested across the country. But they weren’t raising awareness of neighborhood watch violence or racial profiling. They demanded the arrest of the shooter.** As demonstration grew, the demand grew, and power conceded. The shooter was arrested and tried for second degree murder. **Too often modern protests generalize grievances government can not legislate and corporate policy can not regulate. They mistake activity for activism.** They painfully demonstrate a collective powerlessness that the powerful are fully aware of without a public display. And if Frederick Douglass could address modern protesters he might say, **“Protest conveys nothing to power without a specific demand.”**

A2 Noble

Your own internal link author concedes this mindsets inevitable and the aff doesn't solve the key internal link – there needs to be a shift in curriculum and analysis

Noble 16 [(Doug, Metro-justice Peace and Action Organizer) "AN OPEN LETTER ON THE PROPOSED MILITARY ACADEMY" Feb 22, 2016, <http://deconstructedglobe.com/wordpress/a-military-academy-for-rochester/>]/LADI For those of you who will be deciding on the proposed Military Academy in the RCSD (Rochester City School District), please be aware that your **deliberations take place within a national mindset that glorifies everything military**, deserving or not. **The military's own multi-billion-dollar advertising campaigns**, such as the one paying millions to the NFL to publicly **glorify soldiers at football games, fuel this mindset**. So the US military can still claim to be the finest fighting force in the world, despite its latest string of ignominious failures from Iraq to Afghanistan to Syria. And **the military remains an exemplar of discipline and character, despite a sordid record of civilian atrocities, hospital bombings, drone massacres, pervasive rape, and other unchecked violence and misbehavior**. And the military still exemplifies leadership, despite recent accounts by former generals that chronicle a culture of mediocrity, cover-up and ineptitude throughout the higher levels of military command. An extensive review of the Defense Department's own worldwide DoDEA (Department of Defense Education Actions) school system cited an overall lack of confidence in its bureaucratic management style and an absence of strong leadership. As for cost-effectiveness in training, a \$500 million Pentagon program designed to train 5,000 Syrian rebels ended up after a year training only "four or five." **Given this broader confounding context, it's all the more critical, as you consider claims about the value of military education, training and leadership in public schools, to look beyond the crisp uniforms, and demand hard data, reviewing the available evidence carefully**.

A2 Protests

Protests fail and this directly answers their internal link of just having “more” people in public colleges engaging in dialogue

Rosman 17 [(Artur, writer) “Why Are Protest Movements (Like the Women’s March) Ineffective?” January 24, 2017, <http://www.patheos.com/blogs/cosmostheinlost/2017/01/24/what-makes-all-protest-movements-so-ineffective/>]/LADI

Protest movements frequently use the slogan of “Solidarity.” Solidarity is measured the quantity of

people attending the marches, rather than by the quality of their interactions. This choice of words cannot but remind me of the Polish context of the word. I once even translated a piece explaining why Solidarity collapsed so quickly for Thinking in Values (“Solidarity as Church” by Dariusz Karłowicz). **I suspect that the Women’s March will have the same short-term effect as the Occupy Movement, the Arab Spring, Femen, the Greenpeace protests, Global Warming resistances, the Pro-Life Movement, and any number of such movements that have had their moment in the limelight only to fall into irrelevancy in ever-shorter cycles.** Almost by design, **success spells the end of these single-issue movements: the same goes for lack thereof.** I include the Polish Solidarity movement in this group, along with many other Eastern European opposition movements, which have totally disappeared without too many Western commentators ever really noticing it. I still get people who come up to me and say “Solidarity” and expect me to jump for joy, or those who say Walesa is a hypocrite as if that’s some sort of news. **If protests are so ineffective, then why is it that protest movements are so popular?** Here’s what Alasdair MacIntyre says in his widely-discussed After Virtue: **It is easy also to understand why protest becomes a distinctive moral feature of the modern age** and why indignation is a predominant modern emotion. ‘To protest’ and its Latin predecessors and French cognates are originally as often or more often positive as negative; to protest was once to bear witness to something and only as consequence of that allegiance to bear witness against something else. He continues in the same book (part of my TOP11 critiques of modernity booklist) to go on and explain why these movements are so ineffective: But **protest is now almost entirely that negative phenomenon which characteristically occurs as a reaction to the alleged invasion of someone’s rights in the name of someone else’s utility.** The self-assertive shrillness of protest arises because **the facts of incommensurability ensure that protestors can never win an argument; the indignant self-righteousness of protest arises because the facts of incommensurability ensure equally that the protestors can never lose an argument either. Hence the utterance of protest is characteristically addressed to those who already share the protestors’ premise. The effects of incommensurability ensure that protestors rarely have anyone else to talk to but themselves.** This is not to say that protest cannot be effective; it is to say that it cannot be rationally effective and that its dominant modes of expression give evidence of a certain perhaps unconscious awareness of this. I should add that they tend to be minimally effective because they are not rationally effective. **Since the protesters tend to talk to themselves about either nebulous notions unrelated to any concrete political agenda, or, about a single cause divorced from a program that rationally embraces dialogue across a series of interconnected issues.**

There’s an oversaturation of protests in the status quo – there’s no uniqueness for any of your impacts – protests are just ineffective

Dvorak 17 [(Petula, reporter @ the Washington Post) “Washington’s new normal: A Trump protest spectacle a day” January 26, 2017, https://www.washingtonpost.com/local/washingtons-new-normal-a-trump-protest-a-day/2017/01/26/7d2e5978-e3bb-11e6-a453-19ec4b3d09ba_story.html?utm_term=.7637eb2a5dcd]/LADI

We began Wednesday morning with the sight of Greenpeace activists scaling a 270-foot construction crane in downtown Washington and unfurling a gigantic orange

and black banner that bore the message: **RESIST**. **We ended the day with several hundred protesters marching to the White House to condemn President Trump's executive order on immigration.** **Welcome to Trump's capital. It's a spectacle a day here.** Self-proclaimed anarchists swarmed through downtown D.C. on Trump's Inauguration Day, torching a limousine, smashing bus-stop glass and vandalizing businesses. **Then hundreds of thousands of people massed on the Mall the following day for the Women's March on Washington,** waving clever and sometimes scathing signs aimed at the new commander in chief: "There Is So Much Wrong It Cannot Fit on This Sign" and "We Want a Leader, Not a Creepy Tweeter." [At the Women's March, the men mattered, too] **Coming Friday: The annual March for Life, which will bring tens of thousands of newly energized antiabortion demonstrators** to the nation's front yard. **Even the country's scientists are planning a march on Washington.** Meetings? Deadlines? Schedules? All plans are soft in the District, a city where people chanting in the streets or rappelling off construction cranes bring traffic to a halt. The working world is feeling it. #Thisisnotnormal. I have to confess that I've always been a street protest skeptic. This comes from decades of covering protests. I've double-time marched backward for miles, interviewing people about apartheid, gay rights, abortion, Rodney King, racism, Palestine, globalization, layoffs, public dancing, the World Bank, female genital mutilation, women's rights, the death penalty, homelessness and war after war. I've slept in the bushes to hang with the protesters, I've been in the control rooms as police chiefs strategize riot control. Yet **I'll never forget talking with the banker in his crisp suit and air-conditioned office, looking out the window at the protesters below and just laughing, laughing, laughing. Because he knew they'd eventually be gone and nothing would change. That reality dulled the power of protest for me.** Even one of the founders of the Occupy Wall Street movement, which spread to 82 countries and had millions of people in the streets, agreed with my assessment. **The end of protest is the proliferation of ineffective protests that are more like a ritualized performance of children than a mature, revolutionary challenge to the status quo.**" said Micah White, who wrote "The End of Protest — A New Playbook for Revolution" after the Occupy movement had the world's attention, then sputtered and stalled in a pile of ragged tents and trashed city parks.

Protests don't solve – free speech is seen as whining by the university. Manne & Stanley 15.

Kate Manne [Assistant Professor of Philosophy at Cornell University] and Jason Stanley (Professor of Philosophy at Yale University), "When Free Speech Becomes a Political Weapon," Chronicle of Higher Education, 11/13/15, <http://www.chronicle.com/article/When-Free-Speech-Becomes-a/234207//LADI>

Students at the University of Missouri recently succeeded in pressuring the institution's president and chancellor to step down. At other campuses across the country, we are witnessing a wave of similar protests. **Frequently, however, the students protesting are being misrepresented and belittled in the news media as childish and coddled. More worryingly still, they are held to be attacking freedom of speech rather than exercising it to call for institutional reform – political action of the very kind this freedom aims at protecting.** What explains this apparent paradox? In a word, propaganda. **The notion of freedom of speech is being co-opted by dominant social groups, distorted to serve their interests, and used to silence those who are oppressed and marginalized. All too often, when people depict others as threats to freedom of speech, what they really mean is, "Quiet!"** Recent events at Yale are an important case in point. In late October, in anticipation of Halloween, Yale's Intercultural Affairs Committee sent an email to the student body. While affirming Yale's strong commitment to freedom of speech, it suggested that students be mindful of the perspectives of minority groups when planning their costumes. "Yale is a community that values free expression as well as inclusivity," it read. "And while students, undergraduate and graduate, definitely have a right to express themselves, we would hope that people would actively avoid those circumstances that threaten our sense of community or disrespects, alienates or ridicules segments of our population based on race, nationality, religious belief or gender expression." Not a decade has passed since the last Yale student reportedly celebrated Halloween in blackface. Some deemed the advice infantilizing and heavy-handed. On October 30, Erika Christakis, associate master of Silliman College at Yale, sent a response to this email to its student residents. She decried the "implied control" and "censure and prohibition from above" which she read into it. Quoting her husband, Nicholas Christakis, master of Silliman, she wrote "if you don't like a costume someone is wearing, look away, or tell them you are offended. Talk to each other. **Free speech and the**

ability to tolerate offence are the hallmarks of a free and open society." The notion of freedom of speech tends to be ambiguous. It is used to refer to both the political right it enshrines, and the ethical

ideal it embodies. The former is guaranteed in this country by the First Amendment to the Constitution. Together with the 14th Amendment, this means that nobody's right to express himself or herself may be interfered with by the government. (The few exceptions to the rule — unprotected speech — include acts like falsely claiming "fire!" in a crowded theater, "fighting words," and slander.) Of course, in order to have genuine freedom of speech, one must also be free to question, contradict, and even lampoon the assertions of others. Also protected is the right to say that someone else's choice of words was insensitive or inappropriate, or that she ought not to have spoken up in the first place. Censure is not the same thing as censorship; indeed, it could not be. The right not to be censored by the government extends to the right to censure — that is,

morally condemn — the speech acts of other people. **This leads to a delicate and controversial question: To affirm the value of freedom of speech, and to keep from silencing others unethically, when may we encourage people to choose their words more carefully, or tell them they ought to have kept silent? When should we say that, although someone had the right to say what he said, his saying it was a problem? Even the most avid proponent of freedom of speech cannot avoid this issue. When people disagree about who should say what to whom — and how — either someone has to keep mum, or someone's speech act will come in for**

criticism. Perhaps Erika Christakis did not intend to weigh in on one side or the other of the culture wars. Her remarks nevertheless provoked a strong reaction from some students. This is not surprising, against the current political backdrop.

Free speech has become an increasingly politicized issue at Yale and elsewhere. A

few months ago, the university's William F. Buckley Jr. Program hosted the **New York University social psychologist Jonathan Haidt**. In his talk, Haidt **invoked notions like freedom of speech and the search for truth to inveigh against "coddled"**

students. The obvious target was groups who have historically been

oppressed and are now increasingly prone to calling attention to

microaggressions. **Haidt, together with Greg Lukianoff, president of**

the Foundation for Individual Rights in Education, has argued recently in

The Atlantic that these **students are being immature and oversensitive**. Following

Christakis's email, protests erupted among students of color and their supporters. **Their political activity**

has since been written off by many commentators as a silly tantrum

thrown in response to a one-off email, rather than a reaction to

chronic, structural racial injustice — **such as the persistent paucity of**

black faculty members and administrators at Yale, the common experience of being

the only black student in some classes, and being disproportionately likely to be stopped and asked for ID — or worse — by campus police officers, as students have movingly testified. An article in the National Review went so far as to call these students of color "defective people from defective families" — an eyebrow-raising choice of language. The Christakis are of course not responsible for the tensions their remarks brought to the surface. Indeed, Nicholas Christakis took to Twitter to make some of

the very points in defense of Silliman students which we make in this article. **Nevertheless, the**

protesting Yale undergraduates have become pawns in the culture

wars, being demonized as threats to freedom of speech, rather than

political agents engaged in its exercise. It is therefore past time to lay

this myth to rest, and to expose its ideological function. Consider the structure of

the events at Yale. After the Intercultural Affairs Committee sent its original email, Erika Christakis opposed it — not merely its content, but the very act of their issuing it. The students then opposed her opposition — alleging that she ought not to have spoken as she did, given her position as associate master of Silliman College. And many pundits have, in turn, opposed their opposition — holding that the students ought not to be protesting thus. So far, so similar; these speech acts are on a par not only constitutionally, but also insofar as each opposes the one aforementioned. Given these symmetries, why the markedly different reactions? Part of it is that, when people lower down in social and institutional hierarchies criticize the speech acts of those higher up, it often reads as insubordination, defiance, or insolence. When things go the other way, it tends to read as business as usual. Why? In a 1988 paper, the Stanford psychologist Claude Steele proposed the existence of "a self-system that explains ourselves, and the world at large, to ourselves. The purpose of these constant explanations (and rationalizations) is to maintain a phenomenal experience of the self — self-conceptions and images — as adaptively and morally adequate — that is, as competent, good, unitary, stable." Self-affirmation theory predicts that members of groups that have benefited from practices of exclusion, and have sometimes been actively complicit (more or less unwittingly) in sustaining them, will experience a serious disruption of their sense of self when confronted by injustice. The Yale philosopher Christopher Lebron has theorized the ways that

privileged whites often subscribe to legitimizing myths in order to maintain their self-conception as good people in a racist society. Presenting oneself as a martyr to the cause of a cherished ideal like freedom of speech is one way to do that. It

simultaneously serves to discredit the people calling for change — including, in this case, the resignations of the Christakis from Silliman College. (Not just on the basis of the email, but because of growing discontent with their narrow focus on freedom of speech to the exclusion of actually fostering engagement among Silliman residents. In resigning as masters, the Christakis would remain Yale faculty.) Sounding reasonable can be a luxury. Such speech trusts, even presumes, that one's words will be received by a similarly reasonable, receptive, even sympathetic, audience. But didn't Erika Christakis, and most though not all of her defenders, express their views in a much more reasonable tone of voice than the students protesting? Yes. But

sounding reasonable can be a luxury. Such speech trusts, even presumes, that one's words will be received by a similarly reasonable, receptive, even sympathetic, audience. Oppressed people are often met with the political analogue of stonewalling. In order to be heard, they need to shout; and when they shout, they are told to lower their voices. They may be able to speak, but have little hope of being

listened to. The Michigan State University philosopher Kristie Dotson describes this predicament as "testimonial quieting," as the philosopher Rachel McKinnon has helped us to see. When oppressed people speak out — and up, toward those in power — their right to speak may be granted, yet their capacity to know of what they speak doubted as the result of ingrained prejudice. **And the way in which they express themselves is often then made the focus of the discussion. So it is not just that these people have to raise their voices in order to be audible; it's also that, when their tone becomes the issue, their speech is essentially being heard as mere noise, disruption, commotion. Their freedom of speech is radically undercut by what is aptly known as "tone policing."**

Free speech is coopted by militaristic white nationalists. **Burley 16**

[Shane (Writer, filmmaker and organizer based in Portland, Oregon. His work has been featured in places like In These Times, Labor Notes, Counterpunch, Waging Nonviolence and Roar Magazine), "How the Alt Right is trying to create a 'safe space' for racism on college campuses", Waging Nonviolence, 10/06/16, <http://wagingnonviolence.org/feature/alt-right-safe-space-racism-college-campuses/>]/LADI

A murmur began in May around Berkeley and the surrounding Bay Area as posters appeared overnight on the sides of buildings and wrapped on poles. Adorned with images of statues of antiquity, these classical images of European men depicted as gods were intended to light a spark of memory in the mostly white faces that passed by them. **With lines like "Let's become great again"**

printed on them, the posters were blatant in their calls for European "pride," clearly connecting romanticized European empires of the past to the populism of Donald Trump today. The posters were put up by Identity Europa, one of the lesser-known organizations amid that esoteric constellation of reactionary groups and figures known as **the "Alt Right."** **They were part of a campaign around the country enticing college-age white people to join a new kind of white nationalist movement. While similar posters emerged elsewhere on the West Coast and Midwest, in central California they pointed toward a public event — one directed specifically toward the tradition of free speech at the University of California at Berkeley. Shortly after the posters went up, a brief announcement came from Alt Right leader Richard Spencer and his think-tank, the National Policy Institute. They, along with Identity Europa and other white nationalist organizations, were planning to hold an "Alt Right Safe Space"**

in Berkeley's Sproul Plaza on May 6. The "safe space" is a play on words for the Alt Right, using the phrase that many leftist-oriented facilities use for a code of conduct that bans oppressive or bigoted behavior. Instead, they intended to make a "safe space" for white racism, the public declaration of which has become unwelcome in most any space. The plan was to show up and publicly proselytize on the problems of multiculturalism and the need for "white identity."

Identity Europa founder Nathan Damigo joined Spencer, along with Johnny Monoxide, a podcaster and blogger from the white nationalist blog The Right Stuff, which has become popular in Internet racist circles (racialist being a term they use, since racist carries a negative connotation) for its internal lingo and open use of racial slurs. Alt Right media outlet Red Ice Creations teamed up with Monoxide to livestream the event, bringing the white nationalist crowd together with their international audience of conspiracy theorists, anti-vaccine activists and alternative religion proponents. While live streaming to their crowd, they came ready to argue. "This guy's anti-dialogical! He's anti-white," yelled Damigo when challenged on the racist content of his talking points. Race and identity For decades, both the institutional and radical left in the United States has relied on campus activism as a key part of its organizing base. From the antiwar movement of the 1960s to the development of feminist and queer politics to the growing youth labor and Black Lives Matter movement, colleges have been a center for political encounters and mobilizations. The radicalization of students has often leaned to the left because the left's challenges to systems of power seem like a perfect fit for people expanding their understanding of the world. Amid

major shifts in U.S. politics, a space has opened for revolutionary right-wing politics that have not traditionally been accessible to those outside of the most extreme ranks of the white nationalist movement. Today, the Alt Right is repackaging many of the ideas normally associated with neo-Nazis and KKK members into a new, more middle-class culture by using the strategies and language

traditionally associated with the left. This means a heavy focus on argumentation and academic legitimacy

as well as targeting campus locations (and millennials) for recruitment. Until Hillary Clinton's August 21 speech, most people had never heard of the Alt Right. However, it is a movement that has been growing for almost a decade in backroom conferences and racially-charged blogs. It is a kind of cultural fascism, one birthed out of the post-war fascist movements of Europe and given character by a culture of Twitter trolls and populist American anger. Yet, when it appears on campus, the Alt Right's recruiting is hardly different from the Klan's attempts to openly recruit members by leaving bags of leaflets and candy at people's doorsteps. While the Alt Right Safe Space was put together as a joint effort with several nationalist organizations, Identity Europa emphasizes focusing on the youth most of all. The name and branding of Identity Europa are new, but the organization was started years ago as the National Youth Front. Nathan Damigo was an Iraq war veteran going to school at the University of California at Stanislaus when he took over the organization, shifting its ideological orientation from "civic nationalism" to "race realism," the notion that whites have higher average IQ's and a smaller propensity for crime than blacks. While Damigo notes that they have a "don't ask, don't tell" policy when it comes to gay members, he said that bi-racial and transgendered people would be turned away. For Damigo and others who trade in white nationalist talking points like "race realism," the differences between races are significant. "Ethnic and racial or religious diversity can actually wreak havoc on a social system, and cause tons of problems," Damigo said. "I do believe that there are differences between human populations ... [T]he distribution of genes that affect behavior and intelligence are already known to not be equally distributed between all populations." Identity Europa then represents a sort of "fraternal organization" where "European-descended" people can meet and network, working their way towards a kind of campus activism that challenges discourse and educational plans embedded with multiculturalism and egalitarianism. Such organizations have a long history on the right, stretching back to the 19th century fencing clubs and

fraternities that popularized the pan-German ideas of Georg Schönerer — an immediate influence on Nazism. **As organizers, however, Identity Europa do not follow the standard playbook for campus activism, which usually involves breaking broad political ideas into organized demands with reachable goals. Instead, they simply want to cultivate a subculture whose constituents will**

intervene in public discourse, thereby seeding their well-rehearsed talking points about racial inequality, white sovereignty and the return to heteronormative social roles.

While Damigo brags about the growth of Identity Europa, it likely does not have membership beyond a few dozen people on campuses around the country at this point. However, there are reports of Identity Europa posters appearing at different places around the country almost weekly. Outreach to millennials Through its brand of social interruption, Identity Europa intends to foment a revolutionary right-wing culture — precisely the goal shared by Richard Spencer and his National Policy Institute. Spencer has been in right-wing politics for years, first joining as an assistant editor at the American Conservative after an article he published on the Duke Lacrosse sexual assault scandal made him a minor star. He later went to the controversial Taki's Magazine, known for giving a voice to the shrinking paleoconservative movement and staffing dissident voices from the right who are regularly accused of racism. As he further cemented himself in this "dissident right" world, he developed the term "Alternative Right" to indicate the different strands that he saw uniting against multiculturalism, equality and American democracy. It was in this climate that Spencer founded the website Alternative Right, giving voice to a growing white nationalist movement that built on fascist intellectual traditions in Western Europe and challenged the right-wing connection to the American conservative movement. He eventually went on to take over the white nationalist think-tank, the National Policy Institute, or NPI, originally founded by William Regnery, using money inherited from the conservative publishing house, Regnery Publishing. The organization was meant to center on Samuel Francis, a former columnist with the Washington Times who was let go as he shifted further into white nationalism and associated with racist organizations like American Renaissance and the Council of Conservative Citizens. Spencer took over the organization after Francis's death, molding it into the intellectual core of the growing Alt Right movement. Spencer's goal has always been the creation of a "meta-political" movement rather than one founded on contemporary political wedge issues. He hopes to draw together ideas like "white identitarianism" — a term used to brand the movement as being about European heritage — and the eugenics-invoking "human biodiversity." Both are terms fostered by the so-called "European New Right" and its leading ideologues. What immediately distinguished Spencer's role in the white nationalist movement from the older generation was his explicit focus on millennial outreach. For instance, his expensive NPI conferences are dramatically discounted for those under 30, and his new Radix Journal is marketed directly to an Internet culture of disaffected and angry white youths. He was an early proponent of podcasts as a main voice of the movement, a move that has given the Alt Right its conversational tone and made its ideas more

accessible. With Damigo, **Spencer developed the Alt Right Safe Space idea to exploit the projection of free speech on college campuses, despite the movement's general rejection of human rights. "I think it's symbolic as a way of saying, 'we're here,'"** Spencer explained.

Hate Speech Turns Case

Hate speech turns militarism – empirical evidence shows societies with strong hate speech codes are the least violent overall.

Delgado and Yun 96 [Richard (Law Professor at Seattle University School of Law) and David H. Yun (Member of Colorado Bar), “THE SPEECH WE HATE”: FIRST AMENDMENT TOTALISM, THE ACLU, AND THE PRINCIPLE OF DIALOGIC POLITICS”, Arizona State Law Journal, 1996. <http://ssrn.com/abstract=2094597>]//LADI **If protecting hate speech and pornography were essential to safeguarding freedom of inquiry and a flourishing democratic politics, we would expect to find that nations that have adopted hate speech rules and curbs against pornography would suffer quickly a sharp erosion of the spirit of free inquiry. But this has not happened.** [FN46] **A host of industrialized nations, including Sweden, Italy, Canada, and Great Britain, have instituted laws against hate speech** and hate propaganda, [FN47] **in many cases to comply with international treaties and conventions requiring such action.** [FN48] **Many of these countries traditionally respect free speech at least as much as the United States does.** [FN49] No such nation has reported any erosion of the atmosphere of free speech or debate. [FN50] At the same time, the United States, which until recently has refused to put such rules into effect, has a less than perfect record of protecting even political speech. **United States agencies have persecuted communists,** [FN51] **hounded Hollywood writers out of the country,** [FN52] **and harassed and badgered** such **civil rights leaders** as Josephine Baker, [FN53] Paul Robeson, [FN54] and W. E. B. DuBois [FN55] **in a campaign of personal and professional smears** that ruined their reputations and destroyed their ability to earn a living. In recent times, **conservatives inside and outside the Administration have disparaged progressives to the point where many are now afraid to describe themselves** *1291 **as “liberals.”** [FN56] Controversial artists are denied federal funding. [FN57] Museum exhibits that depict the atomic bombing of Hiroshima have been ordered modified. [FN58] If political speech lies at the center of the First Amendment, its protection seems to be largely independent of what is taking place at the periphery. There may, indeed, be an inverse correlation. **Those institutions most concerned with social fairness have proved to be the ones most likely to promulgate anti-hate speech rules.** [FN59] **Part of the reason seems to be the recognition that hate speech can easily silence and demoralize its victims, discouraging them from participating in the life of the institution.** [FN60] **If so, enacting hate speech rules may be evidence of a commitment to democratic dialogue,** rather than the opposite, as some of its opponents maintain.

Hate speech outweighs – it promotes systemic racism which is the root cause of militaristic violence based on fear.

Delgado and Stefacic 09 [Richard (Law Professor at Seattle University School of Law) and Jean (Research Professor at Seattle University School of Law), “FOUR OBSERVATIONS ABOUT HATE SPEECH”, Wake Forest Law Review, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=24019352009]//LADI I. OBSERVATION NUMBER TWO: THE EVALUATION OF HARMS HAS BEEN INCOMPLETE One way, of course, to end the current standoff is for one of the parties to defer to the other’s point of view. Indeed, by pursuing an aggressive campaign of litigation, the free-speech camp has been implicitly urging that the other side do just that.⁵⁸ One could also argue that a host of campus administrators, by enacting successive versions of hate-speech codes, are attempting to do the same thing, namely, wear the other side down.⁵⁹ Ordinarily, though, it is the free-speech faction, with a string of lower-court victories to its credit, who urge the other side to “get over it” and toughen its collective hide.⁶⁰ Yet, a careful weighing of the costs and benefits of speech regulation suggests that the case for it is closer than the ACLU and some courts seem ready to acknowledge. Before addressing the costs of hate-speech regulation versus the opposite, it is advisable to arrive at an understanding of what hate speech is. A Types of Hate Speech **Hate speech, including the campus variety, can take a number of forms—direct (sometimes called “specific”) or indirect; veiled or overt; single or repeated; backed by power, authority, or threat, or not.**⁶¹ **One can also distinguish it in terms of the characteristic— such as race, religion, sexual orientation,**

immigration status, or gender—of the person or group it targets.⁶² **It can isolate a single individual (“Jones, you goddamned X.”) or group** (“The goddamned Xs are destroying this country.”). It can be delivered orally, in writing, on the Internet, or in the form of a tangible thing, such as a Confederate flag, football mascot, or monument.⁶³ It can be anonymous, as with graffiti or a leaflet surreptitiously placed on a bulletin board or under a dormitory door, or its author can be plainly identified.⁶⁴ **The object of the speech may be** free to leave, or **trapped**, as in a classroom or workplace.⁶⁵

B. The Harms of Hate Speech The various forms of hate speech present different kinds and degrees of harm. **The face-to-face kind is the most immediately problematic, especially if the target is not in a position to leave and the one delivering it possesses the power to harm.** 1. Direct or Face-to-Face Hate Speech Although some courts and commentators describe the injury of hate speech as mere offense,⁶⁶ the **harm associated with the face-to-face kind, at least, is often far greater than that and includes flinching, tightening of muscles, adrenaline rushes, and inability to sleep.**⁶⁷ Some **victims may suffer psychosocial harms, including depression, repressed anger, diminished self-concept, and impairment of work or school performance.**⁶⁸ **Some may take refuge in drugs, alcohol, or other forms of addiction, compounding their misery.**⁶⁹

2. Hate Speech and Children With children, the harms of hate speech may be even more worrisome. **A child victimized by racial taunts or browbeating may respond aggressively, with the result that he or she is labeled as assaultive.**⁷⁰ Or, **the child can respond by internalizing the harm and pretending to ignore it. Robbed of self-confidence and a sense of ease, such a child can easily become introspective and morose.**⁷¹ **If the child’s parents suffer the same fate at work, they may bring these problems home so that the parents retain even less energy for their families than before.**⁷² Recent scholarship points out how the **pathologies associated with social subordination may be transgenerational, lasting for centuries, if not millennia, and include pain, fear, shame, anger, and despair.**⁷³

3. General Hate Speech With general hate speech, such as anonymously circulated flyers or speeches to a crowd, the harms, while diffuse, may be just as serious.⁷⁴ Recent scholarship shows how practically **every instance of genocide came on the heels of a wave of hate speech depicting the victims in belittling terms.**⁷⁵ For example, **before launching their wave of deadly attacks on the Tutsis in Rwanda, Hutus in government and the media disseminated a drumbeat of messages casting their ethnic rivals as despicable.**⁷⁶ The Third Reich did much the same with the Jews during the period leading up to the Holocaust.⁷⁷ **When the United States** enslaved African Americans and **killed** or removed the **Indians, it rationalized that these were** simple folk who needed discipline and tutelage, or else **bloodthirsty savages who resisted the blessings of civilization.**⁷⁸ When, a little later, the nation marched westward in pursuit of manifest destiny, it justified taking over the rich lands of California and the Southwest on the ground that the indolent Mexicans living on them did not deserve their good fortune.⁷⁹ Before interning the Japanese during World War II, propagandists depicted the group as sneaky, suspicious, and despotic.⁸⁰ It is possible that **the connection between general hate speech and instances of mass oppression may not be merely statistical and contingent, but conceptual and necessary.**⁸¹ **Concerted action requires an intelligible intention or rationale capable of being understood by others.** One cannot mistreat another group without first articulating a reason why one is doing it—otherwise, no one but a sadist would join in.⁸² Without a softening-up period, early steps toward genocide, such as removing Jews to a ghetto, would strike others as gratuitous and command little support. Discriminatory action of any kind presupposes a group that labors under a stigma of some kind.⁸³ **The prime mechanism for the creation of such stigma is hate speech.**⁸⁴ **Without it, genocide, imperialism, Indian removal, and Jim Crow could gain little purchase.**⁸⁵

C. The Harms of Speech Regulation If the harms of hate speech are sobering, what lies on the other side? What happens to the hate speaker forced to hold things in? Will he or she suffer psychological injury, depression, nightmares, drug addiction, and a blunted self image?⁸⁶ Diminished pecuniary and personal prospects?⁸⁷ Will hate-speech regulation set up the speaker’s group for extermination, seizure of ancestral lands, or anything comparable?⁸⁸ The very possibility seems far-fetched. And, indeed, regimes, such as **Europe’s and Canada’s, that criminalize hate speech exhibit none of these ills.**⁸⁹ **Speech**

and inquiry there seem as free and uninhibited as in the United States, and their press just as feisty as our own.⁹⁰ What about harm to the hate speaker? **The individual who holds his or her tongue for fear of official sanction may be momentarily irritated. But “bottling it up” seems not to inflict serious psychological or emotional damage.**⁹¹ Early in the debate about hate speech, **some posited that a prejudiced individual forced to keep his impulses in check might become more dangerous as a result.**⁹² By analogy to a pressure valve, he or she might explode in a more serious form of hate speech or even a physical attack on a member of the target group.⁹³ But **studies examining this possibility discount it.**⁹⁴ Indeed, **the bigot who expresses his sentiment aloud is apt to be more dangerous, not less, as a result. The incident “revs him up” for the next one, while giving onlookers the impression that baiting minorities is socially acceptable, so that they may follow suit.**⁹⁵ A recently developed social science instrument, the Implicit Association Test (“IAT”), shows that many Americans harbor measurable animus toward racial minorities.⁹⁶ Might it be that hearing hate speech, in person or on the radio, contributes to that result?⁹⁷ III. OBSERVATION NUMBER THREE: INTEREST BALANCING MUST TAKE ACCOUNT OF RELEVANT FEATURES OF HATE SPEECH If all types of hate speech are apt to impose costs,⁹⁸ large or small, how should courts and policymakers weigh them? Not every victim of hate speech will respond in one of the ways described above. Some will shrug it off or lash back at the aggressor, giving as good as they got.⁹⁹ The harm of hate speech is variable, changing from victim to victim and setting to setting.¹⁰⁰ By the same token, it is impossible to say with assurance that the cost of hate-speech regulation will always be negligible. Some speakers who might wish to address sensitive topics, such as affirmative action or racial differences in response to medical treatments, might shy away from them.¹⁰¹ The interplay of voices that society relies on to regulate itself may deteriorate. In balancing hate speech versus regulation, two benchmarks may be helpful: a review of current free-speech “exceptions” and attention to the role of incensancy. A. Current Free-Speech Exceptions Not all speech is free. The current legal landscape contains many exceptions and special doctrines corresponding to speech that society has decided it may legitimately punish. Some of these are: words of conspiracy; libel and defamation; copyright violation; words of threat; misleading advertising; disrespectful words uttered to a judge, police officer, or other authority figure; obscenity; and words that create a risk of imminent violence.¹⁰² If speech is not a seamless web, the issue is whether the case for prohibiting hate speech is as compelling as that underlying existing exceptions. **First Amendment defenders often assert that coining a new exception raises the specter of additional ones, culminating, potentially, in official censorship** and Big Brother.¹⁰³ **But our tolerance for a wide array of special doctrines suggests that this fear may be exaggerated and that a case-by-case approach may be quite feasible.** How important is it to protect a black undergraduate walking home late at night from the campus library?¹⁰⁴ As important as a truthful label on a can of dog food or safeguarding the dignity of a minor state official?¹⁰⁵ Neither free-speech advocates nor courts have addressed matters like these, but a rational approach to the issue of hate-speech regulation suggests that they should.¹⁰⁶ B. Incensancy and Compounding **Two final aspects of hate speech are incensancy—the tendency to recur repeatedly in the life of a victim—and compounding.**¹⁰⁷ **A victim of a racist or similar insult is likely to have heard it more than once.** In this respect, a racial epithet differs from an insult such as “You damn idiot driver” or “Watch where you’re going, you klutz” that the listener is apt to hear only occasionally. **Like water dripping on stone, racist speech impinges on one who has heard similar remarks many times before.**¹⁰⁸ **Each episode builds on the last, reopening a wound likely still to be raw.** The legal system, in a number of settings, recognizes the harm of an act known to inflict a cumulative harm. Ranging from eggshell plaintiffs to the physician who fails to secure fully informed consent, we commonly judge the blameworthiness of an action in light of the victim’s vulnerability.¹⁰⁹ **When free-speech absolutists trivialize the injury of hate speech as simple offense, they ignore how it targets the victim because of a condition he or she cannot change and that is part of the victim’s very identity.** Hate speakers “pile on,” injuring in a way in which the victim has been injured several times before. The would-be hate speaker forced to keep his thoughts to himself suffers no comparable harm. **A comparison of the harms to the speaker and the victim of hate speech, then, suggests that a regime of unregulated hate speech is costly, both individually and socially.** Yet, even if the harms on both sides were similar, one of the parties is more disadvantaged than the other, so that Rawls’s difference principle suggests that, as a moral matter, we break the tie in the victim’s favor.¹¹⁰ Moreover, the magnitude of error can easily be greater, even in First Amendment terms, on the side of nonregulation. **Hate speech warps the dialogic community by depriving its victims of credibility. Who would listen to one who appears, in a thousand scripts, cartoons, stories, and narratives as a**

buffoon, lazy desperado, or wanton criminal? Because one consequence of hate speech is to diminish the status of one group vis-à-vis all the rest, it deprives the singled-out group of credibility and an audience, a result surely at odds with the underlying rationales of a system of free expression.¹¹¹

A2 Title IX DA

The Title IX disad is a relatively simple one conceptually – broken down part by part it is as follows:

1. Uniqueness: Federal funding exists in the status quo; it is contingent on many things such as following Title IX regulations that require public universities to maintain and enforce anti-discrimination restrictions.

2. Link: The plan would cause an increase in things such as hate speech, and that would result in Title IX investigations because the university wouldn't be doing anything to prevent discrimination. That would result in a loss of federal funding.

Now, on the impact level, the Title IX disad can go a litany of different ways but the two most common ways I've seen are as follows:

1. Financial Aid Impact: Federal funding is key to financial aid, which is necessary for many socio-economically disadvantaged students to be able to attend college in the first place. This is more of a structural violence impact, than a traditional brink disad impact.

2. Competitiveness Impact: Federal funds are key to scientific innovation and research. Teams will use innovation and research internal links to access a litany of impacts from heg, to tech leadership, to economic collapse.

A2 Bernstein (Link)

Your Bernstein author concedes removing funds would be unconstitutional and that only a few schools are worried

Bernstein 3 (David E. Bernstein – George Mason University Foundation Professor of Law with a focus on constitutional history, “You Can’t Say That: The Growing Threat to Civil Liberties From Antidiscrimination Laws”, “Censoring Campus

Speech”, https://books.google.com/books?id=zU2QAAAAQBAJandpg=PA60andlpg=PA60anddq=public+colleges+could+lose+funding+if+they+allow+for+racistsandsource=blandots=W67N5E3bnandsig=xXeBW8YaTy_Ilb34MIbu-grciy4andhl=enandsa=Xandved=0ahUKEwiBoqTkn_nQAhVBJFQKHcc7C1kQ6AEITDAI#v=onepageandq=public20colleges20could20lose20funding20if20they20allow20for20racistsandf=false, pg. 60-61)

Given these constitutional barriers, public university speech codes were on the way out until the federal Department of Education revived them in 1994. Male students at Santa Rosa Community College had posted anatomically explicit and sexually derogatory remarks about two female students in a discussion group hosted by the college’s computer network.’ Several aggrieved students filed a complaint against the college with the WE’s Office for Civil Rights. The DOE found that the messages probably created a hostile educational environment on the basis of sex for one of the students. University toleration of such offensive speech, the government added, would violate Title IX, the law banning discrimination against women by educational institutions that receive federal funding. Under this standard, to avoid losing federal funds, universities must proactively ban offensive speech by students and diligently punish any violations of that ban. The DOE failed to explain how its rule was consistent with the First Amendment. **Speech codes enacted by public universities** clearly **violate the First Amendment** even if the codes are enacted in response to the demands of the DOE, **so requiring public universities to enact speech codes or forfeit public funds would obviously be unconstitutional**. Nevertheless, facing this choice, public university officials have ignored the First Amendment issue and complied with DOE guidelines. Although a **few schools may truly be concerned about the potential loss of federal funding**, the prevailing attitude among university officials seems to be that the DOE’s Santa Rosa decision provides a ready excuse to indulge their preference for speech codes. University officials implicitly reason that if the DOE can get away with ignoring the First Amendment, then so can they. Unfortunately, they may be right.

Link Turn

Status quo thumps and link turn – Trump will strong arm universities into protecting free speech by threatening to remove their federal funding

Nguyen 17 [(Tina, writer @ Vanity Fair) “TRUMP THREATENS TO DEFUND U.C. BERKELEY AFTER STUDENTS PROTEST BREITBART WRITER” February 2, 2017, <http://www.vanityfair.com/news/2017/02/uc-berkeley-protests-milo-yiannopolous>]//LADI

President Donald **Trump, who has already signaled his interest in defunding public education** by nominating **Betsy DeVos to lead the Department of Education, found another rationale to withdraw federal funding from state universities when a student protest at the University of California, Berkeley, devolved into rioting** Wednesday night over a scheduled speaking appearance by Breitbart editor Milo Yiannopoulos. The event was canceled “out of concern for public safety” after a group of about 150 agitators “came onto campus and interrupted an otherwise non-violent protest,” according to a statement from the university. **In a tweet sent shortly after the riot**, in which masked protesters tossed barricades through windows, threw rocks, set a police tower on fire, burned flags, and shot fireworks at police, **Trump threatened to pull federal funding from the university for its alleged intolerance of free speech.**

Violations Inevitable

Impact should have been triggered forever ago – speech codes have been declining for years

FIRE 16 [(Foundation for Individual Rights in Education) “Spotlight on Speech Codes 2016,” 2016, <https://www.thefire.org/spotlight-on-speech-codes-2016/>]/LADI

FIRE surveyed 440 schools for this report and found that 49.3 percent maintain severely restrictive, “red light” speech codes—

policies that clearly and substantially prohibit protected speech. This is the eighth year in a row that **the percentage of schools maintaining such policies has declined** and the first time in FIRE’s history that **the figure is below 50 percent**. In addition, **an unprecedented number of schools have eliminated all of their speech codes to earn FIRE’s highest, “green light” rating**:

As of September 2015, 22 schools received a green light rating from FIRE. This number is up from 18 schools as of last year’s report. While speech codes declined overall, FIRE did see a continued increase in restrictive harassment policies in response to the federal government’s unprecedented intervention into universities’ handling of sexual harassment claims. Between September 2014 and September 2015, FIRE downgraded 10 universities from a “yellow light” rating to a red light rating for adopting overly restrictive definitions of sexual harassment. Moreover, despite the dramatic reduction in speech codes over the past eight years, FIRE continues to find an unacceptable number of universities punishing students and faculty members for constitutionally protected speech and expression. It is essential that students, alumni, faculty, and free speech advocates remain vigilant not only about campus speech codes, but also about the way universities may—even in the absence of a written policy—silence or punish protected speech. What, then, can be done about the problem of censorship on campus? Public pressure is still perhaps the most powerful weapon against campus censorship, so it is critical that students and faculty understand their rights—and are willing to stand up for them when they are threatened. At public universities, which are bound by the First Amendment, litigation continues to be another highly successful way to eliminate speech codes. In July 2014, FIRE launched its Stand Up For Speech Litigation Project, a national effort to eliminate unconstitutional speech codes through targeted First Amendment lawsuits. To date, we have coordinated 10 lawsuits, three of which remain ongoing. The seven suits completed thus far have each settled successfully, restoring the free speech rights of almost 200,000 students and securing over \$350,000 in damages and attorney’s fees. State legislatures can also play an important role. In July 2015, Missouri enacted the Campus Free Expression Act (CAFE Act), which prohibits Missouri’s public colleges and universities from limiting students’ expressive activities to small or out-of-the-way “free speech zones.” Virginia also enacted a similar law in 2014. Overall, supporters of free speech must always remember that universities can rarely defend in public what they try to do in private. Publicizing campus censorship in any way possible—whether at a demonstration, in the newspaper, or even in court—is the best available response. To paraphrase Justice Louis Brandeis, sunlight really is the best of disinfectants. FIRE surveyed publicly available policies at 336 four-year public institutions and 104 of the nation’s largest and/or most prestigious private institutions. Our research focuses in particular on public universities because, as explained in detail below, public universities are legally bound to protect students’ right to free speech. FIRE rates colleges and universities as “red light,” “yellow light,” or “green light” based on how much, if any, protected speech their written policies restrict. FIRE defines these terms as follows: Red Light: A red light institution is one that has at least one policy both clearly and substantially restricting freedom of speech, or that bars public access to its speech-related policies by requiring a university login and password for access. A “clear” restriction is one that unambiguously infringes on protected expression. In other words, the threat to free speech at a red light institution is obvious on the face of the policy and does not depend on how the policy is applied. A “substantial” restriction on free speech is one that is broadly applicable to campus expression. For example, a ban on “offensive speech” would be a clear violation (in that it is unambiguous) as well as a substantial violation (in that it covers a great deal of what would be protected expression in the larger society). Such a policy would earn a university a red light. When a university restricts access to its speech-related policies by requiring a login and password, it denies prospective students and their parents the ability to weigh this crucial information prior to matriculation. At FIRE, we consider this denial to be so deceptive and serious that it alone warrants a red light rating. Fortunately, since FIRE instituted the automatic red light rating for universities that require a password to access speech-related policies, two of the three universities to initially have done so have since unlocked access to those policies. [1] Only one institution—Connecticut College—currently receives a red light rating for this reason. Yellow Light: A yellow light institution maintains policies that could be interpreted to suppress protected speech or policies that, while clearly restricting freedom of speech, restrict only narrow categories of speech. For example, a policy banning “verbal abuse” has broad applicability and poses a substantial threat to free speech, but it is not a clear violation because “abuse” might refer to unprotected speech, such as threats of violence or genuine harassment. Similarly, while a policy banning “posters promoting alcohol consumption” clearly restricts speech, it is relatively limited in scope. Yellow light policies are typically unconstitutional, and a rating of yellow light rather than red light in no way means that FIRE condones a university’s restrictions on speech. Rather, it means that in FIRE’s judgment, those restrictions do not clearly and substantially restrict speech in the manner necessary to warrant a red light rating. Green Light: If FIRE finds that a university’s policies do not seriously threaten campus expression, that college or university receives a green light rating. A green light rating does not necessarily indicate that a school actively supports free expression in practice; it simply means that the school’s written policies do not pose a serious threat to free speech. Warning – Does Not Promise Free Speech: FIRE believes that free speech is not only a moral imperative, but also an essential element of a college education. However, private universities are just that—private associations—and as such, they possess their own right to free association, which allows them to prioritize other values above the right to free speech if they wish to do so. Therefore, when a private university clearly and consistently states that it holds a certain set of values above a commitment to freedom of speech, FIRE informs prospective students and faculty members of this fact. [2] Seven surveyed schools met these criteria. [3] In previous years, such schools were labeled “Exempt” or “Not Rated.” Of the 440 schools reviewed by FIRE, 217—or 49.3 percent—received a red light rating, 194 schools received a yellow light rating (44.1%), and 22 received a green light rating (5%). FIRE did not rate 7 schools

(1.6%). [4] **These are significant findings. This is the eighth year in a row that the percentage of schools maintaining red light speech codes has fallen** and the first time in FIRE’s history that the percentage of universities maintaining such codes has fallen below 50%, from a high of 75% eight years ago. Additionally, the number of green light institutions has almost tripled, from just 8 institutions eight years ago (2%) to 22 this year (5%). [5] **The percentage of public schools with a red light rating also dropped below 50% for the first time in FIRE history.** Eight years ago, 79% of public schools received a red light rating. This year, the figure stands at 45.8 percent. **FIRE rated a total of 336 public colleges and universities**. Of these, 154 (45.8%) received a red light rating, 162 (48.2%) received a yellow light rating, and 20 (6%) received a green light rating.

Threat Not Real

The threat of funding is mis-construed and false – they haven't and won't take away funding

Hagen 15 [(Margaret, Professor at Boston University) "Title IX Offensive Speech Guidelines are Illegal in Massachusetts, California, New Jersey, Maine," 2015, <https://casetext.com/posts/kqc77ji4u8ykhjlxkjecezd6vfgein-title-ix-offensive-speech-guidelines-are-illegal-in-massachusetts-california-new-jersey-maine-and>]/LADI

In 2013, the speech code movement underwent a sharp upgrade. Title IX regulators, with no legal justification whatsoever, instructed schools that henceforth sexual harassment forbidden by the Education Amendments Act of 1972 must be defined to include not only repeated, abusive, conduct as determined by the Supreme Court in Meritor and Davis, but even **speech heard**--or overheard--on a single occasion, **if the listener found it "offensive."** Schools were further instructed to mandate reporting and subject everyone to sexual misconduct training. **Institutions that failed to comply were threatened with loss of all federal funding**--an existential threat for most. **Nevertheless,** surprisingly, **in the aftermath** of the issuance of the new harassment guidelines, **speech codes have begun falling**, a few here and there, like leaves in early autumn. School after school, after various attempts to muffle "offensive" free expression on diverse opinions on all matters sexual and otherwise, has found itself on the losing side of First Amendment lawsuits brought by students and faculty with the assistance of various organizations, religious and secular, dedicated to defense of constitutional rights. (e.g., Ohio University, Modesto Junior College (CA), University of Hawaii, Hilo.) "**The Supreme Court has held time and again,** both within and outside of the school context, **that the mere fact that someone might take offense at the content of speech is not sufficient justification for prohibiting it.**" wrote Justice Samuel Alito in a 2001. **Public schools are learning that, as branches of government, they are subject to the same constitutional restrictions as the federal government itself--whatever Title IX regulators might assert.**

Title IX not significantly enforced

Thomas 11 [(Katie, reporter @ NY Times) "Long Fights for Sports Equity, Even With a Law" July 28, 2011, <http://www.nytimes.com/2011/07/29/sports/review-shows-title-ix-is-not-significantly-enforced.html>]/LADI

In 1998, **the University of Southern California was accused of denying its female students a fair chance at participating** in sports. **Thirteen years later,** the **federal agency charged with investigating sex discrimination in schools has not completed its inquiry** of U.S.C. In 2008, the same federal agency, the Office for Civil Rights, came across evidence that Ball State University in Indiana was losing a disproportionate number of women's coaches. But the agency opted to let Ball State investigate itself. After a two-week inquiry, during which Ball State failed to interview a single coach, the university concluded that there was no evidence that any of the coaches had been unfairly treated or let go. The federal law known as Title IX -- requiring schools at all levels across the country to offer girls and women equal access to athletics -- has produced a wealth of progress since it was enacted almost four decades ago. Almost no one disputes that. But **scores of schools,** year in and year out, **still fail to abide by the law.** For those schools, almost no one disputes this: **There is little chance their shortcomings will ever be investigated, and even if they are, few will be meaningfully punished.** According to a review by The New York Times, the Office for Civil Rights allows cases of suspected discrimination to drag on for years, long after the affected athletes have graduated. **The office** -- whose staff of 600 full-time employees at its Washington headquarters and 12 regional offices must juggle a variety of cases, including those for disability, age and race discrimination -- **routinely asks schools to investigate themselves and to develop their own plans for fixing problems. Not surprisingly, the process can lead to further delays and little change. The Office for Civil Rights certainly has the power to enforce the law: any school that is found to be violating Title IX risks losing its federal funds. But that punishment has never been used since Congress passed the law in 1972.** And the office cannot cite any instance in which a case of suspected discrimination against female athletes was referred to the justice department for additional action. The situation has led many to ask how a federal law can be effective if it is not significantly enforced.

Schools have never lost funding ever – your impact is incredibly improbable

Taylor 16 [(Kelley, Professor) "Evaluating the Varied Impacts of Title IX" 2016,

<http://www.insightintodiversity.com/evaluating-the-varied-impacts-of-title-ix/>]/LADI

Under Title IX, a person harmed by an educational institution's failure to comply with the law may sue the school. The New York Times reports that costs associated with Title IX litigation can range from the thousands to millions of dollars, depending upon the circumstances of the case. **Title IX also provides that the federal government may withhold**

federal funding to schools that are not in compliance. However, since Title IX was passed, no school

has lost federal funds due to a violation of the statute. **Instead, federal funding has reportedly**

been made conditional on institutions remedying identified problems through resolution

agreements with the OCR.

Mis-interpretation

Clarifications prove that removing restrictions doesn't constitute a reason to remove federal funding

The Washington Times 3

(The Washington Times, News Organization) "Campus speech code warning," 2003, [On Aug. 8, Gerald A. Reynolds, assistant secretary of the Office for Civil Rights of the U.S. Department of Education, issued the most important statement on freedom of speech at American universities since the 1950s McCarthy era. Mr. **Reynolds sent a letter to universities nationwide, clarifying that "OCR's regulations and policies do not require or prescribe speech, conduct or harassment codes that impair the exercise of rights protected under the First Amendment."** In other words, **the**](http://www.washingtontimes.com/news/2003/aug/17/20030817-105447-5679r/)

federal government does not support speech codes that violate free speech **Public colleges with Orwellian speech codes can no longer justify them by hiding behind federal rules.** The game is up. **Court after court has held that public university speech codes infringing the First Amendment are unconstitutional. Nevertheless, public university officials have argued** for years **that their obligation to protect freedom of speech** under the First Amendment must be subordinated to a broad interpretation of Education Department banning sexual or racial harassment on campus. Oddly enough, to support their view that speech rules intended to stifle offensive speech take precedence over the First Amendment, they **relied on a Clinton administration ruling by the OCR itself.** That ruling was made after male students at Santa Rosa Community College posted explicit and sexually derogatory remarks about two female students on a discussion group hosted by the college's computer network. Several aggrieved students filed a complaint against the college with the OCR. It found the messages probably created a hostile educational environment on the basis of sex for one of the students. The college's toleration of such offensive speech, **the government said, would violate Title IX,** the law banning discrimination against women by educational institutions that receive federal funding. **To avoid losing federal funds, universities across the board were required to proactively ban offensive speech by students and diligently punish any violations of that ban. The OCR failed to explain how its rule complied with the First Amendment. Speech codes enacted by public universities clearly violate the First Amendment,** even if the codes are enacted in response to the demands of the OCR. **So, requiring public universities to enact speech codes or forfeit public funds is obviously unconstitutional.** Nevertheless, **public university officials** ignored the First Amendment and **enacted** (or retained) **speech codes in compliance**

with the OCR guidelines. While a few schools may have been truly concerned about the potential loss of federal funding, the prevailing attitude among university officials seemed to be that the OCR's Santa Rosa decision provided a ready excuse to indulge their preference for speech codes. Indeed, some universities enacted speech codes so broad that, when taken literally, they are absurd. The University of Maryland's sexual-harassment policy, for example (which can be found at <http://www.inform.umd.edu/EdRes/Topic/WomensStudies/GenderIssues/SexualHarassment/UMDManual/handout1>), bans "idle chatter of a sexual nature, sexual innuendoes, comments about a person's clothing, body, and/or sexual activities, comments of a sexual nature about weight, body shape, size or figure, and comments or questions about the sensuality of a person." So, at the University of Maryland, saying "I like your shirt, Brenda" has been a punishable instance of sexual harassment. Further, under Maryland's code, the prohibited speech need not address an individual to constitute harassment — saying "I really like men who wear bow ties" is out of bounds, at least if a man who wears bow ties hears about it. Moreover, public university censorship has extended well beyond sex-discrimination issues. Federal law also bans discrimination in education based on race, religion, veteran status and other criteria. And universities argued they needed to censor speech to prevent a hostile environment for groups protected by those laws. The Santa Rosa case affected private universities, too. Unlike public universities, private universities have the right to enact and enforce voluntary speech codes. However, the First Amendment prohibits the government from requiring private universities to administer speech codes. Nevertheless, based on the Santa Rosa ruling, the government threatened to strip private universities of federal funding if they didn't enforce speech restrictions to ensure their students are not exposed to a "hostile environment." Mr.

Reynolds' letter, however, clarifies that OCR regulations must not "be interpreted in ways that would lead to the suppression of protected speech on public or private campuses

" He writes: "Any private postsecondary institution that chooses to limit free speech in ways that are more restrictive than at public educational institutions does so on its own accord and not based on requirements imposed by OCR." In short, a private university such as Harvard that seeks to suppress offensive speech will now have to justify its policies on their merits and not hide behind purported OCR rules. And any public university that seeks to do the same will find itself on the losing end of a First Amendment lawsuit.

A2 Capitalism K

The Cap K on this topic generally argues that the way the AFF endorses free speech is capitalist, and proposes an alternative conception of free speech or society that purports to solve the problems the AFF causes. Some of the primary NEG link arguments are that free speech is a concept designed to protect corporate power, that “marketplace of ideas” rhetoric suggests free markets are desirable, and that the claim that free speech can solve social problems cuts against more effective direct action, among others. The NEG may propose a variety of alternatives, ranging from direct action vs. free speech against oppression, to resistance against the system of capitalism as a whole.

Link Turns

Status quo speech codes cause a militarized crackdown on protests that makes widespread resistance impossible.

Godrej 14 [(Professor of Political Science, UC Riverdale), "Neoliberalism, Militarization, and the Price of Dissent." The Imperial University: Academic Repression and Scholarly Dissent. University of Minnesota Press, 2014.] //LADI

In this chapter, **I argue that the neoliberal logic of private capital at work in the privatization of the University of California is necessarily intertwined with the logic of militarization and the criminalization of dissent. I will argue that the deliberate and systematic privatization of one of the nation's greatest public education systems engenders—and in fact requires—a militarized enforcement strategy that relies on criminalizing those who dissent and on being able to engage in legitimized violence against such dissenters as and when necessary. The enforcement of the tuition hikes, budget cuts, and other so-called austerity measures at the heart of the privatization strategy is an irreducibly political project,** not simply because it relies on a rhetorical political strategy that cleverly assigns responsibility for privatization to recalcitrant state legislators who insist on state disinvestment in public education rather than to those elites within the UC leadership who stand to benefit from such privatization. **It is political and politicized in a much deeper sense in that it is able to plausibly and powerfully squash all public dissent from this plan by casting those who dissent against its neoliberal logic as criminal, ensuring that the “price” of their dissent—whether in terms of violence, jail time, or simply public stigmatization—is high enough to discourage further dissent. It uses the legal-political resources of the neoliberal state and replicates the neoliberal state’s complicity with private capital in order to build political legitimacy for its repression of dissenting views.** The basic premise of my chapter—that the leadership of the University of California has since 2009 been committed to the deliberate and systematic privatization of one of the nation’s premier public education systems— should not be in question.

Student protests can create counter-hegemony with radical anti-capitalist organization on a broad scale.

Delgado & Ross 16 [Sandra Delgado (doctoral student in Curriculum Studies at the University of British Columbia) and E. Wayne Ross (Professor in the Faculty of Education at the University of British Columbia), "Students in Revolt: The Pedagogical Potential of Student Collective Action in the Age of the Corporate University", 2016]//LADI

As students’ collective actions keep gaining more political relevance, student and university movements also establish themselves as spaces of counter-hegemony (Sotiris, 2014). **Students are constantly opening new possibilities to displace and resist the commodification of education offered by mainstream educational institutions.** As Sotiris (2014) convincingly argues, **movements within the university have not only the potential to subvert educational reforms, but in addition, they have become “strategic nodes” for the transformation of the processes and practices in higher education, and most importantly for the constant re-imagination and the recreation of “new forms of subaltern counter-hegemony”** (p. 1). **The strategic importance of university and college based moments lays precisely in the role that higher education plays in contemporary societies,** namely their role in “the development of new technologies, new forms of production and for the articulation of discourses and theories on contemporary issues and their role in the reproduction of state and business personnel.” (p.8) **Universities and colleges therefore, have a crucial contribution in “the development of class strategies** (both dominant and subaltern), in the production of subjectivities, (and) in the transformation of collective practices” (p.8) The main objective of this paper is to examine how

contemporary student movements are disrupting, opposing and displacing entrenched oppressive and dehumanizing reforms, practices and frames in today's corporate academia. This work is divided in four sections. The first is an introduction to student movements and an overview of how student political action has been approached and researched. The second and third sections take a closer look at the **repertoires of contention used by contemporary student movements and propose a framework based on radical praxis that allows us to better understand the pedagogical potential of student disruptive action.** The last section contains a series of examples of students' repertoires or tactics of contention that exemplifies the pedagogical potential of student social and political action. An Overview of Student Movements Generally speaking, **students are well positioned as political actors. They have been actively involved in the politics of education since the beginnings of the university,** but more broadly, students have played a significant role in defining social, cultural and political environments around the world (Altbach, 1966; Boren, 2001). **The contributions and influences of students and student movements to revolutionary efforts and political movements beyond the university context are undeniable. One example is the role that students have played in the leadership and membership of the political left** (e.g. students' role in the Movimiento 26 de Julio - M-26-7 in Cuba during the 50's and in the formation of The New Left in the United States, among others). Similarly, **several political and social movements have either established alliances with student organizations or created their own chapters on campuses to recruit new members, mobilize their agendas in education and foster earlier student's involvement in politics**² (Altbach, 1966; Lipset, 1969). **Students are often considered to be "catalysts" of political and social action** or "barometers" of the social unrest and political tension accumulated in society (Barker, 2008). **Throughout history student movements have had a diverse and sometimes contradictory range of political commitments. Usually, student organizations and movements find grounding and inspiration in Anarchism and Marxism,** however it is also common to see movements leaning towards liberal and conservative approaches. Hence, student political action has not always been aligned with social movements or organizations from the political left. In various moments in history students have joined or been linked to rightist movements, reactionary organizations and conservative parties (Altbach, 1966; Barker, 2008). **Students, unlike workers, come from different social classes and seemly different cultural backgrounds.** As a particularly diverse social group, **students are distinguished for being heterogeneous and pluralists in their values, interests and commitments** (Boren, 2001). Such diversity has been a constant challenge for maintaining unity, which has been particularly problematic in cases of national or transnational student organizations (Prusinowska, Kowzan, & Zielińska, 2012; Somma, 2012). To clarify, social classes are defined by the specific relationship that people have with the means of production. In the case of students, they are not a social class by themselves, but a social layer or social group that is identifiable by their common function in society (Stedman, 1969). **The main or central aspect that unites student is the transitory social condition of being a student. In other words, students are a social group who have a common function, role in society or social objective,** which is "to study" something (Lewis, 2013; Simons & Masschelein, 2009). Student movements can be understood as a form of social movement (LuesherMamashela, 2015). They have an internal organization that varies from traditionally hierarchical structures, organizational schemes based on representative democracy with charismatic leadership, to horizontal forms of decision-making (Altbach, 1966; Lipset, 1969). **As many other movements, student movements have standing claims, organize different type of actions, tactics or repertoires of contention, 3 and they advocate for political, social or/and educational agendas, programs or pleas.**

Speech restrictions are explicitly targeted at anti-capitalist student movements, professors, and courses - free speech is key to introduce alternative perspectives.

Worker's Liberty 15 [Worker's Liberty (Radical socialist political action organization), "Universities, Capitalism and Free Speech," <http://www.workersliberty.org/node/24864>, 3/18/15]//LADI

For centuries, university campuses have been, relatively speaking, a haven within capitalist society for free debate and criticism. A high point, for much

of the 20th century, was the right which universities in Latin America won to keep the police off their campuses and have university officials elected by staff and students. That began with the University Reform Movement in Córdoba, in northern Argentina, which opposed a focus on learning by rote, inadequate libraries, poor instruction, and restrictive admission criteria, and spread across the subcontinent. The **student radicalism which spread across much of the world in 1968 started, in 1964-5, with a Free Speech Movement at the University of California, Berkeley. The central avenues through campus had become a lively scene, with street stalls and political gatherings; the university authorities tried to clamp down, and were eventually defeated. Today free debate and criticism on campus is under threat from several angles. The government wants universities to ban speakers from their campuses who would be quite legal elsewhere. University administrations ban meetings, even without government prompting, when they think they might cause trouble or uproar. Campus space is increasingly commercialised and franchised-out, and university bosses try to stop student postering, leafleting, and campaigning affecting the “commercial space”. Student unions are increasingly run by people who think that a spell as student union president will look good on their CV when they apply for a managerial job. University lecturers’ careers depend on how many articles they get published in “leading” (i.e., in almost all fields, orthodox) journals. Over generations of academic turnover, this produces university departments filled with staff who have been selected by capacity to** get wordage into those journals, and who in turn will go on to **run those journals, oblivious to critiques or alternative approaches. This narrows the range of teaching and debate on courses. Finally, and paradoxically, the shutting-down of debate is sometimes promoted by student activists who consider themselves left-wing. A chief example is the bans on the Socialist Workers Party** imposed by Goldsmiths and Edinburgh University student unions, and attempted elsewhere.

A2 Direct Action Key

It's not a question of dialogue vs. direct action – free speech is the key internal link to direct action's success since speech restrictions are stifling important marginalized groups' movements now.

Sanchez 15 [Dan Sanchez (political libertarian writer and educator. He is the Digital Content Manager at the Foundation for Economic Education (FEE), a contributing editor at Antiwar.com, where he writes a regular column, and an independent journalist at Anti-Media.), "Why Only Free Speech Gives Safe Space to the Oppressed", Anti Media, 11/19/15, <http://theantimedia.org/why-only-free-speech-gives-safe-space-to-the-oppressed/>]/LADI Social justice protests have been roiling American universities, even causing administrative heads to roll. To a significant degree, these campus uprisings have been characterized by an impulse to restrict speech and expression for the sake of creating "safe spaces" for marginalized groups. **However, speech restriction is a double-edged sword that can just as easily injure the very people campus activists seek to help.** The turmoil at the University of Missouri (Mizzou) in particular was sparked by racial incidents. And the **protesters are closely aligned with the Black Lives Matter movement, which combats police brutality against black Americans.** However, **cops themselves have recently sought to restrict speech and expression in order to insulate that very brutality from criticism.** As William N. Grigg wrote last year: "The NYPD has now added its name to the roster of Officially Protected Victims by filing 'hate crimes' charges against 36-year-old Rosella Best, who had tagged police vehicles and a public school with anti-NYPD graffiti. Among the entirely defensible sentiments inscribed by Best are 'NYPD pick on the harmless,' 'NYPD pick on the innocent,' and — in a display of familiar but increasingly justified hyperbole — 'NAZIS=NYPD.' (Assuming that Ms. Best used only public property as her canvas, it's difficult to identify an actual victim in this case.)" And earlier this year, the Fraternal Order of Police demanded that Congress extend such special protection to the federal level. **Many critics of the police have been arrested and charged** over Facebook posts. Matthew Townsend of Meriden, Idaho was prosecuted as a felon for a Facebook post warning of **a "non-violent and legal shame campaign," which was treated by the authorities as a "terroristic threat."** Thomas Smith of Arena, Wisconsin was arrested and charged with "unlawful use of a computerized communication system" for throwing nothing more than F-bombs and accusations of racism at local cops on Facebook. And there was a whole wave of arrests last year over fierce anti-cop online rhetoric following the police killings of Michael Brown and Eric Garner and subsequent murders of police officers. In addition to arrests and prosecutions, cops have been orchestrating campaigns to have their social media critics shunned and fired. See the cases of restaurant workers Ashley Warden and Shawn Peterson. High profile **cops** from Wisconsin to Georgia **have characterized Black Lives Matter as a "hate group," and called for a crackdown on its "incitement."** Police (including the U.S. top cop, FBI Director James Comey) are also blaming the increase in violent crime in some cities on "the YouTube effect," claiming officers are holding back from "proactive" (aggressive) policing for fear of having recordings of their violence go viral. Thus, ostensibly for the sake of "officer safety" (the blue brotherhood's version of "safe space"), legislation has been proposed to make it a crime for ordinary people to point cameras at cops. Given these assaults by cops on the rights of individuals to combat police brutality through speech and the use of media, it is deeply troubling that allies of Black Lives Matter at Mizzou should have reacted to journalists trying to photograph their rally with threats of violence, and even police violence. While a crowd of protesters was physically forcing student photographer Tim Tai out of a public space on campus, one of the activists warned him, "They can call the police on you." After Tai was driven away, the journalist who video recorded the incident remained. Faculty member Melissa Click demanded that he leave, too. When the journalist refused, Click tried to enlist fellow activists to physically remove him, saying: "Who wants to help me get this reporter out of here? I need some muscle over here!" This was a "progressive" assistant professor of mass media calling for "muscle" to be deployed against a journalist in a public space! **In addition to Black Lives Matter, the Palestine solidarity movement is yet another just cause championed by the campus left that is imperiled by threats to speech.** Moreover, **these threats are emerging on university campuses and are being justified on "social justice" grounds. Like the cops, defenders of the Israeli occupation of Palestine are seeking to restrict speech on an "anti-hate" basis in order to insulate the occupation's brutality and atrocities from criticism.** As Nora Barrows-Friedman recently reported: "A member of the University of California's governing body has called for the expulsion or suspension of students for expressing their views about Israel, under the guise of combating anti-Jewish bigotry. "This comes as Israel lobby groups, flush with huge new injections of cash, are stepping up their efforts to silence the Palestine solidarity movement on campuses nationwide. "During a 17 September meeting of the University of California (UC) Regents to discuss a 'statement of principles against intolerance,' Richard Blum also threatened to have his wife, US Senator Dianne Feinstein, publicly criticize the university

if it did not enforce penalties against perceived bigotry. “Feinstein’s criticism could put the university system under federal scrutiny. “Another regent, Hadi Makarechian, agreed, according to The San Francisco Chronicle, saying that without punishment, ‘we’re just stating a lot of stuff on paper.’ “Blum and other regents, backed by Israel lobby groups, are pushing the university to adopt policies that free speech advocates warn could violate the First Amendment. “The Board of Regents had been due to vote on whether to adopt the US State Department’s definition of anti-Semitism as university policy at its meeting in July. “That definition is based on a ‘working definition’ of anti-Semitism once considered by a European Union body but later dropped. “Palestine solidarity and free speech advocates point out that the government definition conflates criticism of Israel with anti-Jewish bigotry. A key strategy of Israel advocates, they say, has been to urge university administrators to treat criticism of Israel and anti-Semitism as one and the same.” Just as the cops are blaming Black Lives Matter and viral videos for “inciting” violence against police, the hard-right Israeli government and its champions throughout the world have similarly been accusing the Boycott, Divestment and Sanctions (BDS) movement, and the online dissemination of documented Israeli brutality, of being “incitement” for terrorism against Israel. They are pushing to have such “incitement” restricted. And they are succeeding. In October, France’s highest court ruled that advocacy of BDS is illegal “incitement” and “hate speech.” And as Glenn Greenwald wrote in The Intercept: “In May, CBC reported that Canadian officials threatened to prosecute BDS activists there under ‘hate speech’ laws, and after those officials denied doing so, we obtained and published the emails proving they did just that. The February Haaretz article described this troubling event in the U.K.: ‘In 2007, the British University and College Union said it would drop plans to boycott Israeli institutions after legal advisers said doing so would violate anti-discrimination laws.’ In 2013, New York City officials joined an (ultimately failed) Alan Dershowitz-led campaign to threaten the funding of Brooklyn College for the crime of hosting pro-BDS speakers.” Again, restricting speech is a double-edged sword. As the American Civil Liberties Union (ACLU) warned: **“Free speech rights are indivisible. “Restricting the speech of one group or individual jeopardizes everyone’s rights because the same laws or regulations used to silence bigots can be used to silence you. Conversely, laws that defend free speech for bigots can be used to defend the rights of civil rights workers, anti-war protesters, lesbian and gay activists and others fighting for justice.” Many campus activists have lashed out in frustration at “free speech purism,” which they regard as misplaced in the context of institutionalized oppression. But it is extremely short-sighted to sacrifice universal principle on the altar of identity politics for the sake of marginalized groups. Once you accept the infringement of universal rights as an acceptable political weapon, it will be wielded more effectively by oppressors against the oppressed (cops against blacks, Israeli occupiers against Palestinians, etc.), and not the other way around.** Authoritarian restriction is a game much better suited for the mighty than for the marginalized. If you replace the power of principle with the principle of power, it is the relatively powerless who will get the worst of it.

A2 University/State Bad

Working within higher education is uniquely key to challenge cap – it creates a politically mobilized citizenry.

Giroux 15 [(Henry, American scholar and cultural critic. One of the founding theorists of critical pedagogy in the United States, he is best known for his pioneering work in public pedagogy), "Higher Education and the Promise of Insurgent Public Memory", 3/3/15, <http://truth-out.org/news/item/29396-higher-education-and-the-promise-of-insurgent-public-memory/> /LADI

The current call to cleanse history in the name of a false patriotism that celebrates a new illiteracy as a way of loving the United States is a discourse of anti-memory, a willful attempt at forgetting the past in the manufactured fog of historical amnesia. This is particularly true when it comes to erasing the work of a number of critical intellectuals who have written about higher

education as the practice of freedom, including John Dewey, George S. Counts, W.E.B. Du Bois, the Social

Reconstructionists, and others, **all of whom viewed higher education as integral to the development of both engaged critical citizens and the university as a democratic public sphere.** (19) Under the reign of neoliberalism, with few exceptions, **higher education appears to be increasingly decoupling itself from its historical legacy as a crucial public sphere, responsible for both educating students for the**

workplace and providing them with the modes of critical discourse, interpretation, judgment, imagination, and experiences that deepen and expand democracy. As universities adopt the ideology of the transnational corporation

and become subordinated to the needs of capital, the war industries and the Pentagon, they are less concerned about how they might educate students about the ideology and civic practices of democratic governance and the necessity of using

knowledge to address the challenges of public life. (20) Instead, as part of the post-9/11 military-industrial-academic complex, **higher education increasingly conjoins military interests and market values, identities and social relations while the role of the university as a public good, a site of critical dialogue and a place that calls students to think,**

question, learn how to take risks, and act with compassion and conviction is dismissed as impractical or subversive. (21) **The corporatization, militarization and dumbing down of rigorous scholarship, and the devaluing of the critical capacities of young people mark a sharp break from a once influential educational tradition in the**

United States. The corporatization, militarization and dumbing down of rigorous scholarship, and the devaluing of the critical capacities of young people mark a sharp break from a once influential educational tradition in the United States, extending from Thomas Jefferson to John Dewey to Maxine Greene, who held that **freedom flourishes in the worldly space of the public realm only through the work of educated, critical citizens.** Within this democratic tradition, **education was not confused with training; instead, its critical function was propelled by the need to provide students with the knowledge and skills that enable a "politically interested and mobilized citizenry,**

one that has certain solidarities, is capable of acting on its own behalf, and anticipates a future of ever greater social equality across lines of race, gender, and class." (22) Other prominent educators and theorists such as Hannah Arendt, James B. Conant and Cornelius Castoriadis have long believed and rightly argued that we should not allow education to be modeled after the business world. Dewey, in particular, warned about the growing influence of the "corporate mentality" and the threat that the business model posed to public spaces, higher education and democracy.

and anticipates a future of ever greater social equality across lines of race, gender, and class." (22) Other prominent educators and theorists such as Hannah Arendt, James B. Conant and Cornelius Castoriadis have long believed and rightly argued that we should not allow education to be modeled after the business world. Dewey, in particular, warned about the growing influence of the "corporate mentality" and the threat that the business model posed to public spaces, higher education and democracy.

and anticipates a future of ever greater social equality across lines of race, gender, and class." (22) Other prominent educators and theorists such as Hannah Arendt, James B. Conant and Cornelius Castoriadis have long believed and rightly argued that we should not allow education to be modeled after the business world. Dewey, in particular, warned about the growing influence of the "corporate mentality" and the threat that the business model posed to public spaces, higher education and democracy.

For Liberty AFF

Our framework impact turns the K - free speech and capitalism are inherent rights.

Woiceshyn 16 [Jaana, (Associate Professor, Strategy and Global Management Area, Haskayne School of Business, University of Calgary), "Defending Free Speech for Businesses", 7/7/16, <http://capitalismmagazine.com/2016/07/defending-free-speech-for-businesses/>]/LADI

But **freedom of speech is crucially important**, not just to oil firms targeted by government or media and publishing companies, but **to all** businesses—because all of their success is based on the same fundamental principle: rationality. For any company to succeed at maximizing long-term profits through producing and trading material values, those owning and operating it must adhere to reality by the means of reason. (They must observe whether there is actual or potential demand for the products or services they intend to produce, and then act accordingly, to produce and sell them, profitably—all of which requires adherence to facts). **The ability to adhere to reality, to apply the principle of rationality, has one crucial social condition: freedom. If companies cannot freely implement the business ideas they have**, by choosing what to produce, who to employ, how to finance the operation, to whom to advertise, **they are reduced to mere tools of the state in a centrally-planned economy**. Such state-controlled cannot flourish, nor can the rest of us who depend on the material values that can only be created by adhering to reality (as opposed to by government bureaucrat's arbitrary decree that ignores facts, such as market demand, costs, innovation, etc.). **An important aspect of the freedom to exercise reason is the freedom of speech: the liberty to express opinions and to persuade others**, whether **to advertise one's products, to raise capital**, to contract suppliers, or to recruit employees. Taking this freedom away also severely undermines companies' ability to create material values.