## Hate Speech PIC

### 1NC Hate Speech

#### AFF actors should remove all restrictions on constitutionally protected free speech, and ban the usage of all hate speech, including hate speech not protected by the First Amendment.

#### Hate speech poses a direct threat to the oppressed. Banning it is necessary to promote inclusiveness.

Jared Taylor summarizes Waldron, 12, Why We Should Ban “Hate Speech”, American Renaissance, summarizing Jeremy Waldron, The Harm in Hate Speech, Harvard University Press, 2012, 292 pp., 26.95. 8/24/12, <http://www.amren.com/features/2012/08/why-we-should-ban-hate-speech/> \*\*Note – Taylor does not agree with but is summarizing Waldron’s position //[LADI](http://www.theladi.org/evidence)

First-Amendment guarantees of free speech are a cherished part of the American tradition and set us apart from virtually every other country. They are not without critics, however, and the free speech guarantees under sharpest attack are those that protect so-called “hate speech.” Jeremy Waldron, an academic originally from New Zealand, has written a whole book explaining why “hate speech” does not deserve protection—and Harvard University Press has published it. Prof. Waldron teaches law and philosophy at New York University Law School, is a professor of social and political theory at Oxford, and is an adjunct professor at Victoria University in New Zealand. Perhaps his foreign origins influence his view of the First Amendment. In this book, Professor Waldron makes just one argument for banning “hate speech.” It is not a good argument, and if this is the best the opponents of free speech can do, the First Amendment should be secure. However, in the current atmosphere of “anti-racism,” any argument against “hate speech” could influence policy, so let us understand his argument as best we can. First, Professor Waldron declares that “we are diverse in our ethnicity, our race, our appearance, and our religions, and we are embarked on a grand experiment of living and working together despite these sorts of differences.” Western societies are determined to let in every sort of person imaginable and make them feel respected and equal in every way. “Inclusiveness” is something “that our society sponsors and that it is committed to.” Therefore, what would we make of a “hate speech” billboard that said: “Muslims and 9/11! Don’t serve them, don’t speak to them, and don’t let them in”? Or one with a picture of Muslim children that said “They are all called Osama”? Or posters that say such things as “Muslims out,” “No blacks allowed,” or “All blacks should be sent back to Africa”? Professor Waldron writes that it is all very well for law professors and white people to say that this is the price we pay for free expression, but we must imagine what it must be like for the Muslim or black who must explain these messages to his children. “Can their lives be led, can their children be brought up, can their hopes be maintained and their worst fears dispelled, in a social environment polluted by these materials?” Professor Waldron insists that a “sense of security in the space we all inhabit is a public good,” like pretty beaches or clean air, and is so precious that the law should require everyone to maintain it: Hate speech undermines this public good . . . . It does this not only by intimating discrimination and violence, but by reawakening living nightmares of what this society was like . . . . [I]t creates something like an environmental threat to social peace, a sort of slow-acting poison, accumulating here and there, word by word, so that eventually it becomes harder and less natural for even the good-hearted members of the society to play their part in maintaining this public good. Professor Waldron tells us that the purpose of “hate speech” is to try to set up a “rival public good” in which it is considered fine to beat up and drive out minorities.

### Symbolism Matters

#### Even if not effective, symbolic gestures like speech codes have power

Gould 10 [Gould, Jon B (Professor in the Department of Justice, Law & Criminology at American University), Speak No Evil, edited by Jon B. Gould, University of Chicago Press, 2010. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/stanford-ebooks/detail.action?docID=496617] AZ

Speech rules need not reach public demonstrations or rallies, for a student’s education is hardly threatened when he can walk away, but they should cover classroom speech where the audience is in some sense captive. True, this practice may seem to threaten academic freedom, but no right is absolute, and academic freedom itself presumes that expression will be educationally appropriate. Moreover, the encroachment here is minimal, since the number of applicable cases is likely to be small.33 In fact, the better objection to hate speech regulation is its limited reach, for a speech rule of these proportions is likely to be more symbolic than operative. Nonetheless, as the findings of this book suggest, it would be a mistake to confuse symbolism with impotence. Symbols reflect society’s values and concerns and offer support (even if primarily moral) to those individuals a community aims to protect. Indeed, the hate speech codes prove this very point. Created primarily as symbolic measures, they have had larger and lasting societal influence.

### Impact – Fem

#### Hate speech has intrinsic harm, particularly against women—turns case

Horne 16 (Solveig, Minister of Children and Equality in Norway, “Hate Speech — A Threat to Freedom of Speech,” 03/08/2016, <http://www.huffingtonpost.com/solveig-horne/hate-speech--a-threat-to_b_9406596.html> //[LADI](http://www.theladi.org/evidence))

Hate speech in the public sphere takes place online and offline, and affects young girls and boys, women and men. We also see hate speech attacking vulnerable groups like people with disabilities, LGBT-persons and other minority groups. Social media and the Internet have opened up for many new arenas for exchanging opinions. Freedom of speech is an absolute value in any democracy, both for the public and for the media. At the same time, opinions and debates challenge us as hate speech are spread widely and frequently on new platforms for publishing. Hate speech may cause fear and can be the reason why people withdraw from the public debate. The result being that important voices that should be heard in the public debate are silenced. We all benefit if we foster an environment where everybody is able to express their opinions without experiencing hate speech. In this matter we all have a responsibility. I am especially concerned about women and girls being silenced. Attempts to silence women in the public debate through hate speech, are an attack on women’s human rights. No one should be silenced or subjected to threats when expressing themselves in public. Women are under-represented in the media. In order to get a balanced public debate it is important that many voices are heard. We must encourage women and girls to be equal participants with men. Hate speech prevents women from making their voices heard. I also call upon the media to take responsibility in this matter. In some cases the media may provide a platform for hate speech. At the same time, I would like to stress that a liberal democracy like Norway strongly supports freedom of speech as a fundamental right. The Norwegian government takes hate speech seriously. In November, prime minister Erna Solberg and I launched a political declaration against hate speech on the behalf of the Norwegian government. Anyone can sign the declaration online and take a stand against hate speech. Politicians, representatives of labour unions and organizations are among those who have signed and supported the declaration. This year the Government will launch a strategy against hate speech. In this connection I have organised several meetings involving organizations and individuals to round table discussions on hate speech, and and received a lot of useful input for our strategy. One of the things I heard about is how destructive hate speech can be for women and girls who participate in the public debate. Some are ridiculed, subjected to sexually offensive language and even threatened with rape and violence. This underlines the importance of combating hate speech. We cannot afford that women are silenced in the public debate, because of their gender. We need arenas for dialogue, tolerance and awareness of the consequences of hate speech. It is important that we discuss this issue with our own children and in schools. We adults have a great responsibility. We need to think about how we express ourselves when children are present. What we say in our family settings have consequences for how our children behave against other people - online and offline. In order to combat hate speech we also need knowledge. I have initiated a research that will look into attitudes towards Jews and how minorities look at other minorities. In addition, the University of Oslo has established a centre for research on right-winged extremism. One of the centre`s mandate is to look into hate speech. The police plays a vital role in the fight against hate speech. Some expressions of opinions are forbidden by law. The new Norwegian General Civil Penal Code’s section 185 protects against serious hate speech which wilfully or through gross negligence is made publicly. The Norwegian police forces has established a net patrol that are working on this issue. Additionally they have strengthen their efforts against hate crime. Hate speech may be directed against people on the basis of ethnicity, religion, disability or sexual orientation. Hate speech can have serious consequences for individuals, groups and the whole society. It is important to take a stand and show that this cannot be tolerated. Politicians, organizations and other actors in the public debate must show responsibility and actively work against hate speech.

### 2NR Materials

### A2 Perm do CP

#### Hate speech is protected under the 1st amendment

Volokh 15 (Eugene, reporter @ the Washington Post, “No, there’s no “hate speech” exception to the First Amendment,” May 7, 2015, <https://www.washingtonpost.com/news/volokh-conspiracy/wp/2015/05/07/no-theres-no-hate-speech-exception-to-the-first-amendment/?utm_term=.779cdacd2341/> //[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 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.) The same is true of the other narrow exceptions, such as for true threats of illegal conduct or incitement intended to and likely to produce imminent illegal conduct (i.e., illegal conduct in the next few hours or maybe days, as opposed to some illegal conduct some time in the future). Indeed, threatening to kill someone because he’s black (or white), or intentionally inciting someone to a likely and immediate attack on someone because he’s Muslim (or Christian or Jewish), can be made a crime. But this isn’t because it’s “hate speech”; it’s because it’s illegal to make true threats and incite imminent crimes against anyone and for any reason, for instance because they are police officers or capitalists or just someone who is sleeping with the speaker’s ex-girlfriend. The Supreme Court did, in Beauharnais v. Illinois (1952), uphold a “group libel” law that outlawed statements that expose racial or religious groups to contempt or hatred, unless the speaker could show that the statements were true, and were said with “good motives” and for “justifiable ends.” But this too was treated by the Court as just a special case of a broader First Amendment exception — the one for libel generally. And Beauharnais is widely understood to no longer be good law, given the Court’s restrictions on the libel exception. See New York Times Co. v. Sullivan (1964) (rejecting the view that libel is categorically unprotected, and holding that the libel exception requires a showing that the libelous accusations be “of and concerning” a particular person); Garrison v. Louisiana (1964) (generally rejecting the view that a defense of truth can be limited to speech that is said for “good motives” and for “justifiable ends”); Philadelphia Newspapers, Inc. v. Hepps (1986) (generally rejecting the view that the burden of proving truth can be placed on the defendant); R.A.V. v. City of St. Paul (1992) (holding that singling bigoted speech is unconstitutional, even when that speech fits within a First Amendment exception); Nuxoll ex rel. Nuxoll v. Indian Prairie Sch. Dist. # 204, 523 F.3d 668, 672 (7th Cir. 2008) (concluding that Beauharnais is no longer good law); Dworkin v. Hustler Magazine Inc., 867 F.2d 1188, 1200 (9th Cir. 1989) (likewise); Am. Booksellers Ass’n, Inc. v. Hudnut, 771 F.2d 323, 331 n.3 (7th Cir. 1985) (likewise); Collin v. Smith, 578 F.2d 1197, 1205 (7th Cir. 1978) (likewise); Tollett v. United States, 485 F.2d 1087, 1094 n.14 (8th Cir. 1973) (likewise); Erwin Chemerinsky, Constitutional Law: Principles and Policies 1043-45 (4th ed. 2011); Laurence Tribe, Constitutional Law, §12-17, at 926; Toni M. Massaro, Equality and Freedom of Expression: The Hate Speech Dilemma, 32 Wm. & Mary L. Rev. 211, 219 (1991); Robert C. Post, Cultural Heterogeneity and Law: Pornography, Blasphemy, and the First Amendment, 76 Calif. L. Rev. 297, 330-31 (1988).

#### Prefer –

#### A. Courts agree – unless the speech directly contributes to an imminent threat of violence, no case has restricted hate speech due to First Amendment protections

#### B. Err neg – courts tend to have a broad interpretation of free speech

Massaro & Norton 15 [Toni Massaro (Regent’s Professor, Milton O. Riepe Chair in Constitutional Law, and Dean Emerita, University of Arizona James E. Rogers College of Law), Helen Norton (Professor, University of Colorado School of Law), "Siri-ously? Free Speech Rights and Artificial Intelligence," Northwestern University Law Review, 2015] AZ

Along with speaker identity, expression's content is increasingly irrelevant to the Court's decisions about whether and when to protect speech. The Court now tells us that speech cannot be regulated in a content-specific manner without surviving the rigors of strict scrutiny unless it falls within a category historically recognized as unprotected (or less protected). 66 Furthermore, such First Amendment protection is not reserved for political speech, or even for matters of significant public concern. Our First Amendment exuberance also protects speech that enhances audience experience and entertainment, 67 and not just meaningful political engagement. Accordingly, free speech doctrine offers protection to racist hate speech,68 animal crush videos,69 offensive funeral protests,70 vulgarity,71 blasphemy and sacrilegious expression, 72 cyber speech that falls short of a hazy “true threats” line,73 certain false speech,74 corporations' expenditures in political campaigns,75 truthful and non-misleading commercial speech,76 and the sale of information about physicians' prescribing habits to pharmaceutical companies. 77 Here too the Court's broad protection of speech regardless of content (with all bets are on the audience’s ability to sort good speech from bad) supports similar protections for strong AI speech regardless of its nontraditional source or format.

### A2 Line-Drawing Problem

#### Classifying hate speech is relatively clear-cut – other laws prove that line-drawing is feasible

* yes brightline
* line-drawing problem isn't a reason to reject regulation entirely

Rosenfeld 01 [Michel Rosenfeld (Justice Sydney L. Robins Professor of Human Rights, Benjamin N. Cardozo School of Law), "HATE SPEECH IN CONSTITUTIONAL JURISPRUDENCE: A COMPARATIVE ANALYSIS," Jacob Burns Institute for Advanced Legal Studies, 2001] AZ

Unless one adopts a Holmesian view of speech139 , the “slippery slope” argument is largely unpersuasive, and this seems particularly true in the context of hate speech. Indeed, in many cases, such as those involving Holocaust denial, cross burning, displaying swastikas, calling immigrant “animals”, there do not appear to be any line drawing problems. These cases involve clearly recognizable expressions of hate which constitute patent assaults against the most basic dignity of those whom they target, and which fly in the face of even a cursory commitment to pluralism. On the other hand, there are cases of statements, which some groups may find objectionable or offensive, but which raise genuine factual or value based issues, and which ought therefore be granted protection. For example, strong criticism of the Pope for his opposition to contraception and to homosexual relationships as being “indifferent to human suffering caused by overpopulation and an enemy of human dignity for all” may be highly offensive to Catholics, but even in a country in which the latter are a religious minority should clearly not be in any way censored, punished or officially characterized as hate speech. There is of course a grey area in between these two fairly clear cut areas, in which there are difficult line drawing problems, as exemplified by the German controversy over the claim that “soldiers are murderers”140 . Line drawing problems, however, are quite common in law as they tend to arise whenever a scheme of regulation attempts to draw a balance among competing objectives. This problem may well be exacerbated when a fundamental right like free speech is involved, but that justifies at most deregulating the entire gray area, not toleration of all hate speech falling short of incitement to violence.

#### Colleges are well-equipped to identify hate speech – expertise, protocols, and student input

Byrne 91 [J. Peter Byrne (Associate Professor, Georgetown University Law Center), "Racial Insults and Free Speech Within the University," Georgetown Law Journal, 1991] AZ

A central argument of this article has been that the university can be trusted to administer rules prohibiting racial insults because it has the proper moral basis and adequate expertise to do so. It is not surprising, therefore, that I believe that vagueness concerns about such university rules are largely misplaced. This is not to deny that a university should adopt safeguards to protect accused students from the concerns that the courts have highlighted. First, the rules should state explicitly that no one may be disciplined for the good faith statement of any proposition susceptible to reasoned response, no matter how offensive. The possibility that punishment is precluded by this limitation should be addressed at every stage of the disciplinary process. Second, some response between punishment and acquittal should be available when the university concludes that the speaker was subjectively unaware of the offensive character of his speech; these cases seem to present mainly educational concerns. Third, all controversial issues of interpretation of the rules should be entrusted to a panel of faculty and students who are representative of the institution. Rules furthering primarily academic concerns about the quality of speech and the development of students should be given meaning by those most directly concerned with the academic enterprise rather than by administrators who may register more precisely external political pressures on the university. Given these safeguards and a comprehensible definition of an unacceptable insult, such as the one ventured in the introduction to this article,179 a court which accepts the underlying proposition that a university has the constitutional authority to regulate racial insults should not be troubled independently by vagueness.

### A2 Increases Hate Speech

#### Australian regulation empirically reduced hate speech

Gelber & McNamara 15 [Katharine Gelber (Professor of Politics and Public Policy at the University of Queensland), Luke McNamara, "The Effects of Civil Hate Speech Laws: Lessons from Australia," Law & Society Review, 2015] AZ

A third finding is that, in the total population of letters analysed,35 there was a modest but significant reduction in the expression of prejudice over time. When the letters are divided into three equal time periods, the proportion of “prejudicial” letters published in 1992–1997 was 33.86 percent, in 1998–2003 the figure was 29.08 percent and in 2004–2009 the figure was 28.54 percent. This reduction in the expression of prejudice is a beneficial outcome. While some might still oppose the right, for example, of same sex couples to marry, as noted one of the aims of hate speech laws is not to shut down debate on controversial issues of public policy, but to assist in generating a debate that does not vilify. What has been captured by our analysis is not the expression of views opposing or supporting (e.g.) same sex marriage, but whether in expressing their views, the writer engaged in hate speech. Of course, our data cannot tell us clearly the extent to which hate speech laws themselves contributed to this reduction in mediated expressions of prejudice and we acknowledge that a myriad of social factors has contributed to this change. Nevertheless, the laws likely played a part in forming the climate within which newspapers are publishing fewer prejudicial letters. Interviews with members of targeted communities also yielded insights into whether hate speech laws have exerted a positive influence on discourse. Indigenous interviewees tended to be pessimistic, stating that the prevalence of hate speech toward Aboriginal and Torres Strait Islander people over time had remained the same, or increased. One interviewee said, If you’ve got commentators who are out there with their hate speeches, a lot of it can be dressed up as acceptable speech, when, in actual fact, it’s totally unacceptable. But, somewhere along the way, we’ve kind of been numbed into accepting that it’s okay ... A common theme in the views expressed by interviewees was that hate speech remained a prevalent feature of life, but that its primary targets had changed. For example, a member of the Vietnamese community felt that things had improved (compared to the 1980s and 1990s) for Vietnamese people in Australia, but that racist attention had shifted to Muslims and more recent immigrant communities from Afghanistan and Africa. This view was echoed by Sudanese and Afghan interviewees. A Turkish interviewee said, I think it shifts from community to community ... so it might have been sixty, seventy years [ago] or whatever, the Italians and the Greeks, then the Middle Eastern [and] Turkish people, then it shifted to the Chinese, now to the ... African and the Afghani community. No interviewees thought that hate speech laws had had a profoundly positive influence on the quality of public discourse. However, a number were of the view that the laws had yielded some benefits: Has legislation had an impact on the level of hate speech? I think it has to a certain extent. It doesn’t mean it’s eliminated it ... But people are more conscious and aware of it ... it has curtailed some of the utterances that people might hold back ... So the legislation has had some role in perhaps reducing or minimising that harm. One of the most positive assessments of the laws’ ability to prompt changes in public discourse came from Gary Burns, a Sydney campaigner who has pursued a number of homosexual vilification complaints under the New South Wales civil laws. Burns was strongly of the view that the publicity generated by litigation had improved the quality of public discourse regarding homosexuality. He regards his successful vilification complaint against high profile radio broadcaster, John Laws,36 as a “breakthrough case” that set a precedent for the line between acceptable and unacceptable language in radio broadcasting and public discourse (Burns 2013). These insights are consistent with our letters to the editor analysis, which showed stronger evidence of positive speech modification in relation to sexuality than in relation to race/ethnicity.

### A2 Reverse Enforcement [Strossen]

#### 1. Their ev is from 25 years ago – campuses have gotten more liberal since and use codes to challenge racism

#### 2. Discriminatory enforcement is empirically denied

Hodulik 91 [Racist Speech on Campus; Wayne Law Review, Vol. 37, Issue 3 (Winter 1991), pp. 1433-1450 Hodulik, Patricia https://heinonline.org/HOL/Page?handle=hein.journals/waynlr37&start\_page=1433&collection=journals&id=1445 //BWSWJ]

C. Application to Protected Groups A further concern expressed about the adoption of speech rules was that they would be used to repress the speech of the very groups they were meant to protect. Referring to historical civil rights abuses involving members of racial minorities, opponents of discriminatory speech rules have argued that such regulations can too easily be used against minorities expressing unpopular opinions.5 5 There is, however, nothing in the experiences with Wisconsin's rule to show that this has occurred in practice. Although three complaints were brought against minority group members or females, only one was found to be within the scope of the rule. In contrast, white males were named as the alleged violators in fifteen of the complaints filed under the rule.5 6 In the ten cases in which discipline was imposed, nine of the students disciplined were white males, and one was a white female.57 In all ten, the person harassed was female or a minority group member.58 Thus, the fear of abusing the rule to the detriment of those intended to be protected has proved unfounded in the cases at Wisconsin.

#### 3. Strossen is wrong – stats go neg

Rumney 3 [32 Comm. L. World Rev. 117 (2003) The British Experience of Racist Hate Speech Regulation: A Lesson for First Amendment Absolutists, Rumney, Philip N. S. (Philip Rumney is a professor of criminal justice at Bristol Law School ); https://heinonline.org/HOL/Page?handle=hein.journals/comlwr32&start\_page=117&collection=journals&id=127 //BWSWJ]

In addition, it is clear that the incitement law in this country does not outlaw 'legitimate anger at real discrimination', just as it does not outlaw most expressions of racism. Rather, it draws the line at any speech that incites racial hatred. In other words, particular viewpoints are not outlawed. Rather, it is the manner in which the words are communicated that is regulated. It has also been suggested that Malik provides evidence that the incitement provision has been applied in a discriminatory manner.213 The problem with this claim is that there is absolutely no evidence to substantiate it. This claim appears to be based upon the grounds that Malik involved the prosecution of a black man. To suggest bad faith on the part of the Attorney-General, police, prosecutors, and several judges on such a flimsy basis is perhaps an indication of the weakness of much of the analysis in this area. Another version of this criticism is provided by Coliver who claims that incitement provisions 'lend themselves to abuse'.214 Why hate speech laws are inherently more likely to be open to abuse than a myriad of other civil and criminal laws is never made clear. In support of this claim Coliver cites the prosecution of black people noted earlier: 'the 1965 [Act] was used during its first decade more effectively against Black Power leaders than against white racists'.215 If by 'more effectively' Coliver is refer- ring to the number of prosecutions or convictions then her claim is misleading because it takes no account of why prosecutions were being instigated. In addition, she takes no account of the prosecution record after the mid-1970s. Similar criticisms can be made of the claim by Korengold that black people were, at least initially, 'dispro- portionately prosecuted' under the incitement provision.1 6 In this context Lester and Bindman noted in 1972 that 'there is a widespread and erroneous impression that most of the prosecutions [under the 1965 Act] have been brought against black people'.217 They also argue that the prosecutions directed at minorities were 'against a back- ground of growing anti-white invective by members of the Black power movement'.218 It is worth noting the statistical breakdown of prosecutions during the period when the 1965 Act was in force. Dur- ing this time there were prosecutions against fifteen individuals, with ten convictions. Five of the defendants were black and ten white. Of those convicted five were black and five white.219 It is also worth considering later prosecutions under the 1976 Act. Between 1976 and 1981 there were prosecutions against twenty-two individuals all of 220 whom were white, with fifteen convictions. When one examines domestic commentaries to see if there is any support for the claim that the incitement provision has been abused we find only limited evidence. In the work of Williams, 2 21 Dickey,222 Lester and Bindman, 223 Leopold, 224 Bindman, 22' Gordon, 226 and Cotterrel1 227 we find criticism of the legislation, but few make allega- tions of anything approaching an abuse of prosecutorial discretion. 28 One of the exceptions is an early commentary by Longaker, who questioned the decision to prosecute the defendant in Malik. He ar- gued that where people such as Malik are not heard, the 'political system is correspondingly impoverished' 2 9 and that the incitement provision was 'not only short sighted but can easily exacerbate the problem [of racism]'. 231 Another early commentary argued that the wording of the incitement provision was 'potentially wide', 231 though as already noted, this does not appear to have caused significant problems. It appears that much of the criticism has been levelled at the fact that it is difficult to gain convictions under the incitement 232 law. The claim that the incitement provision has been abused is further undermined by factual errors. In partly drawing upon the work of Neier, Strossen claims that the Race Relations Act 1965 has been: regularly used to curb the speech of blacks, trade unionists and anti- nuclear activists. In perhaps the ultimate irony, this statute which was intended to restrain the neo-Nazi National Front, instead has barred 33 This statement contains numerous factual errors. The curbs on 'trade unionists' were neither legal restrictions, nor did they have anything to do with the incitement provision.234 Neither were the prosecutions against peace activists. These were actually prosecutions brought under the Public Order Act 1936 and official secrets legislation as noted by Neier, but not Strossen.235 The curbs on the Anti-Nazi League involved temporary restrictions on public processions in an area where the police believed there was a serious danger of public disorder:236 a crucial point ignored by both Strossen and Neier. Cru- cially, these restrictions were not imposed under the Race Relations Act 1965, as there were and are no provisions under the incitement law that give the police any powers to ban demonstrations. 2 3 Rather, the law under which these restrictions were imposed was the Public Order Act 1936 which was introduced interalia to clarify: how the authorities could judge a meeting or procession within existing case law; whether they were designed to convert ... or intimidate. It also attempted to increase protection for those subject to abuse or phys- ical violence but stopped short of defending specific minorities or outlawing named organisations.

#### 4. DA/K outweighs – the violence they resolve is 20 black students getting reprimanded – that’s bad but pretty limited

### A2 Counterspeech Solves

#### Counter-speech fails – hate speech makes the victim unable to respond and counter-speech can't convince the racist

Auxier 14 [Adele Auxier (Juris Doctor candidate, Notre Dame Law School, 2007), "Tiptoeing through the Junkyard: Three Approaches to the Moral Dilemma of Racist Hate Speech," Notre Dame Journal of Law, Ethics & Public Policy, February 2014] AZ

Lawrence argued that counter-speech was particularly ineffective in the context of informal "assaultive" speech for two reasons. First, assaultive racist speech frequently produces (and is intended to produce) a visceral emotional response of shock, fear, and rage in the listener, which hinders their ability to respond verbally. Second, speech is perceived as an inadequate response to such a total attack on one's identity. Lawrence saw these verbal assaults as a kind of "preemptive" strike designed to silence and dehumanize the victim. Finally, Lawrence reminded his hearers that the "interest in the free flow of ideas" was not as compelling for all speakers. The First Amendment's speech protections did not originally extend to blacks at all.7 ' The "free marketplace" of ideas in America has contained quite a bit of racist speech, and sometimes defenders of free speech have attacked those who publicly oppose racist incidents for trying to "silence speech." 75 Lawrence says that this criticism misses the point that blacks and other historic victims of discrimination make about racism and racist speech-namely, that one of the main goals and effects of racist ideologies is to silence speech by members of disfavored groups.76

### A2 Regulation Ineffective/Drives Underground

#### Banning hate speech forces racists to re-evaluate their views

Delgado 3 [Richard Delgado (professor at the University of Colorado Law School in Boulder) and Jean Stefancic, "Colleges Should Adopt Speech Codes," 2003] AZ

A second reason why even neoconservatives ought to pause before throwing their weight against hate-speech regulation has to do with the nature of latter-day racism. Most neoconservatives, like many white people, think that acts of out-and-out discrimination are rare today. The racism that remains is subtle, “institutional,” or “latter-day.” It lies in the arena of unarticulated feelings, practices, and patterns of behavior (like promotions policy) on the part of institutions as well as individuals. A forthright focus on speech and language may be one of the few means of addressing and curing this kind of racism. Thought and language are inextricably connected. A speaker asked to reconsider his or her use of language may begin to reflect on the way he or she thinks about a subject. Words, external manifestations of thought, supply a window into the unconscious. Our choice of word, metaphor, or image gives signs of the attitudes we have about a person or subject. No readier or more effective tool than a focus on language exists to deal with subtle or latter-day racism. Since neoconservatives are among the prime proponents of the notion that this form of racism is the only (or the main) one that remains, they should think carefully before taking a stand in opposition to measures that might make inroads into it. Of course, speech codes would not reach every form of demeaning speech or depiction. But a tool’s unsuitability to redress every aspect of a problem is surely no reason for refusing to employ it where it is effective.

#### **Even if it is driven underground, there's no impact**

#### **Delgado and Stefacic ‘09**

Richard Delgado - University Professor, Seattle University School of Law; J.D., 1974, University of California, Berkeley. Jean Stefancic – Research Professor, Seattle University School of Law; M.A., 1989, University of San Francisco. “FOUR OBSERVATIONS ABOUT HATE SPEECH.” WAKE FOREST LAW REVIEW. 2009. http://wakeforestlawreview.com/wp-content/uploads/2014/10/Delgado\_LawReview\_01.09.pdf

The Harms of Speech Regulation If the harms of hate speech are sobering, what lies on the other side? What happens to the hate speaker forced to hold things in? Will he or she suffer psychological injury, depression, nightmares, drug addiction, and a blunted self image?86 Diminished pecuniary and personal prospects?87 Will hate-speech regulation set up the speaker’s group for extermination, seizure of ancestral lands, or anything comparable?88 The very possibility seems far-fetched. And, indeed, regimes, such as Europe’s and Canada’s, that criminalize hate speech exhibit none of these ills.89 Speech and inquiry there seem as free and uninhibited as in the United States, and their press just as feisty as our own.90 What about harm to the hate speaker? The individual who holds his or her tongue for fear of official sanction may be momentarily irritated. But “bottling it up” seems not to inflict serious psychological or emotional damage.91 Early in the debate about hate speech, some posited that a prejudiced individual forced to keep his impulses in check might become more dangerous as a result.92 By analogy to a pressure valve, he or she might explode in a more serious form of hate speech or even a physical attack on a member of the target group.93 But studies examining this possibility discount it.94 Indeed, the bigot who expresses his sentiment aloud is apt to be more dangerous, not less, as a result. The incident “revs him up” for the next one, while giving onlookers the impression that baiting minorities is socially acceptable, so that they may follow suit.95 A recently developed social science instrument, the Implicit Association Test (“IAT”), shows that many Americans harbor measurable animus toward racial minorities.96 Might it be that hearing hate speech, in person or on the radio, contributes to that result?97 III. OBSERVATION NUMBER THREE: INTEREST BALANCING MUST TAKE ACCOUNT OF RELEVANT FEATURES OF HATE SPEECH If all types of hate speech are apt to impose costs,98 large or small, how should courts and policymakers weigh them? Not every victim of hate speech will respond in one of the ways described above. Some will shrug it off or lash back at the aggressor, giving as good as they got.99 The harm of hate speech is variable, changing from victim to victim and setting to setting.100 By the same token, it is impossible to say with assurance that the cost of hate-speech regulation will always be negligible. Some speakers who might wish to address sensitive topics, such as affirmative action or racial differences in response to medical treatments, might shy away from them.101 The interplay of voices that society relies on to regulate itself may deteriorate. In balancing hate speech versus regulation, two benchmarks may be helpful: a review of current freespeech “exceptions” and attention to the role of incessancy. A. Current Free-Speech Exceptions Not all speech is free. The current legal landscape contains many exceptions and special doctrines corresponding to speech that society has decided it may legitimately punish. Some of these are: words of conspiracy; libel and defamation; copyright violation; words of threat; misleading advertising; disrespectful words uttered to a judge, police officer, or other authority figure; obscenity; and words that create a risk of imminent violence.102 If speech is not a seamless web, the issue is whether the case for prohibiting hate speech is as compelling as that underlying existing exceptions. First Amendment defenders often assert that coining a new exception raises the specter of additional ones, culminating, potentially, in official censorship and Big Brother.103 But our tolerance for a wide array of special doctrines suggests that this fear may be exaggerated and that a case-by-case approach may be quite feasible. How important is it to protect a black undergraduate walking home late at night from the campus library?104 As important as a truthful label on a can of dog food or safeguarding the dignity of a minor state official?105 Neither free-speech advocates nor courts have addressed matters like these, but a rational approach to the issue of hate-speech regulation suggests that they should.106 B. Incessancy and Compounding Two final aspects of hate speech are incessancy—the tendency to recur repeatedly in the life of a victim—and compounding.107 A victim of a racist or similar insult is likely to have heard it more than once. In this respect, a racial epithet differs from an insult such as “You damn idiot driver” or “Watch where you’re going, you klutz” that the listener is apt to hear only occasionally. Like water dripping on stone, racist speech impinges on one who has heard similar remarks many times before.108 Each episode builds on the last, reopening a wound likely still to be raw. The legal system, in a number of settings, recognizes the harm of an act known to inflict a cumulative harm. Ranging from eggshell plaintiffs to the physician who fails to secure fully informed consent, we commonly judge the blameworthiness of an action in light of the victim’s vulnerability.109 When free-speech absolutists trivialize the injury of hate speech as simple offense, they ignore how it targets the victim because of a condition he or she cannot change and that is part of the victim’s very identity. Hate speakers “pile on,” injuring in a way in which the victim has been injured several times before. The would-be hate speaker forced to keep his thoughts to himself suffers no comparable harm. A comparison of the harms to the speaker and the victim of hate speech, then, suggests that a regime of unregulated hate speech is costly, both individually and socially. Yet, even if the harms on both sides were similar, one of the parties is more disadvantaged than the other, so that Rawls’s difference principle suggests that, as a moral matter, we break the tie in the victim’s favor.110 Moreover, the magnitude of error can easily be greater, even in First Amendment terms, on the side of nonregulation. Hate speech warps the dialogic community by depriving its victims of credibility. Who would listen to one who appears, in a thousand scripts, cartoons, stories, and narratives as a buffoon, lazy desperado, or wanton criminal? Because one consequence of hate speech is to diminish the status of one group vis-à-vis all the rest, it deprives the singled-out group of credibility and an audience, a result surely at odds with the underlying rationales of a system of free expression.111

#### Harmful speech creates a racist culture that encourages violence—speech codes effectively decrease hate speech

Delgado 3 [Richard Delgado (professor at the University of Colorado Law School in Boulder) and Jean Stefancic, "Colleges Should Adopt Speech Codes," 2003] AZ

But is the effort to curb hate speech doomed or misguided? It might be seen this way if indeed the gains to be reaped were potentially only slight. But, as we argued earlier, they are not: the stakes are large, indeed our entire panoply of civil rights laws and rules depends for its efficacy on controlling the background of harmful depiction against which the rules and practices operate. In a society where minorities are thought and spoken of respectfully, few acts of out-and-out discrimination would take place. In one that harries and demeans them at every turn, even a determined judiciary will not be able to enforce equality and racial justice. The possibility that campus guidelines against hate speech and assault would decrease those behaviors ought to be taken seriously. Moreover, success is more possible than the toughlove crowd would like to acknowledge. A host of Western industrialized democracies have instituted laws against hate speech and hate crime, often in the face of initial resistance. Some, like Canada, Great Britain, and Sweden, have traditions of respect for free speech and inquiry rivaling ours. Determined advocacy might well accomplish the same here. In recent years, many— perhaps several hundred—college campuses have seen fit to institute student conduct codes penalizing face-to-face insults of an ethnic or similar nature, many in order to advance interests that the campus straightforwardly identified as necessary to its function, such as protecting diversity or providing an environment conducive to education. Moreover, powerful actors like government agencies, the writers’ lobby, industries, and so on have generally been quite successful at coining free speech “exceptions” to suit their interest—libel, defamation, false advertising, copyright, plagiarism, words of threat, and words of monopoly, just to name a few. Each of these seems natural and justified—because time-honored— and perhaps each is. But the magnitude of the interest underlying these exceptions seems no less than that of a young black undergraduate subject to hateful abuse while walking late at night on campus. New regulation is of course subject to searching scrutiny in our laissez-faire age. But the history of free speech doctrine, especially the landscape of exceptions, shows that need and policy have a way of being translated into law. The same may happen with hate speech.

### A2 Bad Precedent

#### Non-unique—the government already has the power to manage what types of speech are allowed and prohibited – speech codes prove

### A2 Chilling Effect

#### No chilling effect

Gelber & McNamara 15 [Katharine Gelber (Professor of Politics and Public Policy at the University of Queensland), Luke McNamara, "The Effects of Civil Hate Speech Laws: Lessons from Australia," Law & Society Review, 2015] AZ

What of the fourth and fifth claims, that hate speech laws have a chilling effect, discouraging people from engaging in robust political debate on important matters of public policy, or that they create free speech martyrs who use the regulatory system to gain prominence for their views? Our analysis of letters to the editor revealed little evidence that public discourse has been diminished over the past 25 years. Robust debates have been had on a broad range of issues including the land rights of Indigenous Australians, same-sex marriage, and the treatment of asylum-seekers. Our analysis revealed the continued expression of prejudice over time. The fact that we detected a shift away from more intemperate styles of language cannot be said to support the chilling effect claim. At the heart of this claim is a concern about the silencing of views and opinion. At the same time that Bolt claimed he was being “silenced” by hate speech laws, he was able to disseminate his views widely through prominent media attention (Gelber and McNamara 2013: 474–76). Therefore, although the distinction may be contentious, we distinguish between desirable and undesirable effects. Hate speech laws are designed to influence the terms in which individuals express their views in public (desirable), however, they are not designed to make certain topics “off limits” (undesirable). Our research suggests that the risk of a chilling effect has not been substantiated. Australians are willing to express robust views on a broad range of policy issues.

### A2 Martyr Effect

#### No martyr effect – only one case in two decades of hate speech regulation in Australia

Gelber & McNamara 15 [Katharine Gelber (Professor of Politics and Public Policy at the University of Queensland), Luke McNamara, "The Effects of Civil Hate Speech Laws: Lessons from Australia," Law & Society Review, 2015] AZ

No other case in over two decades of civil litigation has triggered a comparable martyr effect. Recalcitrant Holocaust denier Frederick Toben attempted to adopt a martyr position when he was found to have breached the same federal racial hatred law years earlier.39 His refusal to abide by orders of the Federal Court to remove Holocaust denial material from his Web site resulted in 24 contempt of court findings and, ultimately, a 3 month jail term for contempt of court (Akerman 2009). However, in public discourse this attempt served to consolidate his infamy and status as a powerful illustration of precisely why hate speech laws were enacted in the first place (Aston 2014; Richardson 2014). Two distinctive features of Australia’s hate speech laws are noteworthy here. First, given, that most transgressions of the law are addressed in confi- dential conciliation, with less than 2 percent resulting in court or tribunal decisions that enter the public domain, opportunities for martyrdom are rare. Second, because the laws rely overwhelmingly on civil remedies, they tend not to produce the criminal sanctions on which the claimed martyr effect is based. The Bolt controversy does not justify a general conclusion that hate speech laws necessarily produce a counterproductive martyr effect, as it was an atypical event in the history of civil hate speech laws in Australia.

#### No impact to free speech martyrs identified in the 1AC– they might become symbols that only reinforce existing racism, but don't spill over to convince others to become racists

### A2 Backlash

#### No backlash – hate speech regulation has been accepted

Gould 10 [Gould, Jon B (Professor in the Department of Justice, Law & Criminology at American University), Speak No Evil, edited by Jon B. Gould, University of Chicago Press, 2010. ProQuest Ebook Central, http://ebookcentral.proquest.com/lib/stanford-ebooks/detail.action?docID=496617] AZ

THE LARGER WAR For all its focus on the precise number of college hate speech policies, FIRE risks missing the larger point that it is losing the war over hate speech regulation in general. Rather than being considered an unconstitutional pariah, hate speech restrictions are increasingly the norm among influential institutions of civil society, including higher education, the news media, and Internet service providers. Even as FIRE and its compatriots have won legal battles in court, the informal law of speech regulation has prospered. This, then, is the ultimate irony; adopted largely for utilitarian or instrumental purposes, the speech codes have had the very effect on mass constitutionalism and speech norms that their opponents originally feared. Without a court case won or a statute passed, the bounds of free speech have been reinterpreted and a new norm spread in civil society. Initially, some of the evidence may appear to the contrary. Throughout the qualitative research I found few schools that had actively enforced their hate speech policies, the highest rate constituting one case per year. Part of the reason, says a former college president, is that “adopting policies is easier than acting on actual cases. . . . Policies are non-action,” which most college administrators prefer, he says. “Usually, the least action a president can take is to adopt a policy. The adoption does nothing.” Action, by contrast, “scares everyone, not just the actor.” Yet the very adoption of hate speech policies has influenced behavior on several campuses. This point was repeated to me by many administrators at the schools I visited, who reported the rise of a “culture of civility” that eschews, if not informally sanctions, hateful speech. “Don’t mistake symbolism for impotence,” they regularly reminded me. Symbols shape and reflect social meaning, providing cues to the community about the range of acceptable behavior. Adopting a hate speech policy, then, could have persuasive power even if it were rarely enforced. Consider the dean of students at a northeastern liberal arts college, who spoke proudly of her school’s hate speech policy. Had the policy been formally invoked, I asked. “Rarely,” she told me, but the measure “sets a standard on campus. It gives us something we can point our finger to in the catalog to remind students of the expectations and rights we all have in the community.” This sentiment was repeated by the president of a well-known institution, who claimed that “we didn’t set out to enforce the policy punitively but to use it as the basis for our educational efforts at respecting individuality.” Still another administrator admitted that, “while we’ve rarely used the policy formally, it does give support to students who believe their rights have been violated. They’ll come in for informal mediation and point to the policy as the reason for why the other person must stop harassing them.” Sociologists would call this process norm production—that symbolic measures can condition and order behavior without the actual implementation of punitive mechanisms.8 Hate speech policies set an expected standard of behavior on campus; college officials employ orientation sessions, extracurricular programs, and campus dialogue to inculcate and spread the message; and over time an expectation begins to take root that hate speech is unacceptable and should be prohibited. Of course, this mechanism makes regulation a self-policing exercise—colleges need not take formal or punitive action—but the effect is to perpetuate a collective norm that sees hate speech as undesirable and worthy of prohibition. Moreover, considering the isomorphic tendencies of college administrators, the creation of speech policies—or speech norms—at respected and prestigious institutions has a “trickle down” effect throughout academe. Again, sociologists would call this process normative isomorphism, but most people know the phenomenon as “keeping up with the Joneses.”9 If Harvard, Berkeley, or Brown passes measures against hate speech, then institutions lower in the academic food chain are likely to take note and follow suit. If prestigious institutions advance campus norms that eschew hate speech, then both peer and “wannabe” institutions are likely to consider and replicate such informal rules. Indeed, this is the very fear of FIRE and its compatriots—that if PC policies are not checked now, their message will spread throughout academe infecting other campuses. What FIRE fails to say, but undoubtedly must be thinking, is that informal law and mass constitutionalism are at stake if the spread of speech regulation is not curbed. FIRE can hang its hat on R.A.V., Doe, UWM Post, and the other court cases in which judges have overturned college hate speech policies, but as hate speech regulation continues to flourish on college campuses, informal speech norms are at stake throughout the larger bounds of civil society. Whatever one thinks of FIRE and its agenda, its supporters are like the oldfashioned fire brigade that excitedly shows up at a burning building only to toss paltry pails of water on the inferno. Hate speech regulation has already crossed the firebreak between academe and the rest of civil society and is well on its way toward acceptance in other influential institutions. The initial signs are found in surveys of incoming college freshmen. Shortly after R.A.V., researchers began asking new freshmen whether they believe that “colleges should prohibit racist/sexist speech on campus.”10 In a 1993 survey, 58 percent of first-year students supported hate speech regulation, a number that has stayed steady and even grown a bit in the years following. By 1994, twothirds of incoming freshmen approved of hate speech prohibitions, with more recent results leveling off around 60 percent.11 Unfortunately, there are not similar surveys before 1993 to compare these results against, but it is a safe bet that support would have been minimal through the mid-1980s when the issue had not yet achieved salience. More to the point, the surveys show that support for speech regulation is achieved before students ever set foot on campus. If, as the codes’ opponents claim, colleges are indoctrinating students in favor of speech regulation, the influence has reached beyond campus borders. New students are being socialized to this norm in society even before they attend college. So too, surveys of the general population show an increasing queasiness with hate speech and a greater willingness to regulate such expression privately, especially when communicated over the Internet. In 1991, at the height of the speech code controversy, the CBS News/New York Times Poll asked the following question of American adults: Some universities have adopted codes of conduct under which students may be expelled for using derogatory language with respect to blacks, Jews, women, homosexuals and other groups of students. Which of the following comes closest to your view about this? A. Students who insult other students in this fashion should be subject to punishment; or B. The Bill of Rights protects free speech for these students, and they should not be subject to punishment. Among respondents, 60 percent agreed that hate speech deserved punishment; only 32 percent believed that the Bill of Rights should protect such expression, with 8 percent undecided.12 In 1994 the National Opinion Research Center (NORC) took the issue beyond campuses, asking a national sample whether, “under the First Amendment guaranteeing free speech, people should be allowed to express their own opinions even if they are harmful or offensive to members of other religious or racial groups.” At the time, 63 percent of respondents agreed, although only 21 percent did so strongly.13 However, when NORC dropped a direct reference to the First Amendment, asking whether “people should not be allowed to express opinions that are harmful or offensive to members of other religious or racial groups,” respondents were split almost evenly in their opinions. Forty-one percent supported such restrictions, 44 percent opposed them, and the remainder were either neutral or unsure.14 Both the CBS News/New York Times and NORC surveys were conducted in the early 1990s, as the speech code controversy was being played out on the front pages of major media. If respondents at the time seemed comfortable with different rules for separate venues—approving of hate speech measures on campus but split over regulations in larger society—this divergence seemed to narrow by the end of the decade. In 1999 the Freedom Forum con ducted a State of the First Amendment Survey. Among its several questions, the Forum queried: I am now going to read you some ways that people might exercise their First Amendment right of free speech. . . . [Do you believe that] people should be allowed to use words in public that might be offensive to racial groups?15 Even with the explicit reference to the First Amendment and the right of free speech, researchers found that 78 percent of respondents disagreed with the exhortation to open discourse. Indeed, an amazing 61 percent of respondents strongly disagreed with the statement, indicating a presumed willingness to regulate or restrict racial hate speech.16 The Freedom Forum has repeated this survey annually, and although support for hate speech regulation has dropped a bit, the level still hovers around two-thirds assent.17 The results from the Freedom Forum’s surveys are in line with other polling data about hate speech involving computers and the Internet. In 1999, National Public Radio, the Kaiser Foundation, and Harvard’s Kennedy School of Government teamed up to query Americans’ attitudes about government. As part of that survey, researchers asked two questions about online hate speech. Finding that over 80 percent of respondents believed that hate speech on the Internet was a problem,18 the survey asked whether “the government should do something about” these attacks against a person’s “race, religion, or ethnicity.” Nearly two-thirds of respondents believed the problem required governmental action,19 a number consistent with the 60 percent of respondents in a study by Princeton Survey Research Associates who agreed that “the government should put major new restrictions on the Internet to limit access to pornography, hate speech, and information about bomb-making or other crimes.”20

#### Their logic justifies never abolishing slavery – obviously some white racists will refuse to accept that policy, but the overall net effect is positive

#### No backlash – Australia proves hate speech laws become integrated into culture

Gelber & McNamara 15 [Katharine Gelber (Professor of Politics and Public Policy at the University of Queensland), Luke McNamara, "The Effects of Civil Hate Speech Laws: Lessons from Australia," Law & Society Review, 2015] AZ

To these we would add that the laws have become an accepted part of the Australian political landscape. An April 2014 opinion poll showed 88 percent of the public supporting the retention of federal hate speech laws (ABC News 2014). This shows a very large majority of the public supports the idea that hate speech laws are an appropriate component of the framework within which public debate takes place. This gives them a normative influence, and provides participants in public debate with a language they can employ to condemn hate speech. These are the important benefits that have been achieved from 25 years of hate speech laws in Australia.

### A2 Hate Speech Increasing

#### Counterplan provides uniqueness – existing speech codes aren't uniform or rigorous enough – the counterplan makes all regulation of hate speech uniform, which solves

#### This isn't comparative – hate speech might be increasing, but would spike absent the aff

#### Increasing hate speech can't be correlated with existing speech codes – their ev is an annual fluctuation which can't be attributed to existing regulation

#### Hate crime declining

McNeil 14 [Patrick Mcneil, "FBI Report Indicates Decrease in Hate Crimes," Leadership Conference, 12/11/2014] AZ

An annual report released by the Federal Bureau of Investigation (FBI) on December 8 reveals that reported hate crime incidents decreased from 6,573 to 5,928, the lowest number of reported hate crimes since the first year of reporting in 1991. However, civil rights groups remain concerned about the ongoing problem of underreporting, which makes it hard to get an actual picture of the scope of the problem year to year. The report, “Hate Crime Statistics, 2013,” found that crimes directed against individuals based on disability, national origin, race, religion, and sexual orientation all decreased since last year. This year’s report is the first to document crimes committed on the basis of gender and gender identity, as well as crimes committed by and against juveniles. But only 15,016 law enforcement agencies participated – an increase from 14,511 in 2012, but still troubling.

### A2 Chaplinsky Case

#### The Chaplinsky Case is irrelevant – The care specifically says “Chaplinsky was a Jevovah’s Witness who was convicted for calling a city marshall a “God damned rackateer” and “a damnd fascist.”

#### This is in the context of a public officer and doesn’t account for the majority of the instances in the PIC. You can’t insult a political officer and threaten them and not assume that you will face consequences.

### 2NR A2 Theory

### 2NR – PICs Good

#### Counterinterpretation – the negative may read a single plan-inclusive counterplan *[if the aff is unbroken]*

#### Net benefits –

#### Texuality –

#### Any is defined as every

Your Dictionary NO DATE (Your Dictionary, online reference, “any,” http://www.yourdictionary.com/any///[LADI](http://www.theladi.org/evidence))

every: any child can do it

#### Any is an indefinite pronoun that refers to things generally

Language NO DATE (Online English grammar textbook, Unit 42: - Indefinite Pronouns,” http://www.1-language.com/englishcoursenew/unit42\_grammar.htm///[LADI](http://www.theladi.org/evidence))

**Indefinite pronouns replace specific things with** general, non-specific concepts. For example: - I want to live abroad in Italy. - I want to live abroad somewhere. This unit covers indefinite pronouns made with some, any, no, and every. Some / any Some and any can be combined with "-thing" to refer to an undefined object. For example: - There's someone outside the door. - There isn't anyone in the office. Some and any can be combined with "-where" to refer to an undefined location. For example: - I'm looking for somewhere to live. - We don't want to live anywhere near here. Some and any can be combined with "-body" or "-one" to refer to an undefined person. There is very little difference in meaning between "-body" and "-one". For example: - If you have a problem, someone/somebody will help you. - Do you know anyone/anybody who can help? These compound nouns follow the same rules as some and any, that is some is used in affirmative statements, and any is used in negative statements and questions. For example: - I need something from the supermarket. - I don't need anything from the supermarket. - Do you need anything from the supermarket?

#### Justifies PICs – since the aff has to defend every type of protected speech, proving that hate speech is bad textually negates the resolution

#### Neg ground – PICs are a key check against new affs – outweighs:

#### Aff chose the plan – they should be able to defend it – they specifically chose to have planks

#### All counterplans are PICs since they cant compete as plan plus – counterplans are the core of policy education and negative strategy

#### Reject the argument, not the team -- at worst, evaluate the net benefit as a case turn

### A2 Vague Plans

#### No vague plan writing

1. smart teams will react to PICs by writing better plans
2. Rejecting PICs causes vagueness – that undermines specificity of analysis which kills topic-education