# PVP Neg

# Prep Components

# Victims K

## 1NC

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# Hate Speech PIC

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#### Text: Public colleges and universities in the United States ought to create speech zones that restrict language intended to degrade others on the basis of race, consistent with the model outlined by Byrne, and ought to remove all other zoned restrictions on constitutionally protected speech.

**Zeiner:** Zeiner, Carol L. [Assistant Professor of Law, St. Thomas University School of Law, Miami Gardens, Florida; former College Attorney for Miami-Dade Community College (now Miami-Dade College).] “Zoned Out! Examining Campus Speech Zones.” *Louisiana Law Review.* Volume 66. Fall 2005. RP

Just as freedom of thought, inquiry, and expression, and the importance of open dialogue and dialectic, lie at the heart of the idea of the university, equality of opportunity lies there as well. "The concept of opportunity is therefore essential to the definition of the idea of the university. 233 It is clear both in the university's "duties to society" 234 and its position as a "ground of promise [for] the future"235 that higher education for all students of academic ability is a means for those persons and groups within society who are victims of discrimination and exclusion to achieve access to the social and economic benefits enjoyed by the majority. Universities are to assume a position of leadership in this area. This being the case, it is easy to understand why the issues of hate speech and university speech codes are controversial in higher education.236 Simply put, the conflict exists because the role of the university is in conflict on this point,237 just as, according to some commentators, the First and Fourteenth Amendments to the United States Constitution 238 are in conflict on this point. **If vile expressions of hatred impair equal access to educational opportunity by members of the targeted group, does this not undermine both the constitutional ideal and the equality of opportunity inherent in the idea of the university?** But, if abhorrent ideas cannot be expressed, how can they be subjected to dialectic rigor so that they can be debated and their falsity illuminated? Do campus speech zones have any relevance at all to this vexing problem? If so, would they exacerbate or ameliorate the problem? **Campus speech codes have not proved to be a viable means of coping with hate speech** 240 in the United States. 24 1 A number of commentators have suggested a variety of regulatory and non- regulatory means to attempt to address the problem of hate speech. **There may be one miniscule way in which campus speech zones can augment other constitutionally allowable measures to address hate speech. It would seem that large gatherings of persons expressing racist, sexist, or otherwise discriminatory ideas might be especially intimidating and hurtful to the targeted students who would, of necessity, have to Vass by the gathering in order to get to their dormitories or classes,**2 46 just as it would seem that large gatherings of individuals expressing supportive ideas might be encouraging. **Perhaps it would be helpful if those students and others who did not want to be exposed to particular speech activities were not forced into extremely close proximity with large events by virtue of the physical means of access to key areas of campus. If large gatherings must congregate in campus speech zones to carry on their free expression activities, regardless of content, and if the university provides other avenues to gain access to key areas of the campus, then targeted students could select which gatherings that they wish to encounter and avoid those that are repugnant or intimidating**.248 This suggestion is meant only as a possible miniscule measure to address the issue of especially loud, overpowering expression by large groups, and I recognize that it does nothing to deal with the underlying problem of hatred. 24 9 The "other avenues" must be attractive and reasonably convenient. If they are unattractive or inconvenient, 250 any benefit to be gained by this suggestion would be eradicated, and the impact might, although unintentionally, reinforce the messages of subordination being expressed by the speakers. 2 51 It is important however, that campus speech zones not be relegated to remote areas of the campus where their communicative purpose would be unduly hampered.252

**Byrne adds:** Byrne, J. Peter. [Associate Professor, Georgetown University Law Center] “Racial Insults and Free Speech Within the University.” *Georgetown University Law School*, Vol. 79,1991. RP

This article examines the constitutionality of university prohibitions of public expression that insults members of the academic community by directing hatred or contempt toward them on account of their race. I Several thoughtful scholars have examined generally whether the government can penalize citizens for racist slurs under the first amendment, but to the limited extent that they have discussed university disciplinary codes they have as- sumed that the state university is merely a government instrumentality sub- ject to the same constitutional limitations as, for example, the legislature or the police. 2 **In contrast, I argue that the university has a fundamentally different relationship to the speech of its members than does the state to the speech of its citizens. On campus, general rights of free speech should be qualified by the intellectual values of academic discourse I conclude that the protection of these academic values, which themselves enjoy constitutional protection, permits state universities lawfully to bar racially abusive speech**, even if the state legislature could not constitutionally prohibit such speech throughout society at large. At the same time, however, I assert that the first amendment renders state universities powerless to punish speakers for advocating any idea in a reasoned manner.  **He adds: It is necessary at the outset to choose a working definition of a racial insult**. This definition, however, is necessarily provisional; any such definition implies the writer's views on the boundaries of constitutionally protected offensive speech, and the reader cannot be expected to swallow the definition until she has had the opportunity to inspect the writer's constitutional premises. Having offered such a caution, **I define a racial insult as a verbal or symbolic expression by a member of one ethnic group that describes another ethnic group or an individual member of another group in terms convention- ally derogatory, that offends members of the target group, and that a reasonable and unbiased observer, who understands the meaning of the words and the context of their use, would conclude was purposefully or recklessly abusive. Excluded from this definition are expressions that convey rational but offensive propositions that can be disputed by argument and evidence. An insult, so conceived, refers to a manner of speech that seeks to demean rather than to criticize, and to appeal to irrational fears and prejudices rather than to respect for others and informed judgment.**3

#### Legal sanctions deter behavior

**Delgado:** Delgado, Richard. [Professor of Law, UCLA Law School] “Words That Wound: A Tort Action for Racial Insults, Epithets, and Name-Calling.” *Harvard Civil Rights Civil Liberties Law Review*,Volume 17, 1982. RP

It is, of course, impossible to predict the degree of deterrence a cause of action in tort would create. However, as Professor van den Berghe has written, "**for most people living in racist societies racial prejudice is merely a special kind of convenient rationalization for rewarding behavior**." In other words, in racist societies "most members of the dominant group will exhibit both prejudice and discrimination," but only in conforming to social norms. Thus, "[W]hen social pressures and rewards for racism are ab- sent, racial bigotry is more likely to be restricted to people for whom prejudice fulfills a psychological 'need.' In such a tolerant milieu prejudiced persons may even refrain from discriminating behavior to escape social disapproval." **Increasing the cost of racial insults thus would certainly decrease their frequency. Laws will never prevent violations altogether, but they will deter "whoever is deterrable." Because most citizens comply with legal rules, and this compliance in turn "reinforce[s] their own sentiments toward conformity," a tort action for racial insults would discourage such harmful activity through the teaching function of the law. The establishment of a legal norm "creates a public conscience and a standard for expected behavior that check overt signs of prejudice." Legislation aims first at controlling only the acts that express undesired attitudes**. But "when expression changes, thoughts too in the long run are likely to fall into line."'" "Laws ...restrain the middle range of mortals who need them as a mentor in molding their habits." Thus, "**If we create institutional arrangements in which exploitative behaviors are no longer reinforced, we will then succeed in changing attitudes[.] [that underlie these behaviors]. ' Because racial attitudes of white Americans "typically follow rather than precede actual institutional [or legal] alteration," a tort for racial slurs is a promising vehicle for the eradication of racism**.

#### Hate speech causes genocide

**Delgado and Stefancic:** Richard Delgado and Jean Stefancic [Delgado is Charles Inglis Thomson Professor of Law, University of Colorado. J.D., U. Cali- fornia-Berkeley, 1974. Stefancic is theTechnical Services Librarian, University of San Francisco School of Law. M.L.S., Simmons College, 1963; M.A., University of San Francisco, 1989. “FOUR OBSERVATIONS ABOUT HATE SPEECH.” *Wake Forest Law Review.* Volume 44. 2009. RP

**With general hate speech, such as anonymously circulated flyers or speeches to a crowd, the harms, while diffuse, may be just as serious. 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. 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.** 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. Before interning the Japanese during World War II, propagandists depicted the group as sneaky, suspicious, and despotic. **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. 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. 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. The prime mechanism for the creation of such stigma is hate speech**. Without it, genocide, imperialism, Indian removal, and Jim Crow could gain little purchase.**

# Endowments DA

## 1NC

#### Uniqueness -- state funding for public colleges is decreasing in the squo, causing increased reliance on endowments from private donors.

**Press:** Press, Alex [The Nation] “Silence on Campus: Contingent Work and Free Speech.” *The Nation.* February 2016. RP

**Explaining the role financial needs play in decisions to censor faculty in public higher education, Robinson argues, “As public funding is cut, the administration becomes more reliant on private donors. These donors then use that leverage, threatening to withdraw donations if an administration doesn’t act.” The problem is worsening as public funds for higher education are drying up across the country, according to a recent report by the Center on Budget and Policy Priorities. As this money dwindles, administrations turn to wealthy donors, creating the conditions under which prestigious donors can sway administrator’s decisions** on how to respond to controversial faculty, if those faculty can get hired in the first place.

#### Protests and speech on campus kills donations – University of Missouri proves.

**Keller:** Keller, Rudi [Contributor, Columbia Daily Tribune] “University of Missouri fundraising takes $6 million hit in December as donors hold back funds.” *Columbia Daily Tribune.* February 2016. RP

**New pledges and donations to the University of Missouri fell $6 million in December as the campus weathered the fallout of public discontent that also threatens to erode the school’s finances via state support and tuition revenue**. December combines Christmas generosity and the promise of tax deductions on returns due April 15, making it a prime time for fundraisers at major institutions. In December 2014, new pledges and donations for all campus activities including athletics totaled $19.6 million, according to figures compiled by the university’s advancement office. Only $13.6 million came in this December, a drop of about 31 percent. The figures represent new commitments and donations that are not given in fulfillment of previous pledges, Vice Chancellor of University Advancement Tom Hiles said. For the three complete months since campus protests made international news in November, new pledges and donations to MU declined by about $7.4 million. Along with the decrease in new support, pledges totaling about $2 million were withdrawn, Hiles said. About 10 were gifts of $25,000 or more, including one for $500,000, he said. Total new pledges and donations in fiscal year 2015 totaled $147.6 million, down from a record $164.1 million in fiscal year 2014. The advancement office has fielded more than 2,000 calls from people upset with the university and tracks them by topic on a heat map. “It ran the gamut from” Assistant Professor Melissa “Click to Planned Parenthood to just a general lack of leadership,” Hiles said. “‘**Who’s in charge? Are the students running it?’ If I heard inmates are running the asylum one more time I was going to** ... . Those were the general categories.” **Student demonstrations over racism and marginalization on campus made international headlines** after the Tiger football team announced it would boycott athletic activities in support of a hunger strike by Concerned Student 1950 member Jonathan Butler. Athletic donations also have dipped, including a 68 percent drop in December cash gifts compared to December 2014 and a 38 percent decline in new pledges and donations as tallied in Hiles’ office during November, December and January. The Athletic Department’s decreased fundraising over that period — $1.3 million — is included in the total campus decline of $7.4 million. Giving by smaller donors, defined as those who give less than $10,000, declined by about 5 percent in the three-month period, with drops in November and December somewhat offset by a January increase in giving. Small donors gave or pledged $4.76 million in the period, down from $5.02 million the previous year. “We definitely got hit in our annual fund and other points,” Hiles said. “It was rough because normally December is our best month.” While his office fielded calls, Hiles said staff members researched callers who said they would never donate again. The result, he said, was “about a 90 percent correlation with people who ... have never given.” The final word on other financial issues is unresolved. A House committee already has denied the university a portion of the budget increase allocated to other state colleges and universities. Chairwoman Donna Lichtenegger, R-Jackson, cited Click’s continued employment and a demonstration that interrupted a UM System Board of Curators meeting for the cut. At a Wednesday hearing of the Joint Committee on Education, interim MU Chancellor Hank Foley said figures show an anticipated enrollment drop of 900 students, which roughly equates to a $20 million loss of tuition revenue. For the year to date overall, new pledges and donations are well ahead of the previous fiscal year because Rich and Nancy Kinder pledged $25 million in October to launch the Kinder Institute on Constitutional Democracy. Without that gift, the year-to-date total would have decreased by $8.7 million. “We are not actually off in terms of donations,” Foley told the joint committee. “In terms of overall donations, we are doing quite well.” Foley said he has “spent a fair amount of time speaking to donors.” The university launched its “Mizzou: Our Time to Lead” campaign Oct. 8 with a goal of raising $1.3 billion; several events were linked to Homecoming weekend at MU. **Protests by Concerned Student 1950 also started that weekend when several students blockaded the Homecoming parade and stopped then-UM System President Tim Wolfe’s car. It was another problem for an administration already beset by troubles, including faculty members and deans upset by former Chancellor R. Bowen Loftin’s administrative style**. Graduate assistants were rebelling over a loss of health insurance coverage, and the bad blood between Wolfe and Loftin was being played out in closed curators meetings. **Wolfe resigned on Nov. 9, and Click was caught on camera later that day trying to push a videographer away from the protest site and calling for “some muscle” to help**. Click has dominated headlines since Nov. 9, with 117 lawmakers signing letters calling for her dismissal and the curators putting her on paid suspension while her actions are investigated.

#### Endowments are key to tech innovation, scholarship, and US competitiveness.

**Leigh:** Leigh, Steven R. [Professor, College of Arts and Sciences] “Endowments and the future of higher education.” March 2014. RP

Prominent universities rely heavily on endowments to support their many academic missions. Yale University, often cited as an exemplar in terms of success in endowments, operates with an endowment of approximately $20 billion, which probably produces enough annual income to pay tuition for every enrolled student.  Income from Yale’s endowment funds a huge spectrum of academic pursuits, ranging from funding for women students in science, to professorships, to outreach programs for local teachers. **A significant endowment makes the university better, allowing the institution to recruit top faculty and students, while funding research and outreach more generally. Endowments help reduce the costs of education in many ways. Most importantly, endowments allow universities to support professors, graduate students and undergraduate students in undertaking visionary, high-risk, high-reward research**. Endowed professorships are reserved for only the most talented professors, and income from endowments helps the university support faculty, students and direct costs of research. Endowments also support student scholarships and programming.  In general, endowments help universities offset educational costs while placing the university on the cutting edge of scholarly discovery, research and creative work. There is a new urgency in seeking better endowment funding across the United States. In 2013, student loan debt for current students and graduates topped $1.08 trillion (<http://rt.com/usa/student-loan-debts-top-trillion-957/>). This number has been driven by declines in state funding for universities and resultant increases in tuition across the United States since 2002. CU-Boulder’s story is among the most stark:  Colorado decreased state funding from 2002 to 2012 by 48 percent, a larger percentage decline than any other state (<http://www.nsf.gov/news/news_summ.jsp?cntn_id=125542>).  Almost all public universities have raised tuition steadily in the last dozen years, and many premiere public institutions have reached the $18,000-$20,000 range in tuition per year for in-state students (CU’s in-state tuition remains relatively low, about $8,700 per year). The three main sources of tuition revenue are student wages, loans and family savings: All are hard-earned, requiring sacrifices and trade-offs. One of the most important and difficult trade-offs is time. Students who work, like many at CU-Boulder, must balance careful attention to school work with competing commitments to employers and businesses. 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:** 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.**

#### Warming causes racism, sexism and endless structural violence

David Naguib Pellow 12, Ph.D. Professor, Don Martindale Endowed Chair – University of Minnesota, “Climate Disruption in the Global South and in African American Communities: Key Issues, Frameworks, and Possibilities for Climate Justice,” February 2012, <http://www.jointcenter.org/sites/default/files/upload/research/files/White_Paper_Climate_Disruption_final.pdf>

It is now known unequivocally that significant warming of the atmosphere is occurring, coinciding with increasing levels of atmospheric CO2. Dr. John Holdren, Director of the White House Office of Science and Technology Policy, prefers the term “global climate disruption” to “climate change” because it more fully captures the harm being done to the planet (Holdren 2007). The term “climate change” infers a naturally occurring process rather than a disruption created by specific human activity. Moreover, the terms “global warming” and “climate change” might be construed as occurring in a uniform, even, gradual, and benign fashion, none of which is true. One solid indicator of Holdren’s point is the fact that climate disruptions affect communities, nations, and regions of the globe in vastly different ways. While contributing the least of anyone to the causes of climate disruption, people of color, women, indigenous communities, and global South nations often bear the brunt of climate disruption in terms of ecological, economic, and health burdens—thereby giving rise to the concept of climate injustice (Roberts and Parks 2007). These communities are among the first to experience the effects of climate disruption, which can include “natural” disasters, rising levels of respiratory illness and infectious disease, heat-related morbidity and mortality, and large increases in energy costs. They also bear the burdens created by ill-conceived policies designed to prevent climate disruption. The effects of climate injustice have been evident for years. Flooding from severe storms, rising sea levels and melting glaciers affect millions in Asia and Latin America, while sub-Saharan Africa is experiencing sustained droughts. Consider that nearly 75 percent the world’s annual CO2 emissions come from the global North, where only 15 percent of the global population resides. If historic responsibility for climate change is taken into account, global North nations have consumed more than three times their share of the atmosphere (in terms of the amount of emissions that we can safely put into the atmosphere) while the poorest 10 percent of the world’s population has contributed less than 1 percent of carbon emissions. Thus the struggle for racial, gender, and economic justice is inseparable from any effort to combat climate disruption. Climate justice is a vision aimed at dissolving and alleviating the unequal burdens created by climate change. The topic of climate justice is a major point of tension in both U.S. and international policy efforts to address climate disruption because it would require wealthy nations that have contributed the most to the problem to take on greater responsibilities for solutions. For many observers, the path is clear: for humanity’s survival, for justice, and for sustainability, they maintain that we must reduce our emissions and consumption here at home in the global North.

# Zones Budget DA

## 1NC

#### The uniqueness – colleges have a lot of money now but it’s not completely stable

**Pew ’15:** Pew Research Center. “Federal and State Funding of Higher Education,” July 2015. RP

**The federal government is the nation’s largest student lender; it issued $103 billion in loans in 2013.** States, by contrast, provided only $840 million in loans that year, less than 1 percent of the federal amount. Although they must be paid back with interest, federal loans allow students to borrow at lower rates than are available in the private market. **Federal loans grew** 376 percent **between 1990 and 2013 in real terms**, compared with enrollment growth of 60 percent. These figures represent the volume, rather than the cost, of those loans. The federal government also supports higher education through the tax code. In 2013, it provided $31 billion in tax credits, deductions, exemptions, and exclusions to  offset costs, essentially equal to the $31 billion it spent for Pell Grants. Because these expenditures allow taxpayers to reduce their income taxes, they reduce federal revenue and are similar to direct government spending. **The value of federal tax expenditures for higher education is $29 billion larger than it was in 1990 in real terms**.  Much of the growth coincided with the creation of the American Opportunity Tax Credit (formerly Hope Tax Credit) in 1997 (effective 1998) and its expansion and renaming in 2009. Between 1990 and 2013, the number of FTE students grew by 60 percent.

#### Speech zones save money – cleanup and surveillance is cheaper within one set area as opposed to the entire campus – the plan also risks costly lawsuits.

**Zeiner:** Zeiner, Carol L. [Assistant Professor of Law, St. Thomas University School of Law, Miami Gardens, Florida; former College Attorney for Miami-Dade Community College (now Miami-Dade College).] “Zoned Out! Examining Campus Speech Zones.” *Louisiana Law Review.* Volume 66. Fall 2005. RP

-Campus security cheaper

-Lawsuits from accidents

All of these emotions are occurring during an era when the respective rights and responsibilities of the university, its students, and the community are already in flux and likely to change further. **Moreover, the last several years have been times of especially scarce state funding for public higher education, during which the cost of tuition is rising at a rate higher than inflation. This raises questions as to the best allocation of resources. Will the costs for security be higher if individuals can distribute leaflets and engage in confrontational debates all over campus rather than in one defined and more easily secured location? What about large gatherings and demonstrations? Would it be easier and less costly to provide for security if these events are confined to one area of campus? What about the likelihood of large numbers of dropped leaflets everywhere if leafleting is permitted all over campus? Will clean-up costs be higher? Will slip-and-fall accidents occur if students or others slip on glossy leaflets dropped on staircases or elsewhere?** It will be costly for the university to quickly dispatch workers to clean up large quantities of dropped leaflets to prevent such occurrences. **Of course, if someone is injured because the dropped leaflets were not picked up quickly enough, the university could face liability for the victim's injuries, thus creating another potential financial drain on an already decimated university budget**.

## Add Ons

### Link – Lawsuits

#### Lawsuits against speech zones damage the college’s credibility and harms funding.

**Zeiner:** Zeiner, Carol L. [Assistant Professor of Law, St. Thomas University School of Law, Miami Gardens, Florida; former College Attorney for Miami-Dade Community College (now Miami-Dade College).] “Zoned Out! Examining Campus Speech Zones.” *Louisiana Law Review.* Volume 66. Fall 2005. RP

**Incidents involving campus speech zones' are frequently followed by a contentious battle involving the university, the students, and sometimes a free speech advocacy organization.** Civil activist groups, such as the FIRE, the ACLU, and the Rutherford Institute, often become involved. **Regardless of whether a lawsuit is filed, the confrontation is often followed by a media campaign initiated by those opposing the university's policy. The media campaign will likely disparage the university, accusing it of willfully disregarding the United States Constitution and the free speech rights of its own students. This strategic tactic is intended to focus negative attention on the university, with the goal of causing public embarrassment. The media campaign generally succeeds in achieving this goal. Such a campaign can have serious adverse effects on a public institution that depends on state appropriations, grants, and donations for its funding**.19 It can also negatively impact the reputation of the university and harm its ability to recruit students and faculty.2 0 **Clearly, use of campus speech zones by universities is a "hot topic," one which will likely continue to be the subject of controversy and litigation.**

### Mpx – Lawsuits

#### Colleges are at risk for huge lawsuits.

**Zeiner:** Zeiner, Carol L. [Assistant Professor of Law, St. Thomas University School of Law, Miami Gardens, Florida; former College Attorney for Miami-Dade Community College (now Miami-Dade College).] “Zoned Out! Examining Campus Speech Zones.” *Louisiana Law Review.* Volume 66. Fall 2005. RP

**In the not too distant past, universities seemed almost immune from litigation**. Whether due to the then-prevailing doctrine of in loco parentis or to a widely-held perception that universities were the institutional equivalent of motherhood and apple pie, little litigation was instituted against universities. **Today, the situation is very different. Universities are considered deep pockets and lawsuits against universities are commonplace.' Higher education law has become a growth industry.' Students sue over grades, academic or disciplinary dismissal, curricular changes such as the elimination of programs, personal injuries, campus safety and security issues, the institution's admissions practices, intercollegiate athletics, the awarding of scholarships, issues relating to discrimination, sexual harassment and extra-curricular activities, to name just a few. Employees sue with respect to a myriad of academic or employment issues** ranging from hiring practices, promotion practices, discrimination issues, unfair labor practices reductions in force and academic freedom, to safety and security. **Vendors sue with respect to the institution's purchasing practices and contracts**. Visitors sue over slips and falls, premises safety, and accessibility issues. Towns dispute with universities about infrastructure, the payment of ad valorem taxes, and concurrency and safety issues. In short, today it seems the public university is confronted with as many disputes and as much litigation as businesses and governmental entities in general. As a result, risk management has become an important aspect of higher education administration. On the positive side, litigation has made universities more cognizant of and willing to address important issues. Examples include campus safety, halting discriminatory practices in the workplace, and complying with the access requirements of the Americans with Disabilities Act. On the negative side, college administrators, who are not typically attorneys, may hesitate to take action out of confusion as to their legal obligations or out of fear that they may expose their institution to liability. **With respect to campus speech issues, an article in Trusteeship magazine reflected the quandary of many university administrators:** September 2003 was an especially turbulent month for speech on the American college campus ....For example, the University of Hawaii was successfully sued in state court by a basketball fan who, at a game several years ago, had been offended when the team's student manager uttered audible racial slurs ....In Pennsylvania, a federal judge ruled that Shippensburg State University could not invoke certain student-conduct policies directed against acts of intolerance. The court treated such provisions in the student handbook as a restrictive "speech code," .... [T]he judge found that these policies (which he conceded to be "well intentioned") violated the free-speech rights of several Shippensburg students. That same month, California Polytechnic University-San Luis Obispo was taken to court under the First Amendment for targeting a white student because he had posted a flier outside the campus multicultural center that many minority students found deeply offensive.

### Mpx – Police Expensive

#### Campus police are expensive and take away from money spent on education.

**Ferriss:** Ferriss, Susan [Contributor, The Center for Public Integrity] “California report: Don't spend new education money on campus police.” *The Center for Public Integrity.* March 2014. RP

**A policy brief released Thursday urges California school districts to reject beefing up campus police forces and security when they start receiving substantial funding aimed at improving education for needy kids. “**[**The New ‘Separate and Unequal,’**](http://www.thestrategycenter.org/sites/www.thestrategycenter.org/files/Crystal%20McMillan/LCFF%20POLICY%20BRIEF%20-non%20embargoed%203-18-2014.pdf) **" brief was prepared by two community groups in Los Angeles and Oakland whose members are concerned that too much police involvement at some schools is negatively affecting primarily Latino and black students.** The new education money was raised by a tax increase California voters approved in November 2012. Proposition 30, as the measure was dubbed, is already credited with stabilizing an education system — once nationally admired — that’s been damaged over the years by cuts in funding. Now the state is enacting what’s called the “[Local Control Funding Formula](http://www.dailynews.com/social-affairs/20131110/proposition-30-a-year-later-california-schools-seeing-benefits-of-tax-measure),” which will steer extra money to districts with high concentrations of low-income kids, English language learners and foster children. School boards can design their own spending plans for those funds. **The new brief calls this infusion of money a “rare opportunity” to invest in academic and support services and remove barriers to black and Latino kids’ success. But it also argues that “over-policing of their schools is undeniably one of [those barriers.]”** One of the groups, the Los Angeles-based [Labor-Community Strategy Center](http://www.thestrategycenter.org/blog/2014/03/18/new-report-20000-california-students-arrested-or-ticketed-2009-10-vast-majority-are-), has been instrumental in persuading the L.A. Unified School District to [roll back](http://www.publicintegrity.org/2013/11/27/13813/nations-largest-school-police-force-la-will-stop-ticketing-kids-12-and-younger)  ticketing of students by campus police that was sending thousands of [middle-school kids](http://www.publicintegrity.org/2012/05/21/8906/los-angeles-school-police-citations-draw-federal-scrutiny) into courts every year for [minor infractions](http://www.publicintegrity.org/2012/12/27/11984/los-angeles-school-police-still-ticketing-thousands-young-students). **The brief reports that the Los Angeles Unified School District’s budget for this year calls for spending more than $91 million on policing and security, including nearly $50 million for campus police officers and more than $32 million for civilian campus aides hired to patrol halls**. The report, which includes footnotes to [L.A. Unified’s budget](http://notebook.lausd.net/pls/ptl/docs/PAGE/CA_LAUSD/LAUSDNET/OFFICES/CFO_HOME/SFSD_HOME/REVENUE%20%20EXPENDITURE%20SHEET%20FN0%202014%20CALCULATIONS%2003%2011%2013%20REV%20032813.PDF), also notes that the district budgeted more in unrestricted funds for security than for after-school programs. The security expenditure, the report also says, is more than the expenditures for counselors, "and far more than double what it budgeted for health services and teacher assistants.” **The other organization that produced the brief is the** [**Black Organizing Project in Oakland**](http://blackorganizingproject.org/about/history/)**, a parents group concerned that poor police relations with black youth are harming children’s future**. New data shows that black youth are arrested and then not charged in that city in vastly disproportionate numbers, as the [Center has reported.](http://www.publicintegrity.org/2013/08/29/13288/black-oakland-youth-arrested-not-charged-stunning-numbers-report-says) The brief notes that during the last academic year, **California schools, statewide, had one counselor for every 808 students, one of the worst such ratios in the country**. Monica Carazo, a spokeswoman for L.A. Unified, said the district couldn't comment on the brief because officials were still reviewing it. As the [Los Angeles Times](http://www.latimes.com/local/lanow/la-me-ln-school-finance-20140317%2C0%2C1616627.story#axzz2wWDTrEwF) has reported, parents’ groups are mobilizing to demand that 80 percent of a $1 billion infusion that could be headed to L.A. Unified be spent directly at schools with needy kids, and not on the district’s bureaucracy.  School board member Monica Garcia, who has supported limiting police involvement in routine discipline, released a statement recently that said the district “must be transparent and accountable for support to low-income, English learners and foster care children.”

### Mpx – Money

#### Loss in funding means schools only cater to the rich.

**Goldberg:** Goldberg, Michelle. [Contributor, *The Nation*] “This is What Happens When You Slash Funding for Public Universities.” *The Nation*,June 2015. RP

﻿Many of the participants in this relentless campus upscaling are private businesses, but it’s driven by public policy. **Like other campuses, the University of Arizona is not getting fancier in spite of budget cuts; it’s getting fancier because of them**. From 2002 to 2013, state appropriations shrank from $420 million to $270 million. Over the same period, the amount raised from student tuition grew from $179 million to $455 million**. As at other schools, cuts in public financing have made the university more reliant on tuition**—out-of-state tuition in particular. Over the last decade, the number of out-of-state students has been creeping up, from around 32 percent in 2004 to between 37 and 39 percent in recent years. “**If there’s very low levels of public investment, state or federal investment, you have to rely on tuition**,” says University of Michigan sociologist Elizabeth Armstrong, the coauthor with Laura Hamilton of the 2013 book Paying for the Party: How College Maintains Inequality. “**If you have to rely on tuition, you need to serve the people who pay the tuition, and given the cost of college, the people who can actually pay that money tend to be from quite affluent families which puts universities into a position of trying to meet the wants, if not exactly needs, of the most well-heeled of their clientele.”** Recruiters from the university, says Blessinger, “go out to California, Colorado, New Mexico, Chicago to get these higher-middle-class, high-SES [socioeconomic status] students, who can afford to come to school here and pay ridiculous out-of-state tuition costs. And if you drive 10 minutes south of campus, in south Tucson, which is a low-SES neighborhood—I coached basketball at Flowing Wells High School, **and** a lot of those kids are being priced out of school.” **Less privileged students who manage to enroll suffer as well. Armstrong’s widely lauded book showed how a campus culture geared toward wealthy students can set others up to fail.** In Paying for the Party, she and Hamilton followed the residents of a women’s floor at a flagship Midwestern university from their freshman year in 2004 through graduation and beyond. **Women from modest backgrounds, they found, rarely moved up the class hierarchy as a result of their time at the university, and some ended up in worse financial shape than when they began. Some were shunned by their wealthier peers**, which weakened their commitment to staying in school. Others tried to participate in the school’s Greek-dominated social scene, without understanding that only those with parental resources can afford to treat college as a multiyear party. **Rich kids with middling grades had parents to find them entry-level jobs in glamour industries and subsidize them while they worked there. But without family privilege to fall back on, poorer students who failed to distinguish themselves academically saw their futures blighted.**

# Zones Safety DA

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#### Uniqueness -- speech zones on public college campuses WORK to keep productive dialogue.

Connor ’16: Connor, Alex [Journalist, *Iowa State Daily*], Makayla Tendall, and IowaWatch.org. “Iowa State University Wrestles With Free-Speech Zones.” Iowa Center for Public Affairs Journalism, May 2016. CH

Austin Thielmann, a junior from Manson, Iowa, studying political science at Iowa State, said he was torn when it came to deciding on whether or not speech should be limited on a college campus, but ultimately decided that **free speech zones work. Students know they can hear about issues there and those who would be uncomfortable with discussions there can avoid the areas, he said.** “In all actuality **at Iowa State University,** we allow freedom of speech anywhere,” Thielmann said. Rectanus, who has taught at Iowa State since the 1980s, said **controversial events on campus over the years have been important for education.** “A conversation can occur in different contexts,” Rectanus said. “It could be in the open, it could be in the library or in the context of a panel discussion that sponsored by a group.”He adds: **Tom Short, an antagonistic traveling campus evangelist, has preached in the free speech zone outside Parks Library twice annually in recent years**. He says his goal is to win back sinners’ souls before a strict, biblical God smites the gays, lesbians, non-believers, sluts and many more to an eternal hell. His sermons have provoked atheist and agnostic groups, LGBT support groups and students like one Short called a whore, to speak out about slut shaming or to share their views on Christianity, religion and other social issues. **Many students and student groups often stop to debate with the preacher. Protesters greeted conservative political commentator Katie Pavlich when she came to Iowa State’s campus in March 2015** to support allowing concealed weapons on campus as a possible safeguard for women against an attempted sexual assault. College Republicans and Young America’s Foundation, an organization promoting conservative ideals, sponsored Pavlich’s lecture. Nigel Hanson, former president of the College Republicans, said the lecture was arranged to add another voice to the conversation about preventing sexual assault on college campuses. But some students and faculty members who protested and spoke against Pavlich’s views said they felt the lecture was insensitive and inappropriate. Iowa State administrators sent a staff counselor who sat in on the lecture, ready to speak with students who requested the counselor's time after the event. “It might be agitating, but she wants to work to fix the problem,” Hanson said[,] about Pavlich in an interview with the Iowa State Daily. “I think it opened our eyes to some new perspective.”

#### The impact -- without speech zones, protests become violent, threatening public safety and undermining non-violence.

**Tate ’17**: Tate, Emily. [Journalist, *The Huffington Post*] “Bracing for Black Bloc.” InsideHigherEd.com, February 13, 2017. CH

**A crowd of about 1,500 people -- many of whom were college students -- gathered on the University of California’s Berkeley campus this month to peacefully protest the appearance of conservative writer and provocateur Milo Yiannopoulos. They had come to march, to carry signs and to raise their voices in dissent of the Breitbart figure’s controversial points of view, as is within their First Amendment rights. They did not come to start fires or break windows. But their message was overshadowed by another, smaller mass of about 150 protesters who did come to start fires, break windows and hurl rocks at police** officers -- and who accomplished all of those things. They wore black and concealed their faces with masks. They brought -- and used -- bats, metal rods, fireworks and Molotov cocktails to get their message across, in the process **undermining “the First Amendment rights of the speaker as well as those who came to lawfully assemble and protest his presence,”** a spokesperson for Berkeley said in a statement. The group, which many have characterized as one made up of anarchists, was practicing black bloc tactics. Black bloc is a strategy intended to unify protesters through their black clothing, masks and paramilitary tactics. The protesters become indistinguishable from one another, creating confusion for law enforcement officials and chaos among innocent bystanders. Black bloc is more of a shifting movement and shared strategy than a formal organization. It can be traced back to the 1970s in Germany, The Washington Post reported. The tactics have been used at protests across the globe, but in the last few months -- particularly since Nov. 8, when Donald Trump won the U.S. presidential election -- black bloc protesters have made more appearances than usual. They interrupted peaceful anti-Trump protests in Portland, Ore., the week of the election. They descended on Washington for President Trump’s inauguration last month, smashing the windows of a Starbucks and damaging a bank and a limousine, among other property. Later that same night, across the country, they caused mayhem on the University of Washington campus. The Berkeley incident has demonstrated to many campus officials the danger posed by black bloc protests to colleges. Nonviolent student protests can get mischaracterized. So, too, can the actions of a university, as when critics (including President Trump) suggest that institutions aren't committed to free speech that black bloc protests prevent. **Damage can be significant -- at Berkeley, the black bloc protesters destroyed about** $100,000 **worth of campus property. Officials at Berkeley are still investigating the events that unfolded there Feb. 1. Meanwhile, security officers at other campuses have begun to discuss preparedness and best practices around these issues.** David Mitchell, chief of police at the University of Maryland College Park, called the recent resurgence of black bloc an “infiltration.” “**These are folks, in my view, who are not interested in freedom of speech. They’re interested in taking advantage of an opportunity to commit crimes and wreak havoc,” said Mitchell, who has been in law enforcement for over 40 years and has witnessed black bloc tactics on several occasions. “They are here to destroy property and … cause disorder. I**t’s very unfortunate, and it’s very unlawful.” The University of Maryland has almost 40,000 students, and over the years, Mitchell said, he’s seen those students protest just about every issue out there. “I can differentiate between black bloc and my student body,” Mitchell said. “My student body is interested in freedom of speech and the freedom to assemble.” “I know many of our protesters here on campus -- these are good people who want to air their concerns and want their voices to be heard,” he added. “When you have that and it’s a peaceful protest, then suddenly there’s an infiltration with fires starting, it reinforces the bias against college kids and college students protesting. Certainly we don’t want that here. I don’t think my students want that here**.” It’s true that, amid the chaos that erupted on Berkeley’s campus, many people associated the violence with Berkeley students.** However, the university believes the anarchists “invaded” the campus and were not affiliated with its students. “At Berkeley, it’s clear there was a very serious difference between the majority of protesters and the minority who were engaged in black bloc tactics,” said Angus Johnston, a historian of American student activism and online blogger for the website Student Activism. “The vast majority of students protesting were not engaged in those tactics.” Despite crowd control and safety measures in place to handle those who were peacefully protesting Yiannopoulos’s appearance, Berkeley officials did not anticipate black bloc. The protests there, which also left five people with minor injuries, have reignited a conversation at other colleges about what to do if a similar incident occurred on their campuses. Other colleges and universities should look at what happened at Berkeley and learn from it -- including what worked and what could have been improved, said Sue Riseling, executive director of the International Association of Campus Law Enforcement Administrators. **When something like this happens, campus law enforcement officials have to consider dozens of variables, she said, including where the protest is happening, how quickly it could escalate, whether the violent and nonviolent protesters are intermixed or separated, how many security and police officers are available to help, and crowd size, she said. “What we have found is being prepared ahead of time is really key,” Riseling said. “It may not be a speaker that trips it. It may be another action of the president that trips it. It may be a community member. You don’t know what’s going to trip it.”** The violent protests seen at Berkeley and on Inauguration Day interfere with all Americans’ right to participate in democracy, Riseling said. “Their voices are silenced by this black bloc activity,” she said. “It’s very important that people who are invited to speak get to speak … no matter how repugnant some people may feel their views are. They are protected under the Constitution, and that’s really important. It’s also important for people who disagree with the speaker to have their voices heard.” Both Riseling and Mitchell commended Berkeley’s handling of the situation because it did not result in severe injuries or death. “It always could be worse,” Mitchell said. “The property damage was disappointing and absolutely unlawful, but that certainly could’ve been worse as well. I applaud the way they handled the incident.” Kim Richmond, director of the National Center for Campus Public Safety, said she has been trying to remind universities about the resources available to plan and prepare for these events. “Each community should be having conversations ahead of time with administration, students, potential activists,” Richmond said. “I think the campuses who are doing a good job of preparation are looking at every time there’s a situation, or even if there’s not, simulating a situation and asking, ‘What is our local response going to look like? What is our campus’s stance on this?’” Colleges have to be prepared to adapt, Richmond said. For example, at Berkeley, the police officers felt that trying to get in the middle of the crowd would’ve sparked more violence and resulted in more severe injuries. They chose not to try to arrest the black bloc protesters, because they felt it would have compromised the safety of their students. These are scenarios that no college wants to find itself in, but Mitchell said it’s important to have a plan in place[.] because, given the current political climate, it’s likely to keep happening. “The mood of the country is such today, with such division, that I don’t think this is going away any time soon,” Mitchell said.

#### Uncontrolled protests generate backlash against minorities, damaging race relations – Berkeley proves.

**Wang:** Wang, Jeremy [Contributor, The Pitt News] “Violent riots hurt minorities, progressive causes.” *The Pitt News.* February 2017. RP

**As** [**rubber buckshot**](https://www.thesun.co.uk/news/2764888/uc-berkeley-protests-milo-yiannopoulos-police-bullets-riot/) **and** [**molotov cocktails**](http://www.cnn.com/2017/02/01/us/milo-yiannopoulos-berkeley/index.html) **sailed through the air, a speaking event for alt-right commentator Milo Yiannopoulos at the University of California, Berkeley, was shut down. Under the cover of a peaceful, student-led protest, a** [**group**](http://www.cnn.com/2017/02/01/us/milo-yiannopoulos-berkeley/index.html) **of masked agitators — many of whom were not university students —** [**smashed**](https://twitter.com/stillgray/status/827018708757286912) **windows of university buildings and local businesses and beat students with** [**metal rods**](https://twitter.com/stillgray/status/827034626187157504), leaving the campus in chaos last Wednesday night. But the event sparked conversations about the legitimacy of violence and rioting as a means of protest. As a young liberal whose grandparents survived under the shadow of the brutally violent Japanese empire in World War II, the violence carried out at Berkeley in the name of [anti-fascism](https://www.theguardian.com/world/2017/feb/01/milo-yiannopoulos-uc-berkeley-event-cancelled) elicited a visceral and bitter response. **Rioting — destroying property and committing violence while protesting — has been shown to disproportionately affect the most vulnerable populations, including ethnic minorities, the impoverished and people with disabilities.** What’s more, violence and property destruction doesn’t actually help move an agenda forward. I spent my high school years in southern California — a region with one of the [largest](http://www.nytimes.com/2013/04/29/us/asians-now-largest-immigrant-group-in-southern-california.html) Asian-American and immigrant populations in the United States. The defining point in modern Asian-American history that thrust Asian immigrants into a national conversation about race, equality and protest was the 1992 Los Angeles Riots following the acquittal of police officers charged with beating black civilian Rodney King. The absence of a police presence during the riots and poor race relations led to Korean businesses being disproportionately targeted by looters and rioters. Koreatown was decimated. Numerous Asian immigrants sacrificed everything to come to America in the hopes of a better life and better opportunities for their children but watched as their livelihoods were ransacked or went up in flames. Some volunteers [armed](http://articles.latimes.com/1992-05-02/news/mn-1281_1_police-car) with a motley assortment of hunting shotguns, tactical rifles and pistols saved their families and businesses from looters. Richard Rhee, a survivor of the Korean War, patrolled the premises around his supermarket and [remarked](http://www.npr.org/2012/04/27/151524921/how-koreatown-rose-from-the-ashes-of-l-a-riots) to Ashley Dunn of the Los Angeles Times, “Burn this down after 33 years? They don’t know how hard I’ve worked. This is my market and I’m going to protect it.” Damages to the city were estimated at about $1 billion, with Asian-owned businesses accounting for nearly half that amount. Over 1,600 Korean-owned businesses were completely destroyed and [anywhere](http://timelines.latimes.com/los-angeles-riots/) from 20,000 to 40,000 residents were put out of work. The psychological trauma was extensive as well. The Asian-American community witnessed a serious [rise](http://articles.latimes.com/2012/may/01/local/la-me-riot-koreans-20120501) in those seeking counseling and more than 500 patients were diagnosed with post-traumatic stress disorder. Just as rioting in Los Angeles left a lasting economic and psychological scar on the local Asian immigrant population, riots in Baltimore in 2015 saw similar effects. The [looting](http://www.baltimoresun.com/news/maryland/baltimore-city/bs-md-ci-penn-north-cvs-reopens-20160306-story.html) and arson of a CVS Pharmacy prevented elderly patients from accessing medication and other residents faced difficulty acquiring affordable food and basic hygiene products. Gangs [directed](https://www.nytimes.com/2015/04/28/us/amid-violence-factions-and-messages-converge-in-a-weary-and-unsettled-baltimore.html?_r=1) looters and rioters toward stores owned by Asian- and Arab-Americans, revealing serious racial divides within the city. Nearly 200 small businesses were [unfit](http://www.washingtontimes.com/news/2015/apr/30/baltimore-riot-damage-adds-burden-to-small-busines/) to open again in the aftermath of the riots. But the impacts don’t just end there. More importantly to those who see rioting as a legitimate form of protest, the consequences are political. Omar Wasow, an assistant professor of politics at Princeton University, authored a [study](https://drive.google.com/file/d/0Bze8SEduLWdKRkFrZVVNRW1jVTA/view?usp=sharing) published just last week in which he examined voting patterns during the 1960s Civil Rights Movement in relation to the occurrence of violence and rioting at protests. Physical damage and violence due to rioting was not compensated by relatively quicker attainment of more progressive policies. Instead, it consistently elicited regressive backlash by a national audience while simultaneously endangering vulnerable populations. The county-by-county research showed a clear connection between incidences of rioting and popular support for political solutions directly at odds with the goals of the protestors. These events spurred the Nixon administration’s introduction of repressive criminal justice policies which persisted for decades and whose effects are still felt today. **On the other hand, nonviolent demonstrations or acts of civil disobedience that didn’t bring harm to others brought national attention to the Civil Rights Movement and were linked to greater support for social change. Rioting does more than just harm those who can afford it the least. It entrenches the policies being protested while rapidly turning public opinion against a movement, making it less likely to achieve reform**. Alt-right hatred cannot be successfully fought through violent suppression. The direct impact of violence and rioting should not be written off as a necessary price to pay for change — it should be avoided altogether.

# Zones Terror DA

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#### Colleges are a risk for a terror attack now.

**Zeiner:** Zeiner, Carol L. [Assistant Professor of Law, St. Thomas University School of Law, Miami Gardens, Florida; former College Attorney for Miami-Dade Community College (now Miami-Dade College).] “Zoned Out! Examining Campus Speech Zones.” *Louisiana Law Review.* Volume 66. Fall 2005. RP

**Aside from controversy surrounding either the Patriot Act or the increased presence of law enforcement on campus, universities in the United States need to be concerned with respect to the war on terrorism. It adds a new dimension to campus security. No longer are universities concerned only with premises safety or general crime issues.' 39 A university would make an appealing soft target for a terrorist attack. Such an attack would strike directly at persons and values Americans dearly cherish-their children and education**.' A knapsack left behind 14' can pose a security risk that "isn't just theoretical: Terrorists used such an approach in a deadly attach in 2002 at Hebrew University of Jerusalem. And knapsacks were used in the [2004] bombings in Madrid.' 42 **In addition to international terrorists, university administrators must also keep in mind threats from domestic sources such as those opposing the university's research agenda**. Currently, university administrators need to evaluate their specific campus' vulnerabilities. As Jaschik poses the question, "How literally is someone going to want to target the University of 'Fill in the Blank?"",143 In reaching its decision with respect to campus speech zones, **a university must consider whether use of campus speech zones for group demonstrations and speech activities increases the risks or facilitates safety and security measures.**

#### Speech zones are an important measure to stop terror.

**Zeiner:** Zeiner, Carol L. [Assistant Professor of Law, St. Thomas University School of Law, Miami Gardens, Florida; former College Attorney for Miami-Dade Community College (now Miami-Dade College).] “Zoned Out! Examining Campus Speech Zones.” *Louisiana Law Review.* Volume 66. Fall 2005. RP

**Unfortunately, the possibility of terrorist acts must be considered as well as more general concerns under the heading of campus safety and securit**y. As pointed out in Part II.D,27 there are risks posed by international and domestic terrorist groups.278 Obviously, large gatherings constitute a particularly attractive target for terrorists, although any site on a university campus might be considered attractive by those bent on attacking the American way of life. On the one hand, this would seem to suggest that campus speech zones enable terrorists to know which areas of campus might be likely targets and suggests that campus speech zones should be eliminated so that free speech events could occur spontaneously anywhere on campus, and terrorists would not have time to plan an attack. **However, it does not take much advance planning to carry a weapons-laden knapsack into a crowd. Thus, perhaps it is more important for security personnel to have the benefit of advance planning. Moreover, security features could be designed into the physical characteristics of designated speech zones more practically than could be accomplished if large gatherings for speech activities could occur anywhere on campus.**

#### Increased terrorism prompts a backlash that causes militarism and swamps quality of education.

**Giroux et al:** Henry Giroux, Jeffrey Di Leo, Kenneth Saltman, Sophia McClennen “Twelve Theses on Education’s Future in the Age of Neoliberalism and Terrorism.” 2014. RP

1. **Neoliberalism is one of the greatest threats to the future of progressive education in the United States**. The goal of neoliberal education policies is not to improve education, but rather to increase the profits of private corporations. Profit-driven models for education directly contrast the goals of progressive educators. The goal of progressive education is to educate students to be productive participants in democratic culture and to engage actively in critical citizenship. Such goals are not supported by neoliberal educational policy mainstays such as teaching to the test and standardized testing. Because neoliberal education policy tends to be data-driven it works against the development of a student's ability to think critically, thereby undermining the formative culture and values necessary for a democratic society. As long as the United States continues to view educational policy and practice through the lens of market-based values, there is little hope that progressive education, with its aim of educating students for critical citizenship and social and economic justice, will survive. 2. **The war on terror and the discourse on terrorism have intensified the militarization of education.** The military–industrial complex should not be the driving force of education in the United States. However, the reaction to the tragic attacks of September 11, 2001, has become yet another excuse to allow the military-academic complex to drive United States educational policies, practices, and funding. **Not only has funding been diverted from public education to support the war on terror, but there has also been a push to understand America and the world in a way that supports American imperial ambitions. The militarization of education encourages the rationalization of state-sanctioned violence as a social and political value and supports educational practices that validate this violence. The celebration of war as a sign of power and knowledge by the military-industrial complex obliterates the democratic values of equality, public debate of political problems, and respect for diversity. The militarized society eschews reasoned political resolutions to public problems in favor of eradication of the designated enemy/other. Hence, the war on terror is a war on democracy, difference, and thinking. Critical citizenship and democratic culture as the major goals of education cannot survive in a culture dominated by extreme fear and a war waged against an emotion, namely, terror.**

# T Any

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#### A] Interpretation: The Aff must defend not restricting all constitutionally protected speech on campus – they may not specify a subset of speech to not protect.

-Under this interpretation, the negative may not read PICs out of a specific type of speech – solves their offense because neither of us get to specify

#### The negative “any” is an indefinite that refers to all

**Cambridge Dictionary:** Cambridge Dictionary, Any, <http://dictionary.cambridge.org/grammar/british-grammar/quantifiers/any>.

**We use any before nouns to refer to indefinite or unknown quantities or an unlimited entity**: Did you bring any bread? **Mr Jacobson refused to answer any questions**. If I were able to travel back to any place and time in history, I would go to ancient China. **Any as a determiner has two forms: a strong form and a weak form. The forms have different meanings. Weak form any: indefinite quantities We use any for indefinite quantities in questions and negative sentences**. We use some in affirmative sentences: Have you got any eggs? I haven’t got any eggs. I’ve got some eggs. Not: I’ve got any eggs. We use weak form any only with uncountable nouns or with plural nouns: [talking about fuel for the car] Do I need to get any petrol? (+ uncountable noun) There aren’t any clean knives. They’re all in the dishwasher. (+ plural noun) Warning: We don’t use any with this meaning with singular countable nouns: Have you got any Italian cookery books? (or … an Italian cookery book?) Not: Have you got any Italian cookery book? Strong form any meaning ‘it does not matter which’ We use any to mean ‘it does not matter which or what’, to describe something which is not limited. We use this meaning of any with all types of nouns and usually in affirmative sentences. In speaking we often stress any:. (+ uncountable noun) When you make a late booking, you don’t know where you’re going to go, do you? It could be any destination. (+ singular countable noun) [talking about a contract for new employees] Do we have any form of agreement with new staff when they start? (+ singular countable noun) [a parent talking to a child about a picture he has painted] A: I don’t think I’ve ever seen you paint such a beautiful picture before. Gosh! Did you choose the colours? B: We could choose any colours we wanted. (+ plural countable noun) See also: Determiners and types of noun Some and any Any as a pronoun Any can be used as a pronoun (without a noun following) when the noun is understood. A: Have you got some £1 coins on you? B: Sorry, I don’t think I have any. (understood: I don’t think I have any £1 coins.) [parents talking about their children’s school homework] A: Do you find that Elizabeth gets lots of homework? Marie gets a lot. B: No not really. She gets hardly any. (understood: She gets hardly any homework.) A: What did you think of the cake? It was delicious, wasn’t it? B: I don’t know. I didn’t get any. (understood: I didn’t get any of the cake.) See also: Determiners used as pronouns Any of We use any with of before articles (a/an, the), demonstratives (this, these), pronouns (you, us) or possessives (his, their): Shall I keep any of these spices? I think they’re all out of date. Not: … any these spices? We use any of to refer to a part of a whole: Are any of you going to the meeting? I couldn’t answer any of these questions. I listen to Abba but I’ve never bought any of their music. **Any** doesn’t have a negative meaning on its own. It **must be used with a negative word to mean the same as no. Compare Not** **Any**: **there aren’t any biscuits left**. They’ve eaten them all. **No**: There are no biscuits left. They’ve eaten them all.

#### B] Violation

#### C] Net Benefits

#### 1] Legal context – SCOTUS has established that any means all.

**SCOTUS:** Supreme Court of the United States. United States v. Gonzales 520 U.S. 1 [Delivered by Justice O’Connor]. <https://supreme.justia.com/cases/federal/us/520/1/case.html>1997. RP

**The question we face is whether the phrase "any other term of imprisonment" "means what it says, or whether it should be limited to some subset"** of prison sentences, Maine v. Thiboutot, 448 U. S. 1, 4 (1980)-namely, only federal sentences. **Read naturally, the word "any" has an expansive meaning, that is, "one or some indiscriminately of whatever kind.**" Webster's Third New International Dictionary 97 (1976). **Congress did not add any language limiting the breadth of that word, and so we must read § 924(c) as referring to all "terms of imprisonment**," including those imposed by state courts. Cf. United States v. AlvarezSanchez, 511 U. S. 350, 358 (1994) (noting that statute referring to "any law enforcement officer" includes "federal, state, or local" officers); Collector v. Hubbard, 12 Wall. 1, 15 (1871) (**stating "it is quite clear" that a statute prohibiting the filing of suit "in any court" "includes the State courts as well as the Federal courts," because "there is not a word in the statute tending to show that the words 'in any court' are not used in their ordinary sense")**. There is no basis in the text for limiting § 924(c) to federal sentences.

#### 2] Limits -- they allow SO MANY affs – they can defend any type of speech—here’s things they could say we shouldn’t restrict: saying racism is bad, writing papers, having casual conversations, the list goes on and on—their interp literally allows them to write infinite affs

#### 3] Ground – if they can spec speech, they can defend literally any ridiculous Aff. Plans could say “don’t restrict the right to say racism is bad” – combined with a specific framework, negating is impossible. Affs could read a Kant framework and a plan “don’t restrict the right to say Deont is true”.

#### D] Voting issue

#### Topical version of the Aff solves their offense – they can just read it including all speech with an advantage area that’s specific to types of speech.

## 2NR to PV

\*\*\*\*Don’t read all the definition stuff and the standards stuff – skip definitions if they read D to semantics first

### O/V

#### Conceded topical version of the Aff means they lose – they can defend zones as an ADVANTAGE AREA – solves their overlimiting and research offense sine I still prep the Aff, but I don’t lose core generics like hate speech.

### Restriction W/M

#### Doesn’t answer the shell – even if they meet restrict, the violation stems from not meeting ANY, not RESTRICT

#### Their definition of restrict isn’t mutually exclusive with mine – they CAN DEFEND ZONES UNDER MY INTERP – the only question is if they should also defend eliminating speech codes

#### Restrict is defined by Merriam Webster as

to subject to bounds or limits

#### A restriction on free speech refers to content

**Leonard:** Leonard, James [Director of Law Library and Professor of Law, Ohio Northern University] “Killing with Kindness: Speech Codes in the American Univiersity.” *Ohio Northern University Law Review.* Volume 19. 1993. RP

Although I know of no source which collects the individual speech codes, it is possible to identify a range of prohibited expression from well-publicized cases. **As a general matter, a university has two options in restricting speech. First, it may suppress certain types of ideas. This was the case with the University of Michigan's "Policy on Discrimination and Discriminatory Harassment of Students in the University Environment" (policy) which was struck down in *Doe v. University of Michigan."* The other option is to tolerate ideas but limit the means of expression, for example, by banning racial epithets or derogatory comments in specific contexts. The latter is reflected by the University of Wisconsin's speech code (UW rule) which was overturned in *UMW Post v. Board of Regents.***

**Prefer this definition**

 **a. It’s topic specific**

 **b. Cites historic precedent**

#### A restriction means a complete elimination

**Caiaccio:** Caiaccio, Kevin T “Are Noncompetition Covenants Among Law Partners Against Public Policy?” Georgia Law Review, Spring, 28 Ga. L. Rev. 807, Lexis). 1994. RP

**The Howard court began its analysis by examining the California Business and Professions Code,** which expressly permits reasonable restrictive covenants among business partners. 139 The court noted that this provision had long applied to doctors and accountants and concluded that the general language of the statute provided no indication of an exception for lawyers. 140 After reaching this conclusion, however, the court noted that, since it had the authority to promulgate a higher standard for lawyers, the statute alone did not necessarily control, 141 and the court therefore proceeded to examine the California Rules of Professional Conduct. 142 The court avoided the apparent conflict between the business statute and the ethics rule by undertaking a strained reading of the rule. **In essence, the court held that the word "restrict" referred only to outright prohibitions, and that a mere "economic consequence" does not equal a prohibition.** 143

Prefer this definition --it considers legal context, and the topic is legal

### A2 1st RTP – Need to Defend Location

#### That was answered above – your definition isnt competitive with mine – we can debate location, but should also discuss codes

### A2 2nd RTP – Common Usage

#### No impact – the resolution uses terms of art, so it’s better to be grounded in the topic

#### Turn -- A restriction is a policy that cuts back on something .

**Merriam Webster:** Merriam Webster [Dictionary] “Restriction.” RP

**something (as a law or rule) that limits <There are *restrictions* on building**. 2 :  an act of limiting :  the condition of being limited

### A2 Cambridge Definition of Any

#### It’s miscut – they use any in the negative sense to refer to NONE – in the context of this resolution, that means the Aff would allow NO RESTRICTIONS on free speech

**Cambridge Dictionary defines any:** Cambridge Dictionary “Any” <http://dictionary.cambridge.org/us/dictionary/english/any>. RP

**(used in** [**negative**](http://dictionary.cambridge.org/us/dictionary/english/negative)[**statements**](http://dictionary.cambridge.org/us/dictionary/english/statement) **and** [**questions**](http://dictionary.cambridge.org/us/dictionary/english/question)**)** some, or [**even**](http://dictionary.cambridge.org/us/dictionary/english/even) **the** [**smallest**](http://dictionary.cambridge.org/us/dictionary/english/small)[**amount**](http://dictionary.cambridge.org/us/dictionary/english/amount) (of): **We didn’t have any** [**idea**](http://dictionary.cambridge.org/us/dictionary/english/idea) **what the** [**airfare**](http://dictionary.cambridge.org/us/dictionary/english/airfare) **would be.** There was [hardly](http://dictionary.cambridge.org/us/dictionary/english/hardly) any [snow](http://dictionary.cambridge.org/us/dictionary/english/snow) this [winter](http://dictionary.cambridge.org/us/dictionary/english/winter). Is there any [hope](http://dictionary.cambridge.org/us/dictionary/english/hope) that he will [recover](http://dictionary.cambridge.org/us/dictionary/english/recover)? Are any of the [concerts](http://dictionary.cambridge.org/us/dictionary/english/concert) on a [Saturday](http://dictionary.cambridge.org/us/dictionary/english/saturday) [night](http://dictionary.cambridge.org/us/dictionary/english/night)?

#### The use of the word “any” refers to all and is a negative indefinite.

**Kadmon and Landman:** Nirit Kadmon and Fred Landman [Grammar experts, and college professors] “Any.” *Linguistics and Philosophy.* August 1993. RP

**As is well known, any can function in two different ways. On the one hand, it can be a negative polarity item** - POLARITY SENSITIV on the other hand, it has what is called a 'free choice' inte FREE CHOICE (FC) any. In this paper, we will propose a unifie of the semantic and pragmatic effects of any, which applies to its uses. **The use of any as a negative polarity it is illustrated in (1) and (2). (1) I don't have any potatoes**. (2) \*I have any potatoes. According to Ladusaw 1979's well known analysis, negative polarity items (NPIs) are only licensed if they are in the scope of a downward entailing operator. A downward entailing (DE) operator is an operator that reverses the direction of entailment, roughly as specified in (3) (using > for entailment). (3) O is a DE operator iff if A => B then O(B) = O(A). On Ladusaw's account, example (1) is OK because any is in the scope of negation, which, as illustrated in (4), is a DE operator. (4) swim = move I don't move => I don't swim In example (2), any is not licensed, because there is no DE operator that any is in the scope of. Ladusaw's analysis elegantly accounts for a wide range of examples. Besides negative vs. affirmative pairs like (1) and (2), it deals, for example, with examples (5)-(8). (5) At most three girls saw anything. (6) \*At least three girls saw anything. (7) Every girl who saw anything was happy. (8) \*Some girl who saw anything was happy. Assuming, with Generalized Quantifier Theory, that determiners are two place relations between a nominal property and a verbal property, Ladu saw predicts that (5) and (7) are OK because the determiner at most three is DE on its second argument (as well as the first) and the determiner every is DE on its first argument. (6) and (8) are out because at least three and some are not DE on either argument. Ladusaw's analysis of polarity sensitivity is quite successful. It gives semantic content to Klima 1964's suggestion that NPIs are licensed by 'affective' expressions, and it improves upon the analysis of Baker (1970), which is based on licensing by overt negation, in that the notion of DE provides a uniform account of the licensing of NPIs in examples with and without negation. However, there remain some empirical and theoretical issues that Ladusaw's analysis leaves unresolved. We now turn to such issues. We note the four issues summarized in (9), on which we will comment in turn immediately below. (9) constitutes, in fact, a summary of our goals: what we set out to do in this paper is provide an analysis of any that can successfully deal with these four issues. (9)i. the connection between PS any and FC any (goal: a unified analysis); ii. any as an expression which indicates reduced tolerance of ex ceptions; iii. the distribution of the NPI as determined by its meaning and function; iv. empirical problems with the licensing of NPIs I. THE CONNECTION BETWEEN PS ANY AND FC ANY. (10)-(12) are ex amples of free choice any. (10) Any owl hunts mice. (11) Any lawyer could tell you that. (12) I would dance with anybody. Ladusaw (1979) offers a whole battery of arguments that show beyond doubt that PS any is an indefinite with an existential meaning. (Arguments for this are also given by Horn (1972) and others.) FC any, on the other hand, seems to have universal quantificational force. And this goes beyond mere appearance. **Carlson (1981) gives several arguments that FC any is in fact a universal quantifier.** A strong argument is the behavior of almost. Almost is an operator that can modify only universal determiners, as illustrated in (13)-(15). (13) Almost every lawyer could answer that question.(14)Almostnolawyer (15)\*Almostsomelaw As (16) and (17) show, alm strongly suggests that FC (16)Almostanylawye (17)\*Idon'thavealmo (This goes back to Horn absolutely. Note that we alm ost is a sentential ad conclusion - towards w ambiguous:PS any is a universal quantifier.

**Outweighs their definition**

**a. It takes into account the specific grammar rule and the resolution**

**b. Cites experts on grammar**

####  “Any constitutionally protected speech” refers to every use of speech

**Merriam Webster:** “Definition of Any”, *Merriam-Webster*, accessed 2 Dec 2016, https://www.merriam- webster.com/dictionary/any.

1: one or some indiscriminately of whatever kind: a: one or another taken at random <ask any man you meet> b: **every —used to indicate one selected without restriction <any child would know that>**

Outweighs – common usage

#### Legal restrictions use any to refer to all

Black’s Law NO DATE (Black’s Law Dictionary, online legal dictionary, “Law Dictionary: What is ABANDONMENT OF CHILD?” http://thelawdictionary.org/abandonment-of-child///[LADI](http://www.theladi.org/evidence))

**What is ABANDONMENT** OF CHILD? **Deserting** a child and having no intention of fulfilling **any obligations** to the child. **Cutting off** all **relations** and obligations to the child.

### A2 Solves Limits

#### The counterinterp is arbitrary and self-serving – every team can just say only their Aff – prefer predictable and non-arbitrary limits

#### It clearly doesn’t – they can still specify any AREA on campus – speech zones, the cafeteria, dormitories, and more

#### Doesn’t solve ground – there can still be UNBEATABLE Affs – there’s no good way to answer an Aff that says don’t restrict the right to speak privately, but restrict it in the classroom – it would spike out of every hate speech disad.

### A2 Overlimiting

#### No impact – their Aff isnt a core part of the topic – only 1/6 of colleges have zones.

**FIRE:**  Free Speech Zones on Campus <https://www.thefire.org/pdfs/5bed6be4733c1eb18e3adec122073a22.pdf> NO DATE NO SPECIFIC AUTHOR CWLC

Roughly 1 in 6 of America’s top colleges and universities have free speech zones

#### Turn – it’s better to discuss a caselist of fewer Affs, since we can go in depth and learn about those more, as opposed to cursory overviews that don’t cover anything well.

### A2 Research Skills

#### Non unique – there are plans under my interp – you can specify a type of college or university

#### Limits turn their internal link – people wouldn’t be able to answer an Aff that’s SUBSTANTIVELY UNBEATABLE and would just go for bad generics like cap or antiblackness every round

### A2 PICs

#### Reading theory on PICs solves – double bind, either PICs are heinously unfair and they’ll crush on theory, or they’re not that bad and the limits offense outweighs.

#### The PICs offense is non-unique – any theoretical reason a PIC is bad is a reason a super small plan is bad

**Lallas:** Lallas, Jackson [Debated for Brentwood, liked theory a lot] “A DEFENSE OF T-ANY.” *LADI.* February 2017. RP

**One argument that has exploded in popularity as a response to Nebel T and now T – Any is the notion that the neg can read pics against whole res affs**. The reasoning is as follows: “If the aff is whole res, then the neg can easily pic out of 99% of the case. For instance the neg could read a pic only defending one speech code.” **One problem with this argument is that it is self-referential. If the aff would not be able to engage a pic defending only a single speech code, how should the neg be expected to engage an aff that criticizes just one code? In essence, the abuse story that the pic argument paints is that neg pics will be under limited and have little ground to engage them on. The same reasoning applies to specific affs.**

#### PICs are less unfair – smart Affs have preempts to them, and narrow PICs contradict other arguments, which make grouping in the 1AR easy.

**Lallas:** Lallas, Jackson [Debated for Brentwood, liked theory a lot] “A DEFENSE OF T-ANY.” *LADI.* February 2017. RP

**Given how prevalent this argument is, it’s controversial to suggest that the abuse caused by a specific aff and reading a pic are similar or roughly equal**. So I’ll spend some time going into the specifics. **First consider potential ground loss. Specific affs significantly limit neg ground; the neg can only defend one type of speech restriction. This is the same for a 1AR answering a pic – only one type of speech is relevant. A smart aff will also include arguments in their case that indict any restrictions or ban of speech in general to help offset ground loss. Also keep in mind that there are only few arguments in favor of the pic, since it is so similar to the aff, so there won’t be too many different arguments to answer in the 1AR.**

#### If the PICs debate is somewhat close, vote neg – there’s a 100% chance I had to debate against an abusive Aff, and it’s not guaranteed that I would have read a PIC.

**Lallas:** Lallas, Jackson [Debated for Brentwood, liked theory a lot] “A DEFENSE OF T-ANY.” *LADI.* February 2017. RP

**Since the abuse from a specific aff and pic are comparable, the pics argument could actually justify T – Any. It seems like it would be a much better norm to not read the specific aff and create a chance that the round is fair. After all, the neg does not have to read a pic.**

#### This is potential abuse – the fact that an interp might increase the chance of skep being run doesn’t make it a bad interp

**Lallas:** Lallas, Jackson [Debated for Brentwood, liked theory a lot] “A DEFENSE OF T-ANY.” *LADI.* February 2017. RP

**The second problem with the pics argument is that it relies on a faulty line of justification. The argument is essentially ‘because the neg could read an abusive argument, the aff should get an advantage.’ The neg could also read multiple condo, skep, etc. Does the aff need an advantage for the chance that those things happen too? The pics argument wanders too far into the territory of potential abuse.**

#### Turn – they incentivize MORE PICS – negs that don’t have prep against random Affs will go for word PICs or process counterplans.

**Lallas:** Lallas, Jackson [Debated for Brentwood, liked theory a lot] “A DEFENSE OF T-ANY.” *LADI.* February 2017. RP

**Furthermore, reading an aff that violated T – Any would only increase the incentive to read pics. Because of the lack of neg ground and high chance that the neg won’t be able to prep the aff, the neg has every incentive to read word pics or random process pics. Even if the neg doesn’t read a pic, the ground skew still incentivizes reading a position that moots the aff and mimics the abuse of pics.**

#### My abuse outweighs – you can weigh the case against PICs – you can say that discussion on campuses solves hate speech or win movements offense, while I can’t read a whole res Aff against a plan

#### Turn – they exist under your interp too and are even more dangerous since they have to PIC out of smaller, more randomly specific parts of the aff that you won’t have defenses of.

#### Limits outweighs – this is just potential abuse – at best there’s a 10 percent chance I read a PIC, but 100 percent chance this Aff wasn’t reasonable

#### No impact—learning to defend your entire aff solves specific PICs and disads.

#### Turn – small plans incentivize process counterplans or word PICs, since negs aren’t prepared to debate specifics

# SV Reps K

## 1NC

Omitted

# Extra T

## 1NC

#### A] The affirmative must only eliminate restrictions on constitutionally protected speech – they cannot fiat the removal of a regulation that is constitutional or affects speech that is not constitutionally protected.

#### **B] Violation: The Aff defends removing all speech zones, but plenty of zones don’t infringe upon the constitution**

**Zeiner:** Zeiner, Carol L. [Assistant Professor of Law, St. Thomas University School of Law, Miami Gardens, Florida; former College Attorney for Miami-Dade Community College (now Miami-Dade College).] “Zoned Out! Examining Campus Speech Zones.” *Louisiana Law Review.* Volume 66. Fall 2005. RP

Opponents of campus speech zones have argued that the very existence of such zones implies that the rest of the campus is a "no speech"or "censorship" zone. **While it is not my experience that universities create campus speech zones to prevent speech or purposefully try to eliminate the exchange of ideas on campus**, 260 it is possible for a university mistakenly to enact campus speech zones merely for convenience of management and to save on costs for clean-up. This is why undertaking the step one analysis is essential. Step one helps a university in two especially important regards. Step one helps a university discover its true purpose for considering campus speech zones. **Once its purposes are revealed, the university can analyze the adequacy of those purposes against constitutional standards and avoid enacting campus speech zones if the zones would be based on constitutionally inadequate grounds.** In addition, step one requires that a university examine its intentions with respect to campus speech zones vis-A-vis the essential character of universities, its own educational objectives, and its own specific hot topics. **With this information available, a university can avoid** those varieties of campus speech zones **that would be counterproductive.** Moreover, with all the information generated by the step one analysis in view, a university can consider whether certain varieties of campus speech zones, those without counterproductive elements, could actually enhance the educational experience by providing opportunities for both thought-provoking and thoughtful dialectic. **When examined, speech zone regulations are characterized as content-neutral regulations that restrict speech. While they do regulate and therefore restrict speech in the technical sense, it is questionable whether properly designed zones necessarily reduce speech**. **For example, it seems that properly designed campus speech zones could be popular destinations on campus to draw students into thought-provoking dialogue, thus enabling a key purpose of universities. There could be areas designed to facilitate exciting, impassioned expression. Areas could also be designed for more moderated dialectical exchanges. An area of tables and benches, with a speakers stand, could be designed on an outdoor plaza to approximate coffeehouses of past generations.** Members of the university community could be encouraged to use it for comparatively quiet dialogue.

#### **C] Net Benefits**

#### 1] Limits – they allow a theoretically endless number of Affs. They can defend allowing speech and replacing restrictions it with anything in the world. You could have them add speech zones, free toys for all toddlers, subsidies for random companies, or anything.

#### 2] Ground – extra T incentivizes them to throw in additional arbitrary planks that give them the ability to solve all disads.

#### D] T is a voting issue

## Violation FL

#### **The Aff defends removing all speech zones, but some time, place, and manner restrictions are constitutionally protected – that is, some speech within the zones is not constitutionally protected speech.**

**The Legal Dictionary:** The Legal Dictionary “Time Place and Manner Restrictions.” RP

**The** [**First Amendment**](http://legal-dictionary.thefreedictionary.com/first%2Bamendment) **to the U.S. Constitution guarantees** [**Freedom of Speech**](http://legal-dictionary.thefreedictionary.com/Freedom%2Bof%2BSpeech). This guarantee generally safeguards the right of individuals to express themselves without governmental restraint. **Nevertheless, the Free Speech Clause of the First Amendment is not absolute**. It has never been interpreted to guarantee all forms of speech without any restraint whatsoever. **Instead, the U.S. Supreme Court has repeatedly ruled that state and federal governments may place reasonable restrictions on the time, place, and manner of individual expression. Time, place, and manner (TPM) restrictions accommodate public convenience and promote order by regulating traffic flow, preserving property interests, conserving the environment, and protecting the administration of justice.**

# Case Arguments

## 1NC – Straight Up

### Plan Flaw – Should

#### PLAN FLAW -- “Should” does not prescribe implementing a policy.

Cappelle summarizes Declerck: Cappelle, Bert and Gert De Sutter. 2010. [*Should vs. Ought to*](http://www.academia.edu/1433058/Should_vs._ought_to)*.* In: Bert Cappelle and Naoaki Wada (eds.), *Distinctions in English Linguistics, Offered to Renaat Declerck*. Tokyo: Kaitakusha, 92-126. DD

Echoing Swan (1980: 550), Declerck (1991: 377, fn. 21) claims: ‘Although should and ought to are often interchangeable, there is a slight difference of meaning between them. When using should **the** speaker expresses his own subjective view; ought to is more objective and is used when the speaker wants to represent something as a law, dutyor regulation. For this reason ought to may sound more emphatic than should’ Declerck offers the following contrast and accompanying comment, again loosely based on Swan (1980: 550): (7) a. You should / ought to congratulate her. b. I ought to congratulate her, but I don’t think I will. (Should would sound odd here: it would be strange to give yourself advice and then add that you were not going to follow it.) (Declerck (1991: 377,

#### Plan flaw is a voting issue

#### A] It’s impossible to debate an aff that does nothing and it’s not in your jurisdiction to vote for a policy that can never actually exist—hurts education and real-world applicability.

#### B] Vote neg on presumption—the plan doesn’t mean or do anything, so you can’t evaluate any of their solvency claims.

### Overview

#### No inherency – lawsuits are taking down speech zones now.

**Watanabe:** Watanabe, Teresa [Contributor, the LA Times] “Students challenge free-speech rules on college campus.” *LA Times.* July 2014. RP

**College students in California and three other states filed lawsuits against their campuses Tuesday in what is thought to be the first-ever coordinated legal attack on free speech restrictions in higher education. Vincenzo Sinapi-Riddle, a 20-year-old studying computer science, alleged that Citrus College in Glendora had violated his 1st Amendment rights by restricting his petitioning activities to a small "free-speech zone" in the campus quad**. According to Sinapi-Riddle's complaint, a campus official stopped him last fall from talking to another student about his campaign against spying by the National Security Agency, saying he had strayed outside the free-speech zone. The official said he had the authority to eject Sinapi-Riddle from campus if he did not comply. "It was shocking to me that there could be so much hostility about me talking to another student peacefully about government spying," Sinapi-Riddle said in an interview. "My vision of college was to express what I think." **In his lawsuit, Sinapi-Riddle is challenging Citrus' free-speech zone, an anti-harassment policy that he argues is overly broad and vague and a multi-step process for approving student group events**. The college had eliminated its free-speech zones in a 2003 legal settlement with another student, but last year "readopted in essence the unconstitutional policy it abandoned," the complaint alleged. College officials were not immediately available for comment. But communications director Paula Green forwarded copies of Citrus' free-speech policy, which declares that the campus is a "non-public forum" except where otherwise designated to "prevent the substantial disruption of the orderly operation of the college." The policy instructs the college to enact procedures that "reasonably regulate" free expression. The "Stand Up for Speech" litigation project is sponsored by the Foundation for Individual Rights in Education, a Philadelphia-based group that promotes free speech and due process rights at colleges and universities. Its aim is to eliminate speech codes and other campus policies that restrict expression. **In a report published this year, the foundation found that 58 of 427 major colleges and universities surveyed maintain restrictive speech codes despite what it called a "virtually unbroken string of legal defeats" against them dating to 1989.** Even in California — unique in the nation for two state laws that explicitly bar free speech restrictions at both public and private universities — the majority of campuses retain written speech codes, he said. Among 16 California State University campuses surveyed by the group, for instance, 11 were rated "red" for employing at least one policy that "substantially restricts" free speech. "**Universities are scared of people who demand censorship -- they're afraid of lawsuits and PR problems**," said Robert Shibley, the foundation’s senior vice president. "Unfortunately, they are more worried about that than about ignoring their 1st Amendment responsibilities," he added. "The point of the project is to balance out the incentives that cause universities to institute rules that censor speech." The foundation intends to target campuses in each of four federal court circuits; after each case is settled, it will file another lawsuit. In other cases filed Tuesday: — **Iowa State University students Paul Gerlich and Erin Furleigh challenged administrative rejection of their campus club T-shirt promoting legalization of marijuana**. The university said the shirt violated rules that bar the use of the school name to promote "dangerous, illegal or unhealthy" products and behavior, according to the complaint. — **Chicago State University faculty members Phillip Beverly and Robert Bionaz sued over what they said were repeated attempts to silence a blog they write on alleged administrative corruption. — [An] Ohio University student Isaac Smith challenged the campus speech code that forbids any act that "degrades, demeans or disgraces another."** University officials invoked the code to veto a T-shirt by Smith’s Students Defending Students campus group — which defends peers accused of campus disciplinary offenses. The T-shirt said, "We get you off for free," a phrase that administrators found "objectified women" and "promoted prostitution," the complaint said.

#### Free speech zones stop police crackdowns from occurring.

**ACLU:** Know Your Rights: Free Speech, Protests & Demonstrations ACLU no date https://www.aclunc.org/our-work/know-your-rights/free-speech-protests-demonstrations

**The police are charged with safeguarding the public during a demonstration, but they can't use their powers to stop you from exercising your free-speech rights. As long as you're observing reasonable time, place and manner restrictions, the police may not break up a gathering unless there is a "clear and present danger of riot**, disorder, interference with traffic upon the public streets, or other immediate threat to public safety . . . ." **And police officers may not use their powers in a way that has a "chilling effect"** on ordinary people who wish to express their views.

#### Status quo solves their offense:

**A] Social media lets any protest be seen at any moment: physical presence means nothing**

**B] Students can protest off of campus grounds: they can still create the conditions detailed.**

#### Plan can’t solve – protests are stymied by property interests – their author

**Mitchell**: Mitchell, Don [Professor of Geography, Syracuse] “THE LIBERALIZATION OF FREE SPEECH: OR, HOW PROTEST IN PUBLIC SPACE IS SILENCED.” *Stanford Agora.* Volume 4. 2003. RP

**The first case study concerns the privatization of public space. Note, in the 1939 Hague decision quoted above, the phrase, "wherever the title ... may rest." As the geography of the public forum has shifted, that title - that is, the status of space as property - has taken on added significance. It is hardly news to point out that privately-owned but publicly- accessible spaces, like malls, shopping centers, and festival market places have become primary gathering places in North American cities. But since public space is not only a space of politics, but also a space of sociable gathering (and, indeed, each has historically been essential to the success of the other); and since political speech has its greatest impact if it occurs where the people are; then while the privatization of public space may not be news, it is nonetheless of incredible importance. This is so, in part, because the Supreme Court has declared that the First Amendment simply does not extend into the space of the mall. The property rights of the owners trump the rights of citizens to political speech.**

#### 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]

**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.

### Advantage

#### Delgado and Ross makes a trending uniqueness claim in the opposite direction – first line says “as protests have been increasing” which means their impacts should have already occurred.

#### Their protests cancel out – student protests often fight for pro-capitalist movements and conservative ideologies.

**Delgado and Ross:** Sandra Delgado and E. Wayne Ross [Delgado is a doctoral student in Curriculum Studies at the University of British Columbia and Ross is a 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. RP

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 politics2 (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.

#### The Aff requires police protection of protests – the colleges and state need to provide INCREASED POLICE.

**Matsuda:** Matsuda, Mari [Associate Professor of Law, University of Hawaii, the William S. Richardson School of Law. B.A. 1975, Arizona State University; J.D. 1980, University of Hawaii; LL.M. 19 Harvard University] “Public Response to Racist Speech: Considering the Victim’s Speech.” *Michigan Law Review,* Volume 87. August 1989. RP

**A corollary to the American position of protection of racist expres- sion is that the government must take certain affirmative steps to pre- serve that right**.167 **The state must make public facilities available on a nondiscriminatory basis to individuals and groups wishing to express their race hatred.**168 It must provide police protection to preserve or- der and protect speakers who are threatened by counter-demonstra- tors.169 **Since groups like the Klan typically draw angry opposition when they parade in public streets, this has meant that the Klan is entitled to publicly financed police escorts. Without this,** the right free speech is meaningless**. Angry and intolerant majorities could pre- vent unpopular minorities from using public facilities, rendering the right of free speech illusory.**

#### Free speech deflects attention from the injustices of capitalism – battles are fought over free speech, distracting from a structural critique – empirically shown.

**Khan:** Khan, Tariq [Contributor and Researcher, The Hampton Institute] “Masking Oppression as Free Speech: An Anarchist Take.” November 2015. RP

**In the present-day United States, a shallow idea of "free speech" is often wielded by the privileged as a way to direct attention away from critiques of existing conditions and systems; particularly critiques of capitalism, imperialism, white supremacy, and patriarchy. For example, two years ago when UC Berkeley students organized to keep comedian Bill Maher from speaking on their campus, leading media outlets framed it as a controversy about free speech rather than engaging with the much deeper critiques the students had about Maher's perpetuation of US imperialist, Orientalist discourse which fuels militarism abroad and racist violence at home. Yet, while students who protest imperialist discourse are characterized as a threat to free speech,** the actual threat to free speech in academia goes unchallenged **by leading media outlets.** October 8, 2015, at the Community College of Philadelphia, English professor Divya Nair spoke at a rally organized by students in protest of police recruiters on campus. The students and Professor Nair drew connections between colonialism and modern US policing; particularly the police tactic of recruiting poor people of color to act as the capitalist state's foot-soldiers to control poor Black and Brown communities. Later that day, school authorities suspended Professor Nair without pay, and they have since suspended three student group members who are facing disciplinary hearings. In the past few years there has been a noticeable campus crackdown on anti-colonialist expression.

#### Campus free speech is used blame student activists and *prevent structural action* against racism

**Cornett:** Cornett, Sarah [Sarah Cornett is a senior at Whitman College, and the editor of the student-run weekly newspaper, The Pioneer] “Racism on Campus - Not Free Speech - Is the Real Story: Mainstream Media Are Missing the Mark.” *Truthout.* December 2015. RP

**Of all the images that accompanied articles on the recent protests against systemic racism at the University of Missouri, a screenshot of a professor shouting at a student photojournalist somehow became one of the most prevalent**. "I need some muscle over here," said Melissa Click, an assistant professor of communications at Missouri, attempting to grab his camera "Help me get this reporter out of here." Anyone following events at the university has likely read this quote many times over. As the clip gained traction on social media, national news organizations began to pay attention. The New York Times ran an article describing the incident on its website's home page. The Atlantic, now infamous for its articles lambasting college students for being "hypersensitive," followed up with a piece by Conor Friedersdorf calling Click's outburst an example of the problem with the idea of "safe space." Part of the media obsession with Click clearly had to do with the nature of the subject itself: threats to journalists tend to draw the attention of journalists. But looking at student accounts from that week show that the story was about much more than a confrontation between protesters and a photographer. **The incident became a media distraction from the real issues - direct threats to students, and the complicity of faculty and school officials in them. As part of the free speech backlash, some journalists took it upon themselves to educate student protesters on how to be proper activists**. "To truly demonstrate self-determination, activists would do well to also learn how to use the media to amplify their story," wrote Deborah Douglas and Afi-Odelia Scruggs in the Columbia Journalism Review. **Journalists effectively turned the spotlight on themselves and used protest movements led by Black students against systemic racism and violence as a platform for their own voices**. The sophisticated organizing and concrete successes of these movements - the University of Missouri system president resigned within days, after all - were ignored. Instead, student activists were told they need a lesson in working with media. "Here was an activist group that needed us to get their message out and they were trying to shut us down," Brian Kratzer, a journalist reporting on the events for the Columbia Missourian, told NPR "Maybe they didn't understand how public spaces work." **The focus on free speech offered an easy critique of student activists.** An important but abstract principle was elevated to become the crux of the story. This strategy is one that New Yorker writer Jelani Cobb called that week "victim-blaming with a software update." **The First Amendment narrative has allowed the media to disregard daily threats students of color are calling attention to at Missouri, Yale and dozens of other campuses. "To understand the real complexities of these students' situation," Cobb wrote, "free- speech purists would have to grapple with what it means to live in a building named for a man who dedicated himself to the principle of white supremacy and to the ownership of your ancestors**." Cobb was referring to Yale, where students have been fighting to change the name of Calhoun College, named after the Confederate general**. In stories on the Yale protests, reporters honed in on a video of a student confronting a residential college master over an email as further evidence of a supposed threat to free speech. But the reasons for students' mobilization - racialized harassment and administrative complicity in it - were repeatedly ignored.** Junior Briana Burroughs called attention to the deeply unsafe campus culture students continue to fight against when she described ways she'd been verbally and physically harassed at fraternity parties. "Fear paralyzed me as their discussions of my Black body and hair turned into taunts and fondling. Every incident included jeering and pointing, and some included spanking and screaming," wrote Burroughs in the Yale Daily News. "Most, however, went unnoticed." As Yale senior Aaron Lewis pointed out on Medium, media discussion of campus activism created a split dynamic: **A free-speech focus obscures the pressing problem of racism on campus. "People have lost sight of the larger issue: systemic racism on campus**," Lewis wrote. **The loss of focus on systemic racism that Lewis mentioned has become especially evident as free speech has been intellectualized as the problem of the "new student activism,"** and liberal college campuses. This came into focus at Yale when Erika Christakis, a live-in administrator at one of the residential colleges, questioned administrative cautioning against culturally appropriative Halloween costumes. "American universities were once a safe space not only for maturation but also for a certain regressive, or even transgressive, experience," she wrote in an email to students "Increasingly, it seems they have become places of censure and prohibition." Christakis pointed to the tired argument that US college students are creating environments of liberal intolerance through the tyranny of "safe spaces" and trigger warnings. In doing so, she negated the real threats cultural appropriation can cause to students of color. Should students really be required to educate their peers on the inappropriateness of wearing a feather headdress or blackface? **Colleges are expected to address overt threats to the mental and physical health of their students.** At the New Republic, Roxane Gay questioned whether those who make statements like Christakis' would believe that racism fell into this category. "Christakis suggests we take our arguments out of their real-world context - eliding real people in the process - and instead move them into the realm of the theoretical, where no one can feel hurt," she wrote. The tendency to intellectualize these situations distracts from the severity of racism and harassment and the threats to students' safety that are all too real. Students like Lewis, the Yale senior, make clear they don't see free speech principles as incompatible with fighting administrative complicity in racial injustice. But in working toward a clearer understanding of the climates these students are resisting, the polarization fostered by many media accounts made this work harder. "There's absolutely no reason we can't acknowledge both the value of free speech and the reality of the prejudice that students of color face everyday," wrote Lewis. "It saddens me that this has gotten to the point where people feel like they have to take sides." Since the week of November 9, media focus has shifted. International attacks by ISIS and the mass shootings in California and Colorado have rightfully commanded headlines in the past two weeks. However, looking back to that week - when media attention was very much focused on college protests against racism and this question of free speech - tells us much about how most news organizations think about student activists. As protests continue on campuses nationwide, Mrinal Kumar, a Yale Daily News columnist, called attention to the real power that students, undeterred by critical media attention, have in creating real change. "The last two weeks have proven that we have the power to incite change not only at Yale but also on campuses across the nation," Kumar said. "But we can't afford to stop there."

#### Institution-protected free speech is a trap states use to entrench their own power.

**Crimethinc:** Crimethinc. [News Source] “This is Not a Dialogue.” *Crimethinc*, January 2017. RP

There appears to be a broad consensus in the US political spectrum in favor of the right to free speech. While opponents may quibble over the limits, such as what constitutes obscenity, pundits from left to right agree that free speech is essential to American democracy. Appeals to this tradition of unrestricted expression confer legitimacy on groups with views outside the mainstream, and both fascists and radicals capitalize on this. Lawyers often defend anarchist activity by referencing the First Amendmentʼs provision preventing legislation restricting the press or peaceable assembly. We can find allies who will support us in free speech cases who would never support us out of a shared vision of taking direct action to create a world free of hierarchy. The rhetoric of **free speech** and First Amendment rights give us a common language with which to broaden our range of support and make our resistance more comprehensible to potential allies, with whom we may build deeper connections over time. But at what cost? This discourse of rights **seems to imply that the state is necessary to protect us against itself, as if it is a sort of Jekyll and Hyde split personality that simultaneously attacks us with laws and police and prosecutors while defending us with laws and attorneys and judges. If we accept this metaphor, it should not be surprising to find that the more we attempt to strengthen the arm that defends us, the stronger the arm that attacks us will become. Once freedom is defined as an assortment of rights granted by the state, it is easy to lose sight of the** actual **freedom those rights are meant to protect and focus instead on the rights themselves—implicitly accepting the legitimacy of the state. Thus, when we build visibility and support by using the rhetoric of rights, we undercut the possibility that we will be able to stand up to the state itself. We also open the door for the state to impose othersʼ “rights” upon us.**

#### The state uses free speech rights to crack down on its critics.

**Crimethinc:** Crimethinc. [News Source] “This is Not a Dialogue.” *Crimethinc*, January 2017. RP

**In the US, many take it for granted that it is easier for the state to silence and isolate radicals in countries in which free speech is not legally protected. If this is true, who wouldnʼt want to strengthen legal protections on free speech? In fact, in nations in which free speech is not legally protected, radicals are not always more isolated—on the contrary, the average person is sometimes more sympathetic to those in conflict with the state, as it is more difficult for the state to legitimize itself as the defender of liberty. Laws do not tie the hands of the state nearly so much as public opposition can; given the choice between legal rights and popular support, we are much better off with the latter.** One dictionary defines civil liberty as “the state of being subject only to laws established for the good of the community.” This sounds ideal to those who believe that laws enforced by hierarchical power can serve the “good of the community”—but who defines “the community” and what is good for it, if not those in power? **In practice, the discourse of civil liberties enables the state to marginalize its foes: if there is a legitimate channel for every kind of expression, then those who refuse to play by the rules are clearly illegitimate.** Thus we may read this definition the other way around: under “civil liberty,” all laws are for the good of the community, and any who challenge them must be against it. **Focusing on the right to free speech, we see only two protagonists, the individual and the state.** Rather than letting ourselves be drawn into the debate about what the state should allow, anarchists should focus on a third protagonist—the general public. We win or lose our struggle according to how much sovereignty the populace at large is willing to take back from the state, how much intrusion it is willing to put up with. If we must speak of rights at all, rather than argue that we have the right to free speech let us simply assert that the state has no right to suppress us. **Better yet, letʼs develop another language entirely.**

#### Their impacts are non-unique – elimination of speech codes doesn’t stop state surveillance of campuses – this quashes speech.

**Zeiner:** Zeiner, Carol L. [Assistant Professor of Law, St. Thomas University School of Law, Miami Gardens, Florida; former College Attorney for Miami-Dade Community College (now Miami-Dade College).] “Zoned Out! Examining Campus Speech Zones.” *Louisiana Law Review.* Volume 66. Fall 2005. RP

This then brings up the issue of campus security cameras, in general, and in the context of the Patriot Act279 and other anti- terrorism laws**. While most provisions of the Patriot Act that apply to universities have only indirect, if any, bearing280 on campus speech zones, 2 8 1 tapes from campus security cameras might well constitute business records that could be obtained under the Patriot Act.** **The spectre of the government surreptitiously spying on lawful free speech activities recalls the McCarthy era and Vietnam War era activities of government**. 8 2 The use of security cameras is an issue that must be confronted as a university considers the question of campus speech zones and free speech on campus more generally. **If a university were to do away with campus speech zones entirely, the issues of cameras on campus and the reach of the Patriot Act to obtain tapes still remain. The issue is more serious, however, when a government actor, namely a public university, requires that certain speech activities take place in zones equipped with cameras that could be used as surveillance cameras. While the issue could be most acute if a university were to require that all expressive activities take place within camera- equipped designated campus speech zones, the issue is still present if such speech zones are required only for large gatherings. This issue must be addressed. Should security cameras be entirely eliminated from campus? Should they be eliminated from designated speech zones? What is the impact of their elimination on general campus safety and security and the additional risks now posed by terrorism**? While one cannot presume to answer these questions for any particular university, it would seem that a university would approach the issue from the combined perspectives of the educational experience it intends to facilitate, the general obligations to provide a reasonably safe campus,283 and any additional precautions that might be considered against heightened risks of terrorism. Thus, it would seem that if cameras were considered necessary for general safety and have been used effectively on campus for that purpose, they should remain. However, the additional factor of possible government access to tapes of security cameras might add weight to the conclusion that campus speech zones are not necessary for small group expressive activities. The question is then narrowed: If larger group activities are to take place in designated campus speech zones, should those zones be camera-equipped or camera-free? Or, should cameras be turned off during gatherings of security personnel providing crowed control and general security are present in person? If a university establishes multiple speech zones on campus,284 should some have cameras and others be camera-free so that speakers have a choice? If so what about general safety concerns and the threat of terrorism?2 Would prominently placed notices that-a speech zone does not have security cameras provide sufficient information for students to make responsible individual decisions for their safety?286 Or, are camera-free campus speech zones inappropriate due to the heightened risk of terrorist attacks on larger gatherings? Would prominently placed notices advise non- terrorist criminals of the best locations for purse-snatchings, muggings, and rapes? Each of these questions is best decided by the individual university in the unique context of its own circumstances.

#### Zoned protests are effective – empirics confirm.

**McGrady:** McGrady, Michael [Colorado Campus Correspondent] “CU-Boulder students protest in free speech zones outside GOP debate.” October 2015. RP

**Largely overlooked by the major news outlets at last night’s CNBC Republican debate were the protesters that appeared in the free speech zones outside the debate. Campus Reform had boots on the ground during the debate and captured several images indicative of the liberal climate of Boulder**, Colorado clashing with the conservative ‘aliens,’ as the citizens of the ‘People’s Republic of Boulder’ came out in massive numbers to project multiple agendas onto the conservative presidential candidates and the donors. “They’re entitled to say what they want, whether it’s true or not.” **On what is known as Business Field at CU Boulder, caucasian Black Lives Matters protestors made a statement with an inflatable elephant with the word “racism” pasted to it, as well as a giant Donald Trump puppet. Many protesters also shouted “Bernie 2016” and pushed anti-GOP sentiment.** Several of the messages were gaged at calling the GOP ‘racist’ and ‘intolerant.’ One protester, a CU Boulder senior, took the time to speak about her motivations behind “the elephant in the room.” The student, who asked to remain anonymous, represented a group called Showing Up for Racial Justice (SURJ). “We are associated with the elephant in the room, which is racism,” the protester stated. “We are a group that educates white people to what racism is.” The SURJ protester, and her cohorts, made it clear what their mission is. Specifically, the group harnessed messaging that was ‘pro-Bernie Sanders’ and was also allied with the Black Lives Matter protesters. “We ally ourselves with people of color and take appropriate actions to dismantle all racism,” she stated, adding that believes racism is an invention of white oppression. Other groups appeared wearing “white privilege” masks while holding a banner that read “Black Lives Matter.” Clowns and a folk band also made an appearance, trashing Trump and other candidates through dance and song. One clown mimicked the Trump campaign slogan, which reads, “Make America Great Again,” by chanting “Make America HATE Again.” Despite the commotion, supporters of Ted Cruz and Ben Carson mingled the crowd at one point, handing out literature and debating the protestors. Among the Carson supporters were a CU student and his father who stated they think that the labels that certain protesters are prouporting are not accurate to all Republicans. They also requested to remain anonymous. “A lot of this stuff are inaccurate generalizations,” the student stated. “In a city as liberal as this one, these generalizations are perceptions.” “They’re entitled to say what they want, whether it’s true or not,” they said when asked if protesters are entitled to make such false statements. Despite the overwhelming liberal reception, the Cruz and Carson supporters were adamant in standing by their messaging. **Other protests at the debate included an immigration rally, pro-choice activists, and supporters of federal marijuana legalization.**

#### Speech zones are key to open debates on campus.

**Zeiner:** Zeiner, Carol L. [Assistant Professor of Law, St. Thomas University School of Law, Miami Gardens, Florida; former College Attorney for Miami-Dade Community College (now Miami-Dade College).] “Zoned Out! Examining Campus Speech Zones.” *Louisiana Law Review.* Volume 66. Fall 2005. RP

**A number of conclusions about campus speech zones can be drawn from this analysis of Pelikan's work. Dialogue leading to intellectual cultivation is the lifeblood of the university**. Meaningful dialectic is essential to the many roles of the university. It is axiomatic that freedom of thought, inquiry, and expression are indispensable. Without these freedoms, the university would no longer be the university. Freedom of expression does not, however, dictate a cacophony of voices, each trying to out-shout the others. Intellectual cultivation is not typically derived from high volume or hyperbole, but in some instances it might result. Pelikan stresses the need for dialectic and rational methods of analysis. 230 **A meaningful, thoughtful exchange of ideas, careful scrutiny, and probing questions are necessary**. Moreover, the character and nature of the university are undermined if the university itself becomes an advocate of any of the polarities of ideology. According to Bickel and Lake, a university ought to facilitate an enriching higher education learning experience in a reasonably safe, if not always calm or pleasant, environment for all students. How do the essential characteristics and many roles inherent in the "idea of the university" impact a specific university's decision with respect to speech zones? **It seems to me that the university needs to accommodate formal scholarly debate, situations in which the exchange or ideas could be quiet, reasoned and dialectical, or perhaps louder and more impassioned, without disturbing the classroom activities, dormitory life, or business offices of the university**, and without rendering impossible more moderated,232 informal discussion of ideas throughout the campus. **While the phrase "freedom of thought, inquiry and expression," standing alone, seems to argue against campus speech zones, an analysis of characteristics essential for meaningful dialectic seems to open the door for campus speech zones. In fact, the purpose of the university as elucidated by Pelikan would seem to argue in favor of carefully crafted campus speech zones that would facilitate impassioned expression, vigorous debate, informal discussion of ideas, and quiet contemplation on campus.**

#### 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]

Yiannopoulos, who gained notoriety during the Trump campaign as a popular figure within the “alt-right” movement, blamed **“violent left-wing protesters**” for **shut**ting **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 to 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.”

#### Free speech is a carrot dangled by the state – as soon as it gets anywhere valuable, the law readjusts and pulls it back.

**Crimethinc:** Crimethinc [News source and compiler] “This is Not a Dialogue.” *Crimethinc.* No date. RP

**Maybe you missed this, but youʼre not in a dialogue. Your views are beside the point. Argue all you want—your adversaries are glad to see you waste your breath. Better yet if you protest: theyʼd rather you carry a sign than do anything. Theyʼll keep you talking as long as they can, just to tire you out —to buy time. They intend to force their agenda on you. Thatʼs what all the guns are for, what the police and drones and surveillance cameras are for, what the FBI and CIA and NSA are for, what all those laws and courts and executive orders are for.** Itʼs what their church is for, what those racist memes are for, what online harassment and bullying are for. Itʼs what gay bashings and church burnings are for. **This is not a dialogue. How could you be so naïve? A dialogue—from which some of the participants can be deported at any time? A dialogue—in which one side keeps shooting and incarcerating the other side? A dialogue—in which a few people own all the networks and radio stations and printing presses, while the rest have to make do with markers and cardboard signs? A dialogue, really? Youʼre not in a dialogue. Youʼre in a power struggle**. All that matters is how much force you can bring to bear on your adversaries to defend yourself from them. **You can bet that if you succeed, they will accuse you of breaking off the dialogue, of violating their free speech**. They will try to lure you back into conversation, playing for time until they need no more stratagems to keep you passive while they put the pieces in place for tyranny. **This isnʼt a dialogue—itʼs a war.** Theyʼre gambling that you wonʼt realize this until itʼs too late. If freedom is important to you, if you care about all the people marked for death and deportation, start taking action.

#### Speech zones are expanding and guarantee spaces for protest – empirically proven

Fox News 6 [], "College Students Have a Voice in Campus Free Speech," 8-17-2006, http://www.foxnews.com/story/2006/08/17/college-students-have-voice-in-campus-free-speech.html, ghs//BZ

Among the big issues raised by FIRE and other advocacy groups is the designation of free speech zones on campus — specific areas where college administrators permit student protests, demonstrations or other events. Free speech zones have become more common as a way for university administrators to manage demonstrations and public gatherings on campus. First surfacing as an idea in the late 1960s, when anti-Vietnam war protests intensified and disrupted many college campuses, free speech zones now are reserved areas on campus where students can schedule gatherings and events. University administrators argue that college is an institution of learning and free speech policies help define guidelines that ensure classroom instruction can proceed without disruption. "There is nothing more reassuring to higher education than students who are making a statement and taking a stand," said Sandy Rodriguez, a campus administrator who directs the Associated Students of the University of Nevada at Reno, which represents students' interests. "The one time the university takes an exception to it is when it interferes with the learning process." The University of Nevada at Reno's use of free speech zones came under review when students and faculty members, joined by the American Civil Liberties Union of Nevada, cited First Amendment concerns with the four designated areas for public forums and demonstrations. School administrators met with student government representatives to discuss revising the policy after a few weeks of growing student protests and demonstrations on campus, said Sarah Ragsdale, speaker of the Senate for Student Government at the University of Nevada at Reno. "Students were showing such a clear interest that this was a priority to them to see some change," Ragsdale said. Last month, the university revised its policy and expanded the free speech zones, first assigned in the late 1970s, to anywhere on the outside of campus buildings. "My hope is that this is much more indicative of how much more active the University of Nevada is becoming in terms of its student activism," Rodriguez said. "The institution as a whole has benefited from it and become more of a learning community." Ragsdale said she hopes the revised policy will allow students to feel more open to express themselves and display their power on campus. "Colleges are the place where issues and ideas are to be debated," said Allen Lichtenstein, general counsel for the ACLU of Nevada. "Universities need to be free. Faculty and students need to be free to make their views known. "I think in recent years, there has been a general trend towards trying to stifle free speech, trying to gain more control. I think the overall trend is that there is an attempt to close off more robust, open, free-wheeling debate," he said.

#### Less regulated speech zones provide equal protest opportunities and promote education – ASU proves

Dungan ’03 (Tracie, July 13th, Northwest Arkansas Democrat Gazette Northwest Health Reporter, “Free speech has its limits at universities”, FIRE, https://www.thefire.org/media-coverage/free-speech-has-its-limits-at-universities/--ghs//sk)

ASU At ASU, a policy designating five “Free Expression Areas” is about 5 years old, said Rick Stripling, vice chancellor for student affairs. Jonesboro campus officials want to allow freedom of speech, he said, “but we want people to do that in some orderly fashion that doesn’t incite a riot.” **ASU’s free speech areas differ from the one at UCA in that the Jonesboro campus asks users to reserve the space. “We don’t screen their speeches or anything,” Stripling said. The ASU policy lists a lawn near an arch by Wilson Hall as a primary designated zone for speeches and demonstrations, and says that streets and sidewalks can be used for marches. All this requires 72 hours’ notice, and weekday hours are listed as general usage times. “Such opportunities must be provided on an equal basis and adhere to the basic principle that the university will remain neutral as to the content of any public demonstration,”** the policy says. **“In order to achieve this objective, while at the same time ensuring that the institution fulfills its educational mission, the university has the responsibility to regulate the time, place and manner of expression.”¶** The policy also lists eight areas, including the Free Expression Area, as places where noncommercial fliers and other literature can be distributed to individuals.¶ External groups that use ASU outdoor spaces “tend to be religious in nature,” Stripling said. These groups lean toward places that allow for open public forums, and sometimes bring their own microphones.¶ ASU officials just make sure the sound level doesn’t disrupt classes.¶ But Stripling said outside groups didn’t prompt the campus to create the free speech areas.¶ In fact, he said, speakers have harassed students both before and after the zones were designated. **ASU officials treat this as free speech unless the speaker triggers what Stripling called the “fighting words” law; this means once the speaker targets a specific individual for insult, officials ask the person to leave.** KEEPING UP WITH THE LAW¶ An expert on constitutional law at the Fayetteville campus, Mark Killenbeck, said **that nationally, case law gives universities some options for how broadly they can open their campuses to speech, but once they choose a path they must be consistent in how they treat different groups.**

### Cool Extra Cards

#### Speech zones prevent disruption of campus life.

**Zeiner:** Zeiner, Carol L. [Assistant Professor of Law, St. Thomas University School of Law, Miami Gardens, Florida; former College Attorney for Miami-Dade Community College (now Miami-Dade College).] “Zoned Out! Examining Campus Speech Zones.” *Louisiana Law Review.* Volume 66. Fall 2005. RP

What about noise and disruption? **The concept of campus speech zones developed during the turbulent years of the 1960s and early 1970s so that campus unrest would not interfere with classes, study areas, student dormitory life, and the general business operations of universities**. These concerns still exist today.

#### Speech zones key to stop hate speech.

**Zeiner:** Zeiner, Carol L. [Assistant Professor of Law, St. Thomas University School of Law, Miami Gardens, Florida; former College Attorney for Miami-Dade Community College (now Miami-Dade College).] “Zoned Out! Examining Campus Speech Zones.” *Louisiana Law Review.* Volume 66. Fall 2005. RP

Just as freedom of thought, inquiry, and expression, and the importance of open dialogue and dialectic, lie at the heart of the idea of the university, equality of opportunity lies there as well. "The concept of opportunity is therefore essential to the definition of the idea of the university. 233 It is clear both in the university's "duties to society" 234 and its position as a "ground of promise [for] the future"235 that higher education for all students of academic ability is a means for those persons and groups within society who are victims of discrimination and exclusion to achieve access to the social and economic benefits enjoyed by the majority. Universities are to assume a position of leadership in this area. This being the case, it is easy to understand why the issues of hate speech and university speech codes are controversial in higher education.236 Simply put, the conflict exists because the role of the university is in conflict on this point,237 just as, according to some commentators, the First and Fourteenth Amendments to the United States Constitution 238 are in conflict on this point. **If vile expressions of hatred impair equal access to educational opportunity by members of the targeted group, does this not undermine both the constitutional ideal and the equality of opportunity inherent in the idea of the university?** But, if abhorrent ideas cannot be expressed, how can they be subjected to dialectic rigor so that they can be debated and their falsity illuminated? Do campus speech zones have any relevance at all to this vexing problem? If so, would they exacerbate or ameliorate the problem? **Campus speech codes have not proved to be a viable means of coping with hate speech** 240 in the United States. 24 1 A number of commentators have suggested a variety of regulatory and non- regulatory means to attempt to address the problem of hate speech. **There may be one miniscule way in which campus speech zones can augment other constitutionally allowable measures to address hate speech. It would seem that large gatherings of persons expressing racist, sexist, or otherwise discriminatory ideas might be especially intimidating and hurtful to the targeted students who would, of necessity, have to Vass by the gathering in order to get to their dormitories or classes,**2 46 just as it would seem that large gatherings of individuals expressing supportive ideas might be encouraging. **Perhaps it would be helpful if those students and others who did not want to be exposed to particular speech activities were not forced into extremely close proximity with large events by virtue of the physical means of access to key areas of campus. If large gatherings must congregate in campus speech zones to carry on their free expression activities, regardless of content, and if the university provides other avenues to gain access to key areas of the campus, then targeted students could select which gatherings that they wish to encounter and avoid those that are repugnant or intimidating**.248 This suggestion is meant only as a possible miniscule measure to address the issue of especially loud, overpowering expression by large groups, and I recognize that it does nothing to deal with the underlying problem of hatred. 24 9 The "other avenues" must be attractive and reasonably convenient. If they are unattractive or inconvenient, 250 any benefit to be gained by this suggestion would be eradicated, and the impact might, although unintentionally, reinforce the messages of subordination being expressed by the speakers. 2 51 It is important however, that campus speech zones not be relegated to remote areas of the campus where their communicative purpose would be unduly hampered.252

## 1NC – Impact Turn Spread

Omitted