# 2016-2017 Prep

Shoutout to Scarsdale, Neal Kapoor, David Branse, and the LHP Juniors for contributing a lot over the summer and into the season.

# SEPOCT

# Australia Kant AC

Read almost every aff round on sep-oct. I usually changed up the offense and fw based on who was in the back of the room and who I was debating.

Framework Omitted

## Offense

#### Plan Text – Resolved: The Commonwealth of Australia ought to prohibit uranium mining for nuclear power production.

Australian Conservation Foundation ‘16 (Foundation created for ecological sustainability. ACF has helped in conservation successes for almost 50 years), "A nuclear free Australia," https://www.acfonline.org.au/be-informed/northern-australia-nuclear/nuclear-free-australia // AHS-DM, 8-29-2016

We support a nuclear free future for Australia that is without uranium mining, nuclear power and engages in responsible management of existing radioactive waste. Nuclear power struggles Almost half of the world’s uranium reserves are found in Australia, and we are the third largest supplier of uranium to the global market. All of Australia’s uranium is exported, including to countries who continue to produce nuclear weapons. We have the lion's share of the Earth's nuclear ingredients buried in our backyard – which means Australia has a significant role and responsibility in the international nuclear debate. Uranium mining Uranium is a mineral that poses particular risks. Often Australian uranium deposits are quite low grade and this means it has to be mined on a huge scale, causing significant disruption to the environment. The processes used in uranium mining generate radioactive materials, contaminating the surrounding soil, air and water. These radioactive materials are know to cause a variety of cancers, and can damage the genetic and reproductive systems of plants, animals and humans. Read more about uranium mining in Australia. Nuclear waste & the environment ACF has consistently opposed uranium mining and worked to highlight the threats it poses to our environment, sensitive ecosystems, Indigenous cultures and local communities. Our efforts have helped to halt plans for a controversial new mine at Jabiluka in Kakadu and have seen other projects deferred and delayed. The battle is far from won. Australia’s operating uranium mines have been plagued by leaks, spills and accidents. There still isn't a secure, long-term solution to cope with the millions of tonnes of radioactive byproduct from mining operations, or the residual nuclear waste from power stations. We are committed to working with Indigenous landowners, civil society groups and the wider community to end this trade that creates environmental and cultural damage at home and fuels dangerous reactors and nuclear insecurity overseas Muckaty Despite strong resistance from the local community and a lack of consent from many Traditional Owners, the federal government is pursuing the creation of a radioactive waste dump in Muckaty in the Northern Territory. We are working with Muckaty Traditional Owners and the local community to campaign for a responsible and long-term approach to radioactive waste management. The lesson of Fukushima The Fukushima nuclear emergency, the world’s worst nuclear accident since Chernobyl, has seen a renewed questioning of nuclear power and national energy strategies around the world. Many nations have since scrapped or are reviewing nuclear projects. Germany, the world’s fifth largest industrial economy, has declared that the atomic era is over. Chancellor Angela Merkel has committed her government to a renewable energy future. In the corporate world, engineering giant Siemens declared the "nuclear chapter is closed", promising to no longer fund, construct or operate nuclear power plants. Here in Australia, despite a cavalier commitment to continued uranium sales on the part of both major federal political parties, the sector has been hit hard by a combination of falling prices and popularity. While there never was a nuclear renaissance the embattled industry is now steadily heading towards a very dark age. Our shared energy future must be renewable, not radioactive. At best Australian uranium becomes radioactive waste, at worst, fallout. An immediate and independent examination of the real risks and responsibilities of Australia’s involvement in the global nuclear trade is needed.

#### I defend the intention of the plan so consequences are irrelevant to my position, but I will accept neg preferences on reasonable implementation and specificity as long as they don't require me to abandon my maxim.

#### And, the plan is inherent – the federal government just overturned the moratorium and economic incentives are pushing Australia into more nuclear development

Greg Sheridan '16 (Greg Sheridan is a foreign affairs journalist and commentator. He joined The Australian in 1984 and worked in Beijing, Washington, and Canberra before starting his tenure as the paper's foreign editor in 1992. He specializes in Asian politics and has written four books on the topic.), 1-30-2016, "We can’t miss nuclear opportunity," The Australian, http://www.theaustralian.com.au/opinion/columnists/greg-sheridan/nuclear-energy-a-great-economic-opportunity-for-australia/news-story/e36d9cf0a1e7eaa64fb6a5198093e40c // AHS-DM, 8-25-2016

Malcolm Turnbull and his Resources Minister, Josh Frydenberg, would like Australia [would like] to get much more involved in the nuclear industry. But this is a complex and politically very tricky business. If they are successful, they will have done an enormous good for Australia. In fact, the long-term strategic stakes for the Australian economy, and the nation more broadly, are potentially immense. In a few weeks, the royal commission into the nuclear fuel cycle set up by South Australian Premier Jay Weatherill will issue an interim report, with a final report likely in April. The conjunction of a motivated, pragmatic Labor Premier, a federal government inclined to push ahead, an activist and capable cabinet minister, and the unique economic and geo-strategic circumstances Australia and South Australia find themselves in, just might be enough to overcome the paralysis that routinely afflicts this policy area. Frydenberg is a strong supporter of the royal commission, though naturally he doesn’t foreshadow Canberra’s likely response. An insight into the Prime Minister’s thinking came in a radio interview at the end of October. Turnbull said: “I think a lot of South Australians feel like this ... we have got the uranium, we mine it, why don’t we process it, turn it into the fuel rods, lease it to people overseas. When they are done we bring them back and we have got very stable geology in remote locations and a stable political environment. “That is a business that you could well imagine here. Would we ever have a nuclear power station in Australia? I would be a bit sceptical about that and I’m not talking about the politics. “We have so much other affordable sources of energy, not just fossil fuel like coal and gas but also wind, solar — the ability to store energy is getting better all the time and that’s very important for intermittent sources of energy, particularly wind and solar. But playing that part in the nuclear fuel cycle I think is something that is worth looking at closely.” It’s important not to verbal Turnbull here. There is no sign of any imminent or dramatic proposal from the federal government. But there is one significant move on the immediate horizon, and a predisposition to go in this direction, which is genuinely strategic. First consider the context. The resources boom has ended. The oil price, at around $US30 a barrel, is a quarter of what it was. Iron ore, our biggest export, has suffered a similar fall. Commodity prices generally are in one of their periodic slumps. However, we should not panic.

## Contention - Aboriginals

#### The status quo is a violation of Aboriginal property rights because it coerces them into accepting Uranium mines and dumps that are antithetical to their ends. The federal government treats Aboriginals as means to an end by manipulating their legal protections in order develop uranium sites on Native land in the face of economic incentives.

Jim Green '16 (Dr. Jim Green is the national nuclear campaigner with Friends of the Earth Australia and editor of the Nuclear Monitor newsletter, where a version of this article was originally published.), 6-27-2016, "Radioactive waste and the nuclear war on Australia's Aboriginal people," Ecologist, http://www.theecologist.org/News/news\_analysis/2987853/radioactive\_waste\_and\_the\_nuclear\_war\_on\_australias\_aboriginal\_people.html // AHS-DM, 8-14-2016

Dumping on South Australia, 1998-2004 This isn't the first time that Aboriginal people fin South Australia have faced the imposition of a national nuclear waste dump. In 1998, the federal government announced its intention to build a dump near the rocket and missile testing range at Woomera. The proposed dump generated such controversy in South Australia that the federal government hired a public relations company. Correspondence between the company and the government was released under Freedom of Information laws. In one exchange, a government official asked the PR company to remove sand-dunes from a photo to be used in a brochure. The explanation provided by the government official was that: "Dunes are a sensitive area with respect to Aboriginal Heritage". The sand-dunes were removed from the photo, only for the government official to ask if the horizon could be straightened up as well. Aboriginal groups were coerced into signing 'Heritage Clearance Agreements' consenting to test drilling of short-listed sites for the proposed dump. The federal government made it clear that if consent was not granted, drilling would take place anyway. Aboriginal groups were put in an invidious position. They could attempt to protect specific cultural sites by engaging with the federal government and signing agreements, at the risk of having that engagement being misrepresented as consent for the dump; or they could refuse to engage in the process, thereby having no opportunity to protect cultural sites. Aboriginal groups did participate in Heritage Clearance Agreements, and as feared that participation was repeatedly misrepresented by the federal government as amounting to Aboriginal consent for the dump. 'We would not do that for any amount of money' In 2002, the Federal Government tried to buy-off Aboriginal opposition to the dump. Three Native Title claimant groups - the Kokatha, Kuyani and Barngala - were offered A$90,000 to surrender their native title rights, but only on the condition that all three groups agreed. The government's offer was refused. Dr Roger Thomas, a Kokatha Traditional Owner, said: "The insult of it, it was just so insulting. I told the Commonwealth officers to stop being so disrespectful and rude to us by offering us $90,000 to pay out our country and our culture." Andrew Starkey, also a Kokatha man, said: "It was just shameful. They were wanting people to sign off their cultural heritage rights for a minuscule amount of money. We would not do that for any amount of money." In 2003, the federal government used the Lands Acquisition Act 1989 to seize land for the dump. Native Title rights and interests were extinguished with the stroke of a pen. This took place with no forewarning and no consultation with Aboriginal people.

#### Outweighs:

#### A. Intrinsic harms outweigh merely foreseen harms because only intrinsic harms involve an exercise of agency. And, to account for all foreseen impacts would paralyze action because individuals would become morally culpable for all actions and states of affairs not just those that factor into the will.

#### B. The aff’s violation of freedom comes first – banning nuclear production is a shift in the state’s act of valuing instrumental and intrinsic worth. Banning nuclear power respects the intrinsic deontic status of aboriginals while negating protects the instrumental worth of corporations and the economy.

#### C. Hindering a hindrance is justified - enforcing a prohibition of uranium mining is not a violation of the nuclear industry’s freedom.

Ripstein 2, Arthur. Force and Freedom Kant's Legal and Political Philosophy. Cambridge, Mass.: Harvard UP, 2009. Print.

That is, unlike Bentham, he begins with the concept of a rule, but the rules in question govern the legitimate use of force in terms of reciprocal limits on freedom. Coercion is objectionable where it is a hindrance to a person’s right to freedom, but legitimate when it takes the form of hindering[s] a hindrance to freedom. To stop you from interfering with another person upholds the other’s freedom. Using force to get the victim out of the kidnapper’s clutches involves coercion against the kidnapper, because it touches or threatens to touch him in order to advance a purpose, the freeing of the victim, to which he has not agreed. [but] The use of force is rightful because an incident of the victim’s antecedent right to be free. The kidnapper hinders the victim’s freedom; [and] forcibly freeing the victim hinders that hindrance, and in so doing upholds the victim’s freedom. In so doing, it also makes the kidnapper do what he should have done, that is, let the victim go, but its rationale is that it upholds the victim’s right to be free, not that it enforces the kidnapper’s obligation to release the victim. The use of force in this instance is an instance of the victim’s right to independence, and so is a consistent application of a system of equal freedom.

#### D. If the neg proves a violation of freedom, the aff still comes first. Regardless of whether you affirm or negate, there’s a violation of freedom but there’s still a risk that the aff solves something by taking an action – there’s a 0% chance that the status quo solves since it doesn’t take action. Even a 1% probability should outweigh the risk of violation of a negative violation.

# Valley Tricks AC

Wanted this to be my go-to aff strat for Valley, but I ended up only reading it once in sems

## Burden

#### The resolution is a question of our obligations to future generations. The neg burden is to prove that we have an absolute obligation to future generations and the aff burden is to prove that we don’t have an absolute obligation to future obligations.

#### Prefer the burden:

#### 1. Grammar: The text of the resolution asks if countries ought to prohibit the production of nuclear power. The phrase “of nuclear power” is only a prepositional phrase so the goodness or badness of it is subject to word before it. The noun, production, modifies nuclear power so we need to understand what is entailed by production before we can debate nuclear power. Production implies a focus on the future - the resolution specifies the production of more nuclear power in the future, not existing power, so the neg must defend that the production of nuclear power is good but since production is forward-looking, they need to defend an obligation to future generations. Grammar serves as a litmus test for other standards because it serves as an objective standard for fairness and educational impacts. While it can be debated whether one debater is entitled to forms of fairness, the rules of grammar through the text of the resolution are an independent voter since they are a precondition to every other standard because it’s the only access to the topic before the round.

#### “Current generations” is my ground - the justifications behind nuclear power prohibition are based upon the prioritization of the current generation – citizens object to nuclear power because of radioactive and fiscal dangers in the status quo, which means you vote aff even if I lose the burden since current generations don’t want nuclear power. Countries wouldn’t prohibit entire energy sectors without an a priori concern for the current generation; if they truly valued the future generations they would hold out as the health expenses of the current generation to provide an environmental and coal-free world for future generations, but that is not the case.

Jim McCluskey '12 (Author of "The Nuclear Threat"), 11-16-2012, "Ten Urgent Reasons to Reject Nuclear Power Now ," Truthout, http://www.truth-out.org/opinion/item/14461-ten-urgent-reasons-to-reject-nuclear-power-now // DM, 9-21-2016

Many citizens do not want nuclear power. They know it is both far too dangerous and far too expensive. UK governments have largely supported nuclear power as well as nuclear weapons. Many citizens do not want nuclear weapons because they know they are insanely dangerous, and they want to live without the constant threat of sudden and complete annihilation hanging over them and their children. The close relationship between the weapons and power in every sense of the word may explain differences in politicians' and citizens' agendas on these issues. The remedy is for us to wise up, get organized and then instruct the politicians to either do what we want - or join the job market. Here are 10 reasons we should reject nuclear power now.1. Nuclear Power Stations are Prohibitively Dangerous. There have now been four grave nuclear reactor accidents: Windscale in Britain in 1957 (the one that is never mentioned), Three Mile Island in the United States in 1979, Chernobyl in the Soviet Union in 1986 and now Fukushima. Each accident was unique, and each was supposed to have been impossible. A recent book, Chernobyl: Consequences of the Catastrophe for People and the Environment, concludes that, based on records now available, some 985,000 people died between 1986 and 2004, mainly of cancer, as a result of the Chernobyl accident. Alice Slater, New York representative of the Nuclear Age Peace Foundation, comments: "The tragic news uncovered by comprehensive new research that almost one million people died in the toxic aftermath of Chernobyl should be a wake-up call to people all over the world to petition their governments to put a halt to the current industry-driven 'nuclear renaissance.' Aided by a corrupt IAEA (International Atomic Energy Agency), the world has been subjected to a massive coverup and deception about the true damages caused by Chernobyl." At Fukushima we have the worst industrial disaster ever. Three simultaneous ongoing complete meltdowns have proven impossible to stop or contain since they started almost two years ago. These meltdowns are still pouring radiation pollution across the Japanese landscape. International experts (e.g. Charles Perrow in Normal Accidents) agree that there will continue to be disastrous failures at nuclear power stations, and that this cannot be avoided. As Edward Teller, the great nuclear physicist, said, "If you [try to] construct something foolproof, there will always be a fool greater than the proof." 2. Nuclear Power Stations are Prohibitively Expensive. Nuclear power stations are so expensive that they are never built without substantial contribution to their costs from citizens in the form of subsidies. The UK government has said it will not subsidize new nuclear power stations. However this seems to refer to the most overt form of subsidies and not to "hidden" subsidies. Nuclear power stations are so dangerous that no insurance company will undertake to pay the total costs of a disaster or a terrorist attack. So to get them built, the government has to limit liability. This is a subsidy. The cost of decommissioning also is an enormous sum. Any limitation to liability for decommissioning costs will be a subsidy. If the industry does not pay the total costs of disposing of nuclear waste and ensuring it is safe for thousand of years, then this is a subsidy. The industry does not pay the total costs of all research into nuclear energy. This is a subsidy.

#### 2. Topic Lit: An analysis of the resolution identifies the conflict of current generations and future generations as the core of the topic literature.

Dr. Ir Taebi Behnam ‘15 (Behnam Taebi is an assistant professor of philosophy at Delft University of Technology, and an associate with the Harvard Kennedy School’s Belfer Center for Science and International Affairs.), "Ethical dilemmas of nuclear power production and nuclear waste management," 4TU Centre for Ethics and Technology, http://ethicsandtechnology.eu/projects/the\_story\_of\_recycling\_nuclear\_waste\_accompanying\_risks\_and\_associated\_values/ // DM, 9-21-2016

Ethical dilemmas of nuclear power production and nuclear waste management. When we produc[tion] [of] nuclear power we are depleting a non-renewable resource (uranium) that will eventually not be available to future generations. Furthermore, the ensuing nuclear waste needs to be isolated from the biosphere for long periods of time to come. This gives rise to the problem of justice to posterity or intergenerational justice. Different production methods or nuclear fuel cycles address these issues differently which is why we first need to carefully scrutinize all the possibilities. This project focuses on such an analysis by investigating how the various fuel cycles employed will affect the interests of future generations. Philosophical discussions on justice to future generations have been combined with the technological realities of nuclear power production: what is our moral obligation to posterity and to what extent can existing technologies help us to meet such obligations? Which scientifically feasible future technologies have the potential to help us to comply with these obligations better? The answers to these questions can help decision-makers to reflect on the desirability of future fuel cycles, which again will support Research and Development paths for the final industrialization of a certain desirable technology.

#### A) Topic lit is key to fairness because it ensures predictable arguments and key to education because it enables a common ground to clash. B) The topic lit is the only agreed upon standards for pre-round prep, key to fairness and education since it ensures that we research advocacies that are predictable in the literature.

## Offense:

### Advocacy:

#### I defend the general resolution that countries ought to ban the production of nuclear power. The burden reinterprets what it means to affirm that resolution but if you want to specify a reasonable mechanism, actor, etc. I will. No link to implementation T cause I’ll defend it, but they aren’t relevant to affirming/negating the burden.

### Contention

#### We can know what someone “ought” to do based on the constitutive nature of the agent. The intrinsic characteristic of agency is determined through contingent desires and aims. KATSAFANAS:

Katsafanas, Paul. “Deriving Ethics from Action: A Nietzchean Version of Constitutivism.” Philosophy and Phenomenological Research, LLC. Boston University: 2011.

Enter a third theory, which attempts to do just that: constitutivism. According to constitutivism,there is an element of truth in both the internalist and the externalist positions. For the constitutivist agrees with the internalist thatthe truth of a normative claim depends on the agent’s aims, in the sense that the **[an] agent must possess a certain aim** in order **for the normative claim to be true.** But the constitutivist **[constitutivism] traces the authority of norms to an aim that** has a special status, an aim that **is constitutive of being an agent. This** constitutive **aim is not optional;** if you lack the aim, you are not an agent at all. So the constitutivist agrees with the internalist that practical reasons derive from the agent’s aims; but the constitutivist holds that **the relevant aim is one** that is **intrinsic to being an agent. Accordingly,** the constitutivist gets the conclusion that the externalist wanted: **there are non-optional reasons for acting.** Put differently, there are reasons for action that arise merely from the fact that one is an agent.

#### Next, the identifying feature of a person’s aim is their self-interest, as it accounts for their will and desire to follow a moral guide, or else their function would be to choose to ignore obligations. The only moral system that follows, is a contractarian system based on mutual restraint from individuals’ self-interest.

Gauthier, 1986, in Morals

**Moral** principles are introduced as **the objects of** full voluntary ex ante **agreement among** rational **persons. Such agreement is hypothetical, in supposing a pre-moral context for the adoption of moral rules** and practices**. But the parties to agreement are real, determinate individuals, distinguished by their** capacities, **situations, and concerns.** In so far as **they** would **agree to constrain**ts on **their choices,** restraining their pursuit of their own interests, **they acknowledge a distinction between what they may and may not do. As rational persons** understanding the structure of their interaction**, they recognize a place for mutual constraint, and so for a moral dimension in their affairs.**

#### Thus, the standard is consistency with a contractarian system. A contractarian system of morality demands that we prioritize current generations over future generations:

#### 1. Contractarianism requires that parties enter into a contract that is mutually beneficial, but since future generations don’t exist, they can’t enter into a contract to be prioritized. Current generations are the only ones alive so they are the only ones able to make a contract, resulting in an obligation to prioritize current generations.

#### 2. Current generations wouldn’t form a contract to protect future generations since it’s not in their self-interest. The framework sets up that agents must do what it’s in their self-interest, but prioritizing future generations would tradeoff with harms to the current generations.

#### There is no obligation to future generations:

#### 1. The Non-Identity Problem: Prioritization of future generations leads to a paradox - choosing to protect future generations results in a contradiction of identity of future and further future people. Parfit:

Derek Parfit, Reasons and Persons, 351-379 http://www.chadpearce.com/Home/BOOKS/161777473-Derek-Parfit-Reasons-and-Persons.pdf

**Consider** The **[a] 14-Year-Old Girl. This girl chooses to have a child. Because she is** so **young, she gives her child a bad start in life.** **Though this will have bad effects** throughout this child's life, **his life** **will**, predictably, **be worth living**. If this girl had waited for several years, she would have had a different child, to whom she would have given a better start in life. Since such cases are, at least in the United States, becoming very numerous, they raise a practical problem. 8 They also raise a theoretical problem. **Suppose that we tried to persuade this girl** that she ought to wait. We claimed: 'If you have a child now, you will soon regret this. **If you wait, this will be better for you.**' **She replied: 'this is my affair.** Even if am doing what will be worse for me, I have a right to do what I want.' **We replie**d: **'This is not entirely your affair. You should think not only of yourself, but also of your child. It will be worse for him if you have him now.** If you have him later, you will give him a better start in life.' We failed to persuade this girl. She had a child when she was 14, and, as we predicted, she gave him a bad start in life. Were we right to claim that her decision was worse for her child? If she had waited, this particular child would never have existed. And, despite its bad start, his life is worth living. **Suppose** first **that we do *not* believe that causing to exist can benefit**. We should ask, 'If someone lives a life that is worth living, is this worse for this person than if he had never existed?' **Our answer must be No.** **Suppose next that we believe that causing to exist *can* benefit. On this view, this girl's decision benefits her child**. **On both views, this girl's decision was not worse for her child.** When we see this, do we change our mind about this decision? **Do we cease to believe that it would have been better if this girl had waited, so that she could give to her first child a better start in life?** I continue to have this belief, as do most of those who consider this case. But **we cannot defend this belief in the natural way that I suggested. We cannot claim that this girl's decision was worse for her child.** What is the objection to her decision? This question arises because, in the different outcomes, different people would be born. I shall therefore call this the *Non-Identity Problem*. It may be said: In one sense, this girl's decision was worse for her child. In trying to persuade this girl not to have a child now, we can use the phrase ‘her child’ and the pronoun ‘he’ to cover any child that she might have. These words need not refer to one particular child. We can truly claim: ‘**If this girl does not have her child now, but waits and has him later, he will not be the same particular child.** **If she has him later, he will be a different child.**’ By using these words in this way, we can explain why it would be better if this girl waits. We can claim: (A) The objection to this girl's decision is that it will probably be worse for her child. If she waited, she would probably give him a better start in life Though we can truly make this claim, it does not explain the objection to this girl's decision. This becomes clear after she has had her child. **The phrase ‘her child’ now naturally refers to this particular child. And this girl's decision was not worse for this child**. Though there is a sense in which (A) is true, (A) does not appeal to a familiar moral principle On one of our familiar principles, it is an objection to someone's choice that this choice will be worse for, or be against the interests of, any other particular person. **If we claim that this girl's decision was worse for her child, we cannot be claiming that it was worse for a particular person.** We cannot claim, of the girl's child, that her decision was worse for him. We must admit that, in claim (A), the words ‘her child’ do not refer to her child.

#### Few implications: 1) Prioritizing future generations is impossible because at every moment of time, future people are different based on shifts in state of affairs 2) it’s impossible to say we have an obligation unless it’s directed at some person or object but if future generations are constantly changing then it’s impossible to have obligations toward them

#### 2. Policymaking: Acting for future generations is impossible – we don’t know their preferences or what they want because they don’t exist yet, so we can’t say doing one action or another helps them. Policymakers don’t have complete information on what can help them.

Neil H. Buchanan ’11, What Kind of Environment Do We Owe Future Generations?, George Washington University Law School

Deciding how to improve the lives of future generations is, however, not a simple matter of making the choices that current generations would make for themselves. If current generations, for example, yearn for a return to a more natural lifestyle—regretting the centuries of human decisions that have resulted in dirty air, disease-laden waters, and despoiled landscapes—they might conclude that future people would be grateful for decisions made today that would make a return to a more natural lifestyle possible. This would result in policy choices [are] designed to give future people something that has been lost, most likely at a cost to current generations. It is possible, however, that future generations would—if their opinions could be known in advance—tell us not to bother. At various times and places, the height of human advancement was considered to be the ability to rise above the natural environment.39 There is, at least, no obvious reason why being closer to the earth is something that future generations would value. Consider a very stark example: Suppose that there were a direct choice between providing consumer goods for future generations and giving them a breathable atmosphere that can sustain life. If it could be possible to provide breathable air through artificial means, such as gas masks, this would mean that there is a choice between creating a world where future generations can breathe naturally but lack certain consumer goods, or allowing a future world to come into existence in which people breathe artificially but have a much wider array of goods for their amusement. How would we know whether future generations would really want to trade their toys for the ability to breathe air the oldfashioned way? In fact, it is easy to imagine human attitudes adapting quite readily to a world that is so radically different from ours, with gas masks becoming a fashion item, sun-block creams being used for cosmetic purposes, and so on. Even so, because it is not possible to ask future generations what they would prefer, current generations must speak for them. Ultimately, that is what the policy-making process is all about. Moreover, because of the problem of irreversibility noted above, any decision to take away environmental options must be weighed more seriously than decisions that can be changed at any point in the future with relative ease.40 It seems at least plausible, therefore, that any decision based on a guess about what future generations might want should take into account how well that decision preserves the options of future generations. Absent a compelling reason, future generations should not be prevented from being able to choose even greener options, should it turn out that they value nature more highly than consumer goods. In any event, the actual issues over which policy debates are currently being waged probably do not involve such stark choices. The best evidence available suggests that we could make decisions today to improve the environmental inheritance of future generations without lowering their material living standards. Indeed, many of the choices available today could both save the environment and help improve future material living standards. Therefore, while it is reasonable to worry about the possibility of extreme trade-offs, the actual range of policy choices allows for dramatic improvements in future environmental outcomes, while still allowing people’s economic incomes to rise substantiall

#### 3. Action: When we take actions, we must have an idea of the end. When we say that we want to protect future generations, we have an idea of an end where future generations are benefited and that our means actually result in this end. However, every action can be subdivided into smaller actions to infinitum. If that’s true, then we can never verify that our means to an action will help future generations since a) every action is infinitely dividable and b) we can’t predict the consequences of our actions since every action results in an infinite chain of other actions.

#### 4. The Problem of Other Minds – the only reason we’d want to protect future generations is because they share some common characteristic of humanity with us and therefore are valuable. However, this reasoning is flawed: You can’t know that other people that have minds or consciousness in the same way that we do. It’s perfectly consistent with our rationality to believe that they are simply acting mechanically, and it’s also impossible to disprove empirically as there is no way to determine whether other acted out of the same free-will we do, or if they operate completely of machines.

# Hill NC

Got this idea from Ronkin and Branse—I never got to break it, but I think some of the Dale kids were able to read it

## Framework

#### To negate means “to deny the truth of” which implies a) that you presume neg since negating has no positive connotation and permissibility negates and b) that indicting assumptions negates since it denies the fact that the resolution can be true by making it logically incoherent. The only source of intrinsic value is humanity; a nuclear power prohibition only is instrumentally valuable to human ends. Prefer: 1. In order for something to be valuable, there must be a valuer who values that thing. Only agents are intrinsically valuable since agents can confer value onto other objects through second order desires; facts about the world thus only have value relative to agents.

Thomas Hill, Jr. “Self-regarding suicide: A modified Kantian view,” in Autonomy and Self-Respect, Cambridge University Press, 1991, 102-103.

The second argument is roughly this: Most valuable things have value only because [they’re] valued by human beings. Their value is derivative from the fact that they serv[ing] our interests and [agents’] desires. Even pleasure, which we value for its own sake, has only derivative value, that is, value dependent on the contingent fact that human beings want it. Now if valuers confer derivative value on things by their preferences and choices, those valuers must themselves have value. In fact, they must have value independent of, and superior to, the derivative values, which they create. The guiding analogy is how we treat ends. We value certain means because they serve intermediate ends, which in turn we value because they contribute to our ultimate ends, that is, what we value for its own sake. The value of the means and the intermediate means is derivative from the value of the ultimate ends; unless we value the ultimate end, the means and intermediate ends would be worthless to us. So, it seems, the source of derivative value must be valuable for its own sake. Since the ultimate source of the value of our contingent ends, such as health, wealth, and even pleasure, is their being valued by human beings, human beings, as valuers, must be valued for their own sakes.

#### 2. A nuclear power prohibition is not intrinsically valuable because it only has value in so far as there are agents to pursue it. For example, prohibition might be key to rectifying the environment or stopping proliferation, but it is only a process that is instrumentally valuable, so it can’t be valuable in and of itself. 3. Only intrinsic goods can produce categorically binding moral judgments, since they commit one to pursuing ends that cannot be rationally abandoned. Goods cannot produce binding constraints on action, since one can rationally abandon the ends for which the good is a means of achieving. And with non-intrinsically valuable goods, we must care about the distribution so that goods are fairly applied to all agents. Prefer: 1. Since there are no a priori differences between agents, it would be incoherent to say that a good should only be applicable to some people. In order to be consistent with this characteristic, one cannot put constraints on the use of a good, and specifically if those constraints advantage one person over another. 2. Since morality is a guide to action, it could only be a guide if rational agents would accept it. No agent would accept a norm that constrained their ability to fulfill ends if a good existed. Also, no agent would accept a rule that constrained agents at one time and permitted the same action another time, so one cannot accept a rule that applies inconsistently in time and location. 3. Any moral theory must respect that goods are fairly applied to all agents otherwise it would have an arbitrary mechanism for distributing the good to the agents it applies to. Arbitrariness is bad since it would result in principles applying in some instances but not in others, making moral rules optional. Thus the neg burden is to show that nuclear prohibition is not a principle that could be applied fairly.

## Contention

#### 1. The resolutional action is unfair to developing countries because they can’t use nuclear power production in the same way as developed countries. Developed countries originally used the goods in resources to develop and improve, but then once developed they forbid other developing countries from doing the same thing. Developed countries used instrumental goods to reach a higher standing that is now unattainable to other countries, which leads to unequal cooperation.

#### 2. Distribution is unfair because it ensures that only developing countries have to sacrifice. Wealthy countries have already profited off of nuclear energy and have viable alternatives, but developing countries rely on nuclear energy programs and are disproportionately harmed.

John P. Banks and Kevin Massy ‘12 (John P. Banks is a nonresident senior fellow in the Energy Security and Climate Initiative at Brookings), 12-16-2012, "Nuclear Power in Developing Countries? Let’s Talk about It," Brookings, https://www.brookings.edu/opinions/nuclear-power-in-developing-countries-lets-talk-about-it/ // AHS-DM, 8-30-2016

With annual negotiations on a global climate change in Doha, Qatar just completed, it is clear that the world is failing to meet the challenge to reduce carbon emissions. As countries squabble about low-carbon investment funds, historical responsibility, and “climate compensation,” one proven low-carbon technology is being left out of the discussion: nuclear power. Cited by many as a critical component of any meaningful carbon reduction effort, nuclear energy has been relegated in developed countries. Some nations are planning complete nuclear-power phase-outs and others see a reduced role for the technology as safety related costs and the viability of alternatives – principally natural gas – increase. While the developed world gets cold feet on nuclear power, its prospects in developing countries are different. The challenges of meeting electricity demand, reducing reliance on imported energy, and promoting economic growth while lowering carbon dioxide emissions, leave many emerging nations with no alternative but to consider nuclear energy as a key component of their economic development and energy security strategies. The International Energy Agency (IAEA) projections show that these countries will account for 40 percent of total global nuclear power generation by 2035, up from 17 percent in 2010. Of nuclear reactors currently under construction, 69 percent are in China, India and Russia, with China alone accounting for 40 percent of the total. In addition, several developing countries are looking to construct their first nuclear reactors in the next decade or so; the United Arab Emirates has broken ground on the construction of its first units, and Turkey, Jordan and Vietnam are also well along in their plans to build their first civilian nuclear reactor. A handful of others are seriously considering nuclear power, but commitments are pending. Serious challenges remain in expanding or introducing a nuclear energy infrastructure in developing countries. Major barriers include the high cost of building nuclear power plants, the time required to develop robust legal and regulatory frameworks, the long-term commitment required, establishing a sustainable safety and non-proliferation culture, small grid sizes and lack of interconnections, and lack of human resources capacity.

# Elections DA

Ari cut a lot of the frontlines for this stuff over the summer, but this was a big part of my negative strategy against tricks and phil debaters

#### Hillary wins, but the race is way too tight. She’s losing her lead in the polls and only ahead by one swing state.

Nate Silver [From Two Days Ago] (), 9-22-2016, "Clinton’s Leading In Exactly The States She Needs To Win," FiveThirtyEight,

Right now, Clinton is over the line by exactly one state. As of this writing, that state — what we also call the tipping-point state — is New Hampshire. But a group of states are closely lumped together, and Pennsylvania, Colorado and Wisconsin have all taken their turn as the tipping-point state in recent weeks. If she wins all those states and everything toward the blue end of the snake, Clinton would finish with 272 electoral votes, even assuming she loses the 2nd Congressional District of Maine. (Maine and Nebraska split their electoral votes by congressional district.) That’s two more than she needs to win the election. But in different ways, that both understates and overstates how precarious Clinton’s position is. It understates it because Clinton has no margin to spare. Clinton’s polling has been somewhere between middling and awful in most of the other swing states lately, and they all at least lean toward Trump at the moment, narrowly in some cases (such as Florida) and more clearly in others (such as Iowa). If Clinton loses any of the states on the blue side of the snake without picking anything up on the red side, she’ll be stuck on 269 electoral votes or fewer.1

#### Trump and his supporters love nuclear power

Follett ‘16 Andrew Follett, 2-20-2016, "Here’s Where The 2016 Candidates Stand On Nuclear Power," http://dailycaller.com/2016/02/20/heres-where-the-2016-candidates-stand-on-nuclear-power/ Daily Caller, WP

Donald Trump: The real estate mogul has made strong public statements supporting nuclear power, but tends to favor further development of natural gas. In the aftermath of the 2011 Japan Fukushima nuclear disaster, Trump told Fox News “nuclear is a way we get what we have to get, which is energy.” “I’m in favor of nuclear energy, very strongly in favor of nuclear energy,” Trump said. “If a plane goes down people keep flying. If you get into an auto crash people keep driving.” The permitting process for nuclear power needs to be reformed, Trump explained. He qualified this statement saying “we have to be careful” because nuclear power “does have issues.” Trump specified that he favored the development of natural gas over nuclear energy in the same interview: “we’re the Saudi Arabia times 100 of natural gas, but we don’t use it.”

#### The AFF becomes a key spinning factor for republicans because of Clinton’s lack of support for nuclear energy and Obama’s current policy – Republicans will pit nuclear power policy against Clinton.

John Siciliano ‘16, 1-10-2016, "The 2016 politics of nuclear energy," Washington Examiner , WP http://www.washingtonexaminer.com/the-2016-politics-of-nuclear-energy/article/2579855

The presidential election may offer hope for a resurgence of interest in nuclear energy. And if a Republican wins the White House, it's more likely that [is] the centerpiece of that effort, a controversial nuclear waste site at Yucca Mountain, Nevada, will move forward. [what] Republicans stand for what they call the "law of the land," referring to the fact that Congress chose Yucca Mountain to be the nation's nuclear waste dump, and that has not changed despite President Obama's and congressional Democrats' success in upending the project and focusing instead on wind and solar power. But even with a president who favors nuclear energy, it will still prove difficult to build the site to take radioactive waste from nearly 100 power plants. Nuclear power is one of the cleanest forms of electricity, yet the question of what to do with waste continues to fester. Many people see Yucca Mountain as the answer, but opponents say it's unsafe. But both sides agree that building more nuclear plants hinges on waste disposal. It pits the administration against lawmakers and exposes a rift between the pro-nuke and anti-nuke wings of the environmental movement. A big barrier to the nuclear option is price. Ben Zycher, senior energy fellow at the conservative American Enterprise Institute, said new nuclear reactors cost far too much, especially since natural gas is so cheap. That could sideline nuclear energy and Yucca Mountain this election year. Yucca Mountain's main adversary, Nevada Democrat Harry Reid, is retiring from Congress at the end of the year, but Zycher said other Nevada officials will step into the breach. "It may be a case without Reid in the Senate the path would be eased, but that's not particularly obvious," he said. David McIntyre, spokesman for the Nuclear Regulatory Commission, charged with licensing the dump, agrees, saying it "would be immensely difficult" to start back up after so many years of administration stalling. And Democratic presidential front-runner Hillary Clinton is "not going to endorse it," Zycher said. Litigation and 2016 Rod McCullum, the Nuclear Energy Institute's director of used fuel issues, calls managing nuclear waste the "most technically simple, but politically complicated things we do." It might arise in the presidential election because President Obama has stalled longstanding nuclear waste policy, defying Congress, many states and the Nuclear Waste Policy Act, which designates Yucca Mountain as America's long-term nuclear waste repository. Obama's efforts to hamstring Yucca during his first term helped keep Reid loyal. But both are leaving Washington, and federal courts have ruled that the administration could not kill the Yucca project without congressional consent and while continuing to collect money from utilities and states to build it. The D.C. Circuit Court of Appeals in 2013 dealt a blow to the administration by ordering the Nuclear Regulatory Commission to complete its work on licensing the facility, which it recently did despite Reid having choked off the commission's funding. McCullum said the commission has been "eeking" along.

#### A Trump presidency irreversibly contributes to climate change and kills U.S. softpower

Think Progress '16 (), 5-25-2016, "The Environmental Implications Of A Trump Presidency," Think Progress, https://thinkprogress.org/the-environmental-implications-of-a-trump-presidency-fc298e5fd83c // AHS-DM, 9-11-2016

He will also have to decide what he would actually do with U.S. energy and climate policy. He’s already offered some rhetoric about saving coal jobs, denying climate science, and bashing renewable energy. But on Thursday he is expected to reveal his agenda in keynote speech at an oil expo in Bismarck, North Dakota. “I have no idea what Trump thinks about climate change,” said Alex Bozmoski, strategy and policy director at the conservative environmental group RepublicEn. “Donald Trump as the standard-bearer for the Republican Party is a pontificator’s paradise because there’s no connection between what he says and what he does.” For the most part, Trump’s views have been predominantly expressed on Twitter — largely about how cold weather in the winter meant mainstream climate science was a joke, and how much he disliked wind turbines. “Building a clean energy economy takes more than 140 characters,” Tom Steyer, president of NextGen Climate said on a Wednesday press call. Trump isn’t alone in this effort to foil a clean energy economy, he said — he leads a party that has embraced polluters, tried to block the EPA’s anti-pollution efforts. Rep. Kevin Cramer (R-ND) was recently announced as Trump’s energy advisor. Cramer likes fossil fuel extraction, dislikes environmental regulations, and says mainstream climate science is based on “fraudulent science.” Trump’s speech to the oil industry in North Dakota may provide further clarity. But what would a President Trump’s real-world options be when it comes to changing current energy and climate policy? Stopping Environmental Executive Action The Obama Administration has one main option in response to a GOP-controlled legislative body that is by nearly all accounts the most anti-environment congress in history. It can enforce current laws on the books in new ways, issuing rules and executive orders to cut pollution and boost sustainable solutions around the government and nation. These have been successful in many ways LIST This is also the easiest way for a new president to reverse Obama’s progress on the environment. Brad Johnson, executive director of Climate Hawks Vote, said that Trump is not a conventional candidate. “He says he would bomb countries and take their oil. That’s what he would do. He says that global warming is a Chinese hoax — he would treat scientists and environmentalists as threats to the state.” Johnson said Trump “would take extreme executive action,” easily dismantling Obama’s executive actions. Energy Secretary Ernest Moniz said, however, that it would be difficult for the next president to undo all the formal rulemaking, especially as the markets and industry have already begun to adjust to cleaner energy. Scrapping the EPA, Let Alone the Clean Power Plan When a presidential candidate says they will eliminate the EPA, calling it a “disgrace,” a serious consideration of his environmental policy gets a little screwy. “Trump has said explicitly that he wants to eliminate the EPA so there is no speculation on how far he would try to go,” Holly Shulman, a Sierra Club spokesperson, told ThinkProgress. Most Americans across the political spectrum support the EPA’s safeguards, she said, and coal is on its way out. “Donald Trump can talk about eliminating the EPA until his face turns blue but the market won’t support it,” Shulman said. If he doesn’t have the votes to shut down the EPA, perhaps he could use a stunt like that to get everyone to quit What of President Obama’s signature climate policy, the Clean Power Plan? Trump could potentially slow down or stop the rule, which regulates carbon pollution from the power sector through a flexible arrangement with each state. It’s currently being fought in court, with oral arguments scheduled for September 27. Rhea Suh, president of the NRDC Action Fund, said on a Wednesday press call that Trump could have EPA withdraw the Clean Power Plan altogether, he could fight it in court, and he could assure the states that their plans would not be enforced stronglym if at all. Suh noted that delaying regulations like methane standards and clean vehicle standards “would be in essence a defeat” given how quickly emissions need to drop. Trump responded in an American Energy Alliance (AEA) questionnaire that he would review the EPA’s “endangerment finding” which undergirds the premise that greenhouse gases are able to be regulated under the Clean Air Act if they endager public health and welfare. The Supreme Court said the Bush administration had to regulate carbon dioxide under the Act if the EPA found such a threat. In 2009, it did exactly that, and from there the administration has regulated carbon pollution from vehicles and the power sector to comply with the law. Reviewing the endangerment finding could threaten that work. RepublicEn’s Bozmoski was skeptical of this move. “If he doesn’t have the votes to shut down the EPA, perhaps he could use a stunt like that to get everyone to quit,” he told ThinkProgress. “It feels sinister to instruct civil servants and scientists to anchor the policy of the U.S. to wildly-discredited, un-empirical junk science.” If Trump can’t shut down the EPA, he will still do his best to stop it from doing much. Asked about regulating carbon pollution, Trump characterized the Obama administration’s actions as “an overreach that punishes rather than helps Americans” in the AEA questionnaire. He then went further. “Under my administration, all EPA rules will be reviewed. Any regulation that imposes undue costs on business enterprises will be eliminated.” He did not define what “undue cost” meant. Renegotiating Paris “If Donald Trump is elected, he would be the first climate-denying head of state in the world,” the Sierra Club’s executive director Michael Brune said on a Wednesday press call. Trump has said he would seek to renegotiate the “one-sided,” “bad,” Paris climate agreement, ignoring the fact that the agreement is one-sided in favor of the United States, not against it. The rest of the planet has agreed to cut emissions, which will help to save Trump specifically from ruin, as someone who owns a lot of coastal property. “The laws of physics are not very negotiable,” James Murphy, senior counsel at the National Wildlife Federation, told ThinkProgress. He said that whether Trump would renegotiate the agreement or completely renege on it is immaterial to the fact that the United States should not walk away from the obligations it made at Paris. Could Trump actually renegotiate the agreement? The future head of the U.N. climate office, Patricia Espinosa, said “it would not be easy.” Yet unless the agreement gets locked in this year, he could certainly slow the process down or move to take America out of it as the Bush administration did with the Kyoto Protocol 16 years ago. This could lead to similar defections from other countries. “Trump is proposing we negotiate away American global leadership,” Sierra Club’s Shulman said. “What he said is ridiculous and would do irreparable damage to our role in the world. Trump’s comments show how little he understands about conducting foreign policy.” Given how little regard Trump appears to hold for international agreements and U.S. allies, this may not hold much sway in a Trump administration. Carbon and Energy in a Tax Compromise? Cramer, Trump’s energy adviser, made some waves last week when he said he advised Trump that he should consider a carbon tax as a replacement for the Clean Power Plan. Trump replied on Twitter that reports that he might consider a carbon tax were false: Indeed, Trump replied in the AEA questionnaire that he would not support a carbon tax, nor the administration’s social cost of carbon . It’s possible a carbon tax could get folded into a broader tax compromise, but people say that all the time and it never happens. Trump could be different — his anti-corporate rhetoric alarmed the fossil fuel industry earlier in the campaign. Trump is expected to lay out a broadly fossil-fuel-friendly plan in his North Dakota speech, however. “Trump believes that when oil spills occur ‘you clean them up’ and called the push to develop renewable energy a ‘big mistake’ and ‘an expensive way of making treehuggers feel good about themselves,’” Shulman said. “The current GOP drive to subsidize fossil fuels at the expense of renewables would continue under a President Trump.” Extract, Baby, Extract Trump has promised to bring back coal jobs when campaigning in West Virginia. Which is a problem when most of the coal jobs that have been lost were due to decisions made by the industry to mechanize their workforce. And the market is simply moving away from coal to natural gas and renewable energy. It’s unclear what Trump would do on this, other than blow smoke. That doesn’t mean the coal industry isn’t on board with a candidate who is alarmingly unfamiliar with the energy sector. When coal executive Bob Murray suggested Trump allow more LNG terminals to export more natural gas, Trump had a question for Murray. “What’s LNG?” Liquefied natural gas terminals are the only way to transport natural gas overseas, which would reduce the domestic natural gas supply glut and, at least to the coal industry, make coal more competitive. A president promising to bring coal jobs back should be familiar with the economic trends affecting coal. Still, Murray was impressed with Trump. “He’s got his head on right,” Murray concluded after their meeting.

#### Warming is real, anthropogenic and causes extinction.

Don Flournoy ‘12 is a PhD and MA from the University of Texas, Former Dean of the University College @ Ohio University, Former Associate Dean @ State University of New York and Case Institute of Technology, Project Manager for University/Industry Experiments for the NASA ACTS Satellite, Currently Professor of Telecommunications @ Scripps College of Communications @ Ohio University (Don, "Solar Power Satellites," January, Springer Briefs in Space Development, Book, p. 10-11). Citing Feng Hsu, PhD, Ex-head of the NASA GSFC risk management function, and was the Goddard Space Flight Center lead on the NASA-MIT joint project for risk-informed decision-making support on key NASA programs. This guy’s job was risk analysis for NASA

In the Online Journal of Space Communication , Dr. Feng Hsu, a NASA scientist at Goddard Space Flight Center, a research center in the forefront of science of space and Earth, writes, “The evidence of global warming is alarming,” noting the potential for a catastrophic planetary climate change is real and troubling (Hsu 2010) . Hsu and his NASA [was] colleagues were engaged in monitoring and analyzing climate changes on a global scale, through which they received first-hand scientific information and data relating to global warming issues, including the dynamics of polar ice cap melting. After discussing this research with colleagues who were world experts on the subject, he wrote: I now have no doubt global temperatures are rising, and that global warming is a serious problem confronting all of humanity. No matter whether these trends are due to human interference or to the cosmic cycling of our solar system, there are two basic facts that are crystal clear: (a) there is overwhelming scientific evidence showing positive correlations between the level of CO2 concentrations in Earth’s atmosphere with respect to the historical fluctuations of global temperature changes; and (b) the overwhelming majority of the world’s scientific community is in agreement about the risks of a potential catastrophic global climate change. That is, if we humans continue to ignore this problem and do nothing, if we continue dumping huge quantities of greenhouse gases into Earth’s biosphere, humanity will be at dire risk (Hsu 2010 ) . As a technology risk assessment expert, Hsu says he can show with some confidence that the planet will face more risk doing nothing to curb its fossil-based energy addictions than it will in making a fundamental shift in its energy supply. “This,” he writes, “is because the risks of a catastrophic anthropogenic climate change can be potentially the extinction of human species, a risk that is simply too high for us to take any chances” (Hsu 2010).

# NOVDEC

# Testimonies AC

Branse helped a lot to write this aff annnnnnnd it got smacked by Parker round one of Glenbrooks. It wasn’t really ever strategic to read it again haha

#### I affirm – the standard is appealing to qualified moral authorities. Prefer:

#### 1. Naturalism – Individuals can’t derive ethics from non-ethical things because you would have to either a) presuppose the proper way to make the derivation which smuggles in a hidden non-derived moral premise or b) it would simply end up describing the way the world is, not the way it ought to be.

Soran Reader. “New Directions in Ethical Naturalism.” http://www.jstor.org/stable/27504153. Ethical Theory and Moral Practice, Vol. 3, No. 4 (Dec., 2000), pp. 341-364 Published by: Springer.

What is the alternative? To understand ethics in its own terms. This deprives us of explanatory naturalism. **We can't** without error **expect to understand ethics in any terms but ethical.** This has seemed to many philosophers to be unduly restrictive, and to threaten relativism.8 But in fact it does not lead to these difficulties ? or, more accurately, it doesn't exacerbate them. The problem of displaying the rationality of ethics in a compelling way is real. But it is also general. It is the same as the problem of displaying the rationality of all the other things we do: playing games, conducting scientific enquiry, writing philosophy papers. We might be able to make connections between activities using an analogy with another game, say, to illuminate the game of chess for someone. But all we will ever be able to lay our hands on in the activity of explaining, is more of the same: parts of our life. **The idea of** our **being able to use 'the world as it is in itself to explain any of our activities is** practically **contradictory.** And **the idea that rationality supernature,** rather than first nature **can be used to explain ethics in this way, involves a similar error. The way we think acquire beliefs, deliberate, justify ourselves is also part of our life. It is as 'fundamental'** in that life **as ethics is, but** no more so, **no more knowable 'in itself,** as Aristotle, in the grip of a similar error to our own, would have put it, **than it is 'to us', here and now, living as we live. So explanatory accounts of ethics, whether they invoke first-nature or super natural reason, are mistaken.** Explicatory naturalism is as far as we can go. And as far as we need to go.

#### We cannot derive ethics from nothing or some tiny component of life; nor can we deny it. Ethical understanding transcends particular tradition and culture. If we aren’t in the realm of ethics, we would need to accept that individuals that are within the realm of ethics are authorities, and that we should trust them – this requires testimonies. A) We instinctively err towards believing what we are told. Following testimonies is an intellectual necessity – knowledge is cooperative. Without testimonies, children could not ever start learning in their cognitive lives. B) Ethics is something that is learned only by ethical insiders, those ethical insiders are the people we need to look towards in order to come to ethical conclusions. Takes out any NC’s - if you reject the AC framework, you are standing outside the moral system so you don't have the jurisdiction to discuss it. To justify an alternative framework, you must explicitly prove you are within the moral system as a testimony.

#### 2. Probability – In order to determine any question, we have to consider what makes it right, and what the best method is to achieve it. My claim does not isolate moral principles, but rather the epistemic lens with which to determine morality. Moral principles aren’t to follow testimonies, but the best way to achieve morality is to follow the advice of testimonies.

C. S. Lewis, C. S. The Abolition of Man, Or, Reflections on Education with Special Reference to the Teaching of English in the Upper Forms of Schools. San Francisco: Harper San Francisco, 2001. Print.

St Augustine defines virtue as ordo amoris, the ordinate condition of the affections in which every object is accorded that kind of degree of love which is appropriate to it.11 Aristotle says thatthe aim of education is to make the pupil like and dislike what he ought.12 **When the age for reflective thought comes, the pupil who has been thus trained in 'ordinate affections' or 'just sentiments' will easily find the first principles in Ethics; but to the corrupt man they will never be visible at all and he can make no progress in that science.13** Plato before him had said the same. The little human animal will not at first have the right responses. It must be trainedto feel pleasure, liking, disgust, and hatred at those things which really are pleasant, likeable, disgusting and hateful.14 In the Republic, **the well-nurtured youth is one 'who would see most clearly whatever was amiss in ill-made works of man or ill grown works of nature,** and with a just distaste would blame and hate the ugly even from his earliest years and would give delighted praise to beauty, receiving it into his soul and being nourished by it, so that he becomes a man of gentle heart.All this before he is of an age to reason; so that when Reason at length comes to him, then, bred as he has been, he will hold out his hands in welcome and recognize her because of the affinity he bears to her.'15 In early Hinduism that conduct in men which can be called good consists in conformity to, or almost participation in, the Rta—that great ritual or pattern of nature and supernature which is revealed alike in the cosmic order, the moral virtues, and the ceremonial of the temple. Righteousness, correctness, order, the Rta, is constantly identified with satya or truth, correspondence to reality. As Plato said that the Good was 'beyond existence' and Wordsworth that through virtue the stars were strong, so the Indian masters say that the gods themselves are born of the Rta and obey it.16 The Chinese also speak of a great thing (the greatest thing) called **the Tao.** It is the reality beyond all predicates, the abyss that was before the Creator Himself. It **is** Nature, it is **the Way**, the Road. It is the Way **in which the universe goes on,** the Way in which **things everlastingly emerge,** stilly and tranquilly, **into space and time**. It is also**[and] the Way which every man should tread in imitation of that cosmic and supercosmic progression, conforming all activities to that great exemplar.17** 'In ritual', say the Analects, 'it is harmony with Nature that is prized.'18 The ancient Jews likewise praise the Law as being 'true'.

#### For example, we can look up symptoms on Google, but it is more reliable to visit a doctor. In order to correctly determine the method by which we derive morality and how we should act from it we need to find the best method to do so.

#### 3. Inescapability – Alternative standards are not competitive because although the standard itself might be true, it was already considered by moral experts, so there is no reason why their framework is better. My framework always precludes since testimony is inescapable; you accept testimony of your authors in descriptions of the world. The judge accepts your testimony in believing your claims about authors. We accepted the testimony of the tournament about where to be when to debate. We cannot reason without accepting testimonial authority to provide reasonable assumptions.

#### 4. Inclusivity – The standard is best for the inclusion of marginalized and excluded moral authorities. You should continually question the authority of your speaker which allows you to place racial and sexual minorities in positions of power and influence.

Medina, José. "Toward a Foucaultian epistemology of resistance: counter-memory, epistemic friction, and guerrilla pluralism." Foucault Studies 12 (2011): 9-35.

Subjugated knowledges remain invisible to mainstream perspectives; they have a precarious subterranean existence that renders them unnoticed by most people and impossible to detect by those whose perspective has already internalized certain epistemic exclusions. And with the invisibility of subjugated knowledges, certain possibilities for resistance and subversion go unnoticed. The critical and emancipatory potential of Foucaultian genealogy resides in challenging established practices of remembering and forgetting by excavating subjugated bodies of experiences and memories, bringing to the fore the perspectives that culturally hegemonic practices have foreclosed. The critical task of the scholar and the activist is to resurrect subjugated knowledges—that is, to revive hidden or forgotten bodies of experiences and memories—and to help produce insurrections of subjugated knowledges.4 In order to be critical and to have transformative effects, genealogical investigations should aim at these insurrections, which are critical interventions that disrupt and interrogate epistemic hegemonies and mainstream perspectives (e.g. official histories, standard interpretations, ossified exclusionary meanings, etc). Such insurrections involve the difficult labor of mobilizing scattered, marginalized publics and of tapping into the critical potential of their dejected experiences and memories. An epistemic insur- rection requires a collaborative relation between genealogical scholars/activists and the subjects whose experiences and memories have been subjugated: those subjects by themselves may not be able to destabilize the epistemic status quo until they are given a voice at the epistemic table (i.e. in the production of knowledge), that is, until room is made for their marginalized perspective to exert resistance, until past epistemic battles are reopened and established frameworks become open to con- testation. On the other hand, the scholars and activists aiming to produce insurrec- tionary interventions could not get their critical activity off the ground if they did not draw on past and ongoing contestations, and the lived experiences and memo- ries of those whose marginalized lives have become the silent scars of forgotten struggles.

#### The standard is a prerequisite to any role of the ballot since that presupposes that all opinions are considered, but certain methodological options don’t even have a seat at the table. Any uncertainty means that you prefer my standard – you can’t weigh it against alternatives without access to those alternatives, and arguments for or against any option are beyond us unless the aff happens.

## Offense

#### I content that Sonia Sotomayor of the Supreme Court of the United States affirms. She believes that qualified immunity for public officials should be limited through the reasonableness standard, and frequent application in court would distort the Fourth Amendment

Kit Kinports ‘16, [Professor, Penn State Law], “The Supreme Court’s Quiet Expansion of Qualified Immunity,” “Minnesota Law Review, 2016 // AHS DM

Given the Court’s distinction between Fourth Amendment rights and remedies, Heien may not signal a retreat from the precedents analogizing qualified immunity and the good-faith exception to the exclusionary rule. Nevertheless, the Justices’ amorphous suggestion that qualified immunity is a “forgiving” rather than “demanding” standard—and the implication that public officials who make “sloppy” errors may nevertheless satisfy qualified immunity’s objective reasonableness inquiry— mirror the change in the tone used to characterize the qualified immunity defense that is discussed in Part I. Justice Sotomayor, dissenting in Heien, criticized the majority’s insistence on leaving “undefined” the objective reasonableness standard it was endorsing in that case as well as the failure to “elaborat[e]” on the distinction between that Fourth Amendment standard and the qualified immunity inquiry, predicting that the difference “will prove murky in application.”69 Given the Court’s tendency to qualify its precedents and thereby covertly expand the qualified immunity defense, it would not be at all surprising to find future § 1983 decisions citing Heien in referring to qualified immunity as a “forgiving” defense and in dismissing a government actor’s misunderstanding of constitutional doctrine as merely “sloppy” rather than “plainly incompetent.”

#### Empirically confirmed – she dissented in Mullenix v. Luna and argued that qualified immunity promotes a culture of deadly force and should be limited when it ivades upon the 4th amendment.

Mark Joseph Stern ’15, 11-9-15, "Sonia Sotomayor Issues a Stunning Dissent Against Police Brutality" Slate Magazine, http://www.slate.com/articles/news\_and\_politics/jurisprudence/2015/11/sonia\_sotomayor\_dissents\_in\_mullenix\_police\_shooting\_case.html // AHS DM, 11-15-2016

Every justice except Sotomayor, who dissented from the ruling, and Justice Antonin Scalia, who independently concurred, appears to have joined the court’s brief, unsigned decision granting Mullenix immunity. (Sorry, Notorious R.B.G. groupies, but that includes Justice Ruth Bader Ginsburg, who has a bit of a law-and-order streak.) The majority opinion provides a classic retrospective rationalization of Mullenix’s actions, leaning heavily on a brief by the National Association of Police

[…]

Ultimately, it fell to Sotomayor—as it so often does—to remind her colleagues that individuals actually do have real constitutional protections against police intrusion. “This Court’s precedents,” Sotomayor wrote, “clearly establish that the Fourth Amendment is violated unless the ‘governmental interests’ in effectuating a particular kind of seizure outweigh the ‘nature and quality of the intrusion on the individual’s Fourth Amendment interests.’ ” The government certainly had a strong interest in stopping Leija—but was that interest so strong as to justify shooting Leija before he hit the spikes? Sotomayor says no, concluding that “Mullenix ignored the longstanding and well-settled Fourth Amendment rule that there must be a governmental interest not just in seizing a suspect, but in the level of force used to effectuate that seizure.” The real power of Sotomayor’s opinion lies in its last paragraph, which bluntly indicts the “culture” that led to Mullenix’s actions (citations removed): When Mullenix confronted his superior officer after the shooting, his first words were, “How’s that for proactive?” (Mullenix was apparently referencing an earlier counseling session in which Byrd suggested that he was not enterprising enough.) The glib comment does not impact our legal analysis; an officer’s actual intentions are irrelevant to the Fourth Amendment’s “objectively reasonable” inquiry. But the comment seems to me revealing of the culture this Court’s decision supports when it calls it reasonable—or even reasonably reasonable—to use deadly force for no discernible gain and over a supervisor’s express order to “stand by.” By sanctioning a “shoot first, think later” approach to policing, the Court renders the protections of the Fourth Amendment hollow. This stirring passage could easily have been delivered at an anti–police violence protest. That it was penned by a Supreme Court justice only adds to its intensity. As my colleague Leon Neyfakh recently wrote, courts have been whittling down constitutional protections against police violence for decades. That fact seems suddenly relevant in the face of seemingly endless police shootings. In her dissent Monday, Sotomayor took a courageous stand against such violence, directly indicting “shoot first, think later” police culture. Her words couldn’t vindicate Leija’s constitutional rights. But they’ll send a clear message to police violence protestors that they have at least one ally on the highest court in the land.

#### Outweighs: A) She’s a supreme court justice which means that she is closer to the constitution and has more legal experience than others so she is more likely correct about a limitation on qualified immunity. B) Her knowledge is derived from a wide variety of sources which means that she is most likely correct – she’s born to immigrant parents, from urban New York City, and attended an ivy league school.

# Util AC

Not a big larper (clearly) but this was really strategic against Florida competition at Blue Key

## Plan Text

#### Resolved: The United States will limit qualified immunity for police officers.

#### Cross-ex checks: I will accept reasonable neg preferences on implementation and specificity as long as they don’t force me to abandon my advocacy. Thus, the neg must propose all T interps about my advocacy and give me the chance to comply to prevent norm creation based upon ambiguity and allow the aff to rectify potential abuse to encourage better substantive debate, else assume I meet. If you don’t check your T interp, it only proves the abuse.

#### The plan is inherent – courts have been quietly expanding it for years

Kit Kinports ‘16, [Professor, Penn State Law], “The Supreme Court’s Quiet Expansion of Quali ed Immunity,” “Minnesota Law Review, 2016.

In recent years the Supreme Court opinions applying the qualified immunity defense have engaged in a pattern of describing the defense in increasingly generous terms and qualifying and deviating from past precedent-without offering any justification or even acknowledgement of the Court’s departure from prior case law. ese gratuitous, seemingly off-the-cuff remarks have then taken on a life of their own and have been reiterated in later opinions, often issued summarily without the bene t of brie ng and oral argument. e clandestine manner in which this retreat has been accomplished is especially troubling because, despite the fact that constitutional tort suits against state officials are based on federal statute, qualified immunity is a doctrine-and a limitation on that statute-that is entirely the Court’s creation, devoid of support in § 1983’s legislative history.

## Adv – China

#### U.S.-China relations are rapidly declining due to the perception that the U.S. takes the ethical high ground in international affairs, but refuses to address police brutality domestically.

Tim Daiss ‘16 (), 7-19-2016, "This Is What China Thinks About U.S. Shootings," Forbes, http://www.forbes.com/sites/timdaiss/2016/07/09/this-is-what-china-thinks-about-us-shootings/#1e9324cc53a0 // AHS-DM, 10-21-2016

The troubling police shootings of two black men this week, one in Minnesota and one in Louisiana, followed on Thursday night by the fatal shooting of five white Dallas police officers and the wounding of seven others by Micah Xavier Johnson, 25, an African American military veteran who had served in Afghanistan - not only shows deepening racial divisions in the country but also impacts the U.S. in ways many Americans fail to appreciate. U.S. loses moral high ground While, for most of its history, the U.S. has usually taken the moral and ethical high ground abroad, promulgating human rights and the rule of law, the senseless killings gripping the country is sending a powerful (deeply disturbing) signal to both friend and foe overseas. For example, the U.S. lifted the ban on weapons technology sales to Vietnam when President Obama visited the country in May. While in both Hanoi and Ho Chi Minh City (Saigon), Obama lectured the country’s officials on the need to improve its dismal human rights record. As is often the case, Vietnamese officials listen patiently to American human rights and free speech lectures, then pretty much do what they want to do. However, as the fabric of American society is ripped apart in real time in front of the world on social media and cable news, the U.S. message looks disingenuous. How can the U.S. take the high moral ground in light of the ongoing gun drama and continued killings unfolding almost every week? In Ho Chi Minh City yesterday, I was describing another Southeast Asian country known for its violence, guns and extra judicial killings, and my Vietnamese acquaintance quipped, “Well maybe it’s still not as dangerous a place to live as the U.S.” I’ve heard similar expressions all over the Asia-Pacific region for more than a decade, including from young Chinese students who are interested in studying in the U.S., but whose parents are terrified of sending their children to the “dangerous U.S.A.” Moreover, as the U.S. continues to take the moral high ground over global injustices, including Russia’s involvement in Ukraine and its 2015 seizure and annexation of Crimea, all the time preaching international law and human rights, it also loses credibility. The current state of decline in the U.S. is also not lost in Beijing. Washington has been Beijing’s harshest critic over its dubious claim to more than 80% of the South China Sea, and the country’s land reclamation and artificial island building. However, while the U.S. condemns China’s violation of international law in the South China Sea, America’s ability to enforce the rule of law at home and prevent mass killings is quickly eroding. After the fatal Ferguson shooting in 2014, China took careful notice. “Americans love their guns” was the common phrase echoed from a number of commentators on Chinese social network Weibo, according to a South China Morning Post report at the time. “[Owning and using guns] is still considered a ‘normal’ thing in the US, simply because it’s a so-called ‘democratic’ country,” wrote a Weibo user. Xinhua, the official mouth piece of the Chinese Communist Party, said in late 2014 that the “Ferguson incident once again demonstrates that even if in a country that has for years tried to play the role of an international human rights judge and defender, there is still much room for improvement at home.” China even boasts a news website devoted solely to following U.S. shootings. Commenting on a Chinese written news article on the Dallas police shootings, several readers juxtaposed the “U.S. gun culture” to the U.S. “meddling in the South and East China Sea.” Another reader said “Americans still feel frustrated in the South China Sea, [but] can not take care of your own selves at home.” Many readers even sympathized with Johnson’s murder of the five Dallas police officers, stating that he was a hero for standing up to racial injustice. One reader said “this is indeed the cry of the people, armed militia against the tyranny of oppression,” while another asked, “This is the American values? This is American democracy?” So far, Chinese state media has only offered straight news accounts of the Minnesota and Louisiana shootings and the subsequent Dallas murders, but expect a plethora of reaction to soon follow – all [is] criticizing not only the so-called U.S. gun culture, but tying this into U.S. actions abroad, especially when dealing with China.

#### The South China Sea stays on the brink – China could go nuclear if relations aren’t resolved and the risk of quick nuclear war is ever-present

Jonathan Broder ‘16, defense and foreign policy writer for Newsweek, 6/22/2016, “THE ‘INEVITABLE WAR’ BETWEEN THE U.S. AND CHINA”, Newsweek, <http://www.newsweek.com/south-china-sea-war-nuclear-submarines-china-united-states-barack-obama-xi-473428>

But once that gathering is over, U.S. officials are particularly worried about a Chinese plan to send submarines armed with nuclear missiles into the South China Sea for the first time. Chinese military officials argue the submarine patrols are needed to respond to two major U.S. military moves: plans to station a defense system in South Korea that can intercept missiles fired from both North Korea and China, and the Pentagon’s development of ballistic missiles with new hypersonic warheads that can strike targets anywhere in the world in less than an hour. Taken together, Chinese military officials say, these American weapons threaten to neutralize China’s land-based nuclear arsenal, leaving Beijing no choice but to turn to its submarines to retaliate for any nuclear attack. The implications would be enormous. Until now, China’s nuclear deterrent has centered on its land-based missiles, which are kept without fuel and remain separate from their nuclear warheads. That means the country’s political leadership must give several orders before the missiles are fueled, armed and ready to launch, giving everyone time to reconsider. Nuclear missiles on a submarine are always armed and ready. U.S. and Chinese warships operate in uncomfortably close proximity in the South China Sea. Add submarine operations to the mix, and the chances of an accident multiply despite protocols meant to minimize the risk of collisions. Submarines are stealthy vessels, and China is unlikely to provide their locations to the Americans. That means the U.S. Navy will send more spy ships into the South China Sea in an effort to track the subs. “With the U.S. Navy sailing more and more in the area, there’s a high possibility there will be an accident,” says a high-ranking Chinese officer, who spoke anonymously to address sensitive security issues.

#### Nuclear war causes mass death, food insecurity, disease, race wars, and possibly extinction.

Germanos ‘13 Andrea (senior editor and a staff writer at Common Dreams) “Nuclear War Could Mean 'Extinction of the Human Race'” Common Dreams December 10th 2013 <http://www.commondreams.org/news/2013/12/10/nuclear-war-could-mean-extinction-human-race> JW

A war using even a small percentage of the world's nuclear weapons threatens the lives of two billion people, a new report warns. The findings in the report issued by International Physicians for Prevention of Nuclear War (IPPNW) and Physicians for Social Responsibility (PSR) are based on studies by climate scientists that show how nuclear war would alter the climate and agriculture, thereby threatening one quarter of the world's population with famine. Nuclear Famine: Two Billion People at Risk? offers an updated edition to the groups' April of 2012 report, which the groups say "may have seriously underestimated the consequences of a limited nuclear war." "A nuclear war using only a fraction of existing arsenals would produce massive casualties on a global scale—far more than we had previously believed," Dr. Ira Helfand, the report’s author and IPPNW co-president, said in a statement. As their previous report showed, years after even a limited nuclear war, production of corn in the U.S. and China's middle season rice production would severely decline, and fears over dwindling food supplies would lead to hoarding and increases in food prices, creating further food insecurity for those already reliant on food imports. The updated report adds that Chinese winter wheat production would plummet if such a war broke out. Based on information from new studies combining reductions in wheat, corn and rice, this new edition doubles the number of people they expect to be threatened by nuclear-war induced famine to over two billion. "The prospect of a decade of widespread hunger and intense social and economic instability in the world’s largest country has immense implications for the entire global community, as does the possibility that the huge declines in Chinese wheat production will be matched by similar declines in other wheat producing countries," Helfand stated. The crops would be impacted, the report explains, citing previous studies, because of the black carbon particles that would be released, causing widespread changes like cooling temperatures, decreased precipitation and decline in solar radiation. In this scenario of famine, epidemics of infectious diseases would be likely, the report states, and could lead to armed conflict. From the report: Within nations where famine is widespread, there would almost certainly be food riots, and competition for limited food resources might well exacerbate ethnic and regional animosities. Among nations, armed conflict would be a very real possibility as states dependent on imports attempted to maintain access to food supplies. While a limited nuclear war would bring dire circumstances, the impacts if the world's biggest nuclear arms holders were involved would be even worse. "With a large war between the United States and Russia, we are talking about the possible —not certain, but possible—extinction of the human race," Helfand told Agence-France Presse. “In order to eliminate this threat, we must eliminate nuclear weapons," Helfand stated. (Photo: MAPWcommunications/cc/flickr) "In this kind of war, biologically there are going to be people surviving somewhere on the planet but the chaos that would result from this will dwarf anything we've ever seen," Helfand told the news agency. As Helfand writes, the data cited in the report "raises a giant red flag about the threat to humanity posed." Yet, as Dr. Peter Wilk, former national executive director of PSR writes in an op-ed today, the "threat is of our own creation." As a joint statement by 124 states delivered to the United Nations General Assembly in October stated: "It is in the interest of the very survival of humanity that nuclear weapons are never used again, under any circumstances." "Countries around the world—those who are nuclear-armed and those who are not—must work together to eliminate the threat and consequences of nuclear war," Helfand said. “In order to eliminate this threat, we must eliminate nuclear weapons.”

#### Climate change is getting worse, but increased relations between the U.S. and China resolve warming

Lieberthal and Sandalow ‘9

(Kenneth Lieberthal Visiting Fellow, The Brookings Institution Professor, University of Michigan, David Sandalow Senior Fellow, The Brookings Institution January 2009 “Overcoming Obstacles to U.S.-China Cooperation on Climate Change” HY)

Climate change is an epic threat. Concentrations of greenhouse gases in the atmosphere are higher than at any time in human history and rising sharply. Predicted consequences include sea-level rise, more severe storms, more intense droughts and floods, forest loss and the spread of tropical disease. Each of these phenomena is already occurring. Every year of delay in reducing greenhouse gas emissions puts the planet at greater risk. The United States and China play central roles in global warming. During the past century, the United States emitted more greenhouse gases than any other country—a fact often noted, since carbon dioxide, the leading greenhouse gas, remains in the atmosphere for roughly 100 years. However, in 2007, China may have surpassed the United States as the world’s top annual emitter of carbon dioxide. Together, the two countries are responsible for over 40% of the greenhouse gases released into the atmosphere each year. For the world to meet the challenge of global warming, the United States and China must each make the transition to a low-carbon economy. Far-reaching changes will be needed. To date, however, each nation has used the other as one reason not do to more. Enormous benefits would be possible if this dynamic were replaced with mutual understanding and joint efforts on a large scale. Yet cooperation will not be easy. The U.S. and China are separated by different histories, different cultures, and different perspectives. Opportunities for collaboration in fighting climate change and promoting clean energy are plentiful, but moving forward at the scale needed will require high-level political support in two very different societies and systems that have considerable suspicion of the other. This report identifies major barriers to cooperation and recommends ways to overcome them. G The time for large-scale U.S.-China cooperation on climate change and clean energy is now. Unless both countries change course soon, ongoing investments in 20th century technologies will commit the world as a whole to dangerous levels of greenhouse gases in the atmosphere in the decades ahead. Recent political and technological developments make the benefits of such cooperation especially compelling. Furthermore, thirty years after normalization and with the start of a new administration in the United States, the U.S. China relationship is ready to move to a new stage. This new stage will initiate full bilateral consultation and cooperation where possible on the most critical global issues of the era. Climate change and clean energy are at the top of the list. This “new stage” does not envision a U.S.-China condominium or alliance. Any U.S.-China agreements must be supplements to—not substitutes for—other relationships and obligations. If handled properly, such agreements will increase bilateral and global capacities to manage critical world challenges. The major failing in U.S.-China relations to date is that, despite much progress over the past 30 years, mutual distrust over each other’s long-term intentions remains deep—and perhaps has even grown in recent years. By making active cooperation on critical global issues a centerpiece of the relationship, both countries’ governments can increase trust over long-term intentions and thereby reduce the chances of slipping into mutual antagonism over the coming 10-20 years. In particular, U.S.-China cooperation can make each side less inclined to point to the other as a reason to do less at home to fight global warming. It can also contribute to the success of multilateral climate change negotiations. Having the U.S. and China successfully manage issues that have divided industrialized and developing countries in the global climate change negotiations can help shape acceptable multilateral climate change agreements for the post-Kyoto period. Finally, U.S.-China cooperation on climate change and clean energy can also help each country enhance its energy security and pursue a sustainable economic path that will create jobs and promote economic recovery.

#### Laundry list of impacts – reduced food yields, infectious diseases, and heatwaves – all of which affect the disadvantaged first

Deborah Snow and Peter Hannam ’14, Climate change could make humans extinct, warns health expert, March 31, 2014

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

#### Qualified immunity is good – it establishes the international perception that there is the immediate moral imperative to address police brutality and spills over to other policies.

Sam Wright '15 (), 11-3-2015, "Want to Fight Police Misconduct? Reform Qualified Immunity," Above the Law, http://abovethelaw.com/2015/11/want-to-fight-police-misconduct-reform-qualified-immunity/ // AHS-DM, 10-26-2016

I think Megan McArdle is probably right that these proposals (and the others in Campaign Zero’s broader platform) range from “worthy of consideration” to “immediate moral imperative.” But I also think the list is missing something. As usual, I’ve not buried the lede: that something is qualified immunity reform. In order to truly hold police accountable for bad acts, civilians must be able to bring, and win, civil rights suits themselves — not rely on the Department of Justice, or special prosecutors, or civilian review boards to hold officers accountable. And in order to both bring and win civil rights suits, civilians need a level playing field in court. Right now, they don’t have one. Instead, police officers have recourse to the broad protections of the judicially established doctrine of qualified immunity. Under this doctrine, state actors are protected from suit even if they’ve violated the law by, say, using excessive force, or performing an unwarranted body cavity search — as long as their violation was not one of “clearly established law of which a reasonable officer would be aware.” In other words, if there’s not already a case where a court has held that an officer’s identical or near-identical conduct rose to the level of a constitutional violation, there’s a good chance that even an obviously malfeasant officer will avoid liability — will avoid accountability. To bring about true accountability and change police behavior, this needs to change. And change should begin with an act of Congress rolling back qualified immunity. Removing the “clearly established” element of qualified immunity would be a good start — after all, shouldn’t it be enough to deviate from a basic standard of care, to engage in conduct that a reasonable officer would know is illegal, without having to show that that conduct’s illegality has already been clearly established in the courts? That’s just a start. There are plenty of other reforms that could open up civil rights lawsuits and help ensure police accountability for bad conduct. Two posts (one, two) at Balkinization by City University of New York professor Lynda Dodd provide a good overview. Campaign Zero should consider adding civil rights litigation reform to its platform, our policymakers should consider making civil rights litigation more robust, and, if we want to see justice done, we should push to make it happen.

#### Empirically proven –lack of accountability for cops is what kills the U.S. perception abroad.

Andrew Lam '16 (), 7-13-2016, "," Huffington Post, http://www.huffingtonpost.com/andrew-lam/no-justice-no-peace-in-am\_b\_10968362.html // AHS-DM, 10-21-2016

Soft power [is] undermined Abroad, the lack of accountability for police brutality in its treatment of minorities and the poor undermines its soft power. It is such that for the US to talk of human rights and law and order elsewhere when it cannot practice them at home makes Uncle Sam a laughing stock. Indeed, it is increasingly harder to sell the country’s image abroad when there’s general discontent and rising malaise coupled with an inept congress unable to confront gun violence that kills 33,000 Americans yearly. There was a lot of hope when Barack Obama, a black man, won the presidential election in 2008. His repeated slogans were “Vote for Change” and “Yes We Can.” But if there was an optimistic take that we were entering a post-racial America era in 2008, that hope was quickly dashed as more police killings of unarmed Americans continued unabated. And until America reckons with its chronic racism head on, its fear and hatred, its racial injustice, and implements real reforms, we cannot move forward from this juncture, and change won’t come.

#### Qualified immunity is definitely the problem – it weakens the perception of police accountability.

Erwin Chemerinsky ‘16, [dean of the School of Law at the University of California, Irvine], “How the Supreme Court Protects Bad Cops,” New York Times, 26 August 2014.

The court has also weakened accountability by ruling that a local government can be held liable only if it is proved that the city’s or county’s own policy violated the Constitution. In almost every other area of law, an employer can be held liable if its employees, in the scope of their duties, injure others, even negligently. This encourages employers to control the conduct of their employees and ensures that those injured will be compensated. A 2011 case, Connick v. Thompson, illustrates how di cult the Supreme Court has made it to prove municipal liability. John Thompson was convicted of an armed robbery and a murder and spent 18 years in prison, 14 of them on death row, because of prosecutorial misconduct. Two days before Mr. Thompson’s trial began in New Orleans, the assistant district attorney received the crime lab’s report, which stated that the perpetrator of the armed robbery had a blood type that did not match Mr. Thompson’s. The defense was not told this crucial information.

#### Immigration means that the courts will get harder and harder to regulate. Morgenthau 4-27[[1]](#footnote-1)

Recently, the U.S. Supreme Court heard arguments in U.S. vs. Texas, the case challenging President Obama’s policy deferring deportation proceedings against children and some other categories of immigrants. Commentators who witnessed the arguments reported that the case seems headed to a 4-to-4 tie. That would resolve nothing. A tie vote would provide no guiding principle of law, and would leav[ing]e in place a lower-court ruling preventing the President from enforcing his policy, with nothing to replace it. And that would be a tragedy. As Justice Ruth Bader Ginsburg noted during the arguments, there are currently approximately 11.3 million undocumented immigrants in the United States. Congress has provided funds to remove perhaps 400,000, which leaves the administration with a huge pool of undocumented immigrants, funding to remove a tiny fraction, and limited guidance from Congress regarding how to prioritize removal procedures. The result of that disconnect is exactly what you would expect: a travesty. Removal cases pour into immigration courts in a flood, with little hope of resolution. The number of pending cases in immigration courts has increased every year since 2006, so that now nearly half a million immigrants await the resolution of their cases. Today, the average case in immigration court has been pending for 664 days — a year and 10 months — without resolution. Those immigrants who have valid claims to remain in the United States face even more daunting delays. The average length of time to process their claims to a successful conclusion is 871 days. In high-volume states like New York, Arizona, Illinois, Nevada and California, the delays are even crazier: more than 1,000 days. And those are for cases where the immigrant is found to have a valid claim for relief. One immigration attorney in California told me of the time the court adjourned one of his cases to a date certain. The attorney was left to ask, “What year, Judge?” Adding an additional 10 million cases to that backlog would accomplish nothing but more chaos. And so someone — be it Congress, the President or the courts — has to prioritize the cases.

# Derrida AC

Read against Javier Navarrete and I lost on the theory v hobbes nc (???) debate. Didn’t have a chance to read it again tho I thought it was a decent argument

### Framework

#### Ethics begins from an ideal standpoint that makes universal calls upon us to live our lives in a certain way, but attempting to understand subjects as pure, incorruptible, and completely subject to normative principles will fail. There is no possibility of understanding a person in and of themself. All identities are understood through power relations – the differentiation of the subject through social relations, which are constantly changing and must, by necessity be constantly changing.

Judith Butler ‘92. 1992. “Continent Foundations: Feminism and the Question of “Postmodernism” Feminists Theorize the Political

In a sense, **the subject is constituted through** an exclusion and **differentiation**, perhaps a repression, that is subsequently concealed, covered over, by the effect of autonomy. In this sense, **autonomy is the** logical **consequence of** a **disavowed** **dependency**, which is to say that the autonomous subject can maintain the illusion of its autonomy insofar as it covers over the break out of which it is constituted. This **dependency** and th**is** break are already **social relations**, ones **which precede** and condition the **formation of the subject [because]** As a result, this is not a relation in which the subject finds itself, as one of the relations that forms it situation. **The subject is constructed through** acts of **exclusion and differentiation that distinguish** **the** **subject** from its constitutive outside, a domain of abjected alterity. There is no ontologically intact reflexivity to the subject which is then placed within a cultural context; that **cultural context**, as it were, **is** already there as **the** disarticulated **process of** that **subject’s production**, one that is concealed by the frame that would situate a ready-made subject in an external web of cultural relations. We may be tempted to think that to assume the subject in advance is necessary in order to safeguard the agency of the subject. But to claim that the subject is constituted is not to claim that it is determined; on the contrary, **the** **constituted character of the subject is** the very **precondition of its agency**. For what is it that enables a purposive and significant reconfiguration of cultural and political relations, if not a relation that can be turned against itself, reworked, resisted? Do we need to assume theoretically from the start a subject with agency before we can articulate the terms of a significant social and political task of transformation, resistance, radical democratization? If we do not offer in advance the theoretical guarantee of that agent, are we doomed to give up transformation and meaningful political practice? My suggestion is that **agency belongs to a way of thinking** **about persons as instrumental actors who confront** an **external political** **field**. But **if we agree** that politics and **power exist** already **at the level at** which **the subject and its agency** are articulated and made possible, then **agency can be** presumed **only at the cost of refusing to inquire into its construction**. Consider that “agency” has no formal existence or, if it does, it has no bearing on the question at hand. In a sense, **the** epistemological **model that offers us a pregiven subject** or agent **is one that refuses to acknowledge** that **agency is always** and only **a** **political prerogative**. As such, **it seems crucial to question** the **conditions of its possibility, not to take it for granted** **as** an **a priori guarantee**. We need instead to ask, what possibilities of mobilization that are produced on the basis of existing configurations of discourse and power? Where are the possibilities of reworking that very matrix of power by which we are constituted, of reconstituting the legacy of that constitution, and of working against each other those processes of regulation at can destabilize existing power regimes? For if the subject is constituted by power, that power does not cease at the moment the subject is constituted, for that subject is never fully constituted, but is subjected and produced time and again. **That subject is neither a ground nor a product, but** the **permanent possibility of a certain resignifying process**, one **which gets detoured and stalled through** other mechanisms of **power, but which is power’s own possibility of being reworked.** The subject is an accomplishment regulate and produced in advance. And is as such fully political; indeed, perhaps most political at the point in which it is claimed to be prior to politics itself.

#### The condition that makes value possible and is the very fact that it is temporal and fleeting. Any attempt to understand what it means to will value onto something must also grapple with the double-bind of violence and finitude.

#### We must always be aware that there is a radical possibility of failure and violence inherent in the heart of identity and responsibility. Denying this denies the basis of morality itself.

Hagglund ‘6, Martin. 2006. “The Necessity of Discrimination: Disjoining Derrida and Levinas.” *diacritics* 34 (1): 40–71.

The utopian dream of peace pervades Cornell's book and is symptomatic of her misconception of the deconstructive thinking of alterity. As I have argued, the notion of a nonviolent relation to the other is based on a suppression of alterity, since it must presuppose that the other is not violent in its turn and consequently denies the radical unpredictability of the other. Only if one assumes that the other is primarily peaceful does it make sense to prescribe a nonviolent relation, since the command to "respect" the alterity of the other does not make any sense if the other wants to destroy me. More? over, the dream of a community without violence is the dream of a community in which there would be nothing other than peace, excluding anyone or anything that does not want to engage in the "ethical" relation. Hence, the supposedly ethical dream is unethical on its own terms, since it dreams of eliminating the susceptibility to radical alterity, which cannot be dissociated from the susceptibility to violence and the concomitant attempts to combat it**.** It is only by coming to terms with the deconstructive "logic" of violence that one can assess the ethico-political significance of deconstruction**.** The deconstructive logic of violence does not prevent one from criticizing social injustices or any other forms of violence, but it exposes the internal contradictions of the doctrines that hold it to be desirable to eliminate exclusion once and for all. Discrimination is a constitutive condition. The negotiation of it cannot be governed by a regulative idea or harbor any assurance of its own legitimacy. For precisely this reason it will always be urgent to reflect on ethico-political questions, to work out strategies for a "lesser violence" that is essentially precarious. Those who, like Levinas, proceed from metaphysical premises of how things ought to be will in one way or another attempt to **deny** **this** predicament for the benefit of one ideal or another. But the argument here is that one thereby blinds oneself to the condition that makes responsibility possible, while at the same time making it impossible to sustain the metaphysical values and ethico-theoretical decisions by which Levinas lets himself be guided.

#### This means any ethical, political, or ontological theory must be able to grapple with constitutive violence. There is no opting out—we must make decisions, which means we must solve this problem.

Hagglund 2, Martin. 2006. “The Necessity of Discrimination: Disjoining Derrida and Levinas.” *diacritics* 34 (1): 40–71.

Derrida targets precisely this logic of opposition. As he argues in Of Grammatol- ogy, metaphysics has always regarded violence as derivative of a primary peace. The possibility of violence can thus be accounted for only in terms of a Fall, that is, in terms of a fatal corruption of a pure origin. By deconstructing this figure of thought, Derrida seeks to elucidate why violence is not merely an empirical accident that befalls some? thing that precedes it. Rather, violence stems from an essential impropriety that does not allow anything to be sheltered from death and forgetting.9 Derrida takes issue with what he calls the "ethico-theoretical deci? Consequently, sion" of metaphysics, which postulates the simple to be before the complex, the pure before the impure, the sincere before the deceitful, and so on.10 All divergences from the positively valud term are thus explained away as symptoms of “alienation." and the desirable is conceived as the return to what supposedly has been lost or corrupted. In contrast, Derrida argues that what makes it possible for anything to be at the same time makes it impossible for anything to be in itself. The integrity of any "positive" tem is necessarily compromised and threatened by its "other." Such constitutive alterity answers to an essential corruptibility, which undercuts all ethico-theoretical decisions of how things ought to be in an ideal world.11 A key term here is what Derrida calls "undecidability." With this term he desig- nates the necessary opening toward the coming of the future. The coming of the future is strictly speaking "undecidable," since it is a relentless displacement that unsettles any definitive assurance or given meaning. One can never know what will have hap? pened. Promises may always be turned into threats, friendships into enmities, fidelities into betrayals, and so on. There is no opposition between undecidability and the making of decisions. On the contrary, Derrida emphasizes that one always acts in relation to what cannot be predicted, that one always is forced to make decisions even though the consequences of these decisions cannot be finally established. Any kind of decision (ethical, political, juridical, and so forth) is more or less violent, but it is nevertheless necessary to make decision**s**. Once again, I want to stress that violent differentiation by no means should be understood as a Fall, where violence supervenes upon a harmony that precedes it. On the contrary, discrimination has to be regarded as a constitutive condition. Without divisional marks--which is to say: without segregating borders--there would be nothing at all**.** In effect, every attempt to organize life in accordance with ethical or political prescriptions will have been marked by a fundamental duplicity. On the one hand, it is necessaryto draw boundaries, to demarcate, in order to form any **communit**y whatso- ever. On the other hand, it is precisely because of these excluding borders that every kind of community is characterized by a more or less palpable instability**.** What can? not be included opens the threat as well as the chance that the prevalent order may be transformed or subverted.

#### The solution is deconstruction: deconstruction deals with the inevitability of violence by using the logic of something against itself to reveal its problems – this provides us with a methodology to deal with these issues. All political projects operate through exclusions, but through deconstruction, we are able to engage in a lesser violence that allows us to produce the least violent representations – this is the best methodology to solve oppression.

Pam Papadelos ‘6, Derridean Deconstruction and Feminism: Exploring Aporias in Feminist Theory and Practice,

**Derrida** uses concepts, such as trace (an effect of arche writing), to **minimize[s] violence by creating a space for that which is deliberately not acknowledged**, such as writing. For Derrida, it is important to think through the implications of the violence in order to minimise it. Beardsworth shows how trace does this: As **The** **rewriting of the internal space of linguistics, of the exclusions which** it perforce makes to **institute this space**, **and** of **the contradictions which these very exclusions engender.** the instituted trace accounts for these three movements: first, the foundation of a disciplinary space; second, its constitutive exclusions; and, third, the return of that which is excluded within the disciplinary space (Beardsworth 1996, p 13). Thus, the trace defies the logic of non–contradiction, as it is neither empirical nor transcendental. It does not support a qualitative distinction between the worldly (writing) and the non–worldly (speech): for the instituted trace cannot be fixed to an entity, yet it cannot be separated from an entity. In Derrida’s words: The instituted trace cannot be thought without thinking the retention of difference within a structure of reference where difference appears as such and thus permits a certain liberty of variations among the full terms ... The trace must be thought before the entity. But the movement of the trace is necessarily occulted [repressed], it produces itself as self–occultation. When the other announces itself as such, it presents itself in the dissimulation of itself. This formulation is not theological, as one might believe somewhat hastily. The ‘theological’ is a determined movement in the total movement of the trace. The field of the entity, before being determined as the field of presence, is structured according to the diverse possibilities – genetic and structural – of the trace. The presentation of the other as such, that is to say the dissimulation of its ‘as such’, has already begun and no structure of the entity escapes it (Derrida 1976, p 46–47). Derrida’s terms – trace, supplement, differánce and so on – challenge[s] distinctions between the transcendental and the empirical. The space in which they occur is somewhere in–between, what Derrida calls the khôra. This space cannot be reduced, either temporally or spatially. Due to the fluidity of these concepts they cannot be fixed and, therefore, cannot be used as a telos for action. This understanding destabilises the way in which to think ‘the political’. For this reason (the ‘undecidability’ of deconstruction), deconstruction cannot be used as a political tool when relying on common sense understandings of ‘the political’. On the contrary, what needs to be explored or deconstructed are these common understandings of the political. Beardsworth elaborates: Here emerges the political dimension to Derridean thinking – as an account of the institution as violence, and, in the recognition of necessary violence, of a transformative renegotiation of the institution in terms of a ‘lesser violence’. In other words, Derrida’s account of the mark in terms of a tertiary structure of violence recognizes the necessity of violence in such a way that the terms of this violence can be transformed (Beardsworth 1996, p 19–20). **To acknowledge contradiction is to recognize that there is no natural status in language.** **A decision is always needed**, “**and** that **given the irreducibility of a decision, there are different kinds of decisions – those that recognize their** legislative and executive **force and those which hide it** under some claim to naturality qua ‘theory’ or ‘objective science’” (Beardsworth 1996, p 12). For instance, **legislation used to exist in Australia that states that employers need not pay women** (in the same position) **the equivalent paid to men**. **The** **argument for this** inequality, instituted through legislation**, is [was] not because of any discrimination** against women per se, or misogyny on the part of the authors, **but objective theories raised to demonstrate that men worked more efficiently than women**, or that men’s work was more skilled and so on (Cutcher 2001).101 **To recognize the violence inherent in the binary man/woman is to open up the possibility for review**, that is, a review of the above legislation would require a close look at the way in which women are constructed (in the text) and how that construction works to their advantage or disadvantage. There is no natural status in the binary man/woman. Once this is recognized, it is easier **to see the violence necessary to argue that men should be paid more, by virtue of being men**, and not because of any number of rationalizations**. The binary man/woman is so entrenched,** in western thought systems that **it is impossible to identify and reduce all instances of violence**. **However**, recognizing and **deconstructing the violence in binaries works towards producing less violent representations**. **This is the** argument of a **‘lesser violence’ in a** general **economy of violence**, what Drucilla Cornell recognizes as the radical nature of deconstruction.102

#### The judge is an educator by their constitutive nature and the role of the ballot is to deconstruct current modes of thinking. The AFF method requires an interrogation of the legal system before taking action.

Philip Higgs: Deconstruction and re-thinking education

Much of **present day educational discourse is vulnerable to an ideologically driven educational practice which emphasises** that **persons be educated for** the **maintenance** and development **of** environ- mentally and **sociologically determined functions**, as well as for the promotion of the economy (Higgs:1998). In such a context, **education becomes the handmaiden of the state**, and, at the same time, serves the state’s programmes of political intent. **Educational discourse** **which poses fundamental questions**, has, as Aronowitz (2001:ii) notes, vir- tually **disappeared from the mainstream literature**. Present day educa- tional discourse, no longer sees the need to interrogate the givens of education, or the social and political contexts in which education functions. As a result, **nearly all educational discourse is reduced to** what Aronowitz (2001:xvi-xvii) describes as the application of “ ... **technologies of managing consent**, where teaching is increasingly a function of training for test taking.” All this can be regarded as an aberration of education, as **the mystification of education in the service of dominant ideologies that see education as a process of information transfer** (mainly of a scientific, technical and legislative kind), and which, in turn, **aim to ensure conformity to** political and economically acceptable **norms**. ¶ In the light of this, it can be concluded that, **what is needed** today, **is a**n awakening of the educational or a **return to education**. In short, **present day educational discourse must re-think itself.** The philoso- phical challenge of re-thinking education, of deconstructing education, does not consist in changing, replacing, or abandoning education. On the contrary, to **deconstruct[ion] is first and foremost to undo a construc- tion with infinite patience, to take apart a system** in order to under- stand all its mechanisms, to exhibit all its foundations, and to recon- struct on new bases. To be sure, it is a matter of transforming our relation to education, to reflect on the conditions of such a trans- formation, and to give ourselves the theoretical and practical means to do so. In this regard, **Derrida’s reflections on deconstruction** and related concepts such as différance, justice, the other, and responsi- bility, **can provide a powerful paradigm to develop a** greater **awareness of the issues at stake in education**; for his texts suggest new ways of thinking about education and of assuming responsibility in education in relation to the other, and in the name of justice. I would suggest that in re-thinking education in terms of a Derridian discourse, we should address such questions as: how can we educate the other as other?; in which space can education be realised?; how can we let the other be as other in the educational encounter?; what, and whose knowledge, should be transmitted in the educational encounter?; how can we know in the educational encounter?; what form of instruction should mark the educational encounter? what is the nature of an educational en- counter? what of the place of language in the educational encounter? All these questions, I believe, are constitutive of at least two challen- ges that Derrida’s works hold for educators. On the one hand, **educators should deconstruct the ideological influences that imprison edu- cational discourse** and in so doing allow the nature of education to unfold and speak for itself; and on the other hand, educators should affirm education, and attempt to determine what it can and should do today in our society, in the face of new forms of knowledge in general and the advances of technology.

### Advocacy

#### I defend the maxim that the United States will limit qualified immunity for police officers. I only defend the intention of the advocacy as a critical interrogation in order to deconstruct the process of the law and the overarching criminal justice system, so I will accept neg preferences on specificity and implementation as long as they don’t require me to abandon my maxim. If I lose the T debate, just reevaluate my offense under their interpretation to promote topical education and deter frivolous theory.

### Contention

#### Qualified immunity is a bankrupt principle – the doctrine establishes a static rule that governs our ability to interpret and redefine the law in instances related to police behavior. It prevents us from being able to interrogate the modes of thinking behind certain practices because it categorically deems certain court cases and litigations as nullified since they don’t meet the standards set out by qualified immunity.

Sam Wright '15 [who is also the solvency advocate] (), 11-3-2015, "Want to Fight Police Misconduct? Reform Qualified Immunity," Above the Law, http://abovethelaw.com/2015/11/want-to-fight-police-misconduct-reform-qualified-immunity/ // AHS-DM, 10-28-2016

I think Megan McArdle is probably right that these proposals (and the others in Campaign Zero’s broader platform) range from “worthy of consideration” to “immediate moral imperative.” But I also think the list is missing something. As usual, I’ve not buried the lede: that something is qualified immunity reform. In order to truly hold police accountable for bad acts, civilians must be able to bring, and win, civil rights suits themselves — not rely on the Department of Justice, or special prosecutors, or civilian review boards to hold officers accountable. And in order to both bring and win civil rights suits, civilians need a level playing field in court. Right now, they don’t have one. Instead, police officers have recourse to the broad protections of the judicially established doctrine of qualified immunity. Under this doctrine, state actors are protected from suit even if they’ve violated the law by, say, using excessive force, or performing an unwarranted body cavity search — as long as their violation was not one of “clearly established law of which a reasonable officer would be aware.” In other words, if there’s not already a case where a court has held that an officer’s identical or near-identical conduct rose to the level of a constitutional violation, there’s a good chance that even an obviously malfeasant officer will avoid liability — will avoid accountability. To bring about true accountability and change police behavior, this needs to change. And change should begin with an act of Congress rolling back qualified immunity. Removing the “clearly established” element of qualified immunity would be a good start — after all, shouldn’t it be enough to deviate from a basic standard of care, to engage in conduct that a reasonable officer would know is illegal, without having to show that that conduct’s illegality has already been clearly established in the courts? That’s just a start. There are plenty of other reforms that could open up civil rights lawsuits and help ensure police accountability for bad conduct. Two posts (one, two) at Balkinization by City University of New York professor Lynda Dodd provide a good overview. Campaign Zero should consider adding civil rights litigation reform to its platform, our policymakers should consider making civil rights litigation more robust, and, if we want to see justice done, we should push to make it happen.

#### Qualified immunity doesn’t recognize the complexity of the law and the necessity for it to be applied in unique scenarios – justice requires deconstruction and reconstruction of rules since each decision is unique and different in its own – no universal rule can be applied specifically without deconstruction.

Derrida ‘2, Jacques. 2002. “Force of Law: The ‘Mystical Foundation of Authority’.” Cardozo Law Review 11 (919): pg 961 http://www.lexisnexis.com/hottopics/lnacademic/?shr=t&csi=12487&sr=TITLE(%22Force%20of%20law%20the%20mystical%20foundation%20of%20authority%27%22)%20and%20date%20is%202002 date accessed feb 14 2016 Jacques Derrida is the prominent recognizable philosopher for post structuralism

**To be just, the decision** of a judge, for example**, must not only follow a rule** of law or a general law **but must also** assume it, approve it, **confirm its value, by a** reinstituting act of interpretation, as if ultimately nothing previously existed of the law, as if the judge himself invented the law in every case. No exercise of justice as law can be just unless there is a “fresh judgment” (I borrow this English expression from Stanley Fish’s article, “Force,” in doing what comes naturally). This “fresh judgment” can very well- must very well- conform to a preexisting law, but the reinstituting, reinventive and freely decisive interpretation, the responsible interpretation of the judge requires that his “justice” not just consist in conformity, in the conservative and reproductive activity of judgment. In short, **for a decision to be just** and responsible, **it must**, in its proper moment if there is one, be both regulated and without regulation: it must **conserve the law and also destroy it** or suspend it enough to have reinvent it if the reaffirmation and the new and free confirmation of its principle Each case is other, each decision is different and requires an absolutely unique interpretation, **which no existing, coded rule can or ought to guarantee absolutely.** At least, if **the rule guarantees it in no uncertain terms,** so that the judge is a calculating machine, which happens, and **we will not say that he is just,** free and responsible, **But we also won’t say if he doesn’t refer to any** law, to any **rule** or if, because he doesn’t take any rule for granted beyond his own interpretation**, he suspends his decision,** stops short before the undecidable or if he improvises and leaves aside all rules, all principles.It follows from this paradox that **there is never a moment that we can say in the present that a decision is just** (that is, free and responsible), **or that someone is just a [hu]man-** even less,“ I am with a state of law, with the rules and conventions that authorize calculation but whose founding origin only defers the problem of justice. For in the founding of law or its institution, the same problem of justice will have been posed and violently resolved, that is to say buried, dissimulated, repressed. Here the best paradigm is the founding of the nation states, or the institutive act of a constitution that establishes what one calls in French l’et at de droit.

#### Outweighs disads to police performance and court clog – deconstruction of the law requires more court cases regardless of their efficacy, but complete rejection of qualified immunity is impossible – we should attempt to reinterpret the law in every instance, but too many cases means that courts will reject or terminate litigations before deconstruction of the law can occur

Eric Harbrook Cottrell ’94 (), 4/1/1994, "Civil Rights Plaintiffs, Clogged Courts, and the Federal Rules of Civil Procedure: The Supreme Court Takes a Look at Heightened Pleading Standards in Leatherman v. Tarrant County Narcotics Intelligence and Coordination Unit," University of North Carolina School of Law, http://scholarship.law.unc.edu/cgi/viewcontent.cgi?article=3547&amp;context=nclr // AHS-DM, 10-12-2016

During the last several years, a "litigation explosion" of civil rights actions has occurred in the federal courts. Civil rights suits have increased steadily in proportion to other types of cases and now occupy a substantial portion of the federal docket.1 To cope with the influx of this litigation, federal courts have developed methods to terminate cases before the costly and time-consuming process of trial. Some courts have, for example, applied a heightened pleading standard to civil rights cases, requiring plaintiffs to plead all the elements of their claim with greater particularity and factual specificity than normally required in civil cases. By the beginning of 1993, many federal courts had adopted this practice.2 In Leatherman v. Tarrant County Narcotics Intelligence & Coordination Unit,3 a unanimous Supreme Court decided that a heightened standard applied to a claim brought against a municipality under 42 U.S.C. § 1983 contradicted the purpose of the Federal Rules of Civil Procedure and was therefore invalid.4 The Court held that Rule 8(a) "meant what it said," and called for more detail in the pleadings only where expressly enumerated.5

#### Failure to acknowledge the constitutive violence in identity recreates itself in the delineation of groups which violently excludes individuals who do not cleanly fit into identities and establishes hierarchies

Pascal Dey & Julia Nentwich: The Identity Politics of Qualitative Research. A Discourse Analytic Inter-Text

Importantly, while both **sides of a given binary** need one another to sustain a sense of stability, self or identity, they also **entail a hierarchical relationship**, meaning that in any pair one side always tends to dominate the other. As described by DERRIDA (1981, p.41), **"[o]ne of the two terms [of the binary] governs the other […] or has the upper hand"**, which further implicates that there can be no question of a "peaceful coexistence of a vis-à-vis" (emphasis in original). Following DERRIDA, we see that **binaries are irrevocably determined by "violent hierarchies**"; this holds true both for the opposition between women and men and for that between qualitative and quantitative research. Allegorically speaking, qualitative research can be equated with women's position in the binary system and quantitative research with men's position.[4)](http://www.qualitative-research.net/index.php/fqs/article/view/173/387" \l "footnote_4" \o "Fußnote 4) That is, **the dominating side is always valued as being higher in the hierarchy**, as being more sophisticated, competent, beautiful, powerful, etc.—a situation that corresponds to current (and very pervasive) gender stereotypes (cf. SCHEIN, 2001; SPREEMANN, 2000). **Another important consequence of binary constructions is their exclusiveness.** It follows from this that the moment one is said to belong to one side of the binary one logically cannot belong to another (LYOTARD, 1993). **This logic of "either-or" explains why binaries give rise to the "building of camps" and "monocultures**" (EBERLE, 2005) which **support the establishment of ostensibly stable identities, while simultaneously disabling them and closing off any possibility of their intermingling with one another**. [11]¶ Relating binary thinking back to the identity politics of "qualitative research", we have at our disposal a scheme which provides us with some insights regarding, for instance, the problems pertaining to the stipulation of quality criteria. **A first problem, briefly alluded to above, is that positivist quality criteria such as generalisation,** validity, reliability and objectivity are omnipresent and virulent—**which allows them to fortify the binary** as well as the hierarchy between qualitative and quantitative methods. If we accept "their" criteria, that is, the quality criteria of the "quantitative camp", as important and indeed superior to those of qualitative research, we perpetuate the dominant position of the former rationality (cf. also FIELDING & SCHREIER, 2001). [12]

#### The AFF is a prerequisite to any liberation strategy for any oppressed group because it accounts for those who are excluded by our current modes of recognition and those who are alienated from static conceptions of identity.

Jayant Prasad ‘7 (2007), "Derrida: The Father of Deconstruction": https://newderrida.wordpress.com/2007/11/19/some-key-terms/

**The binary opposition** is the structuralist idea that **acknowledges the human tendency to think in terms of opposition.** For Saussure the binary opposition was the “means by which the units of language have value or meaning; each unit is defined against what it is not.” With this categorization, terms and **concepts tend to be associated with a positive or negative**. For example, **Reason/Passion, Man/Woman, Inside/Outside**, Presence/Absence, Speech/Writing, etc. **Derrida argued that these oppositions were arbitrary and inherently unstable**. The **structures themselves begin to overlap and clash** and ultimately these structures of the text dismantle themselves from within the text. In this sense deconstruction is regarded as a forum of anti-structuralism. **Deconstruction rejects most of the assumptions of structuralism and more vehementaly “binary opposition” on the grounds that such oppositions always previlege one term over the other, that is, signified over the signifier**. Against the metaphysics of presence, deconstruction brings a (non)concept called differance. **Derrida uses the term “difference” to describe the origin of presence and absence.** Differance is indefinable, and cannot be explained by the “metaphysics of presence.” In French, the verb “deferrer” means both “to defer” and “to differ.” Thus, difference may refer not only to the state or quality of being deferred, but to the state or quality of being different. Differance may be the condition for that which is deferred, and may be the condition for that which is different. Differance may be the condition for difference.¶ **Derrida explains that difference is the condition for the opposition of presence and absence**.[[1]](https://newderrida.wordpress.com/2007/11/19/some-key-terms/" \l "_ftn1" \o "_ftnref1)Differance is also the “hinge” between speech and writing, and between inner meaning and outer representation. As soon as there is meaning, there is difference.[[2]](https://newderrida.wordpress.com/2007/11/19/some-key-terms/" \l "_ftn2" \o "_ftnref2)

#### Reject fixed rules or notions of identity because they fail to account for the succession of time – identity needs to be contingent to specific circumstances.

Martin Hagglund 3 (2006): The Necessity of Discrimination Disjoining Derrida and Levinas

The challenge of **Derrida**'s thinking is that he **undermines the notion of an ideal** ¶ **justice**. For Derrida, the **disjointure of time is** neither something that supervenes upon a state of being that precedes it, nor **[not] something** that **one can** or should finally **overcome**. Hence, the provocative thesis in Specters of Marx is that **violence and discrimination are not opposed to** **justice, but inextricable from its** very **possibility**. Of course, Derrida does not regard violence or discrimination as positive in themselves. Rather, he argues that **the machinery of exclusion is at work in the formation of any identity and** thus **cannot** finally **be eliminated**. The disjointure of time is the condition for there to be any ethics and politics, as well as any society and life to begin with. By tracking the notion of a necessary disjointure, we can discern the continuity of Derrida's thinking. **Derrida's deconstructive "logic" is** always **concerned with** ¶ **the impossibility of being in itself**. I will demonstrate that **this logic follows from the** ¶ **implications of temporality and that it entails a thinking of irreducible violence. The** ¶ **temporal can never be in itself, but is always disjoined between being no longer and** ¶ **being not yet**.2 Derrida pursues this argument in Margins of Philosophy by analyzing the treatment of time in the fourth book of Aristotle's Physics. Aristotle here points out ¶ **that there would be no time if there were only one single now** [218b]. Rather, **there must be at least two nows**?"an earlier one before and a later one after" [219a]?in order for there to be time. **Time is thus defined as succession, where each now is always superseded by another now**. In thinking succession, however, Aristotle realizes that **it contradicts his concept of identity as presence in itself**. A self-present, indivisible now could never even begin to give way to another now, since **what is indivisible cannot be altered. This** observation leads Aristotle to an impasse, since his **logic of identity can**? **not account for the succession that constitutes time**. Derrida articulates the problem as follows: ¶ Let us consider the sequence of nows. The preceding now, it is said, must be ¶ destroyed by the following now. But, Aristotle then points out, it cannot be destroyed "in itself (en heautoij, that is, at the moment when it is (now, in act). No more can it be destroyed in an other now (en alloij: for then it would not be destroyed as now, itself; and, as a now which has been, it is ... inaccessible to the action of the following now. [Margins 57/65]

# Civil Litigation DA

Read this a lot against K affs at Glenbrooks—Gillian helped a lot with this

#### Qualified immunity indoctrinates individuals within a system of civil litigation that plays into the hands of the oppressors – your criminal investigations will get blocked and your tax dollars will be turned against you.

Woodrow L. Higdon '10 (), March 2010, "PUBLIC-CORRUPTION-COVER-UP-THRU-CIVIL-LITIAGTION-ABUSE,", http://www.gtinewsphoto.com/PUBLIC-CORRUPTION-COVER-UP-THRU-CIVIL-LITIAGTION.html // AHS-DM, 11-12-2016

The so called "Civil and Criminal Justice Systems" in the United States, are systems controlled by money, and the access that money buys. In general, the more money you have, the more "Justice" you can buy. Good attorneys cost a lot more, than bad attorneys. District Attorneys and public agencies, have unlimited public tax dollar finances, which provide unlimited legal resources, for both criminal and civil cases. In the case of District Attorneys, it also provides almost unlimited power, to manipulate and obstruct criminal and civil law, and the lives of the people involved. This is why a corrupt public agency, or District Attorney's office, like the San Diego District Attorneys office, is so dangerous to the public welfare. It is also how many law enforcement agencies cover up public corruption, by obstructing the filing and investigation of citizen criminal complaints. This is done while knowing about citizens limitations in the civil legal system. Criminal investigations are blocked and citizens are pushed to hire a civil attorney, with the knowledge that very few can afford the cost of civil litigation. The few citizens that can afford to file a civil litigation, will quickly find that public agencies, and their employees, also have extensive protections from civil litigation, built into the legal system. These public entity civil litigation immunities were originally intended to protect the public agency for the financial benefit of the citizens. However, as time passed the public entities found the immunities could be used to protect tax dollar resources for the use of the public unions. Public agencies and DA's are well aware of these financial and legal advantages when they push citizens to drop criminal complaints, go away, and hire an attorney. It is also why "Civil Litigation", is one of the most effective public corruption cover up tools available to public agencies. Public Agency finances, tax dollars, are not viewed as belonging to the citizens. They are viewed as public agency money, primarily to support the pay and benefits of public employees, and secondary, the work they perform. Any money damages lost as a result of civil litigation through public agency negligence, or criminal corruption, is money that is no longer available for future union contract negotiations, and union pay and benefits. Public agencies operate on the basis of maximizing tax revenue for agency use, even when those operations cause financial damages, to the citizens they are suppose to protect and serve.

#### Turns case and outweighs: A) Capitalism – their belief in monetary compensation as a suitable form of justice re-entrenches the dominance of capitalism because Higdon ‘10 indicates that it incentivizes public agencies to operate solely to maximize tax revenue from citizens so that they can protect themselves from more violations. B) Pay to play – even if the aff results in more potential court cases, officers will still not be held responsible since the cost of civil litigation prevents disadvantaged groups from attempting to pursue justice

Woodrow L. Higdon 2 (), March 2010, "PUBLIC-CORRUPTION-COVER-UP-THRU-CIVIL-LITIAGTION-ABUSE,", http://www.gtinewsphoto.com/PUBLIC-CORRUPTION-COVER-UP-THRU-CIVIL-LITIAGTION.html // AHS-DM, 11-12-2016

THE TRUTH ABOUT CIVIL LITIGATIONS Less than ten percent (10%) of american citizens can afford the high cost of a major civil litigation against a public agency, without quickly going bankrupt. The public agencies, and their attorneys, are well aware of these financial limitations on citizens, and they go out of their way to take advantage of the citizen, in both criminal and civil prosecutions. This is especially true when law enforcement public corruption protection is involved. When law enforcement blocks criminal complaints and investigations of law enforcement, ninety percent of the cover up is complete, and all of the criminal exposure is gone. The civil litigation system is totally about compromise, the dollar value of damages, a settlement with no admission of wrong doing, and if possible, a secrecy agreement that hides the corruption. All public agency civil litigation mitigation, and avoidance planning, involves minimizing or suppressing all documentation, that can be used against the public agency, in the event of a civil litigation. This is why most public agencies have adopted the practice of stripping their files of all documentation and complaints, that is not absolutely necessary to basic operations. It is also why law enforcement agencies obstruct criminal complaints and investigations involving public corruption by law enforcement.

#### C) Ruse of solvency – the aff creates the public perception of more police accountability, but cops will never suffer the consequences of their crimes. The aff is not a change from the squo - officers already get convicted, but their punishment comes from public funds. D) Even if your AFF is effective, it will eventually get stifled. Successful exposure of law enforcement corruption has empirically inspired cops to join together in mutual protection from criminal complaints.

Woodrow L. Higdon 3 (), March 2010, "PUBLIC-CORRUPTION-COVER-UP-THRU-CIVIL-LITIAGTION-ABUSE,", http://www.gtinewsphoto.com/PUBLIC-CORRUPTION-COVER-UP-THRU-CIVIL-LITIAGTION.html // AHS-DM, 11-12-2016

CIVIL LITIGATION PUBLIC CORRUPTION PROTECTION The financial disadvantages to citizens in civil litigation, is why civil litigations are such an effective tool, for public agencies to cover up public corruption. When the exposure of any potential law enforcement public corruption is recognized, it automatically activates the "Blue Wall" of protection. Law enforcement has an over developed sense of mutual protection, for any member of the brotherhood of the badge. A system of mutual protection that has developed over many decades, and in many cases, for good reason. However, the automatic nature of the Blue Wall, makes it very susceptible to abuse, in public corruption cover up. Law enforcement has the capability, and the incentive, to obstruct the filing and investigation of criminal complaints involving law enforcement public corruption. If the scale of the public corruption is large enough, the automatic protection will cross all law enforcement agency boundaries. When citizens access to criminal complaints, and investigations is shut down, the only legal recourse a citizens has is civil litigation. The law enforcement agencies know, when they shut the door on criminal complaints, ninety percent (90%), or more, of the complaints will disappear, because of the high cost of civil litigation. The small percentage of remaining criminal complaints against the interest of law enforcement, or their unions, will then be litigated in a civil court, with no criminal investigations, and no admissions of wrong doing. All dollar damages will be paid for with tax dollars. The public agency bonuses are many. Corrupt Cops and DA's are protected from financial loses, and responsibility. The settlement agreements generally includes a secrecy clause to bury the criminal public corruption. The public unions are insulated from criminal investigations, and civil damages.

# Kant NC

Framework omitted. Broke this out rounds of Blue Key and I think it was pretty successful throughout the topic

#### I negate. The standard is consistency with a Kantian system of equal and outer freedom.

#### Vote Negative – the intention of the aff is still to limit qualified immunity so you will not let this argument go away.

#### 1. Qualified immunity protects police officers from liability for civil damages insofar as the individual doesn’t act differently from an objectively reasonable officer. A system of equal freedom necessitates a conception of reasonableness to set the conditions against which people can be culpable. If we act like other rational agents would, then we shouldn’t be held responsible for consequences that aren’t part of the will.

Arthur Ripstein 2, Equality, Responsibility, and the Law. Cambridge:

Cambridge University Press 1999//DM

I will develop my account of distributive justice by contrasting it with an alternative family of views, which I'll call "the practical reason view/' This family of views seeks a formal account of which misfortunes should be held in common, that is, an account that looks to the formal features of individual choices, rather than their content. I will argue that a formal account is not possible. As was the case in torts and for reasonableness tests in the criminal law, we cannot determine the scope of individual responsibility except by asking questions about the importance of various interests. In distributive justice, the practical reason view supposes that a person's responsibility ought to be limited to the chances that he chose to take. The notion of choice here has been cashed out in a variety of ways. For example, Ronald Dworkin advocates holding people responsible only for the choices that issue from preferences with which they identify. G. A. Cohen and Richard Arneson advocate holding people responsible for only those choices that are made with full awareness of their consequences. John Roemer supposes people should only be held responsible for their choices if those choices are ones that others, similarly situated, would have avoided. Each of these develops a familiar position from recent debates about free will and moral responsibility. As a result, they all look to questions about the nature of the choice some person faced. One account looks to the person's higher-order attitudes toward his choices, and holds him responsible for the choices with which he identifies; others look to whether the agent was aware of the conse- quences, or whether others would have done the same.

#### And clarifying it is still bad because it would result in a clarification of the re asonability standard set forth

#### 2. The consequences of actions are unverifiable, so cops should be judged based on whether they intended to violate a constitutional right. A. Intrinsic harms outweigh merely foreseen harms because only intrinsic harms involve an exercise of agency. B. To account for all foreseen impacts would paralyze action because individuals would become morally culpable for all actions and states of affairs not just those that factor into the will.

#### 3. Allowing individual cops to be held culpable for all risks would violate their freedom – complicity in the proliferation of frivolous lawsuits against reasonable officers violates the system of freedom.

Arthur Ripstein 3, Equality, Responsibility, and the Law. Cambridge:

Cambridge University Press 1999//DM

The same conception of reasonableness is needed to determine the costs for which a person can be held responsible. If all risks were borne by those who acted, liberty would be too limited. If all risks were held in common, each person's security would be totally subject to the actions of others. The solution is, as always, to divide the risks based on some understanding of the interests that all can be expected to share. The relevant interests in the case of distributive jus- tice are of a piece with interests in liberty and security: Each person has an interest in having the way his or her life goes depend on what he or she thinks important, as well as an interest in having how that life goes not depend on the choices of others. Reasonable terms of cooperation treat persons as equals by giving each the wherewithal to choose his or her own ends, while protecting each from the excessive burdens that the choices of others might create. A reasonable balance between these two interests leads to a limit to the costs people can impose on each other, but also a limit on the costs people can be required to bear. Although people have a responsibility to moderate their activities in light of their fair shares, they do not need to do everything in their power to avoid imposing costs on others. Every action involves a variety of risks, in the sense that it changes the probability of a variety of outcomes. Treating some action as taking some particular risk does not require treating it as risking all of its consequences. The person who takes the risks involved in trying to live the life of an artist need not thereby also be thought of as taking the risk of starvation. The latter risk can be treated differently because of its obviously disastrous consequences. It can be so treated even though the artist could perhaps have taken further precautions to prevent it. The underlying principle is that the fact that someone could have avoided some outcome does not mean that its risks cannot be held in common. The point is not that people (nor even all adults) should be made to bear all costs they could, in principle, have avoided. Nor is it that people should be made to bear only the costs that they chose. Instead, they should bear only such costs as it is reasonable that they bear in light of the interests of others.

#### Qualified immunity establishes a balance between each person’s risks and liberties. It prevents agents from being coerced as a result of unforeseen and irrational circumstances, but allows the general public to check public officials when an actual instance of intentional coercion occurs.

# JANFEB

# Stock AC

### Offense

#### I advocate that public colleges and universities in the United States ought not restrict any constitutionally protected speech. I defend the whole resolution, but I will accept reasonable NEG preferences on specification and implementation as long as they don’t force me to abandon my advocacy. I contend that as a general principle, free speech is a good rule to follow:

#### [1] The principle of free speech in academic spaces affirms each person’s right to make their own decisions instead of being told what to believe by governmental or corporate interests.

Judith Butler ‘13, 2-7-2013, professor in the Rhetoric and Comparative Literature department at UC Berkeley. She is the author of several books on feminist theory, continental philosophy and contemporary politics, "Judith Butler’s Remarks to Brooklyn College on BDS," Nation, https://www.thenation.com/article/judith-butlers-remarks-brooklyn-college-bds/

The principle of academic freedom is designed to make sure that powers outside the university, including government and corporations, are not able to control the curriculum or intervene in extra-mural speech. It not only bars such interventions, but it also protects those platforms in which we might be able to reflect together on the most difficult problems. You can judge for yourself whether or not my reasons for lending my support to this movement are good ones. That is, after all, what academic debate is about. It is also what democratic debate is about, which suggests that open debate about difficult topics functions as a meeting point between democracy and the academy. Instead of asking right away whether we are for or against this movement, perhaps we can pause just long enough to find out what exactly this is, the Boycott, Divestment and Sanctions movement, and why it is so difficult to speak about this. I am not asking anyone to join a movement this evening. I am not even a leader of this movement or part of any of its governing committee, even though the New York Times tried to anoint me the other day—I appreciated their subsequent retraction, and I apologize to my Palestinian colleagues for their error. The movement, in fact, has been organized and led by Palestinians seeking rights of political self-determination, including Omar Barghouti, who was invited first by the Students for Justice in Palestine, after which I was invited to join him. At the time I thought it would be very much like other events I have attended, a conversation with a few dozen student activists in the basement of a student center. So, as you can see, I am surprised and ill-prepared for what has happened. Omar will speak in a moment about what the BDS movement is, its successes and its aspirations. But I would like briefly to continue with the question, what precisely are we doing here this evening? I presume that you came to hear what there is to be said, and so to test your preconceptions against what some people have to say, to see whether your objections can be met and your questions answered. In other words, you come here to exercise critical judgment, and if the arguments you hear are not convincing, you will be able to cite them, to develop your opposing view and to communicate that as you wish. In this way, your being here this evening confirms your right to form and communicate an autonomous judgment, to demonstrate why you think something is true or not, and you should be free to do this without coercion and fear. These are your rights of free expression, but they are, perhaps even more importantly, your rights to education, which involves the freedom to hear, to read and to consider any number of viewpoints as part of an ongoing public deliberation on this issue. Your presence here, even your support for the event, does not assume agreement among us. There is no unanimity of opinion here; indeed, achieving unanimity is not the goal.

#### Outweighs:

#### A. The AFF is key to radical change—restrictions on free speech allow the government and corporations to interfere in radical speech which forecloses the possibility of reform.

#### B. Student liberation—free speech ensures that individuals think critically for themselves and experiment with their thoughts—outweighs turns because it creates long term cultural changes that result in increased activism.

#### [2] Deregulating campus speech sets legal precedents that enable movements and protests, even if it protects bigots – Civil Rights prove.

ACLU: The American Civil Liberties Union. “Hate Speech on Campus,” American Civil Liberties Union, 2016.

A: Free speech rights are indivisible. Restricting the speech of one group or individual jeopardizes everyone's rights because the same laws or regulations used to silence bigots can be used to silence you. Conversely, laws that defend free speech for bigots can be used to defend the rights of civil rights workers, anti-war protesters, lesbian and gay activists and others fighting for justice.For example, in the 1949 case of Terminiello v. Chicago, the ACLU **successfully** defended an ex-Catholic priest who had delivered a racist **and anti-semitic** speech. The precedent set in that case became the basis for the ACLU's successful defense of civil rights demonstrators in the 1960s and '70s.The indivisibility principle was also illustrated in the case of Neo-Nazis whose right to march in Skokie, Illinois in 1979 was successfully defended by the ACLU. At the time, then ACLU Executive Director Aryeh Neier, whose relatives died in Hitler's concentration camps during World War II, commented: "Keeping a few Nazis off the streets of Skokie will serve Jews poorly if it means that the freedoms to speak, publish or assemble any place in the United States are thereby weakened." Q: I have the impression that the ACLU spends more time and money defending the rights of bigots than supporting the victims of bigotry!!?? A: Not so. Only a handful of the several thousand cases litigated by the national ACLU and its affiliates every year involves offensive speech. Most of the litigation, advocacy and public education work we do preserves or advances the constitutional rights of ordinary people. But it's important to understand that the fraction of our work that does involve people who've engaged in bigoted and hurtful speech is very important: Defending First Amendment rights for the enemies of civil liberties and civil rights means defending it for you and me. Q: Aren't some kinds of communication not protected under the First Amendment, like "fighting words?" A: The U.S. Supreme Court did rule in 1942, in a case called Chaplinsky v. New Hampshire, that intimidating speech directed at a specific individual in a face-to-face confrontation amounts to "fighting words," and that the person engaging in such speech can be punished if "by their very utterance [the words] inflict injury or tend to incite an immediate breach of the peace**."**

#### Outweighs:

#### A. Mobilization—white nationalist groups garner support in the status quo by posing as oppressed minorities—they claim that their speech is being targeted by liberals, but the aff prevents them from gaining a foothold.

#### B. Turns arguments about certain forms of speech are bad—categorical defense of free speech spills over to civil rights which ensures real world activism is promoted. It also ensures that individuals are more likely to act on their beliefs as opposed to just speaking them.

#### [3] Speech censorship doesn’t change minds but redirects them which only leaves reformers less prepared to defend their gains.

Vince Herron ‘93, [JD, University of Southern California], “Increasing the Speech: Diversity, Campus Speech Codes, and the Pursuit of Truth,” Southern California Law Review, 1993-1994.

Suppression of the bigotry which leads to hate speech may also drive the ideas underground, allowing them to take on a life of their own unbeknownst to, and there- fore unchallenged by, the rest of the university community. The rules that force these members underground may actually serve to strengthen and highlight their sense of grievance and even create martyrs.70 Those who are driven underground are able to attract new followers by holding themselves out to be an “oppressed minority” in their own right, “whose ‘truths’ are so powerful that they are banned by the Establishment. ’ 71 These ”truths” are presented to potential followers unopposed, because those who would oppose these ideologies do not know they exist, or, without any reminder of the need for opposition, have become apathetic. Sweeping the problem under the rug is not the answer and will do little to solve the problem. Keeping the problem in the public spotlight, where community members are aware of it, enables members to attack it when it surfaces. Katharine Bartlett and Jean O’Barr stated, “If there is a silver lining to the blatant, egregious forms of hateful harassment that Lawrence describes, it is that they help to make the underlying forms of prejudice undeniable.”’72 The gains in injury prevention garnered by campus speech codes are gained at the expense of the community’s ability to recognize the ideologies which originally led to these injuries and hinders the continued fight against those ideologies.

#### Outweighs:

#### A. Reverse punishment—empirics prove that speech codes end up targeting the people they claim to help and are primarily enforced against minorities.

Conor Friedersdorf ‘15, 12-10-2015, "The Lessons of Bygone Free-Speech Fights," Atlantic, http://www.theatlantic.com/politics/archive/2015/12/what-student-activists-can-learn-from-bygone-free-speech-fights/419178/

He was writing after the University of Michigan, the University of Wisconsin, and Stanford implemented speech codes targeted at racist and sexist speech. These were efforts to respond to increasing diversity on campuses, where a number of students spewed racist and sexist speech that most everyone in this room would condemn. But those speech codes were policy failures. There is no evidence that hate speech or bigotry decreased on any campus that adopted them. At Michigan, the speech code was analyzed by Marcia Pally, a professor of multicultural studies, who found that “black students were accused of racist speech in almost 20 cases. Students were punished only twice under the code’s anti-racist provisions, both times for speech by or on behalf of blacks.”

#### Also turns arguments about minority speech restrictions in the status quo—free speech isn’t exclusionary, only restrictions. The ability to for minorities to speak freely is limited in the status quo because minorities are afraid of speech codes being used against themselves.

#### B. Try or die--Hate speech is getting worse in the status quo, regardless of speech codes

Long ’17: Long, Katherine. [Journalist, Seattle Times] “UW on Edge Over Perception of Rise in Hate Speech.” The Seattle Times, January 27, 2017.

**More than a week after a Breitbart News editor’s speech was punctuated by violence on the University of Washington’s Red Square, students and faculty say the campus is on edge because of the perception that hate speech is on the ri**se. Some students and faculty who say they’ve been targeted by online harassment and threats are calling for a more forceful response from the university. The university also is keeping an eye on a possible pro-Donald Trump demonstration on campus Monday. UW spokesman Norm Arkans acknowledged that Trump’s election seems to have resulted in a wave of hate speech, and the university is trying to find ways to support people who are being harassed. “We want them to feel as though we’ve got their backs,” he said. “I think we need to figure out more ways to do that.” **Why does one of the country’s most liberal campuses appear to be suddenly experiencing a rash of prejudice? The switch in people’s willingness to openly express bias and prejudice is real** nationwide**, and it’s wrapped up in the concept of social norms, which changed after Donald Trump was elected to the highest office, an expert on prejudice says. “Literally overnight” after Trump won the election Nov. 8 it became acceptable to disparage Muslims, Mexican immigrants, women and other minority groups**, said Chris Crandall, a University of Kansas psychology professor who grew up in Seattle and received his undergraduate degree at the University of Washington. Crandall said his research shows that President Trump’s election didn’t create new biases. But his win has unleased the expression of those prejudices. People who felt biases against others suddenly decided it was all right to say them out loud, Crandall said. That feeling extended to people on all sides of the political spectrum, including Democrats, who earlier felt it was wrong to express bias, but now believe it’s acceptable, his research shows. In his Jan. 20 speech at the UW, Breitbart editor Milo Yiannopoulos — who’s been banned on Twitter — mocked liberals, Democrats, feminists, gays and lesbians, to his audience’s delight. He concluded by saying that Americans are raising a generation of children who can’t handle words used against them, that cyberbullying is not the same as real bullying, and that people should ignore things they find offensive. “If someone is speaking on campus you don’t like, don’t attend the lecture,” he said. Students who had opposed Yiannopoulos’s appearance on campus argued that the talk should be canceled out of concern for student safety. On the night of the speech, protesters who tried to shut down the event clashed with people standing in line to hear Yiannopoulos, and one man was shot in the stomach. UW President Ana Mari Cauce defended Yiannopoulos’ right to speak, saying to do so meant upholding the public university’s commitment to the free exchange of ideas and expression. But she also condemned the violence. Late this week, a Facebook group calling itself “UW Wall Building Association” advertised a pro-Trump campus demonstration that is to take place Monday on Red Square. The UW College Republicans, who hosted Yiannopoulos, say the event is fake, placed online to bait students and the media. But the Latinx Student Law Association, which believes UW students are behind the post, called on the university to intervene because the event constitutes harassment, which would violate the UW’s Student Code of Conduct. “We want the administration to really address this seriously now, especially because of heightened sense of fear and anxiety” among all students, especially undocumented students, said Michelle Saucedo, a member of the Latinx Law Student Association, who helped draft a letter calling on the university to take action. “We’re not trying to limit anyone’s free speech,” Saucedo said. “We’re calling on the university to stand by the Student Code of Conduct, and investigate” to find out who is behind the post. The UW Wall group is violating the code, she said, by targeting a specific group based on race, national origin and citizenship. The post also calls for students to bring bricks, which could be used as weapons. The group has created a “hostile and offensive environment in which undocumented and Latinx UW students feel unsafe and unwelcome,” the letter reads. Saucedo said about 1,500 students, faculty, staff and community members have signed it. UW officials say they don’t know if the event is real or fake, but they plan to have security in place on Monday. In response to the rally, Denzil Suite, the UW’s vice president for student life, released a statement Friday saying that anyone who commits criminal acts will be arrested. Some online threats in recent weeks have extended to individual students and faculty.Alan-Michael Weatherford, a graduate student who teaches a queer-studies course, said he was harassed online after the Yiannopoulos event, including posts that have included slurs, threats and the release of his personal information. “Let me just say very clearly that having an entire internet presence solely dedicated to finding, contacting and harassing with the promise of potentially harming you is petrifying,” he wrote in a guest editorial to the UW Daily. In an interview, Weatherford said the university is “barely responding, if at all,” and has told him he needs to take care of it himself. He said he thinks other students have also been targeted with harassment. Chanda Hsu Prescod-Weinstein, a theoretical astrophysicist at the UW, said she, too, has been targeted by hate speech, including hate mail and threats, because of her race and religion. She is African American and Jewish. “I am a firm believer in free speech, but it goes both ways, and I’ve been disappointed that while Milo has been vocal about his views, there’s been relative silence from the administration,” she said. Crandall, the psychology professor, said it’s wrong to pretend that words can’t incite people to violence, even if free speech is protected by the Constitution. In arguing that speech is not the same as physical violence, Yiannopoulos is “making the argument that Hitler’s speeches had no effect, and I think that’s a foolish argument,” Crandall said. “What people say really does matter.” Crandall noted that during his election rallies, Trump told his audience to beat up protesters. And some protesters did get assaulted. He advised people who were upset about the increase in expression of prejudice to be open to what others have to say. “Be open to dissent, and be open to dissenting. And we all need to keep doing our jobs, as a reporter, a researcher, a university teacher, the cop on the beat working with the prosecutors to ensure equal justice, the politicians in town making good policy, the parents of students ensuring that the schools and the school board are open to helping all children.” Said Crandall: “There’s no shortage of activities — and activity is much better than sitting in a dark and quiet room with a computer, being enraged and feeling futile.”

# Kant AC

## Contention

#### I defend the maxim that public colleges and universities in the US ought not restrict any constitutionally protected free speech. I will accept neg preferences on specificity and implementation as long as they don’t require me to abandon my maxim.

**Kurtz:** Kurtz, Stanley. [Contributor, *National Review*] “A Plan to Restore Free Speech on Campus.” *The Corner*,December 2015.

First: Colleges and universities ought to adopt a policy on freedom of expression modeled on Yale’s Woodward Report of 1974, which identifies ensuring intellectual freedom in the pursuit of knowledge as the primary obligation of a university. While the Woodward Report forthrightly acknowledges the importance of solidarity, harmony, civility, and mutual respect to campus life, it unmistakably marks these values as subordinate in priority to freedom of expression. In accordance with this, the Woodward Report rejects the proposition that members of an academic community are entitled to suppress speech they regard as offensive. Of course, within a university, the need for intellectual freedom is in the service of the pursuit of knowledge. Freedom of expression is a critical consideration, yet does not in itself fully resolve issues like the structure of the college curriculum. That said, the Woodward Report can and should serve as a model for statements on free expression at our colleges and universities. Once adopted, new statements on freedom of expression would supersede and replace any pre-existing speech codes.

The aff doesn’t defend that colleges and the state are good institutions, I only defend that they ought not restrict our ability to express radical forms of speech—the aff is a negative action within the state. Also I don't defend or valorize the constitution, my argument is that it delineates a specific set of things as protected and those things are independently good.

#### Freedom of speech is a necessary freedom: governments cannot put any restrictions on it no matter what the content of the speech is. Lambert 16

(Saber, writer @ being libertarian, “The Degradation of Free Speech and Personal Liberty,” April 9, 2016, https://beinglibertarian.com/the-degradation-of-free-speech-and-personal-liberty///[LADI](http://www.theladi.org/evidence))

**Many** individuals in society claim that they live in a free nation full of individual liberties**.** North American constitutions such as the ones implemented in the United States and Canada allow for freedom of speech. However, it is evident that the government has implemented and enforced policies to the contrary. There are a plethora of entertainment programs that have strict censorship policies that go against freedom of speech as it disallows, for example, television producers and musicians to use words or phrases that may be offensive directly or indirectly to a person or group. Regardless, if it is possibly offensive to one or many, the U.S. and Canadian constitutions allow for individuals to say very controversial things. However, restricting one’s freedom of speech in the form of censorship greatly impacts the exchange of ideas that are said to contribute to the (possibly) improvement of society. It is not up to the government to decide what individuals choose to say, read, or hear, and it should not be up to the government to decide what is acceptable within society. The Federal Communications Commission (FCC) in the United States controls all forms of television broadcasting and claims “it is a violation of federal law to air obscene programming at any time. It is also a violation of federal law to air indecent programming or profane language during certain hours.” It is quite clear that censorship by institutional power is a way to control a society in the sense that it determines what individuals in society can legally say, hear, or read. It is against the majoritarian virtues and values that are constitutionally instilled within a society, and is often paralleled to a form of dictatorship – no matter how miniscule.

#### Weighing:

[1] Speech and language is not intrinsically violent: the only possible issues with it come with its implementation, which means that it is not harmful in itself. Anderson 6

Amanda Anderson, Caroline Donovan Professor of English Literature and Department Chair at Johns Hopkins University, Senior Fellow at the School of Criticism and Theory at Cornell University, holds a Ph.D. in English from Cornell University, 2006 (“Reply to My Critic(s),” *Criticism*, Volume 48, Number 2, Spring, Available Online to Subscribing Institutions via Project MUSE, p. 285-287)

Let's first examine the claim that my book is "unwittingly" inviting a resurrection of the "Enlightenment-equals-totalitarianism position." How, one wonders, could a book promoting argument and debate, and promoting reason-giving practices as a kind of common ground that should prevail over assertions of cultural authenticity, somehow come to be seen as a dangerous resurgence of bad Enlightenment? Robbins tells us why: I want "argument on my own terms"—that [End Page 285] is, I want to impose reason on people, which is a form of power and oppression. But what can this possibly mean? Arguments stand or fall based on whether they are successful and persuasive, even an argument in favor of argument. It simply is not the case that an argument in favor of the importance of reasoned debate to liberal democracy is tantamount to oppressive power. To assume so is to assume, in the manner of Theodor Adorno and Max Horkheimer, that reason is itself violent, inherently, and that it will always mask power and enforce exclusions. But to assume this is to assume the very view of Enlightenment reason that Robbins claims we are "thankfully" well rid of. (I leave to the side the idea that any individual can proclaim that a debate is over, thankfully or not.) But perhaps Robbins will say, "I am not imagining that your argument is directly oppressive, but that what you argue for would be, if it were enforced." Yet **my book doesn't imagine or suggest it is enforceable;** I simply argue in favor of**, I promote,** an ethos of argument within a liberal democratic and proceduralist framework**. As much as Robbins would like to think so,** neither I nor the books I write can be cast as an arm of the police**. Robbins wants to** imagine a far more direct line of influence from criticism to political reality, however, and this is why it can be such a bad thing to suggest norms of argument. Watch as the gloves come off: Faced with the prospect of submitting to her version of argument—roughly, Habermas's version—and of being thus authorized to disagree only about other, smaller things, some may feel that there will have been an end to argument, or an end to the arguments they find most interesting. With current events in mind, I would be surprised if there were no recourse to the metaphor of a regular army facing a guerilla insurrection, hinting that Anderson wants to force her opponents to dress in uniform, reside in well-demarcated camps and capitals that can be bombed, fight by the rules of states (whether the states themselves abide by these rules or not), and so on—in short, that she wants to get the battle onto a terrain where her side will be assured of having the upper hand. Let's leave to the side the fact that this is a disowned hypothetical criticism. (As in, "Well, okay, yes, those are my gloves, but those are somebody else's hands they will have come off of.") Because far more interesting, actually, is the sudden elevation of stakes. It is a symptom of the sorry state of affairs in our profession that it plays out repeatedly this tragicomic tendency to give a grandiose political meaning to every object it analyzes or confronts. We have evidence of how desperate the situation is when we see it in a critic as thoughtful as Bruce Robbins, where it emerges as the need to allegorize a point about an argument in such a way that it gets cast as the equivalent of war atrocities. It is especially ironic in light of the fact that to the extent that I do give examples of the importance of liberal democratic proceduralism, I invoke the disregard of the protocols of international adjudication in the days leading up to the invasion of Iraq; I also speak [End Page 286] about concerns with voting transparency. It is hard for me to see how my argument about proceduralism can be associated with the policies of the Bush administration when that administration has exhibited a flagrant disregard of democratic procedure and the rule of law. I happen to think that a renewed focus on proceduralism is a timely venture, which is why I spend so much time discussing it in my final chapter. But I hasten to add that I am not interested in imagining that proceduralism is the sole political response to the needs of cultural criticism in our time: my goal in the book is to argue for a liberal democratic culture of argument, and to suggest ways in which argument is not served by trumping appeals to identity and charismatic authority. I fully admit that my examples are less political events than academic debates; for those uninterested in the shape of intellectual arguments, and eager for more direct and sustained discussion of contemporary politics, the approach will disappoint. Moreover, there will always be a tendency for a proceduralist to under-specify substance, and that is partly a principled decision, since the point is that agreements, compromises, and policies get worked out through the communicative and political process. My book is mainly concentrated on evaluating forms of arguments and appeals to ethos, both those that count as a form of trump card or distortion, and those that flesh out an understanding of argument as a universalist practice. There is an intermittent appeal to larger concerns in the political democratic culture, and that is because I see connections between the ideal of argument and the ideal of deliberative democracy. But there is clearly, and indeed necessarily, significant room for further elaboration here.

#### [2] If the neg proves a violation of freedom, the aff still comes first. Regardless of whether you affirm or negate, there’s a violation of freedom but there’s still a risk that the aff solves something by taking an action.

#### [3] Intrinsic harms outweigh merely foreseen harms because only intrinsic harms involve an exercise of agency. A. to account for all foreseen impacts would paralyze action because individuals would become morally culpable for all actions and states of affairs not just those that factor into the will. B. Intended harms outweigh foreseen harms because only intending a harm involves an exercise of agency. To account for all foreseen impacts would paralyze action because individuals would become morally culpable for all actions and states of affairs not just those that factor into the will. And C since every action is infinitely divisible, there’s an infinite amount of freedom anyway, so there’s only a logical contradiction when you violate freedom not fail to maximize.

#### [4] Hindering a hindrance is not justified: A. Even if both parties must accept the authority of a third party with power over both of them, since even if people were perfectly nice and good, the state of nature would still violate freedom because it lacks a structural guarantee. But for this very reason, they fail to end the state of nature. B. My framework establishes a categorical defense on freedom; it is an incoherent maxim to violate freedom, even if the consequences of that violation maximize freedom.

# Kant NC

### Offense

#### Dissolving all potential limitations on speech is coercive – the individuals who run public institutions must enforce rules that prevent coercion – each act of speech is an act that can violate the public right of others:

#### [1] Hate Speech—the public will must prevent hate speech because it hinders the ability of historically oppressed groups to participate in public spheres.

Varden ‘10, Helga. "A Kantian Conception of Free Speech." Freedom of Expression in a Diverse World. (2010)

Kant’s distinction between public and private right can also be used to make sense of controversial issues of hate speech, speech amounting to harassment, and blackmail. First, an explanation why all these kinds of speech will not only be regu- lated in relation to public spaces, but also private (non-governmental) workplaces. The reason why public spaces of interaction and private workplaces are equally important targets of public law issues from the fact that in capitalist economies, at least, the state has permitted its citizens to become dependent upon private employ- ment to secure access to means and hence to exercise external freedom. **Just as the state must ensure that all public spaces are spheres within which its citizens can interact as free**, equal and independent bearers of rights, the state must also ensure that an economy on which its citizens are dependent for access to material means functions in the same way. That is to say, insofar as the state permits the capitalist system to become part of the public solution to enabling rightful private property for all, it must also govern that economic system by public law. The state cannot permit such systemic dependence without also ensuring that the systems are not under private control. To permit this would be to permit some private citizens to obtain coercive control over the freedom of other citizens, which is precisely not to ensure that universal law regulates all citizens’ interactions. Such private dependency relations are therefore necessarily in conflict with the state’s function, namely to reconcile its monopoly on coercion with each citizen’s innate right to freedom. The right to freedom, as we saw, is the right to *independence from* rather than dependence upon any private person’s arbitrary choices, which is realized only by subjecting interacting persons’ freedom reciprocally to universal laws of freedom as enabled by the public authority. By issuing public law to govern any systems, including private ones, upon which the citizens’ exercise of their rights is depen- dent, the state secures rightful conditions for all. Even if we accept that **issues of systemic dependency explain why the state will regulate public spaces as** well as some apparently private interactions, such as in the workplace, it is not immediately clear why the regulation of hate speech and speech amounting to harassment is necessary. Why are these kinds of speech not protected by free speech legislation – and why do they fall under public rather than private law? The answer lies in the way in which these kinds of speech track severe and pervasive historical oppression.Hate speech and harassment are exemplified by personal insults on the basis of factors like race, ethnicity, gender, sexual orienta- tion, disability and socioeconomic class. Moreover, it seems that achieving the insult is possible only because there has been a significant history of oppression of the insulted person. After all, blond jokes can’t really rise to the status of insult, but sexist comments about my gender can. Still, as we saw above, the fact that speech is offensive or annoying is not enough to make them proper objects of law, so what makes these cases different? On the Kantian view I have been developing, **hate speech** and speech amounting to harassment are not outlawed because they track private wrongdoing as such, but rather because they **track the state’s** historical and current **inability to provide some group(s) of citizens with rightful conditions of interaction.** This type of public law tries to remedy the fact that some citizens have been and still are ‘more equal than others’. Hence, **if the state finds that it is still unable successfully to provide conditions under which protection and empowerment of its historically oppressed**, and thus vulnerable, are secured, **then it is within its rightful powers to legally regu- late speech and harassment to improve its ability to do so.** By putting its weight behind historically oppressed and vulnerable citizens, the state seeks to overcome the problems caused by its lack of recognition in the past and its current failure to provide conditions in which its citizens interact with respect for one as free and equal. Therefore, **whether or not any instance of speech actually achieves insult is inconsequential**, for that is not the justification for the state’s right to outlaw it. Rather,laws regulating speech and harassment track the state’s systemic inability to provide rightful interaction for all of its citizens. Note that this argument does not, nor must it, determine which particular usages of hate speech and speech amounting to harassment should be banned. It only explains why **certain kinds** and circumstances of speech and harassment can and **should be outlawed** and why public law, rather than private law, is the proper means for doing so. Determining which types and how it should be banned is matter for public debate and reflection followed by public regulation on behalf of all citizens.

#### Hate speech is constitutionally protected

Volokh 15 Eugene Volokh, Gary T. Schwartz Professor of Law at the UCLA School of Law. , No, There’s No “hate Speech” Exception to the First Amendment, The Washington Post, 5/7/15, <https://www.washingtonpost.com/news/volokh-conspiracy/wp/2015/05/07/no-theres-no-hate-speech-exception-to-the-first-amendment/> //[LADI](http://www.theladi.org/evidence)

I keep hearing about a supposed “hate speech” exception to the First Amendment, or statements such as, “This isn’t free speech, it’s hate speech,” or “When does free speech stop and hate speech begin?” But there is no hate speech exception to the First Amendment. Hateful ideas (whatever exactly that might mean) are just as protected under the First Amendment as other ideas. One is as free to condemn Islam — or Muslims, or Jews, or blacks, or whites, or illegal aliens, or native-born citizens — as one is to condemn capitalism or Socialism or Democrats or Republicans. To be sure, there are some kinds of speech that are unprotected by the First Amendment. But those narrow exceptions have nothing to do with “hate speech” in any conventionally used sense of the term. For instance, there is an exception for “fighting words” — face-to-face personal insults addressed to a specific person, of the sort that are likely to start an immediate fight. But this exception isn’t limited to racial or religious insults, nor does it cover all racially or religiously offensive statements. Indeed, when the City of St. Paul tried to specifically punish bigoted fighting words, the Supreme Court held that this selective prohibition was unconstitutional (R.A.V. v. City of St. Paul (1992)), even though a broad ban on all fighting words would indeed be permissible. (And, notwithstanding CNN anchor Chris Cuomo’s [Tweet](https://twitter.com/ChrisCuomo/status/595934009764487168) that “hate speech is excluded from protection,” and his later claims that by “hate speech” he means “fighting words,” the fighting words exception is not generally labeled a “hate speech” exception, and isn’t coextensive with any established definition of “hate speech” that I know of.)

#### Also prefer theoretically—central justifications in the topic literature for the negative is based upon speech codes and violent forms of speech, excluding that offense would force the neg to argue that being able to speak is a bad thing in general. Also, it kills real world education because real world policies about college speech codes are predicated on this debate between free speech and harmful speech.

#### [2] Seditious Speech—public institutions should regulate seditious speech that aims at dissolving the government. That negates: individuals regulate their unilateral wills by maintaining and uniting into a society that provides a general will. The state must ensure that it sets up with an institutional structure that enables it to remain a public authority, else there are no restrictions on coercion. That’s also constitutionally protected.

Justia Law (), "Seditious Speech and Seditious Libel," http://law.justia.com/constitution/us/amendment-01/41-seditious-speech.html // AHS-DM, 2-15-2017

Opposition to government through speech alone has been subject to punishment throughout much of history under laws proscribing “seditious” utterances. In this country, the Sedition Act of 1798 made criminal, inter alia, malicious writings which defamed, brought into contempt or disrepute, or excited the hatred of the people against the Government, the President, or the Congress, or which stirred people to sedition.966 In New York Times Co. v. Sullivan,967 the Court surveyed the controversy surrounding the enactment and enforcement of the Sedition Act and concluded that debate “first crystallized a national awareness of the central meaning of the First Amendment.... Although the Sedition Act was never tested in this Court, the attack upon its validity has carried the day in the court of history .... [That history] reflect[s] a broad consensus that the Act, because of the restraint it imposed upon criticism of government and public officials, was inconsistent with the First Amendment.” The “central meaning” discerned by the Court, quoting Madison’s comment that in a republican government “the censorial power is in the people over the Government, and not in the Government over the people,” is that “[t]he right of free public discussion of the stewardship of public officials was thus, in Madison’s view, a fundamental principle of the American form of government.”

# MARAPR

# Redlining AC

### Advocacy

#### The modern housing system is far from perfect—loan corporations continue to discriminate and give customers preferential statuses based upon arbitrary characteristics. The status quo is racially biased and housing discrimination traps individuals in poverty.

Burns ‘14, Rebecca. "They’re Still Redlining." Jacobin. N.p., 3 Nov. 2014. Web. 13 July 2016.

Housing discrimination occupies an ignominious role in US history: it’s [is] one of the key mechanisms through which wealth has been stolen from blacks and other people of color. Some officials responsible for regulating the housing market acknowledge that such discrimination still exists, but they typically portray it as the work of a few bad apples. Last month, for example, New York Attorney General Eric Schneiderman announced that his office was filing a lawsuit against the parent companies of Evans Bank for allegedly engaging in redlining, the practice of denying mortgage loans to borrowers in neighborhoods of color. The suit against Evans Bank charges that it excluded residents of majority-black neighborhoods in East Buffalo, New York from access to mortgage products, regardless of residents’ creditworthiness. Schneiderman has opened a wider investigation into potential redlining by banks operating in New York state, and warned that he might file further lawsuits in order to ensure that all residents have an “equal opportunity to obtain credit,” regardless of their skin color. But there’s more to the story than a few discriminatory banks. Prior to 2008, some of the same banks Schneiderman’s office is reportedly investigating flooded now credit-scarce areas with high-interest or subprime loans. During the subprime lending boom, such predatory loans were five times more likely to be made in African-American neighborhoods than in white ones. This practice, sometimes called “reverse redlining,” was merely the next stage in a cycle of exploitation enabled by a dual housing market. Communities of color, having historically been denied access to credit, were next aggressively targeted for subprime loans. As a result, black communities and other communities of color are also now disproportionately impacted by foreclosures — which, due to persistent segregation, remain concentrated in minority neighborhoods.

#### Thus, the Plan Text: “Resolved: The United States Federal Government will ban the practice of redlining, or the refusal to give house loans based on race, predatory lending, and retail redlining.

National Law Center on Homelessness and Poverty ‘15. “HUMAN RIGHT TO HOUSING REPORT CARD”. December 1, 2o15. https://www.nlchp.org/documents/2015\_HousingReport

**Even where** needy **applicants are able to access** affordable **housing** or obtain housing assistance, **they face discrimination** in the private housing market on the basis of race, disability, gender, source of income, or other status, despite some strong de jure protections. There were 27,528 complaints of housing discrimination registered in 2014, a minority of the estimated total amount of housing discrimination. In 2014, **the Committee on the Elimination of Racial Discrimination specifically called on the U.S. to “ensur[e] the availability of affordable and adequate housing for all” by “undertaking** prompt, independent and thorough **investigation into** all cases of **discriminatory practices by** private actors, including in relation to discriminatory mortgage lending practices, steering, and **redlining**; holding those responsible to account; and providing effective remedies, including appropriate compensation, guarantees of non-repetition and changes in relevant laws and practices.”124 Yet the number of HUD employees dedicated to fair housing dropped to an all-time low in federal fiscal year 2015.125 Part of the United States’ obligation is to ensure enforcement of existing laws; it cannot do that when funding resources shrink despite the need for additional work and resources.

#### The AFF is topical—a right to housing is a negative right that prohibits housing discrimination

NERSI ‘16. “What is the Human Right to Housing”. National Economic & Social Rights Initiative. 2016.

Everyone has a fundamental human right to housing, which ensures access to a[n] safe, secure, habitable, and affordable home with freedom from forced eviction. It is the government’s obligation to guarantee that everyone can exercise this right to live in security, peace, and dignity. This right must be provided to all persons irrespective of income or access to economic resources. There are seven principles that are fundamental to the right to housing and are of particular relevance to the right to housing in the United States:

#### Also, cross-ex checks—I will accept neg preferences on specificity and implementation as long as they don’t require me to abandon my maxim.

### Contention

#### Redlining is historically based upon exploitation and differential status

Ta-Nehisi Coates ‘14 (national correspondent at The Atlantic, where he writes about culture, politics, and social issues. He is the author of The Beautiful Struggle and Between the World and Me.). “The Case for Reparations”. The Atlantic, June 2016. http://www.theatlantic.com/magazine/archive/2014/06/the-case-for-reparations/361631/

In Chicago and across the country, whites looking to achieve the American dream could rely on a legitimate credit system backed by the government. Blacks were herded into the sights of unscrupulous lenders who took them for money and for sport. “It was like people who like to go out and shoot lions in Africa. It was the same thrill,” a housing attorney[s] told the historian Beryl Satter in her 2009 book, Family Properties. “The thrill of the chase and the kill.” he kill was profitable. At the time of his death, Lou Fushanis owned more than 600 properties, many of them in North Lawndale, and his estate was estimated to be worth $3 million. He’d made much of this money by exploiting the frustrated hopes of black migrants like Clyde Ross. During this period, according to one estimate, 85 percent of all black home buyers who bought in Chicago bought on contract. “If anybody who is well established in this business in Chicago doesn’t earn $100,000 a year,” a contract seller told The Saturday Evening Post in 1962, “he is loafing.” Contract sellers became rich. North Lawndale became a ghetto.

#### That outweighs:

#### [1] Recognition—housing attorneys and loan corporations violate the status of Black citizens as agents under an omnilateral will—they fail to respect their intrinsic nature of all individuals as ends and treat them as simply means to maximize their own profit.

#### [2] Coercion—the aff rectifies a direct instance of coercion. Freeriding limits the ability for agents to pursue their ends as a result of direct and intentional violations of freedom—corporations provide or deny loans with the intent of either preventing Blacks from moving or ensuring homelessness due to foreclosure.

#### [3] The current housing system has also created a system of dependency—Blacks are disproportionately harmed and dictated by the will of white property owners. That violates the freedom of minority populations because it predetermines their ability to pursue their own ends since they are regulated by other citizens.

# Trump HUD DA

This might be the shittiest cut / put together argument I have ever read, but it won multiple outrounds at states lol

#### HUD funding was high under Obama, but those accomplishments are at risk under the new administration.

Alana Semuels '16 (), 11-29-2016, "The Future of Housing Desegregation Under Trump ," Atlantic, https://www.theatlantic.com/business/archive/2016/11/the-future-of-desegregation-under-trump/509018/ // AHS-DM, 3-3-2017

No matter what one thinks of **Obama**, it**’s** hard to argue with the fact that his **administration has done a great deal to further integrate America’s neighborhoods.** It was while Obama was president that the Department of Housing and Urban Development (HUD) released a[new rule](https://www.theatlantic.com/business/archive/2015/07/new-hud-rules-fair-housing/397997/) requiring cities to analyze racial and financial segregation among their residents. It was Obama’s solicitor general,[Donald B. Verrilli, Jr.](https://www.oyez.org/advocates/donald_b_verrilli_jr), who filed an amicus brief on the side of fair-housing advocates in *Texas Department of Community Affairs v Inclusive Communities*, a landmark Supreme Court case about 1968’s Fair Housing Act. It was the Obama administration[that proposed changes](http://www.wsj.com/articles/obama-administration-unveils-proposed-changes-to-section-8-subsidy-program-1466031245) to the Section 8 housing-voucher program that would give low-income families who live in wealthier areas more money for their vouchers. **Now, after the election, all of these accomplishments are at risk,** and the policies that promote the concept of fair housing—essentially, making sure every American has equal access to safe and secure housing in good neighborhoods—may once again fall by the wayside. President-elect Donald J. Trump has not yet named a HUD secretary, but he has floated some potential appointees, including the retired neurosurgeon Ben Carson, who has called one plan for fair housing a “[mandated social-engineering scheme](http://www.thedailybeast.com/articles/2016/11/28/ben-carson-trump-s-hud-pick-once-called-fair-housing-communism.html).” **Trump himself has also expressed disdain for many of Obama’s housing policies, especially those trying to reduce segregation**, which is perhaps not surprising for a man who got his start in real estate by[refusing to rent](https://www.theatlantic.com/politics/archive/2016/11/donald-trump-scandals/474726/) to minorities in New York. **It would be relatively easy for whoever Trump picks to reverse some of the accomplishments of the Obama administration. “The HUD Secretary can really set the tone in terms of making decisions about where resources are allocated, and where staff are provided to take on enforcement roles,**” said Robert Silverman, a professor of urban and regional planning at the University of Buffalo. He said that Trump could effectively nullify certain provisions by defunding their enforcement. **Most at risk is a rule,** released in[July of 2015](https://www.theatlantic.com/business/archive/2015/07/new-hud-rules-fair-housing/397997/), **requiring communities to “affirmatively further fair housing”**—a provision of the Fair Housing Act of 1968 that had long been mostly ignored. Under the 2015 rule, cities[are required](https://www.washingtonpost.com/news/wonk/wp/2015/07/08/obama-administration-to-unveil-major-new-rules-targeting-segregation-across-u-s/) to assess whether housing in their communities is racially segregated, and then release the results of that assessment every three to five years. **Cities are encouraged, through financial incentives, to set desegregation goals,** establish new low-income housing in integrated neighborhoods, and track their progress on those goals. The rule was widely panned by many conservatives, who saw it as[government overreach](https://www.conservativereview.com/commentary/2016/05/affh-a-betrayal-of-the-fair-housing-act). “The explicit purpose of HUD’s new rule is to empower federal bureaucrats to dictate where a community’s low-income residents will live,” Republican Senator Mike Lee, of Utah,[said](https://www.conservativereview.com/commentary/2016/05/affh-a-betrayal-of-the-fair-housing-act) on the Senate floor. **Trump disliked the rule** too, according to[*The Daily Caller*.](http://dailycaller.com/2016/06/08/ny-official-trump-will-discontinue-fed-takeover-of-local-ordinances/) In a meeting last summer with Rob Astorino, a politician in Westchester, New York, who is[battling](http://www.slate.com/blogs/moneybox/2016/11/14/donald_trump_could_undo_obama_s_big_hud_initiative_in_desegregation.html) the construction of affordable housing in his county, Trump reportedly said that he thought the rule took away the rights of local communities. Astorino later **told reporters that Trump said that the rule “would not continue under the Trump administration.”** HUD has been adding staff to administer the rule and monitor communities’ process of evaluating their housing options. **The easiest way for Trump to ensure the rule isn’t enforced would be to simply not provide funding or resources** **to hire the staff to make sure cities are carrying out these assessments**, Silverman said. Trump could also rescind the rule entirely, though that would be a more radical approach. “I assume it would be more of a withering process, where the agency would be denied resources for things that the administration doesn’t prioritize,” Silverman said. **This happened in the Environmental Protection Agency after Reagan took office, he said, when the new administration simply didn’t provide the EPA with enough resources to do its regulatory work.**

#### Trump has low PC-means he can’t push HUD funding cuts

Don Lee '17 (), 2-3-2017, "After initial optimism about the economy, some investors begin to worry about a 'Trump slump'," latimes, http://www.latimes.com/politics/la-fi-trump-market-confidence-20170203-story.html // AHS-DM, 3-3-2017

Business optimism — and stocks — had risen in recent weeks largely on expectations that Trump and a cooperative Republican Congress would be able to ramp up economic growth by making good on the president’s campaign promises to slash taxes, cut regulations and sharply boost spending on roads, bridges, schools and airports. But **Trump’s executive order on immigration,** seen by many as impetuous, **and his proclivity for making harsh remarks**, whether directed at foreign leaders, lawmakers or anyone else opposed to his agenda**, have raised questions about his ability to govern,** particularly as they stirred frustrations among Republican leaders and some inside his own administration. **“The concern** in the business community and among investors now **is that President Trump is using an excessive amount of political capital to try to recover from these mistakes and to defend himself** from acting so impulsively,” said Bernard Baumohl, chief global economist at the Economic Outlook Group in Princeton, N.J. “**We could see a gradual peeling away of support among the GOP,”** he said. “And **if that’s the case, it could not only delay tax reform and increases in infrastructure spending but seriously water them down**.” Chris Rupkey, chief financial economist and managing director at MUFG Union Bank in New York, agreed that the early signs are not encouraging. “I think people were expecting a little bit smoother sailing, simply because Trump would transition from campaigning hard and would become more presidential in the traditional sense,” he said. “But **the Trump model seems to continue — to bash your enemies … attack, attack and tweet.… If it looks like legislation is going to be stymied, the fallout will be that the Trump rally turns into the Trump slump in a hurry.”**

#### GOP opposition towards the plan is relentless---aff causes major partisan divide---empirics prove.

Randy Shaw ’15, July 6th 2015, Why Reublicans Hate Affordable housing

#### Republicans have lost on Obamacare, gay marriage and immigrant rights, but every night millions of ill-housed Americans  can attest to the GOP’s  successes at worsening the nation’s affordable housing crisis. Republicans have opposed affordable to housing funding as relentlessly as health care, but with far less publicity and far more success. The GOP’s effort to scale back affordable housing funding goes back to Eisenhower, who slashed funding for public housing construction in 1951. Republican Richard Nixon unilaterally stopped the construction of new public housing in 1973, and after federal housing funding got a boost under Democrat Jimmy Carter, Ronald Reagan took office and quickly decimated HUD’s budget in 1981. George W. Bush reversed the funding progress made in Bill Clinton’s second term, and today the Republican-controlled Senate and House are competing for which can make [the most destructive cuts](http://bit.ly/1JN0eld) to the already tattered housing safety net. The Republican Party once had dissenting voices like former HUD Secretary George Romney and Senators Jacob Javits and Edward Brooke who were passionate supporters of federal support for housing for the poor. But that [the] Republican Party is long gone, having been replaced by those who oppose[d][to] domestic spending for human needs on ideological grounds. I was reminded of the Republican’s anti-housing legacy in reading a collection of essays in a new book, [Public Housing Myths](http://www.cornellpress.cornell.edu/book/?gcoi=80140100302690).  The book is a powerful reality check.  It would be an opinion changer if public housing policy decisions were based on facts rather than myths. These myths prevail even among activists in San Francisco, which is the shining star of urban public housing strategy.

#### Turns Case—HUD funding is key to solving poverty and discrimination—budget cuts massively increase homelessness, racial discrimination, and the future ability to resolve current homelessness.

Andrew Flowers '16 (), 12-5-2016, "Stop Treating HUD Like A Second-Tier Department," FiveThirtyEight, https://fivethirtyeight.com/features/stop-treating-hud-like-a-second-tier-department/ // AHS-DM, 3-3-2017

Here are four reasons why HUD and housing policy matter. Let’s hope President-elect Trump and maybe-Secretary Carson see that. Poverty. **Housing should be at the center of any attempt to fight poverty.** Recent research by Harvard sociologist Matthew Desmond, among others, has shown that **inadequate housing is often a catalyst for a cycle of poverty; it triggers residential instability, which hurts** the **life outcomes** of children and their parents. And for the poorest of the poor, the homeless, experts are increasingly promoting a “housing first” approach, in which authorities try to help people find housing as a first step toward addressing other poverty challenges. But housing policy in the U.S. is skewed toward rewarding wealthy homeowners (with tax deductions) rather than renters, who tend to be poorer. HUD oversees the Section 8 housing voucher program, which helps about 5 million people pay for private housing. Another roughly 2 million people are in public housing. **But, crucially, the majority of poor Americans who qualify for housing assistance don’t get it** — about 75 percent, according to the Center on Budget and Policy Priorities. Of those families below the federal poverty guideline, 67 percent don’t get any housing assistance. **A new HUD secretary could help change that, or could promote other reforms that would let the government help more poor families afford housing**. Housing finance HUD has a huge influence on the mammoth U.S. mortgage market. The Federal Housing Administration, a sub-agency under HUD, underwrites one in six mortgages. That makes HUD responsible for over $1 trillion in mortgages. This FHA insurance allows many Americans — especially lower-income ones — to get mortgages at a lower cost than they could otherwise attain. HUD also plays a crucial role in helping to avoid another housing bust like the one that helped spark the 2008 financial crisis. Along with other housing regulators, HUD helped draft regulations required by the Dodd-Frank financial reform act. HUD, for example, helped set the definition of a “qualified residential mortgage,” which affects how mortgages can be securitized (or packaged into financial investments). Runaway securitization was a major factor in the housing bubble. Housing discrimination and segregation. **Perhaps HUD’s most important role is that of ensuring equal access to housing**, a role enshrined in the 1968 Fair Housing Act. The law made the agency responsible not just for fighting housing discrimination but for “affirmatively furthering” fair housing. **The Obama administration last year announced plans to enforce that requirement by withholding federal funds in historically segregated areas. Contingent on receiving funds**, state and local public **housing authorities would be required to address** how **affordable housing development and zoning regulations** further the goals of the FHA. Not much is known about Carson’s views on housing. But in 2015, he published an Op-Ed in The Washington Times lambasting the Obama administration’s enforcement measures. As Emily Badger of The Upshot wrote recently, Carson’s comments suggest that if he takes charge of HUD, he could water down — or end outright — the agency’s role in desegregation and in fighting housing discrimination. Data collection. Lastly, HUD is an important source of data on U.S. housing. The American Housing Survey, in particular, is a massive biennial survey on homes, housing costs and related subjects. It is used by policymakers, researchers, nonprofit groups and businesses to understand local communities and how they are changing. HUD has also shown itself to be adaptive in its data collection. Experts pointed out how HUD did a poor job of collecting data about eviction, for instance. In response, starting with the 2017 AHS survey, HUD will incorporate a roster of eviction-related questions previously tested in the field.

#### Disad solves case—Carson’s nomination isn’t great, but he’ll hold back on large budget cuts

Ramírez ‘17, Kelsey. "Housing Industry Rallies Around Ben Carson For HUD Secretary." Housing Wire. January 13, 2017. Web. February 07, 2017. <http://www.housingwire.com/articles/38945-housing-industry-rallies-around-ben- carson-for-hud-secretary>.

One expert, who worked at HUD for over 15 years, even explained that Carson brings unique experience to the position. “Something I think he’s uniquely qualified to understand[s] is the connection between the environment people live in and their outcomes,” said Marion McFadden, Enterprise Community Partners vice president of public policy. “He’s dedicated his entire career to helping people, so while that’s not a career in housing policy, there’s every reason to believe he really will be confirmed,” McFadden said in an interview with HousingWire. “There’s no magic formula for what makes a great HUD secretary.” While the industry is rallying in their support of Carson, McFadden explained one of the challenges Carson will face once in the position of HUD secretary. “He talked a little bit about being willing to cut the budget, and the reality is that there is a tremendous need among Americans for assistance from programs like HUD programs,” she said. She explained that while Carson’s views align with the president-elect right now when it comes to budget cutting, she said he may soon learn how much funding really is needed at HUD. “There’s not enough money already,” she said. “The challenge for him will be how he squares that with his desire to support the president’s call for cutting the budget.”

1. The Supreme Court’s immigration imperative: The executive branch necessarily exercises tremendous discretion in deciding whom to deport; Obama is right to try to formalize it

   BY ROBERT MORGENTHAU NEW YORK DAILY NEWS Wednesday, April 27, 2016, 5:00 AM [↑](#footnote-ref-1)