# \*\*FS DA File\*\*

# Fake News DA

## 1NC:

### 1NC – Long:

#### Constitutional speech protections allow fake news to proliferate on college campuses. AGGERGAARD ’16:

[Aggergaard, Steven P. “Sue over fake news? You'd face some tough realities.” Star Tribune. December 7, 2016. LHP MK]

Unlike the gunman accused of firing a rifle inside a Washington pizza restaurant **after getting scammed by fake news**, Morris **Lefkowitz** acted much more civilly when he got scammed by a Minneapolis newspaper advertisement 60 years ago. He **went to court.** Over the decades since, **Lefkowitz’s case** has **helped courts decide when they should protect consumers from advertisements that are too good to be true. Studied by generations of lawyers, his plight helps demonstrate how the law evolves when new ways to mislead the public emerge.** Are lawsuits over fake news next? Maybe. But like Lefkowitz, litigants have some creative thinking to do. Lefkowitz vs. Great Minneapolis Surplus Store, Inc., arose after the store advertised three fur coats valued at “up to $100” and a stole valued at $139.50 — on sale for $1 apiece. Be there at “9 a.m. sharp,” the newspaper ad read. “First Come First Served.” Lefkowitz was there first but was not served. Arguably, he should have known better under the doctrine of caveat emptor, or “buyer beware.” Undeterred, he sued in Minneapolis Municipal Court and won a judgment for the stole but not the coat. The store appealed, claiming the ad was a “unilateral offer” that could be withdrawn anytime. Lefkowitz represented himself at the Minnesota Supreme Court and prevailed over the stole on grounds that the deal had all the makings of a legal contract. He lost over the coat because the quoted price of “up to” a certain amount was too indefinite to be binding. **Law school students study this case to learn the basic contract-law principles of offer and acceptance. Professors use the case to discuss whether the Minnesota Supreme Court correctly deviated from caveat emptor. Based on current law, overcoming caveat lector, or “reader beware,” will be more difficult for fake-news lawsuits.** It is easy to think defamation law applies to fake news, but defamation occurs when someone’s reputation is tarnished by lies, and not necessarily when people act on lies by shooting, voting or otherwise. Before Sunday’s restaurant shooting, the most widely debated incident of fake news was a story headlined “FBI agent suspected in Hillary e-mail leaks found dead in apparent murder-suicide.” **The article, entirely fake, was shared on social media** thousands of times before the election. **Duped voters have no defamation claim. And even if Clinton herself sued, she could recover only monetary damages and would have to overcome the “actual malice” barrier** that makes defamation claims extremely difficult for public figures. In 2014, former Minnesota Gov. Jesse Ventura won a defamation case (but lost on appeal) by linking a published falsehood to lost income he claimed in his work as a television personality. Clinton has no similar claim. What’s more, although state and federal statutes make deceptive trade practices and false advertising illegal, the laws are geared toward protecting consumers who buy things, not voters who buy into things. The strongest claim from fake news might come from consumers who got tricked into buying a product based on false advertising that looked like news. Also, businesses such as the Washington pizzeria might consider suing on grounds their business was harmed. The problem is, **Section 230 of the federal Communications Decency Act provides broad immunities for websites that host or republish speech. The law makes it exceedingly difficult to go after Facebook and other websites that provide platforms for sharing fake news**. Indeed, **the First Amendment lurks anytime the government tries to prevent or punish expression, even false expression**. In the 1920s Minnesota enacted a law to shut down scandalous tabloids, but in 1931 the U.S. Supreme Court struck it down. **Subsequently, the court extended constitutional protection to satire, and often the line between fake news and satirical sites such as the Onion is blurry. The most obvious barrier to fake-news lawsuits is a practical one.** It has been staring supermarket shoppers in the face for years after Morris Lefkowitz got duped. Tabloid headlines such as “Elvis is alive and running for president!” have taught decades of news consumers that if they did not already believe some news was fake, they’d better start.

#### Empirically, lack of regulation on media and increased first amendment protections increase fake news, this is why Trump won. WEMPLE ’16:

[Wemple, Erick. Washington Post, 2016, "Sorry about the First Amendment, President Obama," <https://www.washingtonpost.com/blogs/erik-wemple/wp/2016/12/16/sorry-about-the-first-amendment-president-obama/?utm_term=.e6588b1edb00>]

President Obama has occasionally used his podium to assume the position of media-critic-in-chief. The guy regularly slams Fox News; he [voiced concerns in September about the reporting on Donald Trump](http://www.politicususa.com/2016/09/08/obama-slams-media-giving-trump-free-pass-grading-curve.html); and he has a fixation on fake news. Moments ago, in his end-of-year press conference at the White House, Obama took direct aim at his audience: **scores of mainstream media correspondents and cameras**. The topic was the response of news organizations to a series of email hacks presented by WikiLeaks in the heat of the 2016 presidential election. In carefully timed increments, WikiLeaks **posted databases of** correspondence from the Democratic National Committee and from Hillary Clinton campaign chairman John Podesta. These dumps weren’t dumps at all in one key respect — they were highly searchable, the better to aid an info-hungry media. They launched an untold number of stories, and the president noticed. “I’m finding it a little curious that everybody acted surprised that it looked like this was disadvantaging Hillary Clinton, because you guys wrote about it every day,” said Obama. “Every single leak, about every little juicy tidbit of **political gossip** including John Podesta’s risotto recipe. **This was an obsession that dominated the news coverage, so** I do think it’s worth us reflecting how it is that **a presidential election of such importance, of such moment with so much at stake and such a contrast between the candidates, came to be dominated by a bunch of these leaks.**” Further: “What is it about our political system that made us vulnerable to these kinds of potential manipulations, which as I’ve said publicly before were not particularly sophisticated?” Easy: the First Amendment, that’s what. It’s one of the great mechanisms of accountability that could possibly be conceived: Our media organizations are held harmless for disseminating newsworthy information that may have been illegally obtained by other parties, whatever motives they may have.

#### And, first amendment protections of fake news is a threat to democracy – college students can’t tell it’s fake which kills conscious involvement in politics. DOMONOSKE ’16:

[Camila Domonoske, 11-23-2016, "Students Have 'Dismaying' Inability To Tell Fake News From Real, Study Finds," NPR.org, http://www.npr.org/sections/thetwo-way/2016/11/23/503129818/study-finds-students-have-dismaying-inability-to-tell-fake-news-from-real]

If the children are the future, the future might be very ill-informed. That's one implication of [a new study](https://sheg.stanford.edu/upload/V3LessonPlans/Executive%20Summary%2011.21.16.pdf) from Stanford researchers that evaluated students' ability to assess information sources and described the results as "dismaying," "bleak" and "[a] threat to democracy." As content creators and social media platforms grapple with the [fake news crisis](http://www.npr.org/sections/alltechconsidered/2016/11/17/495827410/from-hate-speech-to-fake-news-the-content-crisis-facing-mark-zuckerberg), the study highlights the other side of the equation: What it looks like when readers are duped. The researchers at Stanford's Graduate School of Education have spent more than a year evaluating how well students across the country can evaluate online sources of information. Middle school, high school and college students in 12 states were asked to evaluate the information presented in tweets, comments and articles. More than 7,800 student responses were collected. In exercise after exercise, the researchers were "shocked" — their word, not ours — by how many students failed to effectively evaluate the credibility of that information. The students displayed a "stunning and dismaying consistency" in their responses, the researchers wrote, getting duped again and again. They weren't looking for high-level analysis of data but just a "reasonable bar" of, for instance, telling fake accounts from real ones, activist groups from neutral sources and ads from articles. "Many assume that because young people are fluent in social media they are equally savvy about what they find there," the researchers wrote. "Our work shows the opposite." A professional appearance and polished "About" section could easily persuade students that a site was neutral and authoritative, the study found, and young people tended to credulously accept information as presented even without supporting evidence or citations. The research was divided by age group and used 15 different assessments.

## 2NR:

### XT – 2NR

Constitutionally protected speech includes fake news

# Federal Funding DA:

## 1NC:

### 1NC – Generic:

#### Lack of campus speech codes violates existing title nine rulings that completely guts government funding. FIRE ’16:

[April 25, 2016, 4-25-2016, "Department of Justice: Title IX Requires Violating First Amendment," FIRE, <https://www.thefire.org/department-of-justice-title-ix-requires-violating-first-amendment/>. Bracketed because roman numerals are scary. LHP FD]

WASHINGTON, April 25, 2016—The Department of Justice now interprets Title [nine] IX to require colleges and universities to violate the First Amendment. In an April 22 [findings letter](https://www.justice.gov/opa/file/843901/download) concluding its investigation into the University of New Mexico’s policies and practices regarding sex discrimination, the[y] Department of Justice (DOJ) found the university improperly defined sexual harassment. DOJ flatly declared that “[u]nwelcome conduct of a sexual nature”—including “verbal conduct”—**is sexual harassment** “regardless of whether it causes a hostile environment or is quid pro quo.” To comply with Title [nine] IX, DOJ states that a college or university “carries the responsibility to investigate” all speech of a sexual nature that someone subjectively finds unwelcome, even if that speech is protected by the First Amendment or an institution’s promises of free speech. “The Department of Justice has put universities in an impossible position: violate the Constitution or risk losing federal funding,” said Foundation for Individual Rights in Education ([FIRE](https://www.thefire.org/)) President & CEO Greg Lukianoff. “The federal government’s push for a national speech code is at odds with decades of legal precedent. University presidents must find the courage to stand up to this federal overreach.”

#### That causes closures that kill the university system and encourages conformity with oppressive systems – turns and outweighs the case. JR 12:

How The American University was Killed, in Five Easy Steps Posted on August 12, 2012. Junct Rebellion. ‘Junct Rebellion is an organization established to raise awareness about the demise of the American university system, through its rampant practice of adjunct faculty labor abuse and its steadily eroding concern about the quality of education provided to students.

To explain my perspective here, I need to go back in time. Let’s go back to post World War II, 1950s when the GI bill, and the affordability – and sometimes free access – to universities created an upsurge of college students across the country. This surge continued through the ’60s, when universities were the very heart of intense public discourse, passionate learning, and vocal citizen involvement in the issues of the times. It was during this time, too, when colleges had a thriving professoriate, and when students were given access to a variety of subject areas, and the possibility of broad learning. The Liberal Arts stood at the center of a college education, and students were exposed to philosophy, anthropology, literature, history, sociology, world religions, foreign languages and cultures. Of course, something else happened, beginning in the late fifties into the sixties — the uprisings and growing numbers of citizens taking part in popular dissent — against the Vietnam War, against racism, against destruction of the environment in a growing corporatized culture, against misogyny, against homophobia. Where did much of that revolt incubate? Where did large numbers of well-educated, intellectual, and vocal people congregate? On college campuses. Who didn’t like the outcome of the 60s? The corporations, the war-mongers, **those in our society who would keep us divided based on our race, our gender, our sexual orientation. I suspect that, given the opportunity, those groups would have liked nothing more than to shut down the universities. Destroy them outright**. But a country claiming to have democratic values can’t just shut down its universities. That would reveal something about that country which would not support the image they are determined to portray – that of a country of freedom, justice, opportunity for all. So, how do you kill the universities of the country without showing your hand? As a child growing up during the Cold War, I was taught that the communist countries in the first half of the 20th Century put their scholars, intellectuals and artists into prison camps, called “re-education camps”. What I’ve come to realize as an adult is that American corporatism despises those same individuals as much as we were told communism did. But instead of doing anything so obvious as throwing them into prison, here those same people are thrown into dire poverty. The outcome is the same. Desperate poverty controls and ultimately breaks people as effectively as prison…..and some research says that it works even MORE powerfully. So: here is **the recipe for killing universities, and you tell ME if what I’m describing isn’t exactly what is at the root of all the problems of our country’s system of higher education. (Because what I’m saying has more recently been applied to K-12 public education as well.) First, you defund public higher education**. Anna Victoria, writing in Pluck Magazine, discusses this issue in a review of Christopher Newfield’s book, Unmaking the Public University: “In 1971, Lewis Powell (before assuming his post as a Supreme Court Justice) authored a memo, now known as the Powell Memorandum, and sent it to the U.S. Chamber of Commerce. The title of the memo was “Attack on the American Free Enterprise System,” and in it he called on corporate America to take an increased role in shaping politics, law, and education in the United States.” How would they do that? One, by increased lobbying and pressure on legislators to change their priorities. “**Funding for public universities comes from, as the term suggests, the state and federal government**. Yet starting in the early 1980s, shifting state priorities forced public universities to increasingly rely on other sources of revenue. For example, in the University of Washington school system, state funding for schools decreased as a percentage of total public education budgets from 82% in 1989 to 51% in 2011.” That’s a loss of more than 1/3 of its public funding. But why this shift in priorities? U.C. Berkeley English professor, Christopher Newfield, in his new book Unmaking the Public University posits that **conservative elites have worked to de-fund higher education explicitly because of it**s function in creating a more empowered, democratic, and multiracial middle class. His theory is one that blames explicit cultural concern, not financial woes, for the current decreases in funding. He cites the fact that California public universities were forced to reject 300,000 applicants because of lack of funding. Newfield explains that much of the motive behind conservative advocacy for de-funding of public education is **racial**, pro-corporate, and anti-protest in **nature**. Again, from Victoria: “(The) ultimate objective, as outlined in the (Lewis Powell) memo, was to purge respectable institutions such as the media, arts, sciences, as well as college campus themselves of left-wing thoughts. At the time, college **campuses were seen as “springboards for dissent,” as Newfield terms it, and were therefore viewed as publicly funded sources of opposition to the interests of the establishment. While it is impossible to know the extent to which this memo influenced the conservative political strategy over the coming decades, it is extraordinary to see how far the principles outlined in his memo have been adopted.” Under the guise of many “conflicts”, such as budget struggles, or quotas, de-funding** was consistently the result. This funding argument also was used to re-shape the kind of course offerings and curriculum focus found on campuses. Victoria writes, “Attacks on humanities curriculums, political correctness, and affirmative action shifted the conversation on public universities to the right, creating a climate of skepticism around state funded schools. State budget debates became platforms for conservatives to argue why certain disciplines such as sociology, history, anthropology, minority studies, language, and gender studies should be de-funded…” on one hand, through the argument that they were not offering students the “practical” skills needed for the job market — which was a powerful way to increase emphasis on what now is seen as vocational focus rather than actual higher education, and to de-value those very courses that trained and expanded the mind, developed a more complete human being, a more actively intelligent person and involved citizen. Another argument used to attack the humanities was “…their so-called promotion of anti-establishment sentiment. Gradually, these arguments translated into real- and often **deep- cuts into the budgets of state university systems,” especially in those most undesirable areas that the establishment found to run counter to their ability to control the population’s thoughts and behavior. The idea of “manufactured consent” should be talked about here – because if you remove the classes and the disciplines that are the strongest in their ability to develop higher level intellectual rigor, the result is a more easily manipulated citizenry, less capable of deep** **interrogation and investigation of the establishment “message”.**

### 1NC – Neolib:

#### Lack of campus speech codes violates existing title nine rulings that completely guts government funding. FIRE ’16:

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#### That causes a shift to corporate funding which maximizes neolib and outweighs. BAGAKIS 16:

Neoliberalism's Decades-Long Attack on Public Universities Saturday, October 15, 2016 By Gus Bagakis,

**Neoliberal Plan for Defunding Universities States provide much of the funds for higher education but need to balance their budgets. So when tax revenues fall, higher education suffers, since it is a lower priority than Medicare, prisons and K-12 education. In addition, large corporations** often pay little or no state income tax in states where they have large operations. In a 2011 report, the Center on Budget and Policy Priorities concluded that at least 46 states have imposed cuts in the funding of higher education. The American Legislative Exchange Council (ALEC) -- a nationwide association of state legislators and corporations -- best expressed the neoliberal perspective. It successfully **lobbied both the states and the federal government to reduce corporate taxes and, in effect, deprive public universities of the state and federal funds** they needed. In an Americans for Tax Fairness fact sheet on corporate tax rates, we can see that: The corporate share of federal tax revenue has dropped by two-thirds in 60 years. General Electric, Boeing, Verizon and 23 other profitable Fortune 500 firms paid no federal income taxes. US corporations dodge $90 billion a year in income taxes. US corporations officially hold $2.1 trillion in profits offshore. Tax avoidance, plus lobbying that reduced corporate taxes, diminished the revenue for social programs, especially education. This **reduced funding was coordinated with a public relations campaign claiming that public schools were failing**, and that they should be privatized and would be improved if they were turned into profit-making ventures. The project is already running for K-12 education with the charter school movement, and now it's being used in higher education, as federal and state governments have gradually reduced funding. The least discussed reason for reduced state revenue for social programs is our ever-growing defense budget. The Pentagon spends more on war than all 50 states combined spend on health, education, welfare and safety. Even prior to the arrival of neoliberalism, military adventures drained money from the social budget. In 1935, Gen. Smedley Butler wrote a book titled, War Is a Racket, in which he exposed greedy profit-making corporations as instigators of imperialism and war. In 1961, President Eisenhower warned of the military industrial complex as a hidden force in US politics. But the military budget is higher today than at any point since the Eisenhower administration. We now have a new neoliberal-inspired military industrial complex consisting of companies, agencies, militarized policing, hidden budgets, a "deep state," private mercenaries and lobbyists that make Eisenhower's warning mild by comparison. Our budget priorities keep the country on a war footing, and our economy allows for military and homeland departments to be virtually untouchable. The current excuse for funds is "terrorism," but under neoliberalism, the actual purpose is to control the world's resources for American capitalism and to stop other countries from competing with us. As Colonel Wilkerson, echoing general Butler, stated recently: "We've privatized the ultimate public function: war ... In many respects it is now private interests that benefit most from our use of military force." A few universities are beneficiaries of war spending through their research for the war machine, but most are losers due to the financial and educational effects of the loss of funding, while the war machine grows. "Saving" Defunded Universities With Corporate **Funding A partial replacement for the loss of public funds comes from corporate and philanthropic "gifts" and industry contracts for universities. Groups of conservative millionaires like the Koch brothers have created institutions to push the corporate agenda. They have infiltrated universities and introduced the neoliberal worldview** through think tanks and programs designed to give "assistance" to those institutions that would accept their money and programs. These groups, with the combined help of the corporate controlled press and a sophisticated public relations campaign, eased the transition to the corporatization of universities. Turning Universities Into Corporations A 2014 Institute for Policy Studies report finds that the outcome of treating education as a commodity has led to universities mimicking business models. Presidents, chief executives and a layer of bureaucrats earning excessive salaries were established, while the earnings of the faculty declined, largely because tenured and tenure-track faculty were replaced by adjuncts (part-time faculty) and temporary faculty. Instead of giving primary focus to education, scholarship and research, colleges and universities began marketing themselves as products worth purchasing by the consumer. **Science and humanities faculty were encouraged** **to become entrepreneurs** and seek ways to profit directly from their intellectual and technical pursuits. Mark Yudof, former president of the University of California, conceded that the university needed to stop viewing itself as a public institution and consider itself a "hybrid" university, bridging the divide between private and public institutions. In a time of scarce resources, privatization has emerged as a potential replacement for the historic model of community support of public universities. The danger is that when **corporations fund universities, they get influence over studies and analysis produced by universities, as well as influence over the perspectives and career paths of large numbers of students.** They also get use of vast resources for private gain and tax breaks associated with making donations. Students as Consumers and Educated Labor Products Fifty years ago, students often pursued their favorite high school subjects in college, assuming that the degree itself would guarantee a job. Not so today, as living expenses and tuition have risen. Students and their families paying the bill see themselves more as consumers of a commodity rather than engaging in a learning process. Because there is no guarantee of a good job after graduation, universities increasingly connect learning with the skills needed for the hard-to-enter job force. Education more and more becomes job training, and students become educated labor products. By ensuring the need for outside sources of funding, neoliberalism set the context that led to the growth of tuition. When the federal government opened its student loan service to profit-making corporations, profit dominated. The privatized loan industry, through predatory lending schemes, offered loans to all students -- even to those who sometimes could not afford them. Their profit motive, combined with the laws passed by a highly lobbied Congress, eventually made the $1.3 trillion student debt the worst kind of debt for students, but the best for banks and debt collectors. Currently, all involved in the student loan industry make money from student debt: banks, private investors and even the federal government. **This action has led to the rise of for-profit colleges whose goal was often to exploit the poor who couldn't afford to enter** higher education in the first place. And finally, as Kenneth Saltman pointed out, "Shifting the costs of higher education onto students represents a kind of debt spending by youth to fund the military and corporations." Resisting Neoliberalism Even though neoliberalism is in decline due to the 2008 depression and weak recovery, its values and accomplishments have staying power. By using rhetoric like "individual freedom," "liberty," "personal responsibility," "privatization" and the "free market," it was able to undo much of the New Deal and restore corporate power, and in the case of higher education, be responsible for the rise in tuitions and decline in educational quality. **The neoliberal plan for public universities is to defund, then refund with strings attached, corporatize them into profit-makers, and turn the students into educated labor products** that would fit into the economy. Its effects are most clearly expressed by Grover Norquist's quote about government: "I don't want to abolish government. I simply want to reduce it to the size where I can drag it into the bathroom and drown it in the bathtub." **Neoliberalism doesn't want to abolish universities; it simply wants to turn them into profitable corporations that will maintain and promote the neoliberal version of capitalism.**

## 2NR:

### XT – 2NR

# Endowments DA

## 1NC:

### 1NC Protests – Short:

#### Endowments are high, but protections on student protests dissuade donations. HARTOCOLLIS 8/4:

Hartocollis 8/4 – Anemona Hartocollis, writer for NYT: August 4, 2016(“College Students Protest, Alumni’s Fondness Fades and Checks Shrink” New York Times Available at <http://www.nytimes.com/2016/08/05/us/college-protests-alumni-donations.html?_r=0> Accessed on 12/15/16)IG

Scott MacConnell cherishes the memory of his years at Amherst College, where he discovered his future métier as a theatrical designer. But protests on campus over cultural and racial sensitivities last year soured his feelings. Now Mr. MacConnell, who graduated in 1960, is expressing his discontent through his wallet. In June, he cut the college out of his will. “As an alumnus of the college, I feel that I have been lied to, patronized and basically dismissed as an old, white bigot who is insensitive to the needs and feelings of the current college community,” Mr. MacConnell, 77, wrote in a letter to the college’s alumni fund in December, when he first warned that he was reducing his support to the college to a token $5. A backlash from alumni is an unexpected aftershock of the campus disruptions of the last academic year. Although fund-raisers are still gauging the extent of the effect on philanthropy, some colleges — particularly small, elite liberal arts institutions — have reported a decline in donations, accompanied by a laundry list of g5. Alumni from a range of generations say they are baffled by today’s college culture. Among their laments: Students are too wrapped up in racial and identity politics. They are allowed to take too many frivolous courses. They have repudiated the heroes and traditions of the past by judging them by today’s standards rather than in the context of their times. Fraternities are being unfairly maligned, and men are being demonized by sexual assault investigations. And university administrations have been too meek in addressing protesters whose messages have seemed to fly in the face of free speech. Scott C. Johnston, who graduated from Yale in 1982, said he was on campus last fall when activists tried to shut down a free speech conference, “because apparently they missed irony class that day.” He recalled the Yale student who was videotaped screaming at a professor, Nicholas Christakis, that he had failed “to create a place of comfort and home” for students in his capacity as the head of a residential college. A rally at New Haven Superior Court demanding justice for Corey Menafee, an African-American dining hall worker at Yale’s Calhoun College who was charged with breaking a window pane that depicted black slaves carrying cotton. Credit Peter Hvizdak/New Haven Register, via Associated Press “I don’t think anything has damaged Yale’s brand quite like that,” said Mr. Johnston, a founder of an internet start-up and a former hedge fund manager. “This is not your daddy’s liberalism.” “The worst part,” he continued, “is that campus administrators are wilting before the activists like flowers.” Yale College’s alumni fund was flat between this year and last, according to Karen Peart, a university spokeswoman. Among about 35 small, selective liberal arts colleges belonging to the fund-raising organization Staff, or Sharing the Annual Fund Fundamentals, that recently reported their initial annual fund results for the 2016 fiscal year, 29 percent were behind 2015 in dollars, and 64 percent were behind in donors, according to a steering committee member, Scott Kleinheksel of Claremont McKenna College in California. His school, which was also the site of protests, had a decline in donor participation but a rise in giving. At Amherst, the amount of money given by alumni dropped 6.5 percent for the fiscal year that ended June 30, and participation in the alumni fund dropped 1.9 percentage points, to 50.6 percent, the lowest participation rate since 1975, when the college began admitting women, according to the college. The amount raised from big donors decreased significantly. Some of the decline was because of a falloff after two large reunion gifts last year, according to Pete Mackey, a spokesman for Amherst. At Princeton, where protesters unsuccessfully demanded the removal of Woodrow Wilson’s name from university buildings and programs, undergraduate alumni donations dropped 6.6 percent from a record high the year before, and participation dropped 1.9 percentage points, according to the university’s website. A Princeton spokesman, John Cramer, said there was no evidence the drop was connected to campus protests.

#### Turns case – less endowments cause of free speech means people have to pay full tuition in going to college, which prevents most attendance. LEIGH ’14:

[Leigh 14 Steven R. Leigh (dean of CU-Boulder’s College of Arts and Sciences), "Endowments and the future of higher education," UColorado Boulder, March 2014 AZ]

These broad trends point directly to the need for CU-Boulder’s College of Arts and Sciences to increase endowment funding across the college. Endowments drive improvements in the quality of an institution and reflect alums, donors and supporters who recognize the importance of research universities in the 21st century. Endowed professorships are the first and most important component of increasing our academic quality. Named chairs recognize significant faculty achievements and help the university support faculty salary and research. CU-Boulder professors are among the most productive in the nation and are heavily recruited by competitors, including Harvard, Yale, Stanford, Cornell, Berkeley, Illinois, UC Irvine and many others. Often, these competitors offer our faculty endowed professorships, conferring prestige and research support. CU must provide its faculty with comparable support to be competitive. A second major area for endowments is student scholarships and, for graduate students, fellowships. A stable source of income that helps pay tuition is the most direct and effective way to offset the costs of education. Endowed scholarships are also effective recruiting tools for admitting the nation’s best to CU. Our dynamic programs, departments and majors are attracting more and more applicants, including the best in the nation. Like faculty support, endowed scholarships and fellowships confer prestige and, most importantly, allow students to focus entirely on academics without balancing jobs and worrying about future loan repayments. Finally, endowment funding for programs greatly enriches the institution, providing capabilities that are difficult to attain when tuition revenue provides the majority of funding. Institutions funded mainly by tuition must make sure that expenditures directly benefit students, which sometimes limits options for innovation and risk-taking. Programmatic funding enables faculty and students to take risks in their research and creative work. For example, in my own field, this might involve traveling to an unexplored region to prospect for human fossils or archaeological sites. Support for high-risk projects allows our faculty and students to develop new areas of knowledge, benefitting society by broadening the capacity of the institution to innovate. The future of higher education, including CU’s future, depends to a large degree on how successfully we can build major endowments. Ultimately, U.S. competitiveness and leadership in the global knowledge economy depends on this as well. For alums, donors and supporters, endowments indelibly affirm the importance of higher education and enduringly preserve its viability and vitality.

### 1NC Protests - Long:

#### Endowments are high, but protections on student protests dissuade donations. HARTOCOLLIS 8/4:

Hartocollis 8/4 – Anemona Hartocollis, writer for NYT: August 4, 2016(“College Students Protest, Alumni’s Fondness Fades and Checks Shrink” New York Times Available at <http://www.nytimes.com/2016/08/05/us/college-protests-alumni-donations.html?_r=0> Accessed on 12/15/16)IG

Scott MacConnell cherishes the memory of his years at Amherst College, where he discovered his future métier as a theatrical designer. But protests on campus over cultural and racial sensitivities last year soured his feelings. Now Mr. MacConnell, who graduated in 1960, is expressing his discontent through his wallet. In June, he cut the college out of his will. “As an alumnus of the college, I feel that I have been lied to, patronized and basically dismissed as an old, white bigot who is insensitive to the needs and feelings of the current college community,” Mr. MacConnell, 77, wrote in a letter to the college’s alumni fund in December, when he first warned that he was reducing his support to the college to a token $5. A backlash from alumni is an unexpected aftershock of the campus disruptions of the last academic year. Although fund-raisers are still gauging the extent of the effect on philanthropy, some colleges — particularly small, elite liberal arts institutions — have reported a decline in donations, accompanied by a laundry list of g5. Alumni from a range of generations say they are baffled by today’s college culture. Among their laments: Students are too wrapped up in racial and identity politics. They are allowed to take too many frivolous courses. They have repudiated the heroes and traditions of the past by judging them by today’s standards rather than in the context of their times. Fraternities are being unfairly maligned, and men are being demonized by sexual assault investigations. And university administrations have been too meek in addressing protesters whose messages have seemed to fly in the face of free speech. Scott C. Johnston, who graduated from Yale in 1982, said he was on campus last fall when activists tried to shut down a free speech conference, “because apparently they missed irony class that day.” He recalled the Yale student who was videotaped screaming at a professor, Nicholas Christakis, that he had failed “to create a place of comfort and home” for students in his capacity as the head of a residential college. A rally at New Haven Superior Court demanding justice for Corey Menafee, an African-American dining hall worker at Yale’s Calhoun College who was charged with breaking a window pane that depicted black slaves carrying cotton. Credit Peter Hvizdak/New Haven Register, via Associated Press “I don’t think anything has damaged Yale’s brand quite like that,” said Mr. Johnston, a founder of an internet start-up and a former hedge fund manager. “This is not your daddy’s liberalism.” “The worst part,” he continued, “is that campus administrators are wilting before the activists like flowers.” Yale College’s alumni fund was flat between this year and last, according to Karen Peart, a university spokeswoman. Among about 35 small, selective liberal arts colleges belonging to the fund-raising organization Staff, or Sharing the Annual Fund Fundamentals, that recently reported their initial annual fund results for the 2016 fiscal year, 29 percent were behind 2015 in dollars, and 64 percent were behind in donors, according to a steering committee member, Scott Kleinheksel of Claremont McKenna College in California. His school, which was also the site of protests, had a decline in donor participation but a rise in giving. At Amherst, the amount of money given by alumni dropped 6.5 percent for the fiscal year that ended June 30, and participation in the alumni fund dropped 1.9 percentage points, to 50.6 percent, the lowest participation rate since 1975, when the college began admitting women, according to the college. The amount raised from big donors decreased significantly. Some of the decline was because of a falloff after two large reunion gifts last year, according to Pete Mackey, a spokesman for Amherst. At Princeton, where protesters unsuccessfully demanded the removal of Woodrow Wilson’s name from university buildings and programs, undergraduate alumni donations dropped 6.6 percent from a record high the year before, and participation dropped 1.9 percentage points, according to the university’s website. A Princeton spokesman, John Cramer, said there was no evidence the drop was connected to campus protests.

#### Utter free speech guarantees endowments stop, which prevents independent college research. LEIGH ’14:

[Leigh 14 Steven R. Leigh (dean of CU-Boulder’s College of Arts and Sciences), "Endowments and the future of higher education," UColorado Boulder, March 2014 AZ]

These broad trends point directly to the need for CU-Boulder’s College of Arts and Sciences to increase endowment funding across the college. Endowments drive improvements in the quality of an institution and reflect alums, donors and supporters who recognize the importance of research universities in the 21st century. Endowed professorships are the first and most important component of increasing our academic quality. Named chairs recognize significant faculty achievements and help the university support faculty salary and research. CU-Boulder professors are among the most productive in the nation and are heavily recruited by competitors, including Harvard, Yale, Stanford, Cornell, Berkeley, Illinois, UC Irvine and many others. Often, these competitors offer our faculty endowed professorships, conferring prestige and research support. CU must provide its faculty with comparable support to be competitive. A second major area for endowments is student scholarships and, for graduate students, fellowships. A stable source of income that helps pay tuition is the most direct and effective way to offset the costs of education. Endowed scholarships are also effective recruiting tools for admitting the nation’s best to CU. Our dynamic programs, departments and majors are attracting more and more applicants, including the best in the nation. Like faculty support, endowed scholarships and fellowships confer prestige and, most importantly, allow students to focus entirely on academics without balancing jobs and worrying about future loan repayments. Finally, endowment funding for programs greatly enriches the institution, providing capabilities that are difficult to attain when tuition revenue provides the majority of funding. Institutions funded mainly by tuition must make sure that expenditures directly benefit students, which sometimes limits options for innovation and risk-taking. Programmatic funding enables faculty and students to take risks in their research and creative work. For example, in my own field, this might involve traveling to an unexplored region to prospect for human fossils or archaeological sites. Support for high-risk projects allows our faculty and students to develop new areas of knowledge, benefitting society by broadening the capacity of the institution to innovate. The future of higher education, including CU’s future, depends to a large degree on how successfully we can build major endowments. Ultimately, U.S. competitiveness and leadership in the global knowledge economy depends on this as well. For alums, donors and supporters, endowments indelibly affirm the importance of higher education and enduringly preserve its viability and vitality.

#### High quality training and research at colleges is key to solve climate change. SNIBBE ’15:

[Snibbe 15 Kris Snibbe, "Colleges have ‘special’ role in fighting climate change," Harvard Gazette, 3/17/2015]

In an address to faculty and students at Tsinghua University today, Harvard President Drew Faust argued forcefully that universities have a unique and critical role to play in combating climate change. She opened her remarks by recalling her last visit to Tsinghua in 2008. “There is a proverb that the best time to plant a tree is 20 years ago — and the second-best time is now,” Faust told the audience of about 250 Chinese students, faculty, and journalists. “When I first visited Tsinghua seven years ago … I planted a tree with former Tsinghua President Gu Binglin in the Friendship Garden … I am glad the Tsinghua-Harvard tree stands as a symbol of the many relationships across our two universities, relationships which continue to grow and thrive,” she said. “More than ever, it is as a testament to the possibilities that, by working together, we offer the world. That is why I want to spend a few minutes today talking about the special role universities like ours play in addressing climate change.” Faust’s speech marked the culmination of a series of events in Beijing at which climate change was a central topic. At a gathering of alumni, faculty, and friends on Sunday, she looked on as Ali Malkawi, professor of architectural technology at the Harvard Graduate School of Design (GSD) and founding director of the Harvard Center for Green Buildings and Cities, explained his efforts to reduce the carbon footprint of large human-made structures and systems, from individual buildings to whole cities. On Monday, Faust and Chinese President Xi Jinping, meeting at the Great Hall of the People, discussed governmental and academic efforts to address the threat of climate change. Faust used the opportunity to highlight the important work being undertaken by faculty and students at Harvard and at institutions across the globe such as Tsinghua to develop substantive technological and policy solutions to this global challenge and to urge continued faculty collaborations. “Last November, President Xi and President Obama made a joint announcement on climate change, pledging to limit the greenhouse gas emissions of China and the United States over the next several decades,” Faust said. “It is a landmark accord, setting ambitious goals for the world’s two largest carbon-emitting countries and establishing a marker that presidents Xi and Obama hope will inspire other countries to do the same. “We could not have predicted such a shared commitment seven years or even one year ago between these two leaders — both, in fact, our alumni — one a Tsinghua graduate in chemical engineering and the humanities and the other a graduate of Harvard Law School,” she continued. “And yet our two institutions had already sown the seeds of this agreement decades ago by educating leaders who can turn months of discussion into an international milestone, and by collaborating for more than 20 years on the climate analyses that made the agreement possible. In other words, by doing the things universities are uniquely designed to do.” Calling the recent agreement a “defining moment … worthy of celebration,” and giving China credit for building the world’s largest wind-power capacity as well as the second-largest capacity in solar energy, Faust nonetheless said that these efforts represent “only a beginning” of what needs to be done. “Industry, education, agriculture, business, finance, individual citizens — all are necessary participants in what must become an energy and environmental revolution, a new paradigm that will improve public health, care for the planet, and put both of our nations on the path toward a prosperous, low-carbon economy,” she argued. “Universities are especially good at ‘thinking different,’ ” Faust said in her prepared text, quoting an expression often used by Apple founder Steve Jobs. “To every generation falls a daunting task. This is our task: to ‘think different’ about how we inhabit the Earth. Where better to meet this challenge than in Boston and Beijing? How better to meet it than by unlocking and harnessing new knowledge, building political and cultural understanding, promoting dialogue, and sharing solutions? Who better to meet it than you, the most extraordinary students — imaginative, curious, daring. The challenge we face demands three great necessities.” Faust made the case that the three great necessities of creating partnerships, undertaking research, and training students to ask and answer the big questions ultimately will yield substantive solutions to this global challenge

#### Extinction – the disadvantaged lose first, SNOW AND HANNAM ’14:

[Climate change could make humans extinct, warns health expert March 31, 2014 Deborah Snow, Peter Hannam]

**The Earth is warming so rapidly that unless humans can arrest the trend, we risk becoming ''extinct'' as** a species, a leading Australian health academic has warned. Helen Berry, associate dean in the faculty of health at the University of Canberra, said **while the Earth has been warmer and colder at different points** in the planet's history, **the rate of change has never been as fast** as it is today. ''What is remarkable, and alarming, is the speed of the change since the 1970s, when we started burning a lot of fossil fuels in a massive way,'' she said. ''We can't possibly evolve to match this rate [of warming] and, **unless we get** **control of it, it will mean our extinction eventuall**y.'' Professor Berry is one of three leading academics who have contributed to the health chapter of a Intergovernmental Panel on Climate Change (IPCC) report due on Monday. She and co-authors Tony McMichael, of the Australian National University, and Colin Butler, of the University of Canberra, have outlined the health risks of rapid global warming in a companion piece for The Conversation, also published on Monday. The three warn that the adverse effects on population health and social stability have been ''missing from the discussion'' on climate change. ''Human-driven climate change poses a great threat, unprecedented in type and scale, to wellbeing, health and perhaps even to human survival,'' they write. They predict that the greatest challenges will come from **undernutrition and impaired child development from reduced food** **yields**; hospitalisations and **deaths due to intense heatwaves,** fires and other **weather**-related **disasters; and the** **spread of infectious diseases**. They warn **the ''largest impacts'' will be on poorer and vulnerable** **populations**, winding back recent hard-won gains of social development programs.

## 2NR:

### XT – 2NR

# Human Rights Cred DA/CP

## 1NC

### 1N Combo:

#### Counterplan: Public Colleges and Universities should ban hate speech

#### Human rights cred is low now because of lack of hate speech bans – that’s key to international human rights modeling, Cohen 15’

Tanya Cohen, "It’s Time To Bring The Hammer Down On Hate Speech In The U.S." Thought Catalog, 5/1/2015

Recent scandals involving right-wing hatemongers like Phil Robertson, Donald Sterling, Bill Maher, and the Sigma Alpha Epsilon fraternity have brought to light one of America’s biggest embarrassments: the fact that America remains the only country in the world without any legal protections against hate speech. In any other country, people like Phil Robertson and Donald Sterling would have been taken before a Human Rights Commission and subsequently fined and/or imprisoned and/or stripped of their right to public comment for making comments that incite hatred and violence against vulnerable minorities. But, in the US, such people are allowed to freely incite hatred and violence against vulnerable minorities with impunity, as **the US lacks any legal protections against any forms of hate speech – even the most vile and extreme forms of hate speech remain completely legal in the so-called “land of the free”. Not only is this a violation of the most basic and fundamental human rights principles, but it’s also an explicit violation of legally-binding international human rights conventions. For many decades, human rights groups** around the world – from Amnesty International to Human Rights First to the United Nations Human Rights Council – have **told the United States** that it needs to pass and enforce strong legal protections against hate speech in accordance with its international human rights obligations. **As of 2015, the US is the only country in the world where hate speech remains completely legal**. This is, in fact, a flagrant violation of international human rights law. The International Covenant on Civil and Political Rights (ICCPR) and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD) both mandate that all countries outlaw hate speech, including “propaganda for war” and the dissemination of any “ideas based on racial superiority or hatred”. The ICCPR and ICERD are both legally-binding international human rights conventions, and all nations are required to uphold them in the fullest. **By failing to prosecute hate speech, the US is explicitly and flippantly violating international human rights law.** No other country would be allowed to get away with this, so why would the US? The United Nations has stated many times that international law has absolute authority. This is quite simply not optional. The US is required to outlaw hate speech. No other country would be able to get away with blatantly ignoring international human rights standards, so why should the US be able to? The US is every bit as required to follow international human rights law as the rest of the world is. I have always been a major champion of the unalienable right to freedom of speech. Freedom of speech is the bedrock of any democratic society, and freedom of speech must be upheld to the maximum possible extent. However, like all democratic rights, the right to freedom of speech comes with responsibility, and freedom of speech has to be balanced against other freedoms. In the words of Irwin Cotler, who is perhaps the single most prominent human rights activist in Canada: “Freedom of expression is the lifeblood of democracy. However, hate speech is not simply a matter of offending sensibilities or being politically incorrect. It causes real and tangible harm, can assault the very values underlying free speech, can breach our international commitments, and can assault the principle of equality.” In all other countries, it’s simply common sense that freedom of speech doesn’t protect hate speech. It’s not something that’s even up for debate. Everyone learns in school that hate speech is not free speech, and nobody would ever question this. Just like freedom of speech doesn’t protect death threats, freedom of speech also doesn’t protect hate speech. In civilized countries, this is something that everyone agrees on, regardless of political ideology – even hardcore libertarians agree that hate speech is unacceptable. In my native Australia, the need to protect vulnerable minorities from hate speech is one of the most universally accepted values, and anyone who even dares to question hate speech laws will receive an extremely hostile reaction. There isn’t a single person in Australia who thinks that there should be absolutely no legal protections against hate speech. If anyone ever went to Australia and said that there should be absolutely no legal protections against hate speech, they would be physically attacked and told to leave the country for their own safety. No, I’m not exaggerating in the least. Australia has ZERO tolerance for anyone who attacks the basic human rights of vulnerable minorities. For people in more civilized and enlightened countries where people have basic human rights, it’s just absolutely unfathomable to even consider having absolutely no legal protections against hate speech. It would be like having no laws against child abuse, or having no laws against murder. American society is a deeply racist, sexist, homophobic, transphobic, patriarchal, Islamophobic, and anti-human rights society. Racism infects every single area of American society, but it infects the highly corrupt American government most of all. The American government is a profoundly racist government where, despite the presence of Barack Obama, the vast majority of people with the most power are privileged white men. As Australian Muslim activist Waleed Aly has pointed out, one of the biggest reasons why strong legal protections against hate speech are so necessary is because there is a strong hierarchy of power and privilege in Western society, with whites firmly at the top, holding the most power and privilege by far. It’s easy for privileged white men to say that hate speech is perfectly acceptable and doesn’t harm anyone, but privileged white men have never been victims of hate speech and they could never understand the devastating effect that hate speech has on vulnerable and marginalized minorities. Hate speech is itself a form of censorship, as it silences the voices of the most oppressed and disenfranchised minority groups – groups that are already denied a voice in society. The racist government of the United States certainly does not allow minorities to have a voice, as, like all Western governments, the US government is run by privileged white men who, quite frankly, couldn’t care less about the basic human rights of vulnerable minorities. Perhaps the biggest piece of evidence that the US government is a profoundly racist government is the fact that it has yet to pass any legal protections against hate speech. To quote the prominent Australian Muslim human rights activist Mariam Veiszadeh: “As with any democratic right, freedom of speech should be tempered with responsibility and it is counter productive if those who continously spew hateful and misleading vitriol are the very individuals who continue to thrive from the protection that freedom of speech offers. We should be very afraid when our top law maker seems more passionate about protecting the rights of bigots than the rights of the most marginalised members of our society.” Like Waleed Aly, Mariam Veiszadeh understands that one of the main reasons why legal protections against hate speech are so essential is because Western societies and Western governments are so deeply racist. Americans should indeed be very frightened of their government, which apparently considers “the right to be a bigot” to be more important than the basic human rights of the most vulnerable and marginalized members of society. What kind of government considers racism to be a human right, but not freedom from racism? Certainly not a government that actually values true human rights and freedoms, and most definitely not a government that cares about protecting vulnerable minorities. Whether it’s torturing people, carrying out executions, drone-bombing innocent civilians, supporting Israeli apartheid in Palestine, attacking journalists and whistleblowers, or persecuting African-Americans and Muslims within its own borders, the US government is a deeply racist and deeply immoral government in every sense of the world – just ask the African-Americans that the United States government routinely targets with police brutality and disproportionately incarcerates, often for much lesser charges than whites. There is an endless amount of evidence showing just how deeply-entrenched racism is in the United States government. The fact that the American government refuses to outlaw hate speech is simply another perfect example of just how deeply racist, corrupt, heartless, and anti-human rights the American government is. In fact, hate speech is often put out by the US government – particularly hate speech against Muslims, which no doubt plays a large role in inciting acts of physical violence against vulnerable Muslim-Americans, such as the recent Chapel Hill shooting. As children, when we say something rude, hateful, or disrespectful, an adult “sets us straight” and punishes us. When we would say something hurtful as a child, an adult would put on the moral path and tell us things like “if you don’t have anything nice to say, then don’t say anything at all.” Why, when we become adults, do we suddenly get to conveniently “change the rules”? Does it suddenly become acceptable to maliciously attack others just because we’re adults? I certainly don’t think so, and neither does any country except for the United States. The US is the only country that values the so-called “right” to be hateful and malicious more than it values basic human rights, human dignity, respect, politeness, tolerance, sensitivity, decency, safety, and civility. The fact that America still has absolutely no legal protections against racial hatred or any other form of bigotry in the year 2015 is nothing short of absolutely shameful. While America has always been far behind the rest of the developed world in terms of basic human rights and freedoms, the need to protect vulnerable minorities from hate speech is one of the most basic and fundamental human rights necessities. Even third-world nations have legal protections against hate speech. The US is the sole anomaly in the world, and this is even more unacceptable when one considers how diverse and multicultural the US is. Not to mention, when it comes to protecting legitimate freedom of speech, the US has consistently failed. The US denied African-Americans in Ferguson their right to peacefully protest against police racism, and numerous people in the US (Steven Salaita, for example) have been fired from their jobs for speaking out against Israel’s ongoing genocide against Palestinians. Another excellent example of America’s total disregard for true freedom of speech: the so-called “anti-terrorism” legislation in the US is among the most draconian in the world, and America’s “anti-terrorism” legislation is specifically intended to target innocent Muslims – thus preventing Muslim-Americans from speaking out against racism. This is a perfect example of just how deeply racist the US is. The US will protect racist bigots’ so-called “right” to spew hatred and vitriol at vulnerable minorities, but it won’t protect those vulnerable minorities’ right to protest against the racism that they encounter every single day of their lives. This absolutely embodies just how racist and just how backwards American society and the American government truly are. Before moving to the US to work with human rights organizations here, I grew up in Australia, where I also worked as a human rights activist (in Australia, I worked for Amnesty International Australia, the Human Rights Law Centre, the Castan Centre for Human Rights Law, the Human Rights Working Group of the Greens NSW, and the NSW Council for Civil Liberties). Like all civilized countries, Australia has numerous laws against hate speech, and these laws are universally supported by every single facet of Australian society (although journalists, ethnic and religious leaders, and human rights activists are the biggest supporters of Australia’s hate speech laws). Australia has even proposed human rights legislation called the Human Rights and Anti-Discrimination Bill, which declares people automatically guilty of offending or insulting other people unless they can prove their innocence in a court of law. This may sound extreme to Americans, but most Australian progressives and human rights activists actually complained that the Human Rights and Anti-Discrimination Bill didn’t go nearly far enough. Proposed during the more progressive Julia Gillard administration, the Human Rights and Anti-Discrimination Bill had very widespread support, and it came very close to passing. It is believed that, if progressives win the next Australian elections, then the Human Rights and Anti-Discrimination Bill – along with other proposed human rights legislation – will be revived. But, while civilized countries like Australia continue to pass stronger and stronger legal protections against hate speech, the United States still has absolutely no legal protections against hate speech whatsoever, which means that people like Donald Sterling, Phil Robertston, Bill Maher, and so forth are allowed to spew hatred at the most vulnerable and marginalized groups without ever having to face any kind of legal punishment. To people in a more civilized, human rights-oriented society like Australia, it’s just absolutely unfathomable how anyone could think that such toxic, backwards hatred has any place in society. 2 Every single time that America fails to press charges against hatemongers, it does a massive deal of damage to its international image and reputation. It sends the message to the rest of the world that America supports racism, sexism, homophobia, Islamophobia, anti-Semitism, hatred, and bigotry. Is that really what America wants to be known for? As the only country in the world where hatred and bigotry are considered acceptable? What kind of country actually considers the so-called “right” to racially vilify vulnerable minorities to be more important than the basic human rights of said minorities? Certainly not a civilized country – that’s for sure. I speak for all Australians and all civilized people when I say that hate speech is most assuredly not free speech. America is the only nation that fails to make the necessary distinction between free speech and hate speech, and this does a great deal of damage to America’s international image. After all, the US considers the rights of hateful racists to be more important than the basic human rights of vulnerable and marginalized minorities. What kind of message does that send to the rest of the world? The fact that the US does not prosecute people for racism and hatred is completely unacceptable and downright disgusting to people in more progressive countries. **For example, when the US failed to press charges against Donald Sterling for his racist hate speech, almost everyone in Australia was outraged, and** human rights activists used it as an example of how the US is a backwards, anti-human rights culture that Australia should never seek to emulate **(Tim Soutphommasane of the Australian Human Rights Commission used the Donald Sterling affair as an example of why Australia needs to retain its strong laws against all forms of offensive speech, and the vast majority of Australians agreed).** Australians had a similar reaction when the US failed to charge Duck Dynasty star Phil Robertson for the vilification of LGBT people, with many Australian human rights groups and LGBT rights groups holding up Robertson’s lack of prosecution as an example of how backwards and uncivilized the US is. In Australia, the UK, and any other civilized society, both Donald Sterling and Phil Robertson would have been taken before a Human Rights Commission and given a hefty fine or prison sentence for incitement to hatred. Diversity is America’s greatest strength and multiculturalism is America’s greatest success story. But, for far too many people in America, racial vilification remains a sad reality. Vulnerable minorities in America continue to be oppressed and disenfranchised by society, by the media, by corporations, and by the government – and the fact that said minorities have no legal protections against hate speech is a perfect example of just how oppressed and disenfranchised they truly are in the US. America will never be up to international human rights standards until it makes protecting the basic human dignity of its citizens – and especially its vulnerable minorities – a top priority. Respect for America’s diverse people is something that’s worth protecting and promoting. All countries have an obligation to stand up against hatred, and bigotry has absolutely no place in a modern democracy. Allowing the unfettered expression of bigoted and discriminatory views is not something that any civilized society would ever do. By allowing hate speech, the United States is sending the message that it’s acceptable to racially vilify people and to justify it under the guise of “free speech”. This cannot continue indefinitely. Hate speech is a form of violence against oppressed and disenfranchised groups which can be even more damaging than physical violence, and hate speech also leads directly to physical acts of violence – and even genocide – against vulnerable minorities. History has repeatedly shown that, when hatred is sanctioned by people in power (as the US continues to sanction hatred), it leads directly to violence and even genocide. The Holocaust started with hate speech, and so did every other genocide in history. Germany learned the hard way what happens when you allow hatred to flourish, and so did Rwanda. Hatred is never acceptable, and it’s time for the US to finally follow the rest of the civilized world and pass strong legal protections against all forms of hate speech. Legal protections against hate speech – along with a press regulation and licensing scheme – are extremely important in order to protect the most vulnerable and marginalized members of society from hatred, and in order to prevent right-wing media outlets like Fox News and Breitbart from promoting hatred and manipulating public opinion against the common good (in more civilized and progressive countries, these right-wing so-called “news” outlets would be shut down for inciting hatred and violence, being unbalanced, and providing misleading and untrue information). For an example of the approach that America should seek to emulate, the US should again look towards Australia. As a culture based on fundamental human rights, Australia allows genuine freedom of speech, but bans right-wing hatemongers, Holocaust deniers, vaccine deniers, bigots, trolls, bullies, harmful media (including violent video games), terrorism sympathizers, pick-up artists (and all other forms of rape culture), and anyone who attempts to argue against the common good (Australia is also starting to crack down on climate change deniers as well). In order to prevent right-wing hatemongers from gaining too much influence, Australia also regulates who can own media outlets, and all media outlets in Australia are strictly regulated to ensure that they are fair, balanced, civil, responsible, accurate, and truthful. During the more progressive Julia Gillard administration, Australia attempted to set up a system (under the Finkelstein Inquiry) where all blogs and media outlets (including online ones) must register with the government for licensing, and any public commenters must be licensed by a progressive peer-review panel of media professionals before they can be allowed to comment publicly (Australian progressives plan to bring back this system when they win the next election). Australian journalists have always been the biggest supporters of press licensing legislation like the Finkelstein Inquiry, because the press licensing is intended to shut down right-wing “journalism” outlets while protecting real journalism. When right-wing hatemongers like Rupert Murdoch are allowed to pass their hate off as “journalism”, it can be very misleading and harmful to a general public that isn’t mentally equipped to separate real journalism from right-wing lies. Everyone has the right to accurate information, and nobody has the right to spread lies and hatred as “journalism” and “news”. In the UK, meanwhile, progressives and human rights activists are working to set up the Leveson Inquiry, which will enact a government press licensing scheme in order to shut down right-wing “news” outlets (particularly those owned by Rupert Murdoch, who also owns Fox News) which peddle hatred and propaganda, undermine progress, and manipulate public opinion against the common good. Again, journalists in the UK have been the biggest supporters of the Leveson Inquiry, because it’s intended to shut down right-wing propaganda outlets while protecting real journalism. The right to accurate and truthful information is a human right. This is something that all Australian and British journalists (aside from right-wing so-called “journalists”) understand. Why is it something that American journalists don’t seem to understand? America needs to join the civilized world and not only outlaw hate speech, but also shut down the hate media, which includes hate propaganda outlets like Fox News along with shock jocks like Rush Limbaugh and Sean Hannity. Such hate masquerading as “news” has absolutely no place in a civilized society. Laws exist to enforce acceptable behavior. It’s illegal to rob a bank, it’s illegal to rape women, and it’s illegal to kill people. Civilized countries like Australia outlaw hate speech for the exact same reason that they outlaw things like rape and murder – because hatred is unacceptable, just like rape and murder are unacceptable. Having a “freedom” to racially vilify ethnic minorities is no different than having a “freedom” to rape or kill. Hate speech is not “freedom” to its victims, just like rape and murder are not “freedom” to their victims either. Freedoms have to be balanced against each other, and freedoms have to be curtailed when they interfere with other freedoms (such as freedom from racial vilification, or freedom from murder). The US is the only country that doesn’t seem to understand these very basic human rights principles. **Compared to more civilized and progressive countries, America simply has no moral compass, and America’s lack of legal protections against hate speech is a perfect example of this. In more enlightened countries, the US is often held up as an example of what a backwards and reactionary nation with no sense of human rights looks like**. Is that really what America wants the rest of the world to see them as? If not, then it’s time for Americans to get serious about protecting fundamental human rights. It’s time for Americans to take a stand against hatred and bigotry and take a stand for respect and civility. In more civilized countries like Australia and the United Kingdom, it’s simply common sense that freedom of speech does not protect speech which is offensive, insulting, hateful, hurtful, misleading, untrue, dangerous, insensitive, oppressive, unacceptable to the majority of people, harmful to society, demeaning to human dignity, and/or contrary to community standards. This is not even something that’s even up for debate; it’s just something that everyone instinctively knows and accepts. Racism has no place in society. Neither do fascism, sexism, homophobia, transphobia, Islamophobia, anti-Semitism, anti-feminism, totalitarian ideologies, anti-human rights ideologies, or any other forms of right-wing hatred. Freedom of speech does NOT give anyone the right to promote ideas which have no place in society. This is a very basic and very widely-accepted human rights principle, and only the US seems to struggle with it. One of the most fundamental goals of the Australian progressive movement is ensuring that anyone who voices un-progressive ideas is aggressively prosecuted, and this is something that all Australian progressives firmly agree with. But, in the US, “progressives” actually believe that hate speech and even severe racial vilification should be protected as “free speech”. In fact, even minorities in the US still tend to oppose anti-hate speech laws which are designed to protect them. I recently had an African-American tell me that it was “ridiculous” to prosecute people for making racist comments. Vulnerable minorities in the US really don’t seem to understand the harmful effects that hate speech has on them and the very real danger that it places them in. To people from more civilized countries like Australia, it’s just terribly sad to see how brainwashed the people of America have become. Americans have been conned into thinking that freedom of speech means the freedom to say anything (especially if you have money). Americans completely misunderstand what freedom of speech is, and they totally fail to make the necessary distinction between freedom of speech and hate speech. Americans genuinely believe that freedom of speech gives people the right to spew hatred, racially vilify vulnerable minorities, argue against the common good, and oppose human rights. Most disgustingly, they actually believe that hate speech is “freedom”. Do Americans have any idea how profoundly backwards this makes them look to people in more enlightened and progressive countries? Like all democratic rights, the right to freedom of speech comes with significant responsibility and has to be balanced against other rights. Nobody has the right to spread lies, falsehoods, or misleading information. The right to accurate information – and the right to be fully informed – are needed in order to fulfill democratic duty, and spreading misinformation can be very dangerous (just ask the countless people who have died thanks to anti-vaccine propaganda, or the countless people who have died thanks to the gun lobby’s propaganda in the US). This is perfectly consistent with libertarian principles, as withholding information or spreading misinformation manipulates free choices and therefore subverts liberty. As any human rights lawyer could explain, the human right to freedom of speech must be balanced against other human rights, including the human rights to protection from vilification, libel, slander, propaganda, misleading information, incitement, insult, offense, hatred, discrimination, and so forth. Freedom of speech is also never a license to oppose human rights. You cannot oppose racial equality, you cannot support Israel’s oppression of Palestinians, you cannot oppose marriage equality, you cannot support laws that curtail civil liberties, you cannot oppose a woman’s right to have an abortion, you cannot support inhumane treatment of refugees, you cannot oppose liberal democracy, and you cannot support the death penalty, to name just a few things. A society based on fundamental human rights has absolutely no place for anyone who opposes these fundamental human rights. In more civilized and progressive countries like Australia and the UK, this is simply common sense. It’s up to everyone to create a safe, civil, polite, tolerant, inclusive, and respectful society, and allowing the unfettered expression of hate speech most certainly does not help to achieve those goals – quite the opposite, in fact. Hate speech tears society apart, incites acts of physical violence and genocide, and has a devastating affect on the most vulnerable and marginalized members of society. Hate speech has absolutely no place in a tolerant and civilized multicultural society, and hate speech certainly has no place a society that claims to be a bastion of freedom and democracy. The United States was supposedly founded on the principles of freedom, democracy, and equality, but, by refusing to take a stand against hate speech, the US is completely betraying these core values. Hate speech goes against absolutely everything that the United States Constitution stands for. What America needs more than anything is to pass a Human Rights Act outlawing all forms of hate speech (whether the hate speech was said in public or in private), and to set up Human Rights Commissions in each state to allow victims of hate speech to seek legal justice. This is something that all civilized nations have already done. Nobody has the right to vilify other people, and nobody has the right to promote hatred and intolerance. Since hate speech is completely different from freedom of speech, passing legislation to outlaw hate speech should not be seen as interfering with First Amendment rights in any way. We are not talking about censorship here, and we’re not talking about curtailing freedom of speech. We are talking about cracking down on hate speech and protecting fundamental human rights. It’s time for the US government to stop persecuting African-Americans, Muslims, LGBT people, and other vulnerable minorities, and start actually protecting them from all manifestations of hatred. The current laws of the US are easily some of the whitest pieces of legislation in existence. They positively ooze white privilege out of every single word, and they completely fail to take the significant vulnerability of certain groups into account. Not only that, but the current laws of the US also completely ignore basic human rights principles along with totally ignoring and flat-out defying international human rights law. This is completely unacceptable for any country, let alone for an advanced democracy. **Unless America wants to continue being seen as a backwards, reactionary laughingstock, then it needs to finally bring itself up to date on its basic human rights obligations, and it can start doing that by implementing strong legal protections against all forms of hate speech in accordance with international human rights law. It’s** time to vigorously protect true freedom of speech while aggressively cracking down on all manifestations of hate speech. It’s time to stop allowing right-wing bigots and hatemongers to hide behind “freedom of speech”. It’s time to stop allowing “freedom of speech” to be a shelter for hatred and intolerance. It’s time to start protecting basic human rights and human dignity. It’s time to take a stand against hate, and it’s time to take a stand for respect. It’s time to bring the hammer down on hate speech in the US. The time to start doing that is right now.

#### Human rights credibility and modeling key to stop nuclear war, Burke-white 4’

(William W., Lecturer in Public and International Affairs and Senior Special Assistant to the Dean – Woodrow Wilson School of Public and International Affairs, Princeton University and Ph.D. – Cambridge, “Human Rights and National Security: The Strategic Correlation”, The Harvard Human Rights Journal, Spring, 17 Harv. Hum. Rts. J. 249, Lexis

**This Article presents a strategic--as opposed to ideological or normative--argument that the promotion of human rights should be given a more prominent place in U.S. foreign policy. It does so by suggesting a correlation between the domestic human rights practices of states and their propensity to engage in aggressive international conduct. Among the chief threats to U.S. national security are acts of aggression by other states. Aggressive acts of war may directly endanger the United States**, as did the Japanese bombing of Pearl Harbor in 1941, or they may require U.S. military action overseas, as in Kuwait fifty years later. **Evidence from the post-Cold War period [\*250] indicates that states that systematically abuse their own citizens' human rights are also those most likely to engage in aggressio**n. To the degree that improvements in various states' human rights records decrease the likelihood of aggressive war, a foreign policy informed by human rights can significantly enhance U.S. and global security. Since 1990, a state's domestic human rights policy appears to be a telling indicator of that state's propensity to engage in international aggression. A central element of U.S. foreign policy has long been the preservation of peace and the prevention of such acts of aggression. 2 If the correlation discussed herein is accurate, it **provides U.S. policymakers with a powerful new tool to enhance national security through the promotion of human rights**. A strategic linkage between national security and human rights would result in a number of important policy modifications. First, it changes the prioritization of those countries U.S. policymakers have identified as presenting the greatest concern. Second, it alters some of the policy prescriptions for such states. Third, it offers states a means of signaling benign international intent through the improvement of their domestic human rights records. Fourth, it provides a way for a current government to prevent future governments from aggressive international behavior through the institutionalization of human rights protections. Fifth, it **addresses the particular threat of human rights abusing states obtaining weapons of mass destruction (WMD). Finally, it offers a mechanism for U.S.-U.N. cooperation on human rights issues.**

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