# SepOct18 – Save the Kiddos

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# Asher’s 1ACs

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### Adv

#### Student journalists are necessary now to inform communities and solve corruption in the age of declining media.

Brown 15 [(Rachel, freelance journalist. She has worked for the Los Angeles Times, Yahoo, and the San Francisco Chronicle.) “A New Role for Student Media: College Newspapers and the Crises in Journalism” (2015) Media and Communication Studies Honors Papers, Ursinus College, 4-26-15 whs-ee

Journalism is the facilitator of the connection between citizens and the relevant and credible information they need to be active democratic participants. As the depth of local newspaper’s coverage shrinks, a primary concern of the Knight Commission is that information regarding local governance, which likely does not receive attention from larger media outlets, will not become disconnected from the public that it is intended to serve (“Executive Summary | KnightComm” 2014). Further, the media industry has been forced into passivity by a lack of resources. Since new outlets lack the staff and resources to accomplish the same caliber of investigative journalism that they were capable of in their prime, politicians have been able to use the media as a “megaphone;” with “direct relaying of assertions made by the campaigns and less reporting by journalists to interpret and contextualize them” (Mitchell 2014). The ease with which political and corporate organizations can breach the pages of local newspapers with their messaging prevents the paper’s readership from discerning hand-crafted, strategic communication from a balanced perspective of the political landscape, since both are being presented in a forum that theoretically prioritizes the democratic interests of the reader.

A loss of local journalism poses the risk of citizens living in an “information vacuum,” therefore reinforcing inequalities for people who do not have the resources to participate in democracy as access to technology is becoming increasingly critical (“Information Stories Tell of Personal Stakes in Healthy Info Communities: KnightComm” 2014). Citizens who cannot readily access online content are becoming disconnected from the information necessary to make informed democratic decisions. Many critics point out that without universal access to broadband, information will remain inaccessible to many citizens, regardless of their civic intentions (“Thinking about the Future of Informed Communities and Journalism” 2011).

The journalism industry has been struggling to come up with solutions to the information void that is plaguing both their profits and the well-being of informed communities, but some courses of action have been debated. A shift to non-profit journalism has been proposed as a solution to the commercial industry’s seemingly irreversible loss of financial momentum. David Swensen and Michael Schmidt wrote an opinion piece for the New York Times that echoes the perspectives of those watching the journalism industry struggle, suggesting that newspapers might be better off if they adopted a business model dependent on endowments, similar to universities and institutions. Swensen and Schmidt propose that, “endowments would enhance newspapers’ autonomy while shielding them from the economic forces that are now tearing them down” (Swensen and Schmidt 2009). If commercial newspapers were organized like non-profits, they would be free of the financial constraints that limit the scope and depth of their reporting, allowing resources to be allocated to quality of coverage, not just survival, of a newspaper.

#### Specifically, a lack of a privilege chills student reporting, dries up sources, and sets a precedent for the future.

Hu 14 (June M. Hu, Columbia Law School J.D., 2015, Associate at Sullivan & Cromwell New York Law Firm) Columbia Journal of Law & the Arts Vol 38 Issue 2, <https://academiccommons.columbia.edu/doi/10.7916/D8GT5MDC> whs-ee

Other influential theories of the First Amendment focus on the importance of producing courageous and engaged citizens who are committed to the project of self-government.111 Examining these theories and applying them in a case that dramatically expanded press protections, the Supreme Court held that a legal regime that “dampens the vigor and limits the variety of public debate . . . is inconsistent with the First and Fourteenth Amendments.”112 If student reporters are categorically excluded from a reporter’s privilege, they could be deterred from reporting on the kinds of stories that would expose them to court-ordered disclosures. In other words, exclusion of student reporters increases the likelihood of reporter self-censorship that “is inconsistent with the First and Fourteenth Amendments.”113

Categorical exclusion of student reporters also leads to self-censorship on the part of would-be informants. Reporters often hide the names of their whistleblower sources.114 If whistleblowers do not have faith that a reporter can control the information she gathers, they are more likely to refrain from exposing governmental misconduct to the press and public.115 Even when sources do come forward, they might limit the scope of the information that they share with reporters. In the student press context, reporters have yet another reason to protect their relationships with sources: “school media are often most students’ first exposure to the press.”116 If students’ “earliest perception of the media is that reporters cannot be trusted it is unlikely their views will change later.”117 Privileging student reporters helps them inspire confidence in the independence of the press, and makes their peers more likely to provide information to the press in the future. Privileging student reporters promotes “a free, vigorous student press” that not only offers “a healthy ferment of ideas and opinions,”118 but also serves as a check on the government.119 Granted, student newspapers do not often uncover federal or state governmental abuses, but they do frequently expose the wrongdoing of smaller scale governmental actors, such as schools and school boards. In Dean v. Utica Community Schools, for instance, high school junior Katy Dean investigated her school district’s alleged wrongdoing after finding out that the school district was being sued for school bus pollutions that caused lung cancer. 120 The checking function of the First Amendment does not justify scaling protection for speech on the basis of the level of government that it checks, since small government is as prone to abuse as big government.121

Shielding high school reporters against subpoenas does not unduly impede the interests of justice.122 Denying student reporters a reporter’s privilege, on the other hand, creates negative repercussions for the future of the press. In their objections to proposed federal shield laws that would exclude student reporters from coverage, professional reporters have expressed their firm belief that the freedom of the high school press plays a critical role in shaping the future of the press.123 Serving on school newspapers, students begin to develop the professional courage and internalize the professional ethics of journalism.124 High school students participate in activities like the school newspaper to develop career interests and broaden career opportunities.125 Many of today’s high school journalists will become tomorrow’s professional journalists. Giving high school students less protection for their newsgathering not only chills the vigor of the journalism they produce today, 126 but also breeds a habit of self-censorship that the student reporters will carry with them if and when they become professional journalists.127

#### Students work best with local communities and act as a springboard for social movements.

**Anderson 17** William Anderson, 7-11-2017, "Student Journalists Are Our Future—We Should Start Treating Them Like It," Nation, <https://www.thenation.com/article/student-journalists-are-our-future-we-should-start-treating-them-like-it/> OHS-AT

Student journalism has gained new importance in the face of the deep decline of local news. With the collapse of print advertising in the past 20 years, hundreds of local newspapers have closed and over 20,000 journalists have lost their jobs. At the same time, student journalists at colleges around the nation have felt the pressure of tightening budgets and hostile university administrations.

But student journalists are uniquely positioned to fill the hole created by the decline of local news. When major news explodes on campuses and nearby communities, student journalists like Palmer are often the first on the scene. In the hours before national reporters arrive, student journalists have already filed a story and are often working on the next. Journalists from the national media are often parachuted into hot spots to cover communities with which they have no connection. They scramble and latch on to the sensational narratives that focus on violence and the most extreme elements.

As a reporter in Baltimore, I quickly realized that native Baltimoreans were far more receptive to talking to local reporters, even if they were students. As privileged student journalists, we may not have personally experienced the structural racism, entrenched poverty, and police violence that catalyzed the Uprising. But we’re part of the community. Students and residents have helped each other dig their cars out of piles of snow, attended community meetings to demand a living wage and health care for campus workers, and volunteered at the same local food banks to serve those experiencing homelessness. Many student journalists become permanent residents of their communities, and they care about their neighbors.

Colleges in rural America have long been covering the local anxieties that, thanks to the national rural coverage gap, masked Trump’s rise. Student journalists at the University of Iowa’s paper The Daily Iowan recently covered a Trump speech and spoke with voters, one Iowan to another. The paper’s editors have created spaces, increasingly rare, where students on both sides of the political divide can enter into sane dialogue. In West Virginia, Marshall University’s student newspaper, The Parthenon, has consistently covered the opioid epidemic, which has ravaged rural communities across the United States. It has highlighted bills introduced by Senator Joe Manchin to fight the epidemic, taught the student body about naloxone, which reverses the effects of an opioid overdose, and published editorials exposing the ease with which students can access prescription drugs.

Journalists on college campuses are uniquely positioned to cover emerging social movements and to translate what young people are thinking to an older audience. In the aftermath of the election, an outpouring of social activism gripped the United States, especially among young people. Johns Hopkins saw dozens of protests calling for divestment from fossil fuels, better health care for graduate students, and an explosion of anti-Trump resistance. Like student newspapers across the country, the News-Letter was frequently the first to record these new forms of activism.

#### Accountable government is good – it checks a litany of domestic and transnational problems and improves the quality of life

Eckersley 04 (Robyn, Reader/Associate Professor in the Department of Political Science at the University of Melbourne, “The Green State: Rethinking Democracy and Sovereignty”, MIT Press, 2004, Google Books, pp. 3-8)

While acknowledging the basis for this antipathy toward the nation- state, and the limitations of state-centric analyses of global ecological degradation, I seek to draw attention to the positive role that states have played, and might increasingly play, in global and domestic politics. Writing more than twenty years ago, Hedley Bull (a proto-constructivist and leading writer in the English school) outlined the state's positive role in world affairs, and his arguments continue to provide a powerful challenge to those who somehow seek to "get beyond the state," as if such a move would provide a more lasting solution to the threat of armed conflict or nuclear war, social and economic injustice, or environmental degradation.10 As Bull argued, given that the state is here to stay whether we like it or not, then the call to get "beyond the state is a counsel of despair, at all events if it means that we have to begin by abolishing or subverting the state, rather than that there is a need to build upon it.""¶ In any event, **rejecting the "statist frame"** of world politics **ought not prohibit** an **inquiry into the emancipatory potential of the state** as *a* crucial "node" in any future network of global ecological governance. This is especially so, given that one can expect states to persist as major sites of social and political power for at least the foreseeable future and that any green transformations of the present political order will, short of revolution, necessarily be state-dependent. Thus, like it or not, those concerned about ecological destruction must contend with existing institutions and, where possible, seek to "rebuild the ship while still at sea." And if states are so implicated in ecological destruction, then an inquiry into the potential for their transformation even their modest reform into something that is at least more conducive to ecological sustainability would seem to be compelling.¶ Of course, it would be unhelpful to become singularly fixated on the redesign of the state at the expense of other institutions of governance. States are not the only institutions that limit, condition, shape, and direct political power, and it is necessary to keep in view the broader spectrum of formal and informal institutions of governance (e.g., local, national, regional, and international) that are implicated in global environmental change. Nonetheless, while the state constitutes only one modality of political power, it is an especially significant one because of its historical claims to exclusive rule over territory and peoples—as expressed in the principle of state sovereignty. As Gianfranco Poggi explains, the political power concentrated in the state "is a momentous, pervasive, critical phenomenon. Together with other forms of social power, it constitutes an indispensable medium for constructing and shaping larger social realities, for establishing, shaping and maintaining all broader and more durable collectivities."12 States play, in varying degrees, significant roles in structuring life chances, in distributing wealth, privilege, information, and risks, in upholding civil and political rights, and in securing private property rights and providing the legal/regulatory framework for capitalism. Every one of these dimensions of state activity has, for good or ill, a significant bearing on the global environmental crisis. Given that the green political project is one that demands far-reaching changes to both economies and societies, it is difficult to imagine how such changes might occur on the kind of scale that is needed without the active support of states. While it is often observed that states are too big to deal with local ecological problems and too small to deal with global ones, the state nonetheless holds, as Lennart Lundqvist puts it, "a unique position in the constitutive hierarchy from individuals through villages, regions and nations all the way to global organizations. **The state is** inclusive of lower political and administrative levels, and exclusive in speaking for its whole territory and population in relation to the outside world."13 In short, it seems to me inconceivable to advance ecological emancipation without also engaging with and seeking to transform state power.¶ Of course, not all states are democratic states, and the green movement has long been wary of the coercive powers that all states reputedly enjoy. Coercion (and not democracy) is also central to Max Weber's classic sociological understanding of the state as "a human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory."14 Weber believed that the state could not be defined sociologically in terms of its ends\* only formally as an organization in terms of the particular means that are peculiar to it.15 Moreover his concept of legitimacy was merely concerned with whether rules were accepted by subjects as valid (for whatever reason); he did not offer a normative theory as to the circumstances when particular rules ought to be accepted or whether beliefs about the validity of rules were justified. Legitimacy was **a contingent fact**, and in view of his understanding of politics as a struggle for power in the context of an increasingly disenchanted world, likely to become an increasingly unstable achievement.16 In contrast to Weber, my approach to the state is explicitly normative and explicitly concerned with the purpose of states, and the democratic basis of their legitimacy. It focuses on the limitations of liberal normative theories of the state (and associated ideals of a just constitutional arrangement), and it proposes instead an alternative green theory that seeks to redress the deficiencies in liberal theory. Nor is my account as bleak as Weber's. The fact that states possess a monopoly of control over the means of coercion is a most serious matter, but it does not necessarily imply that they must have frequent recourse to that power. In any event, whether the use of the state's coercive powers is to be deplored or welcomed turns on the purposes for which that power is exercised, the manner in which it is exercised, and whether it is managed in public, transparent, and accountable ways—a judgment that must be made against a background of changing problems, practices, and under- standings. The coercive arm of the state can be used to "bust" political demonstrations and invade privacy. It can also be used to prevent human rights abuses, curb the excesses of corporate power, and protect the environment. In short, although the political autonomy of states is widely believed to be in decline, there are still few social institution that can match the same degree of capacity and potential legitimacy that states have to redirect societies and economies along more ecologically sustainable lines to address ecological problems such as global warming and pollution, the buildup of toxic and nuclear wastes and the rapid erosion of the earth's biodiversity. States—particularly when they act collectively—have the capacity to curb the socially and ecologically harmful consequences of capitalism. They are also more amenable to democratization than cor- porations, notwithstanding the ascendancy of the neoliberal state in the increasingly competitive global economy. There are therefore many good reasons why green political theorists need to think not only critically but also constructively about the state and the state system. While the state is certainly not "healthy" at the present historical juncture, in this book I nonetheless join Poggi by offering "a timid two cheers for the old beast," at least as a potentially more significant ally in the green cause.17

### Solvency

#### Plan: The 50 states of the United States and all relevant territories ought to uniformly grant high school and college journalists the right to protect the confidentiality of their sources. Force neg to check full text of all T and theory interps against the advocacy in CX to preserve substantive debate – otherwise grant me an I meet.

#### Solves uncertainty and protects the watchdogs of the future.

**KU 16** Three University, 11-14-2016, "Journalism professors argue for extending shield laws to protect student journalists," University of Kansas, <https://news.ku.edu/2016/11/07/journalism-professors-argue-extending-shield-laws-protect-student-journalists> OHS-AT

LAWRENCE — In our quickly changing media landscape, student journalists have stepped forward to meet their communities’ news needs, often doing work that was once considered the exclusive domain of full-time journalists. And they’ve done so without the legal protections of their professional counterparts. A new study by three University of Kansas journalism professors analyzes laws across the nation that grant journalists the right to protect confidential sources and information from compelled disclosure, finding that they rarely apply to student journalists.

Such protections should be expanded to journalists at the high school and college levels, argue the authors, including Assistant Professor Jonathan Peters, Associate Professor Genelle Belmas and Assistant Professor Peter Bobkowski, all in the William Allen White School of Journalism & Mass Communications. The article is forthcoming in the Fordham Intellectual Property, Media & Entertainment Law Journal, and it has been presented at the national conference of the Association for Education in Journalism and Mass Communication. It is the first comprehensive academic analysis of these issues.

The landmark Supreme Court case Branzburg v. Hayes found that reporters, generally, do not have a First Amendment right to refuse to divulge their confidential sources, but a concurring and dissenting opinion laid the groundwork for how such a privilege could work. That language is now found in numerous state statutes, court decisions and procedural rules giving reporters a basis to resist the compelled disclosure of their confidential sources and information.

“The big question was, ‘Does the reporter’s privilege, in its various forms, cover student journalists?’” Peters said. “Overall, this is an area that hasn’t seen much activity in the courts, and it has gotten virtually no critical or sustained attention from scholars.”

The study analyzes shield laws from across the country and categorizes them, finding that only two states, Maryland and West Virginia, explicitly protect student journalists. Meanwhile, in Ohio, educational organizations where student journalists work are covered. The rest of the states define who is protected by factors such as employment, amount of compensation, readership, publication frequency and producing news for the general public—all of which do not favor student journalists.

Some commentators have wondered why it would be necessary for student journalists to receive such protection, claiming, for example, that they only produce news for their fellow students or for small, niche audiences. But as the media landscape has changed and reporting staffs have shrunk, student media, especially college publications, have provided coverage of their communities on a larger scale than before. For that reason, the authors argue, student journalists deserve the same protections as full-time journalists. Foundations and journalism schools have also encouraged students to take on larger roles in meeting the news needs of their communities.

“We have seen, in the last 10-15 years, a lot of changes in the media industry,” Peters said. “One group we’ve seen step up consistently is student journalists. In our First Amendment tradition, we protect the lonely pamphleteer as much as The New York Times, and in the context of shield laws, it’s untenable to ask students to do more—with fewer legal protections. It’s unwise and unfair.”

Some states do not have shield statutes but make it possible to claim a reporters’ privilege through common law principles or through the federal or state constitutions. There is not a federal shield statute, and in these states, it is unclear how student journalists would be treated.

The article argues for the strengthening of shield laws and to extend them to protect student journalists. In states where students are not covered, the authors argue that the laws should be changed. While it is not common for student journalists to be compelled to testify, one recently was jailed for refusing to disclose sources.

“This is not a contrived, theoretical problem,” Peters said. “With the expanded roles we’re asking student journalists to play, this could happen more frequently. I still handle cases as a media lawyer, and I had a student journalist shield case just two years ago. If we are asking students to produce informative, investigative journalism, it’s imperative to give them the tools they need to produce it.”

There are more high school and college journalists working today than full-time professional journalists, and on the college level, many students are forming their own news organizations or collaborating with professional outlets to provide coverage on important topics such as state and national government. Providing that coverage is important, then, to the public to ensure continued watchdog journalism and to news outlets that will need to hire skilled, experienced journalists in the future.

“Today, perhaps more than ever, we need young people to be educated about the vital role that the free press has played in the history of our country so that they may carry on this important legacy into the future,” Bobkowski said. “Reporter's privilege is one element of the free press that has played an important role in supporting the vitality of our democracy.”

#### Plan’s definition of journalism based on process, not people, protects students while avoiding leakers and fake sources – also encourages high caliber investigative journalism. States key.

**Hu 14** (June M. Hu, Columbia Law School J.D., 2015, Associate at Sullivan & Cromwell New York Law Firm) Columbia Journal of Law & the Arts Vol 38 Issue 2, <https://academiccommons.columbia.edu/doi/10.7916/D8GT5MDC> OHS-AT

If the current federal shield bill does become the first federal shield law in the United States, it would only protect reporters in a narrow set of circumstances— subpoenas issued by a federal actor and arising out of federal causes of action.210 A student-friendly state shield law would strengthen privilege in both state and federal cases, since federal courts look to state law for definitions of privileged persons.211 West Virginia, the latest state to enact a reporter’s shield law, provides a two-tier definition of privileged persons that is similar to the definition in the proposed Free Flow of Information Act.212 While the first tier requires the reporter to earn a “substantial livelihood” from newsgathering, the second tier allows judges to protect student reporters whose work closely models traditional journalism.213 Shield laws like the federal bill and the West Virginia statute protect a narrow core of traditional press, but provide a catchall category that gives judges discretion to award privilege to non-traditional reporters based on whether the reporters conducted legitimate journalism and the interest of justice in the subpoenaed material.

This type of shield law would give judges the flexibility to withhold the privilege from leakers, sham newsmen and cyberbullies. At the same time, because the inquiry focuses on the newsgatherer’s process and product rather than employment status or income, this type of shield law extends protection to student reporters whose work resembles the work of professional journalists. Wide adoption of such state shield laws would increase a high school student reporter’s chances of succeeding on her privilege claim in jurisdictions that do not recognize a constitutional reporter’s privilege, as well as in jurisdictions that would not clearly cover student reporters under the constitutional privilege. The greater likelihood of receiving a reporter’s privilege would allow young student reporters to continue engaging in high-caliber investigative reporting, reducing the double-bind of risking imprisonment if they protect sources and social stigma if they snitch.

### F/W

#### The standard is reducing material violence.

#### Prioritize structural impacts – worst-case scenario predictions are based on threat exaggeration – distorts rational decision-making and justify preemptive warfare

Mueller & Stewart 11 [John, Woody Hayes National Security Studies and Professor of Political Science @ Ohio State University, Mark, Professor of Civil Engineering and Director of the Centre for Infrastructure Performance and Reliability at the University of Newcastle in Australia, “Terror, Security, and Money”, page numbers below]

Focusing on Worst-Case Scenarios Cass Sunstein, who seems to have invented the phrase "probability neglect," assesses the version of the phenomenon that comes into being when "emotions are intensely engaged." Under that circumstance, he argues, "people’s attention is focused on the bad outcome itself and they are inattentive to the fact that it is unlikely to occur." Moreover, they are inclined to "demand a substantial governmental response-even if the magnitude of the risk does not warrant the response." It may be this phenomenon that Treverton experienced. Playing to this demand, government officials are inclined to focus on worst-case scenarios, presumably in the knowledge, following Sunstein's insight, that this can emotionally justify just about any expenditure, no matter how unlikely the prospect the dire event will actually take place. Accordingly; there is a preoccupation with "low probability/ high consequence" events, such as the detonation of a sizable nuclear device in midtown Manhattan. The process could be seen in action in an article published in 2008 by Secretary of Homeland Security (DHS) Michael Chertoff. He felt called upon to respond to the observation that the number of people who die each year from international terrorism, while tragic, is actually exceedingly small. "This fails to consider," he pointed out, "the much greater loss of life that Weapons of mass destruction could wreak on the American people." That is, he was justifying his entire budget-only a limited portion of which is concerned with Weapons of mass destruction by the WMD threat, even while avoiding assessing its likelihood. It is sometimes argued that conventional risk analysis breaks down under extreme conditions because the risk is now a very large number (losses) multiplied by a very small number (attack probability). But it is not the risk analysis methodology that is at fault here, but our ability to use the information obtained from the analysis for decision making. A "high consequence" event has been defined to be a "disaster" or "catastrophe" resulting in "great human costs in life, property environmental damage, and future economic activity" However, depending on how one weighs the words in that definition, there may have been only one terrorist event in all of history that qualifies for inclusion. Moreover, the vast bulk of homeland security expenditures is not focused on events that fit a definition like that, but rather on comparatively low-consequence ones, like explosions set off by individual amateur jihadists. Analyst Bruce Schneier has written penetratingly of worst-case thinking. He points out that it , involves imagining the worst possible outcome and then acting as if it were a certainty. It substitutes imagination for thinking, speculation for risk analysis, and fear for reason. It fosters powerlessness and vulnerability and magnifies social [immobilization] ~~paralysis~~. And it makes us more vulnerable to the effects of terrorism. It leads to bad decision making because it's only half of the cost-benefit equation. Every decision has costs and benefits, risks and rewards. By speculating about what can possibly go wrong, and then acting as if that is likely to happen, worst-case thinking focuses only on the extreme but improbable risks and does a poor job at assessing outcomes. It also assumes "that a proponent of an action must prove that the nightmare scenario is impossible," and it "can be used to support any position or its opposite. If we build a nuclear power plant, it could melt down. If we don't build it, We will run short of power and society will collapse into anarchy" And worst, it "validates ignorance" because, "instead of focusing on what we know, it focuses on what we don't know-and what we can imagine." In the process, "risk assessment is devalued" and "probabilistic thinking is repudiated in favor of possibilistic thinking." As Schneier also notes, worst-case thinking is the driving force behind the precautionary principle, a decent working definition of which is "action should be taken to correct a problem as soon as there is evidence that harm may occur, not after the harm has already occurred." It could be seen in action less than a week after 9/11, when President George W Bush outlined his new national security strategy: "We cannot let our enemies strike first . . . [but must take] anticipatory action to defend ourselves, even if uncertainty remains as to the time and place of the enemy's attack. To forestall or prevent such hostile acts by our adversaries, the United States, will, if necessary act preemptively \_ . . America will act against such emerging threats before they are fully formed." The 2003 invasion of Iraq, then, was justified by invoking the precautionary principle based on the worst-case scenario in which Saddam Hussein might strike. If, on the other hand, any worst-case thinking focused on the potential for the destabilizing effects a war would have on Iraq and the region, the precautionary principle would guide one to be very cautious about embarking on war. As Sunstein notes, the precautionary principle "offers no guidance-not that it is wrong, but that it forbids all courses of action, including regulation." Thus, "taken seriously it is paralyzing, banning the very steps that it simultaneously requires."9 It can be invoked in equal measure to act or not to act. There are considerable dangers in applying the precautionary principle to terrorism: on the one hand, any action taken to reduce a presumed risk always poses the introduction of countervailing risks, while on the other, larger, expensive counterterrorism efforts will come accompanied by high opportunity costs." Moreover "For public officials no less than the rest of us, the probability of harm matters a great deal, and it is foolish to attend exclusively to the worst case scenario." A more rational approach to worst-case thinking is to establish the likelihood of gains and losses from various courses of action, including staying the current course." This, of course, is the essence of risk assessment. What is necessary is due consideration to the spectrum of threats, not simply the worst one imaginable, in order to properly understand, and coherently deal with, the risks to people, institutions, and the economy The relevant decision makers are professionals, and it is not unreasonable to suggest that they should do so seriously. Notwithstanding political pressures (to be discussed more in chapter 9), the fact that the public has difficulties with probabilities when emotions are involved does not relieve those in charge of the requirement, even the duty to make decisions about the expenditures of vast quantities of public monies in a responsible manner. [page 14-17]

#### Focus on existential risks is whiteness and is based on an epistemologically flawed logic that allows modern-day genocides.

Matthews 15 Dylan Matthews [American journalist. He is currently a correspondent for Vox, an online media venture along with Ezra Klein, Melissa Bell, and Matthew Yglesias] “I spent a weekend at Google talking with nerds about charity. I came away … worried.” Aug 10, 2015https://www.vox.com/2015/8/10/9124145/effective-altruism-global-ai; \*bracketed for verbal statistical clarity\* //BWSWJ

Lavigne was addressing attendees of the Effective Altruism Global conference, which she helped organize at Google's Quad Campus in Mountain View the weekend of July 31 to August 2. Effective altruists think that past attempts to do good — by giving to charity, or working for nonprofits or government agencies — have been largely ineffective, in part because they've been driven too much by the desire to feel good and too little by the cold, hard data necessary to prove what actually does good.

It's a powerful idea, and one that has already saved lives. GiveWell, the charity evaluating organization to which effective altruism can trace its origins, has pushed philanthropy toward evidence and away from giving based on personal whims and sentiment. Effective altruists have also been remarkably forward-thinking on factory farming, taking the problem of animal suffering seriously without collapsing into PETA-style posturing and sanctimony.

Effective altruism (or EA, as proponents refer to it) is more than a belief, though. It's a movement, and like any movement, it has begun to develop a culture, and a set of powerful stakeholders, and a certain range of worrying pathologies. At the moment, EA is very white, very male, and dominated by tech industry workers. And it is increasingly obsessed with ideas and data that reflect the class position and interests of the movement's members rather than a desire to help actual people.

In the beginning, EA was mostly about fighting global poverty. Now it's becoming more and more about funding computer science research to forestall an artificial intelligence–provoked apocalypse. At the risk of overgeneralizing, the computer science majors have convinced each other that the best way to save the world is to do computer science research. Compared to that, multiple attendees said, global poverty is a "rounding error."

I identify as an effective altruist: I think it's important to do good with your life, and doing as much good as possible is a noble goal. I even think AI risk is a real challenge worth addressing. But speaking as a white male nerd on the autism spectrum, effective altruism can't just be for white male nerds on the autism spectrum. Declaring that global poverty is a "rounding error" and everyone really ought to be doing computer science research is a great way to ensure that the movement remains dangerously homogenous and, ultimately, irrelevant.

Should we care about the world today at all?

EA Global was dominated by talk of existential risks, or X-risks. The idea is that human extinction is far, far worse than anything that could happen to real, living humans today.

To hear effective altruists explain it, it comes down to simple math. About 108 billion people have lived to date, but if humanity lasts another 50 million years, and current trends hold, the total number of humans who will ever live is more like 3 quadrillion. Humans living during or before 2015 would thus make up only 0.0036 percent of all humans ever.

The numbers get even bigger when you consider — as X-risk advocates are wont to do — the possibility of interstellar travel. Nick Bostrom — the Oxford philosopher who popularized the concept of existential risk — estimates that about 10^54 human life-years (or 10^52 lives of 100 years each) could be in our future if we both master travel between solar systems and figure out how to emulate human brains in computers.

Even if we give this 10^54 estimate "a mere 1% chance of being correct," Bostrom writes, "we find that the expected value of reducing existential risk by a mere one billionth of one billionth of one percentage point is worth a hundred billion times as much as a billion human lives."

Put another way: The number of future humans who will never exist if humans go extinct is so great that reducing the risk of extinction by 0.00000000000000001 percent can be expected to save 100 billion more lives than, say, preventing the genocide of 1 billion people. That argues, in the judgment of Bostrom and others, for prioritizing efforts to prevent human extinction above other endeavors. This is what X-risk obsessives mean when they claim ending world poverty would be a "rounding error."

Why Silicon Valley is scared its own creations will destroy humanity

There are a number of potential candidates for most threatening X-risk. Personally I worry most about global pandemics, both because things like the Black Death and the Spanish flu have caused massive death before, and because globalization and the dawn of synthetic biology have made diseases both easier to spread and easier to tweak (intentionally or not) for maximum lethality. But I'm in the minority on that. The only X-risk basically anyone wanted to talk about at the conference was artificial intelligence.

The specific concern — expressed by representatives from groups like the Machine Intelligence Research Institute (MIRI) in Berkeley and Bostrom's Future of Humanity Institute at Oxford — is over the possibility of an "intelligence explosion." If humans are able to create an AI as smart as humans, the theory goes, then it stands to reason that that AI would be smart enough to create itself, and to make itself even smarter. That'd set up a process of exponential growth in intelligence until we get an AI so smart that it would almost certainly be able to control the world if it wanted to. And there's no guarantee that it'd allow humans to keep existing once it got that powerful. "It looks quite difficult to design a seed AI such that its preferences, if fully implemented, would be consistent with the survival of humans and the things we care about," Bostrom told me in an interview last year.

This is not a fringe viewpoint in Silicon Valley. MIRI's top donor is the Thiel Foundation, funded by PayPal and Palantir cofounder and billionaire angel investor Peter Thiel, which has given $1.627 million to date. Jaan Tallinn, the developer of Skype and Kazaa, is both a major MIRI donor and the co-founder of two groups — the Future of Life Institute and the Center for the Study of Existential Risk — working on related issues. And earlier this year, the Future of Life Institute got $10 million from Thiel's PayPal buddy, Tesla Motors/SpaceX CEO Elon Musk, who grew concerned about AI risk after reading Bostrom's book Superintelligence.

And indeed, the AI risk panel — featuring Musk, Bostrom, MIRI's executive director Nate Soares, and the legendary UC Berkeley AI researcher Stuart Russell — was the most hyped event at EA Global. Musk naturally hammed it up for the crowd. At one point, Russell set about rebutting AI researcher Andrew Ng's comment that worrying about AI risk is like "worrying about overpopulation on Mars," countering, "Imagine if the world's governments and universities and corporations were spending billions on a plan to populate Mars." Musk looked up bashfully, put his hand on his chin, and smirked, as if to ask, "Who says I'm not?"

Russell's contribution was the most useful, as it confirmed this really is a problem that serious people in the field worry about. The analogy he used was with nuclear research. Just as nuclear scientists developed norms of ethics and best practices that have so far helped ensure that no bombs have been used in attacks for 70 years, AI researchers, he urged, should embrace a similar ethic, and not just make cool things for the sake of making cool things.

What if the AI danger argument is too clever by half?

What was most concerning was the vehemence with which AI worriers asserted the cause's priority over other cause areas. For one thing, we have such profound uncertainty about AI — whether general intelligence is even possible, whether intelligence is really all a computer needs to take over society, whether artificial intelligence will have an independent will and agency the way humans do or whether it'll just remain a tool, what it would mean to develop a "friendly" versus "malevolent" AI — that it's hard to think of ways to tackle this problem today other than doing more AI research, which itself might increase the likelihood of the very apocalypse this camp frets over.

The common response I got to this was, "Yes, sure, but even if there's a very, very, very small likelihood of us decreasing AI risk, that still trumps global poverty, because infinitesimally increasing the odds that 10^52 people in the future exist saves way more lives than poverty reduction ever could."

The problem is that you could use this logic to defend just about anything. Imagine that a wizard showed up and said, "Humans are about to go extinct unless you give me $10 to cast a magical spell." Even if you only think there's a, say, [1e-17] 0.00000000000000001 percent chance that he's right, you should still, under this reasoning, give him the $10, because the expected value is that you're saving 10^32 lives.

Bostrom calls this scenario "Pascal's Mugging," and it's a huge problem for anyone trying to defend efforts to reduce human risk of extinction to the exclusion of anything else. These arguments give a false sense of statistical precision by slapping probability values on beliefs. But those probability values are literally just made up. Maybe giving $1,000 to the Machine Intelligence Research Institute will reduce the probability of AI killing us all by 0.00000000000000001. Or maybe it'll make it only cut the odds by 0.00000000000000000000000000000000000000000000000000000000000000001. If the latter's true, it's not a smart donation; if you multiply the odds by 10^52, you've saved an expected 0.0000000000001 lives, which is pretty miserable. But if the former's true, it's a brilliant donation, and you've saved an expected 100,000,000,000,000,000,000,000,000,000,000,000 lives.

I don't have any faith that we understand these risks with enough precision to tell if an AI risk charity can cut our odds of doom by [1e-17] 0.00000000000000001 or by only [1e-65] 0.00000000000000000000000000000000000000000000000000000000000000001. And yet for the argument to work, you need to be able to make those kinds of distinctions**.**

The other problem is that the AI crowd seems to be assuming that people who might exist in the future should be counted equally to people who definitely exist today. That's by no means an obvious position, and tons of philosophers dispute it. Among other things, it implies what's known as the Repugnant Conclusion: the idea that the world should keep increasing its population until the absolutely maximum number of humans are alive, living lives that are just barely worth living. But if you say that people who only might exist count less than people who really do or really will exist, you avoid that conclusion, and the case for caring only about the far future becomes considerably weaker (though still reasonably compelling).

Doing good through aggressive self-promotion

To be fair, the AI folks weren't the only game in town. Another group emphasized "meta-charity," or giving to and working for effective altruist groups. The idea is that more good can be done if effective altruists try to expand the movement and get more people on board than if they focus on first-order projects like fighting poverty.

This is obviously true to an extent. There's a reason that charities buy ads. But ultimately you have to stop being meta. As Jeff Kaufman — a developer in Cambridge who's famous among effective altruists for, along with his wife Julia Wise, donating half their household's income to effective charities — argued in a talk about why global poverty should be a major focus, if you take meta-charity too far, you get a movement that's really good at expanding itself but not necessarily good at actually helping people.

And you have to do meta-charity well — and the more EA grows obsessed with AI, the harder it is to do that. The movement has a very real demographic problem, which contributes to very real intellectual blinders of the kind that give rise to the AI obsession. And it's hard to imagine that yoking EA to one of the whitest and most male fields (tech) and academic subjects (computer science) will do much to bring more people from diverse backgrounds into the fold.

The self-congratulatory tone of the event didn't help matters either. I physically recoiled during the introductory session when Kerry Vaughan, one of the event's organizers, declared, "I really do believe that effective altruism could be the last social movement we ever need." In the annals of sentences that could only be said with a straight face by white men, that one might take the cake.

Effective altruism is a useful framework for thinking through how to do good through one's career, or through political advocacy, or through charitable giving. It is not a replacement for movements through which marginalized peoples seek their own liberation. If EA is to have any hope of getting more buy-in from women and people of color, it has to at least acknowledge that.

### U/V – Theory – Offensive

#### 1. Aff gets 1AR theory and meta theory – deters neg from being infinitely abusive, otherwise they’ll always win. Meta theory ensures I can engage in theory and not lose on the highest layer.

#### 2. 1AR Theory Paradigm Issues:

#### Use competing interps – key to norm setting – judges endorse the interpretation instead of allowing abuse, checking a race to the bottom.

#### Drop the debater – 1) The 1ar is too short to have a fair shot at substance and theory, which means if theory is drop the arg, it destroys theory as resource since I lose a time-trade off for checking abuse, and 2) the 2ar needs the ability to collapse to theory, or it doesn’t serve as a remedy for abuse.

#### No Neg RVI as long as the 1ar does not read more than 2 shells – It stops theory from checking abuse because you can collapse for 6 minutes in the 2nr to the counter-interp and brute force your norm. That is especially true on theory because of its technical focus on the line by line. A split 2nr is key to combat already existing time skew.

### U/V – Theory – Defensive

#### 1] Reporters includes student journalists

Byers 13. Dylan Byers, [Dylan Byers is an American journalist. He is a senior reporter at CNN and headlines PACIFIC, a CNNMoney newsletter that covers the business, culture and politics of innovation, and the people and companies changing the world]. 9-12-2013, "Shield law broadens definition of 'journalist'," POLITICO, https://www.politico.com/blogs/media/2013/09/shield-law-broadens-definition-of-journalist-172479

**A new media shield law expected to pass committee on Thursday broadens the definition of "journalist" to include,** among other things, any individual deemed appropriate by a federal judge. The new amendment is a step forward for independent and non-traditional media organizations who feared that an amendment introduced to the original bill would exclude them from protections granted to the traditional press corps, including protection from revealing information and sources except in extreme circumstances. The original amendment, as proposed by Sens. Dianne Feinstein and Dick Durbin, had limited the defnition of journalist to someone employed by or in contract with a media outlet for at least three months in the last two years; someone with a substantial track record of freelancing in the last two years; or a student journalist. The new amendment, brokered by Sen. Chuck Schumer, significantly expands on that definition. Now, a journalist would be defined as someone employed by or in contract with a media outlet for at least one year within the last 20 years or three months within the last five years; someone with a substantial track record of freelancing in the last five years; or a **student journalist.** In addition, the law would protect a person deemed appropriate by a federal judge, so long as their newsgathering practices have been consistent with the law. **The Senate Judiciary Committee spent significant time debating the definition of "journalist" this summer**, chiefly because some Senators, including Feinstein, had feared that the media shield law could be used to protect WikiLeaks, Julian Assange's whistleblowing organization. In those meetings, Sen. Schumer also sided against WikiLeaks, but said there should be greater scope for bloggers and other journalists not aligned with traditional news organizations. "**The world has changed. We’re very careful in this bill to distinguish journalists from those who shouldn’t be protected**, WikiLeaks and all those, and we’ve ensured that," Schumer said at the time. "But there are people who write and do real journalism, in different ways than we’re used to. They should not be excluded from this bill."

#### 2] Use reasonability on neg T and theory against the advocacy with a bright line of the presence of link turn ground, a definition in the topic literature, and the aff being disclosed on the NDCA wiki – neg can read infinite bidirectional T and theory interps so don’t punish me for having to set grounds.

#### 3] Redefine the aff under T and theory instead of dropping the debater. a) substance education - bidirectional T means you can read friv T whenever, destroys the time we get on substance b) time skew, the 1AR can’t win theory and substance since it’s so time crunched and the 2NR dumps on whatever I undercover, means I can’t form a coherent 1AR strat.

## \*\*1AC vs Phil\*\*

### Adv

#### Student journalists are necessary now to inform communities and solve corruption in the age of declining media.

Brown 15 [(Rachel, freelance journalist. She has worked for the Los Angeles Times, Yahoo, and the San Francisco Chronicle.) “A New Role for Student Media: College Newspapers and the Crises in Journalism” (2015) Media and Communication Studies Honors Papers, Ursinus College, 4-26-15 whs-ee

Journalism is the facilitator of the connection between citizens and the relevant and credible information they need to be active democratic participants. As the depth of local newspaper’s coverage shrinks, a primary concern of the Knight Commission is that information regarding local governance, which likely does not receive attention from larger media outlets, will not become disconnected from the public that it is intended to serve (“Executive Summary | KnightComm” 2014). Further, the media industry has been forced into passivity by a lack of resources. Since new outlets lack the staff and resources to accomplish the same caliber of investigative journalism that they were capable of in their prime, politicians have been able to use the media as a “megaphone;” with “direct relaying of assertions made by the campaigns and less reporting by journalists to interpret and contextualize them” (Mitchell 2014). The ease with which political and corporate organizations can breach the pages of local newspapers with their messaging prevents the paper’s readership from discerning hand-crafted, strategic communication from a balanced perspective of the political landscape, since both are being presented in a forum that theoretically prioritizes the democratic interests of the reader.

A loss of local journalism poses the risk of citizens living in an “information vacuum,” therefore reinforcing inequalities for people who do not have the resources to participate in democracy as access to technology is becoming increasingly critical (“Information Stories Tell of Personal Stakes in Healthy Info Communities: KnightComm” 2014). Citizens who cannot readily access online content are becoming disconnected from the information necessary to make informed democratic decisions. Many critics point out that without universal access to broadband, information will remain inaccessible to many citizens, regardless of their civic intentions (“Thinking about the Future of Informed Communities and Journalism” 2011).

The journalism industry has been struggling to come up with solutions to the information void that is plaguing both their profits and the well-being of informed communities, but some courses of action have been debated. A shift to non-profit journalism has been proposed as a solution to the commercial industry’s seemingly irreversible loss of financial momentum. David Swensen and Michael Schmidt wrote an opinion piece for the New York Times that echoes the perspectives of those watching the journalism industry struggle, suggesting that newspapers might be better off if they adopted a business model dependent on endowments, similar to universities and institutions. Swensen and Schmidt propose that, “endowments would enhance newspapers’ autonomy while shielding them from the economic forces that are now tearing them down” (Swensen and Schmidt 2009). If commercial newspapers were organized like non-profits, they would be free of the financial constraints that limit the scope and depth of their reporting, allowing resources to be allocated to quality of coverage, not just survival, of a newspaper.

#### Specifically, a lack of a privilege chills student reporting, dries up sources, and sets a precedent for the future.

Hu 14 (June M. Hu, Columbia Law School J.D., 2015, Associate at Sullivan & Cromwell New York Law Firm) Columbia Journal of Law & the Arts Vol 38 Issue 2, <https://academiccommons.columbia.edu/doi/10.7916/D8GT5MDC> whs-ee

Other influential theories of the First Amendment focus on the importance of producing courageous and engaged citizens who are committed to the project of self-government.111 Examining these theories and applying them in a case that dramatically expanded press protections, the Supreme Court held that a legal regime that “dampens the vigor and limits the variety of public debate . . . is inconsistent with the First and Fourteenth Amendments.”112 If student reporters are categorically excluded from a reporter’s privilege, they could be deterred from reporting on the kinds of stories that would expose them to court-ordered disclosures. In other words, exclusion of student reporters increases the likelihood of reporter self-censorship that “is inconsistent with the First and Fourteenth Amendments.”113

Categorical exclusion of student reporters also leads to self-censorship on the part of would-be informants. Reporters often hide the names of their whistleblower sources.114 If whistleblowers do not have faith that a reporter can control the information she gathers, they are more likely to refrain from exposing governmental misconduct to the press and public.115 Even when sources do come forward, they might limit the scope of the information that they share with reporters. In the student press context, reporters have yet another reason to protect their relationships with sources: “school media are often most students’ first exposure to the press.”116 If students’ “earliest perception of the media is that reporters cannot be trusted it is unlikely their views will change later.”117 Privileging student reporters helps them inspire confidence in the independence of the press, and makes their peers more likely to provide information to the press in the future. Privileging student reporters promotes “a free, vigorous student press” that not only offers “a healthy ferment of ideas and opinions,”118 but also serves as a check on the government.119 Granted, student newspapers do not often uncover federal or state governmental abuses, but they do frequently expose the wrongdoing of smaller scale governmental actors, such as schools and school boards. In Dean v. Utica Community Schools, for instance, high school junior Katy Dean investigated her school district’s alleged wrongdoing after finding out that the school district was being sued for school bus pollutions that caused lung cancer. 120 The checking function of the First Amendment does not justify scaling protection for speech on the basis of the level of government that it checks, since small government is as prone to abuse as big government.121

Shielding high school reporters against subpoenas does not unduly impede the interests of justice.122 Denying student reporters a reporter’s privilege, on the other hand, creates negative repercussions for the future of the press. In their objections to proposed federal shield laws that would exclude student reporters from coverage, professional reporters have expressed their firm belief that the freedom of the high school press plays a critical role in shaping the future of the press.123 Serving on school newspapers, students begin to develop the professional courage and internalize the professional ethics of journalism.124 High school students participate in activities like the school newspaper to develop career interests and broaden career opportunities.125 Many of today’s high school journalists will become tomorrow’s professional journalists. Giving high school students less protection for their newsgathering not only chills the vigor of the journalism they produce today, 126 but also breeds a habit of self-censorship that the student reporters will carry with them if and when they become professional journalists.127

#### Students work best with local communities and act as a springboard for social movements.

**Anderson 17** William Anderson, 7-11-2017, "Student Journalists Are Our Future—We Should Start Treating Them Like It," Nation, <https://www.thenation.com/article/student-journalists-are-our-future-we-should-start-treating-them-like-it/> OHS-AT

Student journalism has gained new importance in the face of the deep decline of local news. With the collapse of print advertising in the past 20 years, hundreds of local newspapers have closed and over 20,000 journalists have lost their jobs. At the same time, student journalists at colleges around the nation have felt the pressure of tightening budgets and hostile university administrations.

But student journalists are uniquely positioned to fill the hole created by the decline of local news. When major news explodes on campuses and nearby communities, student journalists like Palmer are often the first on the scene. In the hours before national reporters arrive, student journalists have already filed a story and are often working on the next. Journalists from the national media are often parachuted into hot spots to cover communities with which they have no connection. They scramble and latch on to the sensational narratives that focus on violence and the most extreme elements.

As a reporter in Baltimore, I quickly realized that native Baltimoreans were far more receptive to talking to local reporters, even if they were students. As privileged student journalists, we may not have personally experienced the structural racism, entrenched poverty, and police violence that catalyzed the Uprising. But we’re part of the community. Students and residents have helped each other dig their cars out of piles of snow, attended community meetings to demand a living wage and health care for campus workers, and volunteered at the same local food banks to serve those experiencing homelessness. Many student journalists become permanent residents of their communities, and they care about their neighbors.

Colleges in rural America have long been covering the local anxieties that, thanks to the national rural coverage gap, masked Trump’s rise. Student journalists at the University of Iowa’s paper The Daily Iowan recently covered a Trump speech and spoke with voters, one Iowan to another. The paper’s editors have created spaces, increasingly rare, where students on both sides of the political divide can enter into sane dialogue. In West Virginia, Marshall University’s student newspaper, The Parthenon, has consistently covered the opioid epidemic, which has ravaged rural communities across the United States. It has highlighted bills introduced by Senator Joe Manchin to fight the epidemic, taught the student body about naloxone, which reverses the effects of an opioid overdose, and published editorials exposing the ease with which students can access prescription drugs.

Journalists on college campuses are uniquely positioned to cover emerging social movements and to translate what young people are thinking to an older audience. In the aftermath of the election, an outpouring of social activism gripped the United States, especially among young people. Johns Hopkins saw dozens of protests calling for divestment from fossil fuels, better health care for graduate students, and an explosion of anti-Trump resistance. Like student newspapers across the country, the News-Letter was frequently the first to record these new forms of activism.

#### Accountable government is good – it checks a litany of domestic and transnational problems and improves the quality of life

Eckersley 04 (Robyn, Reader/Associate Professor in the Department of Political Science at the University of Melbourne, “The Green State: Rethinking Democracy and Sovereignty”, MIT Press, 2004, Google Books, pp. 3-8)

While acknowledging the basis for this antipathy toward the nation- state, and the limitations of state-centric analyses of global ecological degradation, I seek to draw attention to the positive role that states have played, and might increasingly play, in global and domestic politics. Writing more than twenty years ago, Hedley Bull (a proto-constructivist and leading writer in the English school) outlined the state's positive role in world affairs, and his arguments continue to provide a powerful challenge to those who somehow seek to "get beyond the state," as if such a move would provide a more lasting solution to the threat of armed conflict or nuclear war, social and economic injustice, or environmental degradation.10 As Bull argued, given that the state is here to stay whether we like it or not, then the call to get "beyond the state is a counsel of despair, at all events if it means that we have to begin by abolishing or subverting the state, rather than that there is a need to build upon it.""¶ In any event, **rejecting the "statist frame"** of world politics **ought not prohibit** an **inquiry into the emancipatory potential of the state** as *a* crucial "node" in any future network of global ecological governance. This is especially so, given that one can expect states to persist as major sites of social and political power for at least the foreseeable future and that any green transformations of the present political order will, short of revolution, necessarily be state-dependent. Thus, like it or not, those concerned about ecological destruction must contend with existing institutions and, where possible, seek to "rebuild the ship while still at sea." And if states are so implicated in ecological destruction, then an inquiry into the potential for their transformation even their modest reform into something that is at least more conducive to ecological sustainability would seem to be compelling.¶ Of course, it would be unhelpful to become singularly fixated on the redesign of the state at the expense of other institutions of governance. States are not the only institutions that limit, condition, shape, and direct political power, and it is necessary to keep in view the broader spectrum of formal and informal institutions of governance (e.g., local, national, regional, and international) that are implicated in global environmental change. Nonetheless, while the state constitutes only one modality of political power, it is an especially significant one because of its historical claims to exclusive rule over territory and peoples—as expressed in the principle of state sovereignty. As Gianfranco Poggi explains, the political power concentrated in the state "is a momentous, pervasive, critical phenomenon. Together with other forms of social power, it constitutes an indispensable medium for constructing and shaping larger social realities, for establishing, shaping and maintaining all broader and more durable collectivities."12 States play, in varying degrees, significant roles in structuring life chances, in distributing wealth, privilege, information, and risks, in upholding civil and political rights, and in securing private property rights and providing the legal/regulatory framework for capitalism. Every one of these dimensions of state activity has, for good or ill, a significant bearing on the global environmental crisis. Given that the green political project is one that demands far-reaching changes to both economies and societies, it is difficult to imagine how such changes might occur on the kind of scale that is needed without the active support of states. While it is often observed that states are too big to deal with local ecological problems and too small to deal with global ones, the state nonetheless holds, as Lennart Lundqvist puts it, "a unique position in the constitutive hierarchy from individuals through villages, regions and nations all the way to global organizations. **The state is** inclusive of lower political and administrative levels, and exclusive in speaking for its whole territory and population in relation to the outside world."13 In short, it seems to me inconceivable to advance ecological emancipation without also engaging with and seeking to transform state power.¶ Of course, not all states are democratic states, and the green movement has long been wary of the coercive powers that all states reputedly enjoy. Coercion (and not democracy) is also central to Max Weber's classic sociological understanding of the state as "a human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory."14 Weber believed that the state could not be defined sociologically in terms of its ends\* only formally as an organization in terms of the particular means that are peculiar to it.15 Moreover his concept of legitimacy was merely concerned with whether rules were accepted by subjects as valid (for whatever reason); he did not offer a normative theory as to the circumstances when particular rules ought to be accepted or whether beliefs about the validity of rules were justified. Legitimacy was **a contingent fact**, and in view of his understanding of politics as a struggle for power in the context of an increasingly disenchanted world, likely to become an increasingly unstable achievement.16 In contrast to Weber, my approach to the state is explicitly normative and explicitly concerned with the purpose of states, and the democratic basis of their legitimacy. It focuses on the limitations of liberal normative theories of the state (and associated ideals of a just constitutional arrangement), and it proposes instead an alternative green theory that seeks to redress the deficiencies in liberal theory. Nor is my account as bleak as Weber's. The fact that states possess a monopoly of control over the means of coercion is a most serious matter, but it does not necessarily imply that they must have frequent recourse to that power. In any event, whether the use of the state's coercive powers is to be deplored or welcomed turns on the purposes for which that power is exercised, the manner in which it is exercised, and whether it is managed in public, transparent, and accountable ways—a judgment that must be made against a background of changing problems, practices, and under- standings. The coercive arm of the state can be used to "bust" political demonstrations and invade privacy. It can also be used to prevent human rights abuses, curb the excesses of corporate power, and protect the environment. In short, although the political autonomy of states is widely believed to be in decline, there are still few social institution that can match the same degree of capacity and potential legitimacy that states have to redirect societies and economies along more ecologically sustainable lines to address ecological problems such as global warming and pollution, the buildup of toxic and nuclear wastes and the rapid erosion of the earth's biodiversity. States—particularly when they act collectively—have the capacity to curb the socially and ecologically harmful consequences of capitalism. They are also more amenable to democratization than cor- porations, notwithstanding the ascendancy of the neoliberal state in the increasingly competitive global economy. There are therefore many good reasons why green political theorists need to think not only critically but also constructively about the state and the state system. While the state is certainly not "healthy" at the present historical juncture, in this book I nonetheless join Poggi by offering "a timid two cheers for the old beast," at least as a potentially more significant ally in the green cause.17

### Solvency

#### Plan: The 50 states of the United States and all relevant territories ought to uniformly grant high school and college journalists the right to protect the confidentiality of their sources. Force neg to check full text of all T and theory interps against the advocacy in CX to preserve substantive debate – otherwise grant me an I meet.

#### Solves uncertainty and protects the watchdogs of the future.

**KU 16** Three University, 11-14-2016, "Journalism professors argue for extending shield laws to protect student journalists," University of Kansas, <https://news.ku.edu/2016/11/07/journalism-professors-argue-extending-shield-laws-protect-student-journalists> OHS-AT

LAWRENCE — In our quickly changing media landscape, student journalists have stepped forward to meet their communities’ news needs, often doing work that was once considered the exclusive domain of full-time journalists. And they’ve done so without the legal protections of their professional counterparts. A new study by three University of Kansas journalism professors analyzes laws across the nation that grant journalists the right to protect confidential sources and information from compelled disclosure, finding that they rarely apply to student journalists.

Such protections should be expanded to journalists at the high school and college levels, argue the authors, including Assistant Professor Jonathan Peters, Associate Professor Genelle Belmas and Assistant Professor Peter Bobkowski, all in the William Allen White School of Journalism & Mass Communications. The article is forthcoming in the Fordham Intellectual Property, Media & Entertainment Law Journal, and it has been presented at the national conference of the Association for Education in Journalism and Mass Communication. It is the first comprehensive academic analysis of these issues.

The landmark Supreme Court case Branzburg v. Hayes found that reporters, generally, do not have a First Amendment right to refuse to divulge their confidential sources, but a concurring and dissenting opinion laid the groundwork for how such a privilege could work. That language is now found in numerous state statutes, court decisions and procedural rules giving reporters a basis to resist the compelled disclosure of their confidential sources and information.

“The big question was, ‘Does the reporter’s privilege, in its various forms, cover student journalists?’” Peters said. “Overall, this is an area that hasn’t seen much activity in the courts, and it has gotten virtually no critical or sustained attention from scholars.”

The study analyzes shield laws from across the country and categorizes them, finding that only two states, Maryland and West Virginia, explicitly protect student journalists. Meanwhile, in Ohio, educational organizations where student journalists work are covered. The rest of the states define who is protected by factors such as employment, amount of compensation, readership, publication frequency and producing news for the general public—all of which do not favor student journalists.

Some commentators have wondered why it would be necessary for student journalists to receive such protection, claiming, for example, that they only produce news for their fellow students or for small, niche audiences. But as the media landscape has changed and reporting staffs have shrunk, student media, especially college publications, have provided coverage of their communities on a larger scale than before. For that reason, the authors argue, student journalists deserve the same protections as full-time journalists. Foundations and journalism schools have also encouraged students to take on larger roles in meeting the news needs of their communities.

“We have seen, in the last 10-15 years, a lot of changes in the media industry,” Peters said. “One group we’ve seen step up consistently is student journalists. In our First Amendment tradition, we protect the lonely pamphleteer as much as The New York Times, and in the context of shield laws, it’s untenable to ask students to do more—with fewer legal protections. It’s unwise and unfair.”

Some states do not have shield statutes but make it possible to claim a reporters’ privilege through common law principles or through the federal or state constitutions. There is not a federal shield statute, and in these states, it is unclear how student journalists would be treated.

The article argues for the strengthening of shield laws and to extend them to protect student journalists. In states where students are not covered, the authors argue that the laws should be changed. While it is not common for student journalists to be compelled to testify, one recently was jailed for refusing to disclose sources.

“This is not a contrived, theoretical problem,” Peters said. “With the expanded roles we’re asking student journalists to play, this could happen more frequently. I still handle cases as a media lawyer, and I had a student journalist shield case just two years ago. If we are asking students to produce informative, investigative journalism, it’s imperative to give them the tools they need to produce it.”

There are more high school and college journalists working today than full-time professional journalists, and on the college level, many students are forming their own news organizations or collaborating with professional outlets to provide coverage on important topics such as state and national government. Providing that coverage is important, then, to the public to ensure continued watchdog journalism and to news outlets that will need to hire skilled, experienced journalists in the future.

“Today, perhaps more than ever, we need young people to be educated about the vital role that the free press has played in the history of our country so that they may carry on this important legacy into the future,” Bobkowski said. “Reporter's privilege is one element of the free press that has played an important role in supporting the vitality of our democracy.”

#### Plan’s definition of journalism based on process, not people, protects students while avoiding leakers and fake sources – also encourages high caliber investigative journalism. States key.

**Hu 14** (June M. Hu, Columbia Law School J.D., 2015, Associate at Sullivan & Cromwell New York Law Firm) Columbia Journal of Law & the Arts Vol 38 Issue 2, <https://academiccommons.columbia.edu/doi/10.7916/D8GT5MDC> OHS-AT

If the current federal shield bill does become the first federal shield law in the United States, it would only protect reporters in a narrow set of circumstances— subpoenas issued by a federal actor and arising out of federal causes of action.210 A student-friendly state shield law would strengthen privilege in both state and federal cases, since federal courts look to state law for definitions of privileged persons.211 West Virginia, the latest state to enact a reporter’s shield law, provides a two-tier definition of privileged persons that is similar to the definition in the proposed Free Flow of Information Act.212 While the first tier requires the reporter to earn a “substantial livelihood” from newsgathering, the second tier allows judges to protect student reporters whose work closely models traditional journalism.213 Shield laws like the federal bill and the West Virginia statute protect a narrow core of traditional press, but provide a catchall category that gives judges discretion to award privilege to non-traditional reporters based on whether the reporters conducted legitimate journalism and the interest of justice in the subpoenaed material.

This type of shield law would give judges the flexibility to withhold the privilege from leakers, sham newsmen and cyberbullies. At the same time, because the inquiry focuses on the newsgatherer’s process and product rather than employment status or income, this type of shield law extends protection to student reporters whose work resembles the work of professional journalists. Wide adoption of such state shield laws would increase a high school student reporter’s chances of succeeding on her privilege claim in jurisdictions that do not recognize a constitutional reporter’s privilege, as well as in jurisdictions that would not clearly cover student reporters under the constitutional privilege. The greater likelihood of receiving a reporter’s privilege would allow young student reporters to continue engaging in high-caliber investigative reporting, reducing the double-bind of risking imprisonment if they protect sources and social stigma if they snitch.

### F/W

#### Ought in the resolution is a propositional operator, which implies that moral framework debate is irrelevant to the resolutional question.

**Nebel 18** Jake Nebel 18 [you know who he is] “Victory Briefs September/October 2018 LD Brief” RE

The word “ought” is often assumed by debaters to express a moral obligation. I don’t think that’s quite correct in general, but it’s certainly not correct in the context of this resolution. Obviously, the resolution does not say that reporters have a moral obligation to have the right to protect the identity of confidential sources. Reporters cannot be morally obligated to have a right: they either have it or they don’t; they can’t just choose to have it or choose not to have it. So what does “ought” mean in the context of the resolution? On one influential view, “ought” is not a predicate—it does not ascribe a relation of obligatoriness to hold between an agent and an action—but is rather a propositional operator. What does that mean? A proposition is the meaning of a sentence. For example, “Fido barks” expresses the proposition that Fido barks. A propositional operator is a function that takes a proposition as an input and returns another proposition as its output. For example, you can think of “not” as taking a proposition—e.g., that Fido barks—and spiĴing out the negation of that proposition—e.g., that it’s not the case that Fido barks. In this resolution, “ought” takes the proposition that in the United States, reporters have the right to protect the identity of confidential sources and returns the proposition that it ought to be the case that, in the United States, reporters have the right to protect the identity of confidential sources. Some philosophers and linguists argue that “ought” is always a propositional operator. This kind of view is defended by Ralph Wedgwood, among others, and is made plausible by the fact that other modal auxiliary verbs (verbs like “ought,” “should,” “can,” and “must”) are typically understood in this way.¹ But, for our purposes, we need only the weaker claim that “ought” sometimes, as in this resolution, is a propositional operator. This kind of “ought” goes by various names. Henry Sidgwick calls it the political “ought” and uses the following example: “when I judge that the laws and constitution of my country ‘ought to be’ other than they are, I do not of course imply that my own or any other individual’s single volition can directly bring about the change.”² This terminology is a bit unfortunate, because this use of “ought” is not inherently political. HectorNeri Castañeda calls it the non-agential use of “ought.”³ Wedgwood calls it the “ought” of general desirability.⁴ I will follow Wedgwood’s terminology. What distinguishes the “ought” of general desirability from the practical “ought” that appears in most LD resolutions? The main difference is that, as Wedgwood and others point out, the “ought” of general desirability is not tied to any particular agent or time. For example, the sentence “There ought to be no violence” does not entail that any particular agents are obligated, at any particular time, to end violence. On this view, since the resolution uses the “ought” of general desirability, the resolution does not necessarily imply that any particular agent has an obligation to do anything, at any particular time, to make it the case that reporters have the right to protect the identity of confidential sources. What does this mean for debaters? For one thing, the general desirability reading may have implications for moral framework debates. If the resolution’s use of “ought” does not express a moral obligation, then the debate between consequentialists and deontologists is irrelevant to the resolution.⁵ The resolution requires an assessment of states of affairs. Say that the resolutional state of affairs is the state of affairs that, according to the resolution, ought to be the case. The resolutional state of affairs on this topic is that, in the United States, reporters have the right to protect the identity of confidential sources. On the general desirability reading, the affirmative’s burden is to show that the world would be beĴer if, in the United States, reporters had the right to protect the identity of confidential sources, than if they didn’t. If the negative argues, via some deontological theory, that it’s wrong for an agent to bring about the resolutional state of affairs, that doesn’t show that the resolutional state of affairs would be worse than the status quo or some other alternative state of affairs. The debate between consequentialists and deontologists is, by itself, irrelevant to the resolution, and evaluating the resolutional state of affairs doesn’t require a comprehensive moral theory.

#### But if they win ought means moral obligation the standard is reducing material violence.

#### 1] No intent-foresight distinction – if we foresee a consequence, then it becomes part of our deliberation which makes it intrinsic to our action since we intend it to happen.

#### 2] Only consequentialism explains degrees of wrongness—if I break a promise to meet up for lunch, that is not as bad as breaking a promise to take a dying person to the hospital. Only the consequences of breaking the promise explain why the second one is much worse than the first.

#### 3] No act-omission distinction – We are responsible for intentional omissions because we actively choose not to act—we intend and act upon omissions.

#### 4] Ethics isn’t a priori –science proves that a priori value systems are tautological and evolution disproves everything except consequentialism.

Greene 10 – Joshua, Associate Professor of Social science in the Department of Psychology at Harvard University. “The Secret Joke of Kant’s Soul” published in Moral Psychology: Historical and Contemporary Readings, 2010.

**What** **turn-of-the-millennium science** **is telling us is that human** **moral judgment is not a pristine rational enterprise**, that our **moral judgments are driven by a hodgepodge of emotional dispositions, which themselves were shaped by a hodgepodge of evolutionary forces, both biological and cultural. Because of this, it is** **exceedingly unlikely that there is any rationally coherent normative moral theory that can accommodate our moral intuitions**. Moreover, **anyone who claims to have such a theory**, or even part of one, **almost certainly doesn't**. Instead, what that person probably has is a moral rationalization.

It seems then, that we have somehow crossed the infamous "is"-"ought" divide. How did this happen? Didn't Hume (Hume, 1978) and Moore (Moore, 1966) warn us against trying to derive an "ought" from and "is?" How did we go from descriptive scientific theories concerning moral psychology to skepticism about a whole class of normative moral theories? The answer is that we did not, as Hume and Moore anticipated, attempt to derive an "ought" from and "is." That is, our method has been inductive rather than deductive. We have inferred on the basis of the available evidence that the phenomenon of rationalist deontological philosophy is best explained as a rationalization of evolved emotional intuition (Harman, 1977).

Missing the Deontological Point

I suspect that rationalist deontologists will remain unmoved by the arguments presented here. Instead, I suspect, they will insist that I have simply misunderstood what Kant and like-minded deontologists are all about. Deontology, they will say, isn't about this intuition or that intuition. It's not defined by its normative differences with consequentialism. Rather, deontology is about taking humanity seriously. Above all else, it's about respect for persons. It's about treating others as fellow rational creatures rather than as mere objects, about acting for reasons rational beings can share. And so on (Korsgaard, 1996a; Korsgaard, 1996b).

This is, no doubt, how many deontologists see deontology. But this insider's view, as I've suggested, may be misleading. The problem, more specifically, is that it defines deontology in terms of values that are not distinctively deontological, though they may appear to be from the inside. Consider the following analogy with religion. When one asks a religious person to explain the essence of his religion, one often gets an answer like this: "It's about love, really. It's about looking out for other people, looking beyond oneself. It's about community, being part of something larger than oneself." This sort of answer accurately captures the phenomenology of many people's religion, but it's nevertheless inadequate for distinguishing religion from other things. This is because many, if not most, non-religious people aspire to love deeply, look out for other people, avoid self-absorption, have a sense of a community, and be connected to things larger than themselves. In other words, secular humanists and atheists can assent to most of what many religious people think religion is all about. From a secular humanist's point of view, in contrast, what's distinctive about religion is its commitment to the existence of supernatural entities as well as formal religious institutions and doctrines. And they're right. These things really do distinguish religious from non-religious practices, though they may appear to be secondary to many people operating from within a religious point of view.

In the same way, I believe that most of the standard deontological/Kantian self-characterizatons fail to distinguish deontology from other approaches to ethics. (See also Kagan (Kagan, 1997, pp. 70-78.) on the difficulty of defining deontology.) It seems to me that consequentialists, as much as anyone else, have respect for persons, are against treating people as mere objects, wish to act for reasons that rational creatures can share, etc. **A consequentialist respects other persons, and refrains from treating them as mere objects, by** **counting every person's well-being in the decision-making process**. **Likewise, a consequentialist attempts to act according to reasons that rational creatures can share by acting according to principles that** **give equal weight to everyone's interests**, **i.e. that are impartial**. This is not to say that consequentialists and deontologists don't differ. They do. It's just that the real differences may not be what deontologists often take them to be.

#### 5] Oppression is normatively bad – it excludes people from moral deliberation and makes them victims of violence. Either a) aff impacts matter under your framework or b) It can’t condemn oppression and you should reject it

### U/V – Theory – Offensive

#### 1. Aff gets 1AR theory and meta theory – deters neg from being infinitely abusive, otherwise they’ll always win. Meta theory ensures I can engage in theory and not lose on the highest layer.

#### 2. 1AR Theory Paradigm Issues:

#### Use competing interps – key to norm setting – judges endorse the interpretation instead of allowing abuse, checking a race to the bottom.

#### Drop the debater – 1) The 1ar is too short to have a fair shot at substance and theory, which means if theory is drop the arg, it destroys theory as resource since I lose a time-trade off for checking abuse, and 2) the 2ar needs the ability to collapse to theory, or it doesn’t serve as a remedy for abuse.

#### No Neg RVI as long as the 1ar does not read more than 2 shells – It stops theory from checking abuse because you can collapse for 6 minutes in the 2nr to the counter-interp and brute force your norm. That is especially true on theory because of its technical focus on the line by line. A split 2nr is key to combat already existing time skew.

### U/V – Theory – Defensive

#### 1] Reporters includes student journalists

Byers 13. Dylan Byers, [Dylan Byers is an American journalist. He is a senior reporter at CNN and headlines PACIFIC, a CNNMoney newsletter that covers the business, culture and politics of innovation, and the people and companies changing the world]. 9-12-2013, "Shield law broadens definition of 'journalist'," POLITICO, https://www.politico.com/blogs/media/2013/09/shield-law-broadens-definition-of-journalist-172479

**A new media shield law expected to pass committee on Thursday broadens the definition of "journalist" to include,** among other things, any individual deemed appropriate by a federal judge. The new amendment is a step forward for independent and non-traditional media organizations who feared that an amendment introduced to the original bill would exclude them from protections granted to the traditional press corps, including protection from revealing information and sources except in extreme circumstances. The original amendment, as proposed by Sens. Dianne Feinstein and Dick Durbin, had limited the defnition of journalist to someone employed by or in contract with a media outlet for at least three months in the last two years; someone with a substantial track record of freelancing in the last two years; or a student journalist. The new amendment, brokered by Sen. Chuck Schumer, significantly expands on that definition. Now, a journalist would be defined as someone employed by or in contract with a media outlet for at least one year within the last 20 years or three months within the last five years; someone with a substantial track record of freelancing in the last five years; or a **student journalist.** In addition, the law would protect a person deemed appropriate by a federal judge, so long as their newsgathering practices have been consistent with the law. **The Senate Judiciary Committee spent significant time debating the definition of "journalist" this summer**, chiefly because some Senators, including Feinstein, had feared that the media shield law could be used to protect WikiLeaks, Julian Assange's whistleblowing organization. In those meetings, Sen. Schumer also sided against WikiLeaks, but said there should be greater scope for bloggers and other journalists not aligned with traditional news organizations. "**The world has changed. We’re very careful in this bill to distinguish journalists from those who shouldn’t be protected**, WikiLeaks and all those, and we’ve ensured that," Schumer said at the time. "But there are people who write and do real journalism, in different ways than we’re used to. They should not be excluded from this bill."

#### 2] Use reasonability on neg T and theory against the advocacy with a bright line of the presence of link turn ground, a definition in the topic literature, and the aff being disclosed on the NDCA wiki – neg can read infinite bidirectional T and theory interps so don’t punish me for having to set grounds.

#### 3] Pragmatics o/w semantics:

#### a. Infinite regress – you can always be more semantic and there’s no brightline to when we should stop focusing on semantics – there’s no way to check back non-semantic abuse, allowing infinite pragmatic abuse since we never stop focusing on semantics

#### b. Semantics have pragmatic benefits – that’s why we use them – pragmatics is the end goal

#### 4] Redefine the aff under T and theory instead of dropping the debater. a) substance education - bidirectional T means you can read friv T whenever, destroys the time we get on substance b) time skew, the 1AR can’t win theory and substance since it’s so time crunched and the 2NR dumps on whatever I undercover, means I can’t form a coherent 1AR strat.

## \*\*1AC vs K\*\*

### Adv

#### Student journalists are necessary now to inform communities and solve corruption in the age of declining media.

Brown 15 [(Rachel, freelance journalist. She has worked for the Los Angeles Times, Yahoo, and the San Francisco Chronicle.) “A New Role for Student Media: College Newspapers and the Crises in Journalism” (2015) Media and Communication Studies Honors Papers, Ursinus College, 4-26-15 whs-ee

Journalism is the facilitator of the connection between citizens and the relevant and credible information they need to be active democratic participants. As the depth of local newspaper’s coverage shrinks, a primary concern of the Knight Commission is that information regarding local governance, which likely does not receive attention from larger media outlets, will not become disconnected from the public that it is intended to serve (“Executive Summary | KnightComm” 2014). Further, the media industry has been forced into passivity by a lack of resources. Since new outlets lack the staff and resources to accomplish the same caliber of investigative journalism that they were capable of in their prime, politicians have been able to use the media as a “megaphone;” with “direct relaying of assertions made by the campaigns and less reporting by journalists to interpret and contextualize them” (Mitchell 2014). The ease with which political and corporate organizations can breach the pages of local newspapers with their messaging prevents the paper’s readership from discerning hand-crafted, strategic communication from a balanced perspective of the political landscape, since both are being presented in a forum that theoretically prioritizes the democratic interests of the reader.

A loss of local journalism poses the risk of citizens living in an “information vacuum,” therefore reinforcing inequalities for people who do not have the resources to participate in democracy as access to technology is becoming increasingly critical (“Information Stories Tell of Personal Stakes in Healthy Info Communities: KnightComm” 2014). Citizens who cannot readily access online content are becoming disconnected from the information necessary to make informed democratic decisions. Many critics point out that without universal access to broadband, information will remain inaccessible to many citizens, regardless of their civic intentions (“Thinking about the Future of Informed Communities and Journalism” 2011).

The journalism industry has been struggling to come up with solutions to the information void that is plaguing both their profits and the well-being of informed communities, but some courses of action have been debated. A shift to non-profit journalism has been proposed as a solution to the commercial industry’s seemingly irreversible loss of financial momentum. David Swensen and Michael Schmidt wrote an opinion piece for the New York Times that echoes the perspectives of those watching the journalism industry struggle, suggesting that newspapers might be better off if they adopted a business model dependent on endowments, similar to universities and institutions. Swensen and Schmidt propose that, “endowments would enhance newspapers’ autonomy while shielding them from the economic forces that are now tearing them down” (Swensen and Schmidt 2009). If commercial newspapers were organized like non-profits, they would be free of the financial constraints that limit the scope and depth of their reporting, allowing resources to be allocated to quality of coverage, not just survival, of a newspaper.

#### Specifically, a lack of a privilege chills student reporting, dries up sources, and sets a precedent for the future.

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Other influential theories of the First Amendment focus on the importance of producing courageous and engaged citizens who are committed to the project of self-government.111 Examining these theories and applying them in a case that dramatically expanded press protections, the Supreme Court held that a legal regime that “dampens the vigor and limits the variety of public debate . . . is inconsistent with the First and Fourteenth Amendments.”112 If student reporters are categorically excluded from a reporter’s privilege, they could be deterred from reporting on the kinds of stories that would expose them to court-ordered disclosures. In other words, exclusion of student reporters increases the likelihood of reporter self-censorship that “is inconsistent with the First and Fourteenth Amendments.”113

Categorical exclusion of student reporters also leads to self-censorship on the part of would-be informants. Reporters often hide the names of their whistleblower sources.114 If whistleblowers do not have faith that a reporter can control the information she gathers, they are more likely to refrain from exposing governmental misconduct to the press and public.115 Even when sources do come forward, they might limit the scope of the information that they share with reporters. In the student press context, reporters have yet another reason to protect their relationships with sources: “school media are often most students’ first exposure to the press.”116 If students’ “earliest perception of the media is that reporters cannot be trusted it is unlikely their views will change later.”117 Privileging student reporters helps them inspire confidence in the independence of the press, and makes their peers more likely to provide information to the press in the future. Privileging student reporters promotes “a free, vigorous student press” that not only offers “a healthy ferment of ideas and opinions,”118 but also serves as a check on the government.119 Granted, student newspapers do not often uncover federal or state governmental abuses, but they do frequently expose the wrongdoing of smaller scale governmental actors, such as schools and school boards. In Dean v. Utica Community Schools, for instance, high school junior Katy Dean investigated her school district’s alleged wrongdoing after finding out that the school district was being sued for school bus pollutions that caused lung cancer. 120 The checking function of the First Amendment does not justify scaling protection for speech on the basis of the level of government that it checks, since small government is as prone to abuse as big government.121

Shielding high school reporters against subpoenas does not unduly impede the interests of justice.122 Denying student reporters a reporter’s privilege, on the other hand, creates negative repercussions for the future of the press. In their objections to proposed federal shield laws that would exclude student reporters from coverage, professional reporters have expressed their firm belief that the freedom of the high school press plays a critical role in shaping the future of the press.123 Serving on school newspapers, students begin to develop the professional courage and internalize the professional ethics of journalism.124 High school students participate in activities like the school newspaper to develop career interests and broaden career opportunities.125 Many of today’s high school journalists will become tomorrow’s professional journalists. Giving high school students less protection for their newsgathering not only chills the vigor of the journalism they produce today, 126 but also breeds a habit of self-censorship that the student reporters will carry with them if and when they become professional journalists.127

#### Students work best with local communities and act as a springboard for social movements.

**Anderson 17** William Anderson, 7-11-2017, "Student Journalists Are Our Future—We Should Start Treating Them Like It," Nation, <https://www.thenation.com/article/student-journalists-are-our-future-we-should-start-treating-them-like-it/> OHS-AT

Student journalism has gained new importance in the face of the deep decline of local news. With the collapse of print advertising in the past 20 years, hundreds of local newspapers have closed and over 20,000 journalists have lost their jobs. At the same time, student journalists at colleges around the nation have felt the pressure of tightening budgets and hostile university administrations.

But student journalists are uniquely positioned to fill the hole created by the decline of local news. When major news explodes on campuses and nearby communities, student journalists like Palmer are often the first on the scene. In the hours before national reporters arrive, student journalists have already filed a story and are often working on the next. Journalists from the national media are often parachuted into hot spots to cover communities with which they have no connection. They scramble and latch on to the sensational narratives that focus on violence and the most extreme elements.

As a reporter in Baltimore, I quickly realized that native Baltimoreans were far more receptive to talking to local reporters, even if they were students. As privileged student journalists, we may not have personally experienced the structural racism, entrenched poverty, and police violence that catalyzed the Uprising. But we’re part of the community. Students and residents have helped each other dig their cars out of piles of snow, attended community meetings to demand a living wage and health care for campus workers, and volunteered at the same local food banks to serve those experiencing homelessness. Many student journalists become permanent residents of their communities, and they care about their neighbors.

Colleges in rural America have long been covering the local anxieties that, thanks to the national rural coverage gap, masked Trump’s rise. Student journalists at the University of Iowa’s paper The Daily Iowan recently covered a Trump speech and spoke with voters, one Iowan to another. The paper’s editors have created spaces, increasingly rare, where students on both sides of the political divide can enter into sane dialogue. In West Virginia, Marshall University’s student newspaper, The Parthenon, has consistently covered the opioid epidemic, which has ravaged rural communities across the United States. It has highlighted bills introduced by Senator Joe Manchin to fight the epidemic, taught the student body about naloxone, which reverses the effects of an opioid overdose, and published editorials exposing the ease with which students can access prescription drugs.

Journalists on college campuses are uniquely positioned to cover emerging social movements and to translate what young people are thinking to an older audience. In the aftermath of the election, an outpouring of social activism gripped the United States, especially among young people. Johns Hopkins saw dozens of protests calling for divestment from fossil fuels, better health care for graduate students, and an explosion of anti-Trump resistance. Like student newspapers across the country, the News-Letter was frequently the first to record these new forms of activism.

#### Accountable government is good – it checks a litany of domestic and transnational problems and improves the quality of life

Eckersley 04 (Robyn, Reader/Associate Professor in the Department of Political Science at the University of Melbourne, “The Green State: Rethinking Democracy and Sovereignty”, MIT Press, 2004, Google Books, pp. 3-8)

While acknowledging the basis for this antipathy toward the nation- state, and the limitations of state-centric analyses of global ecological degradation, I seek to draw attention to the positive role that states have played, and might increasingly play, in global and domestic politics. Writing more than twenty years ago, Hedley Bull (a proto-constructivist and leading writer in the English school) outlined the state's positive role in world affairs, and his arguments continue to provide a powerful challenge to those who somehow seek to "get beyond the state," as if such a move would provide a more lasting solution to the threat of armed conflict or nuclear war, social and economic injustice, or environmental degradation.10 As Bull argued, given that the state is here to stay whether we like it or not, then the call to get "beyond the state is a counsel of despair, at all events if it means that we have to begin by abolishing or subverting the state, rather than that there is a need to build upon it.""¶ In any event, **rejecting the "statist frame"** of world politics **ought not prohibit** an **inquiry into the emancipatory potential of the state** as *a* crucial "node" in any future network of global ecological governance. This is especially so, given that one can expect states to persist as major sites of social and political power for at least the foreseeable future and that any green transformations of the present political order will, short of revolution, necessarily be state-dependent. Thus, like it or not, those concerned about ecological destruction must contend with existing institutions and, where possible, seek to "rebuild the ship while still at sea." And if states are so implicated in ecological destruction, then an inquiry into the potential for their transformation even their modest reform into something that is at least more conducive to ecological sustainability would seem to be compelling.¶ Of course, it would be unhelpful to become singularly fixated on the redesign of the state at the expense of other institutions of governance. States are not the only institutions that limit, condition, shape, and direct political power, and it is necessary to keep in view the broader spectrum of formal and informal institutions of governance (e.g., local, national, regional, and international) that are implicated in global environmental change. Nonetheless, while the state constitutes only one modality of political power, it is an especially significant one because of its historical claims to exclusive rule over territory and peoples—as expressed in the principle of state sovereignty. As Gianfranco Poggi explains, the political power concentrated in the state "is a momentous, pervasive, critical phenomenon. Together with other forms of social power, it constitutes an indispensable medium for constructing and shaping larger social realities, for establishing, shaping and maintaining all broader and more durable collectivities."12 States play, in varying degrees, significant roles in structuring life chances, in distributing wealth, privilege, information, and risks, in upholding civil and political rights, and in securing private property rights and providing the legal/regulatory framework for capitalism. Every one of these dimensions of state activity has, for good or ill, a significant bearing on the global environmental crisis. Given that the green political project is one that demands far-reaching changes to both economies and societies, it is difficult to imagine how such changes might occur on the kind of scale that is needed without the active support of states. While it is often observed that states are too big to deal with local ecological problems and too small to deal with global ones, the state nonetheless holds, as Lennart Lundqvist puts it, "a unique position in the constitutive hierarchy from individuals through villages, regions and nations all the way to global organizations. **The state is** inclusive of lower political and administrative levels, and exclusive in speaking for its whole territory and population in relation to the outside world."13 In short, it seems to me inconceivable to advance ecological emancipation without also engaging with and seeking to transform state power.¶ Of course, not all states are democratic states, and the green movement has long been wary of the coercive powers that all states reputedly enjoy. Coercion (and not democracy) is also central to Max Weber's classic sociological understanding of the state as "a human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory."14 Weber believed that the state could not be defined sociologically in terms of its ends\* only formally as an organization in terms of the particular means that are peculiar to it.15 Moreover his concept of legitimacy was merely concerned with whether rules were accepted by subjects as valid (for whatever reason); he did not offer a normative theory as to the circumstances when particular rules ought to be accepted or whether beliefs about the validity of rules were justified. Legitimacy was **a contingent fact**, and in view of his understanding of politics as a struggle for power in the context of an increasingly disenchanted world, likely to become an increasingly unstable achievement.16 In contrast to Weber, my approach to the state is explicitly normative and explicitly concerned with the purpose of states, and the democratic basis of their legitimacy. It focuses on the limitations of liberal normative theories of the state (and associated ideals of a just constitutional arrangement), and it proposes instead an alternative green theory that seeks to redress the deficiencies in liberal theory. Nor is my account as bleak as Weber's. The fact that states possess a monopoly of control over the means of coercion is a most serious matter, but it does not necessarily imply that they must have frequent recourse to that power. In any event, whether the use of the state's coercive powers is to be deplored or welcomed turns on the purposes for which that power is exercised, the manner in which it is exercised, and whether it is managed in public, transparent, and accountable ways—a judgment that must be made against a background of changing problems, practices, and under- standings. The coercive arm of the state can be used to "bust" political demonstrations and invade privacy. It can also be used to prevent human rights abuses, curb the excesses of corporate power, and protect the environment. In short, although the political autonomy of states is widely believed to be in decline, there are still few social institution that can match the same degree of capacity and potential legitimacy that states have to redirect societies and economies along more ecologically sustainable lines to address ecological problems such as global warming and pollution, the buildup of toxic and nuclear wastes and the rapid erosion of the earth's biodiversity. States—particularly when they act collectively—have the capacity to curb the socially and ecologically harmful consequences of capitalism. They are also more amenable to democratization than cor- porations, notwithstanding the ascendancy of the neoliberal state in the increasingly competitive global economy. There are therefore many good reasons why green political theorists need to think not only critically but also constructively about the state and the state system. While the state is certainly not "healthy" at the present historical juncture, in this book I nonetheless join Poggi by offering "a timid two cheers for the old beast," at least as a potentially more significant ally in the green cause.17

### Solvency

#### Plan: The 50 states of the United States and all relevant territories ought to uniformly grant high school and college journalists the right to protect the confidentiality of their sources. Force neg to check full text of all T and theory interps against the advocacy in CX to preserve substantive debate – otherwise grant me an I meet.

#### Solves uncertainty and protects the watchdogs of the future.

**KU 16** Three University, 11-14-2016, "Journalism professors argue for extending shield laws to protect student journalists," University of Kansas, <https://news.ku.edu/2016/11/07/journalism-professors-argue-extending-shield-laws-protect-student-journalists> OHS-AT

LAWRENCE — In our quickly changing media landscape, student journalists have stepped forward to meet their communities’ news needs, often doing work that was once considered the exclusive domain of full-time journalists. And they’ve done so without the legal protections of their professional counterparts. A new study by three University of Kansas journalism professors analyzes laws across the nation that grant journalists the right to protect confidential sources and information from compelled disclosure, finding that they rarely apply to student journalists.

Such protections should be expanded to journalists at the high school and college levels, argue the authors, including Assistant Professor Jonathan Peters, Associate Professor Genelle Belmas and Assistant Professor Peter Bobkowski, all in the William Allen White School of Journalism & Mass Communications. The article is forthcoming in the Fordham Intellectual Property, Media & Entertainment Law Journal, and it has been presented at the national conference of the Association for Education in Journalism and Mass Communication. It is the first comprehensive academic analysis of these issues.

The landmark Supreme Court case Branzburg v. Hayes found that reporters, generally, do not have a First Amendment right to refuse to divulge their confidential sources, but a concurring and dissenting opinion laid the groundwork for how such a privilege could work. That language is now found in numerous state statutes, court decisions and procedural rules giving reporters a basis to resist the compelled disclosure of their confidential sources and information.

“The big question was, ‘Does the reporter’s privilege, in its various forms, cover student journalists?’” Peters said. “Overall, this is an area that hasn’t seen much activity in the courts, and it has gotten virtually no critical or sustained attention from scholars.”

The study analyzes shield laws from across the country and categorizes them, finding that only two states, Maryland and West Virginia, explicitly protect student journalists. Meanwhile, in Ohio, educational organizations where student journalists work are covered. The rest of the states define who is protected by factors such as employment, amount of compensation, readership, publication frequency and producing news for the general public—all of which do not favor student journalists.

Some commentators have wondered why it would be necessary for student journalists to receive such protection, claiming, for example, that they only produce news for their fellow students or for small, niche audiences. But as the media landscape has changed and reporting staffs have shrunk, student media, especially college publications, have provided coverage of their communities on a larger scale than before. For that reason, the authors argue, student journalists deserve the same protections as full-time journalists. Foundations and journalism schools have also encouraged students to take on larger roles in meeting the news needs of their communities.

“We have seen, in the last 10-15 years, a lot of changes in the media industry,” Peters said. “One group we’ve seen step up consistently is student journalists. In our First Amendment tradition, we protect the lonely pamphleteer as much as The New York Times, and in the context of shield laws, it’s untenable to ask students to do more—with fewer legal protections. It’s unwise and unfair.”

Some states do not have shield statutes but make it possible to claim a reporters’ privilege through common law principles or through the federal or state constitutions. There is not a federal shield statute, and in these states, it is unclear how student journalists would be treated.

The article argues for the strengthening of shield laws and to extend them to protect student journalists. In states where students are not covered, the authors argue that the laws should be changed. While it is not common for student journalists to be compelled to testify, one recently was jailed for refusing to disclose sources.

“This is not a contrived, theoretical problem,” Peters said. “With the expanded roles we’re asking student journalists to play, this could happen more frequently. I still handle cases as a media lawyer, and I had a student journalist shield case just two years ago. If we are asking students to produce informative, investigative journalism, it’s imperative to give them the tools they need to produce it.”

There are more high school and college journalists working today than full-time professional journalists, and on the college level, many students are forming their own news organizations or collaborating with professional outlets to provide coverage on important topics such as state and national government. Providing that coverage is important, then, to the public to ensure continued watchdog journalism and to news outlets that will need to hire skilled, experienced journalists in the future.

“Today, perhaps more than ever, we need young people to be educated about the vital role that the free press has played in the history of our country so that they may carry on this important legacy into the future,” Bobkowski said. “Reporter's privilege is one element of the free press that has played an important role in supporting the vitality of our democracy.”

#### Plan’s definition of reporting based on process, not people, protects students while avoiding leakers and fake sources – also encourages high caliber investigative journalism. States key.

**Hu 14** (June M. Hu, Columbia Law School J.D., 2015, Associate at Sullivan & Cromwell New York Law Firm) Columbia Journal of Law & the Arts Vol 38 Issue 2, <https://academiccommons.columbia.edu/doi/10.7916/D8GT5MDC> OHS-AT

If the current federal shield bill does become the first federal shield law in the United States, it would only protect reporters in a narrow set of circumstances— subpoenas issued by a federal actor and arising out of federal causes of action.210 A student-friendly state shield law would strengthen privilege in both state and federal cases, since federal courts look to state law for definitions of privileged persons.211 West Virginia, the latest state to enact a reporter’s shield law, provides a two-tier definition of privileged persons that is similar to the definition in the proposed Free Flow of Information Act.212 While the first tier requires the reporter to earn a “substantial livelihood” from newsgathering, the second tier allows judges to protect student reporters whose work closely models traditional journalism.213 Shield laws like the federal bill and the West Virginia statute protect a narrow core of traditional press, but provide a catchall category that gives judges discretion to award privilege to non-traditional reporters based on whether the reporters conducted legitimate journalism and the interest of justice in the subpoenaed material.

This type of shield law would give judges the flexibility to withhold the privilege from leakers, sham newsmen and cyberbullies. At the same time, because the inquiry focuses on the newsgatherer’s process and product rather than employment status or income, this type of shield law extends protection to student reporters whose work resembles the work of professional journalists. Wide adoption of such state shield laws would increase a high school student reporter’s chances of succeeding on her privilege claim in jurisdictions that do not recognize a constitutional reporter’s privilege, as well as in jurisdictions that would not clearly cover student reporters under the constitutional privilege. The greater likelihood of receiving a reporter’s privilege would allow young student reporters to continue engaging in high-caliber investigative reporting, reducing the double-bind of risking imprisonment if they protect sources and social stigma if they snitch.

### F/W

#### The standard is reducing material violence.

#### [specific to expected K]

#### The 1AC isn’t reformism – it doesn’t conflate change with progress or validate legal institutions – it’s a tactical intervention that reduces violence while exposing the contradictions within law.

Spade 13 Dean Spade, associate professor of law @ Seattle University, “Intersectional Resistance and Law Reform” *Signs* Vol. 38, No. 4, Summer 2013

What intersectional politics demands¶ Social movements using critical intersectional tools are making demandsthat are often difficult for legal scholars to comprehend because of the ways that they throw US law and the nation-state form into crisis. Because they recognize the fact that legal equality contains and neutralizes resistance and perpetuates intersectional violence and because they identify purportedly neutral administrative systems as key vectors of that violence, critical scholars and activists are making demands that include ending immigration enforcement and abolishing policing and prisons. These demands suggest that the technologies of gendered racialization that form the nation cannot be reformed into fair and neutral systems. These systems are technologies of racialized-gendered population control that cannot operate otherwise—they are built to extinguish perceived threats and drains in order to protect and enhance the livelihood of the national population. These kinds of demands and the analysis they represent produce a different relation to law reform strategies than the national narrative about law reform suggests, and different than what is often assumed by legal scholars interested in the field of “equality law.” Because legal equality “victories” are being exposed as primarily symbolic declarations that stabilize the status quo of violence, declarations from courts or legislatures become undesirable goals. Instead, law reform, in this view, might be used as a tactic of transformation focused on interventions that materially reduce violence or maldistribution without inadvertently expanding harmful systems in the name of reform. One recent example is the campaign against gang injunctions in Oakland, California. A broad coalition—comprising organizations focused on police violence, economic justice, imprisonment, youth development, immigration, gentrification, and violence against queer and trans people—succeeded in recent years in bringing significant attention to the efforts of John Russo, Oakland’s city attorney, to introduce gang injunctions (Critical Resistance 2011). The organizations in this coalition are prioritizing anticriminalization work that might usually be cast as irrelevant or marginal to organizations focused on the single axis of women’s or LGBT equality. The campaign has a law reform target in that it seeks to prevent the enactment of certain law enforcement mechanisms that are harmful to vulnerable communities. However, it is not a legal-equality campaign. Rather than aiming to change a law or policy that explicitly excludes a category of people, it aims to expose the fact that a facially neutral policy is administered in a racially targeted manner (Davis 2011; Stop the Injunctions 2011).¶ Furthermore, the coalition frames its campaign within a larger set of demands not limited to what can be won within the current structure of American law but focused on population-level conditions of maldistribution. The demands of the coalition include stopping all gang injunctions and police violence; putting resources toward reentry support and services for people returning from prison, including fully funded and immediate access to identity documents, housing, job training, drug and alcohol treatment, and education; banning employers from asking about prior convictions on job applications; ending curfews for people on parole and probation; repealing California’s three-strikes law; reallocating funds from prison construction to education; ending all collaborations between Oakland’s government and Immigration and Customs Enforcement (ICE); providing affordable and low-income housing; making Oakland’s Planning Commission accountable regarding environmental impacts of development; ending gentrification; and increasing the accountability of Oakland’s city government while augmenting decision-making power for Oakland residents (Stop the Injunctions 2011). These demands evince an analysis of conditions facing vulnerable communities in Oakland (and beyond) that cannot be resolved solely through legal reform since they include the significant harm inflicted when administrative bodies like ICE and the Planning Commission implement violent programs under the guise of neutral rationales. These demands also demonstrate an intersectional analysis of harm and refuse logics of deservingness that have pushed many social movements to distance themselves from criminalized populations. Instead, people caught up in criminal and immigration systems are portrayed as those in need of resources and support, and the national fervor for law and order that has gripped the country for decades, emptying public coffers and expanding imprisonment, is criticized.¶ Another example of intersectional activism utilizing law reform without falling into the traps of legal equality is activism against the immigration enforcement program Secure Communities**.** Secure Communities is a federal program in which participating jurisdictions submit the fingerprints of arrestees to federal databases for an immigration check. As of October 2010, 686 jurisdictions in thirty-three states were participating.12 Diverse coalitions of activists and organizations around the United States launched organizing campaigns to push their jurisdictions to refuse to participate. Organizations focused on domestic violence, trans and queer issues, racial and economic justice, and police accountability, along with many others, have joined this effort and committed resources to stopping the devolution of criminal and immigration enforcement. Their advocacy has rejected deservingness narratives that push the conversation toward reform for “good, noncriminal” immigrants. These advocates have won significant victories, convincing certain jurisdictions to refuse to participate and increasing understanding of the intersecting violences of criminal punishment and immigration enforcement.13 This work also avoids the danger of expanding and legitimizing harmful systems that other legal reform work can present. It is focused on reducing, dismantling, and preventing the expansion of harmful systems.14¶ I offer these examples not because they are perfect—certainly a significant range of tactics and strategies are part of each of these campaigns, and, with detailed analysis, we might find instances of co-optation, deservingness divides, and other dangers of legal reform work occurring even as some are avoided and rejected. However, these examples are indicative of resistance to limitations of legal equality or rights strategies. These demands exceed what the law recognizes as viable claims. These campaigns suggest that those who argue that a politics based on intersectional analysis is too broad, idealistic, complex, or impossible—or that it eliminates effective immediate avenues for resistance—are mistaken. Critical political engagements are resisting the pitfalls of rights discourse and seeking to build broad-based resistance formations made up of constituencies that come from a variety of vulnerable subpopulations but find common cause in concerns about criminalization, immigration, poverty, colonialism, militarism, and other urgent conditions.Their targets are administrative systems and law enforcement mechanisms that are nodes of distribution for racialized-gendered harm and violence, and their tactics seek material change in the lives of vulnerable populations rather than recognition and formal inclusion. Their organizing methods mobilize directly affected communities and value horizontal structures, leadership development, mutual aid, democratic participation, and community solutions rather than top-down, elite-imposed approaches to political transformation. These analytical and practical methods owe a great deal to women-of-color feminist formations that have innovated and continue to lead inquiry and experimentation into transformative social justice theory and practice.15

#### Scenario analysis bridges the gap between research and policy, forces self-reflexive thinking, and is the best antidote to biases in decision-making.

Barma et al 15 PhD, Assistant Professor of National Security Affairs at the Naval Postgraduate School in Monterey, California, November, 2015(Naazneen H., Brent Durbin, PhD, Assistant Professor of Government, Smith College, Eric Lorber, associate in the Washington, D.C. office of Gibson, Dunn & Crutcher, worked in the Office of Chief Counsel at OFAC and in the Office of Terrorist Financing and Financial Crime at the Treasury Department, Rachel Elizabeth Whitlark, PhD, Postdoctoral Research Fellow, International Security Program/Project on Managing the Atom, ““Imagine a World in Which”: Using Scenarios in Political Science,” International Studies Perspectives 0, 1–19)

Over the past decade, the “cult of irrelevance” in political science scholarship has been lamented by a growing chorus (Putnam 2003; Nye 2009; Walt 2009). Prominent scholars of international affairs have diagnosed the roots of the gap between academia and policymaking, made the case for why political science research is valuable for policymaking, and offered a number of ideas for enhancing the policy relevance of scholarship in international relations and comparative politics (Walt 2005,2011; Mead 2010; Van Evera 2010; Jentleson and Ratner 2011; Gallucci 2012; Avey and Desch 2014). Building on these insights, several initiatives have been formed in the attempt to “bridge the gap.”2 Many of the specific efforts put in place by these projects focus on providing scholars with the skills, platforms, and networks to better communicate the findings and implications of their research to the policymaking community, a necessary and worthwhile objective for a field in which theoretical debates, methodological training, and publishing norms tend more and more toward the abstract and esoteric.

Yet **enhancing communication** between scholars and policymakers is only one component of bridging the gap between international affairs **theory and practice**. Another crucial component of this bridge **is the generation of** substantive research programs **that are** actually policy relevant—a challenge to which less concerted attention has been paid. The dual challenges of bridging the gap are especially acute for graduate students, a particular irony since many enter the discipline with the explicit hope of informing policy. In a field that has an **admirable devotion to pedagogical self-reflection,** strikingly little attention is paid to techniques for generating policy-relevant ideas for dissertation and other research topics. Although numerous articles and conference workshops are devoted to the importance of experiential and problem-based learning, especially through techniques of simulation that emulate policymaking processes (Loggins 2009; Butcher 2012; Glasgow 2012; Rothman 2012; DiCicco 2014), **little has been written about the use of such techniques** for generating and developing innovative research ideas.

This article outlines an experiential and problem-based approach to developing a political science research program using scenario analysis. It focuses especially on illuminating the research generation and pedagogical benefits of this technique by describing the use of scenarios in the annual New Era Foreign Policy Conference (NEFPC), which brings together doctoral students of international and comparative affairs who share a demonstrated interest in policy-relevant scholarship.3 In the introductory section, the article outlines the practice of scenario analysis and considers the utility of the technique in political science. We argue that scenario analysis should be viewed as a tool to stimulate problem-based learning for doctoral students and discuss the broader scholarly benefits of using scenarios to help generate research ideas. The second section details the manner in which NEFPC deploys scenario analysis. The third section reflects upon some of the concrete scholarly benefits that have been realized from the scenario format. The fourth section offers insights on the pedagogical potential associated with using scenarios in the classroom across levels of study. A brief conclusion reflects on the importance of developing specific techniques to aid those who wish to generate political science scholarship of relevance to the policy world.

What Are Scenarios and Why Use Them in Political Science?

Scenario analysis is perceived most commonly as a technique for examining the robustness of strategy. It can immerse decision makers in future states that go beyond conventional extrapolations of current trends, preparing them to take advantage of unexpected opportunities and to protect themselves from adverse exogenous shocks. The global petroleum company Shell, a pioneer of the technique, characterizes scenario analysis as the art of considering “what if” questions about possible future worlds. Scenario analysis is thus **typically seen as serving the purposes of corporate planning** or as a policy tool to be used in combination with simulations of decision making. **Yet scenario analysis is** not inherently limited to these uses. This section provides a brief overview of the practice of scenario analysis and the motivations underpinning its uses. It then makes a case for the **utility of the technique for political science** scholarship and describes how the scenarios deployed at NEFPC were created.

The Art of Scenario Analysis

We characterize scenario analysis as the art of juxtaposing current trends in unexpected combinations in order **to articulate** surprising **and yet** plausible **futures**, often referred to as “alternative worlds.” Scenarios are thus explicitly not forecasts or projections based on linear extrapolations of contemporary patterns, and they are not hypothesis-based expert predictions. Nor should they be equated with simulations, which are best characterized as functional representations of real institutions or decision-making processes (Asal 2005). **Instead, they are depictions of possible future states of the world,** offered together with a narrative of the driving causal forces and potential exogenous shocks that could lead to those futures. Good scenarios thus **rely on explicit** causal propositions that, independent of one another, are plausible—yet, when combined, suggest surprising and sometimes controversial future worlds. For example, few predicted the dramatic fall in oil prices toward the end of 2014. Yet independent driving forces, such as the shale gas revolution in the United States, China’s slowing economic growth, and declining conflict in major Middle Eastern oil producers such as Libya, were all recognized secular trends that—combined with OPEC’s decision not to take concerted action as prices began to decline—came together in an unexpected way. While scenario analysis played a role in war gaming and strategic planning during the Cold War, the real antecedents of the contemporary practice are found in corporate futures studies of the late 1960s and early 1970s (Raskin et al. 2005). Scenario analysis was essentially initiated at Royal Dutch Shell in 1965, with the realization that the usual forecasting techniques and models were not capturing the rapidly changing environment in which the company operated (Wack 1985; Schwartz 1991). In particular, it had become evident that straight-line extrapolations of past global trends **were inadequate for anticipating the evolving business environment.** Shell-style scenario planning “helped break the habit, ingrained in most corporate planning, of assuming that the future will look much like the present” (Wilkinson and Kupers 2013, 4). Using scenario thinking, Shell anticipated the possibility of two Arab-induced oil shocks in the 1970s and hence was able to position itself for major disruptions in the global petroleum sector.

Building on its corporate roots, scenario analysis has become a standard policymaking tool. For example, the Project on Forward Engagement advocates linking systematic foresight, which it defines as the disciplined analysis of alternative futures, to planning and feedback loops to better equip the United States to meet contemporary governance challenges (Fuerth 2011). Another prominent application of scenario thinking is found in the National Intelligence Council’s series of Global Trends reports, issued every four years to aid policymakers in anticipating and planning for future challenges. These reports present a handful of “alternative worlds” approximately twenty years into the future, carefully constructed on the basis of emerging global trends, risks, and opportunities, and intended to stimulate thinking about geopolitical change and its effects.4 As with corporate scenario analysis, the technique can be used in foreign policymaking for long-range general planning purposes as well as for anticipating and coping with more narrow and immediate challenges. An example of the latter is the German Marshall Fund’s EuroFutures project, which uses four scenarios to map the potential consequences of the Euro-area financial crisis (German Marshall Fund 2013).

Several features **make scenario analysis particularly useful for policymaking**.5 Long-term global trends across a number of different realms—social, technological, environmental, economic, and political—**combine in often-unexpected ways to produce unforeseen challenges.** Yet the ability of decision makers to imagine, let alone prepare for, discontinuities in the policy realm is constrained by their existing mental models and maps. This limitation is exacerbated by well-known cognitive bias tendencies such as groupthink and confirmation bias (Jervis 1976; Janis 1982; Tetlock 2005). The power of scenarios **lies in their ability to help individuals** break out of conventional modes **of thinking** and analysis by introducing unusual combinations **of trends and deliberate discontinuities in narratives about the future**. Imagining alternative future worlds through a structured analytical process enables policymakers to envision and thereby adapt to something altogether different from the known present.

Designing Scenarios for Political Science Inquiry

The characteristics of scenario analysis that commend its use to policymakers also make it well suited to helping **political scientists generate and develop policy-relevant research programs.** Scenarios are essentially textured, plausible, and relevant stories that help us imagine how the future political-economic world could be different from the past in a manner that highlights policy challenges and opportunities. For example, terrorist organizations are a known threat that have captured the attention of the policy community, yet our responses to them tend to be linear and reactive. Scenarios that explore how seemingly unrelated vectors of change—the rise of a new peer competitor in the East that diverts strategic attention, volatile commodity prices that empower and disempower various state and nonstate actors in surprising ways, and the destabilizing effects of climate change or infectious disease pandemics—**can be useful for illuminating the nature and limits of the terrorist threat** in ways that may be missed by a narrower focus on recognized states and groups. By illuminating the potential strategic significance of specific and yet poorly understood opportunities and threats, scenario analysis helps to identify crucial gaps in our collective understanding of global politicaleconomic trends and dynamics. The notion of “exogeneity”—so prevalent in social science scholarship—applies to models of reality, not to reality itself. Very simply, scenario analysis can throw into sharp relief often-overlooked yet pressing questions in international affairs **that demand focused investigation**. Scenarios thus offer, in principle, **an innovative tool for developing a political science research agenda**. In practice, achieving this objective requires careful tailoring of the approach. The specific scenario analysis technique we outline below was designed and refined to provide a structured experiential process for generating problem-based research questions with contemporary international policy relevance. 6 The first step in the process of creating the scenario set described here was to identify important causal forces in contemporary global affairs. Consensus was not the goal; on the contrary, some of these causal statements represented competing theories about global change (e.g., a resurgence of the nation-state vs. border-evading globalizing forces). A major principle underpinning the **transformation of these causal drivers into possible future worlds** was to “simplify, then exaggerate” them, before fleshing out the emerging story with more details.7

Thus, **the contours of the future world were drawn** first in the scenario, with details about the possible pathways to that point filled in second. It is entirely possible, indeed probable, that some of the causal claims that turned into parts of scenarios were exaggerated so much as to be implausible, and that an unavoidable degree of bias or our own form of groupthink went into construction of the scenarios. One of the great strengths of scenario analysis, however, is that the scenario discussions themselves, **as described below,** lay bare **these** especially implausible **claims and systematic biases**.8

An explicit methodological approach underlies the written scenarios themselves as well as the analytical process around them—**that of** case-centered**, structured, focused comparison,** intended especially **to shed light on new causal mechanisms (**George and Bennett 2005). The use of scenarios is similar to counterfactual analysis in that it modifies certain variables in a given situation in order to analyze the resulting effects (Fearon 1991). Whereas counterfactuals are traditionally retrospective in nature and explore events that did not actually occur in the context of known history, our scenarios are deliberately forward-looking and are designed to explore potential futures that could unfold. As such, counterfactual analysis is especially well suited to identifying how individual events might expand or shift the “funnel of choices” available to political actors and thus lead to different historical outcomes (Nye 2005, 68–69), while forward-looking scenario analysis can better illuminate surprising intersections and sociopolitical dynamics **without the** perceptual constraints **imposed by fine-grained historical knowledge**. We see scenarios as a complementary resource for exploring these dynamics in international affairs, rather than as a replacement for counterfactual analysis, historical case studies, or other methodological tools.

In the scenario process developed for NEFPC, three distinct scenarios are employed, acting as cases for analytical comparison. Each scenario, as detailed below, includes a set of explicit “driving forces” which represent hypotheses about causal mechanisms worth investigating in evolving international affairs. The scenario analysis process itself employs templates (discussed further below) to serve as a graphical representation of a structured, focused investigation and thereby as the research tool for conducting case-centered comparative analysis (George and Bennett 2005). In essence, these templates articulate key observable implications within the alternative worlds of the scenarios and serve as a framework for capturing the data that emerge (King, Keohane, and Verba 1994). Finally, this structured, focused comparison serves as the basis for the cross-case session emerging from the scenario analysis that leads directly to the articulation of new research agendas. The scenario process described here has thus been carefully designed to offer some guidance to policy-oriented graduate students who are otherwise left to the relatively unstructured norms by which political science dissertation ideas are typically developed. The initial articulation of a dissertation project is generally an idiosyncratic and personal undertaking (Useem 1997; Rothman 2008), whereby students might choose topics based on their coursework, their own previous policy exposure, or the topics studied by their advisors. Research agendas are thus typically developed by looking for “puzzles” in existing research programs (Kuhn 1996). Doctoral students also, understandably, often choose topics that are particularly amenable to garnering research funding. Conventional grant programs typically base their funding priorities on extrapolations from what has been important in the recent past—leading to, for example, the prevalence of Japan and Soviet studies in the mid-1980s or terrorism studies in the 2000s—in the absence of any alternative method for identifying questions of likely future significance.

The scenario approach to generating research ideas is grounded in the belief that these traditional approaches **can be complemented by identifying questions likely to be of great empirical importance** in the real world, even if these do not appear as puzzles in existing research programs or as clear extrapolations from past events. The scenarios analyzed at NEFPC envision alternative worlds that could develop in the medium (five to seven year) term and are designed to tease out issues scholars and policymakers may encounter in the relatively near future so that they can begin thinking critically about them now. This timeframe offers a period distant enough from the present **as to** avoid **falling into current events analysis**, **but** not so far **into the future as to seem like science fiction**. In imagining the worlds in which these scenarios might come to pass, **participants learn strategies for** avoiding failures of creativity and for overturning the assumptions that prevent scholars and analysts from anticipating and understanding the pivotal junctures that arise in international affairs.

#### Methodological pluralism is best

**Bleiker 14** – (6/17, Roland, Professor of International Relations at the University of Queensland, “International Theory Between Reification and Self-Reflective Critique,” International Studies Review, Volume 16, Issue 2, pages 325–327)

Methodological pluralism lies at the heart of Levine's sustainable critique. He borrows from what Adorno calls a “constellation”: an attempt to juxtapose, rather than integrate, different perspectives. It is in this spirit that Levine advocates multiple methods to understand the same event or phenomena. He writes of the need to validate “multiple and mutually incompatible ways of seeing” (p. 63, see also pp. 101–102). In this model, a scholar oscillates back and forth between different methods and paradigms, trying to understand the event in question from multiple perspectives. No single method can ever adequately represent the event or should gain the upper hand. But each should, in a way, recognize and capture details or perspectives that the others cannot (p. 102). In practical terms, this means combining a range of methods even when—or, rather, precisely when—they are deemed incompatible. They can range from poststructual deconstruction to the tools pioneered and championed by positivist social sciences. The benefit of such a methodological polyphony is not just the opportunity to bring out nuances and new perspectives. Once the false hope of a smooth synthesis has been abandoned, the very incompatibility of the respective perspectives can then be used to identify the reifying tendencies in each of them. For Levine, this is how reification may be “checked at the source” and this is how a “critically reflexive moment might thus be rendered sustainable” (p. 103). It is in this sense that Levine's approach is not really post-foundational but, rather, an attempt to “balance foundationalisms against one another” (p. 14). There are strong parallels here with arguments advanced by assemblage thinking and complexity theory—links that could have been explored in more detail.

# Ethan’s 1ACs

### \*\*Stock 1AC\*\*

### 1

#### Students are deterred from reporting on controversial issues because of subpoenas—causes self-censorship of journalists and informants which sets precedent for future

Hu 14 [(June M. Hu, Columbia Law School J.D., 2015, Associate at Sullivan & Cromwell New York Law Firm) Columbia Journal of Law & the Arts Vol 38 Issue 2, <https://academiccommons.columbia.edu/doi/10.7916/D8GT5MDC>] bracketed for gendered language whs-ee

Other influential theories of the First Amendment focus on the importance of producing courageous and engaged citizens who are committed to the project of self-government.111 Examining these theories and applying them in a case that dramatically expanded press protections, the Supreme Court held that a legal regime that “dampens the vigor and limits the variety of public debate . . . is inconsistent with the First and Fourteenth Amendments.”112 If student reporters are categorically excluded from a reporter’s privilege, they could be deterred from reporting on the kinds of stories that would expose them to court-ordered disclosures. In other words, exclusion of student reporters increases the likelihood of reporter self-censorship that “is inconsistent with the First and Fourteenth Amendments.”113

Categorical exclusion of student reporters also leads to self-censorship on the part of would-be informants. Reporters often hide the names of their whistleblower sources.114 If whistleblowers do not have faith that a reporter can control the information she [they] gathers, they are more likely to refrain from exposing governmental misconduct to the press and public.115 Even when sources do come forward, they might limit the scope of the information that they share with reporters. In the student press context, reporters have yet another reason to protect their relationships with sources: “school media are often most students’ first exposure to the press.”116 If students’ “earliest perception of the media is that reporters cannot be trusted it is unlikely their views will change later.”117 Privileging student reporters helps them inspire confidence in the independence of the press, and makes their peers more likely to provide information to the press in the future. Privileging student reporters promotes “a free, vigorous student press” that not only offers “a healthy ferment of ideas and opinions,”118 but also serves as a check on the government.119 Granted, student newspapers do not often uncover federal or state governmental abuses, but they do frequently expose the wrongdoing of smaller scale governmental actors, such as schools and school boards. In Dean v. Utica Community Schools, for instance, high school junior Katy Dean investigated her school district’s alleged wrongdoing after finding out that the school district was being sued for school bus pollutions that caused lung cancer. 120 The checking function of the First Amendment does not justify scaling protection for speech on the basis of the level of government that it checks, since small government is as prone to abuse as big government.121

Shielding high school reporters against subpoenas does not unduly impede the interests of justice.122 Denying student reporters a reporter’s privilege, on the other hand, creates negative repercussions for the future of the press. In their objections to proposed federal shield laws that would exclude student reporters from coverage, professional reporters have expressed their firm belief that the freedom of the high school press plays a critical role in shaping the future of the press.123 Serving on school newspapers, students begin to develop the professional courage and internalize the professional ethics of journalism.124 High school students participate in activities like the school newspaper to develop career interests and broaden career opportunities.125 Many of today’s high school journalists will become tomorrow’s professional journalists. Giving high school students less protection for their newsgathering not only chills the vigor of the journalism they produce today, 126 but also breeds a habit of self-censorship that the student reporters will carry with them if and when they become professional journalists.12.

#### Student journalists inform communities and solving corruption—they take over for declining local media

Brown 15 [(Rachel, freelance journalist. She has worked for the Los Angeles Times, Yahoo, and the San Francisco Chronicle.) “A New Role for Student Media: College Newspapers and the Crises in Journalism” (2015) Media and Communication Studies Honors Papers, Ursinus College, 4-26-15

Journalism is the facilitator of the connection between citizens and the relevant and credible information they need to be active democratic participants. As the depth of local newspaper’s coverage shrinks, a primary concern of the Knight Commission is that information regarding local governance, which likely does not receive attention from larger media outlets, will not become disconnected from the public that it is intended to serve (“Executive Summary | KnightComm” 2014). Further, the media industry has been forced into passivity by a lack of resources. Since new outlets lack the staff and resources to accomplish the same caliber of investigative journalism that they were capable of in their prime, politicians have been able to use the media as a “megaphone;” with “direct relaying of assertions made by the campaigns and less reporting by journalists to interpret and contextualize them” (Mitchell 2014). The ease with which political and corporate organizations can breach the pages of local newspapers with their messaging prevents the paper’s readership from discerning hand-crafted, strategic communication from a balanced perspective of the political landscape, since both are being presented in a forum that theoretically prioritizes the democratic interests of the reader.

A loss of local journalism poses the risk of citizens living in an “information vacuum,” therefore reinforcing inequalities for people who do not have the resources to participate in democracy as access to technology is becoming increasingly critical (“Information Stories Tell of Personal Stakes in Healthy Info Communities: KnightComm” 2014). Citizens who cannot readily access online content are becoming disconnected from the information necessary to make informed democratic decisions. Many critics point out that without universal access to broadband, information will remain inaccessible to many citizens, regardless of their civic intentions (“Thinking about the Future of Informed Communities and Journalism” 2011).

The journalism industry has been struggling to come up with solutions to the information void that is plaguing both their profits and the well-being of informed communities, but some courses of action have been debated. A shift to non-profit journalism has been proposed as a solution to the commercial industry’s seemingly irreversible loss of financial momentum. David Swensen and Michael Schmidt wrote an opinion piece for the New York Times that echoes the perspectives of those watching the journalism industry struggle, suggesting that newspapers might be better off if they adopted a business model dependent on endowments, similar to universities and institutions. Swensen and Schmidt propose that, “endowments would enhance newspapers’ autonomy while shielding them from the economic forces that are now tearing them down” (Swensen and Schmidt 2009). If commercial newspapers were organized like non-profits, they would be free of the financial constraints that limit the scope and depth of their reporting, allowing resources to be allocated to quality of coverage, not just survival, of a newspaper.

#### Shield law encourages reporting on controversial issues which is key to accountability

Peters et al 17 [(Jonathan Peters is a media law professor at the University of Georgia. Peters has blogged on free expression for the Harvard Law & Policy Review, and he has written for Esquire, The Atlantic. Genelle Belmas is an associate professor in Journalism at Kentucky Unversity and has a Ph. D in Mass Communication from UMinn. Piotr Bobkowski has a Ph. D at UNC CH and specializes in the benefits of young adult journalism) A Paper Shield? Whether State Privilege Protections Apply to Student Journalists, 27 Fordham Intell. Prop. Media & Ent. L.J. 763 (2017). Available at: <https://ir.lawnet.fordham.edu/iplj/vol27/iss4/2>] whs-ee

Moreover, the case law is sparse.217 Only a few jurisdictions have reported cases involving privilege claims by student journalists.218 Beyond that, just a small minority of jurisdictions have reported cases addressing privilege issues at all, and those decisions generally fail to address how student journalists would fare in future cases.219 In short, privilege protections for student journalists are, at best, uncertain in most states.

The lack of protection is concerning because, as noted above, student journalists play a vital role in meeting their communities’ needs for news and information.220 In four states, student journalists outnumber professional journalists who report on state legislatures.221 More generally, fulfilling news needs means candidly covering a range of public issues that might draw government responses—even subpoenas.222 At the college level alone, campusbased news organizations—and student collaborations with professional outlets—are filling some of the gaps created by the decline of traditional state and local media.223 Such organizations cover the states and towns where the schools are located.224 For example Arizona State University operates Cronkite News, where students cover public affairs in Phoenix, Arizona, Washington, D.C., and Los Angeles, California,225 and Boston University runs the New England Center for Investigative Reporting, where professional journalists work with students to produce major stories.226

For years, too, there has been a growing consensus that journalism programs should transform themselves into “teaching hospitals” for gathering, producing, and distributing news.227 For example, in a 2009 report, the Knight Commission on the Information Needs of Communities in a Democracy228 asserted that colleges needed to enhance their roles as “hubs of journalistic activity.”229 And, in a 2012 open letter to university presidents, leaders of the nation’s largest journalism foundations stated that journalism programs must “recreate themselves if they are to succeed in playing their vital roles as news creators.”230

While student journalists make significant contributions through independent reporting, they lack important legal protections. Recently, one student journalist was incarcerated for months after refusing to reveal a source.231 The lack of protections for student journalists is plainly irreconcilable with watchdog journalism, which is essential for informed communities.232 Thus, protecting these journalists from disruptions in their classes, lives, and futures is in the best interest of both professional journalists, who will need to hire principled graduates in the future, and the public, which needs good reporters for the free exchange of information. Lawmakers and judges should apply the privileges to student journalists through legislative amendments and judicial recognitions to allow student journalists, where warranted, to make promises of confidentiality with confidence.

#### Accountability good – it checks a litany of domestic and transnational problems and improves the quality of life

Eckersley 04 (Robyn, Reader/Associate Professor in the Department of Political Science at the University of Melbourne, “The Green State: Rethinking Democracy and Sovereignty”, MIT Press, 2004, Google Books, pp. 3-8)

While acknowledging the basis for this antipathy toward the nation- state, and the limitations of state-centric analyses of global ecological degradation, I seek to draw attention to the positive role that states have played, and might increasingly play, in global and domestic politics. Writing more than twenty years ago, Hedley Bull (a proto-constructivist and leading writer in the English school) outlined the state's positive role in world affairs, and his arguments continue to provide a powerful challenge to those who somehow seek to "get beyond the state," as if such a move would provide a more lasting solution to the threat of armed conflict or nuclear war, social and economic injustice, or environmental degradation.10 As Bull argued, given that the state is here to stay whether we like it or not, then the call to get "beyond the state is a counsel of despair, at all events if it means that we have to begin by abolishing or subverting the state, rather than that there is a need to build upon it.""¶ In any event, **rejecting the "statist frame"** of world politics **ought not prohibit** an **inquiry into the emancipatory potential of the state** as *a* crucial "node" in any future network of global ecological governance. This is especially so, given that one can expect states to persist as major sites of social and political power for at least the foreseeable future and that any green transformations of the present political order will, short of revolution, necessarily be state-dependent. Thus, like it or not, those concerned about ecological destruction must contend with existing institutions and, where possible, seek to "rebuild the ship while still at sea." And if states are so implicated in ecological destruction, then an inquiry into the potential for their transformation even their modest reform into something that is at least more conducive to ecological sustainability would seem to be compelling.¶ Of course, it would be unhelpful to become singularly fixated on the redesign of the state at the expense of other institutions of governance. States are not the only institutions that limit, condition, shape, and direct political power, and it is necessary to keep in view the broader spectrum of formal and informal institutions of governance (e.g., local, national, regional, and international) that are implicated in global environmental change. Nonetheless, while the state constitutes only one modality of political power, it is an especially significant one because of its historical claims to exclusive rule over territory and peoples—as expressed in the principle of state sovereignty. As Gianfranco Poggi explains, the political power concentrated in the state "is a momentous, pervasive, critical phenomenon. Together with other forms of social power, it constitutes an indispensable medium for constructing and shaping larger social realities, for establishing, shaping and maintaining all broader and more durable collectivities."12 States play, in varying degrees, significant roles in structuring life chances, in distributing wealth, privilege, information, and risks, in upholding civil and political rights, and in securing private property rights and providing the legal/regulatory framework for capitalism. Every one of these dimensions of state activity has, for good or ill, a significant bearing on the global environmental crisis. Given that the green political project is one that demands far-reaching changes to both economies and societies, it is difficult to imagine how such changes might occur on the kind of scale that is needed without the active support of states. While it is often observed that states are too big to deal with local ecological problems and too small to deal with global ones, the state nonetheless holds, as Lennart Lundqvist puts it, "a unique position in the constitutive hierarchy from individuals through villages, regions and nations all the way to global organizations. **The state is** inclusive of lower political and administrative levels, and exclusive in speaking for its whole territory and population in relation to the outside world."13 In short, it seems to me inconceivable to advance ecological emancipation without also engaging with and seeking to transform state power.¶ Of course, not all states are democratic states, and the green movement has long been wary of the coercive powers that all states reputedly enjoy. Coercion (and not democracy) is also central to Max Weber's classic sociological understanding of the state as "a human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory."14 Weber believed that the state could not be defined sociologically in terms of its ends\* only formally as an organization in terms of the particular means that are peculiar to it.15 Moreover his concept of legitimacy was merely concerned with whether rules were accepted by subjects as valid (for whatever reason); he did not offer a normative theory as to the circumstances when particular rules ought to be accepted or whether beliefs about the validity of rules were justified. Legitimacy was **a contingent fact**, and in view of his understanding of politics as a struggle for power in the context of an increasingly disenchanted world, likely to become an increasingly unstable achievement.16 In contrast to Weber, my approach to the state is explicitly normative and explicitly concerned with the purpose of states, and the democratic basis of their legitimacy. It focuses on the limitations of liberal normative theories of the state (and associated ideals of a just constitutional arrangement), and it proposes instead an alternative green theory that seeks to redress the deficiencies in liberal theory. Nor is my account as bleak as Weber's. The fact that states possess a monopoly of control over the means of coercion is a most serious matter, but it does not necessarily imply that they must have frequent recourse to that power. In any event, whether the use of the state's coercive powers is to be deplored or welcomed turns on the purposes for which that power is exercised, the manner in which it is exercised, and whether it is managed in public, transparent, and accountable ways—a judgment that must be made against a background of changing problems, practices, and under- standings. The coercive arm of the state can be used to "bust" political demonstrations and invade privacy. It can also be used to prevent human rights abuses, curb the excesses of corporate power, and protect the environment. In short, although the political autonomy of states is widely believed to be in decline, there are still few social institution that can match the same degree of capacity and potential legitimacy that states have to redirect societies and economies along more ecologically sustainable lines to address ecological problems such as global warming and pollution, the buildup of toxic and nuclear wastes and the rapid erosion of the earth's biodiversity. States—particularly when they act collectively—have the capacity to curb the socially and ecologically harmful consequences of capitalism. They are also more amenable to democratization than cor- porations, notwithstanding the ascendancy of the neoliberal state in the increasingly competitive global economy. There are therefore many good reasons why green political theorists need to think not only critically but also constructively about the state and the state system. While the state is certainly not "healthy" at the present historical juncture, in this book I nonetheless join Poggi by offering "a timid two cheers for the old beast," at least as a potentially more significant ally in the green cause.17

### 2

#### The plan: the fifty states of the United States and all relevant territories ought to grant the right to student reporters to protect the identities of their confidential sources.

#### Solves uncertainty and protects the watchdogs of the future.

KU 16Three University, 11-14-2016, "Journalism professors argue for extending shield laws to protect student journalists," University of Kansas, <https://news.ku.edu/2016/11/07/journalism-professors-argue-extending-shield-laws-protect-student-journalists> OHS-AT

LAWRENCE — In our quickly changing media landscape, student journalists have stepped forward to meet their communities’ news needs, often doing work that was once considered the exclusive domain of full-time journalists. And they’ve done so without the legal protections of their professional counterparts. A new study by three University of Kansas journalism professors analyzes laws across the nation that grant journalists the right to protect confidential sources and information from compelled disclosure, finding that they rarely apply to student journalists.

Such protections should be expanded to journalists at the high school and college levels, argue the authors, including Assistant Professor Jonathan Peters, Associate Professor Genelle Belmas and Assistant Professor Peter Bobkowski, all in the William Allen White School of Journalism & Mass Communications. The article is forthcoming in the Fordham Intellectual Property, Media & Entertainment Law Journal, and it has been presented at the national conference of the Association for Education in Journalism and Mass Communication. It is the first comprehensive academic analysis of these issues.

The landmark Supreme Court case Branzburg v. Hayes found that reporters, generally, do not have a First Amendment right to refuse to divulge their confidential sources, but a concurring and dissenting opinion laid the groundwork for how such a privilege could work. That language is now found in numerous state statutes, court decisions and procedural rules giving reporters a basis to resist the compelled disclosure of their confidential sources and information.

“The big question was, ‘Does the reporter’s privilege, in its various forms, cover student journalists?’” Peters said. “Overall, this is an area that hasn’t seen much activity in the courts, and it has gotten virtually no critical or sustained attention from scholars.”

The study analyzes shield laws from across the country and categorizes them, finding that only two states, Maryland and West Virginia, explicitly protect student journalists. Meanwhile, in Ohio, educational organizations where student journalists work are covered. The rest of the states define who is protected by factors such as employment, amount of compensation, readership, publication frequency and producing news for the general public—all of which do not favor student journalists.

Some commentators have wondered why it would be necessary for student journalists to receive such protection, claiming, for example, that they only produce news for their fellow students or for small, niche audiences. But as the media landscape has changed and reporting staffs have shrunk, student media, especially college publications, have provided coverage of their communities on a larger scale than before. For that reason, the authors argue, student journalists deserve the same protections as full-time journalists. Foundations and journalism schools have also encouraged students to take on larger roles in meeting the news needs of their communities.

“We have seen, in the last 10-15 years, a lot of changes in the media industry,” Peters said. “One group we’ve seen step up consistently is student journalists. In our First Amendment tradition, we protect the lonely pamphleteer as much as The New York Times, and in the context of shield laws, it’s untenable to ask students to do more—with fewer legal protections. It’s unwise and unfair.”

Some states do not have shield statutes but make it possible to claim a reporters’ privilege through common law principles or through the federal or state constitutions. There is not a federal shield statute, and in these states, it is unclear how student journalists would be treated.

The article argues for the strengthening of shield laws and to extend them to protect student journalists. In states where students are not covered, the authors argue that the laws should be changed. While it is not common for student journalists to be compelled to testify, one recently was jailed for refusing to disclose sources.

“This is not a contrived, theoretical problem,” Peters said. “With the expanded roles we’re asking student journalists to play, this could happen more frequently. I still handle cases as a media lawyer, and I had a student journalist shield case just two years ago. If we are asking students to produce informative, investigative journalism, it’s imperative to give them the tools they need to produce it.”

There are more high school and college journalists working today than full-time professional journalists, and on the college level, many students are forming their own news organizations or collaborating with professional outlets to provide coverage on important topics such as state and national government. Providing that coverage is important, then, to the public to ensure continued watchdog journalism and to news outlets that will need to hire skilled, experienced journalists in the future.

“Today, perhaps more than ever, we need young people to be educated about the vital role that the free press has played in the history of our country so that they may carry on this important legacy into the future,” Bobkowski said. “Reporter's privilege is one element of the free press that has played an important role in supporting the vitality of our democracy.”

#### Plan’s definition of journalism based on process, not people, protects students while avoiding leakers and fake sources – also encourages high caliber investigative journalism. States key.

Hu 14 (June M. Hu, Columbia Law School J.D., 2015, Associate at Sullivan & Cromwell New York Law Firm) Columbia Journal of Law & the Arts Vol 38 Issue 2, <https://academiccommons.columbia.edu/doi/10.7916/D8GT5MDC> OHS-AT

If the current federal shield bill does become the first federal shield law in the United States, it would only protect reporters in a narrow set of circumstances— subpoenas issued by a federal actor and arising out of federal causes of action.210 A student-friendly state shield law would strengthen privilege in both state and federal cases, since federal courts look to state law for definitions of privileged persons.211 West Virginia, the latest state to enact a reporter’s shield law, provides a two-tier definition of privileged persons that is similar to the definition in the proposed Free Flow of Information Act.212 While the first tier requires the reporter to earn a “substantial livelihood” from newsgathering, the second tier allows judges to protect student reporters whose work closely models traditional journalism.213 Shield laws like the federal bill and the West Virginia statute protect a narrow core of traditional press, but provide a catchall category that gives judges discretion to award privilege to non-traditional reporters based on whether the reporters conducted legitimate journalism and the interest of justice in the subpoenaed material.

This type of shield law would give judges the flexibility to withhold the privilege from leakers, sham newsmen and cyberbullies. At the same time, because the inquiry focuses on the newsgatherer’s process and product rather than employment status or income, this type of shield law extends protection to student reporters whose work resembles the work of professional journalists. Wide adoption of such state shield laws would increase a high school student reporter’s chances of succeeding on her privilege claim in jurisdictions that do not recognize a constitutional reporter’s privilege, as well as in jurisdictions that would not clearly cover student reporters under the constitutional privilege. The greater likelihood of receiving a reporter’s privilege would allow young student reporters to continue engaging in high-caliber investigative reporting, reducing the double-bind of risking imprisonment if they protect sources and social stigma if they snitch.

#### Spills over to mainstream media

Brown 15 [(Rachel, freelance journalist. She has worked for the Los Angeles Times, Yahoo, and the San Francisco Chronicle.) “A New Role for Student Media: College Newspapers and the Crises in Journalism” (2015) Media and Communication Studies Honors Papers, Ursinus College, 4-26-15 whs-ee

However, there is some debate as to whether the primary goal of college publications should be to directly contribute to democratic participation. While the “teaching hospital” model proposed by Waldman supports that college newspapers can fill both a civic and educational role, there are some advantages of focusing solely on the educational role of these publications. By emphasizing the “lab” qualities of student newspapers, these publications are facilitating the education in the next generation of professional journalists. As Downie and Schudson’s “Reconstruction of American Journalism” report suggests, the best use of student newspapers’ resources is not necessarily to expand the civic role of college newspapers, but train journalists so that they can make an impact as professionals (Downie and Schudson 2009). The report proposes that it is more civically practical to invest in the education of student journalists rather than speeding through the foundations of the practice in order to prematurely pursue a democratic role.

College newspapers come equipped with a staff that is there because, in general, they are genuinely interested in participating and doing so actively to enhance their chances of future success. However, unlike at professional publications, these students’ livelihood is not immediately dependent on their success. College papers have the potential to succeed as democratic forums because the profit motive that has wreaked havoc on commercial papers is typically not present and if it is, is significantly less consequential. As newspaper staffs have shrunk by nearly 20 percent in the past decade, from 52,550 to 43, 630 total journalists employed in the field, 216,269 students were enrolled in U.S., degree-seeking journalism and mass communication programs in 2009 alone (Pew 2014), (Waldman 2011). School newspapers offer a stable supply of journalists that are educated in the most recent industry practices, supporting the perspective college newspapers can offer the staff that professional papers desperately need to create the content that brings citizens the information they need, not just the information that newspapers need to turn a profit.

### 3

Fairness is a voter—debate’s a game with wins and losses and skew makes it impossible to evaluate the better debater. 1ar gets theory—otherwise it’s impossible to check 1nc abuse. Its drop the debater no rvis competing interps since a] 1ar is too time-crunched to win theory and substance and anything else deters 1ar from checking abuse which o/w on strength of link—deterring me from checking even minor abuse can add up to a loss. b] 2nr collapse to theory makes the 2ar impossible since it’s a 6-3 advantage on 45 seconds of 1ar offense

### 4

#### The future is unpredictable – the best way to preserve future value is to do good things now

Karnofsky 14 - Executive Director of the Open Philanthropy Project degree in Social Studies from Harvard University (Holden Karnofsky, 7/3/14, “The Moral Value of the Far Future” <https://www.openphilanthropy.org/blog/moral-value-far-future>)

I broadly accept the idea that the bulk of our impact may come from effects on future generations, and this view causes me to be more interested in scientific research funding, global catastrophic risk mitigation, and other causes outside of aid to the developing-world poor. (If not for this view, I would likely favor the latter and would likely be far more interested in animal welfare as well.) However, I place only limited weight on the specific argument given by Nick Bostrom in Astronomical Waste - that the potential future population is so massive as to clearly (in a probabilistic framework) dwarf all present-day considerations. More I reject the idea that placing high value on the far future - no matter how high the value - makes it clear that one should focus on reducing the risks of catastrophes such as extreme climate change, pandemics, misuse of advanced artificial intelligence, etc. Even one who fully accepts the conclusions of “Astronomical Waste” has good reason to consider focusing on shorter-term, more tangible, higher-certainty opportunities to do good - including donating to GiveWell’s current top charities and reaping the associated flow-through effects. More I consider “global catastrophic risk reduction” to be a promising area for a philanthropist. As discussed previously, we are investigating this area actively. More Those interested in related materials may wish to look at two transcripts of recorded conversations I had on these topics: a conversation on flow-through effects with Carl Shulman, Robert Wiblin, Paul Christiano, and Nick Beckstead and a conversation on existential risk with Eliezer Yudkowsky and Luke Muehlhauser. The importance of the far future As discussed previously, I believe that the general state of the world has improved dramatically over the past several hundred years. It seems reasonable to state that the people who made contributions (large or small) to this improvement have made a major difference to the lives of people living today, and that when all future generations are taken into account, their impact on generations following them could easily dwarf their impact in their own time. I believe it is reasonable to expect this basic dynamic to continue, and I believe that there remains huge room for further improvement (possibly dwarfing the improvements we’ve seen to date). I place some probability on global upside possibilities including breakthrough technology, space colonization, and widespread improvements in interconnectedness, empathy and altruism. Even if these don’t pan out, there remains a great deal of room for further reduction in poverty and in other causes of suffering. In Astronomical Waste, Nick Bostrom makes a more extreme and more specific claim: that the number of human lives possible under space colonization is so great that the mere possibility of a hugely populated future, when considered in an “expected value” framework, dwarfs all other moral considerations. I see no obvious analytical flaw in this claim, and give it some weight. However, because the argument relies heavily on specific predictions about a distant future, seemingly (as far as I can tell) backed by little other than speculation, I do not consider it “robust,” and so I do not consider it rational to let it play an overwhelming role in my belief system and actions. (More on my epistemology and method for handling non-robust arguments containing massive quantities here.) In addition, if I did fully accept the reasoning of “Astronomical Waste” and evaluate all actions by their far future consequences, it isn’t clear what implications this would have. As discussed below, given our uncertainty about the specifics of the far future and our reasons to believe that doing good in the present day can have substantial impacts on the future as well, it seems possible that “seeing a large amount of value in future generations” and “seeing an overwhelming amount of value in future generations” lead to similar consequences for our actions. Catastrophic risk reduction vs. doing tangible good Many people have cited “Astronomical Waste” to me as evidence that the greatest opportunities for doing good are in the form of reducing the risks of catastrophes such as extreme climate change, pandemics, problematic developments related to artificial intelligence, etc. Indeed, “Astronomical Waste” seems to argue something like this: For standard utilitarians, priority number one, two, three and four should consequently be to reduce existential risk. The utilitarian imperative “Maximize expected aggregate utility!” can be simplified to the maxim “Minimize existential risk!”. I have always found this inference flawed, and in my recent discussion with Eliezer Yudkowsky and Luke Muehlhauser, it was argued to me that the “Astronomical Waste” essay never meant to make this inference in the first place. The author’s definition of existential risk includes anything that stops humanity far short of realizing its full potential - including, presumably, stagnation in economic and technological progress leading to a long-lived but limited civilization. Under that definition, “Minimize existential risk!” would seem to potentially include any contribution to general human empowerment. I have often been challenged to explain how one could possibly reconcile (a) caring a great deal about the far future with (b) donating to one of GiveWell’s top charities. My general response is that in the face of sufficient uncertainty about one’s options, and lack of conviction that there are good (in the sense of high expected value) opportunities to make an enormous difference, it is rational to try to make a smaller but robustly positive difference, whether or not one can trace a specific causal pathway from doing this small amount of good to making a large impact on the far future. A few brief arguments in support of this position: I believe that the track record of “taking robustly strong opportunities to do ‘something good’ ” is far better than the track record of “taking actions whose value is contingent on high-uncertainty arguments about where the highest utility lies, and/or arguments about what is likely to happen in the far future.” This is true even when one evaluates track record only in terms of seeming impact on the far future. The developments that seem most positive in retrospect - from large ones like the development of the steam engine to small ones like the many economic contributions that facilitated strong overall growth - seem to have been driven by the former approach, and I’m not aware of many examples in which the latter approach has yielded great benefits. I see some sense in which the world’s overall civilizational ecosystem seems to have done a better job optimizing for the far future than any of the world’s individual minds. It’s often the case that people acting on relatively short-term, tangible considerations (especially when they did so with creativity, integrity, transparency, consensuality, and pursuit of gain via value creation rather than value transfer) have done good in ways they themselves wouldn’t have been able to foresee. If this is correct, it seems to imply that one should be focused on “playing one’s role as well as possible” - on finding opportunities to “beat the broad market” (to do more good than people with similar goals would be able to) rather than pouring one’s resources into the areas that non-robust estimates have indicated as most important to the far future. The process of trying to accomplish tangible good can lead to a great deal of learning and unexpected positive developments, more so (in my view) than the process of putting resources into a low-feedback endeavor based on one’s current best-guess theory. In my conversation with Luke and Eliezer, the two of them hypothesized that the greatest positive benefit of supporting GiveWell’s top charities may have been to raise the profile, influence, and learning abilities of GiveWell. If this were true, I don’t believe it would be an inexplicable stroke of luck for donors to top charities; rather, it would be the sort of development (facilitating feedback loops that lead to learning, organizational development, growing influence, etc.) that is often associated with “doing something well” as opposed to “doing the most worthwhile thing poorly.” I see multiple reasons to believe that contributing to general human empowerment mitigates global catastrophic risks. I laid some of these out in a blog post and discussed them further in my conversation with Luke and Eliezer. For one who accepts these considerations, it seems to me that: It is not clear whether placing enormous value on the far future ought to change one’s actions from what they would be if one simply placed large value on the far future. In both cases, attempts to reduce global catastrophic risks and otherwise plan for far-off events must be weighed against attempts to do tangible good, and the question of which has more potential to shape the far future will often be a difficult one to answer. If one sees few robustly good opportunities to “make a huge difference to the far future,” the best approach to making a positive far-future difference may be “make a small but robustly positive difference to the present.” One ought to be interested in “unusual, outstanding opportunities to do good” even if they don’t have a clear connection to improving the far future.

#### Focus on existential risks is whiteness and is based on a epistemologically flawed logic that allows modern-day genocides

* X-risk has a massive nerdy white dude problem
* It’s messed up to say reducing existential risk by .0000001% outweighs genocide
* We should do good things for people – ending global poverty would be good
* Pascal’s Mugging – if someone came up to you and said give me $20 or I’ll cause extinction, it would be absurd to comply, but that framing would say the risk of being wrong mandates it
* Repugnant conclusion (parfit) – it assumes maximizing the number of lives outweighs anything even if those lives are miserable even if they’re barely worth living

Matthews 15 bracketed [Dylan Matthews; Aug 10, 2015; “I spent a weekend at Google talking with nerds about charity. I came away … worried.”; <https://www.vox.com/2015/8/10/9124145/effective-altruism-global-ai>; \*bracketed for verbal statistical clarity\* //BWSWJ]

Lavigne was addressing attendees of the Effective Altruism Global conference, which she helped organize at Google's Quad Campus in Mountain View the weekend of July 31 to August 2. Effective altruists think that past attempts to do good — by giving to charity, or working for nonprofits or government agencies — have been largely ineffective, in part because they've been driven too much by the desire to feel good and too little by the cold, hard data necessary to prove what actually does good.

It's a powerful idea, and one that has already saved lives. GiveWell, the charity evaluating organization to which effective altruism can trace its origins, has pushed philanthropy toward evidence and away from giving based on personal whims and sentiment. Effective altruists have also been remarkably forward-thinking on factory farming, taking the problem of animal suffering seriously without collapsing into PETA-style posturing and sanctimony.

Effective altruism (or EA, as proponents refer to it) is more than a belief, though. It's a movement, and like any movement, it has begun to develop a culture, and a set of powerful stakeholders, and a certain range of worrying pathologies. At the moment, EA is very white, very male, and dominated by tech industry workers. And it is increasingly obsessed with ideas and data that reflect the class position and interests of the movement's members rather than a desire to help actual people.

In the beginning, EA was mostly about fighting global poverty. Now it's becoming more and more about funding computer science research to forestall an artificial intelligence–provoked apocalypse. At the risk of overgeneralizing, the computer science majors have convinced each other that the best way to save the world is to do computer science research. Compared to that, multiple attendees said, global poverty is a "rounding error."

I identify as an effective altruist: I think it's important to do good with your life, and doing as much good as possible is a noble goal. I even think AI risk is a real challenge worth addressing. But speaking as a white male nerd on the autism spectrum, effective altruism can't just be for white male nerds on the autism spectrum. Declaring that global poverty is a "rounding error" and everyone really ought to be doing computer science research is a great way to ensure that the movement remains dangerously homogenous and, ultimately, irrelevant.

Should we care about the world today at all?

EA Global was dominated by talk of existential risks, or X-risks. The idea is that human extinction is far, far worse than anything that could happen to real, living humans today.

To hear effective altruists explain it, it comes down to simple math. About 108 billion people have lived to date, but if humanity lasts another 50 million years, and current trends hold, the total number of humans who will ever live is more like 3 quadrillion. Humans living during or before 2015 would thus make up only 0.0036 percent of all humans ever.

The numbers get even bigger when you consider — as X-risk advocates are wont to do — the possibility of interstellar travel. Nick Bostrom — the Oxford philosopher who popularized the concept of existential risk — estimates that about 10^54 human life-years (or 10^52 lives of 100 years each) could be in our future if we both master travel between solar systems and figure out how to emulate human brains in computers.

Even if we give this 10^54 estimate "a mere 1% chance of being correct," Bostrom writes, "we find that the expected value of reducing existential risk by a mere one billionth of one billionth of one percentage point is worth a hundred billion times as much as a billion human lives."

Put another way: The number of future humans who will never exist if humans go extinct is so great that reducing the risk of extinction by 0.00000000000000001 percent can be expected to save 100 billion more lives than, say, preventing the genocide of 1 billion people. That argues, in the judgment of Bostrom and others, for prioritizing efforts to prevent human extinction above other endeavors. This is what X-risk obsessives mean when they claim ending world poverty would be a "rounding error."

Why Silicon Valley is scared its own creations will destroy humanity

There are a number of potential candidates for most threatening X-risk. Personally I worry most about global pandemics, both because things like the Black Death and the Spanish flu have caused massive death before, and because globalization and the dawn of synthetic biology have made diseases both easier to spread and easier to tweak (intentionally or not) for maximum lethality. But I'm in the minority on that. The only X-risk basically anyone wanted to talk about at the conference was artificial intelligence.

The specific concern — expressed by representatives from groups like the Machine Intelligence Research Institute (MIRI) in Berkeley and Bostrom's Future of Humanity Institute at Oxford — is over the possibility of an "intelligence explosion." If humans are able to create an AI as smart as humans, the theory goes, then it stands to reason that that AI would be smart enough to create itself, and to make itself even smarter. That'd set up a process of exponential growth in intelligence until we get an AI so smart that it would almost certainly be able to control the world if it wanted to. And there's no guarantee that it'd allow humans to keep existing once it got that powerful. "It looks quite difficult to design a seed AI such that its preferences, if fully implemented, would be consistent with the survival of humans and the things we care about," Bostrom told me in an interview last year.

This is not a fringe viewpoint in Silicon Valley. MIRI's top donor is the Thiel Foundation, funded by PayPal and Palantir cofounder and billionaire angel investor Peter Thiel, which has given $1.627 million to date. Jaan Tallinn, the developer of Skype and Kazaa, is both a major MIRI donor and the co-founder of two groups — the Future of Life Institute and the Center for the Study of Existential Risk — working on related issues. And earlier this year, the Future of Life Institute got $10 million from Thiel's PayPal buddy, Tesla Motors/SpaceX CEO Elon Musk, who grew concerned about AI risk after reading Bostrom's book Superintelligence.

And indeed, the AI risk panel — featuring Musk, Bostrom, MIRI's executive director Nate Soares, and the legendary UC Berkeley AI researcher Stuart Russell — was the most hyped event at EA Global. Musk naturally hammed it up for the crowd. At one point, Russell set about rebutting AI researcher Andrew Ng's comment that worrying about AI risk is like "worrying about overpopulation on Mars," countering, "Imagine if the world's governments and universities and corporations were spending billions on a plan to populate Mars." Musk looked up bashfully, put his hand on his chin, and smirked, as if to ask, "Who says I'm not?"

Russell's contribution was the most useful, as it confirmed this really is a problem that serious people in the field worry about. The analogy he used was with nuclear research. Just as nuclear scientists developed norms of ethics and best practices that have so far helped ensure that no bombs have been used in attacks for 70 years, AI researchers, he urged, should embrace a similar ethic, and not just make cool things for the sake of making cool things.

What if the AI danger argument is too clever by half?

What was most concerning was the vehemence with which AI worriers asserted the cause's priority over other cause areas. For one thing, we have such profound uncertainty about AI — whether general intelligence is even possible, whether intelligence is really all a computer needs to take over society, whether artificial intelligence will have an independent will and agency the way humans do or whether it'll just remain a tool, what it would mean to develop a "friendly" versus "malevolent" AI — that it's hard to think of ways to tackle this problem today other than doing more AI research, which itself might increase the likelihood of the very apocalypse this camp frets over.

The common response I got to this was, "Yes, sure, but even if there's a very, very, very small likelihood of us decreasing AI risk, that still trumps global poverty, because infinitesimally increasing the odds that 10^52 people in the future exist saves way more lives than poverty reduction ever could."

The problem is that you could use this logic to defend just about anything. Imagine that a wizard showed up and said, "Humans are about to go extinct unless you give me $10 to cast a magical spell." Even if you only think there's a, say, [1e-17] 0.00000000000000001 percent chance that he's right, you should still, under this reasoning, give him the $10, because the expected value is that you're saving 10^32 lives.

Bostrom calls this scenario "Pascal's Mugging," and it's a huge problem for anyone trying to defend efforts to reduce human risk of extinction to the exclusion of anything else. These arguments give a false sense of statistical precision by slapping probability values on beliefs. But those probability values are literally just made up. Maybe giving $1,000 to the Machine Intelligence Research Institute will reduce the probability of AI killing us all by 0.00000000000000001. Or maybe it'll make it only cut the odds by 0.00000000000000000000000000000000000000000000000000000000000000001. If the latter's true, it's not a smart donation; if you multiply the odds by 10^52, you've saved an expected 0.0000000000001 lives, which is pretty miserable. But if the former's true, it's a brilliant donation, and you've saved an expected 100,000,000,000,000,000,000,000,000,000,000,000 lives.

I don't have any faith that we understand these risks with enough precision to tell if an AI risk charity can cut our odds of doom by [1e-17] 0.00000000000000001 or by only [1e-65] 0.00000000000000000000000000000000000000000000000000000000000000001. And yet for the argument to work, you need to be able to make those kinds of distinctions.

The other problem is that the AI crowd seems to be assuming that people who might exist in the future should be counted equally to people who definitely exist today. That's by no means an obvious position, and tons of philosophers dispute it. Among other things, it implies what's known as the Repugnant Conclusion: the idea that the world should keep increasing its population until the absolutely maximum number of humans are alive, living lives that are just barely worth living. But if you say that people who only might exist count less than people who really do or really will exist, you avoid that conclusion, and the case for caring only about the far future becomes considerably weaker (though still reasonably compelling).

Doing good through aggressive self-promotion

To be fair, the AI folks weren't the only game in town. Another group emphasized "meta-charity," or giving to and working for effective altruist groups. The idea is that more good can be done if effective altruists try to expand the movement and get more people on board than if they focus on first-order projects like fighting poverty.

This is obviously true to an extent. There's a reason that charities buy ads. But ultimately you have to stop being meta. As Jeff Kaufman — a developer in Cambridge who's famous among effective altruists for, along with his wife Julia Wise, donating half their household's income to effective charities — argued in a talk about why global poverty should be a major focus, if you take meta-charity too far, you get a movement that's really good at expanding itself but not necessarily good at actually helping people.

And you have to do meta-charity well — and the more EA grows obsessed with AI, the harder it is to do that. The movement has a very real demographic problem, which contributes to very real intellectual blinders of the kind that give rise to the AI obsession. And it's hard to imagine that yoking EA to one of the whitest and most male fields (tech) and academic subjects (computer science) will do much to bring more people from diverse backgrounds into the fold.

The self-congratulatory tone of the event didn't help matters either. I physically recoiled during the introductory session when Kerry Vaughan, one of the event's organizers, declared, "I really do believe that effective altruism could be the last social movement we ever need." In the annals of sentences that could only be said with a straight face by white men, that one might take the cake.

Effective altruism is a useful framework for thinking through how to do good through one's career, or through political advocacy, or through charitable giving. It is not a replacement for movements through which marginalized peoples seek their own liberation. If EA is to have any hope of getting more buy-in from women and people of color, it has to at least acknowledge that.

### \*\*1AC vs Util\*\*

### 1

#### Students are deterred from reporting on controversial issues because of subpoenas—causes self-censorship of journalists and informants which sets precedent for future

Hu 14 [(June M. Hu, Columbia Law School J.D., 2015, Associate at Sullivan & Cromwell New York Law Firm) Columbia Journal of Law & the Arts Vol 38 Issue 2, <https://academiccommons.columbia.edu/doi/10.7916/D8GT5MDC>] bracketed for gendered language whs-ee

Other influential theories of the First Amendment focus on the importance of producing courageous and engaged citizens who are committed to the project of self-government.111 Examining these theories and applying them in a case that dramatically expanded press protections, the Supreme Court held that a legal regime that “dampens the vigor and limits the variety of public debate . . . is inconsistent with the First and Fourteenth Amendments.”112 If student reporters are categorically excluded from a reporter’s privilege, they could be deterred from reporting on the kinds of stories that would expose them to court-ordered disclosures. In other words, exclusion of student reporters increases the likelihood of reporter self-censorship that “is inconsistent with the First and Fourteenth Amendments.”113

Categorical exclusion of student reporters also leads to self-censorship on the part of would-be informants. Reporters often hide the names of their whistleblower sources.114 If whistleblowers do not have faith that a reporter can control the information she [they] gathers, they are more likely to refrain from exposing governmental misconduct to the press and public.115 Even when sources do come forward, they might limit the scope of the information that they share with reporters. In the student press context, reporters have yet another reason to protect their relationships with sources: “school media are often most students’ first exposure to the press.”116 If students’ “earliest perception of the media is that reporters cannot be trusted it is unlikely their views will change later.”117 Privileging student reporters helps them inspire confidence in the independence of the press, and makes their peers more likely to provide information to the press in the future. Privileging student reporters promotes “a free, vigorous student press” that not only offers “a healthy ferment of ideas and opinions,”118 but also serves as a check on the government.119 Granted, student newspapers do not often uncover federal or state governmental abuses, but they do frequently expose the wrongdoing of smaller scale governmental actors, such as schools and school boards. In Dean v. Utica Community Schools, for instance, high school junior Katy Dean investigated her school district’s alleged wrongdoing after finding out that the school district was being sued for school bus pollutions that caused lung cancer. 120 The checking function of the First Amendment does not justify scaling protection for speech on the basis of the level of government that it checks, since small government is as prone to abuse as big government.121

Shielding high school reporters against subpoenas does not unduly impede the interests of justice.122 Denying student reporters a reporter’s privilege, on the other hand, creates negative repercussions for the future of the press. In their objections to proposed federal shield laws that would exclude student reporters from coverage, professional reporters have expressed their firm belief that the freedom of the high school press plays a critical role in shaping the future of the press.123 Serving on school newspapers, students begin to develop the professional courage and internalize the professional ethics of journalism.124 High school students participate in activities like the school newspaper to develop career interests and broaden career opportunities.125 Many of today’s high school journalists will become tomorrow’s professional journalists. Giving high school students less protection for their newsgathering not only chills the vigor of the journalism they produce today, 126 but also breeds a habit of self-censorship that the student reporters will carry with them if and when they become professional journalists.12.

#### Student journalists inform communities and solving corruption—they take over for declining local media

Brown 15 [(Rachel, freelance journalist. She has worked for the Los Angeles Times, Yahoo, and the San Francisco Chronicle.) “A New Role for Student Media: College Newspapers and the Crises in Journalism” (2015) Media and Communication Studies Honors Papers, Ursinus College, 4-26-15

Journalism is the facilitator of the connection between citizens and the relevant and credible information they need to be active democratic participants. As the depth of local newspaper’s coverage shrinks, a primary concern of the Knight Commission is that information regarding local governance, which likely does not receive attention from larger media outlets, will not become disconnected from the public that it is intended to serve (“Executive Summary | KnightComm” 2014). Further, the media industry has been forced into passivity by a lack of resources. Since new outlets lack the staff and resources to accomplish the same caliber of investigative journalism that they were capable of in their prime, politicians have been able to use the media as a “megaphone;” with “direct relaying of assertions made by the campaigns and less reporting by journalists to interpret and contextualize them” (Mitchell 2014). The ease with which political and corporate organizations can breach the pages of local newspapers with their messaging prevents the paper’s readership from discerning hand-crafted, strategic communication from a balanced perspective of the political landscape, since both are being presented in a forum that theoretically prioritizes the democratic interests of the reader.

A loss of local journalism poses the risk of citizens living in an “information vacuum,” therefore reinforcing inequalities for people who do not have the resources to participate in democracy as access to technology is becoming increasingly critical (“Information Stories Tell of Personal Stakes in Healthy Info Communities: KnightComm” 2014). Citizens who cannot readily access online content are becoming disconnected from the information necessary to make informed democratic decisions. Many critics point out that without universal access to broadband, information will remain inaccessible to many citizens, regardless of their civic intentions (“Thinking about the Future of Informed Communities and Journalism” 2011).

The journalism industry has been struggling to come up with solutions to the information void that is plaguing both their profits and the well-being of informed communities, but some courses of action have been debated. A shift to non-profit journalism has been proposed as a solution to the commercial industry’s seemingly irreversible loss of financial momentum. David Swensen and Michael Schmidt wrote an opinion piece for the New York Times that echoes the perspectives of those watching the journalism industry struggle, suggesting that newspapers might be better off if they adopted a business model dependent on endowments, similar to universities and institutions. Swensen and Schmidt propose that, “endowments would enhance newspapers’ autonomy while shielding them from the economic forces that are now tearing them down” (Swensen and Schmidt 2009). If commercial newspapers were organized like non-profits, they would be free of the financial constraints that limit the scope and depth of their reporting, allowing resources to be allocated to quality of coverage, not just survival, of a newspaper.

#### Shield law encourages reporting on controversial issues which is key to accountability

Peters et al 17 [(Jonathan Peters is a media law professor at the University of Georgia. Peters has blogged on free expression for the Harvard Law & Policy Review, and he has written for Esquire, The Atlantic. Genelle Belmas is an associate professor in Journalism at Kentucky Unversity and has a Ph. D in Mass Communication from UMinn. Piotr Bobkowski has a Ph. D at UNC CH and specializes in the benefits of young adult journalism) A Paper Shield? Whether State Privilege Protections Apply to Student Journalists, 27 Fordham Intell. Prop. Media & Ent. L.J. 763 (2017). Available at: <https://ir.lawnet.fordham.edu/iplj/vol27/iss4/2>] whs-ee

Moreover, the case law is sparse.217 Only a few jurisdictions have reported cases involving privilege claims by student journalists.218 Beyond that, just a small minority of jurisdictions have reported cases addressing privilege issues at all, and those decisions generally fail to address how student journalists would fare in future cases.219 In short, privilege protections for student journalists are, at best, uncertain in most states.

The lack of protection is concerning because, as noted above, student journalists play a vital role in meeting their communities’ needs for news and information.220 In four states, student journalists outnumber professional journalists who report on state legislatures.221 More generally, fulfilling news needs means candidly covering a range of public issues that might draw government responses—even subpoenas.222 At the college level alone, campusbased news organizations—and student collaborations with professional outlets—are filling some of the gaps created by the decline of traditional state and local media.223 Such organizations cover the states and towns where the schools are located.224 For example Arizona State University operates Cronkite News, where students cover public affairs in Phoenix, Arizona, Washington, D.C., and Los Angeles, California,225 and Boston University runs the New England Center for Investigative Reporting, where professional journalists work with students to produce major stories.226

For years, too, there has been a growing consensus that journalism programs should transform themselves into “teaching hospitals” for gathering, producing, and distributing news.227 For example, in a 2009 report, the Knight Commission on the Information Needs of Communities in a Democracy228 asserted that colleges needed to enhance their roles as “hubs of journalistic activity.”229 And, in a 2012 open letter to university presidents, leaders of the nation’s largest journalism foundations stated that journalism programs must “recreate themselves if they are to succeed in playing their vital roles as news creators.”230

While student journalists make significant contributions through independent reporting, they lack important legal protections. Recently, one student journalist was incarcerated for months after refusing to reveal a source.231 The lack of protections for student journalists is plainly irreconcilable with watchdog journalism, which is essential for informed communities.232 Thus, protecting these journalists from disruptions in their classes, lives, and futures is in the best interest of both professional journalists, who will need to hire principled graduates in the future, and the public, which needs good reporters for the free exchange of information. Lawmakers and judges should apply the privileges to student journalists through legislative amendments and judicial recognitions to allow student journalists, where warranted, to make promises of confidentiality with confidence.

#### Accountability good – it checks a litany of domestic and transnational problems and improves the quality of life

Eckersley 04 (Robyn, Reader/Associate Professor in the Department of Political Science at the University of Melbourne, “The Green State: Rethinking Democracy and Sovereignty”, MIT Press, 2004, Google Books, pp. 3-8)

While acknowledging the basis for this antipathy toward the nation- state, and the limitations of state-centric analyses of global ecological degradation, I seek to draw attention to the positive role that states have played, and might increasingly play, in global and domestic politics. Writing more than twenty years ago, Hedley Bull (a proto-constructivist and leading writer in the English school) outlined the state's positive role in world affairs, and his arguments continue to provide a powerful challenge to those who somehow seek to "get beyond the state," as if such a move would provide a more lasting solution to the threat of armed conflict or nuclear war, social and economic injustice, or environmental degradation.10 As Bull argued, given that the state is here to stay whether we like it or not, then the call to get "beyond the state is a counsel of despair, at all events if it means that we have to begin by abolishing or subverting the state, rather than that there is a need to build upon it.""¶ In any event, **rejecting the "statist frame"** of world politics **ought not prohibit** an **inquiry into the emancipatory potential of the state** as *a* crucial "node" in any future network of global ecological governance. This is especially so, given that one can expect states to persist as major sites of social and political power for at least the foreseeable future and that any green transformations of the present political order will, short of revolution, necessarily be state-dependent. Thus, like it or not, those concerned about ecological destruction must contend with existing institutions and, where possible, seek to "rebuild the ship while still at sea." And if states are so implicated in ecological destruction, then an inquiry into the potential for their transformation even their modest reform into something that is at least more conducive to ecological sustainability would seem to be compelling.¶ Of course, it would be unhelpful to become singularly fixated on the redesign of the state at the expense of other institutions of governance. States are not the only institutions that limit, condition, shape, and direct political power, and it is necessary to keep in view the broader spectrum of formal and informal institutions of governance (e.g., local, national, regional, and international) that are implicated in global environmental change. Nonetheless, while the state constitutes only one modality of political power, it is an especially significant one because of its historical claims to exclusive rule over territory and peoples—as expressed in the principle of state sovereignty. As Gianfranco Poggi explains, the political power concentrated in the state "is a momentous, pervasive, critical phenomenon. Together with other forms of social power, it constitutes an indispensable medium for constructing and shaping larger social realities, for establishing, shaping and maintaining all broader and more durable collectivities."12 States play, in varying degrees, significant roles in structuring life chances, in distributing wealth, privilege, information, and risks, in upholding civil and political rights, and in securing private property rights and providing the legal/regulatory framework for capitalism. Every one of these dimensions of state activity has, for good or ill, a significant bearing on the global environmental crisis. Given that the green political project is one that demands far-reaching changes to both economies and societies, it is difficult to imagine how such changes might occur on the kind of scale that is needed without the active support of states. While it is often observed that states are too big to deal with local ecological problems and too small to deal with global ones, the state nonetheless holds, as Lennart Lundqvist puts it, "a unique position in the constitutive hierarchy from individuals through villages, regions and nations all the way to global organizations. **The state is** inclusive of lower political and administrative levels, and exclusive in speaking for its whole territory and population in relation to the outside world."13 In short, it seems to me inconceivable to advance ecological emancipation without also engaging with and seeking to transform state power.¶ Of course, not all states are democratic states, and the green movement has long been wary of the coercive powers that all states reputedly enjoy. Coercion (and not democracy) is also central to Max Weber's classic sociological understanding of the state as "a human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory."14 Weber believed that the state could not be defined sociologically in terms of its ends\* only formally as an organization in terms of the particular means that are peculiar to it.15 Moreover his concept of legitimacy was merely concerned with whether rules were accepted by subjects as valid (for whatever reason); he did not offer a normative theory as to the circumstances when particular rules ought to be accepted or whether beliefs about the validity of rules were justified. Legitimacy was **a contingent fact**, and in view of his understanding of politics as a struggle for power in the context of an increasingly disenchanted world, likely to become an increasingly unstable achievement.16 In contrast to Weber, my approach to the state is explicitly normative and explicitly concerned with the purpose of states, and the democratic basis of their legitimacy. It focuses on the limitations of liberal normative theories of the state (and associated ideals of a just constitutional arrangement), and it proposes instead an alternative green theory that seeks to redress the deficiencies in liberal theory. Nor is my account as bleak as Weber's. The fact that states possess a monopoly of control over the means of coercion is a most serious matter, but it does not necessarily imply that they must have frequent recourse to that power. In any event, whether the use of the state's coercive powers is to be deplored or welcomed turns on the purposes for which that power is exercised, the manner in which it is exercised, and whether it is managed in public, transparent, and accountable ways—a judgment that must be made against a background of changing problems, practices, and under- standings. The coercive arm of the state can be used to "bust" political demonstrations and invade privacy. It can also be used to prevent human rights abuses, curb the excesses of corporate power, and protect the environment. In short, although the political autonomy of states is widely believed to be in decline, there are still few social institution that can match the same degree of capacity and potential legitimacy that states have to redirect societies and economies along more ecologically sustainable lines to address ecological problems such as global warming and pollution, the buildup of toxic and nuclear wastes and the rapid erosion of the earth's biodiversity. States—particularly when they act collectively—have the capacity to curb the socially and ecologically harmful consequences of capitalism. They are also more amenable to democratization than cor- porations, notwithstanding the ascendancy of the neoliberal state in the increasingly competitive global economy. There are therefore many good reasons why green political theorists need to think not only critically but also constructively about the state and the state system. While the state is certainly not "healthy" at the present historical juncture, in this book I nonetheless join Poggi by offering "a timid two cheers for the old beast," at least as a potentially more significant ally in the green cause.17

### 2

#### The plan: the fifty states of the United States and all relevant territories ought to grant the right to student reporters to protect the identities of their confidential sources.

#### Solves uncertainty and protects the watchdogs of the future.

KU 16Three University, 11-14-2016, "Journalism professors argue for extending shield laws to protect student journalists," University of Kansas, <https://news.ku.edu/2016/11/07/journalism-professors-argue-extending-shield-laws-protect-student-journalists> OHS-AT

LAWRENCE — In our quickly changing media landscape, student journalists have stepped forward to meet their communities’ news needs, often doing work that was once considered the exclusive domain of full-time journalists. And they’ve done so without the legal protections of their professional counterparts. A new study by three University of Kansas journalism professors analyzes laws across the nation that grant journalists the right to protect confidential sources and information from compelled disclosure, finding that they rarely apply to student journalists.

Such protections should be expanded to journalists at the high school and college levels, argue the authors, including Assistant Professor Jonathan Peters, Associate Professor Genelle Belmas and Assistant Professor Peter Bobkowski, all in the William Allen White School of Journalism & Mass Communications. The article is forthcoming in the Fordham Intellectual Property, Media & Entertainment Law Journal, and it has been presented at the national conference of the Association for Education in Journalism and Mass Communication. It is the first comprehensive academic analysis of these issues.

The landmark Supreme Court case Branzburg v. Hayes found that reporters, generally, do not have a First Amendment right to refuse to divulge their confidential sources, but a concurring and dissenting opinion laid the groundwork for how such a privilege could work. That language is now found in numerous state statutes, court decisions and procedural rules giving reporters a basis to resist the compelled disclosure of their confidential sources and information.

“The big question was, ‘Does the reporter’s privilege, in its various forms, cover student journalists?’” Peters said. “Overall, this is an area that hasn’t seen much activity in the courts, and it has gotten virtually no critical or sustained attention from scholars.”

The study analyzes shield laws from across the country and categorizes them, finding that only two states, Maryland and West Virginia, explicitly protect student journalists. Meanwhile, in Ohio, educational organizations where student journalists work are covered. The rest of the states define who is protected by factors such as employment, amount of compensation, readership, publication frequency and producing news for the general public—all of which do not favor student journalists.

Some commentators have wondered why it would be necessary for student journalists to receive such protection, claiming, for example, that they only produce news for their fellow students or for small, niche audiences. But as the media landscape has changed and reporting staffs have shrunk, student media, especially college publications, have provided coverage of their communities on a larger scale than before. For that reason, the authors argue, student journalists deserve the same protections as full-time journalists. Foundations and journalism schools have also encouraged students to take on larger roles in meeting the news needs of their communities.

“We have seen, in the last 10-15 years, a lot of changes in the media industry,” Peters said. “One group we’ve seen step up consistently is student journalists. In our First Amendment tradition, we protect the lonely pamphleteer as much as The New York Times, and in the context of shield laws, it’s untenable to ask students to do more—with fewer legal protections. It’s unwise and unfair.”

Some states do not have shield statutes but make it possible to claim a reporters’ privilege through common law principles or through the federal or state constitutions. There is not a federal shield statute, and in these states, it is unclear how student journalists would be treated.

The article argues for the strengthening of shield laws and to extend them to protect student journalists. In states where students are not covered, the authors argue that the laws should be changed. While it is not common for student journalists to be compelled to testify, one recently was jailed for refusing to disclose sources.

“This is not a contrived, theoretical problem,” Peters said. “With the expanded roles we’re asking student journalists to play, this could happen more frequently. I still handle cases as a media lawyer, and I had a student journalist shield case just two years ago. If we are asking students to produce informative, investigative journalism, it’s imperative to give them the tools they need to produce it.”

There are more high school and college journalists working today than full-time professional journalists, and on the college level, many students are forming their own news organizations or collaborating with professional outlets to provide coverage on important topics such as state and national government. Providing that coverage is important, then, to the public to ensure continued watchdog journalism and to news outlets that will need to hire skilled, experienced journalists in the future.

“Today, perhaps more than ever, we need young people to be educated about the vital role that the free press has played in the history of our country so that they may carry on this important legacy into the future,” Bobkowski said. “Reporter's privilege is one element of the free press that has played an important role in supporting the vitality of our democracy.”

#### Plan’s definition of journalism based on process, not people, protects students while avoiding leakers and fake sources – also encourages high caliber investigative journalism. States key.

Hu 14 (June M. Hu, Columbia Law School J.D., 2015, Associate at Sullivan & Cromwell New York Law Firm) Columbia Journal of Law & the Arts Vol 38 Issue 2, <https://academiccommons.columbia.edu/doi/10.7916/D8GT5MDC> OHS-AT

If the current federal shield bill does become the first federal shield law in the United States, it would only protect reporters in a narrow set of circumstances— subpoenas issued by a federal actor and arising out of federal causes of action.210 A student-friendly state shield law would strengthen privilege in both state and federal cases, since federal courts look to state law for definitions of privileged persons.211 West Virginia, the latest state to enact a reporter’s shield law, provides a two-tier definition of privileged persons that is similar to the definition in the proposed Free Flow of Information Act.212 While the first tier requires the reporter to earn a “substantial livelihood” from newsgathering, the second tier allows judges to protect student reporters whose work closely models traditional journalism.213 Shield laws like the federal bill and the West Virginia statute protect a narrow core of traditional press, but provide a catchall category that gives judges discretion to award privilege to non-traditional reporters based on whether the reporters conducted legitimate journalism and the interest of justice in the subpoenaed material.

This type of shield law would give judges the flexibility to withhold the privilege from leakers, sham newsmen and cyberbullies. At the same time, because the inquiry focuses on the newsgatherer’s process and product rather than employment status or income, this type of shield law extends protection to student reporters whose work resembles the work of professional journalists. Wide adoption of such state shield laws would increase a high school student reporter’s chances of succeeding on her privilege claim in jurisdictions that do not recognize a constitutional reporter’s privilege, as well as in jurisdictions that would not clearly cover student reporters under the constitutional privilege. The greater likelihood of receiving a reporter’s privilege would allow young student reporters to continue engaging in high-caliber investigative reporting, reducing the double-bind of risking imprisonment if they protect sources and social stigma if they snitch.

#### Spills over to mainstream media

Brown 15 [(Rachel, freelance journalist. She has worked for the Los Angeles Times, Yahoo, and the San Francisco Chronicle.) “A New Role for Student Media: College Newspapers and the Crises in Journalism” (2015) Media and Communication Studies Honors Papers, Ursinus College, 4-26-15 whs-ee

However, there is some debate as to whether the primary goal of college publications should be to directly contribute to democratic participation. While the “teaching hospital” model proposed by Waldman supports that college newspapers can fill both a civic and educational role, there are some advantages of focusing solely on the educational role of these publications. By emphasizing the “lab” qualities of student newspapers, these publications are facilitating the education in the next generation of professional journalists. As Downie and Schudson’s “Reconstruction of American Journalism” report suggests, the best use of student newspapers’ resources is not necessarily to expand the civic role of college newspapers, but train journalists so that they can make an impact as professionals (Downie and Schudson 2009). The report proposes that it is more civically practical to invest in the education of student journalists rather than speeding through the foundations of the practice in order to prematurely pursue a democratic role.

College newspapers come equipped with a staff that is there because, in general, they are genuinely interested in participating and doing so actively to enhance their chances of future success. However, unlike at professional publications, these students’ livelihood is not immediately dependent on their success. College papers have the potential to succeed as democratic forums because the profit motive that has wreaked havoc on commercial papers is typically not present and if it is, is significantly less consequential. As newspaper staffs have shrunk by nearly 20 percent in the past decade, from 52,550 to 43, 630 total journalists employed in the field, 216,269 students were enrolled in U.S., degree-seeking journalism and mass communication programs in 2009 alone (Pew 2014), (Waldman 2011). School newspapers offer a stable supply of journalists that are educated in the most recent industry practices, supporting the perspective college newspapers can offer the staff that professional papers desperately need to create the content that brings citizens the information they need, not just the information that newspapers need to turn a profit.

### 3

Fairness is a voter—debate’s a game with wins and losses and skew makes it impossible to evaluate the better debater. 1ar gets theory—otherwise it’s impossible to check 1nc abuse. Its drop the debater no rvis competing interps since a] 1ar is too time-crunched to win theory and substance and anything else deters 1ar from checking abuse which o/w on strength of link—deterring me from checking even minor abuse can add up to a loss. b] 2nr collapse to theory makes the 2ar impossible since it’s a 6-3 advantage on 45 seconds of 1ar offense

### 4

#### Prioritize structural impacts – worst-case scenario predictions are based on threat exaggeration – distorts rational decision-making and justify preemptive warfare

Mueller & Stewart ’11 [John, Woody Hayes National Security Studies and Professor of Political Science @ Ohio State University, Mark, Professor of Civil Engineering and Director of the Centre for Infrastructure Performance and Reliability at the University of Newcastle in Australia, “Terror, Security, and Money”, page numbers below]

Focusing on Worst-Case Scenarios Cass Sunstein, who seems to have invented the phrase "probability neglect," assesses the version of the phenomenon that comes into being when "emotions are intensely engaged." Under that circumstance, he argues, "people’s attention is focused on the bad outcome itself and they are inattentive to the fact that it is unlikely to occur." Moreover, they are inclined to "demand a substantial governmental response-even if the magnitude of the risk does not warrant the response." It may be this phenomenon that Treverton experienced. Playing to this demand, government officials are inclined to focus on worst-case scenarios, presumably in the knowledge, following Sunstein's insight, that this can emotionally justify just about any expenditure, no matter how unlikely the prospect the dire event will actually take place. Accordingly; there is a preoccupation with "low probability/ high consequence" events, such as the detonation of a sizable nuclear device in midtown Manhattan. The process could be seen in action in an article published in 2008 by Secretary of Homeland Security (DHS) Michael Chertoff. He felt called upon to respond to the observation that the number of people who die each year from international terrorism, while tragic, is actually exceedingly small. "This fails to consider," he pointed out, "the much greater loss of life that Weapons of mass destruction could wreak on the American people." That is, he was justifying his entire budget-only a limited portion of which is concerned with Weapons of mass destruction by the WMD threat, even while avoiding assessing its likelihood. It is sometimes argued that conventional risk analysis breaks down under extreme conditions because the risk is now a very large number (losses) multiplied by a very small number (attack probability). But it is not the risk analysis methodology that is at fault here, but our ability to use the information obtained from the analysis for decision making. A "high consequence" event has been defined to be a "disaster" or "catastrophe" resulting in "great human costs in life, property environmental damage, and future economic activity" However, depending on how one weighs the words in that definition, there may have been only one terrorist event in all of history that qualifies for inclusion. Moreover, the vast bulk of homeland security expenditures is not focused on events that fit a definition like that, but rather on comparatively low-consequence ones, like explosions set off by individual amateur jihadists. Analyst Bruce Schneier has written penetratingly of worst-case thinking. He points out that it , involves imagining the worst possible outcome and then acting as if it were a certainty. It substitutes imagination for thinking, speculation for risk analysis, and fear for reason. It fosters powerlessness and vulnerability and magnifies social [immobilization] ~~paralysis~~. And it makes us more vulnerable to the effects of terrorism. It leads to bad decision making because it's only half of the cost-benefit equation. Every decision has costs and benefits, risks and rewards. By speculating about what can possibly go wrong, and then acting as if that is likely to happen, worst-case thinking focuses only on the extreme but improbable risks and does a poor job at assessing outcomes. It also assumes "that a proponent of an action must prove that the nightmare scenario is impossible," and it "can be used to support any position or its opposite. If we build a nuclear power plant, it could melt down. If we don't build it, We will run short of power and society will collapse into anarchy" And worst, it "validates ignorance" because, "instead of focusing on what we know, it focuses on what we don't know-and what we can imagine." In the process, "risk assessment is devalued" and "probabilistic thinking is repudiated in favor of possibilistic thinking." As Schneier also notes, worst-case thinking is the driving force behind the precautionary principle, a decent working definition of which is "action should be taken to correct a problem as soon as there is evidence that harm may occur, not after the harm has already occurred." It could be seen in action less than a week after 9/11, when President George W Bush outlined his new national security strategy: "We cannot let our enemies strike first . . . [but must take] anticipatory action to defend ourselves, even if uncertainty remains as to the time and place of the enemy's attack. To forestall or prevent such hostile acts by our adversaries, the United States, will, if necessary act preemptively \_ . . America will act against such emerging threats before they are fully formed." The 2003 invasion of Iraq, then, was justified by invoking the precautionary principle based on the worst-case scenario in which Saddam Hussein might strike. If, on the other hand, any worst-case thinking focused on the potential for the destabilizing effects a war would have on Iraq and the region, the precautionary principle would guide one to be very cautious about embarking on war. As Sunstein notes, the precautionary principle "offers no guidance-not that it is wrong, but that it forbids all courses of action, including regulation." Thus, "taken seriously it is paralyzing, banning the very steps that it simultaneously requires."9 It can be invoked in equal measure to act or not to act. There are considerable dangers in applying the precautionary principle to terrorism: on the one hand, any action taken to reduce a presumed risk always poses the introduction of countervailing risks, while on the other, larger, expensive counterterrorism efforts will come accompanied by high opportunity costs." Moreover "For public officials no less than the rest of us, the probability of harm matters a great deal, and it is foolish to attend exclusively to the worst case scenario." A more rational approach to worst-case thinking is to establish the likelihood of gains and losses from various courses of action, including staying the current course." This, of course, is the essence of risk assessment. What is necessary is due consideration to the spectrum of threats, not simply the worst one imaginable, in order to properly understand, and coherently deal with, the risks to people, institutions, and the economy The relevant decision makers are professionals, and it is not unreasonable to suggest that they should do so seriously. Notwithstanding political pressures (to be discussed more in chapter 9), the fact that the public has difficulties with probabilities when emotions are involved does not relieve those in charge of the requirement, even the duty to make decisions about the expenditures of vast quantities of public monies in a responsible manner. [page 14-17]

#### Reject “1% risk of extinction”– it collapses all policymaking

**Meskill 09** (David, professor at Colorado School of Mines and PhD from Harvard, “The "One Percent Doctrine" and Environmental Faith,” Dec 9, http://davidmeskill.blogspot.com/2009/12/one-percent-doctrine-and-environmental.html)

Tom Friedman's piece today in the Times on the environment (http://www.nytimes.com/2009/12/09/opinion/09friedman.html?\_r=1) is one of the flimsiest pieces by a major columnist that I can remember ever reading. He applies Cheney's "one percent doctrine" (which is similar to the environmentalists' "precautionary principle") to the risk of environmental armageddon. But this doctrine is both intellectually incoherent and practically irrelevant. It is intellectually incoherent because it cannot be applied consistently in a world with many potential disaster scenarios. In addition to the global-warming risk, there's also the asteroid-hitting-the-earth risk, the terrorists-with-nuclear-weapons risk (Cheney's original scenario), the super-duper-pandemic risk, etc. Since each of these risks, on the "one percent doctrine," would deserve all of our attention, we cannot address all of them simultaneously. That is, even within the one-percent mentality, we'd have to begin prioritizing, making choices and trade-offs. But why then should we only make these trade-offs between responses to disaster scenarios? Why not also choose between them and other, much more cotidien, things we value? Why treat the unlikely but cataclysmic event as somehow fundamentally different, something that cannot be integrated into all the other calculations we make? And in fact, this is how we behave all the time. We get into our cars in order to buy a cup of coffee, even though there's some chance we will be killed on the way to the coffee shop. We are constantly risking death, if slightly, in order to pursue the things we value. Any creature that adopted the "precautionary principle" would sit at home - no, not even there, since there is some chance the building might collapse. That creature would neither be able to act, nor not act, since it would nowhere discover perfect safety. Friedman's approach reminds me somehow of Pascal's wager - quasi-religious faith masquerading as rational deliberation (as Hans Albert has pointed out, Pascal's wager itself doesn't add up: there may be a God, in fact, but it may turn out that He dislikes, and even damns, people who believe in him because they've calculated it's in their best interest to do so). As my friend James points out, it's striking how descriptions of the environmental risk always describe the situation as if it were five to midnight. It must be near midnight, since otherwise there would be no need to act. But it can never be five \*past\* midnight, since then acting would be pointless and we might as well party like it was 2099. Many religious movements - for example the early Jesus movement - have exhibited precisely this combination of traits: the looming apocalypse, with the time (just barely) to take action. None of this is to deny - at least this is my current sense - that human action is contributing to global warming. But what our response to this news should be is another matter entirely.

#### The future is unpredictable – the best way to preserve future value is to do good things now

Karnofsky 14 - Executive Director of the Open Philanthropy Project degree in Social Studies from Harvard University (Holden Karnofsky, 7/3/14, “The Moral Value of the Far Future” <https://www.openphilanthropy.org/blog/moral-value-far-future>)

I broadly accept the idea that the bulk of our impact may come from effects on future generations, and this view causes me to be more interested in scientific research funding, global catastrophic risk mitigation, and other causes outside of aid to the developing-world poor. (If not for this view, I would likely favor the latter and would likely be far more interested in animal welfare as well.) However, I place only limited weight on the specific argument given by Nick Bostrom in Astronomical Waste - that the potential future population is so massive as to clearly (in a probabilistic framework) dwarf all present-day considerations. More I reject the idea that placing high value on the far future - no matter how high the value - makes it clear that one should focus on reducing the risks of catastrophes such as extreme climate change, pandemics, misuse of advanced artificial intelligence, etc. Even one who fully accepts the conclusions of “Astronomical Waste” has good reason to consider focusing on shorter-term, more tangible, higher-certainty opportunities to do good - including donating to GiveWell’s current top charities and reaping the associated flow-through effects. More I consider “global catastrophic risk reduction” to be a promising area for a philanthropist. As discussed previously, we are investigating this area actively. More Those interested in related materials may wish to look at two transcripts of recorded conversations I had on these topics: a conversation on flow-through effects with Carl Shulman, Robert Wiblin, Paul Christiano, and Nick Beckstead and a conversation on existential risk with Eliezer Yudkowsky and Luke Muehlhauser. The importance of the far future As discussed previously, I believe that the general state of the world has improved dramatically over the past several hundred years. It seems reasonable to state that the people who made contributions (large or small) to this improvement have made a major difference to the lives of people living today, and that when all future generations are taken into account, their impact on generations following them could easily dwarf their impact in their own time. I believe it is reasonable to expect this basic dynamic to continue, and I believe that there remains huge room for further improvement (possibly dwarfing the improvements we’ve seen to date). I place some probability on global upside possibilities including breakthrough technology, space colonization, and widespread improvements in interconnectedness, empathy and altruism. Even if these don’t pan out, there remains a great deal of room for further reduction in poverty and in other causes of suffering. In Astronomical Waste, Nick Bostrom makes a more extreme and more specific claim: that the number of human lives possible under space colonization is so great that the mere possibility of a hugely populated future, when considered in an “expected value” framework, dwarfs all other moral considerations. I see no obvious analytical flaw in this claim, and give it some weight. However, because the argument relies heavily on specific predictions about a distant future, seemingly (as far as I can tell) backed by little other than speculation, I do not consider it “robust,” and so I do not consider it rational to let it play an overwhelming role in my belief system and actions. (More on my epistemology and method for handling non-robust arguments containing massive quantities here.) In addition, if I did fully accept the reasoning of “Astronomical Waste” and evaluate all actions by their far future consequences, it isn’t clear what implications this would have. As discussed below, given our uncertainty about the specifics of the far future and our reasons to believe that doing good in the present day can have substantial impacts on the future as well, it seems possible that “seeing a large amount of value in future generations” and “seeing an overwhelming amount of value in future generations” lead to similar consequences for our actions. Catastrophic risk reduction vs. doing tangible good Many people have cited “Astronomical Waste” to me as evidence that the greatest opportunities for doing good are in the form of reducing the risks of catastrophes such as extreme climate change, pandemics, problematic developments related to artificial intelligence, etc. Indeed, “Astronomical Waste” seems to argue something like this: For standard utilitarians, priority number one, two, three and four should consequently be to reduce existential risk. The utilitarian imperative “Maximize expected aggregate utility!” can be simplified to the maxim “Minimize existential risk!”. I have always found this inference flawed, and in my recent discussion with Eliezer Yudkowsky and Luke Muehlhauser, it was argued to me that the “Astronomical Waste” essay never meant to make this inference in the first place. The author’s definition of existential risk includes anything that stops humanity far short of realizing its full potential - including, presumably, stagnation in economic and technological progress leading to a long-lived but limited civilization. Under that definition, “Minimize existential risk!” would seem to potentially include any contribution to general human empowerment. I have often been challenged to explain how one could possibly reconcile (a) caring a great deal about the far future with (b) donating to one of GiveWell’s top charities. My general response is that in the face of sufficient uncertainty about one’s options, and lack of conviction that there are good (in the sense of high expected value) opportunities to make an enormous difference, it is rational to try to make a smaller but robustly positive difference, whether or not one can trace a specific causal pathway from doing this small amount of good to making a large impact on the far future. A few brief arguments in support of this position: I believe that the track record of “taking robustly strong opportunities to do ‘something good’ ” is far better than the track record of “taking actions whose value is contingent on high-uncertainty arguments about where the highest utility lies, and/or arguments about what is likely to happen in the far future.” This is true even when one evaluates track record only in terms of seeming impact on the far future. The developments that seem most positive in retrospect - from large ones like the development of the steam engine to small ones like the many economic contributions that facilitated strong overall growth - seem to have been driven by the former approach, and I’m not aware of many examples in which the latter approach has yielded great benefits. I see some sense in which the world’s overall civilizational ecosystem seems to have done a better job optimizing for the far future than any of the world’s individual minds. It’s often the case that people acting on relatively short-term, tangible considerations (especially when they did so with creativity, integrity, transparency, consensuality, and pursuit of gain via value creation rather than value transfer) have done good in ways they themselves wouldn’t have been able to foresee. If this is correct, it seems to imply that one should be focused on “playing one’s role as well as possible” - on finding opportunities to “beat the broad market” (to do more good than people with similar goals would be able to) rather than pouring one’s resources into the areas that non-robust estimates have indicated as most important to the far future. The process of trying to accomplish tangible good can lead to a great deal of learning and unexpected positive developments, more so (in my view) than the process of putting resources into a low-feedback endeavor based on one’s current best-guess theory. In my conversation with Luke and Eliezer, the two of them hypothesized that the greatest positive benefit of supporting GiveWell’s top charities may have been to raise the profile, influence, and learning abilities of GiveWell. If this were true, I don’t believe it would be an inexplicable stroke of luck for donors to top charities; rather, it would be the sort of development (facilitating feedback loops that lead to learning, organizational development, growing influence, etc.) that is often associated with “doing something well” as opposed to “doing the most worthwhile thing poorly.” I see multiple reasons to believe that contributing to general human empowerment mitigates global catastrophic risks. I laid some of these out in a blog post and discussed them further in my conversation with Luke and Eliezer. For one who accepts these considerations, it seems to me that: It is not clear whether placing enormous value on the far future ought to change one’s actions from what they would be if one simply placed large value on the far future. In both cases, attempts to reduce global catastrophic risks and otherwise plan for far-off events must be weighed against attempts to do tangible good, and the question of which has more potential to shape the far future will often be a difficult one to answer. If one sees few robustly good opportunities to “make a huge difference to the far future,” the best approach to making a positive far-future difference may be “make a small but robustly positive difference to the present.” One ought to be interested in “unusual, outstanding opportunities to do good” even if they don’t have a clear connection to improving the far future.

#### The world is complex – linear predictions are incoherent

Glover 12 (7/21/12, Robert W. Glover is the CLAS Honors Preceptor in Political Science at the University of Maine. “Compatibility or Incommensurability: IR Theory and Complex Systems Analysis” <http://www.e-ir.info/2012/07/21/compatibility-or-incommensurability-ir-theory-and-complex-systems-analysis/#_ftn1>)

A recent New York Times op-ed, written by a professor of political science no less, lambasted the discipline for consistently failing to predict both international and domestic political outcomes. It boldly proclaimed “…[c]himps throwing darts at possible outcomes would have done almost as well as the experts.”[1] To add insult to injury, the article featured a picture of a primate armed with darts taking aim at circular boards marked with regions of the world, possible outcomes, and likelihoods. The upshot of the article was that political science simply shouldn’t be in the business of prediction. Stevens quotes Karl Popper, stating “[l]ong term prophecies can be derived from scientific conditional predictions only if they apply to systems which can be described as well-isolated, stationary, and recurrent. These systems are very rare in nature; and modern society is not one of them.”[2] Though such indictments of our intellectual enterprise may be painful to hear, they are also correct in many senses. Political science, and by extension international relations (IR), has had difficulties in predicting future events with any accuracy or specificity. The guiding principles of “traditional” or “mainstream” approaches to IR have generally held that there is observable order in world affairs, from which we can offer explanations and make predictions. It is the great hope of our discipline that “there is an external world of which we can have knowledge…” and the notion that IR is “grounded in lawlike regularities that allow the possibility of making claims about how the ‘international’ operates.”[3] Yet if this were the case, surely we’d be doing a better job at forecasting international outcomes. The invocation of Popper reminds us why our best laid plans have gone awry. Social systems, from the most basic to the most intricate, almost invariably involve the complex interface of many variables, opaque interaction effects, and elements of chance and human variability. As Jervis states, “…[t]he result is that systems often display non-linear relationships, outcomes cannot be understood by the adding together of units or their relations and many of the results of actions are unintended. Complexities can appear in even what would seem to be simple and deterministic situations.”[4] Beyond prediction, even our attempts at post-hoc explanation tend to rely upon reductionism. That is to say we reduce the irreducibly complex to pithy “cause and effect” relationships. The 2008 war between Russia and Georgia was caused by a dispute over South Ossetia. The 1997 economic crisis was triggered by currency instability in Southeast Asia. The recent political upheaval in Egypt stemmed from technologically savvy young people angered with the corruption of Mubarak’s regime and a stagnant economy. These are the types of concise explanations we offer for events of enormous, systemic, complexity. However, IR theory has been grappling with a new set of tools which originate in the study of the natural world, specifically physics and biology. We call these tools “complex systems analysis” or in its more conceptual variant, “complexity theory.”[5] Complexity is not a unified theory as such, but rather an “emerging approach or framework” drawn from a variety of sources.[6] Proponents argue that IR can achieve better understanding of the world utilizing conceptual lenses attuned to the interaction of large numbers of variables and actors, interacting in a non-linear (and hence, less predictable) fashion. The remainder of this article will examine the rudiments of complexity theory, as well as its promise as a conceptual tool in understanding international relations. In particular, I will focus upon whether complexity theory constitutes a framework compatible with existing IR theories, or a fundamental and incommensurable challenge to the present theoretical landscape of IR.

#### Focus on existential risks is whiteness and is based on a epistemologically flawed logic that allows modern-day genocides

* X-risk has a massive nerdy white dude problem
* It’s messed up to say reducing existential risk by .0000001% outweighs genocide
* We should do good things for people – ending global poverty would be good
* Pascal’s Mugging – if someone came up to you and said give me $20 or I’ll cause extinction, it would be absurd to comply, but that framing would say the risk of being wrong mandates it
* Repugnant conclusion (parfit) – it assumes maximizing the number of lives outweighs anything even if those lives are miserable even if they’re barely worth living

Matthews 15 bracketed [Dylan Matthews; Aug 10, 2015; “I spent a weekend at Google talking with nerds about charity. I came away … worried.”; <https://www.vox.com/2015/8/10/9124145/effective-altruism-global-ai>; \*bracketed for verbal statistical clarity\* //BWSWJ]

Lavigne was addressing attendees of the Effective Altruism Global conference, which she helped organize at Google's Quad Campus in Mountain View the weekend of July 31 to August 2. Effective altruists think that past attempts to do good — by giving to charity, or working for nonprofits or government agencies — have been largely ineffective, in part because they've been driven too much by the desire to feel good and too little by the cold, hard data necessary to prove what actually does good.

It's a powerful idea, and one that has already saved lives. GiveWell, the charity evaluating organization to which effective altruism can trace its origins, has pushed philanthropy toward evidence and away from giving based on personal whims and sentiment. Effective altruists have also been remarkably forward-thinking on factory farming, taking the problem of animal suffering seriously without collapsing into PETA-style posturing and sanctimony.

Effective altruism (or EA, as proponents refer to it) is more than a belief, though. It's a movement, and like any movement, it has begun to develop a culture, and a set of powerful stakeholders, and a certain range of worrying pathologies. At the moment, EA is very white, very male, and dominated by tech industry workers. And it is increasingly obsessed with ideas and data that reflect the class position and interests of the movement's members rather than a desire to help actual people.

In the beginning, EA was mostly about fighting global poverty. Now it's becoming more and more about funding computer science research to forestall an artificial intelligence–provoked apocalypse. At the risk of overgeneralizing, the computer science majors have convinced each other that the best way to save the world is to do computer science research. Compared to that, multiple attendees said, global poverty is a "rounding error."

I identify as an effective altruist: I think it's important to do good with your life, and doing as much good as possible is a noble goal. I even think AI risk is a real challenge worth addressing. But speaking as a white male nerd on the autism spectrum, effective altruism can't just be for white male nerds on the autism spectrum. Declaring that global poverty is a "rounding error" and everyone really ought to be doing computer science research is a great way to ensure that the movement remains dangerously homogenous and, ultimately, irrelevant.

Should we care about the world today at all?

EA Global was dominated by talk of existential risks, or X-risks. The idea is that human extinction is far, far worse than anything that could happen to real, living humans today.

To hear effective altruists explain it, it comes down to simple math. About 108 billion people have lived to date, but if humanity lasts another 50 million years, and current trends hold, the total number of humans who will ever live is more like 3 quadrillion. Humans living during or before 2015 would thus make up only 0.0036 percent of all humans ever.

The numbers get even bigger when you consider — as X-risk advocates are wont to do — the possibility of interstellar travel. Nick Bostrom — the Oxford philosopher who popularized the concept of existential risk — estimates that about 10^54 human life-years (or 10^52 lives of 100 years each) could be in our future if we both master travel between solar systems and figure out how to emulate human brains in computers.

Even if we give this 10^54 estimate "a mere 1% chance of being correct," Bostrom writes, "we find that the expected value of reducing existential risk by a mere one billionth of one billionth of one percentage point is worth a hundred billion times as much as a billion human lives."

Put another way: The number of future humans who will never exist if humans go extinct is so great that reducing the risk of extinction by 0.00000000000000001 percent can be expected to save 100 billion more lives than, say, preventing the genocide of 1 billion people. That argues, in the judgment of Bostrom and others, for prioritizing efforts to prevent human extinction above other endeavors. This is what X-risk obsessives mean when they claim ending world poverty would be a "rounding error."

Why Silicon Valley is scared its own creations will destroy humanity

There are a number of potential candidates for most threatening X-risk. Personally I worry most about global pandemics, both because things like the Black Death and the Spanish flu have caused massive death before, and because globalization and the dawn of synthetic biology have made diseases both easier to spread and easier to tweak (intentionally or not) for maximum lethality. But I'm in the minority on that. The only X-risk basically anyone wanted to talk about at the conference was artificial intelligence.

The specific concern — expressed by representatives from groups like the Machine Intelligence Research Institute (MIRI) in Berkeley and Bostrom's Future of Humanity Institute at Oxford — is over the possibility of an "intelligence explosion." If humans are able to create an AI as smart as humans, the theory goes, then it stands to reason that that AI would be smart enough to create itself, and to make itself even smarter. That'd set up a process of exponential growth in intelligence until we get an AI so smart that it would almost certainly be able to control the world if it wanted to. And there's no guarantee that it'd allow humans to keep existing once it got that powerful. "It looks quite difficult to design a seed AI such that its preferences, if fully implemented, would be consistent with the survival of humans and the things we care about," Bostrom told me in an interview last year.

This is not a fringe viewpoint in Silicon Valley. MIRI's top donor is the Thiel Foundation, funded by PayPal and Palantir cofounder and billionaire angel investor Peter Thiel, which has given $1.627 million to date. Jaan Tallinn, the developer of Skype and Kazaa, is both a major MIRI donor and the co-founder of two groups — the Future of Life Institute and the Center for the Study of Existential Risk — working on related issues. And earlier this year, the Future of Life Institute got $10 million from Thiel's PayPal buddy, Tesla Motors/SpaceX CEO Elon Musk, who grew concerned about AI risk after reading Bostrom's book Superintelligence.

And indeed, the AI risk panel — featuring Musk, Bostrom, MIRI's executive director Nate Soares, and the legendary UC Berkeley AI researcher Stuart Russell — was the most hyped event at EA Global. Musk naturally hammed it up for the crowd. At one point, Russell set about rebutting AI researcher Andrew Ng's comment that worrying about AI risk is like "worrying about overpopulation on Mars," countering, "Imagine if the world's governments and universities and corporations were spending billions on a plan to populate Mars." Musk looked up bashfully, put his hand on his chin, and smirked, as if to ask, "Who says I'm not?"

Russell's contribution was the most useful, as it confirmed this really is a problem that serious people in the field worry about. The analogy he used was with nuclear research. Just as nuclear scientists developed norms of ethics and best practices that have so far helped ensure that no bombs have been used in attacks for 70 years, AI researchers, he urged, should embrace a similar ethic, and not just make cool things for the sake of making cool things.

What if the AI danger argument is too clever by half?

What was most concerning was the vehemence with which AI worriers asserted the cause's priority over other cause areas. For one thing, we have such profound uncertainty about AI — whether general intelligence is even possible, whether intelligence is really all a computer needs to take over society, whether artificial intelligence will have an independent will and agency the way humans do or whether it'll just remain a tool, what it would mean to develop a "friendly" versus "malevolent" AI — that it's hard to think of ways to tackle this problem today other than doing more AI research, which itself might increase the likelihood of the very apocalypse this camp frets over.

The common response I got to this was, "Yes, sure, but even if there's a very, very, very small likelihood of us decreasing AI risk, that still trumps global poverty, because infinitesimally increasing the odds that 10^52 people in the future exist saves way more lives than poverty reduction ever could."

The problem is that you could use this logic to defend just about anything. Imagine that a wizard showed up and said, "Humans are about to go extinct unless you give me $10 to cast a magical spell." Even if you only think there's a, say, [1e-17] 0.00000000000000001 percent chance that he's right, you should still, under this reasoning, give him the $10, because the expected value is that you're saving 10^32 lives.

Bostrom calls this scenario "Pascal's Mugging," and it's a huge problem for anyone trying to defend efforts to reduce human risk of extinction to the exclusion of anything else. These arguments give a false sense of statistical precision by slapping probability values on beliefs. But those probability values are literally just made up. Maybe giving $1,000 to the Machine Intelligence Research Institute will reduce the probability of AI killing us all by 0.00000000000000001. Or maybe it'll make it only cut the odds by 0.00000000000000000000000000000000000000000000000000000000000000001. If the latter's true, it's not a smart donation; if you multiply the odds by 10^52, you've saved an expected 0.0000000000001 lives, which is pretty miserable. But if the former's true, it's a brilliant donation, and you've saved an expected 100,000,000,000,000,000,000,000,000,000,000,000 lives.

I don't have any faith that we understand these risks with enough precision to tell if an AI risk charity can cut our odds of doom by [1e-17] 0.00000000000000001 or by only [1e-65] 0.00000000000000000000000000000000000000000000000000000000000000001. And yet for the argument to work, you need to be able to make those kinds of distinctions.

The other problem is that the AI crowd seems to be assuming that people who might exist in the future should be counted equally to people who definitely exist today. That's by no means an obvious position, and tons of philosophers dispute it. Among other things, it implies what's known as the Repugnant Conclusion: the idea that the world should keep increasing its population until the absolutely maximum number of humans are alive, living lives that are just barely worth living. But if you say that people who only might exist count less than people who really do or really will exist, you avoid that conclusion, and the case for caring only about the far future becomes considerably weaker (though still reasonably compelling).

Doing good through aggressive self-promotion

To be fair, the AI folks weren't the only game in town. Another group emphasized "meta-charity," or giving to and working for effective altruist groups. The idea is that more good can be done if effective altruists try to expand the movement and get more people on board than if they focus on first-order projects like fighting poverty.

This is obviously true to an extent. There's a reason that charities buy ads. But ultimately you have to stop being meta. As Jeff Kaufman — a developer in Cambridge who's famous among effective altruists for, along with his wife Julia Wise, donating half their household's income to effective charities — argued in a talk about why global poverty should be a major focus, if you take meta-charity too far, you get a movement that's really good at expanding itself but not necessarily good at actually helping people.

And you have to do meta-charity well — and the more EA grows obsessed with AI, the harder it is to do that. The movement has a very real demographic problem, which contributes to very real intellectual blinders of the kind that give rise to the AI obsession. And it's hard to imagine that yoking EA to one of the whitest and most male fields (tech) and academic subjects (computer science) will do much to bring more people from diverse backgrounds into the fold.

The self-congratulatory tone of the event didn't help matters either. I physically recoiled during the introductory session when Kerry Vaughan, one of the event's organizers, declared, "I really do believe that effective altruism could be the last social movement we ever need." In the annals of sentences that could only be said with a straight face by white men, that one might take the cake.

Effective altruism is a useful framework for thinking through how to do good through one's career, or through political advocacy, or through charitable giving. It is not a replacement for movements through which marginalized peoples seek their own liberation. If EA is to have any hope of getting more buy-in from women and people of color, it has to at least acknowledge that.

#### You can’t predict black swan events

Chadefaux 17 [Thomas Chadefaux (Department of Political Science, Trinity University); 20 February 2017; Data Science Journal; “Conflict forecasting and its limits”; <https://content.iospress.com/articles/data-science/ds002> //BWSWJ]

The question of predictability ultimately hinges on the underlying nature of conflict. In the words of Popper, does it more closely resemble the world of clouds – “highly irregular, disorderly, and more or less unpredictable” – or the one of clocks – “regular, orderly, and highly predictable in their behaviour” (Popper [37]). Unfortunately we do not yet know which we are facing. On most days, international and domestic interactions resemble a clock. Small deviations are corrected in a reversion to the mean, and the stochastic process of daily events and tensions that may emerge on a local or global level is trendstationary. Yet there are also rare shocks that do not follow this clock-like pattern. These are, of course, the events of interest here – conflicts, coups, acts of terrorism – that may start a cascade and change the clock into a cloud and the trend-stationary time series into unit-root processes (Doran [17]). There is yet a third possibility: that conflicts are neither clouds nor clocks, but black swans (Taleb [53]). Black swans are game-changing events with such low probability that they cannot be predicted (even though experts often claim to have found obvious warning signs for them ex post). Black swans are different from simple rare events. While rare events occur infrequently, their probability is not low conditional on the relevant set of variables. On the other hand, black swans have a low probability even conditional on other variables. Where conflict processes should be located on the clock-cloud-swan continuum matters. With clocks, predictions are possible, whether they be point or probabilistic predictions.7 With clouds, the marginal cost of better predictions would be increasing, but we could at least learn about the aggregate distribution and data-generating process (e.g. Clauset, Young, and Gleditsch [16] on the frequency of terrorist events). With black swans, however, attempting to predict would be a fool’s game. Several factors make it particularly challenging to predict conflict, and in fact may impose insuperable limits to our forecasts. First, our data are, almost by definition, prone to error and imprecision (e.g. Shellman, Hatfield, and Mills [47]). Part of it is due to poor measuring. But part of it is caused by strategic misrepresentation and concealing on the part of the relevant governments. A second reason for the difficulty to predict conflicts is that their structure, and more generally the structure of international relations, are constantly evolving. The end of the cold war, for example, was largely unanticipated and challenged many of the structures and patterns that formed parts of the existing models. Even within a given conflict, the dynamic can dramatically change and necessitate a different model (e.g. the surge in Iraq, Bhavnani et al. [4]). The difficulty is that these changes are difficult to anticipate – they are often black swans themselves – such that our ability to forecast may be limited to the short-term. The long term, on the other hand, would be the result of too many compounding shocks to a point where predictions become futile. Ideally, our predictions would be able to accomodate these changes. This may require two-level predictions in which the structure itself is first predicted, and within that structure the short-term events would be forecasted with a different model. But of course this would compound the uncertainty about our model specification and data. Another difficulty relates to the strategic nature of international relations and politics in general. First, actors are forward looking. They form their own predictions about the future, and act accordingly today. As a result, these predictions can affect their behavior today and invalidate these original predictions. As observers, then, we may have the right logic but end up not observing the phenomenon. Consider for example the problem of the onset of wars. If their contemporaries identify the underlying conditions as ripe for war, they may take additional steps to either prevent it, postpone its onset, or on the contrary speed it up, such that the initial predictions will be invalidated (e.g. Chadefaux [13] for empirical evidence of this pattern). The same logic also applies to the conduct and termination of war. The anticipations of forthcoming peace negotiations, for example, may lead certain actors – spoilers – to try harder to disrupt the peace process, thus reducing the prospects for peace (Kydd and Walter [31]). Mixed strategies are another difficulty. States or domestic actors cannot always respond to the same situation in the same way, else their response becomes predictable and may be exploited by the adversary. Just like a tennisman will not always serve in the same place to prevent the opponent from anticipating his actions, leaders must vary their threats and responses to events. As a result, the same conditions and sequence of events may lead to different reactions, some potentially leading to wars whereas others do not. In such cases, probabilistic predictions remain possible, but point predictions are inherently impossible. While a large number of observations may bring us close to an estimate of the underlying probability distribution, the predictive value of our forecasts will be bound upward by a fundamental limit. In fact, uncertainty itself may be necessary for the onset and continuation of war. Indeed, one of the central rationalist explanations for why bargaining might break down into war is incomplete information of at least one of the participants. As a result, “we cannot predict in individual cases whether states will go to war, because war is typically the consequence of variables that are unobservable ex ante, both to us as researchers and to the participants” (Gartzke [19], p. 567). Conflicts and the processes leading to them may also be path-dependent. A small event may lead to a cascading effect and ultimately to war. Yet the same underlying structure could possibly have accomodated an alternate equilibrium in which peace prevailed. Self-reinforcing processes mean that international interactions may magnify the effects of chance. Looking back, we may be able to trace the explosion of a keg – conflict – to a single spark (though this is itself debatable, as evidenced by the unfaltering scholarship on the causes of WWI), but looking forward, we are unable to know which spark will ignite the keg. In the same way, seismologists understand the causes of earthquakes and are able to monitor seismological variations with high precision but still cannot predict their onset with much early warning.8

#### No counterplans – negatives must defend the squo

Plants 89 [COUNTERPLANS RE-VISITED: THE LAST SACRED COW? J. Daniel Plants, Baylor University 1989 - Punishment Paradigms : Pros and Cons; <http://groups.wfu.edu/debate/MiscSites/DRGArticles/Plants1989Punishment.htm> //BWSWJ]

The notion of "as compared to the way things are done now" is nothing novel. Such a comparison is implicit any time the term "should" is invoked. Examples will make this clear. Imagine a congressperson proposing a mandatory seat belt law. The floor is opened to debate over the merits of mandating safety belts. All of a sudden, another member of Congress interrupts with the brilliant idea of banning all automobiles. Such a suggestion would be immediately discarded as irrelevant (if not also as absurd). Obviously, when the first member of congress proposed the seat belt law, he or she presupposed the existence of cars in the first place. The bill was suggested in a world where automobiles (and automobile accidents) were the quid pro quo. Similarly, take the example of a group of friends discussing where to dine. After a list of several restaurants, someone suggests that the group play tiddly-winks instead. While that might make for great group fun, playing tiddly-winks has absolutely nothing to do with the process of selecting WHERE to have dinner. The tiddly-winks suggestion should have been offered in the "What should we do tonight?" or the "Should we even have dinner?" conversations. Once the topic under discussion is clearly not whether to eat but where to do it, the "counterplan" offered by the tiddly-wink enthusiast begs the question being asked. These analogies highlight the fundamental flaw in the optimality perspective. Counterplans are not responsive to the question posed by the resolution. The resolution suggests an action, and asks if it should be done. It explicitly limits the range of discussion to that action and no more: should we affirm this resolution? Yes or no? The area under discussion is the resolution and its beneficial and detrimental effects, nothing more. When the negative counterplans, it begs the question of the topic. Resolutions do not make claims such as, "Resolved: the United States should enact \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ as compared to all other competing priorities." Such wording might legitimize counterplans, implicitly, by requiring the affirmative to be superior to all other options, although even then it is arguable that the affirmative need only be superior to extant alternatives. It is not a coincidence that the resolution is worded in its present fashion. It proposes a course of action. It is up to both sides to clash over that particular action, not distract the question at hand with unrelated policies. An example of a popular generic counterplan will further illustrate my point. Recent college and high school topics have dealt with uniform, minimum educational standards imposed by the Federal government. The thrust of this topic, and the reason that Federal intrusion into the area of education was ever suggested, is that for the past 200+ years, the states' performance in education has been unsatisfactory. Time and again, the states have been unwilling to force the schools under their control to meet minimum standards. The affirmative's rationale for Federal action is largely buttressed by the demonstrated recalcitrance of the states to take the initiative. Without fail, the negative would counterplan by doing exactly what the affirmative did, but enacting the proposal simultaneously in the 50 states. Such a strategy begs the question posed by the topic. The topic demands that the desirability of federal action be debated; the negative proposal to go through the states relegates the central question of the resolution to secondary importance. Indeed, at the start of the debate, the affirmative, in arguing for change advances its best possible indictment of the status quo as it exists at the start of the first affirmative constructive. In arguing for change, what other system could the affirmative claim to be superior to? The status quo is all that exists when the debate commences. The affirmative cannot forsee all possible systems that the negative could offer; and even if such premonition were possible, the negative could always change its strategy, since the affirmative must speak first. In short, when the affirmative argues that we should change, they mean that change is beneficial as compared to the present system; there exists no other standard of comparison to which they could conceivably be appealing, The origin of the idea that the affirmative must compare favorably to any and all negative proposals, is beyond me. Surely the affirmative has done their job if they can prove change is warranted at the margin. Negative Fiat As most students of debate know, debate has adopted a curious deus ex machina to make debate more practical. The concept of fiat (from Latin, literally meaning, "Let it be") is the assumption, for the purpose of discussion, that the resolution can be implemented. Obviously, four debaters in a classroom aren't really able to affect the nation's policies. But debate would be inane if the affirmative offered the plan in the 1AC, and then the 1NC rose and cavalierly argued, "Since the affirmative team members are not congresspersons, they cannot put their plan into effect. Therefore, the negative wins." Thus, to avoid questions of whether or not the present system would adopt the affirmative, we assume that it would, for the purpose of discussion. This makes it possible to debate the merits of proposals, rather than the likelihood of their adoption. So far, so good. We have made only one assumption: that the action specified in the topic is put into effect, so that its desirability can be evaluated. Notice that the rationale for allowing this is, once again, to focus more clearly on whether we "should" affirm the topic. This brings us to an important question: Where does "negative fiat", if such a thing is possible, come from? Why does the negative have the right to offer and implement proposals? Observe that fiat, as developed above, is not known as "affirmative" fiat; it is neutral with respect to side. It is a device that assists BOTH teams in analyzing whether we should take action. Fiat merely directs the debate more clearly to relevant discussion. Fiat is not a reciprocal privilege that the negative deserves on grounds of equity, because it doesn't give either side an advantage over the other. Fiat inheres in the way both teams debate the merits of the resolution. In essence, the negative already has "benefited" from fiating the resolution into existence as much as the affirmative did; both sides now can avoid debating what WOULD be done and debate instead what SHOULD be done. Consequently, the conclusion that the negative deserves "negative fiat" to counter the "affirmative fiat" is groundless. Thus, the prior question, posed again: why and how can the negative assume into existence alternative policies? There is only one action asked to be debated: the resolution (or its designated representative, the plan) . We can assume into existence the resolution and nothing more. From our standpoint, that is literally all that we have control over; we have, by agreeing to limit discussion to a single proposal, proscribed our ability to deal with or effectuate any other policies. Succinctly stated, there is no theoretical basis for the existence of counterplans as an argument against the affirmative. Whither the negative? At the outset of this section, let me make clear my conviction that this part of the essay is not indispensable to my argument in any way. The preceding paragraphs are reasons why counterplans have no legitimacy as debate arguments. If that is indeed true, then arguments about what debate will come to after the passing of counterplans, is secondary. Remember, at one time there was no such thing as a counterplan. Debate persevered. There is absolutely nothing wrong with innovation in debate; however, those who innovate must be able to justify the appropriateness of their creations. If counterplans are proven inappropriate for debate, they should be discarded. The fact that they have been around for so long should afford them no special protection. For the sake of argument (no pun intended), though, what would the post-counterplan world look like? Not that different, really. The negative would defend the status quo. The affirmative, to win, would have to be on balance superior to the way things are done in the present system. It is beyond me why so many people are unwilling to force the negative to defend the present system. A typical claim is, "It's unfair to leave the negative nothing but the messed-up, defunct status quo. Why should the negative get stuck with it?" What a facile assertion! The status quo is not some random, irrational system that is inherently deficient. There are reaons why things are done the way they currently are. True, they may be bad or flimsy reasons, but in those instances, then change would seem to indeed be warranted. And should we not have equal, if not greater, sympathy for the affirmative? They are asked to prove that the longstanding traditions of the status quo be abandoned in favor of an untried alternative. my point is that there is nothing untenable about the negative arguing that we should not change the status quo. Argumentative Benefits Another equally unpersuasive claim is that "valuable" issues will be eliminated if counterplans perish. This is, of course, untrue. rentw. "Valuable" arguments, then, wouldn't be sacrificed; only those that were not truly reasons to reject the affirmative (i.e., non-unique disadvantages). The elimination of counterplans would improve, not harm, the quality of argumentation by placing a higher burden of proof on the issues in the debate. The successful negative would be the one who argued extremely well researched disadvantages, had a copious quantity of specific case evidence, and who was competent at extending intelligent topicality violations. Few debate purists would object to such strategies.

### \*\*1AC vs Phil\*\*

### 1

#### Students are deterred from reporting on controversial issues because of subpoenas—causes self-censorship of journalists and informants which sets precedent for future

Hu 14 [(June M. Hu, Columbia Law School J.D., 2015, Associate at Sullivan & Cromwell New York Law Firm) Columbia Journal of Law & the Arts Vol 38 Issue 2, <https://academiccommons.columbia.edu/doi/10.7916/D8GT5MDC>] bracketed for gendered language whs-ee

Other influential theories of the First Amendment focus on the importance of producing courageous and engaged citizens who are committed to the project of self-government.111 Examining these theories and applying them in a case that dramatically expanded press protections, the Supreme Court held that a legal regime that “dampens the vigor and limits the variety of public debate . . . is inconsistent with the First and Fourteenth Amendments.”112 If student reporters are categorically excluded from a reporter’s privilege, they could be deterred from reporting on the kinds of stories that would expose them to court-ordered disclosures. In other words, exclusion of student reporters increases the likelihood of reporter self-censorship that “is inconsistent with the First and Fourteenth Amendments.”113

Categorical exclusion of student reporters also leads to self-censorship on the part of would-be informants. Reporters often hide the names of their whistleblower sources.114 If whistleblowers do not have faith that a reporter can control the information she [they] gathers, they are more likely to refrain from exposing governmental misconduct to the press and public.115 Even when sources do come forward, they might limit the scope of the information that they share with reporters. In the student press context, reporters have yet another reason to protect their relationships with sources: “school media are often most students’ first exposure to the press.”116 If students’ “earliest perception of the media is that reporters cannot be trusted it is unlikely their views will change later.”117 Privileging student reporters helps them inspire confidence in the independence of the press, and makes their peers more likely to provide information to the press in the future. Privileging student reporters promotes “a free, vigorous student press” that not only offers “a healthy ferment of ideas and opinions,”118 but also serves as a check on the government.119 Granted, student newspapers do not often uncover federal or state governmental abuses, but they do frequently expose the wrongdoing of smaller scale governmental actors, such as schools and school boards. In Dean v. Utica Community Schools, for instance, high school junior Katy Dean investigated her school district’s alleged wrongdoing after finding out that the school district was being sued for school bus pollutions that caused lung cancer. 120 The checking function of the First Amendment does not justify scaling protection for speech on the basis of the level of government that it checks, since small government is as prone to abuse as big government.121

Shielding high school reporters against subpoenas does not unduly impede the interests of justice.122 Denying student reporters a reporter’s privilege, on the other hand, creates negative repercussions for the future of the press. In their objections to proposed federal shield laws that would exclude student reporters from coverage, professional reporters have expressed their firm belief that the freedom of the high school press plays a critical role in shaping the future of the press.123 Serving on school newspapers, students begin to develop the professional courage and internalize the professional ethics of journalism.124 High school students participate in activities like the school newspaper to develop career interests and broaden career opportunities.125 Many of today’s high school journalists will become tomorrow’s professional journalists. Giving high school students less protection for their newsgathering not only chills the vigor of the journalism they produce today, 126 but also breeds a habit of self-censorship that the student reporters will carry with them if and when they become professional journalists.12.

#### Shield law encourages reporting on controversial issues which is key to accountability

Peters et al 17 [(Jonathan Peters is a media law professor at the University of Georgia. Peters has blogged on free expression for the Harvard Law & Policy Review, and he has written for Esquire, The Atlantic. Genelle Belmas is an associate professor in Journalism at Kentucky Unversity and has a Ph. D in Mass Communication from UMinn. Piotr Bobkowski has a Ph. D at UNC CH and specializes in the benefits of young adult journalism) A Paper Shield? Whether State Privilege Protections Apply to Student Journalists, 27 Fordham Intell. Prop. Media & Ent. L.J. 763 (2017). Available at: <https://ir.lawnet.fordham.edu/iplj/vol27/iss4/2>] whs-ee

Moreover, the case law is sparse.217 Only a few jurisdictions have reported cases involving privilege claims by student journalists.218 Beyond that, just a small minority of jurisdictions have reported cases addressing privilege issues at all, and those decisions generally fail to address how student journalists would fare in future cases.219 In short, privilege protections for student journalists are, at best, uncertain in most states.

The lack of protection is concerning because, as noted above, student journalists play a vital role in meeting their communities’ needs for news and information.220 In four states, student journalists outnumber professional journalists who report on state legislatures.221 More generally, fulfilling news needs means candidly covering a range of public issues that might draw government responses—even subpoenas.222 At the college level alone, campusbased news organizations—and student collaborations with professional outlets—are filling some of the gaps created by the decline of traditional state and local media.223 Such organizations cover the states and towns where the schools are located.224 For example Arizona State University operates Cronkite News, where students cover public affairs in Phoenix, Arizona, Washington, D.C., and Los Angeles, California,225 and Boston University runs the New England Center for Investigative Reporting, where professional journalists work with students to produce major stories.226

For years, too, there has been a growing consensus that journalism programs should transform themselves into “teaching hospitals” for gathering, producing, and distributing news.227 For example, in a 2009 report, the Knight Commission on the Information Needs of Communities in a Democracy228 asserted that colleges needed to enhance their roles as “hubs of journalistic activity.”229 And, in a 2012 open letter to university presidents, leaders of the nation’s largest journalism foundations stated that journalism programs must “recreate themselves if they are to succeed in playing their vital roles as news creators.”230

While student journalists make significant contributions through independent reporting, they lack important legal protections. Recently, one student journalist was incarcerated for months after refusing to reveal a source.231 The lack of protections for student journalists is plainly irreconcilable with watchdog journalism, which is essential for informed communities.232 Thus, protecting these journalists from disruptions in their classes, lives, and futures is in the best interest of both professional journalists, who will need to hire principled graduates in the future, and the public, which needs good reporters for the free exchange of information. Lawmakers and judges should apply the privileges to student journalists through legislative amendments and judicial recognitions to allow student journalists, where warranted, to make promises of confidentiality with confidence.

#### Accountability good – it checks a litany of domestic and transnational problems and improves the quality of life

Eckersley 04 (Robyn, Reader/Associate Professor in the Department of Political Science at the University of Melbourne, “The Green State: Rethinking Democracy and Sovereignty”, MIT Press, 2004, Google Books, pp. 3-8)

While acknowledging the basis for this antipathy toward the nation- state, and the limitations of state-centric analyses of global ecological degradation, I seek to draw attention to the positive role that states have played, and might increasingly play, in global and domestic politics. Writing more than twenty years ago, Hedley Bull (a proto-constructivist and leading writer in the English school) outlined the state's positive role in world affairs, and his arguments continue to provide a powerful challenge to those who somehow seek to "get beyond the state," as if such a move would provide a more lasting solution to the threat of armed conflict or nuclear war, social and economic injustice, or environmental degradation.10 As Bull argued, given that the state is here to stay whether we like it or not, then the call to get "beyond the state is a counsel of despair, at all events if it means that we have to begin by abolishing or subverting the state, rather than that there is a need to build upon it.""¶ In any event, **rejecting the "statist frame"** of world politics **ought not prohibit** an **inquiry into the emancipatory potential of the state** as *a* crucial "node" in any future network of global ecological governance. This is especially so, given that one can expect states to persist as major sites of social and political power for at least the foreseeable future and that any green transformations of the present political order will, short of revolution, necessarily be state-dependent. Thus, like it or not, those concerned about ecological destruction must contend with existing institutions and, where possible, seek to "rebuild the ship while still at sea." And if states are so implicated in ecological destruction, then an inquiry into the potential for their transformation even their modest reform into something that is at least more conducive to ecological sustainability would seem to be compelling.¶ Of course, it would be unhelpful to become singularly fixated on the redesign of the state at the expense of other institutions of governance. States are not the only institutions that limit, condition, shape, and direct political power, and it is necessary to keep in view the broader spectrum of formal and informal institutions of governance (e.g., local, national, regional, and international) that are implicated in global environmental change. Nonetheless, while the state constitutes only one modality of political power, it is an especially significant one because of its historical claims to exclusive rule over territory and peoples—as expressed in the principle of state sovereignty. As Gianfranco Poggi explains, the political power concentrated in the state "is a momentous, pervasive, critical phenomenon. Together with other forms of social power, it constitutes an indispensable medium for constructing and shaping larger social realities, for establishing, shaping and maintaining all broader and more durable collectivities."12 States play, in varying degrees, significant roles in structuring life chances, in distributing wealth, privilege, information, and risks, in upholding civil and political rights, and in securing private property rights and providing the legal/regulatory framework for capitalism. Every one of these dimensions of state activity has, for good or ill, a significant bearing on the global environmental crisis. Given that the green political project is one that demands far-reaching changes to both economies and societies, it is difficult to imagine how such changes might occur on the kind of scale that is needed without the active support of states. While it is often observed that states are too big to deal with local ecological problems and too small to deal with global ones, the state nonetheless holds, as Lennart Lundqvist puts it, "a unique position in the constitutive hierarchy from individuals through villages, regions and nations all the way to global organizations. **The state is** inclusive of lower political and administrative levels, and exclusive in speaking for its whole territory and population in relation to the outside world."13 In short, it seems to me inconceivable to advance ecological emancipation without also engaging with and seeking to transform state power.¶ Of course, not all states are democratic states, and the green movement has long been wary of the coercive powers that all states reputedly enjoy. Coercion (and not democracy) is also central to Max Weber's classic sociological understanding of the state as "a human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory."14 Weber believed that the state could not be defined sociologically in terms of its ends\* only formally as an organization in terms of the particular means that are peculiar to it.15 Moreover his concept of legitimacy was merely concerned with whether rules were accepted by subjects as valid (for whatever reason); he did not offer a normative theory as to the circumstances when particular rules ought to be accepted or whether beliefs about the validity of rules were justified. Legitimacy was **a contingent fact**, and in view of his understanding of politics as a struggle for power in the context of an increasingly disenchanted world, likely to become an increasingly unstable achievement.16 In contrast to Weber, my approach to the state is explicitly normative and explicitly concerned with the purpose of states, and the democratic basis of their legitimacy. It focuses on the limitations of liberal normative theories of the state (and associated ideals of a just constitutional arrangement), and it proposes instead an alternative green theory that seeks to redress the deficiencies in liberal theory. Nor is my account as bleak as Weber's. The fact that states possess a monopoly of control over the means of coercion is a most serious matter, but it does not necessarily imply that they must have frequent recourse to that power. In any event, whether the use of the state's coercive powers is to be deplored or welcomed turns on the purposes for which that power is exercised, the manner in which it is exercised, and whether it is managed in public, transparent, and accountable ways—a judgment that must be made against a background of changing problems, practices, and under- standings. The coercive arm of the state can be used to "bust" political demonstrations and invade privacy. It can also be used to prevent human rights abuses, curb the excesses of corporate power, and protect the environment. In short, although the political autonomy of states is widely believed to be in decline, there are still few social institution that can match the same degree of capacity and potential legitimacy that states have to redirect societies and economies along more ecologically sustainable lines to address ecological problems such as global warming and pollution, the buildup of toxic and nuclear wastes and the rapid erosion of the earth's biodiversity. States—particularly when they act collectively—have the capacity to curb the socially and ecologically harmful consequences of capitalism. They are also more amenable to democratization than cor- porations, notwithstanding the ascendancy of the neoliberal state in the increasingly competitive global economy. There are therefore many good reasons why green political theorists need to think not only critically but also constructively about the state and the state system. While the state is certainly not "healthy" at the present historical juncture, in this book I nonetheless join Poggi by offering "a timid two cheers for the old beast," at least as a potentially more significant ally in the green cause.17

### 2

#### The plan: the fifty states of the United States and all relevant territories ought to grant the right to student reporters to protect the identities of their confidential sources.

#### Solves uncertainty and protects the watchdogs of the future.

KU 16Three University, 11-14-2016, "Journalism professors argue for extending shield laws to protect student journalists," University of Kansas, <https://news.ku.edu/2016/11/07/journalism-professors-argue-extending-shield-laws-protect-student-journalists> OHS-AT

LAWRENCE — In our quickly changing media landscape, student journalists have stepped forward to meet their communities’ news needs, often doing work that was once considered the exclusive domain of full-time journalists. And they’ve done so without the legal protections of their professional counterparts. A new study by three University of Kansas journalism professors analyzes laws across the nation that grant journalists the right to protect confidential sources and information from compelled disclosure, finding that they rarely apply to student journalists.

Such protections should be expanded to journalists at the high school and college levels, argue the authors, including Assistant Professor Jonathan Peters, Associate Professor Genelle Belmas and Assistant Professor Peter Bobkowski, all in the William Allen White School of Journalism & Mass Communications. The article is forthcoming in the Fordham Intellectual Property, Media & Entertainment Law Journal, and it has been presented at the national conference of the Association for Education in Journalism and Mass Communication. It is the first comprehensive academic analysis of these issues.

The landmark Supreme Court case Branzburg v. Hayes found that reporters, generally, do not have a First Amendment right to refuse to divulge their confidential sources, but a concurring and dissenting opinion laid the groundwork for how such a privilege could work. That language is now found in numerous state statutes, court decisions and procedural rules giving reporters a basis to resist the compelled disclosure of their confidential sources and information.

“The big question was, ‘Does the reporter’s privilege, in its various forms, cover student journalists?’” Peters said. “Overall, this is an area that hasn’t seen much activity in the courts, and it has gotten virtually no critical or sustained attention from scholars.”

The study analyzes shield laws from across the country and categorizes them, finding that only two states, Maryland and West Virginia, explicitly protect student journalists. Meanwhile, in Ohio, educational organizations where student journalists work are covered. The rest of the states define who is protected by factors such as employment, amount of compensation, readership, publication frequency and producing news for the general public—all of which do not favor student journalists.

Some commentators have wondered why it would be necessary for student journalists to receive such protection, claiming, for example, that they only produce news for their fellow students or for small, niche audiences. But as the media landscape has changed and reporting staffs have shrunk, student media, especially college publications, have provided coverage of their communities on a larger scale than before. For that reason, the authors argue, student journalists deserve the same protections as full-time journalists. Foundations and journalism schools have also encouraged students to take on larger roles in meeting the news needs of their communities.

“We have seen, in the last 10-15 years, a lot of changes in the media industry,” Peters said. “One group we’ve seen step up consistently is student journalists. In our First Amendment tradition, we protect the lonely pamphleteer as much as The New York Times, and in the context of shield laws, it’s untenable to ask students to do more—with fewer legal protections. It’s unwise and unfair.”

Some states do not have shield statutes but make it possible to claim a reporters’ privilege through common law principles or through the federal or state constitutions. There is not a federal shield statute, and in these states, it is unclear how student journalists would be treated.

The article argues for the strengthening of shield laws and to extend them to protect student journalists. In states where students are not covered, the authors argue that the laws should be changed. While it is not common for student journalists to be compelled to testify, one recently was jailed for refusing to disclose sources.

“This is not a contrived, theoretical problem,” Peters said. “With the expanded roles we’re asking student journalists to play, this could happen more frequently. I still handle cases as a media lawyer, and I had a student journalist shield case just two years ago. If we are asking students to produce informative, investigative journalism, it’s imperative to give them the tools they need to produce it.”

There are more high school and college journalists working today than full-time professional journalists, and on the college level, many students are forming their own news organizations or collaborating with professional outlets to provide coverage on important topics such as state and national government. Providing that coverage is important, then, to the public to ensure continued watchdog journalism and to news outlets that will need to hire skilled, experienced journalists in the future.

“Today, perhaps more than ever, we need young people to be educated about the vital role that the free press has played in the history of our country so that they may carry on this important legacy into the future,” Bobkowski said. “Reporter's privilege is one element of the free press that has played an important role in supporting the vitality of our democracy.”

#### Plan’s definition of journalism based on process, not people, protects students while avoiding leakers and fake sources – also encourages high caliber investigative journalism. States key.

Hu 14 (June M. Hu, Columbia Law School J.D., 2015, Associate at Sullivan & Cromwell New York Law Firm) Columbia Journal of Law & the Arts Vol 38 Issue 2, <https://academiccommons.columbia.edu/doi/10.7916/D8GT5MDC> OHS-AT

If the current federal shield bill does become the first federal shield law in the United States, it would only protect reporters in a narrow set of circumstances— subpoenas issued by a federal actor and arising out of federal causes of action.210 A student-friendly state shield law would strengthen privilege in both state and federal cases, since federal courts look to state law for definitions of privileged persons.211 West Virginia, the latest state to enact a reporter’s shield law, provides a two-tier definition of privileged persons that is similar to the definition in the proposed Free Flow of Information Act.212 While the first tier requires the reporter to earn a “substantial livelihood” from newsgathering, the second tier allows judges to protect student reporters whose work closely models traditional journalism.213 Shield laws like the federal bill and the West Virginia statute protect a narrow core of traditional press, but provide a catchall category that gives judges discretion to award privilege to non-traditional reporters based on whether the reporters conducted legitimate journalism and the interest of justice in the subpoenaed material.

This type of shield law would give judges the flexibility to withhold the privilege from leakers, sham newsmen and cyberbullies. At the same time, because the inquiry focuses on the newsgatherer’s process and product rather than employment status or income, this type of shield law extends protection to student reporters whose work resembles the work of professional journalists. Wide adoption of such state shield laws would increase a high school student reporter’s chances of succeeding on her privilege claim in jurisdictions that do not recognize a constitutional reporter’s privilege, as well as in jurisdictions that would not clearly cover student reporters under the constitutional privilege. The greater likelihood of receiving a reporter’s privilege would allow young student reporters to continue engaging in high-caliber investigative reporting, reducing the double-bind of risking imprisonment if they protect sources and social stigma if they snitch.

### 3

#### Status quo debate shuts down conversations about everyday violence—only a framework that creates spaces for finding solutions is productive and ethical.

Smith 13 [Elijah, NDT and CEDA Champion. “A Conversation in Ruins: Race and Black Participation in Lincoln Douglas Debate” 2013]

At every tournament you attend this year look around the cafeteria and take note of which students are not sitting amongst you and your peers. Despite being some of the best and the brightest in the nation, many students are alienated from and choose to not participate in an activity I like to think of as homeplace. In addition to the heavy financial burden associated with national competition, the exclusionary atmosphere of a debate tournament discourages black students from participating. Widespread awareness of the same lack of participation in policy debate has led to a growing movement towards alternative styles and methods of engaging the gatekeepers of the policy community, (Reid-Brinkley 08) while little work has been done to address or even acknowledge the same concern in Lincoln Douglas debate. Unfortunately students of color are not only forced to cope with a reality of structural violence outside of debate, but within an activity they may have joined to escape it in the first place. We are facing more than a simple trend towards marginalization occurring in Lincoln Douglas, but a culture of exclusion that locks minority participants out of the ranks of competition. It will be uncomfortable, it will be hard, and it will require continued effort but the necessary step in fixing this problem, like all problems, is the community as a whole admitting that such a problem with many “socially acceptable” choices exists in the first place. Like all systems of social control, the reality of racism in debate is constituted by the singular choices that institutions, coaches, and students make on a weekly basis. I have watched countless rounds where competitors attempt to win by rushing to abstractions to distance the conversation from the material reality that black debaters are forced to deal with every day. One of the students I coached, who has since graduated after leaving debate, had an adult judge write out a ballot that concluded by “hypothetically” defending my student being lynched at the tournament. Another debate concluded with a young man defending that we can kill animals humanely, “just like we did that guy Troy Davis”. Community norms would have competitors do intellectual gymnastics or make up rules to accuse black debaters of breaking to escape hard conversations but as someone who understands that experience, the only constructive strategy is to acknowledge the reality of the oppressed, engage the discussion from the perspective of authors who are black and brown, and then find strategies to deal with the issues at hand. It hurts to see competitive seasons come and go and have high school students and judges spew the same hateful things you expect to hear at a Klan rally. A student should not, when presenting an advocacy that aligns them with the oppressed, have to justify why oppression is bad. Debate is not just a game, but a learning environment with liberatory potential. Even if the form debate gives to a conversation is not the same you would use to discuss race in general conversation with Bayard Rustin or Fannie Lou Hamer, that is not a reason we have to strip that conversation of its connection to a reality that black students cannot escape. Current coaches and competitors alike dismiss concerns of racism and exclusion, won’t teach other students anything about identity in debate other than how to shut down competitors who engage in alternative styles and discourses, and refuse to engage in those discussions even outside of a tournament setting. A conversation on privilege and identity was held at a debate institute I worked at this summer and just as any theorist of privilege would predict it was the heterosexual, white, male staff members that either failed to make an appearance or stay for the entire discussion. No matter how talented they are, we have to remember that the students we work with are still just high school aged children. If those who are responsible for participants and the creation of accessible norms won’t risk a better future for our community, it becomes harder to explain to students who look up to them why risking such an endeavor is necessary. As a student provided with the opportunity and privilege of participation by the Jersey Urban Debate League, I can remember plenty of tournaments in high school where the only black students at the tournament were individuals from my high school. It was a world shattering experience; no one spoke to us first and those we did approach didn’t have to acknowledge the fact that, every weekend, our failures and successes made us the representatives of black America in the minds of students and judges that never had to freely associate with black people. The irony of participation for black students is that to understand your existence in an academic, usually white, space throws that very space into question. They are both told that joining debate will make you smarter, more personable, and better able to communicate; however those who are already there don’t speak to them, they don’t vote for them, and they don’t associate with them. The unanswered question, then, is “For which bodies does LD exist?” Continuing to parade LD under the guise of neutrality will reproduce the problem at hand. Hiring practices, Judge Preferences /Strike Sheets, invitations to Round Robins, and who coaches don’t require their students to associate with all contribute to the problem at hand because they “accidentally” forget to include people of color. When only two major debate workshops bothered to hire anyone black to work with their students this summer it spoke to the reality of which bodies are seen as being competent enough to teach. Their skills as pedagogues weren’t dismissed because they aren’t qualified, but because they are black. If we are to confront structural discrimination against the black community, we can’t retreat to a defense of neutrality but have to take strides in addressing and ending the cycle of exclusion. If black students do not feel comfortable participating in LD they will lose out on the ability to judge, coach, or to force debate to deal with the truth of their perspectives

#### Thus, the standard is resisting oppression. Prefer additionally—

#### Truth testing makes up rules to constrain discussion of race and cement the status-quo and is just plain wrong

Overing and Scoggin 15 “In Defense of Inclusion”; September 10, 2015; John Scoggin (coach for Loyola in Los Angeles and former debater for the Blake School in Minneapolis. His students have earned 77 bids to the Tournament of Champions in the last 7 years. He’s coached 2 TOC finalists, a TOC quarterfinalist, and champions of many major national tournaments across the country) and Bob Overing (former debater for the USC Trojan Debate Squad, and current student at Yale Law School. As a senior in high school, he was ranked #1, earned 11 bids and took 2nd at TOC. In college, he cleared at CEDA and qualified to the NDT. His students have earned 98 career bids, reached TOC finals, and won many championships.); <http://premierdebatetoday.com/2015/09/10/in-defense-of-inclusion-by-john-scoggin-and-bob-overing/> //BWSWJ

In establishing affirmative and negative truth burdens, truth-testing forecloses important discussions even of the resolution itself. Consider the fact that in 1925-1926, there were two college policy topics, one for men and one for women. Men got to debate child labor laws, and women had to debate divorce law. On the truth-testing view, the women debating the women’s topic would be barred from discussing the inherent sexism of the topic choice and the division of topics to begin with. Or consider the retracted 2010 November Public Forum topic, “Resolved: An Islamic cultural center should be built near Ground Zero.” Many debaters would feel uncomfortable arguing that resolution, just like they did on the 2012 January/February LD topic about domestic violence. We both know individuals who felt the domestic violence topic was so triggering that they did not want to compete at all. We can draw two conclusions from examples like these. First, there are good reasons to not debate a particular topic. These reasons have been spelled out over decades of debate scholarship ranging from Broda-Bahm and Murphy (1994) to Varda and Cook (2007) to Vincent (2013). Second, truth-testing prevents either team from making the argument that the topic is offensive or harmful. A hypothetical case, such as a resolution including an offensive racial epithet, makes the problem more obvious. Maybe the idea behind the resolution is good, but there’s something left out by analysis that stops there and ignores the use of a derogatory slur. Truth-testing makes irrelevant the words in the topic and the words used by the debaters. Thus, it fails to capture the reasons that any good person would “negate” or even refuse to debate an offensive topic. Clearly, there are elements of a topical advocacy beyond its truth that are worthy of questioning. Nebel (2015) acknowledges that some past resolutions were potentially harmful to debate (1.2, para. 5). Rather than exclude affected students as ‘not following the rules’ of semantics or truth-testing, we conclude that they should not be required to debate the topic. Nebel grapples with harmful topics in the following passage: I don’t think there is a magic-bullet response to critiques of the topic…I think they must be answered on a case-by-case basis, in their own terms…The question boils down to whether or not the topic is harmful for students to debate, and whether those harms justify breaking, or making an exception to, the topicality rule (1.2, para. 5) This statement is hard to square with Nebel’s thesis that semantic interpretations of the resolution come “lexically prior” (in other words, they always come first). He wants to allow exceptions, but doing so proves that harmfulness concerns can and do trump the topicality rule. As Nebel’s struggle with the critique of topicality illustrates, every article that claims to espouse a comprehensive view of debate must allow some exceptions to comply with our intuitions. The exceptions do not prove the rule. They prove there is a high level of concern in debate for affording dignity and respect to different kinds of arguments and modes of argumentation. There is no one principle of proper debate. Once the door is open for external factors like harmfulness, the inference to the priority of pragmatics is an easy one to make. If we care about the effects of debating the resolution on the students debating it, then other values like exclusion, education, and fairness start to creep in. If we can justify avoiding discussion of a bad topic on pragmatic grounds, we can also justify promoting discussion of a good topic. Any advantage to allowing discursive kritiks, performances, and roles of the ballot further justifies this pragmatic view against truth-testing. NDT champion Elijah Smith (2013) warns that without these argument forms, we “distance the conversation from the material reality that black debaters are forced to deal with every day”. Christopher Vincent (2013) built on that idea, arguing that universal moral theory “drowns out the perspectives of students of color that are historically excluded from the conversation” (para. 3). While we don’t agree wholesale with these authors, their work unequivocally demonstrates the value of departures from pure truth-testing. While we may not convince our opposition that they should presume value in kritik-based strategies, they should remain open to them. In a recent article for the Rostrum, Pittsburgh debate coach Paul Johnson (2015) extolled the ‘hands-off’ approach. Let the debaters test whether the arguments have merit, rather than deciding beforehand: In a debate round, one may argue the impertinence of theses about structural racism with regards to a particular case…But when we explicitly or implicitly suggest such theses have little to no value by deciding in advance that they are inaccurate, we are forswearing the hard, argumentative work of subjecting our own beliefs to rigorous testing and interrogation (p. 90) Suggesting that non-topical, race-based approaches are “vigilantist” and “self-serving” “adventure[s]” is to demean the worth of these arguments before the debate round even starts (Nebel 2015, 1.1, para. 2). The claim that they ‘break the rules’ or exist ‘outside the law’ otherizes the debaters, coaches, and squads that pursue non-traditional styles. Especially given that many of these students are students of color, we should reject the image of them as lawless, self-interested vigilantes. Students work hard on their positions, often incorporating personal elements such as narrative or performance. To defend a view of debate that excludes their arguments from consideration devalues their scholarship and the way they make debate “home.” That’s unacceptable. Branse notes “the motivation for joining the activity substantially varies from person to person” yet excludes some debaters’ motivations while promoting others (5, para. 4). We agree with Smith on the very tangible effects of such exclusion: “If black students do not feel comfortable participating in LD they will lose out on the ability to judge, coach, or to force debate to deal with the truth of their perspectives” (para. 5). Of course, we do not believe that Nebel or Branse intend their views to have these effects, but they are a concern we need to take seriously. III. Changing the Rules In Round One thought is that rejecting truth-testing is the wrong solution. Instead, we should create a better topic-selection process or an NSDA-approved topic change when the resolution is particularly bad. These solutions, however, are not exclusive of a rejection of truth-testing. An offensive topic might be reason to reform the selection process and to stop debating it immediately. Good role of the ballot arguments are the best solution because they pinpoint exactly why a debater finds the resolution inadequate. They highlight the problems of the proposed topic of discussion, and outline reasons why a different approach is preferable. While Branse believes these examples of in-round rule-making are problematic, we think debate rounds are an excellent location for discussing what debate should be. The first reason is the failure of consensus. Because there are a wide variety of supported methods to go about debating, we should be cautious about paradigmatic exclusion. While we don’t defend the relativist conclusion that all styles of debate are equally valuable, there is significant disagreement that our theories must account for. Truth-testing denies a number of ways to debate that many find valuable. The second reason is the internalization of valuable principles. Even people who do not think kritiks are the right way to debate have taken important steps like removing gendered language from their positions. NDT champion Elijah Smith (2013) identified hateful arguments and comments “you expect to hear at a Klan rally” as commonplace in LD rounds and the community (para. 2). We’d like to think those instances are at least reduced by the argumentation he’s encouraged. For instance, the much-maligned “you must prove why oppression is bad” argument now sees little play in high-level circuit rounds. Truth-testing forecloses this kind of learning from the opposition. Roles of the ballot and theory interpretations are examples of how in-round argumentation creates new rules of engagement. We welcome these strategies, and debaters should be prepared to justify their proposed rules against procedural challenges. The arguments we have made thus far are objections to truth-testing as a top-down worldview used to exclude from the get-go, not in-round means of redress against certain practices. There is a major difference between a topicality argument in a high school debate round and a prominent debate coach and camp director’s glib dismissal of non-topical argument as follows: [Y]ou can talk about whatever you want, but if it doesn’t support or deny the resolution, then the judge shouldn’t vote on it (Nebel 2015, 1.2, para. 4) Branse is equally ideological: Within the debate, the judge is bound by the established rules. If the rules are failing their function, that can be a reason to change the rules outside of the round. However, in round acts are out of the judge’s jurisdiction (2, para. 12) We take issue with debate theorists’ attempts to define away arguments that they don’t like. At one point, Jason Baldwin (2009) actually defended truth-testing for its openness, praising the values of the free market of ideas: That’s how the marketplace of ideas is supposed to work. But it is supposed to be a free marketplace where buyers (judges) examine whatever sellers (debaters) offer them with an open mind, not an exclusive marketplace where only the sellers of some officially approved theories are welcome (p. 26) Unfortunately for the truth-tester, debate has changed, and it will change again. What was once a model that allowed all the arguments debaters wanted to make – a prioris, frameworks, and meta-ethics – is now outdated in the context of discursive kritiks, performance, and alternative roles of the ballot. IV. Constitutivism, Authority, and the Nature of Debate Branse’s goal is to derive substantive rules for debate from the ‘constitutive features’ of debate itself and the roles of competitors and judges. We’ll quote him at length here to get a full view of the argument: [P]ragmatic benefits are constrained by the rules of the activity….education should not be promoted at the expense of the rules since the rules are what define the activity. LD is only LD because of the rules governing it – if we changed the activity to promoting practical values, then it would cease to be what it is (2, para. 7) Internal rules of an activity are absolute. From the perspective of the players, the authority of the rules are non-optional. (2, para. 12) The resolution, in fact, offers one of the only constitutive guidelines for debate. Most tournament invitations put a sentence in the rules along the lines of, “we will be using [X Resolution].” Thus, discussion confined to the resolution is non-optional (3, para. 5) [T]he delineation of an “affirmative” and a “negative” establishes a compelling case for a truth testing model…two debaters constrained by the rules of their assignment – to uphold or deny the truth of the resolution…[J]udging the quality of the debaters requires a reference to their roles. The better aff is the debater who is better at proving the resolution true. The better neg is the debater who is better at denying the truth of the resolution. The ballot requests an answer to “who did a comparatively better job fulfilling their role”, and since debaters’ roles dictate a truth-testing model, the judge ought to adjudicate the round under a truth testing model of debate. The judge does not have the jurisdiction to vote on education rather than truth testing (3, para. 7-8) Once a judge commits to a round in accordance with a set of rules…the rules are absolute and non-optional (4, para. 4) Similarly, Nebel uses contractual logic – appealing to the tournament invitation as binding agreement – to justify truth-testing: “The “social contract” argument holds that accepting a tournament invitation constitutes implicit consent to debate the specified topic….given that some proposition must be debated in each round and that the tournament has specified a resolution, no one can reasonably reject a principle that requires everyone to debate the announced resolution as worded. This appeals to Scanlon’s contractualism (1.1, para. 2) This approach is attractive because it seeks to start from principles we all seem to agree on and some very simple definitions. The primary problem is that the starting point is very thin, but the end point includes very robust conclusions. The terms “affirmative” and “negative” are insufficient to produce universal rules for debate, and certainly do not imply truth-testing (Section I, paragraph 3.) Branse does some legwork in footnoting several definitions of “affirm” and “negate,” but does little in the way of linguistic analysis. We won’t defend a particular definition but point out that there are many definitions that vary and do not all lend themselves to truth-testing. On a ballot the words “speaker points” are as prominently displayed as the words “affirmative” or “negative,” but neither Branse nor Nebel attempt to make any constitutive inference from their existence. Further, to find the constitutive role of a thing, one needs to look at what the thing actually is, rather than a few specific words on a ballot. Looking at debates now, we see that they rarely conform to the truth-testing model. It is simply absurd to observe an activity full of plans, counterplans, kritiks, non-topical performances, theory arguments, etc. and claim that its ‘constitutive nature’ is to exclude these arguments. Not only that, but the truth-testing family has been heavily criticized in both the policy and LD communities (Hynes Jr., 1979; Lichtman & Rohrer, 1982; Mangus, 2008; Nelson, 2008; O’Donnell, 2003; O’Krent, 2014; Palmer, 2008; Rowland, 1981; Simon, 1984; Snider, 1994; Ulrich, 1983). The empirical evidence also points toward argumentative inclusion in three important ways. The first is argument trends. The popularity of kritiks, a prioris, meta-ethics, etc. confirm that at different times the community at large has very different views of what constitutes not only a good argument but also a good mode of affirming or negating. The second is argument cycles. An alternate view would suggest that debate evolves and leaves bad arguments by the wayside. Nevertheless, we see lots of arguments pop in and out of the meta-game, suggesting that we have not made a definitive verdict on the best way to debate. The third is judge deference. While people’s views on proper modes of debate shift, we retain a strong deference to a judge’s decision. Judges have different views of debate; if there were some overarching principle that all judges should follow, we would expect tournament directors to enforce such a rule. In sum, there is no way to view debate as a whole and see truth-testing as the general principle underlying our practices. The existence of a judge and a ballot are also insufficient to produce universal rules for debate. Branse thinks “[t]he ballot requests an answer to ‘who did a comparatively better job fulfilling their role.’” While that may be a valid concern, it is dependent on what the judge views the roles of debaters to be. The absence of any sort of instruction other than determining the ‘better debating’ or the ‘winner’ most naturally lends itself to a presumption of openness. In fact, many practices very explicitly deviate from the constitutive roles Branse lays out. Some counterplans (PICs, PCCs, topical CPs and the like) may do more to prove the resolution than disprove it, yet are generally accepted negative arguments. Another type of objection to Branse’s view is an application of David Enoch’s “agency shmagency” argument. Enoch (2011) summarizes in his paper “Shmagency revisited”: [E]ven if you find yourself engaging in a kind of an activity…inescapably…and even if that activity is constitutively governed by some norm or…aim, this does not suffice for you to have a reason to obey that norm or aim at that aim. Rather, what is also needed is that you have a reason to engage in that activity…Even if you somehow find yourself playing chess, and even if checkmating your opponent is a constitutive aim of playing chess, still you may not have a reason to (try to) checkmate your opponent. You may lack such a reason if you lack a reason to play chess. The analogy is clear enough: Even if you find yourself playing the agency game, and even if agency has a constitutive aim, still you may not have a reason to be an agent (for instance, rather than a shmagent) (p. 5-6) The application to chess helps us see the application to debate. Truth-testing may be the constitutive aim of doing debate, but it does not follow that our best reasons tell us to test the truth of the resolution. In fact, you may have no reasons to be a truth-testing debater in the first place. If “affirmative” means “the one who proves the resolution true,” we’ve demonstrated times when it’s better to be “shmaffirmative” than “affirmative.” Finally, we think one of the most important (perhaps constitutive) features of debate is its unique capacity to change the rules while playing within the rules. Education-based arguments and non-topical arguments are just arguments – they’re pieces on the chess board to be manipulated by the players. Branse concedes that in APDA debate, the resolution is “contestable through a formal, in-round mechanism (3, para. 9). LD and policy debate also have this mechanism through theory arguments, kritiks, and alternative roles of the ballot. Branse is right that in soccer and chess, there is no way to kick a ball or move a chess piece that would legitimately change the rules of the game. Debate is different. While soccer and chess have incontrovertible empirical conditions for victory (checkmates, more goals at fulltime), debate does not. In fact, discussing the win conditions is debating! Whenever a debater reads a case, they assume or justify certain win conditions and not others. This deals with Branse’s “self-defeatingness” objection because debate about the rules does not create a “free-for-all” — it creates a debate (6, para. 1). The truth-testing judge does not get to pick and choose what makes a good debate; to do so is necessarily interventionist. This demonstrates truth-testing is more arbitrary and subjective [2] than the education position Branse criticizes (4, para. 4; 5, para. 2, 5). To be truly non-interventionist, we should accept them as permissible arguments until proven otherwise in round. Of course, not all rules are up for debate. There is a distinction between rules like speech times (call these procedural rules) and rules like truth-testing (call these substantive rules). The former are not up for the debate in the sense that the tournament director could intervene if a debater refused to stop talking. The latter are debate-able and have been for some time. No tournament director enforces their pet paradigm. Because the tournament director, not the judge, has ultimate authority, we liken her to the referee in soccer. On this view, the judge is not the referee tasked with enforcing “the rules”; she should decide only on the basis of arguments presented in the debate. Tournaments are not subject to any form of higher authority and are not obligated to follow NSDA rules, TOC guidelines, or anything else to determine a winner. Something is only a procedural rule if it is enforced by the tournament, and truth-testing has not and shouldn’t be enforced in this manner. To our knowledge, no bid tournament director has ever imposed a truth-testing burden on all competitors. If anything is a binding contract, it is the judge paradigm. Judge philosophies or paradigms are explicitly agreed to in writing because each judge establishes their own, and there is no coercion at play. Most tournaments mandate or strongly encourage written paradigms, have time to review them, and accept judge services instead of payment for hiring a judge. These norms establish a clearer contractual agreement in favor of judge deferral than universal truth-testing. We have tested the constitutive and contractual arguments by considering how truth-testing is not a procedural rule like speech times. As such, it cannot accrue the benefits of bindingness, authority, and non-arbitrariness. We can also test the argument in the opposite direction. There are some rules that seem even more “constitutive” of debate than the resolution but are not examples of procedural rules. For instance, every judge and debate theorist would likely reject completely new arguments in the 2AR, but there is nothing within Branse’s constitutive rules (speech times, the resolution, the aff and neg) to justify the norm. The no-new-arguments rule does not need to be written in a rulebook to have a lot of force. V. Pragmatic Justifications for Truth-testing With the priority of pragmatics established and constitutive arguments well addressed, we turn to some hybrid arguments that attempt to justify truth-testing by appealing to pragmatics. Nebel argues that the advantages stemming from truth-testing must be weighed against all exceptions to it and that the advantages of debating the ‘true meaning’ of the topic nearly always outweigh: It would be better if everyone debated the resolution as worded, whatever it is, than if everyone debated whatever subtle variation on the resolution they favored. Affirmatives would unfairly abuse (and have already abused) the entitlement to choose their own unpredictable adventure, and negatives would respond (and have already responded) with strategies that are designed to avoid clash…people are more likely to act on mistaken utility calculations and engage in self-serving violations of useful rules (1.1, para. 2) However, the advantages of topicality for the semantic/truth-testing view hold on the pragmatic view as well. We agree that the reasons to debate the meaning of the topic are strong. The only difference is that the pragmatic theory can explain the possibility of exceptions to the rule without interpretive contortion. It makes much more sense to understand that strict topicality is just a very good practice than to tout it as an absolute, lexically prior, constitutively- and contractually-binding rule. Ultimately, all benefits to topicality and debating something other than the resolution are weighed on the same scale, so we should adopt the theory that explicitly allows that scale. We are unconvinced that direct appeals to pragmatic considerations would be worse on pragmatic grounds than an external and absolute rule like ‘always be topical.’ If topicality is as important and beneficial as Nebel says it is, then it should be easy to defend within a particular debate, avoiding the worst slippery slope scenarios. Nebel also argues that the pragmatic view “justifies debating propositions that are completely irrelevant to the resolution but are much better to debate” (1.1, para. 5). Branse makes the same claim about education: “Education as a voting issue legitimizes reading positions and debating topics that have no association with the resolution” (5, para. 3). This alarmism we’ve answered with our discussion of harmful resolutions. There is no empirical indication of a slippery slope to a world where no one discusses the topic. The disadvantages to one debate round departing from topical debate are quite small, and we have no problem biting the bullet here. Sometimes (and it may be very rare), it’s better not to debate the resolution. There may also be reasons to debate something else even when the resolution is very good. Black students should not have to wait for a reparations topic to talk about race in America. As conversations about racial oppression and police brutality grow louder and louder, it becomes increasingly unreasonable to defend a view of debate that ignores their relevance to the everyday lives of our students. It should be clear that the pragmatic view takes no absolute stance on topicality or burdens. A debate practice may be pragmatic in one context but not another. For that reason, we reject the narrowness of truth-testing.

#### Actions and discourse matter - Whiteness operates by imposing politeness and neutrality to shift the discussion away from racial conversations

Yoon 12 [Irene H. Yoon (2012) The paradoxical nature of whiteness-at-work in the daily life of schools and teacher communities, Race Ethnicity and Education, 15:5, 587-613, DOI: 10.1080/13613324.2011.624506; <http://dx.doi.org/10.1080/13613324.2011.624506> //BWSWJ]

Race is a social construct; it is socially and materially real, though not biologically predetermined (Fields 1982; Omi & Winant 1986). Whiteness comprises more than white racial self-identity or the status of being identified by others as white, though some have used the concept of whiteness this way (McIntyre 1997). Whiteness is ‘...neither new nor separate from racism; Whiteness comprises ideologies, attitudes, and actions of racism in practice’ (Chubbuck 2004, 303). Whiteness is most often defined as a process or a system of domination that privileges people perceived to be white over people of color (Hartigan 1997; Ladson-Billings & Tate 1995; Mills 1997; Roediger 2007). Since whiteness is an iterative process, it is socially, historically, and culturally constructed in social structure, ideology, and individual actions (Bonilla-Silva 2006; Lipsitz 1998). The particulars of the process of whiteness may change depending on the people or situational factors involved (Crenshaw 1991; Fields 1982). What permeates the functions of whiteness and the local contextual cues that feed into constructing whiteness is the paradoxical nature of the process. As multiple interests converge in an interaction, whiteness requires individuals and societies to embody and accept contradictions and hypocrisies (Bonilla-Silva 2006; Fine 2004; Frankenberg 1993; Lensmire 2010; McIntyre 1997; Thompson 2003). Hence, whiteness can create paradoxes or contradictions in individuals’ actions and statements (Chubbuck 2004; Frankenberg 1993; McIntyre 1997). I look at paradoxes of whiteness as they are constructed in teachers’ conversations with each other and with students. I consider these paradoxes to be voiced by strategies of ‘whiteness-at-work,’ signalling the unfolding and perhaps fleeting moment of construction – even though whiteness also exists in the context prior to any single interaction. A major challenge for those who wish to understand and counteract whiteness-at-work is that whiteness is unmarked or invisible, particularly to white people who benefit from it (Aanerud 1997; Bonilla-Silva 2006; Dyer 1997; Frankenberg 1993). This invisibility continues to be an essential characteristic of whiteness and the maintenance of white privilege (Leonardo & Porter 2010; Picower 2009). A second challenge is that interpersonal interactions may not yield immediately observable effects. For example, in a racially diverse classroom, students may not notice individual instances of teachers’ holding lower academic expectations for African American students, but research and experience tell us that perceptions of these expectations accrue over time and exist in students’ racial awareness (Paley 2000; Rist 1970 [2000]; Steele 1997). Furthermore, both white people and people of color use race talk – i.e., speech that alludes to or draws meaning from race and racism – and can participate in perpetuating white privilege (Pollock 2004). Thus, whiteness-at-work strategies can perform functions that, on first appearance, in reasoning, or by intention are anti-racist (Hyland 2005; Thompson 2003). A third challenging characteristic of whiteness, and of one of its articulations, color-blind racism, is that it forms ‘an impregnable yet elastic wall that barricades whites from the United States’ racial reality’ (Bonilla-Silva 2006, 47). Whiteness is elastic because it is contextually nuanced – expressions of whiteness have changed over time in public imagination, discourse, and social climate. The dynamic construction of whiteness also occurs in conjunction with other social positions, such as social class and gender, and political contexts, such as colonization or globalization (Dyer 1997; Roediger 2007; Ware 1992). The changing meanings and contexts of whiteness also help maintain it as a dominant ideology, and are another dimension of its invisibility to those who benefit from it. According to whiteness theorists and Critical Race theorists, discourse structures in the US are inherently laden with racism (Delgado 1993; Hytten & Warren 2003; Morrison 1992; Rogers & Mosley 2006; Williams 1991). For example, Dyer (1997) examines the construction of a white woman ideal through films in the US and the United Kingdom. Morrison (1992) points out that characters in novels that are not racially labelled are simply human, equated with and assumed to be white; other non-white characters are racially labelled and, therefore, their human-ness is not taken for granted. Furthermore, whiteness might be constructed in conversation through ‘politeness’; Thompson (1998) gives an example of when a parent reprimands her child for stating a racist perception aloud, but does not correct her underlying assumptions. Some discursive structures distance white speakers from the relevance or urgency of caring about racism (Griffin 1998); deracialize conversation, or shift the topic of conversation to focus on an issue that is not racial in topic or nature (Achinstein & Barrett 2004; Chubbuck 2004; McIntyre 1997; Rogers & Mosley 2006); or interpret text with value-neutral meanings that are not intended by the speaker/writer (Bonilla-Silva 2006; Griffin 1998). These are examples of whiteness-at-work in everyday interactions as well as public discourse. Taking together these challenges of understanding the discursive construction of whiteness, one gap in the literature resides in the methodological realm. Most studies that provide empirical evidence or illustrations of whiteness in discourse have relied on analyzing the speech of one person or one text at a time to illustrate whiteness ideologies and discourses. Two exceptions are McIntyre (1997), which includes conversations among teacher education students; and Rogers and Mosley (2006), which analyzes conversations between a teacher and a student. Whiteness is a social and iterative process; yet almost none of these studies have examined how the discourse of pairs or groups of individuals constructs or challenges whiteness in the context of naturally occurring social settings, work, and interaction. Analyzing discourse affords recognition of social structure and individual action, teacher and student, and intention and action. Understanding not only the nature of whiteness but also how and why it achieves the multi-faceted ideological work that it does requires observing and analyzing interactions to be able to see, and dismantle, whiteness-at-work. In this sense, critical discourse analysis is an essential methodological and conceptual tool. I discuss specifics of critical discourse analysis in more detail in my description of analytical methods.

#### Oppression is normatively bad – it excludes people from moral deliberation and makes them victims of violence. Either a) aff impacts matter under your framework or b) It can’t condemn oppression and you should reject it

#### No act omission distinction for states since their implicit approvals of actions still entail moral responsibility.

Sunstein and Vermuele: Cass R. Sunstein and Adrian Vermeule. The University of Chicago Law School. “Is Capital Punishment Morally Required? The Relevance of Life‐Life Tradeoffs.” JOHN M. OLIN LAW and ECONOMICS WORKING PAPER NO. 239. The Chicago Working Paper Series. March 2005

In our view, any effort to distinguish between acts and omissions goes wrong by overlooking the distinctive features of government as a moral agent. If correct, this point has broad implications for criminal and civil law. Whatever the general status of the act/omission distinction as a matter of moral philosophy, the distinction is least impressive when applied to government, because the most plausible underlying considerations do not apply to official actors.  The most fundamental point is that unlike individuals, governments always and necessarily face a choice between or among possible policies for regulating third parties. The distinction between acts and omissions may not be intelligible in this context, and even if it is, the distinction does not make a morally relevant difference. Most generally, government is in the business of creating permissions and prohibitions. When it explicitly or implicitly authorizes private action, it is not omitting to do anything or refusing to act. Moreover, the distinction between authorized and unauthorized private action – for example, private killing –becomes obscure when government formally forbids private action but chooses a set of policy instruments that do not adequately or fullydiscourage it. If there is no act-omission distinction, then government is fully complicit with any harm it allows, so decisions are moral if they minimize harm. All means based and side constraint theories collapse because two violations require aggregation.

#### Language cannot describe reality, which means a priori knowledge fails.

Conard ’07 (Mark T, prof @ Marmount Manhattan, “Chaos, Order and Morality: Nietzsche’s Influence on Full Metal Jacket,” The Philosophy of Stanley Kubrick edited by Jerold J. Abrams)

Further, our conscious, rational thought is inseparable from language, and consequently, our understanding of the world is only possible through language. We use words to designate what we see and experience in the world. But, says Nietzsche: “A word becomes a concept insofar as it simulta- neously has to fit countless more or less similar cases—which means, purely and simply, cases which are never equal and thus altogether unequal. Every concept arises from the equation of unequal things. Just as it is certain that one leaf is never totally the same as another, so it is certain that the concept ‘leaf ’ is formed by arbitrarily discarding these individual differences and by forgetting the distinguishing aspects.”3 Our understanding and grasp of the world are achieved through language and concepts. But thought cannot grasp the difference and uniqueness of each individual thing. Rather, it ignores the myriad differences among things and groups them under abstract concepts. Does “leaf” designate or signify any one unique, individual thing? No, of course not; no word does. It covers or describes countless different things. That is how language functions, and again, our thinking is inseparable from language, such that our understanding of the world is based on this falsification of experience.

#### The experience requirement is true – an action can only benefit or harm someone insofar as it affects their phenomenology

Bramble 16 [Ben Bramble, Assistant Professor in Philosophy at Trinity College Dublin, “A New Defense of Hedonism about Well-Being”, Ergo Journal: Volume 3, No. 04, http://quod.lib.umich.edu/cgi/p/pod/dod-idx/new-defense-of-hedonism-about-well-being.pdf?c=ergo;idno=12405314.0003.004 //BWSWJ]

I will take it, then, that not only (2), but (1) also, is true. The crucial question now is Why believe the experience requirement? Many people (including myself) feel that something that has no effect on a person’s experiences does not ‘touch’ or ‘get to’ this person in the sort of way required for something to benefit or harm someone.[10] But many others claim not to have this intuition.[11] Is there an argument for the experience requirement that might sway these others? I believe there is. It is this: 1. If something could benefit or harm someone without affecting her experiences (say, fame, success, desire-satisfaction, or whatever it may be), then it could do so even after she is dead. 2. Nothing can benefit or harm us after we are dead (there can be no posthumous benefits or harms). Therefore, 3. Nothing can benefit or harm someone without affecting her experiences. Let me say something in defense of each premise, starting with (2).[12] Consider Vincent Van Gogh, Emily Dickinson, Nick Drake, Emily Brontë, and John Kennedy Toole, each of whose lives were all-things-considered pretty unfortunate (or, at the very least, not especially fortunate)—full of loneliness, illness (physical and mental), fractured family relationships, and perhaps worst of all, a deep despair that came from knowing that their artistic works, to which they had devoted their lives, were almost totally unappreciated by their contemporaries. Each of them, however, went on to achieve tremendous posthumous success, fame, and desire-satisfaction (since each dearly wanted their works to be appreciated). Now, if posthumous events could be good or bad for one, then surely the truly enormous posthumous success, fame, or desire-satisfaction that these individuals achieved would mean that their lives were not so unfortunate after all. But it doesn’t. (Intuitively, this is part of the reason their lives were tragic.) Therefore, there can be no posthumous benefits or harms.[13] Now consider (1). The burden here seems clearly to be on those who would deny (1) to answer the following question: If the contribution to our well-being of success, fame, desire-satisfaction, or whatever it is, does not depend on our experiences being affected, then why should it matter whether we are still alive or not for this contribution to be made? Some have suggested that it is because death removes the subject, and without a subject there is no-one left to be harmed. However, even after death, there remains a subject in one sense: the person who once existed. If it is replied that this is insufficient, that there must continue to be a living, breathing being for there to be a subject of harm, then we are back with the original question: Why must one still exist in order to be harmed by things if their harming one does not require their affecting one’s experiences? The experience requirement, by contrast, provides a very natural explanation of why there can be no posthumous benefits and harms. What, after all, is death? On a plausible conception, it is just the permanent cessation of one’s experiences. Death, then, we can say, ends one’s ability to be benefited and harmed precisely because it is the end of one’s experiences, and benefiting and harming require affecting one’s experiences. I conclude that we have, in the experience requirement, a very powerful reason to believe hedonism.

### 4

#### 1. Ought in the resolution is a propositional operator, which expresses general desirability rather than obligation

**Nebel 18** Jake Nebel 18 [went 3-3 at the 2006 Florida Blue Key JV LD Tournament] “Victory Briefs September/October 2018 LD Brief” RE

The word “ought” is often assumed by debaters to express a moral obligation. I don’t think that’s quite correct in general, but it’s certainly not correct in the context of this resolution. Obviously, the resolution does not say that reporters have a moral obligation to have the right to protect the identity of confidential sources. Reporters cannot be morally obligated to have a right: they either have it or they don’t; they can’t just choose to have it or choose not to have it. So what does “ought” mean in the context of the resolution? On one influential view, “ought” is not a predicate—it does not ascribe a relation of obligatoriness to hold between an agent and an action—but is rather a propositional operator. What does that mean? A proposition is the meaning of a sentence. For example, “Fido barks” expresses the proposition that Fido barks. A propositional operator is a function that takes a proposition as an input and returns another proposition as its output. For example, you can think of “not” as taking a proposition—e.g., that Fido barks—and spiĴing out the negation of that proposition—e.g., that it’s not the case that Fido barks. In this resolution, “ought” takes the proposition that in the United States, reporters have the right to protect the identity of confidential sources and returns the proposition that it ought to be the case that, in the United States, reporters have the right to protect the identity of confidential sources. Some philosophers and linguists argue that “ought” is always a propositional operator. This kind of view is defended by Ralph Wedgwood, among others, and is made plausible by the fact that other modal auxiliary verbs (verbs like “ought,” “should,” “can,” and “must”) are typically understood in this way.¹ But, for our purposes, we need only the weaker claim that “ought” sometimes, as in this resolution, is a propositional operator. This kind of “ought” goes by various names. Henry Sidgwick calls it the political “ought” and uses the following example: “when I judge that the laws and constitution of my country ‘ought to be’ other than they are, I do not of course imply that my own or any other individual’s single volition can directly bring about the change.”² This terminology is a bit unfortunate, because this use of “ought” is not inherently political. HectorNeri Castañeda calls it the non-agential use of “ought.”³ Wedgwood calls it the “ought” of general desirability.⁴ I will follow Wedgwood’s terminology. What distinguishes the “ought” of general desirability from the practical “ought” that appears in most LD resolutions? The main difference is that, as Wedgwood and others point out, the “ought” of general desirability is not tied to any particular agent or time. For example, the sentence “There ought to be no violence” does not entail that any particular agents are obligated, at any particular time, to end violence. On this view, since the resolution uses the “ought” of general desirability, the resolution does not necessarily imply that any particular agent has an obligation to do anything, at any particular time, to make it the case that reporters have the right to protect the identity of confidential sources. What does this mean for debaters? For one thing, the general desirability reading may have implications for moral framework debates. If the resolution’s use of “ought” does not express a moral obligation, then the debate between consequentialists and deontologists is irrelevant to the resolution.⁵ The resolution requires an assessment of states of affairs. Say that the resolutional state of affairs is the state of affairs that, according to the resolution, ought to be the case. The resolutional state of affairs on this topic is that, in the United States, reporters have the right to protect the identity of confidential sources. On the general desirability reading, the affirmative’s burden is to show that the world would be better if, in the United States, reporters had the right to protect the identity of confidential sources, than if they didn’t. If the negative argues, via some deontological theory, that it’s wrong for an agent to bring about the resolutional state of affairs, that doesn’t show that the resolutional state of affairs would be worse than the status quo or some other alternative state of affairs. The debate between consequentialists and deontologists is, by itself, irrelevant to the resolution, and evaluating the resolutional state of affairs doesn’t require a comprehensive moral theory.

#### 2. Debate has no constitutive rules- every debate is functionally a new version of the activity- takes out textuality arguments on T since they beg the question of why we care about the pre-given rules.

Enoch David Enoch “Shmagency Revisited” 2011

But one may want to reject this initial claim, even with regard to chess. For it may be suggested that playing chess does after all suffice for having a reason – some reason, at least, perhaps a weak one, perhaps one that is outweighed by others – for checkmating your opponent. Perhaps there is no need after all for another reason, namely, a reason to be playing chess (or perhaps to play this specific game of chess)? If so, we may proceed to conclude that our merely playing the agency-game suffices for us having a reason to aim at its constitutive aims. As a general thesis, though, this cannot be true. We can define many cooked-up variations of chess, with slightly different rules, or perhaps slightly different ways of winning (say, you only win if you checkmate your opponent in an even number of moves; or when she still has her queen; or when she looks away; or cases in which you win if you move your castle diagonally three times when your opponent looks away; etc.). Whenever you find yourself playing chess, you also find yourself (in sufficiently early stages of the game) playing these cooked-up games chess\*, chess\*\*, chess\*\*\*, and so on. But it doesn't seem you have reasons to win at chess\*, or at chess\*\*, or at chess\*\*\*. This is so, presumably, because you don't have a reason to play chess\*, or chess\*\*, or chess\*\*\*. So this little example suffices to show that it's not in general true that engaging in some activity – satisfying some relevant descriptive criteria – suffices for having reason to aim at its constitutive aim. So if you think that the game of agency is different – if you think, in other words, that playing it suffices for having a reason to play it well, or to achieve its constitutive aims, or some such – then you must be able to come up with an answer to the question: What's so special about agency? Why is this true of agency, even though it's not true in general? I can’t think of an answer to this question (except perhaps in terms of inescapability, to which we will return shortly).

#### Use reasonability – if we win persuasive defense that abuse is marginal enough to not abandon substance, don’t vote on it.

#### Norming - Theory requires abandoning substance to set a norm which means that norm must outweigh voting on theory instead of substance. Extreme offense/defense and “risk of offense” disincentivizes quality engagement which matters because becoming persuasive arguers is debate’s only impact.

#### Suboptimality inevitable- there’s always something we could have specced or made slightly clearer – they encourage shells that are nearly impossible to generate offense against but will almost never actually influence the round.

#### Link turns their arguments

#### Prioritizing diminishing marginal skews over substance means theory is has no impact because any justification presumes an end goal of actual engagement

#### Fairness – Mooting the entire 1AC over minuscule potential abuse is unpredictable, wrecks aff strategy, and is non-verifiable which means every there’s always an implicit DA to every shell.

#### Answers DTD – at best, give the aff less credence proportional to how much their strat was skewed. A DA doesn’t automatically outweigh because the 2NR went for it – they have to justify why the skew is substantial enough to warrant a loss

#### Arbitrariness inevitable – there’s no completely objective way to probability of a disad, whether 2AR explanation is new vs just spin, or how to weigh reps against consequences. Every judge relies on proximate heuristics and there’s no reason theory should be different considering it’s asinine nature in LD.

#### Structural abuse outweighs substantive abuse -

#### Nothing in the 1AC triggers presumption or permissibility – but they should affirm:

#### 1ar time skew means 1ar has to answer 7 minutes of offense and hedge against a 6 minute 2nr collapse, if the neg can’t prove the aff false you should presume its true

#### You presume statements true unless proven false – If I tell you my name is Whit you believe me unless you have evidence to the contrary

#### Presuming statements are false is impossible – we can’t operate in the world if we can’t trust anything we hear

### \*\*1AC vs K\*\*

### 1

#### Students are deterred from reporting on controversial issues because of subpoenas—causes self-censorship of journalists and informants which sets precedent for future

Hu 14 [(June M. Hu, Columbia Law School J.D., 2015, Associate at Sullivan & Cromwell New York Law Firm) Columbia Journal of Law & the Arts Vol 38 Issue 2, <https://academiccommons.columbia.edu/doi/10.7916/D8GT5MDC>] bracketed for gendered language whs-ee

Other influential theories of the First Amendment focus on the importance of producing courageous and engaged citizens who are committed to the project of self-government.111 Examining these theories and applying them in a case that dramatically expanded press protections, the Supreme Court held that a legal regime that “dampens the vigor and limits the variety of public debate . . . is inconsistent with the First and Fourteenth Amendments.”112 If student reporters are categorically excluded from a reporter’s privilege, they could be deterred from reporting on the kinds of stories that would expose them to court-ordered disclosures. In other words, exclusion of student reporters increases the likelihood of reporter self-censorship that “is inconsistent with the First and Fourteenth Amendments.”113

Categorical exclusion of student reporters also leads to self-censorship on the part of would-be informants. Reporters often hide the names of their whistleblower sources.114 If whistleblowers do not have faith that a reporter can control the information she [they] gathers, they are more likely to refrain from exposing governmental misconduct to the press and public.115 Even when sources do come forward, they might limit the scope of the information that they share with reporters. In the student press context, reporters have yet another reason to protect their relationships with sources: “school media are often most students’ first exposure to the press.”116 If students’ “earliest perception of the media is that reporters cannot be trusted it is unlikely their views will change later.”117 Privileging student reporters helps them inspire confidence in the independence of the press, and makes their peers more likely to provide information to the press in the future. Privileging student reporters promotes “a free, vigorous student press” that not only offers “a healthy ferment of ideas and opinions,”118 but also serves as a check on the government.119 Granted, student newspapers do not often uncover federal or state governmental abuses, but they do frequently expose the wrongdoing of smaller scale governmental actors, such as schools and school boards. In Dean v. Utica Community Schools, for instance, high school junior Katy Dean investigated her school district’s alleged wrongdoing after finding out that the school district was being sued for school bus pollutions that caused lung cancer. 120 The checking function of the First Amendment does not justify scaling protection for speech on the basis of the level of government that it checks, since small government is as prone to abuse as big government.121

Shielding high school reporters against subpoenas does not unduly impede the interests of justice.122 Denying student reporters a reporter’s privilege, on the other hand, creates negative repercussions for the future of the press. In their objections to proposed federal shield laws that would exclude student reporters from coverage, professional reporters have expressed their firm belief that the freedom of the high school press plays a critical role in shaping the future of the press.123 Serving on school newspapers, students begin to develop the professional courage and internalize the professional ethics of journalism.124 High school students participate in activities like the school newspaper to develop career interests and broaden career opportunities.125 Many of today’s high school journalists will become tomorrow’s professional journalists. Giving high school students less protection for their newsgathering not only chills the vigor of the journalism they produce today, 126 but also breeds a habit of self-censorship that the student reporters will carry with them if and when they become professional journalists.12.

#### Student journalists inform communities and solving corruption—they take over for declining local media

Brown 15 [(Rachel, freelance journalist. She has worked for the Los Angeles Times, Yahoo, and the San Francisco Chronicle.) “A New Role for Student Media: College Newspapers and the Crises in Journalism” (2015) Media and Communication Studies Honors Papers, Ursinus College, 4-26-15

Journalism is the facilitator of the connection between citizens and the relevant and credible information they need to be active democratic participants. As the depth of local newspaper’s coverage shrinks, a primary concern of the Knight Commission is that information regarding local governance, which likely does not receive attention from larger media outlets, will not become disconnected from the public that it is intended to serve (“Executive Summary | KnightComm” 2014). Further, the media industry has been forced into passivity by a lack of resources. Since new outlets lack the staff and resources to accomplish the same caliber of investigative journalism that they were capable of in their prime, politicians have been able to use the media as a “megaphone;” with “direct relaying of assertions made by the campaigns and less reporting by journalists to interpret and contextualize them” (Mitchell 2014). The ease with which political and corporate organizations can breach the pages of local newspapers with their messaging prevents the paper’s readership from discerning hand-crafted, strategic communication from a balanced perspective of the political landscape, since both are being presented in a forum that theoretically prioritizes the democratic interests of the reader.

A loss of local journalism poses the risk of citizens living in an “information vacuum,” therefore reinforcing inequalities for people who do not have the resources to participate in democracy as access to technology is becoming increasingly critical (“Information Stories Tell of Personal Stakes in Healthy Info Communities: KnightComm” 2014). Citizens who cannot readily access online content are becoming disconnected from the information necessary to make informed democratic decisions. Many critics point out that without universal access to broadband, information will remain inaccessible to many citizens, regardless of their civic intentions (“Thinking about the Future of Informed Communities and Journalism” 2011).

The journalism industry has been struggling to come up with solutions to the information void that is plaguing both their profits and the well-being of informed communities, but some courses of action have been debated. A shift to non-profit journalism has been proposed as a solution to the commercial industry’s seemingly irreversible loss of financial momentum. David Swensen and Michael Schmidt wrote an opinion piece for the New York Times that echoes the perspectives of those watching the journalism industry struggle, suggesting that newspapers might be better off if they adopted a business model dependent on endowments, similar to universities and institutions. Swensen and Schmidt propose that, “endowments would enhance newspapers’ autonomy while shielding them from the economic forces that are now tearing them down” (Swensen and Schmidt 2009). If commercial newspapers were organized like non-profits, they would be free of the financial constraints that limit the scope and depth of their reporting, allowing resources to be allocated to quality of coverage, not just survival, of a newspaper.

#### Shield law encourages reporting on controversial issues which is key to accountability

Peters et al 17 [(Jonathan Peters is a media law professor at the University of Georgia. Peters has blogged on free expression for the Harvard Law & Policy Review, and he has written for Esquire, The Atlantic. Genelle Belmas is an associate professor in Journalism at Kentucky Unversity and has a Ph. D in Mass Communication from UMinn. Piotr Bobkowski has a Ph. D at UNC CH and specializes in the benefits of young adult journalism) A Paper Shield? Whether State Privilege Protections Apply to Student Journalists, 27 Fordham Intell. Prop. Media & Ent. L.J. 763 (2017). Available at: <https://ir.lawnet.fordham.edu/iplj/vol27/iss4/2>] whs-ee

Moreover, the case law is sparse.217 Only a few jurisdictions have reported cases involving privilege claims by student journalists.218 Beyond that, just a small minority of jurisdictions have reported cases addressing privilege issues at all, and those decisions generally fail to address how student journalists would fare in future cases.219 In short, privilege protections for student journalists are, at best, uncertain in most states.

The lack of protection is concerning because, as noted above, student journalists play a vital role in meeting their communities’ needs for news and information.220 In four states, student journalists outnumber professional journalists who report on state legislatures.221 More generally, fulfilling news needs means candidly covering a range of public issues that might draw government responses—even subpoenas.222 At the college level alone, campusbased news organizations—and student collaborations with professional outlets—are filling some of the gaps created by the decline of traditional state and local media.223 Such organizations cover the states and towns where the schools are located.224 For example Arizona State University operates Cronkite News, where students cover public affairs in Phoenix, Arizona, Washington, D.C., and Los Angeles, California,225 and Boston University runs the New England Center for Investigative Reporting, where professional journalists work with students to produce major stories.226

For years, too, there has been a growing consensus that journalism programs should transform themselves into “teaching hospitals” for gathering, producing, and distributing news.227 For example, in a 2009 report, the Knight Commission on the Information Needs of Communities in a Democracy228 asserted that colleges needed to enhance their roles as “hubs of journalistic activity.”229 And, in a 2012 open letter to university presidents, leaders of the nation’s largest journalism foundations stated that journalism programs must “recreate themselves if they are to succeed in playing their vital roles as news creators.”230

While student journalists make significant contributions through independent reporting, they lack important legal protections. Recently, one student journalist was incarcerated for months after refusing to reveal a source.231 The lack of protections for student journalists is plainly irreconcilable with watchdog journalism, which is essential for informed communities.232 Thus, protecting these journalists from disruptions in their classes, lives, and futures is in the best interest of both professional journalists, who will need to hire principled graduates in the future, and the public, which needs good reporters for the free exchange of information. Lawmakers and judges should apply the privileges to student journalists through legislative amendments and judicial recognitions to allow student journalists, where warranted, to make promises of confidentiality with confidence.

#### Accountability good – it checks a litany of domestic and transnational problems and improves the quality of life

Eckersley 04 (Robyn, Reader/Associate Professor in the Department of Political Science at the University of Melbourne, “The Green State: Rethinking Democracy and Sovereignty”, MIT Press, 2004, Google Books, pp. 3-8)

While acknowledging the basis for this antipathy toward the nation- state, and the limitations of state-centric analyses of global ecological degradation, I seek to draw attention to the positive role that states have played, and might increasingly play, in global and domestic politics. Writing more than twenty years ago, Hedley Bull (a proto-constructivist and leading writer in the English school) outlined the state's positive role in world affairs, and his arguments continue to provide a powerful challenge to those who somehow seek to "get beyond the state," as if such a move would provide a more lasting solution to the threat of armed conflict or nuclear war, social and economic injustice, or environmental degradation.10 As Bull argued, given that the state is here to stay whether we like it or not, then the call to get "beyond the state is a counsel of despair, at all events if it means that we have to begin by abolishing or subverting the state, rather than that there is a need to build upon it.""¶ In any event, **rejecting the "statist frame"** of world politics **ought not prohibit** an **inquiry into the emancipatory potential of the state** as *a* crucial "node" in any future network of global ecological governance. This is especially so, given that one can expect states to persist as major sites of social and political power for at least the foreseeable future and that any green transformations of the present political order will, short of revolution, necessarily be state-dependent. Thus, like it or not, those concerned about ecological destruction must contend with existing institutions and, where possible, seek to "rebuild the ship while still at sea." And if states are so implicated in ecological destruction, then an inquiry into the potential for their transformation even their modest reform into something that is at least more conducive to ecological sustainability would seem to be compelling.¶ Of course, it would be unhelpful to become singularly fixated on the redesign of the state at the expense of other institutions of governance. States are not the only institutions that limit, condition, shape, and direct political power, and it is necessary to keep in view the broader spectrum of formal and informal institutions of governance (e.g., local, national, regional, and international) that are implicated in global environmental change. Nonetheless, while the state constitutes only one modality of political power, it is an especially significant one because of its historical claims to exclusive rule over territory and peoples—as expressed in the principle of state sovereignty. As Gianfranco Poggi explains, the political power concentrated in the state "is a momentous, pervasive, critical phenomenon. Together with other forms of social power, it constitutes an indispensable medium for constructing and shaping larger social realities, for establishing, shaping and maintaining all broader and more durable collectivities."12 States play, in varying degrees, significant roles in structuring life chances, in distributing wealth, privilege, information, and risks, in upholding civil and political rights, and in securing private property rights and providing the legal/regulatory framework for capitalism. Every one of these dimensions of state activity has, for good or ill, a significant bearing on the global environmental crisis. Given that the green political project is one that demands far-reaching changes to both economies and societies, it is difficult to imagine how such changes might occur on the kind of scale that is needed without the active support of states. While it is often observed that states are too big to deal with local ecological problems and too small to deal with global ones, the state nonetheless holds, as Lennart Lundqvist puts it, "a unique position in the constitutive hierarchy from individuals through villages, regions and nations all the way to global organizations. **The state is** inclusive of lower political and administrative levels, and exclusive in speaking for its whole territory and population in relation to the outside world."13 In short, it seems to me inconceivable to advance ecological emancipation without also engaging with and seeking to transform state power.¶ Of course, not all states are democratic states, and the green movement has long been wary of the coercive powers that all states reputedly enjoy. Coercion (and not democracy) is also central to Max Weber's classic sociological understanding of the state as "a human community that (successfully) claims the monopoly of the legitimate use of physical force within a given territory."14 Weber believed that the state could not be defined sociologically in terms of its ends\* only formally as an organization in terms of the particular means that are peculiar to it.15 Moreover his concept of legitimacy was merely concerned with whether rules were accepted by subjects as valid (for whatever reason); he did not offer a normative theory as to the circumstances when particular rules ought to be accepted or whether beliefs about the validity of rules were justified. Legitimacy was **a contingent fact**, and in view of his understanding of politics as a struggle for power in the context of an increasingly disenchanted world, likely to become an increasingly unstable achievement.16 In contrast to Weber, my approach to the state is explicitly normative and explicitly concerned with the purpose of states, and the democratic basis of their legitimacy. It focuses on the limitations of liberal normative theories of the state (and associated ideals of a just constitutional arrangement), and it proposes instead an alternative green theory that seeks to redress the deficiencies in liberal theory. Nor is my account as bleak as Weber's. The fact that states possess a monopoly of control over the means of coercion is a most serious matter, but it does not necessarily imply that they must have frequent recourse to that power. In any event, whether the use of the state's coercive powers is to be deplored or welcomed turns on the purposes for which that power is exercised, the manner in which it is exercised, and whether it is managed in public, transparent, and accountable ways—a judgment that must be made against a background of changing problems, practices, and under- standings. The coercive arm of the state can be used to "bust" political demonstrations and invade privacy. It can also be used to prevent human rights abuses, curb the excesses of corporate power, and protect the environment. In short, although the political autonomy of states is widely believed to be in decline, there are still few social institution that can match the same degree of capacity and potential legitimacy that states have to redirect societies and economies along more ecologically sustainable lines to address ecological problems such as global warming and pollution, the buildup of toxic and nuclear wastes and the rapid erosion of the earth's biodiversity. States—particularly when they act collectively—have the capacity to curb the socially and ecologically harmful consequences of capitalism. They are also more amenable to democratization than cor- porations, notwithstanding the ascendancy of the neoliberal state in the increasingly competitive global economy. There are therefore many good reasons why green political theorists need to think not only critically but also constructively about the state and the state system. While the state is certainly not "healthy" at the present historical juncture, in this book I nonetheless join Poggi by offering "a timid two cheers for the old beast," at least as a potentially more significant ally in the green cause.17

### 2

#### The plan: the fifty states of the United States and all relevant territories ought to grant the right to student reporters to protect the identities of their confidential sources.

#### Solves uncertainty and protects the watchdogs of the future.

KU 16Three University, 11-14-2016, "Journalism professors argue for extending shield laws to protect student journalists," University of Kansas, <https://news.ku.edu/2016/11/07/journalism-professors-argue-extending-shield-laws-protect-student-journalists> OHS-AT

LAWRENCE — In our quickly changing media landscape, student journalists have stepped forward to meet their communities’ news needs, often doing work that was once considered the exclusive domain of full-time journalists. And they’ve done so without the legal protections of their professional counterparts. A new study by three University of Kansas journalism professors analyzes laws across the nation that grant journalists the right to protect confidential sources and information from compelled disclosure, finding that they rarely apply to student journalists.

Such protections should be expanded to journalists at the high school and college levels, argue the authors, including Assistant Professor Jonathan Peters, Associate Professor Genelle Belmas and Assistant Professor Peter Bobkowski, all in the William Allen White School of Journalism & Mass Communications. The article is forthcoming in the Fordham Intellectual Property, Media & Entertainment Law Journal, and it has been presented at the national conference of the Association for Education in Journalism and Mass Communication. It is the first comprehensive academic analysis of these issues.

The landmark Supreme Court case Branzburg v. Hayes found that reporters, generally, do not have a First Amendment right to refuse to divulge their confidential sources, but a concurring and dissenting opinion laid the groundwork for how such a privilege could work. That language is now found in numerous state statutes, court decisions and procedural rules giving reporters a basis to resist the compelled disclosure of their confidential sources and information.

“The big question was, ‘Does the reporter’s privilege, in its various forms, cover student journalists?’” Peters said. “Overall, this is an area that hasn’t seen much activity in the courts, and it has gotten virtually no critical or sustained attention from scholars.”

The study analyzes shield laws from across the country and categorizes them, finding that only two states, Maryland and West Virginia, explicitly protect student journalists. Meanwhile, in Ohio, educational organizations where student journalists work are covered. The rest of the states define who is protected by factors such as employment, amount of compensation, readership, publication frequency and producing news for the general public—all of which do not favor student journalists.

Some commentators have wondered why it would be necessary for student journalists to receive such protection, claiming, for example, that they only produce news for their fellow students or for small, niche audiences. But as the media landscape has changed and reporting staffs have shrunk, student media, especially college publications, have provided coverage of their communities on a larger scale than before. For that reason, the authors argue, student journalists deserve the same protections as full-time journalists. Foundations and journalism schools have also encouraged students to take on larger roles in meeting the news needs of their communities.

“We have seen, in the last 10-15 years, a lot of changes in the media industry,” Peters said. “One group we’ve seen step up consistently is student journalists. In our First Amendment tradition, we protect the lonely pamphleteer as much as The New York Times, and in the context of shield laws, it’s untenable to ask students to do more—with fewer legal protections. It’s unwise and unfair.”

Some states do not have shield statutes but make it possible to claim a reporters’ privilege through common law principles or through the federal or state constitutions. There is not a federal shield statute, and in these states, it is unclear how student journalists would be treated.

The article argues for the strengthening of shield laws and to extend them to protect student journalists. In states where students are not covered, the authors argue that the laws should be changed. While it is not common for student journalists to be compelled to testify, one recently was jailed for refusing to disclose sources.

“This is not a contrived, theoretical problem,” Peters said. “With the expanded roles we’re asking student journalists to play, this could happen more frequently. I still handle cases as a media lawyer, and I had a student journalist shield case just two years ago. If we are asking students to produce informative, investigative journalism, it’s imperative to give them the tools they need to produce it.”

There are more high school and college journalists working today than full-time professional journalists, and on the college level, many students are forming their own news organizations or collaborating with professional outlets to provide coverage on important topics such as state and national government. Providing that coverage is important, then, to the public to ensure continued watchdog journalism and to news outlets that will need to hire skilled, experienced journalists in the future.

“Today, perhaps more than ever, we need young people to be educated about the vital role that the free press has played in the history of our country so that they may carry on this important legacy into the future,” Bobkowski said. “Reporter's privilege is one element of the free press that has played an important role in supporting the vitality of our democracy.”

#### Plan’s definition of journalism based on process, not people, protects students while avoiding leakers and fake sources – also encourages high caliber investigative journalism. States key.

Hu 14 (June M. Hu, Columbia Law School J.D., 2015, Associate at Sullivan & Cromwell New York Law Firm) Columbia Journal of Law & the Arts Vol 38 Issue 2, <https://academiccommons.columbia.edu/doi/10.7916/D8GT5MDC> OHS-AT

If the current federal shield bill does become the first federal shield law in the United States, it would only protect reporters in a narrow set of circumstances— subpoenas issued by a federal actor and arising out of federal causes of action.210 A student-friendly state shield law would strengthen privilege in both state and federal cases, since federal courts look to state law for definitions of privileged persons.211 West Virginia, the latest state to enact a reporter’s shield law, provides a two-tier definition of privileged persons that is similar to the definition in the proposed Free Flow of Information Act.212 While the first tier requires the reporter to earn a “substantial livelihood” from newsgathering, the second tier allows judges to protect student reporters whose work closely models traditional journalism.213 Shield laws like the federal bill and the West Virginia statute protect a narrow core of traditional press, but provide a catchall category that gives judges discretion to award privilege to non-traditional reporters based on whether the reporters conducted legitimate journalism and the interest of justice in the subpoenaed material.

This type of shield law would give judges the flexibility to withhold the privilege from leakers, sham newsmen and cyberbullies. At the same time, because the inquiry focuses on the newsgatherer’s process and product rather than employment status or income, this type of shield law extends protection to student reporters whose work resembles the work of professional journalists. Wide adoption of such state shield laws would increase a high school student reporter’s chances of succeeding on her privilege claim in jurisdictions that do not recognize a constitutional reporter’s privilege, as well as in jurisdictions that would not clearly cover student reporters under the constitutional privilege. The greater likelihood of receiving a reporter’s privilege would allow young student reporters to continue engaging in high-caliber investigative reporting, reducing the double-bind of risking imprisonment if they protect sources and social stigma if they snitch.

#### Spills over to mainstream media

Brown 15 [(Rachel, freelance journalist. She has worked for the Los Angeles Times, Yahoo, and the San Francisco Chronicle.) “A New Role for Student Media: College Newspapers and the Crises in Journalism” (2015) Media and Communication Studies Honors Papers, Ursinus College, 4-26-15 whs-ee

However, there is some debate as to whether the primary goal of college publications should be to directly contribute to democratic participation. While the “teaching hospital” model proposed by Waldman supports that college newspapers can fill both a civic and educational role, there are some advantages of focusing solely on the educational role of these publications. By emphasizing the “lab” qualities of student newspapers, these publications are facilitating the education in the next generation of professional journalists. As Downie and Schudson’s “Reconstruction of American Journalism” report suggests, the best use of student newspapers’ resources is not necessarily to expand the civic role of college newspapers, but train journalists so that they can make an impact as professionals (Downie and Schudson 2009). The report proposes that it is more civically practical to invest in the education of student journalists rather than speeding through the foundations of the practice in order to prematurely pursue a democratic role.

College newspapers come equipped with a staff that is there because, in general, they are genuinely interested in participating and doing so actively to enhance their chances of future success. However, unlike at professional publications, these students’ livelihood is not immediately dependent on their success. College papers have the potential to succeed as democratic forums because the profit motive that has wreaked havoc on commercial papers is typically not present and if it is, is significantly less consequential. As newspaper staffs have shrunk by nearly 20 percent in the past decade, from 52,550 to 43, 630 total journalists employed in the field, 216,269 students were enrolled in U.S., degree-seeking journalism and mass communication programs in 2009 alone (Pew 2014), (Waldman 2011). School newspapers offer a stable supply of journalists that are educated in the most recent industry practices, supporting the perspective college newspapers can offer the staff that professional papers desperately need to create the content that brings citizens the information they need, not just the information that newspapers need to turn a profit.

### 3

#### The role of the ballot is to endorse the better method for critically empowering students. Critical empowerment exists when we have the skills to question and attack the status quo. This is key to ALL alternatives.

Giroux 16:Giroux, Henry A. [Waterbury Chair Professor, Pennsylvania State University] “Radical Politics in the Age of American Authoritarianism: Connecting the Dots.” *Truthout*,April 2016. RP

At the root of this notion of developing a comprehensive view of politics is the need for educating ourselves by developing a critical formative culture along with corresponding institutions that promote a form of permanent criticism against all elements of oppression and unaccountable power.**One important task of emancipation is to fight the dominant culture industry by developing alternative public spheres and educational institutions capable of nourishing critical thought and action. The time has come for educators, artists, workers, young people and others to push forward a new form of politics** in which public values, trust and compassion trump neoliberalism's celebration of self- interest, the ruthless accumulation of capital, the survival-of-the-fittest ethos and the financialization and market-driven corruption of the political system. Political responsibility is more than a challenge -- it is the projection of a possibility in which new modes of identification and agents must be enabled that can sustain new political organizations and transnational anti-capitalist movements. Democracy must be written back into the script of everyday life, and doing so demands overcoming the current crisis of memory, agency and politics by collectively struggling for a new form of politics in which matters of justice, equity and inclusion define what is possible. Such struggles demand an increasingly broad-based commitment to a new kind of activism. As Robin D. G. Kelley has recently noted there is a need for more pedagogical, cultural and social spaces that allow us to think and act together, to take risks and **to get to the roots of the conditions that are submerging the United States into a new form of authoritarianism wrapped in the flag, the dollar sign and the cross.** Kelley is right in calling for a politics that places justice at its core, one that takes seriously what it means to be an individual and social agent while engaging in collective struggles. We don't need tepid calls for repairing the system; instead, we need to invent a new system from the ashes of one that is terminally broken. We don't need calls for moral uplift or personal responsibility. We need calls for economic, political, gender and racial justice. Such a politics must be rooted in particular demands, be open to direct action and take seriously strategies designed to both educate a wider public and mobilize them to seize power. The left needs a new political conversation that encompasses memories of freedom and resistance. Such a dialogue would build on the militancy of the labor strikes of the 1930s, the civil rights movements of the 1950s and the struggle for participatory democracy by the New Left in the 1960s. At the same time, there is a need to reclaim the radical imagination and to infuse it with a spirited battle for an independent politics that regards a radical democracy as part of a never-ending struggle. **None of this can happen unless progressives understand education as a political and moral practice crucial to creating new forms of agency, mobilizing a desire for change and providing a language** that underwrites the capacity to think, speak and act so as to challenge the sexist, racist, economic and political grammars of suffering produced by the new authoritarianism. The left needs a language of critique that enables people to ask questions that appear unspeakable within the existing vocabularies of oppression. We also need a language of hope that is firmly aware of the ideological and structural obstacles that are undermining democracy. We need a language that reframes our activist politics as a creative act that responds to the promises and possibilities of a radical democracy. Movements require time to mature and come into fruition. They necessitate educated agents able to connect structural conditions of oppression to the oppressive cultural apparatuses that legitimate, persuade, and shape individual and collective attitudes in the service of oppressive ideas and values. Under such conditions, radical ideas can be connected to action once diverse groups recognize the need to take control of the political, economic and cultural conditions that shape their worldviews, exploit their labor, control their communities, appropriate their resources, and undermine their dignity and lives. Raising consciousness alone will not change authoritarian societies, but it does provide the foundation **for making oppression visible and for developing from below what Étienne Balibar calls "practices of resistance and solidarity."** We need not only a radical critique of capitalism, racism and other forms of oppression, but also a critical formative culture and cultural politics that inspire, energize and provide elements of a transformative radical education in the service of a broad-based democratic liberation movement.

#### Debate cannot be a discussion of ideal theory- it must be a discussion of tangible policies to reduce oppression.

Curry 14, Tommy, The Cost of a Thing: A Kingian Reformulation of a Living Wage Argument in the 21st Century, Victory Briefs, 2014,

Despite the pronouncement of **debate** as an activity and intellectual exercise pointing to the real world consequences of dialogue, thinking, and (personal) politics when addressing issues of racism, sexism, economic disparity, global conflicts, and death, many of the discussions concerning these ongoing challenges to humanity are fixed to a paradigm which sees the adjudication of material disparities and sociological realities as the conquest of one ideal theory “Ideal Theory as Ideology,” Charles Mills outlines the problem contemporary theoretical-performance styles in policy debate and value-weighing in Lincoln-Douglass are confronted with in their attempts to get at the concrete problems in our societies. At the outset, Mills concedes that “ideal theory applies to moral theory as a whole (at least to normative ethics as against metaethics); [s]ince ethics deals by definition with normative/prescriptive/evaluative issues, against factual/descriptive issues.” At the most general level, the conceptual chasm between what emerges as actual problems in the world (e.g.: racism, sexism, poverty, disease, etc.) and how we frame such problems theoretically—the assumptions and shared ideologies we depend upon for our problems to be heard and accepted as a worthy “problem” by an audience—is the most obvious call for an anti-ethical paradigm, since such a paradigm insists on the actual as the basis of what can be considered normatively. Mills, however, describes this chasm as a problem of an ideal-as-descriptive model which argues that for any actual-empirical-observable social phenomenon (P), an ideal of (P) is necessarily a representation of that phenomenon. In the idealization of a social phenomenon (P), one “necessarily has to abstract away from certain features” of (P) that is observed before abstraction occurs. ¶ This gap between what is actual (in the world), and what is represented by theories and politics of debaters proposed in rounds threatens any real discussions about the concrete nature of oppression and the racist economic structures which necessitate tangible policies and reorienting changes in our value orientations. As Mills states: “What distinguishes ideal theory is the reliance on idealization to the exclusion, or at least marginalization, of the actual,” so what we are seeking to resolve on the basis of “thought” is in fact incomplete, incorrect, or ultimately irrelevant to the actual problems which our “theories” seek to address. Our attempts to situate social disparity cannot simply appeal to the ontologization of social phenomenon—meaning we cannot suggest that the various complexities of social problems (which are constantly emerging and undisclosed beyond the effects we observe) are totalizable by any one set of theories within an ideological frame be it our most cherished notions of Afro-pessimism, feminism, Marxism, or the like. At best, theoretical endorsements make us aware of sets of actions to address ever developing problems in our empirical world, but even this awareness does not command us to only do X, but rather do X and the other ideas which compliment the material conditions addressed by the action X. As a whole, debate (policy and LD) neglects the need to do X in order to remedy our cast-away-ness among our ideological tendencies and politics. How then do we pull ourselves from this seeming ir-recoverability of thought in general and in our endorsement of socially actualizable values like that of the living wage? It is my position that Dr. Martin Luther King Jr.’s thinking about the need for a living wage was a unique, and remains an underappreciated, resource in our attempts to impose value reorientation (be it through critique or normative gestures) upon the actual world. In other words, King aims to reformulate the values which deny the legitimacy of the living wage, and those values predicated on the flawed views of the worker, Blacks, and the colonized (dignity, justice, fairness, rights, etc.) used to currently justify the living wages in under our contemporary moral parameters.

#### Thus the standard is minimizing oppression.

#### Prefer

#### 1] Scenario analysis is pedagogically valuable – enhances creativity and self-reflexivity, deconstructs cognitive biases and flawed ontological assumptions, and enables the imagination and creation of alternative futures.

\*\*FYI if anyone is skeptical of Barma’s affiliation with the Naval Postgraduate School, it’s worth looking at her publication history, which is deeply opposed to US hegemony and the existing liberal world order:

a) co-authored an article entitled “How Globalization Went Bad” that has this byline: “From terrorism to global warming, the evils of globalization are more dangerous than ever before. What went wrong? The world became dependent on a single superpower. Only by correcting this imbalance can the world become a safer place.” (http://cisac.fsi.stanford.edu/publications/how\_globalization\_went\_bad)

b) most recent published scenario is entitled “World Without the West,” supports the a Non-Western reinvention of the liberal order, and concludes that “This argument made a lot of people uncomfortable, mostly because of an endemic and gross overestimation of the reach, depth and attractiveness of the existing liberal order” (http://nationalinterest.org/feature/welcome-the-world-without-the-west-11651)

**Barma et al. 16** – (May 2016, [Advance Publication Online on 11/6/15], Naazneen Barma, PhD in Political Science from UC-Berkeley, Assistant Professor of National Security Affairs at the Naval Postgraduate School, Brent Durbin, PhD in Political Science from UC-Berkeley, Professor of Government at Smith College, Eric Lorber, JD from UPenn and PhD in Political Science from Duke, Gibson, Dunn & Crutcher, Rachel Whitlark, PhD in Political Science from GWU, Post-Doctoral Research Fellow with the Project on Managing the Atom and International Security Program within the Belfer Center for Science and International Affairs at Harvard, “‘Imagine a World in Which’: Using Scenarios in Political Science,” International Studies Perspectives 17 (2), pp. 1-19, <http://www.naazneenbarma.com/uploads/2/9/6/9/29695681/using_scenarios_in_political_science_isp_2015.pdf>)

Scenario analysis is perceived most commonly as a technique for examining the robustness of strategy. It can immerse decision makers in future states that go beyond conventional extrapolations of current trends, preparing them to take advantage of unexpected opportunities and to protect themselves from adverse exogenous shocks. The global petroleum company Shell, a pioneer of the technique, characterizes scenario analysis as the art of considering “what if” questions about possible future worlds. Scenario analysis is thus typically seen as serving the purposes of corporate planning or as a policy tool to be used in combination with simulations of decision making. Yet scenario analysis is not inherently limited to these uses. This section provides a brief overview of the practice of scenario analysis and the motivations underpinning its uses. It then makes a case for the utility of the technique for political science scholarship and describes how the scenarios deployed at NEFPC were created.

The Art of Scenario Analysis

We characterize scenario analysis as the art of juxtaposing current trends in unexpected combinations in order to articulate surprising and yet plausible futures, often referred to as “alternative worlds.” Scenarios are thus explicitly not forecasts or projections based on linear extrapolations of contemporary patterns, and they are not hypothesis-based expert predictions. Nor should they be equated with simulations, which are best characterized as functional representations of real institutions or decision-making processes (Asal 2005). Instead, they are depictions of possible future states of the world, offered together with a narrative of the driving causal forces and potential exogenous shocks that could lead to those futures. Good scenarios thus rely on explicit causal propositions that, independent of one another, are plausible—yet, when combined, suggest surprising and sometimes controversial future worlds. For example, few predicted the dramatic fall in oil prices toward the end of 2014. Yet independent driving forces, such as the shale gas revolution in the United States, China’s slowing economic growth, and declining conflict in major Middle Eastern oil producers such as Libya, were all recognized secular trends that—combined with OPEC’s decision not to take concerted action as prices began to decline—came together in an unexpected way.

While scenario analysis played a role in war gaming and strategic planning during the Cold War, the real antecedents of the contemporary practice are found in corporate futures studies of the late 1960s and early 1970s (Raskin et al. 2005). Scenario analysis was essentially initiated at Royal Dutch Shell in 1965, with the realization that the usual forecasting techniques and models were not capturing the rapidly changing environment in which the company operated (Wack 1985; Schwartz 1991). In particular, it had become evident that straight-line extrapolations of past global trends were inadequate for anticipating the evolving business environment. Shell-style scenario planning “helped break the habit, ingrained in most corporate planning, of assuming that the future will look much like the present” (Wilkinson and Kupers 2013, 4). Using scenario thinking, Shell anticipated the possibility of two Arab-induced oil shocks in the 1970s and hence was able to position itself for major disruptions in the global petroleum sector.

Building on its corporate roots, scenario analysis has become a standard policymaking tool. For example, the Project on Forward Engagement advocates linking systematic foresight, which it defines as the disciplined analysis of alternative futures, to planning and feedback loops to better equip the United States to meet contemporary governance challenges (Fuerth 2011). Another prominent application of scenario thinking is found in the National Intelligence Council’s series of Global Trends reports, issued every four years to aid policymakers in anticipating and planning for future challenges. These reports present a handful of “alternative worlds” approximately twenty years into the future, carefully constructed on the basis of emerging global trends, risks, and opportunities, and intended to stimulate thinking about geopolitical change and its effects.4 As with corporate scenario analysis, the technique can be used in foreign policymaking for long-range general planning purposes as well as for anticipating and coping with more narrow and immediate challenges. An example of the latter is the German Marshall Fund’s EuroFutures project, which uses four scenarios to map the potential consequences of the Euro-area financial crisis (German Marshall Fund 2013).

Several features make scenario analysis particularly useful for policymaking.5 Long-term global trends across a number of different realms—social, technological, environmental, economic, and political—combine in often-unexpected ways to produce unforeseen challenges. Yet the ability of decision makers to imagine, let alone prepare for, discontinuities in the policy realm is constrained by their existing mental models and maps. This limitation is exacerbated by well-known cognitive bias tendencies such as groupthink and confirmation bias (Jervis 1976; Janis 1982; Tetlock 2005). The power of scenarios lies in their ability to help individuals break out of conventional modes of thinking and analysis by introducing unusual combinations of trends and deliberate discontinuities in narratives about the future. Imagining alternative future worlds through a structured analytical process enables policymakers to envision and thereby adapt to something altogether different from the known present.

Designing Scenarios for Political Science Inquiry

The characteristics of scenario analysis that commend its use to policymakers also make it well suited to helping political scientists generate and develop policy-relevant research programs. Scenarios are essentially textured, plausible, and relevant stories that help us imagine how the future political-economic world could be different from the past in a manner that highlights policy challenges and opportunities. For example, terrorist organizations are a known threat that have captured the attention of the policy community, yet our responses to them tend to be linear and reactive. Scenarios that explore how seemingly unrelated vectors of change—the rise of a new peer competitor in the East that diverts strategic attention, volatile commodity prices that empower and disempower various state and nonstate actors in surprising ways, and the destabilizing effects of climate change or infectious disease pandemics—can be useful for illuminating the nature and limits of the terrorist threat in ways that may be missed by a narrower focus on recognized states and groups. By illuminating the potential strategic significance of specific and yet poorly understood opportunities and threats, scenario analysis helps to identify crucial gaps in our collective understanding of global politicaleconomic trends and dynamics. The notion of “exogeneity”—so prevalent in social science scholarship—applies to models of reality, not to reality itself. Very simply, scenario analysis can throw into sharp relief often-overlooked yet pressing questions in international affairs that demand focused investigation.

Scenarios thus offer, in principle, an innovative tool for developing a political science research agenda. In practice, achieving this objective requires careful tailoring of the approach. The specific scenario analysis technique we outline below was designed and refined to provide a structured experiential process for generating problem-based research questions with contemporary international policy relevance.6 The first step in the process of creating the scenario set described here was to identify important causal forces in contemporary global affairs. Consensus was not the goal; on the contrary, some of these causal statements represented competing theories about global change (e.g., a resurgence of the nation-state vs. border-evading globalizing forces). A major principle underpinning the transformation of these causal drivers into possible future worlds was to “simplify, then exaggerate” them, before fleshing out the emerging story with more details.7 Thus, the contours of the future world were drawn first in the scenario, with details about the possible pathways to that point filled in second. It is entirely possible, indeed probable, that some of the causal claims that turned into parts of scenarios were exaggerated so much as to be implausible, and that an unavoidable degree of bias or our own form of groupthink went into construction of the scenarios. One of the great strengths of scenario analysis, however, is that the scenario discussions themselves, as described below, lay bare these especially implausible claims and systematic biases.8

An explicit methodological approach underlies the written scenarios themselves as well as the analytical process around them—that of case-centered, structured, focused comparison, intended especially to shed light on new causal mechanisms (George and Bennett 2005). The use of scenarios is similar to counterfactual analysis in that it modifies certain variables in a given situation in order to analyze the resulting effects (Fearon 1991). Whereas counterfactuals are traditionally retrospective in nature and explore events that did not actually occur in the context of known history, our scenarios are deliberately forward-looking and are designed to explore potential futures that could unfold. As such, counterfactual analysis is especially well suited to identifying how individual events might expand or shift the “funnel of choices” available to political actors and thus lead to different historical outcomes (Nye 2005, 68–69), while forward-looking scenario analysis can better illuminate surprising intersections and sociopolitical dynamics without the perceptual constraints imposed by fine-grained historical knowledge. We see scenarios as a complementary resource for exploring these dynamics in international affairs, rather than as a replacement for counterfactual analysis, historical case studies, or other methodological tools.

In the scenario process developed for NEFPC, three distinct scenarios are employed, acting as cases for analytical comparison. Each scenario, as detailed below, includes a set of explicit “driving forces” which represent hypotheses about causal mechanisms worth investigating in evolving international affairs. The scenario analysis process itself employs templates (discussed further below) to serve as a graphical representation of a structured, focused investigation and thereby as the research tool for conducting case-centered comparative analysis (George and Bennett 2005). In essence, these templates articulate key observable implications within the alternative worlds of the scenarios and serve as a framework for capturing the data that emerge (King, Keohane, and Verba 1994). Finally, this structured, focused comparison serves as the basis for the cross-case session emerging from the scenario analysis that leads directly to the articulation of new research agendas.

The scenario process described here has thus been carefully designed to offer some guidance to policy-oriented graduate students who are otherwise left to the relatively unstructured norms by which political science dissertation ideas are typically developed. The initial articulation of a dissertation project is generally an idiosyncratic and personal undertaking (Useem 1997; Rothman 2008), whereby students might choose topics based on their coursework, their own previous policy exposure, or the topics studied by their advisors. Research agendas are thus typically developed by looking for “puzzles” in existing research programs (Kuhn 1996). Doctoral students also, understandably, often choose topics that are particularly amenable to garnering research funding. Conventional grant programs typically base their funding priorities on extrapolations from what has been important in the recent past—leading to, for example, the prevalence of Japan and Soviet studies in the mid-1980s or terrorism studies in the 2000s—in the absence of any alternative method for identifying questions of likely future significance.

The scenario approach to generating research ideas is grounded in the belief that these traditional approaches can be complemented by identifying questions likely to be of great empirical importance in the real world, even if these do not appear as puzzles in existing research programs or as clear extrapolations from past events. The scenarios analyzed at NEFPC envision alternative worlds that could develop in the medium (five to seven year) term and are designed to tease out issues scholars and policymakers may encounter in the relatively near future so that they can begin thinking critically about them now. This timeframe offers a period distant enough from the present as to avoid falling into current events analysis, but not so far into the future as to seem like science fiction. In imagining the worlds in which these scenarios might come to pass, participants learn strategies for avoiding failures of creativity and for overturning the assumptions that prevent scholars and analysts from anticipating and understanding the pivotal junctures that arise in international affairs.

2. Use epistemic modesty to evaluate the method debate- key to decision-making, in all other circumstances we use probability times magnitude to evaluate risk, that’s the definition of game theory. It would be inconsistent to do that here as well.

3. Contesting the policy focus on the AC is bad, prefer the AC framework as long as it is theoretically legitimate.

A: it moots 6 minutes of AC offense since it uplayers my offense, which destroys aff, ground.

B: Also means the neg never has to clash and engage with the aff which means they get superficial education.

C: Coopts all their offense- they can read their role of the ballot when their aff.

#### 4. We should focus on particular circumstances which best tackle material violence. Root cause explanations are bad.

Pappas 16, Gregory Fernando, The Pragmatists’ Approach to Injustice”, The Pluralist Volume 11, Number 1, Spring 2016

In Experience and Nature, Dewey names the empirical way of doing philosophy the “denotative method” (LW 1:371).18 What Dewey means by “denotation” is simply the phase of an empirical inquiry where we are con- cerned with designating, as free from theoretical presuppositions as possible, the concrete problem (subject matter) for which we can provide different and even competing descriptions and theories. Thus an empirical inquiry about an injustice must begin with a rough and tentative designation of where the injustices from within the broader context of our everyday life and activities are. Once we designate the subject matter, we then engage in the inquiry itself, including diagnosis, possibly even constructing theories and developing concepts. Of course, that is not the end of the inquiry. We must then take the results of that inquiry “as a path pointing and leading back to something in primary experience” (LW 1:17). This looping back is essential, and it neverends as long as there are new experiences of injustice that may require a revi- sion of our theories.Injustices are events suffered by concrete people at a particular time and in a situation. We need to start by pointing out and describing these problematic experiences instead of starting with a theoretical account or diagnosis of them. Dewey is concerned with the consequences of not following the methodological advice to distinguish designation from diagnosis. Definitions, theoretical criteria, and diagnosis can be useful; they have their proper place and function once inquiry is on its way, but if stressed too much at the start of inquiry, they can blind us to aspects of concrete problems that escape our theoretical lenses. We must attempt to pretheoretically designate the subject matter, that is, to “point” in a certain direction, even with a vague or crude description of the problem. But, for philosophers, this task is not easy because, for instance, we are often too prone to interpret the particular problem in a way that verifies our most cherished theories of injustice. One must be careful to designate the subject matter in such a way as not to slant the question in favor of one’s theory or theoretical preconceptions. A philosopher must make an honest effort to designate the injustices based on what is experienced as such because a concrete social problem (e.g., injustice) is independent and neutral with respect to the different possible competing diagnoses or theories about its causes. Otherwise, there is no way to test or adjudicate between competing accounts.¶ That designation precedes diagnosis is true of any inquiry that claims to be empirical. To start with the diagnosis is to not start with the problem. The problem is pretheoretical or preinquiry, not in any mysterious sense but in that it is first suffered by someone in a particular context. Otherwise, the diagnosis about the causes of the problem has nothing to be about, and the inquiry cannot even be initiated. In his Logic, Dewey lays out the pattern of all empirical inquiries (LW 12). All inquiries start with what he calls an “indeterminate situation,” prior even to a “problematic situation.” Here is a sketch of the process:¶ Indeterminate situation → problematic situation → diagnosis: What is the problem? What is the solution? (operations of analysis, ideas, observations, clarification, formulating and testing hypothesis, reasoning, etc.) → final judgment (resolution: determinate situation)¶ To make more clear or vivid the difference of the starting point between Anderson and Dewey, we can use the example (or analogy) of medical prac- tice, one that they both use to make their points.19 The doctor’s startingpoint is the experience of a particular illness of a particular patient, that is, the concrete and unique embodied patient experiencing a disruption or prob- lematic change in his life. “The patient having something the matter with him is antecedent; but being ill (having the experience of illness) is not the same as being an object of knowledge.”20 The problem becomes an object of knowledge once the doctor engages in a certain interaction with the patient, analysis, and testing that leads to a diagnosis. For Dewey, “diagnosis” occurs when the doctor is already engaged in operations of experimental observation in which he is already narrowing the field of relevant evidence, concerned with the correlation between the nature of the problem and possible solu- tions. Dewey explains the process: “A physician . . . is called by a patient. His original material of experience is thereby provided. This experienced object sets the problem of inquiry. . . . He calls upon his store of knowledge to sug- gest ideas that may aid him in reaching a judgment as to the nature of the trouble and its proper treatment.”21¶ Just as with the doctor, empirical inquirers about injustice must return to the concrete problem for testing, and should never forget that their con- ceptual abstractions and general knowledge are just means to ameliorate what is particular, context-bound, and unique. In reaching a diagnosis, the doc- tor, of course, relies on all of his background knowledge about diseases and evidence, but a good doctor never forgets the individuality of the particular problem (patient and illness).¶ The physician in diagnosing a case of disease deals with something in- dividualized. He draws upon a store of general principles of physiology, etc., already at his command. Without this store of conceptual material he is helpless. But he does not attempt to reduce the case to an exact specimen of certain laws of physiology and pathology, or do away with its unique individuality. Rather he uses general statements as aids to direct his observation of the particular case, so as to discover what it is like. They function as intellectual tools or instrumentalities. (LW 4:166)¶ Dewey uses the example of the doctor to emphasize the radical contex- tualism and particularism of his view. The good doctor never forgets that this patient and “this ill is just the specific ill that it is. It never is an exact duplicate of anything else.”22 Similarly, the empirical philosopher in her in- quiry about an injustice brings forth general knowledge or expertise to an inquiry into the causes of an injustice. She relies on sociology and history as well as knowledge of different forms of injustice, but it is all in the service of inquiry about the singularity of each injustice suffered in a situation.¶ The correction or refinement that I am making to Anderson’s character- ization of the pragmatists’ approach is not a minor terminological or scholarly point; it has methodological and practical consequences in how we approach an injustice. The distinction between the diagnosis and the problem (the ill- ness, the injustice) is an important functional distinction that must be kept in inquiry because it keeps us alert to the provisional and hypothetical aspect of any diagnosis. To rectify or improve any diagnosis, we must return to the concrete problem; as with the patient, this may require attending as much as possible to the uniqueness of the problem. This is in the same spirit as Anderson’s preference for an empirical inquiry that tries to “capture all of the expressive harms” in situations of injustice. But this requires that we begin with and return to concrete experiences of injustice and not by starting with a diagnosis of the causes of injustice provided by studies in the social sciences, as in (5) above. For instance, a diagnosis of causes that are due to systematic, structural features of society or the world disregards aspects of the concrete experiences of injustice that are not systematic and structural.¶ Making problematic situations of injustice our explicit methodological commitment as a starting point rather than a diagnosis of the problem is an important and useful imperative for nonideal theories. It functions as a directive to inquirers toward the problem, to locate it, and designate it before venturing into descriptions, diagnosis, analysis, clarifications, hypotheses, and reasoning about the problem. These operations are instrumental to its ame- lioration and must ultimately return (be tested) by the problem that sparked the inquiry. The directive can make inquirers more attentive to the complex ways in which such differences as race, culture, class, or gender intersect in a problem of injustice. Sensitivity to complexity and difference in matters of injustice is not easy; it is a very demanding methodological prescription because it means that no matter how confident we may feel about applying solutions designed to ameliorate systematic evil, our cures should try to address as much as possible the unique circumstances of each injustice. The analogy with medical inquiry and practice is useful in making this point, since the hope is that someday we will improve our tools of inquiry to practice a much more personalized medicine than we do today, that is, provide a diagnosis and a solution specific to each patient.

### \*\*Other Advantages\*\*

### Engagement (extinction)

#### Civic engagement low now due to less coverage—increased coverage key to solve

Reichel 6/22 [(Chloe Reichel, research reporter. Has written for the Harvard Magazine, Camridge Day) "Civic engagement declines when local newspapers shut down," Journalist's Resource, 6/22/18, https://journalistsresource.org/studies/society/news-media/local-newspapers-civic-engagement] whs-ee

It’s not news that it’s tough times for the newspaper industry. A March 2018 study published in the Newspaper Research Journal finds that from 2004 to 2015, the U.S. newspaper industry lost over 1,800 print outlets as a result of closures and mergers. Journalists suffer layoffs and buyouts; and readers are left in a decimated news landscape, with local papers coming under the ownership of larger publishers focused on their business interests, or ceasing to exist entirely.

Scholars are studying what these closures might mean for the public in terms of political engagement and government accountability. Studies have found that areas with fewer local news outlets and declining coverage also have lower levels of civic engagement and voter turnout. On the other hand, studies show that areas with more local coverage tend to have increased turnout in local elections and lower spending on discretionary municipal projects. These findings suggest newspapers might play a role in encouraging political participation and accountability. A new working paper lends further evidence, finding that newspaper closures are linked with increased municipal borrowing costs and decreased government efficiency. Journalist’s Resource has summarized these studies that show why it’s important to keep local news alive.

“Financing Dies in Darkness? The Impact of Newspaper Closures on Public Finance”

Gao, Pengjie; et al. SSRN working paper, 2018. DOI: 10.2139/ssrn.3175555.

Summary: This working paper looks at associations between local newspaper closures and municipal borrowing costs. It analyzes daily newspaper data from 1996 to 2015 in U.S. counties with three or fewer newspapers. Of the 1,596 newspapers studied, 296 folded, merged with other papers or stopped publishing on a daily basis. “Our main finding is that newspaper closures have a significantly adverse impact on municipal borrowing costs. Specifically, following the three-year period after a newspaper closure, municipal bond yields in the secondary market increase by 6.4 basis points, while offering yields increase by 5.5 basis points.” In other words, it becomes more expensive for these localities to borrow money. The authors suggest this might be “because potential lenders have greater difficulty evaluating the quality of public projects and the government officials in charge of these projects” in the absence of local papers. The study also found increased government inefficiencies, such as higher wage rates and numbers of employees per capita, in the absence of daily newspapers — additional indicators of the role local papers play in public accountability.

“The Decline of Local News and Its Effects: New Evidence from Longitudinal Data”

Hayes, Danny; Lawless, Jennifer L. The Journal of Politics, 2018. DOI: 10.1086/694105.

Summary: This paper suggests an association between the decline of local news and citizen engagement in politics. The authors analyzed over 10,000 stories about U.S. House campaigns during the 2010 and 2014 elections. They find declines in both volume and substance of campaign coverage between the two election years, as measured by the number of stories published, the percentage of stories mentioning both candidates, the number of mentions of specific issues and the number of references to candidates’ traits. The researchers then looked at survey data collected from the same set of 9,500 respondents before each of the two elections. The survey tested whether respondents could “place the Democratic candidate to the left of the Republican on an ideological scale,” rate their House incumbent and share their vote intention. The authors compared these responses to shifts in coverage. They found that increases in coverage were associated with improved political knowledge and decreases in coverage were associated with decreases in political engagement.

#### Plan solves—forces interactions between social groups on controversial issues which is key building perspective and engagement

Clark and Monserrate 11 (Lynn Schofield Clark is Associate Professor and Director of the Estlow International Center for Journalism and New Media at the University of Denver. Rachel earned her Bachelor of Arts in Broadcast Journalism from Colorado State University and her Master of Arts in Documentary Production and Public Relations from the University of Denver. Prior to joining the Ruffalo Noel Levitz team, Rachel served as the Project Manager for the Estlow International Center for Journalism and New Media at the University of Denver and was a news producer for Rocky Mountain PBS.) “High school journalism and the making of young citizens” *Journalism*, Vol 12, Issue 4, pp. 417 – 432, First Published May 10, 2011, https://doi.org/10.1177/1464884910388225

Researchers have argued that there are emotional and deeply contextualized aspects to citizen action, specifically with regard to the motivation to participate in such action (Buckingham, 1999; Bos et al., 2007; Couldry et al., 2007; Sennett, 1977). Based on our research, we similarly conclude that high school journalism experiences may serve less as a location for learning about politics as traditionally conceived, or even as preprofessional preparation for aspiring journalists, and more as an important avenue of socialization into an awareness of one’s role within a larger collective. Moreover, participation in high school journalism further socializes young people into an understanding of journalism’s role in relation to citizenship within that collective. Whereas much research has focused on how young people gain knowledge about politics as traditionally conceived in terms of voting and issues awareness, we believe that this secondary area, focusing on the development of a collective sensibility and journalism’s role within it, encompasses an overlooked yet important aspect of how young people develop as citizens (Coleman, 2008; Dvorak, 2002; Montgomery, 2007; Xenos and Foot, 2007).

Students engaged in high school journalism are involved in a process that asks them to consider what issues are of importance, beyond themselves and their immediate friendship networks. The implied audience of their writings may include friends, peers, teachers, school administrators, parents, and/or even the public at large that they do not know. As they express their views on their chosen topics, it’s with some or all of these audiences in mind.

And when these teens receive positive (or even negative) feedback, as was often the case, they come to see themselves as already members of a larger collective to which they contribute. Sometimes, these contributions are in relation to helping others to be well-informed, law-abiding citizens. At other times, these contributions encourage what Dalton (2007) described as a more engaged form of citizenship that assumes young people can respect differing views and experiences within the community, and can widen their own views so as to participate in direct action or even protest when necessary. When Brad discusses his hopes that an editorial on anti-American sentiment might lead his generation to greater empathy, when Kelly recognizes the risks of writing about gang violence and yet elects to do it anyway for the sake of her community, when Malinda writes an opinionated editorial advocating gay rights, and when Mariana and Margie write stories that are critical of the school’s administration, we find a sense of value that is attached to collective processes. When Abi and Carl discuss their stories on avoiding driving drunk and the benefits to participating in high school sports, they too address to a larger collective within which they are participants whose voices and opinions matter.

As is clear from the above examples, although not all young people are able to articulate the importance of providing certain kinds of information to the larger collective, some in fact are thrust into the process of experiencing the tensions that emerge as a result of differing views regarding the role that high school journalism should play within its community. Should high school journalism tell the stories of those who are at the high school society’s margins – even if those expressions might land the school’s administration in trouble with its constituents? Yes, according to Mariana, who wrote about the gay-straight alliance. Even if these stories are critical of the school’s administration? Yes, according to Danielle, who criticized what she viewed as a discriminatory policy regarding teens who had recently given birth, and yes, according to Margie, who saw fallacies in her school’s dress code. By writing more controversial articles that reflect an assumption of an engaged citizenship, students have opportunities to experience themselves as actors within a larger collective, and as contributors to it. When they do their jobs as high school journalists well, despite how their work is received, their motivation to continue participating as members of that collective is strengthened.

Part of the reason that not all young people articulate a collective sensibility and an assumption of an engaged citizenship has to do with the deeply individualistic nature of US society (e.g. Bellah et al., 1985; Rosenthal and Bornholt, 1988; Williamson et al., 2003). Indeed, even civics education textbooks tend to emphasize citizen rights rather than collective obligations (Gonzales et al., 2004). Ideally, as Avery and Simmons (2000-01) have argued, civics education should help students to recognize both the requisite rights and responsibilities of democratic citizenship. We are arguing that when high school journalists engage in the process of determining stories that are worth telling and valuable to the collective society of their high school peers, they are developing awareness of a collective welfare, and are participating in constructing a public and collective realm.

High school journalism programs are therefore not only beneficial to student journalists or to the journalism profession, but also serve as a form of civics education that is focused less on the content of most civics education programs and more on the processes of helping young people to appreciate the value in a collective rather than a solely individualist orientation. In some ways, of course, there are individual benefits to participation in high school journalism, as well. Young people gain a sense of satisfaction when they know that people they care about are reading their words and benefiting from them, and we heard many expressions of student appreciation for positive feedback on their contributions (Atwell, 1998). But we argue that the process of putting one’s ideas forward for the sake of others’ benefit – or of challenging widely-accepted views – also helps young people to associate value with how the larger society may benefit as well.

Young people who see themselves as actively involved in informing others about politically charged issues play a role in their own civic development, as McDevitt and Chaffee (2002) have argued. Moreover, schools serve as a powerful ‘staging ground’ for young people, as they are the meeting point between interpersonal networks of families and peer groups (McDevitt and Chaffee, 2002). When young people engage with their peers in sorting out story ideas and considering what matters to a population of which one is a part, they are therefore engaged in a collective activity. In some cases, such as Abi, Carl, Julia, Brad, and others, they are also considering how their own views can help to shape the views, and hence the actions, of others. Thus, whereas McDevitt and Chaffee found that conversations about politics continued beyond the civics classroom into peer groups, this paper observes that participation in the processes of publishing a high school newspaper can similarly spark discussions of politics that extend beyond the classroom – particularly politics as they are more broadly understood to include working out multiple competing interests within the context of a diverse society.

#### Civic engagement is the vital internal link to solving every existential problem- its try or die for the affirmative.

Small 06 [(Jonathan, former Americorps VISTA for the Human Services Coalition) “Moving Forward,” The Journal for Civic Commitment, Spring, http://www.mc.maricopa.edu/other/engagement/Journal/Issue7/Small.jsp)]

What will be the challenges of the new millennium? And how should we equip young people to face these challenges? While we cannot be sure of the exact nature of the challenges, we can say unequivocally that humankind will face them together. If the end of the twentieth century marked the triumph of the capitalists, individualism, and personal responsibility, the new century will present challenges that require collective action, unity, and enlightened self-interest. Confronting global warming, depleted natural resources, global super viruses, global crime syndicates, and multinational corporations with no conscience and no accountability will require cooperation, openness, honesty, compromise, and most of all solidarity – ideals not exactly cultivated in the twentieth century. We can no longer suffer to see life through the tiny lens of our own existence. Never in the history of the world has our collective fate been so intricately interwoven. Our very existence depends upon our ability to adapt to this new paradigm, to envision a more cohesive society.

With humankind’s next great challenge comes also great opportunity. Ironically, modern individualism backed us into a corner. We have two choices, work together in solidarity or perish together in alienation. Unlike any other crisis before, the noose is truly around the neck of the whole world at once. Global super viruses will ravage rich and poor alike, developed and developing nations, white and black, woman, man, and child. Global warming and damage to the environment will affect climate change and destroy ecosystems across the globe. Air pollution will force gas masks on our faces, our depleted atmosphere will make a predator of the sun, and chemicals will invade and corrupt our water supplies. Every single day we are presented the opportunity to change our current course, to survive modernity in a manner befitting our better nature. Through zealous cooperation and radical solidarity we can alter the course of human events.

Regarding the practical matter of equipping young people to face the challenges of a global, interconnected world, we need to teach cooperation, community, solidarity, balance and tolerance in schools. We need to take a holistic approach to education. Standardized test scores alone will not begin to prepare young people for the world they will inherit. The three staples of traditional education (reading, writing, and arithmetic) need to be supplemented by three cornerstones of a modern education, exposure, exposure, and more exposure. How can we teach solidarity? How can we teach community in the age of rugged individualism? How can we counterbalance crass commercialism and materialism? How can we impart the true meaning of power? These are the educational challenges we face in the new century. It will require a radical transformation of our conception of education. We’ll need to trust a bit more, control a bit less, and put our faith in the potential of youth to make sense of their world.

In addition to a declaration of the gauntlet set before educators in the twenty-first century, this paper is a proposal and a case study of sorts toward a new paradigm of social justice and civic engagement education. Unfortunately, the current pedagogical climate of public K-12 education does not lend itself well to an exploratory study and trial of holistic education. Consequently, this proposal and case study targets a higher education model. Specifically, we will look at some possibilities for a large community college in an urban setting with a diverse student body.

Our guides through this process are specifically identified by the journal Equity and Excellence in Education. The dynamic interplay between ideas of social justice, civic engagement, and service learning in education will be the lantern in the dark cave of uncertainty. As such, a simple and straightforward explanation of the three terms is helpful to direct this inquiry. Before we look at a proposal and case study and the possible consequences contained therein, this paper will draw out a clear understanding of how we should characterize these ubiquitous terms and how their relationship to each other affects our study.

Social Justice, Civic Engagement, Service Learning and Other Commie Crap

Social justice is often ascribed long, complicated, and convoluted definitions. In fact, one could fill a good-sized library with treatises on this subject alone. Here we do not wish to belabor the issue or argue over fine points. For our purposes, it will suffice to have a general characterization of the term, focusing instead on the dynamics of its interaction with civic engagement and service learning. Social justice refers quite simply to a community vision and a community conscience that values inclusion, fairness, tolerance, and equality. The idea of social justice in America has been around since the Revolution and is intimately linked to the idea of a social contract. The Declaration of Independence is the best example of the prominence of social contract theory in the US. It states quite emphatically that the government has a contract with its citizens, from which we get the famous lines about life, liberty and the pursuit of happiness. Social contract theory and specifically the Declaration of Independence are concrete expressions of the spirit of social justice.

Similar clamor has been made over the appropriate definitions of civic engagement and service learning, respectively. Once again, let’s not get bogged down on subtleties. Civic engagement is a measure or degree of the interest and/or involvement an individual and a community demonstrate around community issues. There is a longstanding dispute over how to properly quantify civic engagement. Some will say that today’s youth are less involved politically and hence demonstrate a lower degree of civic engagement. Others cite high volunteer rates among the youth and claim it demonstrates a high exhibition of civic engagement. And there are about a hundred other theories put forward on the subject of civic engagement and today’s youth. But one thing is for sure; today’s youth no longer see government and politics as an effective or valuable tool for affecting positive change in the world. Instead of criticizing this judgment, perhaps we should come to sympathize and even admire it. Author Kurt Vonnegut said, “There is a tragic flaw in our precious Constitution, and I don’t know what can be done to fix it. This is it: only nut cases want to be president.” Maybe the youth’s rejection of American politics isn’t a shortcoming but rather a rational and appropriate response to their experience. Consequently, the term civic engagement takes on new meaning for us today. In order to foster fundamental change on the systemic level, which we have already said is necessary for our survival in the twenty-first century, we need to fundamentally change our systems. Therefore, part of our challenge becomes convincing the youth that these systems, and by systems we mean government and commerce, have the potential for positive change. Civic engagement consequently takes on a more specific and political meaning in this context.

Service learning is a methodology and a tool for teaching social justice, encouraging civic engagement, and deepening practical understanding of a subject. Since it is a relatively new field, at least in the structured sense, service learning is only beginning to define itself. Through service learning students learn by experiencing things firsthand and by exposing themselves to new points of view. Instead of merely reading about government, for instance, a student might experience it by working in a legislative office. Rather than just studying global warming out of a textbook, a student might volunteer time at an environmental group. If service learning develops and evolves into a discipline with the honest goal of making better citizens, teaching social justice, encouraging civic engagement, and most importantly, exposing students to different and alternative experiences, it could be a major feature of a modern education. Service learning is the natural counterbalance to our current overemphasis on standardized testing.

Social justice, civic engagement, and service learning are caught in a symbiotic cycle. The more we have of one of them; the more we have of all of them. However, until we get momentum behind them, we are stalled. Service learning may be our best chance to jumpstart our democracy. In the rest of this paper, we will look at the beginning stages of a project that seeks to do just that.

### \*\*Other Framing\*\*

#### The role of the ballot is to endorse the better method for critically empowering students. Critical empowerment exists when we have the skills to question and attack the status quo. This is key to ALL alternatives.

Giroux 16:Giroux, Henry A. [Waterbury Chair Professor, Pennsylvania State University] “Radical Politics in the Age of American Authoritarianism: Connecting the Dots.” *Truthout*,April 2016. RP

At the root of this notion of developing a comprehensive view of politics is the need for educating ourselves by developing a critical formative culture along with corresponding institutions that promote a form of permanent criticism against all elements of oppression and unaccountable power.One important task of emancipation is to fight the dominant culture industry by developing alternative public spheres and educational institutions capable of nourishing critical thought and action. The time has come for educators, artists, workers, young people and others to push forward a new form of politics in which public values, trust and compassion trump neoliberalism's celebration of self- interest, the ruthless accumulation of capital, the survival-of-the-fittest ethos and the financialization and market-driven corruption of the political system. Political responsibility is more than a challenge -- it is the projection of a possibility in which new modes of identification and agents must be enabled that can sustain new political organizations and transnational anti-capitalist movements. Democracy must be written back into the script of everyday life, and doing so demands overcoming the current crisis of memory, agency and politics by collectively struggling for a new form of politics in which matters of justice, equity and inclusion define what is possible. Such struggles demand an increasingly broad-based commitment to a new kind of activism. As Robin D. G. Kelley has recently noted there is a need for more pedagogical, cultural and social spaces that allow us to think and act together, to take risks and to get to the roots of the conditions that are submerging the United States into a new form of authoritarianism wrapped in the flag, the dollar sign and the cross**.** Kelley is right in calling for a politics that places justice at its core, one that takes seriously what it means to be an individual and social agent while engaging in collective struggles. We don't need tepid calls for repairing the system; instead, we need to invent a new system from the ashes of one that is terminally broken. We don't need calls for moral uplift or personal responsibility. We need calls for economic, political, gender and racial justice. Such a politics must be rooted in particular demands, be open to direct action and take seriously strategies designed to both educate a wider public and mobilize them to seize power. The left needs a new political conversation that encompasses memories of freedom and resistance. Such a dialogue would build on the militancy of the labor strikes of the 1930s, the civil rights movements of the 1950s and the struggle for participatory democracy by the New Left in the 1960s. At the same time, there is a need to reclaim the radical imagination and to infuse it with a spirited battle for an independent politics that regards a radical democracy as part of a never-ending struggle. None of this can happen unless progressives understand education as a political and moral practice crucial to creating new forms of agency, mobilizing a desire for change and providing a language that underwrites the capacity to think, speak and act so as to challenge the sexist, racist, economic and political grammars of suffering produced by the new authoritarianism. The left needs a language of critique that enables people to ask questions that appear unspeakable within the existing vocabularies of oppression. We also need a language of hope that is firmly aware of the ideological and structural obstacles that are undermining democracy. We need a language that reframes our activist politics as a creative act that responds to the promises and possibilities of a radical democracy. Movements require time to mature and come into fruition. They necessitate educated agents able to connect structural conditions of oppression to the oppressive cultural apparatuses that legitimate, persuade, and shape individual and collective attitudes in the service of oppressive ideas and values. Under such conditions, radical ideas can be connected to action once diverse groups recognize the need to take control of the political, economic and cultural conditions that shape their worldviews, exploit their labor, control their communities, appropriate their resources, and undermine their dignity and lives. Raising consciousness alone will not change authoritarian societies, but it does provide the foundation for making oppression visible and for developing from below what Étienne Balibar calls "practices of resistance and solidarity." We need not only a radical critique of capitalism, racism and other forms of oppression, but also a critical formative culture and cultural politics that inspire, energize and provide elements of a transformative radical education in the service of a broad-based democratic liberation movement.

# Case Frontlines

## \*\*Case XTs\*\*

### 1AR- Case - XT

#### Traditional community media is declining and students are the only alternative – the aff protects them from subpoenas that chill reporting on issues, checking back corruption in local governments, propelling social movements, and encouraging active citizenry.

### 2AR – Case - XT

#### Uncertainty about shield law coverage chills reporting on key social issues – aff uniformly grants protection that protects student watchdogs.

## \*\*FW XTs\*\*

### 1AR – Matthews – XT

Omitted

### 1AR – Spade Short – XT

Omitted

### 1AR – Spade Long – XT

Omitted

## \*\*Case Frontlines\*\*

### at: surveillance

#### Surveillance is for terrorists in instance of dire national security concerns, not localized communities.

#### No link – done by fed gov, not states.

#### Other mechanisms solve

Koningisor 18 CHRISTINA, First Amendment Fellow @ New York Times, The De Facto Reporter’s Privilege, The Yale Law Journal, 2018, <https://www.yalelawjournal.org/pdf/Koningisor_ojr74u1a.pdf>

In some cases, the full effect of these technological changes is not yet wholly clear. For example, it is now easier to track leaks electronically, either directly to the source or by tracing the reporter’s electronic communications.411 On the one hand, when the trail to a source can be illuminated using these alternative investigative tools, a reporter’s compelled testimony may no longer be as relevant.412 The underlying concern that pursuing confidential sources will have a chilling effect on the flow of information to the public persists. But strengthening the reporter’s privilege may not necessarily offer a cure. On the other hand, reporters are increasingly relying on tactics such as encrypted secure drops and burner phones to protect sources. This may leave enough of a digital trail to raise suspicion, but not enough for the government to prosecute the source of a leak without obtaining corroborating testimony from reporters.

#### Encryption is sufficient

Leusse 17 Constance Bommelaer de Leusse, Contributor Senior Director of Global Internet Policy at the Internet Society, 5/2/17, <https://www.huffingtonpost.com/entry/the-future-of-the-free-press-is-at-risk-encryption_us_5909451ce4b084f59b49fe04>

Tech-savvy, investigative reporters or those who focus on national security stories routinely use end-to-end encryption to protect the confidentiality of their communications so that not even the company that delivers the messages can read them. Many use tools like Signal on their smart phones and/or encrypt their email. They are careful about restricting app access to geolocation data, ensuring their devices are encrypted, and deploying a whole host of tools and techniques for better security and privacy in both their professional and personal lives. But the need for better security doesn’t just apply to investigative reporters. All journalists have a responsibility to protect themselves and their sources. Even run-of-the-mill reporting could make journalists a target. There is support out there Organisations like the Committee for the Protection of Journalists, Reporters Without Borders and the Electronic Frontier Foundation offer security toolkits and guidance on how to encrypt devices and communications. Furthermore, following the Snowden revelations, some major Internet companies stepped up and offered encrypted services. As a result today, more than half the web is now encrypted over HTTPS, many suppliers offer device encryption, and some messaging services such as Whatsapp have adopted end-to-end encryption. The Internet technical community is also playing an essential role in supporting encryption on the Internet for everyone. The World Wide Web Consortium (WC3) and the Internet Engineering Task Force (IETF) are working hard to make encryption the norm for web communications and for the protocols that enable information to flow on the Internet.

### at: licensing

#### Process-based definition of reporters avoids licensing

Rosenbaum 14 Kathryn A., Candidate for Juris Doctor, Notre Dame Law School, Class of 2014; Bachelor of Arts, Communication Arts, Xavier University, Class of 2010, 2-2014, Protecting More than the Front Page: Codifying a Reporter’s Privilege for Digital and Citizen Journalists, <https://scholarship.law.nd.edu/cgi/viewcontent.cgi?article=1792&context=ndlr>

Defining journalists by their covered actions rather than their institutional connections also decreases the concern that passing a statute protecting journalists would amount to licensing journalists, violating the First Amendment.283 Establishing a narrow definition of journalist would restrict press freedom because the government could grant protection only to established entities it agreed with politically or ideologically.284 With a broader functional definition, courts will have to engage in an analysis to determine if an individual is engaging in journalism. However, analyzing whether an individual is a journalist is not an unconstitutional licensing of media entities. Rather than determining what entities receive protection, the courts are analyzing if an individual—no matter what his affiliation—is engaging in journalism. Anyone engaging in reporting is qualified to receive the privilege.285

### at: hazelwood alt cause

#### Nope – problem isn’t articles being shut down, all 1AC ev indicates it’s a fear of being subpoenaed by the gov. Schools don’t have a problem with kids

### at: circumventinon

#### No circumvention.

Martin et al 11, Jason Martin – PhD candidate, Mark Caramanica – PhD candidate, Anthony Fargo – prof of Journalism @ Indiana, “Anonymous Speakers and Confidential Sources: Using Shield Laws When They Overlap Online,” 16 Comm. L. & Pol'y 89 (2011), lexis. [Premier]

History does not seem to bear out the second concern, however. State shield laws have been amended at times over the years, but one is hard-pressed to find an example of protection for journalists being lessened as a result. For example, the shield laws in Michigan and Minnesota were amended to expand protection after courts in those states ruled against the media by interpreting the laws narrowly. More recently, the Maryland Legislature amended that state's shield law to extend its protection to college student journalists. But concerns about legislators amending shield laws to narrow their protection are not farfetched. One example of the type of development some observers fear is the recent announcement by sponsors of the Senate version of the federal shield [\*120] law that they plan to amend the bill to exclude Web sites such as Wik-ileaks.com from protection. The move came after Wikileaks posted more than 75,000 classified documents related to the U.S. war effort in Afghanistan. The amendment, apparently aimed at keeping critics from using the Wikileaks example as an excuse to kill the Senate bill, was unavailable at this writing but would, according to the New York Times, clarify that the bill only protected "traditional news-gathering activities."

# T Frontlines

## AT new affs bad

Omitted

## \*\*AT right is absolute\*\*

Read nebel t vs

### definition

#### A privilege is a right and allows for specification of groups

Black’s Law Dictionary 09 [Black’s law dictionary 9th edition 2009 West Publishing]

Privilege: (bef. 12c) 1. A special legal right, exemption, or immunity granted to a person or class of persons; an exception to a duty. \_ A privilege grants someone the legal freedom to do or not to do a given act. It immunizes conduct that, under ordinary circumstances, would subject the actor to liability. 2. An affirmative defense by which a defendant acknowledges at least part of the conduct complained of but asserts that the defendant's conduct was authorized or sanctioned by law; esp., in tort law, a circumstance justifying or excusing an intentional tort. See 1USTIFICATION (2). Cf. IMMUNITY (2). [Cases: Torts 121.]

## \*\*at: reporter=professional\*\*

### c/i

#### C/I: Reporters includes student journalists

Byers 13. Dylan Byers, [Dylan Byers is an American journalist. He is a senior reporter at CNN and headlines PACIFIC, a CNNMoney newsletter that covers the business, culture and politics of innovation, and the people and companies changing the world]. 9-12-2013, "Shield law broadens definition of 'journalist'," POLITICO, https://www.politico.com/blogs/media/2013/09/shield-law-broadens-definition-of-journalist-172479

**A new media shield law expected to pass committee on Thursday broadens the definition of "journalist" to include,** among other things, any individual deemed appropriate by a federal judge. The new amendment is a step forward for independent and non-traditional media organizations who feared that an amendment introduced to the original bill would exclude them from protections granted to the traditional press corps, including protection from revealing information and sources except in extreme circumstances. The original amendment, as proposed by Sens. Dianne Feinstein and Dick Durbin, had limited the defnition of journalist to someone employed by or in contract with a media outlet for at least three months in the last two years; someone with a substantial track record of freelancing in the last two years; or a student journalist. The new amendment, brokered by Sen. Chuck Schumer, significantly expands on that definition. Now, a journalist would be defined as someone employed by or in contract with a media outlet for at least one year within the last 20 years or three months within the last five years; someone with a substantial track record of freelancing in the last five years; or a **student journalist.** In addition, the law would protect a person deemed appropriate by a federal judge, so long as their newsgathering practices have been consistent with the law. **The Senate Judiciary Committee spent significant time debating the definition of "journalist" this summer**, chiefly because some Senators, including Feinstein, had feared that the media shield law could be used to protect WikiLeaks, Julian Assange's whistleblowing organization. In those meetings, Sen. Schumer also sided against WikiLeaks, but said there should be greater scope for bloggers and other journalists not aligned with traditional news organizations. "**The world has changed. We’re very careful in this bill to distinguish journalists from those who shouldn’t be protected**, WikiLeaks and all those, and we’ve ensured that," Schumer said at the time. "But there are people who write and do real journalism, in different ways than we’re used to. They should not be excluded from this bill."

Outweighs – a) represents consensus and rigorous testing – lots of people debated to reach this definition, b) legal context – legislators see student journalists as reporters, c) precision – their card is circular, saying that “reporters report the news” which begs the question,

C. Prefer

1. Real world education – learning about student journalism most directly applies to debaters who have direct access to student reporting – outweighs on probability since we have most direct exposure

2. Aff flex – lots of debate about whose a reporter means there’s always a T violation so every round comes down to theory; if there’s some lit that supports my definition err heavily aff or I always lose n T

3. Advocacy skills – narrow definitions of reporters silence those outside of traditional media which perpetuates exclusion and kills institution change – outweighs since systems of violence become cyclical

### AT Katz

1. I-Meet – students are professionals; their job’s just through the school
2. Incoherent – e.g. if the NYTImes hires someone still in college, they aren’t “not reporters” cuz they haven’t finished school
3. Perm – your definition say if you work for mainstream news you’re a reporter, but does not say student journalists *don’t* count

### AT Limits

1. No link – I defend all student reporters which creates only one aff
2. T – you underlimit since every aff is target practice for the same cap K about exclusion due to narrow definitions of reporting
3. T – underlimitting: core issue in the topic ilit is protection for student journalism given it’s literally debated by congressmen – prefer my empirical evidence than speculation

## \*\*at: hw’s 50 states bad\*\*

#### Counter-interp—the aff may defend the 50 states do the plan if they have a solvency advocate.

Collins Dictionary https://www.collinsdictionary.com/us/dictionary/english/united-states IB

The United States of America is the official name for the country in North America that consists of fifty states and the District of Columbia. It is bordered by Canada in the north and Mexico in the south. The form United States is also used.

#### This is not an argument don’t let them expand in the 2n – “50 states is neg ground” begs the question. You get states PTX DAs, and USFG CPs. Also states cps are bad cuz they steal aff ground by diverting discussion from protecting sources – outweighs on magnitude since you moot the entire aff, get no new educations since you can recycle every topic, and moot all topic lit.

## \*\*ethan’s shorter no spec reporter\*\*

### CI – Only my aff

Counterinterp – only my aff

### CI – Subset short

Counterinterp: Aff may defend a subset of reporters if they have a solvency advocate and on the wiki.

Overing ’14 Bob, TOC Finalist 2012. “Topicality and Plans in LD: A Reply to Nebel by Bob Overing” Premier. December 11, 2014

As Nebel has pointed out, it’s hard to come up with many plans that affirm LD topics on his view of topicality that “whether a plan is topical is whether its being a good idea entails the resolution” (“T in Policy,” para. 10). However, we have good reasons to reject that view of topicality as too stringent. Nebel finds this definition from Lichtman, Rohrer, and Corsi (1979) and leans on it heavily: [T1] affirmative teams are required to formulate proposals whose affirmation logically entails affirmation of the resolution (p. 375) The fact that Nebel bolds this definition does not grant it authority. It is not, in fact, the “only uniform test” (“T in Policy,” para. 10). It’s also unclear that Lichtman et al. have a strong intent to define, given that their article is not about topicality whatsoever. They do not discuss various alternative definitions. Why should we hold their idea of T above any of the following definitions? [T2] The plan and case ought to justify the conclusion the resolution asks to be drawn (Allen & Burrell, 1985, p. 857) [T3] The plan and case must provide evidence in favor of the resolution [T4] The plan and case must be an example or instance of the resolution [T5] The plan and case must fall within the bounds of the resolution [T6] All plan provisions must bear a rational relationship to a topical scheme of action (Unger, 1979 cited in Hingstman, 1985, p. 850) Nebel omits the plethora of alternative views on topicality he is no doubt aware of. In particular, definitions like T4 and T5 that stress the “bounds” of the topic are common in debate theory (Dolley, 1984; Hingstman, 1985; Parson, 1987; Bauschard, 2009). On these views, the plan must only be an example or a subset of the topic, a smaller burden than defending the resolution as a whole. Without defending any particular definition of topicality, we can say that Nebel’s T1 is mistaken. It seems to be extremely difficult to meet with any plan, even on policy topics. For instance, consider the 1993-94 NDT topic, “Resolved: That the Commander-in-Chief power of the President of the United States should be substantially curtailed.” A specific plan to substantially curtail the Commander-in-Chief power in a very specific way may not entail the truth of this proposition generally. For instance, it may be that the power to deploy armed forces should be curtailed, but every other Commander-in-Chief should be augmented! One might bite the bullet on examples such as these, but that would render many plans consistently deemed topical in NDT and NDT-CEDA debate non-topical, narrowing the potential breadth of these topics and stifling creativity. Many such plans, especially on resolutions that are not disjunctions, are and should be allowed. Reasons A) through E) above are additional justifications for this loosening of topicality from T1 to T2-T6 to allow more policy debate on quasi-policy topics.

Prefer:

1] Aff innovation – omitted

2] policymaking education – omitted

LA Times 07 (http://www.latimes.com/opinion/editorials/la-ed-shield27may27-story.html)

Shield laws are not new or novel — more than 30 states, including California, have shield laws or protect confidential sources through court decisions. Yet efforts to enact a federal law have foundered, partly on disputes over who should be covered in a changing media world.

Reasonability—omitted

I meet—I defend giving the right to all student reporters

### AT: Jurisdiction

### AT Limits

### AT Ground

### AT TVA

#### 3] No TVA

Brian N. Biglin 17, [a trial associate in the Newark office of Duane Morris LLP. Part of his practice includes civil rights matters and assisting the firm’s media and communications sub-group.] “The Reporter’s Privilege and Its Uncertain Boundaries in the National Security Context” New Jersey Lawyer, June 2017 RE

Concern Over National Security Letters This article similarly would be incomplete without at least mentioning the Federal Bureau of Investigation’s (FBI’s) national security letter (NSL) practice, as it has directly affected—and will continue to directly affect—reporters and media companies in the name of national security. The topic is worthy of its own comprehensive article, and many have already written on the details of the practice.39 The FBI uses NSLs, administrative subpoenas that do not require warrants and are not subject to the Department of Justice’s published procedures for subpoenas upon the press, at 28 C.F.R. § 50.10, to obtain evidence of communications (i.e., phone and email records)—provided the information is ‘relevant’ to a national security investigation. While the authorizing statutes, such as the Stored Communications Act,40 do not allow the FBI to obtain the contents of communications, the tool is highly potent and affects information ordinarily subject to the reporter’s privilege. For example—and as illustrated in the Gonzales case, supra—phone records can easily reveal the identity of confidential sources.41 Recently, journalists obtained a copy of the FBI’s unpublished, classified internal rules for NSLs.42 Media outlets experienced an uptick in the use of NSLs during the Obama administration. Of particular concern is the fact that each NSL comes with a gag order; thus, if a media outlet receives a request for a reporter’s communications, it technically cannot discuss the matter with the reporter. The gag orders have spurred litigation.43 Needless to say, concerns about this practice are heightened in this time of political tension, increased national security awareness, and an executive who openly decries the press. Make no mistake, the new administration enjoys powers that the previous administration forged, but what comes next is uncertain. Journalists and the media law bar are well advised to monitor pending and future legal challenges to this practice.

### AT Breadth

### AT Research Burdens / Pre-round prep

### AT Topicality Rule

### AT Unbiased basis

### AT Semantic First

### Leslie

## \*\*asher’s no spec reporter \*\*

### CI – Nebel Reporter - Subset

#### Counter-interp: Aff may defend a subset of reporters which ought to have the right to protect the confidentiality of their sources if they have a solvency advocate. (add plank of “if the aff is disclosed” after breaking)

#### Generic statements allow for specification of definite singulars, i.e. a specific group.

**Leslie** Sarah Jane Leslie (Professor of Linguistics at Princeton University) “Generics” https://www.princeton.edu/~sjleslie/RoutledgeEncyclopediaEntry2.pdf

**Generics are statements such as “dogs are mammals”**, “a tiger is striped”, “the dodo is extinct”, “ducks lay eggs”, and “mosquitoes carry the West Nile virus”. Generic statements **[they] express general claims about kinds, rather than claims about particular individuals. Unlike** other general **statements such as** “all dogs are mammals” or **“most tigers are striped”, generics do not involve the use of** explicit **quantifiers** (**such as “all” or “most”** in these examples). In English, **generics can be expressed using a variety of syntactic forms: bare plurals** **(e.g. “ducks lay eggs**”), **[or]** indefinite singulars (e.g. “a tiger is striped”), and **definite singulars [e.g.]** (“**the dog is a mammal**”). (Sometimes, **habitual statements** **such as** “Mary smokes” or “**John runs in the park**” **are classified generics**, but we will not follow this practice here.)

#### Prefer -

#### 1]. Aff flex –under your interp aff loses every round since no spec guts solvency.

Elrod 3 [Elrod, Jennifer (For the past ten years, Jennifer Walker Elrod has served as a Circuit Judge on the United States Court of Appeals for the Fifth Circuit, after being confirmed by a voice vote in 2007. Prior to serving as a Circuit Judge, Judge Elrod was appointed and then twice elected Judge of the 190th District Court of Harris County, Texas, where she spent over five years presiding over more than 200 jury and non-jury trials. Judge Elrod is a Phi Beta Kappa graduate of Baylor University, where she was the Outstanding Graduating Senior in the Honors Program and was later named an Outstanding Young Alumna. She graduated cum laude from Harvard Law School, where she was an active member of the Harvard Federalist Society, an Ames Moot Court finalist, and a Senior Editor of the Harvard Journal of Law & Public Policy. She clerked for the Honorable Sim Lake in the Southern District of Texas. Before serving as a judge, Judge Elrod was in private practice, focusing on civil litigation, antitrust, and employment matters. Today, she is a member of the Board of Advisors for the Harvard Journal of Law & Public Policy, the Baylor University Board of Regents, and the American Law Institute. She has served as the Board Chair of the Texas Center for Legal Ethics, on the State Bar of Texas Committee on Pattern Jury Charges, and as Chair of the Board of the Gulf Coast Legal Foundation (now Lone Star Legal Aid)). "Protecting Journalists from Compelled Disclosure: A Proposal for a Federal Statute." NYUJ Legis. & Pub. Pol'y 7 (2003): 115] WJ

A gaping hole in the Guidelines is the absence of a meaningful or relevant definition of the term “journalist.” Without a firm or precise definition, prosecutors can, and do, use their own discretion to craft a definition that is convenient to their needs. They can easily overcome any claim of confidentiality by simply rejecting the individual’s status as a journalist. In turn, prosecutors can more readily subpoena confidential communications from a writer who is investigating, for example, a crime story or an article about government corruption. The journalist who complies with the government’s subpoena becomes an investigator for the government.209

#### 2] Topic ed – definition of reporter is the focus of the debate – we should be able to define it.

LAT Editorial board 07 (http://www.latimes.com/opinion/editorials/la-ed-shield27may27-story.html)

Shield laws are not new or novel — more than 30 states, including California, have shield laws or protect confidential sources through court decisions. Yet efforts to enact a federal law have foundered, partly on disputes over who should be covered in a changing media world.

#### 3] Stable advocacy

### Reasonability

### C/I – Universal Right

#### Counter-interp: Aff may defend a subset of reporters which ought to have the right to protect the confidentiality of their sources if they have a solvency advocate. (add plank of “if the aff is disclosed” after breaking)

#### A privilege is a right and allows for specification of groups

Black’s Law Dictionary 09 [Black’s law dictionary 9th edition 2009 West Publishing]

Privilege: (bef. 12c) 1. A special legal right, exemption, or immunity granted to a person or class of persons; an exception to a duty. \_ A privilege grants someone the legal freedom to do or not to do a given act. It immunizes conduct that, under ordinary circumstances, would subject the actor to liability. 2. An affirmative defense by which a defendant acknowledges at least part of the conduct complained of but asserts that the defendant's conduct was authorized or sanctioned by law; esp., in tort law, a circumstance justifying or excusing an intentional tort. See 1USTIFICATION (2). Cf. IMMUNITY (2). [Cases: Torts 121.]

#### 1] Strat skew

#### 2] Stable advocacy

### Reasonability

### I Meet

#### I meet – I grant a universal right to all students.

### AT Text

### AT: Jurisdiction

### AT TVA

### AT Limits

### AT Ground

### AT Breadth

### AT Research Burdens

### AT Pre-round prep

### AT Topicality Rule

### AT Unbiased basis

### AT Bare Plurals

### AT Semantic First

### AT Nebel

## \*\*50 states bad\*\*

### C/I

### AT Ground

### AT Real World

### AT: Fiat Abuse

## \*\*at: t – courts\*\*

### CI

#### Counter-interp—the aff may defend the 50 state legislatures and all relevant territories do the plan

#### Resolved is legislative

Words and Phrases 64 Words and Phrases Permanent Edition. “Resolved”. 1964.

Definition of the word “resolve,” given by Webster is “to express an opinion or determination by resolution or vote; as ‘it was resolved by the legislature;” It is of similar force to the word “enact,” which is defined by Bouvier as meaning “to establish by law”.

#### Prefer pragmatics if we have a definition—everyone agrees the topic’s wording sucks and it’s already super small so you should filter topicality through a lens of “relevant to reporter’s privilege”

#### Prefer our interpretation:

#### A] Topic lit—shield laws have been consistently proposed but nobody has messed with branzburg—pepsi challenge for a court proposal from within the last 5 years

#### B] Courts affs explodes limits—they create the possibility for rulings on endless numbers of cases that are tangentially related to reporter’s privilege destroying topic education

# K Frontlines

## \*\*generics\*\*

### 1AR – Framework

### 1AR – Judge Choice

### 1AR – FPIKs bad

### 1AR – Reps K

## \*\*cap\*\*

### F/W

### O/V

#### 2. No link and turn –

#### a. students reinvigorate local news and fill in for corporate media – that was the Brown evidence – the entire 1AC

#### b. student reporters spark social movements by exposing corruption, acting as a check against neoliberal elites

#### 3. Perm do both – the aff sparks coalition building that propels the alt which calls for mass organization for a socialist system.

Clark and Monserrate 11 (Lynn Schofield Clark is Associate Professor and Director of the Estlow International Center for Journalism and New Media at the University of Denver. Rachel earned her Bachelor of Arts in Broadcast Journalism from Colorado State University and her Master of Arts in Documentary Production and Public Relations from the University of Denver. Prior to joining the Ruffalo Noel Levitz team, Rachel served as the Project Manager for the Estlow International Center for Journalism and New Media at the University of Denver and was a news producer for Rocky Mountain PBS.) “High school journalism and the making of young citizens” *Journalism*, Vol 12, Issue 4, pp. 417 – 432, First Published May 10, 2011, <https://doi.org/10.1177/1464884910388225> whs-ee

Researchers have argued that there are emotional and deeply contextualized aspects to citizen action, specifically with regard to the motivation to participate in such action (Buckingham, 1999; Bos et al., 2007; Couldry et al., 2007; Sennett, 1977). Based on our research, we similarly conclude that high school journalism experiences may serve less as a location for learning about politics as traditionally conceived, or even as preprofessional preparation for aspiring journalists, and more as an important avenue of socialization into an awareness of one’s role within a larger collective. Moreover, participation in high school journalism further socializes young people into an understanding of journalism’s role in relation to citizenship within that collective. Whereas much research has focused on how young people gain knowledge about politics as traditionally conceived in terms of voting and issues awareness, we believe that this secondary area, focusing on the development of a collective sensibility and journalism’s role within it, encompasses an overlooked yet important aspect of how young people develop as citizens (Coleman, 2008; Dvorak, 2002; Montgomery, 2007; Xenos and Foot, 2007).

Students engaged in high school journalism are involved in a process that asks them to consider what issues are of importance, beyond themselves and their immediate friendship networks. The implied audience of their writings may include friends, peers, teachers, school administrators, parents, and/or even the public at large that they do not know. As they express their views on their chosen topics, it’s with some or all of these audiences in mind.

And when these teens receive positive (or even negative) feedback, as was often the case, they come to see themselves as already members of a larger collective to which they contribute. Sometimes, these contributions are in relation to helping others to be well-informed, law-abiding citizens. At other times, these contributions encourage what Dalton (2007) described as a more engaged form of citizenship that assumes young people can respect differing views and experiences within the community, and can widen their own views so as to participate in direct action or even protest when necessary. When Brad discusses his hopes that an editorial on anti-American sentiment might lead his generation to greater empathy, when Kelly recognizes the risks of writing about gang violence and yet elects to do it anyway for the sake of her community, when Malinda writes an opinionated editorial advocating gay rights, and when Mariana and Margie write stories that are critical of the school’s administration, we find a sense of value that is attached to collective processes. When Abi and Carl discuss their stories on avoiding driving drunk and the benefits to participating in high school sports, they too address to a larger collective within which they are participants whose voices and opinions matter.

As is clear from the above examples, although not all young people are able to articulate the importance of providing certain kinds of information to the larger collective, some in fact are thrust into the process of experiencing the tensions that emerge as a result of differing views regarding the role that high school journalism should play within its community. Should high school journalism tell the stories of those who are at the high school society’s margins – even if those expressions might land the school’s administration in trouble with its constituents? Yes, according to Mariana, who wrote about the gay-straight alliance. Even if these stories are critical of the school’s administration? Yes, according to Danielle, who criticized what she viewed as a discriminatory policy regarding teens who had recently given birth, and yes, according to Margie, who saw fallacies in her school’s dress code. By writing more controversial articles that reflect an assumption of an engaged citizenship, students have opportunities to experience themselves as actors within a larger collective, and as contributors to it. When they do their jobs as high school journalists well, despite how their work is received, their motivation to continue participating as members of that collective is strengthened.

Part of the reason that not all young people articulate a collective sensibility and an assumption of an engaged citizenship has to do with the deeply individualistic nature of US society (e.g. Bellah et al., 1985; Rosenthal and Bornholt, 1988; Williamson et al., 2003). Indeed, even civics education textbooks tend to emphasize citizen rights rather than collective obligations (Gonzales et al., 2004). Ideally, as Avery and Simmons (2000-01) have argued, civics education should help students to recognize both the requisite rights and responsibilities of democratic citizenship. We are arguing that when high school journalists engage in the process of determining stories that are worth telling and valuable to the collective society of their high school peers, they are developing awareness of a collective welfare, and are participating in constructing a public and collective realm.

High school journalism programs are therefore not only beneficial to student journalists or to the journalism profession, but also serve as a form of civics education that is focused less on the content of most civics education programs and more on the processes of helping young people to appreciate the value in a collective rather than a solely individualist orientation. In some ways, of course, there are individual benefits to participation in high school journalism, as well. Young people gain a sense of satisfaction when they know that people they care about are reading their words and benefiting from them, and we heard many expressions of student appreciation for positive feedback on their contributions (Atwell, 1998). But we argue that the process of putting one’s ideas forward for the sake of others’ benefit – or of challenging widely-accepted views – also helps young people to associate value with how the larger society may benefit as well.

Young people who see themselves as actively involved in informing others about politically charged issues play a role in their own civic development, as McDevitt and Chaffee (2002) have argued. Moreover, schools serve as a powerful ‘staging ground’ for young people, as they are the meeting point between interpersonal networks of families and peer groups (McDevitt and Chaffee, 2002). When young people engage with their peers in sorting out story ideas and considering what matters to a population of which one is a part, they are therefore engaged in a collective activity. In some cases, such as Abi, Carl, Julia, Brad, and others, they are also considering how their own views can help to shape the views, and hence the actions, of others. Thus, whereas McDevitt and Chaffee found that conversations about politics continued beyond the civics classroom into peer groups, this paper observes that participation in the processes of publishing a high school newspaper can similarly spark discussions of politics that extend beyond the classroom – particularly politics as they are more broadly understood to include working out multiple competing interests within the context of a diverse society.

### HW - LBL

#### Perm do both - shields the link which is functionally a link of omission “you didn’t talk enough about corporations”

#### This is repugnant – it says that because there has been one SINGLE CASE WITH ABC INFLUENCING THE COURT that we should stop kids from going to jail.

#### No link to Berry – it criticizes how the press is driven by private capital but we only defend students – that was the cross app of Brown ev I did above

#### Farbod is in the context of green capitalism, which is policies that use corporations to protect the environment, NOT the aff

#### Your fiat is illusory argument bites into your alt since it doesn’t happen either – a ballot doesn’t create a movement against cap, it just determines if I bid – ppl read cap all the time which n/qs

# CP Frontlines

## \*\*theory\*\*

### 1AR – small Condo bad

### 1AR – small PICs bad

### 1AR – condo pics

## \*\*adv cps\*\*

### campaign financing reform

#### Campaign financing reforms fail – it decreases the equality and knowledge key to uphold democracy

Samples 1/13/17 – Director of the Center for Representative Government at the Cato Institute and the author of The Struggle to Limit Government (John; “Campaign Finance ‘Reform’ Has Failed Nation, Voters”; Cato Institute; https://www.cato.org/publications/commentary/campaign-finance-reform-has-failed-nation-voters)//TS

In 1969, Congress considered the first of the modern era’s many campaign finance regulations. Major laws followed in 1974 and again in 2002. But now that the Supreme Court has invalidated much of the latter as well as some earlier prohibitions on business and union spending, the end of “campaign finance reform” seems near. Many will lament its passing. Fewer will note its failures. To diminish private political spending, lawmakers can restrict contributions or subsidize candidates. The latter approach, public financing, has never been very popular with voters, so federal law is filled with limits and prohibitions. Such limits invariably threaten free speech. Early campaign finance legislation would have limited candidates’ spending on broadcast advertising, effectively suppressing political speech. Restrictions on the political spending of corporations and labor unions, meanwhile, were a prior restraint on speech, a particularly severe form of censorship. Such restrictions have been justified as preventing corruption, as campaign donors might buy official favors. Of course, bribery is already illegal, so corruption is redefined as “undue influence.” The trouble is that those who stand to lose or gain much from public policy have every incentive to fight for their interests through political spending. If they succeed, have they had undue influence? Or is that just another way of saying the wrong side won? Moreover, there is little evidence that money has much influence on policy-makers. Political scientists have found that contributions explain little about lawmaking once ideology, party and constituency are accounted for. One scholarly study of lobbying concluded that “the direct correlation between money and outcomes that so many political scientists have sought simply is not there.” Reformers also seek equality: If each voter has one vote, why should some be allowed to speak more loudly than others? But the Supreme Court has ruled that campaign finance restrictions can’t be justified on the basis of equality of voice. Making voices equal requires shutting up voices that are speaking “too much.” We face a stark choice between equality and freedom of speech, and the Constitution rightly favors the latter. Even as they fail to deliver benefits, campaign finance regulations impose costs. The incumbents who write them are tempted to make it harder for challengers to raise money. Scholars also have found that reducing campaign spending leads to fewer and less-informed voters. In addition, those engaged in politics seek to legally evade regulations. So reformers constantly demand new regulations to close “loopholes,” producing a complex body of law. Legal advice becomes vital for electoral engagement, discouraging participation — a perverse result for rules purporting to advance democracy. Finally, the rhetoric of campaign finance reform has poisoned public debate. Instead of arguments, voters hear accusations of corruption. Not surprisingly, many attribute problems to malevolent “moneyed interests.” But our fiscal challenges, for example, come from popular and inadequately funded entitlement programs. No surprise there: Voters’ desire for benefits without costs is a very democratic failing. But it is a failing Americans have refused to face; it’s easier to blame moneyed interests for our problems. A day may come when Americans are mature enough to face our collective problems, and campaign spending will no longer be at the center of our discourse. We will debate the merits of policies in a world without demonic money men or divine reformers. And we will have a better politics — a politics freed from the illusions and failings of campaign finance reform.

#### Campaign financing reforms fail – they produce a paradox that only funnels more money into expenditure groups

Kaminer 1/17/12 – Author, Lawyer, Civil Libertarian, Author of *I'm Dysfunctional, You're Dysfunctional* (Wendy; “What Should We Do Now That Campaign Finance Reform Has Failed?”; The Atlantic; https://www.theatlantic.com/politics/archive/2012/01/what-should-we-do-now-that-campaign-finance-reform-has-failed/251453/)//TS

What do campaign finance reformers hate most about our campaign finance system? They hate the enormous sums of money flowing into opaque, nominally independent expenditure groups. What's responsible for the explosion of opaque, nominally independent expenditure groups? Campaign finance reforms. The ironies of unintended consequences are rarely so dramatic. By sharply limiting direct, individual contributions to candidates or parties, late 20th century campaign finance laws have encouraged, and, from a practical political perspective, necessitated creation of a now flourishing network of independent groups. Because of campaign finance reforms, these groups have greatly increased in wealth and influence, at the expense of a weakened party system. People who disdain political parties may welcome their decline, but for all their faults, the parties provide opportunities for citizen activism that don't exist in the world of independent groups financed by the 1 or .01 percent. I can engage for free in grass roots party politics simply by walking around the corner and attending local ward meetings, where I can vote for delegates to the state convention or campaign to become one myself. If want to engage with an independent expenditure group, I have to write a check; if I want to influence the group, I have to write an impressive check (and elite, high donor groups are not easily impressed.) I don't mean to romanticize activism or exaggerate the influence and access individual activists can exert relative to high dollar check writers. My point is simply that for the vast majority of people who can't (or don't want to) buy into the system, parties offer opportunities for meaningful engagement. So do member-supported advocacy groups and political movements -- Tea Parties or Occupations -- of course. I'm not suggesting that the parties are the best or most effective forms of activism, only that they're better than the relatively un-democratic, independent expenditure groups that reformers love to hate. Parties remain, to some extent, venues for participatory democracy. Reformers, however, aren't generally concerned with rebuilding or replenishing political parties. Instead, in the wake of the Citizens United decision, their favored solution is a constitutional amendment banning corporate contributions and declaring that corporations are not people (which could deprive for-profit and non-profit enterprises of their Fourth as well as First Amendment rights.) I've sharply criticized this naïve, thoughtless constitutional amendment drive at some length. In brief, reformers seem oblivious to the dangers of initiating a re-write of the First Amendment, which they will not be able to control; they blind themselves to the fact that money enables speech, as it enables and is inextricably bound to the exercise of other rights; and (putting aside debates about the speech rights of business corporations) their proposed amendments tend to dismiss or elide the difficulties of eliminating corporate speech rights and retaining the rights of non-profit citizen advocacy groups and the for-profit (or aspirationally for-profit) press. Besides, if your goal is starving independent expenditure groups of funds and lessening their influence, you'd have to amend the First Amendment even more drastically to curtail the rights of individuals who finance independent groups, which pre-date Citizens United. The Swift Boat attacks on John Kerry, for example, were financed by a 527 group, organized under section 527 of the tax code; it dates back to the mid 1970's. Reformers who tend to demonize 527's should consider that (according to opensecrets.org) top individual contributors to 527's for 2012 range from Foster Friess (dubbed by dailykos.com,"the billionaire who bought Iowa for Rick Santorum") to Nation editor and publisher, Katrina vandal Heuvel, a staunch advocate of reform. Supporters of campaign finance restrictions include many wealthy individuals who contribute substantially to independent groups, out of an understandable reluctance to engage in unilateral disarmament; many might welcome a legally enforceable system of mutual restraints. But even if you support a drastic constitutional rewrite that would limit or eliminate the rights of individuals, as well as groups, to spend their money to air their views (which I don't) you might consider the quixotic nature of your quest. The Bill of Rights is not going to be revised to reflect progressive perspectives on the regulation of political speech. But campaign finance laws law restricting contributions to candidates and parties could conceivably be amended in an effort to right the balance between parties and independent groups. Maybe the effort would come too late, given the growth of independent groups under the campaign finance regime; maybe merely leveling the playing field would take years. The problems created by campaign finance laws will not be easily solved, and supporting the elimination of campaign finance restrictions on individuals, instead of clamoring for more, is, to say the least, a counter-intuitive strategy for reformers. But maintaining the restrictions has been counter-productive for democracy. Limits on direct, individual contributions to candidates were supposed to limit the influence of money in politics; instead they've increased it. After 35 years, perhaps it's time to acknowledge they've failed.

### fair elections act

#### Fair Elections Act fails – Canada proves

Scott 2/13/14 - Opposition Critic for Democratic and Parliamentary Reform (Craig; “The Fair Elections Act Will Make It Harder For Canadians to Vote”; The Huffington Post; http://www.huffingtonpost.ca/craig-scott/fair-elections-act\_b\_4776668.html)//TS

Conservatives have a bad record when it comes to respecting our elections laws. From the in-and-out scandal to fraudulent "robocalls" to the spending violations of Dean del Maestro and Peter Penashue, Conservatives simply cannot be trusted when it comes to enhancing our democracy. Their so-called "Fair Elections Act" -- Bill C-23 -- is no different. In fact, this proposed legislation will actually make it harder for many Canadians to vote, it muzzles Elections Canada and it gives the Conservative party an unfair advantage. This unfair bill is nothing short of a serious attack on our democracy. The bill eliminates two methods of voting that have proven effective in enfranchising voters. One is the long-standing Canadian practice of vouching that allowed 120,000 people to vote in 2011. The other is Elections Canada's expanded use of its Voter Identification Cards (VICs) for youth attending university, seniors in residence, and Aboriginal people living on reserve. Conservatives claim that vouching and VICs are the source of widespread fraud, but there is zero evidence to support this. Instead, this appears to be a concerted attempt to disenfranchise those with lower incomes or more transient lives with U.S.-style voter suppression tactics. This bill also prohibits the Chief Electoral Officer from engaging in public education or democratic outreach to groups that are less likely to vote. At a time of record low voter turnout, this just does not make any sense. As the Chief Electoral Officer Marc Mayrand pointed out, "there are no other jurisdictions in the world where the electoral body cannot talk about democracy". This measure means Elections Canada's civics-outreach Student Vote Program will now be illegal for the Chief Electoral Officer to run. During the 2011 election, over 500,000 students across Canada cast mock ballots through the program, an effort designed to encourage them to vote when they turn 18 Shockingly, the bill even bars Elections Canada from conducting electronic-voting pilot projects that might be attractive to younger voters -- unless it gets permission from not only the House of Commons but also, wait for it, the unelected Senate. It is unbelievable, but true. After widespread voter suppression and fraud during the 2011 election, Bill C-23 was supposed to offer the tools to crack down on this abuse. But Conservatives refused to enact the single most effective measure to enhance investigations -- namely, giving Elections Canada the power to compel testimony. And they ignored a 2012 NDP motion that would have given Elections Canada the power to request political party documents, which would help uncover shady schemes. To add insult to injury, the bill will actually make it easier for big-money interests to influence our elections by raising the donation limit to $1,500 and introducing loopholes to party fundraising spending. Finally, passing major changes to the Elections Act should be done in a non-partisan way, consulting with experts and all parties. Instead, the Conservatives failed to consult the top expert on elections law -- the Chief Electoral Officer -- and then moved to shut down debate an hour after the Minister introduced the bill. Canadians deserve better. They deserve genuine electoral reform to stop fraud, prevent big money from distorting elections and ensure every Canadian can exercise their right to vote. Unfortunately, Stephen Harper's Conservatives gave them the opposite.

#### Fair Elections Act fails

Shedletzky 2/27/14 – Co-founder of Leadnow.ca, Junior Fellow at Massey College and student at the University of Toronto’s Faculty of Law (Adam; “The Fair Elections Act doesn’t address the real problems with voting”; The Globe and mail; https://www.theglobeandmail.com/news/politics/the-fair-elections-act-doesnt-address-the-real-problems-with-voting/article17134019/)//TS

The Conservative government’s proposed “Fair Elections Act” aims to “protect the fairness of federal elections.” Yet, rather than effectively address issues like the 2011 robocall fraud, the Act attempts to tackle supposed individual voter fraud by prohibiting the use of “Voter Information Cards” (VICs) and ending the process of “vouching.” Presumably, since approximately 120,000 Canadians utilized vouching and 36-73 per cent of youth, aboriginal peoples and seniors used VICs in a 900,000-person pilot program during the last federal election, there is compelling evidence to justify making it harder for so many Canadians to vote. Democratic Reform Minister Pierre Poilievre points to the Neufeld Report for justification that the process of vouching needs to end. Yet this independent report does not present one iota of evidence that there was one case of actual fraud by an individual voter. Nor does it recommend that vouching be eliminated. Rather, in response to the legitimate concern that there were “irregularities” in 25 per cent of the cases in which vouching was used, the report calls for common sense administrative fixes for 2015, and a transition to an entirely new voter services model for 2019. Canada is not alone in debating what to do about vouching. After months of extensive public consultations surrounding the trade-off between more stringent ID requirements and making it harder for people to vote – a conversation that a well-functioning democracy should encourage – Queensland, Australia, decided to go a step further than simply allowing vouching. To vote in Queensland, all an Australian needs to do is stroll into a polling booth, state that they do not have proper identification, and sign a declaration confirming their identity which is later checked against the electoral roll. This is expected to “drastically reduce the number of people who won’t be able to vote in the next election.” Unfortunately, no similar public debate is underway in Canada. The argument for the prohibition of the use of VICs rests on one of two pieces of evidence. Assuming it was not Tory MP Brad Butt’s remarkable fabrication of a story in the House of Commons that he personally witnessed such fraud, it must be the “media reports” indicated in the government backgrounder on the Act. Mr. Poilievre appears to place more faith in unnamed and unproven media reports than in the independent Neufeld report and Elections Canada, which both recommended actually widening the use of VICs in 2015. This recommendation by Neufeld is not surprising, as demographics such as youth and low-income people find it difficult to prove their address because they often do not have stable permanent residences. Having the ability to rely on a VIC to meet the legislatively required proof of address is not only an intuitive and proven method of increasing the vote of marginalized groups, it is also a common sense approach to minimize the administratively complex process of vouching. Increased reliance on VICs would mean less necessity to resort to vouching. The crisis in Canadian democracy is related to low voter turnout and uncertainty surrounding the dirty tricks used by political operatives in the last federal election – not fraud by individual voters. We should be having a conversation about bold strategies for increasing participation – like combining electronic and mandatory voting, placing more polling stations in areas that would target lower-voting populations, or experimenting with other innovative get-out-the-vote methods – not attempting to fight off a U.S.-style attempt at voter suppression. And voter suppression is a big deal. A Harvard study has estimated that more stringent voter ID requirements can reduce voter turnout by as much as 2.2 per cent – the equivalent of hundreds of thousands of Canadians. In addition to considering bold steps to increase voting participation, Canadians deserve to be satisfied that the real voter fraud that occurred in 2011 will not happen again. While the robocall registry and the new offence for impersonating elections officials is a step in the right direction, it will not necessarily stop a rogue political operative from repeating their 2011 fraud. Nor will it help our elections watchdog investigate and hold to account the perpetrators of such fraud. In fact, almost three years after the robocall scandal of 2011, Canadians still do not know exactly what happened. This is largely because Elections Canada, unlike the Competition Bureau, does not have the power to compel testimony during an investigation, and unsurprisingly, political operatives have simply refused to testify. And Canadians are left in the dust. Elections Canada specifically requested the right to compel testimony so that it could quickly get to the bottom of this real voter fraud, yet the “Fair Elections Act” fails to give them this power. Mr. Poilievre has yet to provide an answer for why our elections watchdog was not provided with the single most important power they requested. Canadians deserve a robust national debate. Why not give Elections Canada the power to compel testimony, just like the Competition Bureau can? Why make it harder to vote for marginalized groups if there is a complete absence of credible evidence that individual voter fraud exists in Canada? Should we be giving Elections Canada more or less resources to encourage voter turnout? Perhaps if the Harper Conservatives had any compelling answers, they would already be out on the road, clearly explaining to Canadian voters why their “Fair Elections Act” is in fact fair.

#### Canada proves a Fair Elections Act won’t solve anything

Bryden 4/1/14 – The Canadian Press (Joan; “Fair Elections Act Cracks Down On Non-Existent Problem: Greg Essensa”; The Huffington Post; http://www.huffingtonpost.ca/2014/04/01/fair-elections-act-greg-essensa\_n\_5072446.html)//TS

But the province's chief electoral officer says the federal bill adopts only one measure instituted in Ontario — a ban on vouching — without adopting any compensating mechanisms to ensure voters without proper identification aren't deprived of their fundamental democratic right to vote. As a result, Greg Essensa told The Canadian Press on Tuesday that he fears thousands of voters will be disenfranchised — echoing a virtually universal criticism of the bill by other electoral experts, both at home and abroad. During hearings on the bill, Conservative MPs have noted that most provinces, including Ontario, don't allow individuals to vouch for voters who don't have proper ID. On that score, they've suggested the federal government is simply catching up with current provincial practice. Essensa acknowledged that Ontario banned vouching in 2003. But he said it has tried to compensate for that by allowing voters to use their voter information cards (VICs) as one of two pieces of required ID. The VICs, which include each voter's address, have been "an extremely valuable tool" used by those who would otherwise have trouble proving residency in their polling area — primarily students, elderly voters in seniors homes and aboriginals, he said. The federal government is proposing to ban the use of VICs as proof of residency at the same time that it abolishes vouching — a double whammy. "I am a firm believer, if you are eliminating vouching, you do need to provide some other tool, like the voter information card, as an acceptable form of ID," Essensa said. If that's not done, he said he agrees with national chief electoral officer Marc Mayrand and other experts that "you might in fact disenfranchise individuals who cannot provide evidence of their residency." Mayrand and other electoral experts have warned the combined measures could strip up to 250,000 voters of their right to cast ballots. Pierre Poilievre, minister responsible for democratic reform, has defended the measures as necessary to prevent people from voting twice or in ridings where they don't live. But, like other experts, Essensa said he's seen no evidence of deliberate voter fraud in his more than 28 years in the electoral oversight business, six of them as Ontario's chief watchdog. While the bill aims to crack down on what Essensa believes is a non-existent problem, he noted that it fails to give Elections Canada the powers needed to investigate possible wrongdoing, such as the misleading robocalls that plagued the 2011 election, or ensure that political parties adhere to election financing laws. Essensa, like most provincial watchdogs, has the power to compel testimony during investigations and to scrutinize parties' books, including demanding to see all receipts and invoices. The Harper government has refused to give the same powers to Mayrand and elections commissioner Yves Cote, who enforces the Canada Elections Act. "We, as sort of the guardians of democracy, we need to have the ability to make sure that ... we're fulfilling our statutory mandate and sometimes that does require us to compel someone to provide either the bank records or compel some testimony so we can actually get to the truth of the matter." Essensa had praise for some provisions of the bill — for instance the proposed registry of automated phone messages and stiffer penalties for anyone who impersonates an elections official. But he said he fears it would put an end to Elections Canada's role in educating Canadians on the importance of voting. That would end projects like the Grades 5 and 10 curriculum developed jointly by the Ontario and national watchdog agencies to teach kids about our democracy. He also fears it would end Elections Canada's ability to experiment with needed modernization of the electoral system, requiring Parliament to sign off on any pilot projects, such as electronic voting. Despite mounting criticism of bill, the government appears intent on pushing it through by the time Parliament breaks for the summer in late June, with few, if any, significant amendments. Even before a Commons committee finishes hearing witnesses or considering possible amendments, Conservatives in the Senate moved Tuesday to begin examination of the bill in the upper house in what's known a pre-study. Government Senate Leader Claude Carignan said the move would allow the upper house more time to study and debate the complex bill, rather than waiting for the House of Commons to pass the bill and then being rushed to complete its own work. Liberal senators delayed a vote Tuesday on the pre-study motion. Carignan served notice that debate will be cut short and a vote forced on Wednesday.

### gerrymandering

#### Gerrymandering doesn’t suppress democracy

Bump 7/29/13 – former politics writer for The Atlantic Wire (Philip; “No, Gerrymandering Is Not Destroying Democracy”; The Atlantic; https://www.theatlantic.com/politics/archive/2013/07/no-gerrymandering-not-destroying-democracy/312772/)//TS

As [deeply unpopular](http://www.theatlanticwire.com/politics/2013/07/congress-sets-new-record-being-hated/67531/) as Congress is, most members of the House of Representatives who stood for re-election last year won their races — some 91 percent of the 390 people who wanted to return to the body. The Wall Street Journal, by way of the non-partisan Cook Political Report, [suggested Monday](http://online.wsj.com/article/SB10001424127887324170004578634270313876136.html?mod=WSJ_WSJ_US_News_5) that there are fewer competitive House seats than at any time in recent history. Which prompted Gawker's Hamilton Nolan to [rail against gerrymandering](http://gawker.com/gerrymandering-is-eating-democracy-948842710), lamenting that "the shit that we tolerate in this country boggles the mind." As is often the case, however, it's not quite that simple. The problem may lie with the voters as much as the elected officials. Yes, elected officials — and, moreover, political parties — seek to have congressional districts drawn in a way that minimizes the number of contested races every two years. It's in both parties' self-interest to do so, if not the voters': fewer competitive races mean less fundraising and staff needs. And Cook, which provides [regularly-updated analysis](http://cookpolitical.com/house/maps) of the competitiveness of each House race sees fewer competitive races in 2014 than a decade ago. The Journal: Of 435 districts in the Republican-controlled House, the nonpartisan Cook Political Report rates only 90 as competitive, meaning those seats have a partisan rating that falls within five points of the national average. The rating measures how each district votes relative to how the country as a whole voted in the most recent presidential election. The number of competitive districts as at its lowest since Cook first started the partisanship rating in the 1998 election cycle. That year, it rated 164 seats—more than one-third of the House—as "swing" seats that could back either party. That was a high for the time period, mind you. As [a Journal graphic indicates](http://si.wsj.net/public/resources/images/NA-BX434A_HOUSE_D_20130728180903.jpg), by 2002, that figure was 111. By 2012, it had only dropped to 99. It's worth noting that these are just projections. Last year, [Cook ranked](https://en.wikipedia.org/wiki/United_States_House_of_Representatives_elections,_2012) only 29 races as "toss-ups," by the time the election rolled around. Of those 29, just over half actually were toss-ups, races that were settled within a margin of five percentage points. (We'll note that this percentage marker isn't how Cook evaluates a race's closeness. It evaluates a range of data for its analysis.) Thirty races total — nearly twice as many as those rated "toss-ups" — ended up in that range. (What's particularly interesting, though, is that Democrats did much better in those toss-up races than did Republicans. Of the 29 seats that Cook labelled as toss-ups, Democrats won 20, by an average margin of 5.69 percent. Republicans won nine, by an average margin of 4.9 percent.) For the sake of comparison, we looked at how the House elections broke down in 1960. That year, there were more close races — 45 in total. But there were also a staggering number of members of Congress who ran unopposed. Seventy-two — about 17 percent of Congress — saw no opposition at all. Last year? Two did. The average margin of victory in 2012 was just over 30 percent. In 1960, it was 23.8 percent — if you exclude the candidates that ran unopposed. If you grant them 100 percent of the vote — they did run unopposed, after all — the 1960 margin shoots up to 36.4 percent. The point being: Even before five decades of gerrymandered congressional districts, congressional races weren't as close as Cook might suggest. In addition to gerrymandered districts, the Journal cites a rationale for the declining number of close races. Another factor in the declining number of competitive districts is that voters are dividing themselves geographically more than they did 10 or 20 years ago, political observers say. Americans are now more likely to live in communities where their neighbors share their political views. That steady, decades-long shift produces more-partisan congressional seats. That is mirrored by a study completed after last year's election, by [Eric McGhee of The Monkey Cage](http://themonkeycage.org/2012/11/14/redistricting-does-not-explain-why-house-democrats-got-a-majority-of-the-vote-and-a-minority-of-the-seats/). After the election, a common complaint among Democrats, echoing Nolan's, was that Democrats won a majority of votes but a minority of seats. Which is true: 48.7 percent of the national House vote was Democratic, versus 47.6 for Republicans. So McGhee modeled the 2012 race using the previous Congress' districts. (Redistricting generally occurs after each Census, so 2012 used new boundaries nationally.) Democrats do gain more seats under this simulation—seven more total—but fall far short of matching their predicted vote share. The point should be clear: even under the most generous assumptions, redistricting explains less than half the gap between vote share and seat share this election cycle. McGhee suggested that Democrats fare worse in part because of geography. "Democrats also do worse because they are more concentrated in urban areas," he wrote. "They 'waste' votes on huge margins there, when the party could put many of those votes to better use in marginal seats." In other words, Democrats move to cities and overwhelmingly vote for Democrats. If Democrats want to re-take the House, they should move to Wyoming. Nolan raises another idea: take political parties out of the redistricting process. [H]ave districts drawn by a nonpartisan committee, whose goal is to make them as compact and straightforward as possible and to have them comprise existing communities, so that a single representative can, theoretically, represent a single set of community interests. Alternately, have them drawn by a fucking computer program that knows how to draw rectangles. California passed a resolution a few years ago that allowed them to do exactly that. The bipartisan [California Citizens Redistricting Commission](http://wedrawthelines.ca.gov/) developed the state's new Congressional boundaries, a fucking computer program being deemed less preferable. And the result? Four of the state's 53 congressional seats were in the five percentage-point range. The average margin of victory was about 28 points — slightly below the national average.

### impeach trump

#### Replacing Trump doesn’t solve – Trump is the sign of a collapsed democracy

**Hedges ’17 --** Pulitzer Prize-winning American journalist, Princeton Professor, and Presbyterian minister (Chris, “Revolt Is the Only Barrier to a Fascist America”, http://www.truthdig.com/report/item/revolt\_is\_the\_only\_barrier\_to\_a\_fascist\_america\_20170122//JC)

This is a transcript of a talk Chris Hedges gave at the Inaugurate the Resistance rally in Washington, D.C., on Saturday. The ruling elites, terrified by the mobilization of the left in the 1960s, or by what [political scientist] Samuel P. Huntington called America’s “excess of democracy,” built counter-institutions to delegitimize and marginalize critics of corporate capitalism and imperialism. They bought the allegiances of the two main political parties. They imposed … obedience to the neoliberal ideology within academia and the press. This campaign, laid out by Lewis Powell in his 1971 memorandum titled “Attack on American Free Enterprise System,” was the blueprint for the creeping corporate coup d’état that 45 years later is complete. The destruction of democratic institutions, places where the citizen has agency and a voice, is far graver than the ascendancy to the White House of the demagogue Donald Trump. The coup destroyed our two-party system. It destroyed labor unions. It destroyed public education. It destroyed the judiciary. It destroyed the press. It destroyed academia. It destroyed consumer and environmental protection. It destroyed our industrial base. It destroyed communities and cities. And it destroyed the lives of tens of millions of Americans no longer able to find work that provides a living wage, cursed to live in chronic poverty or locked in cages in our monstrous system of mass incarceration. This coup also destroyed the credibility of liberal democracy. Self-identified liberals such as the Clintons and Barack Obama mouthed the words of liberal democratic values while making war on these values in the service of corporate power. The revolt we see rippling across the country is a revolt not only against a corporate system that has betrayed workers, but also, for many, liberal democracy itself. This is very dangerous. It will allow the radical right under a Trump administration to cement into place an Americanized fascism. "I do not fight fascists because I will win. I fight fascists because they are fascists." “Ignorance allied with power,” James Baldwin wrote, “is the most ferocious enemy justice can have.” It turns out, 45 years later, that those who truly hate us for our freedoms are not the array of dehumanized enemies cooked up by the war machine—the Vietnamese, Cambodians, Afghans, Iraqis, Iranians or even the Taliban, al-Qaida and ISIS. They are the financiers, bankers, politicians, public intellectuals and pundits, lawyers, journalists and businesspeople cultivated in the elite universities and business schools who sold us the utopian dream of neoliberalism. We are entering the twilight phase of capitalism. Wealth is no longer created by producing or manufacturing. It is created by manipulating the prices of stocks and commodities and imposing a crippling debt peonage on the public. Our casino capitalism has merged with the gambling industry. The entire system is parasitic. It is designed to prey on the desperate—young men and women burdened by student loans, underpaid workers burdened by credit card debt and mortgages, towns and cities forced to borrow to maintain municipal services. Casino magnates such as Sheldon Adelson and hedge fund managers such as Robert Mercer add nothing of value to society. They do not generate money but instead redistribute it upwards to the 1 percent. They use lobbyists and campaign contributions to built monopolies—this is how the drug company Mylan raised the price of an “EpiPen,” used to treat allergy reactions, from $57 in 2007 to about $500—and to rewrite laws and regulations. They have given themselves the legal power to carry out a tax boycott, loot the U.S. Treasury, close factories and send the jobs overseas, gut social service programs and impose austerity. They have, at the same time, militarized our police, built the most sophisticated security and surveillance apparatus in human history and used judicial fiat to strip us of our civil liberties. They are ready should we rise up in defiance. These mandarins are, if we speak in the language of God and country, traitors. They are parasites. Financial speculation in 17th-century England was a crime. Speculators were hanged. The heads of most of [today’s] banks and hedge funds and the executives of large corporations, such as Walmart and Gap, that run sweatshop death traps for impoverished workers overseas deserve prison far more than most of the poor students of color I teach within the prison system, people who never had a fair trial or a chance in life. When a tiny cabal seizes power—monarchist, communist, fascist or corporate—it creates a mafia economy and a mafia state. Donald Trump is not an anomaly. He is the grotesque visage of a collapsed democracy. Trump and his coterie of billionaires, generals, half-wits, Christian fascists, criminals, racists and deviants play the role of the Snopes clan in some of William Faulkner’s novels. The Snopeses filled the power vacuum of the decayed South and ruthlessly seized control from the degenerated, former slave-holding aristocratic elites. Flem Snopes and his extended family—which includes a killer, a pedophile, a bigamist, an arsonist, a mentally disabled man who copulates with a cow, and a relative who sells tickets to witness the bestiality—are fictional representations of the scum now elevated to the highest level of the federal government. They embody the moral rot unleashed by unfettered capitalism.

## \*\*topic specific\*\*

### California Secession

#### Perm do the counterplan, it’s plan plus – California protects journalists AND secedes. Prefer functional competition for limits, you have infinite options to replace words in the plan and win on shifty cps.

#### Perm do the aff then the CP – CP takes years to establish judicial procedures so you can’t help student journalists jailed every day and don’t access impacts for years, but the aff happens immediately. Perm solves your offense and outweighs on strength of link – one day doesn’t matter given time it takes to establish single-payer.

#### Single-payer health care is imminent if democrats win midterms

Sarah Jones 18, 7-20-2018, [Sarah Jones is a staff writer at New York magazine]. "The 2018 Midterms Are All About Health Care," New Republic, <https://newrepublic.com/article/150074/2018-midterms-health-care> NP

“Real change begins with immediately repealing and replacing the disaster known as Obamacare,” Donald Trump said during one of his final campaign rallies of the 2016 race. “We’re going to repeal it. We’re going to have a really great plan that’s going to cost much less and be much better.” While Trump has kept few of his campaign promises, this one is coming half-true—if not necessarily the way Republicans had planned. Congress failed to repeal the Affordable Care Act, but Trump has attacked the law in subtler, nonetheless devastating ways. For many Americans, Obamacare has effectively ceased to exist. MOST POPULAR Nihilist Nation The Essential Difference Between Bernie Sanders and Elizabeth Warren The Moral Dilemma of Jamal Khashoggi’s Killing The BBC’s Best Drama in Years Comes to Netflix Is the Democratic Party Progressive Enough for Muslims? Like this article? Support our work. Subscribe today. “Across the country, the details vary but the story is the same. The Trump administration has been rolling back sections of the Obama-era health law piece by piece,” The Wall Street Journal reported on Wednesday. “The result is that the country is increasingly returning to a pre-ACA landscape, where the coverage you get, especially for people without employer-provided insurance, is largely determined by where you live.” As for a “really great plan that’s going to cost much less,” Trump has been less successful. Last month, he rolled out a rule allowing small businesses to band together to provide cheaper health care to employees—without all of Obamacare’s coverage protections. But on Thursday, Politico reported that the National Federation of Independent Business, a business group that has advocated for so-called association health plans for two decades, won’t be creating such a plan because Trump’s rule is unworkable. Other trade groups are reportedly tepid, too. In short, **the health care system in America,** after modest improvements under Obama, **is becoming a chaotic mess under Trump—**and his political opponents are poised to capitalize on it. On Thursday morning, 70 Democrats in the House of Representatives launched a Medicare for All caucus. The roll includes a few expected names—Representative Keith Ellison of Minnesota—but also more recent converts to the cause, proving the policy no longer belongs to the fringe. In 2017, 122 House Democrats co-sponsored Representative John Conyers’s Medicare for All bill before he resigned amid a sexual harassment scandal. As **Trump’s attacks on the ACA increase, so has Democratic support for a sweeping alternative.** Since Trump took office in 2017, the administration has repealed the Affordable Care Act’s individual mandate and expanded access to short-term, limited-duration health plans, which can’t be renewed and offer limited coverage to beneficiaries. Without the individual mandate, SLDI plans can look like sensible, affordable options for consumers—and that means fewer Americans will have health insurance that covers their basic needs. It also influences premiums. As Axios reported in May, ACA premiums have increased by 34 percent since 2017, and the Congressional Budget Office estimates that they’ll increase by another 15 percent next year. Meanwhile, the administration cut spending for ACA outreach. If people don’t know how to enroll in the ACA, they’re less likely to do so at all. Get the latest from TNR. Sign up for the newsletter. For Republicans concerned about their electoral prospects, Obamacare is no longer such a reliable foe. In 2017, roughly 350,000 Virginians faced the prospect of losing their ACA plans when Optima Health followed the examples of Aetna and Anthem and threatened to pull out of the exchange market. The move would have left nearly half of all Virginia counties without an ACA insurer, with the losses concentrated in Virginia’s western counties—among the poorest in the state. At the time, insurance companies cited market instability for their decisions, and they blamed the Trump administration for causing it. **Trump has repeatedly threatened to cut subsidies for the ACA, and insurers worried that would put their profit margins at risk**. Anthem eventually agreed to cover Virginia’s so-called bare counties. But the crisis may have pushed state Republicans away from Trump, at least on the issue of health care. The General Assembly passed Medicaid expansion in 2018. “When you lost all the coal jobs, a lot of people lost their healthcare,” Republican State Representative Terry Kilgore told Belt magazine last month. “People were working but were going to jobs paying $8 to $15 per hour with no healthcare benefits. We need more healthcare options and a healthier workforce.” Kilgore voted for Medicaid expansion. **Medicare for All’s popularity with Democrats can be traced back to Senator Bernie Sanders**’s bid for the Democratic nomination in 2016, which brought national attention to the policy. **Its appeal has only grown since then, as Democrats have seen how easily a Republican president can weaken the signature achievement of the Obama presidency. Single-payer health care,** whether it’s Medicare for All or some other approach, h**asn’t proven to be the campaign-killer that some moderates have warned of. Insurgent candidates like Alexandria Ocasio-Cortez and Ben Jealous have embraced the policy, and so have some Democrats running in red states. This opening for Democrats may crack even wider as the material consequences of gutting the ACA become clear.** As the Journal reported in March, “Health-insurance premiums are likely to jump right before the November elections, a result of Congress’s omission of federal money to shore up insurance exchanges from its new spending package.” Fearful of the political damage, Republicans are now scrambling to fix the problem. On Thursday, The Hill reported that the GOP House “is planning to vote next week on several GOP-backed health-care measures that supporters say will lower premiums.” Whether or not Republicans succeed there, they have handed Democrats an opening ahead of the midterms, one that may crack even wider as the material consequences of gutting the ACA become clear. **That awakening is already underway, if polling is any indication. Health care topped all issues,** even the economy and immigration, in a YouGov/Huffington Post survey in April of registered voters’ priorities ahead of the midterm elections; it consistently ranks in the top three. That’s perhaps less surprising in light of a Navigator Research poll this week that found half of Americans say health care is main cost concern. **In an ominous sign for the GOP, independent voters said they trusted Democrats more than Republicans, by an 18-point margin, to bring those costs down.**

#### Democrats win

Nate **Silver 10/28**, 10-28-2018, "2018 House Forecast," FiveThirtyEight, <https://projects.fivethirtyeight.com/2018-midterm-election-forecast/house/> NP

**Forecasting The Race for The House.** 6 in 7 **Chance Democrats win control (84.9%)** 1 in 7 **Chance Republicans keep control (15.1%)** AVERAGE MEDIAN CURRENTBREAKDOWN CURRENTBREAKDOWN MAJORITY MAJORITY 268 D167 R 0.3%chance Breakdown of seats byparty ↑ Higher probability 267 D168 R 247 D188 R 227 D208 R 227 R208 D 247 R188 D 80% chance Democratsgain 19 to 60 seats 80% chance Democratsgain 19 to 60 seats 10% chance Democratsgain fewer than 19 seats 10% chance Democratsgain fewer than 19 seats 10% chance Democratsgain more than 60 seats 10% chance Democratsgain more than 60 seats +60 +39 Democratic seats AVG. GAIN +19 +73 D seats Our forecast for every district The chance of each candidate winning, with all 435 House districts shown at the same size Cartogram Map Solid D ≥95% D Likely D ≥75% D Lean D ≥60% D Toss-up <60% both Lean R ≥60% R Likely R ≥75% R Solid R ≥95% R Party flip >50% nonincumbent party = one district Michigan 9th SOLID D CANDIDATE CHANCE OF WINNING FORECASTED VOTE SHARE Andy Levin (D) >99 in 100 (99.6%) 59.2 high:64.3 low:54.1 Candius Stearns (R) <1 in 100 (0.4%) 37.1 high:42.1 low:31.9 Others <1 in 100 (<0.1%) 3.8 high:6.7 low:1.4 District totals by category 192 16 7 21 18 48 133 MAJORITY Our latest coverage 31 MIN. AGO Election Update: Return Of The Special Elections By Nathaniel Rakich 2 DAYS AGO Politics Podcast: No, The Model Doesn’t Care About The Early Vote By Nate Silver and Galen Druke 2 DAYS AGO Is The New Jersey Senate Race Really A Toss-Up? No. By Geoffrey Skelley How the forecast has changed We'll be updating our forecasts every time new data is available, every day through Nov. 6. Chance of controlling the House 1 in 10 1 in 4 1 in 2 3 in 4 9 in 10 NOV. 6 ELECTION DAY 15.1%Republicans 15.1%Republicans 84.9%Democrats 84.9%Democrats OCT. 28, 2018 OCT. 28, 2018 Seats controlled by each party 277-158 247-188 EVEN 247-188 277-158 FORECAST LAUNCH 234-201 234-201 Popular vote margin Aug. Sept. Oct. Nov. R+15 R+10 R+5 0 D+5 D+10 D+15 D+8.7 D+8.7 KEY AVERAGE 80% CHANCE OF FALLING IN RANGE How the popular vote for the House translates into seats How various breakdowns in the national popular vote correspond to the most likely distributions of House seats by party, according to our forecast HIGHER PROBABILITY arrow pointing to the right Democrats are favored to win a majority of seats if they win the popular vote by at least 5.4 points R+15 R+10 R+5 EVEN D+5 D+10 D+15 D+20 280-155 260-175 240-195 MAJORITY 240-195 260-175 280-155 300-135 320-115 Popular vote margin Party breakdown Democrats win both thepopular vote and the House Democrats win both thepopular vote and the House Democrats win the popular vote,but Republicans win the House Democrats win the popular vote,but Republicans win the House GOP wins both GOP wins both How the House has swung historically Our forecasted seat breakdown in the House for 2018 and the change in the breakdown for every House election since 1924 Net advantage Swing 0 100 200 300 seats 0 100 200 300 1926 1930 1934 1938 1942 1946 1950 1954 1958 1962 1966 1970 1974 1978 1982 1986 1990 1994 1998 2002 2006 2010 2014 2018 ◄ More Democrats | More Republicans ► COOLIDGE COOLIDGE HOOVER HOOVER ROOSEVELT ROOSEVELT TRUMAN TRUMAN EISENHOWER EISENHOWER KENNEDY KENNEDY JOHNSON JOHNSON NIXON NIXON FORD FORD CARTER CARTER REAGAN REAGAN H.W. BUSH H.W. BUSH CLINTON CLINTON W. BUSH W. BUSH OBAMA OBAMA TRUMP TRUMP Average Average How this forecast works Nate Silver explains the methodology behind our 2018 midterms forecast. Read more … The third-party candidates listed represent our best approximation of who will appear on each district’s general election ballot. The candidates listed will update as each race is finalized; some listed candidates may not ultimately qualify for the general election. This analysis treats currently vacant seats as being held by the party that previously controlled them. Forecast models by Nate Silver. Design and development by Jay Boice, Emma Brillhart, Aaron Bycoffe, Rachael Dottle, Lauren Eastridge, Ritchie King, Ella Koeze, Andrei Scheinkman, Gus Wezerek and Julia Wolfe. Research by Dustin Dienhart, Andrea Jones-Rooy, Dhrumil Mehta, Mai Nguyen, Nathaniel Rakich, Derek Shan and Geoffrey Skelley. Notice any bugs? Send us an email.

#### California secession means republicans control Washington forever – leads to cycle of social conservativism

Jared Whitley 17, 8-14-2017, "5 Things That Will Happen When California Secedes from the U.S.," American Conservative, <https://www.theamericanconservative.com/articles/5-things-that-will-happen-when-california-secedes-from-the-u-s/> NP

5.) **Republicans will control Washington forever. California is the only thing keeping the Democratic Party relevant o**n the national scale. **Republicans have won every run-off race in 2017** and just picked up another governor. The Democratic Party is in shambles. **Were it not for California, Trump would have won the popular vote by almost 1.5 million.** Most importantly, **without the California Congressional caucus in Washington, the Republican edge in the House of Representatives almost doubles**. The **Democrats would lose** two **Senates seats** too, which isn’t as significant, but if Red California stays with the union, that would be a four-seat swing. Boom. \*\*\* Getting Cal-exit on the 2018 ballot is going to happen. But actually secession is obviously more complicated University of Virginia law school professor Cynthia Nicoletti told Business Insider, “There’s no legal path to secession.” Others point out that it would likely take a Constitutional Convention and ratification, which might move everything closer to Civil War territory. Even before that happens, however, California’s state legislature has approve secession, which may not be as easy as the ballot initiative that started it all. The great irony of Cal-exit is that these people’s solution to Trump’s imposing a political border (between the U.S. and Mexico) is to create … another political border.

#### California secession makes it a failed state, causing violent crime, econ collapse, no transparency – controls the internal link and outweighs

Jared Whitley 17, 8-14-2017, "5 Things That Will Happen When California Secedes from the U.S.," American Conservative, <https://www.theamericanconservative.com/articles/5-things-that-will-happen-when-california-secedes-from-the-u-s/> NP

4.) **California will quickly become a failed state. The state’s** enormous power didn’t happen because of modern-day progressivism. **Its accumulated advantages are decades and even centuries old,** whether it’s from higher education, the military industrial complex that birthed Silicon Valley, that coastline I mentioned, or even just the nice weather. It would be almost impossible to ruin a place with California’s advantages. But folks in Sacramento are doing their best to try. **Were California to kick the few remaining grown-ups out of the room, there would be no one left to keep the state on track.** There would be no R.A. Even now, **California faces: Enormous debt, with one estimate at $400 billion, and another putting the state’s pension liability alone at $500 billion. A catastrophic teacher shortage. Gang violence and a rising violent crime rate. Terrible measures of government transparency and accountability**. The left-leaning UK paper The Guardian even asked if California would become America’s first “failed state.” Yes to the failed, no to the America.

### sources

#### 1] PDB--

2] Circumvention—the government can just subpoena the reporter and force them to give up the source which proves no solvency

#### 3] Circumvention—government will pre-empt

Tatel 5 David S. Tatel (Justice, DC Circuit Court of Appeals; JD, U Chicago). IN RE: GRAND JURY SUBPOENA, JUDITH MILLER. United States Court of Appeals, District of Columbia Circuit. Nos.04-3138, 04-3139, 04-3140. February 15, 2005. JDN. <https://caselaw.findlaw.com/us-dc-circuit/1155372.html>

As this case law recognizes, a source's waiver is irrelevant to the reasons for the privilege. Because the government could demand waivers-perhaps even before any leak occurs-as a condition of employment, a privilege subject to waiver may, again, amount to no privilege at all, even in those leak cases where protecting the confidential source is most compelling. Moreover, although the attorney-client and psychotherapist privileges are waivable by clients and patients, respectively, see, e.g., In re Sealed Case, 877 F.2d 976, 980 (D.C.Cir.1989) (attorney-client);  Jaffee, 518 U.S. at 15 n. 14, 116 S.Ct. 1923 (psychotherapist), that is because those privileges exist to prevent disclosure of sensitive matters related to legal and psychological counseling, see, e.g., Swidler & Berlin, 524 U.S. at 407-08, 118 S.Ct. 2081;  Jaffee, 518 U.S. at 10-11, 116 S.Ct. 1923, a rationale that vanishes when the source authorizes disclosure. In contrast, the reporter privilege safeguards public dissemination of information-the reporter's enterprise, not the source's.

PDCP—sources have the right to be protected by reporters

#### 4] the reporter can just spill the beans

Kase 90 [Kathryn M. Kase, When a Promise Is Not a Promise: The Legal Consequences for Journalists Who Break Promises of Confidentiality to Sources, 12 HASTINGS COMM. & ENT. L.J. 565 (1990)]//LC

Prominent first amendment attorney Floyd Abrams has commented that voluntary exposure of confidential sources by journalists is quite common, particularly in the context of libel trials.69 Recent journalism history also suggests that such exposure is commonplace and that it does not necessarily lead to lawsuits. Examples of source exposure abound and include: journalist Sidney Zion's exposure of Daniel Ellsberg as the confidential supplier of the so-called "Pentagon Papers" to the New York Times;70 Bob Woodward's identification of the late Supreme Court Justice Potter Stewart as his source for The Brethren;7 and Newsweek's unmasking of Lt. Col. Oliver North as the media's confidential source regarding retaliation towards terrorists who hijacked the Achille Lauro cruise ship.7 2

#### 5] The aff’s legally consistent—trust the consensus of courts over 1 random law review article

Wimmer 11 Kurt Wimmer (partner in the D.C. office of Covington & Burling LLP; JD, U Maryland) and Stephen Kiehl (summer associate at the firm). “Who Owns the Journalist’s Privilege—the Journalist or the Source?” Communications Lawyer, Volume 28, Number 2, August 2011. JDN. <https://www.americanbar.org/content/dam/aba/publications/communications_lawyer/august2011/who_owns_journalists_privilege_journalist_source_comm_law_28_2.authcheckdam.pdf>

Most Courts Hold That Journalists Own the Privilege. The weight of state and federal case law and the plain language of shield laws passed by a majority of the states demonstrate that the journalist, not the source, owns the privilege. As the Maryland Court of Appeals noted, “The privilege belongs to the reporter and he cannot be compelled to disclose the source of his news, whether it was given to him in confidence or not.”2 Quashing a subpoena sent to CBS, the Third Circuit stated, “The privilege belongs to CBS, not the potential witnesses, and it may be waived only by its holder.”3 A federal district judge in California observed, “The journalist’s privilege belongs to the journalist alone and cannot be waived by persons other than the journalist.”4 Delaware’s shield law, like others, allows waiver of the privilege only by journalists; it cannot be waived by others.5

#### 6] Reporter rights are key—expertise and interest convergence

Wimmer 11 Kurt Wimmer (partner in the D.C. office of Covington & Burling LLP; JD, U Maryland) and Stephen Kiehl (summer associate at the firm). “Who Owns the Journalist’s Privilege—the Journalist or the Source?” Communications Lawyer, Volume 28, Number 2, August 2011. JDN. <https://www.americanbar.org/content/dam/aba/publications/communications_lawyer/august2011/who_owns_journalists_privilege_journalist_source_comm_law_28_2.authcheckdam.pdf>

The press serves an important function as a government watchdog, monitoring those in power for abuses of their positions and informing the public on matters of local and national significance. This function is essential to our form of representative democracy. For the public to make informed decisions, people must know what is happening in their government and in their communities.6 The press “has been a mighty catalyst in awakening public interest in governmental affairs, exposing corruption among public officers and employees and generally informing the citizenry of public events and occurrences.”7 To ensure that the press continues to fulfill that role and does not become an investigative arm of the government, courts have recognized a qualified journalist’s privilege. Although the Supreme Court, in Branzburg v. Hayes, 8 held that the First Amendment does not provide an absolute privilege in criminal cases, lower courts have found a common law privilege under Rule 501 of the Federal Rules of Evidence, which were promulgated three years after Branzburg in 1975. In relevant part, Rule 501 states that “the privilege of a witness, person, government, State, or political subdivision thereof shall be governed by the principles of the common law as they may be interpreted by the courts of the United States in the light of reason and experience.”9 Reason and experience, courts have found, militate for a journalist’s privilege. The District of Columbia Circuit noted that “the press’ function as a vital source of information is weakened whenever the ability of journalists to gather news is impaired” and that “compelling a journalist to disclose the identity of a source may significantly interfere with this news gathering ability.”10 Noting the strong public policy arguments supporting “unfettered communication to the public of information, comment and opinion,” the Third Circuit held that under Rule 501, “journalists have a federal common law privilege, albeit qualified, to refuse to divulge their sources.”11 The rationale supporting the privilege points to the conclusion that the journalist, not the source, holds the privilege. Judge Tatel of the D.C. Circuit observed in In re Grand Jury Subpoena, Judith Miller, “[T]he reporter privilege safeguards public dissemination of information—the reporter’s enterprise, not the source’s.”12 Judge Tatel continued, “Consistent with that purpose, the privilege belongs to the reporter. Not only are journalists best able to judge the imperatives of newsgathering, but while the source’s interest is limited to the particular case, the reporter’s interest aligns with the public.”13

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#### TURN-discourse Ks trade off with efforts to reform the root causes of the harm.

**Brown 1** Professor Political Science UC Berkeley, 2K1 (Wendy, Politics Out of History, pg. 35-37)

“Speech codes kill critique,” Henry Louis Gates remarked in a 1993 essay on hate speech.14 Although Gates was referring to what happens when hate speech regulations, and the debates about them, usurp the discursive space in which one might have offered a substantive political response to bigoted epithets, his point also applies to prohibitions against questioning from within selected political practices or institutions. But turning political questions into moralistic ones—as speech codes of any sort do—not only prohibits certain questions and mandates certain genuflections, it also expresses a profound hostility toward political life insofar as it seeks to preempt argument with a legislated and enforced truth. And the realization of that patently undemocratic desire can only and always convert emancipatory aspirations into reactionary ones. Indeed, it insulates those aspirations from questioning at the very moment that Weberian forces of rationalization and bureaucratization are quite likely to be domesticating them from another direction. Here we greet a persistent political paradox: the moralistic defense of critical practices, or of any besieged identity, weakens what it strives to fortify precisely by sequestering those practices from the kind of critical inquiry out of which they were born. Thus Gates might have said, “Speech codes, born of social critique, kill critique.” And, we might add, contemporary identity-based institutions, born of social critique, invariably become conservative as they are forced to essentialize the identity and naturalize the boundaries of what they once grasped as a contingent effect of historically specific social powers. But moralistic reproaches to certain kinds of speech or argument kill critique not only by displacing it with arguments about abstract rights versus identity-bound injuries, but also by configuring political injustice and political righteousness as a problem of remarks, attitude, and speech rather than as a matter of historical, political-economic, and cultural formations of power. Rather than offering analytically substantive accounts of the forces of injustice or injury, they condemn the manifestation of these forces in particular remarks or events. There is, in the inclination to ban (formally or informally) certain utterances and to mandate others, a politics of rhetoric and gesture that itself symptomizes despair over effecting change at more significant levels. As vast quantities of left and liberal attention go to determining what socially marked individuals say, how they are represented, and how many of each kind appear in certain institutions or are appointed to various commissions, the sources that generate racism, poverty, violence against women, and other elements of social injustice remain relatively unarticulated and unaddressed. We are lost as how to address those sources; but rather than examine this loss or disorientation, rather than bear the humiliation of our impotence, we posture as if we were still fighting the big and good fight in our clamor over words and names. Don’t mourn, moralize.

#### Perm do the counterplan

#### Prefer functional competition:

#### Logical -

#### Real World –

#### Aff ground –

#### Strat skew –

### \*\*agent cps\*\*

### 1AR – Don’t Negate

### 1AR – Fed

#### The counterplan shreds the anti-commandeering doctrine.

Pieroni ‘09

Caroline Lynch Pieroni (Caroline focuses her practice on employment litigation and advice, business litigation, including defense of large-scale or class action consumer claims, and First Amendment and media law. She has represented a variety of clients before and during litigation, tailoring her approach to fit the unique circumstances of each case and the needs of each client. A significant portion of her practice involves defending employment disputes in and outside of the courtroom and offering human resources training to clients, including Fortune 500 companies. She defends clients in EEOC or human rights investigations and represents them in lawsuits brought by employees alleging discrimination, breach of contract, wage and hour violations, or related issues. Her counsel includes advice on compliance with employment laws and regulations, and she has tried multiple employment cases to a defense verdict. Caroline’s experience also includes defending companies in an array of business and consumer disputes, including purported class actions and large-scale consumer claims. She tries cases in court and handles them in arbitration, and she advises clients on strategy and costs related to arbitration, and the rules, costs and nuances of using the American Arbitration Association to resolve a dispute. She also counsels clients in relation to investigations by government agencies. She draws on her previous experience as a newspaper reporter with The Courier-Journal in Louisville when representing various newspapers and media outlets in First Amendment, open records and open meetings cases. Caroline advises media outlets on the risks of certain publications, assists them in seeking access to public records and meetings and uses her media background to advise clients who are handling matters likely to attract media attention. Prior to joining the firm, Caroline served as a judicial law clerk to Judge John G. Heyburn, II of the U.S. District Court for the Western District of Kentucky.), Staying out of Jail..Sometimes: Maintaining a Free Press through Journalist Shield Laws Requires Changes Not Only at the Federal Level, but Also among the States, 47 U. Louisville L. Rev. 803 (2009) WJ

As noted above, there are numerous problems with varying state shield laws. Additionally, federal preemption is not a viable option, politically or legally.

1.Federal Preemption: Not Just Politically Unpopular, Also Unconstitutional

Federal laws can preempt, or overpower, state laws in one of two ways: either through express preemption or implied preemption. Sometimes, Congress can expressly preempt any state action conflicting with a certain piece of legislation. 91 At other times, Congress specifies that states can enact stricter, but not less strict, standards.92

One example of Congress using its powers of express preemption is the Healthcare Insurance Portability and Accountability Act, or HIPAA.93 Congress wrote that HIPAA, an act protecting the privacy of citizens' medical records, would serve as a "floor" for states, and that states could enact stricter, but not less strict, regulations of healthcare privacy.94 Preemption has been recommended as the solution to varying reporter's privilege laws by at least one writer.

But a close look at federal preemption reveals a big problem: the proposed fix is unconstitutional. There are certain limitations on Congress's power to control state action and certain state actors, as indicated by a series of Supreme Court cases interpreting the Tenth Amendment as a limitation on Congress's 96 authority.

The guiding cases, New York v. United States97 and Printz v. United States,98 deal with the limits of federal government control over the states. In New York, the Court stated that Congress cannot press states into enacting or enforcing a federal regulatory program.99 Printz held the same for pressing states' officers directly.'

These two cases prevent Congress from controlling some of the very officers, such as those of state and local police forces or a state attorney general's office, who would be issuing subpoenas to reporters. Because Congress's power does not reach the relevant players, any attempt to preempt states in this way would conflict with the U.S. Supreme Court's interpretation of how far the federal government can reach into state powers.

#### Spills into environmental policy

Kazman et al ’16 (Sam; Ilya Shapiro; Joshua Thompson; November 2016; the Competitive Enterprise Institute's general counsel; senior fellow in constitutional studies at the Cato Institute, editor-in-chief of the Cato Supreme Court Review, former special assistant/adviser to the Multi-National Force in Iraq on rule-of-law; senior attorney at the Pacific Legal Foundation; “Amicus Brief of Pacific Legal Foundation, Competitive Enterprise Institute and Cato Institute in Support of Petitioners”; *Christie v. National Collegiate Athletic Association*; No. 16-476)

3. The Third Circuit’s Decision Would Carve a Loophole into the Anti-Commandeering Doctrine The Third Circuit’s narrow interpretation of the anti-commandeering doctrine could impact far more than sports gambling. It creates a significant loophole in the doctrine that would allow the federal government to overextend its constitutional authority. This could fundamentally alter the relationship between the federal government and the states. For instance, the federal government could compel states to continue implementing education policies well after they have proven unpopular. Previously, the need to convince states to cooperate has given them significant leverage to influence federal policy. See Young, supra at 1074-75 (explaining that state resistence to federal education policy forced a federal agency to change its requirements). If, once adopted, the federal government could compel states to continue to implement particular policies, the political consequences could be far reaching. The federal government could dictate curricula or testing requirements in those states that previously embraced the federal policy. But see Milliken v. Bradley, 418 U.S. 717, 741-42 (1974) (recognizing education as an area of traditional state and local control). It could also require states to continue enforcing their current bathroom policies, whatever those may be. Cf. G.G. ex rel. Grimm v. Gloucester Cnty. Sch. Bd., 822 F.3d 709 (4th Cir. 2016), cert. granted, No. 16-273 (Oct. 28, 2016). Limiting the anti-commandeering doctrine could also have severe repercussions in environmental policy. Federal-state cooperation on environmental regulation is particularly useful because states have greater local knowledge and more available enforcement officers. See Richard B. Stewart, Pyramids of Sacrifice? Problems of Federalism in Mandating State Implementation of National Environmental Policy, 86 Yale L.J. 1196, 1243-50 (1977). But if the federal government could indefinitely impose its will on states after they initially agree, that would threaten these cooperative federalism arrangements, with far reaching affects. Cf. Robert V. Percival, Environmental Federalism: Historical Roots and Contemporary Models, 54 Md. L. Rev. 1141, 1174 (1995). The decision below invites these problems. For instance, if the federal government used its spending power to entice a state to adopt federal policy as its own, it could then forbid the state from ever changing its policy. When the state cried foul, the federal government could respond that, despite all appearances, the state isn’t being commandeered because it was not compelled to adopt the policy originally. See N.C.A.A., 832 F.3d at 401-02. Obviously, a state would be extremely wary to cooperate in implementing federal environmental policy if it knows that, once it does, it may be permanently giving up its sovereignty. Cf. Stewart, supra at 1243-50. That would make cooperative federalism arrangements far more treacherous, not only undermining federalism but also the policy goals that these arrangements advance. Perhaps the most politically salient issue which this narrow reading of the anti-commandeering doctrine could affect is marijuana legalization. Numerous states have experimented with decriminalizing marijuana, despite the federal prohibition against possession and distribution.3 Erwin Chemerinksy, et al., Cooperative Federalism and Marijuana Regulation, 62 UCLA L. Rev. 74, 81-89 (2015). This state experimentation is only possible because “the federal government cannot require states to enact or maintain on the books any laws prohibiting marijuana.” Id. at 102-03 (emphasis added); see Austin Raynor, The New State Sovereignty Movement, 90 Ind. L.J. 613, 626 (2015); Sam Kamin, Cooperative Federalism and State Marijuana Regulation, 85 U. Colo. L. Rev. 1105, 1107 (2014). But under the Third Circuit’s rationale, the federal government is free to stop this process in its tracks, by forbidding states from any further liberalization. Jacob Sullum, Victories for Eight of Nine Marijuana Initiatives Hasten the Collapse of Prohibition, Reason.com (Nov. 9, 2016)4 (eight additional states liberalized their marijuana laws in the most recent elections).

#### Necessary and sufficient to solve warming---Extinction

--state action necessary and sufficient, preventing Trump crackdown is key, warming is existential

Podesta 17

John Podesta is the Founder and a Board Member of the Center for American Progress and most recently was the chairman of the 2016 Hillary Clinton presidential campaign. He previously served as chief of staff to President Bill Clinton and counselor to President Barack Obama. He is also a visiting professor of law at the Georgetown University Law Center, Battling Climate Change in the Time of Trump, March 21, 2017, https://www.americanprogress.org/issues/green/reports/2017/03/21/428812/battling-climate-change-time-trump/

There is no way to sugarcoat the outcome of the 2016 election for anyone who cares about the health of our planet. President Donald **Trump has made clear that he intends to pursue a special interest-driven agenda that would make climate change worse**. Since the start of his administration, **he has taken steps to increase America’s dependence on oil**, including foreign oil; **eliminate limits on carbon pollution; and weaken vehicle efficiency standards** at the expense of American families. **His budget decimates scientific research and he selected an administrator for the** Environmental Protection Agency, or **EPA, who denies that carbon pollution is a main cause of climate change. The Trump administration’s anti-environmental agenda is, without question, a grave danger to the health of our children and grandchildren—and the health of our planet**. **But this threat alone is no reason to give up hope** that we can still avert the most severe impacts of climate change. The energy and effectiveness of citizen activism suggests that **the most damaging policies of the Trump administration can be stopped**. And, as importantly, a review of the votes cast in the November election **and the steps being** taken by state and local leaders indicate **an alternate path for climate action in the next four years.** The economy is voting for climate action Winning the popular vote by more than 3 million ballots was not enough for Democrats to win the White House, but those votes nonetheless represent the voices of a majority of Americans. Public opinion research now consistently finds that most Americans believe climate change is a major problem and support steps to cut carbon pollution.1 What’s more, a recent Brookings Institution analysis found that the counties that Hillary Clinton won account for 64 percent of the United States’ economic output.2 **For those of us counting greenhouse gas emissions**, **the fact that nearly two-thirds of the U.S. economy voted for progressive leadership in November is more than significant**. Governors of states that voted for Clinton, for example, **are already stepping up to the challenge of battling climate change.** In January of this year, Gov. Andrew Cuomo (D) of New York called on the states that make up **the** Regional Greenhouse Gas Initiative, or **RGGI**, to **lower their collective carbon** pollution reduction **target an additional 30 percent** **below 2020 levels** by 2030. **In California, Gov. Jerry Brown (D) has established the state as a global leader on climate action, adopting a cap and trade program, taking big steps to build a clean energy economy, and setting the aggressive reduction goal of 40 percent** below 1990 levels by 2030.3 **Gov. Brown** also **recently** denounced the Trump administration’s attacks on climate science and research and **staked out California’s leading role going forward** in that aspect of progress.4 **Even in states that President Trump won, elected officials are continuing to move aggressively to deliver climate change policies**. Since the election, 71 mayors from across the country penned an open letter to President Trump, stating that they will continue to take “bold” climate action. Of that collection of mayors, 29 of them come from states that voted for President Trump.5 Atlanta Mayor Kasim Reed (D), for example, called on fellow U.S. mayors to stand together to deliver on global climate goals and reaffirm commitments to local action.6 In addition to taking on a leadership role in the global coalition of more than 7,100 cities committed to the fight against climate change, Mayor Reed is working at the local level in Atlanta, including by launching the city’s first solar initiative to reduce municipal energy consumption by up to 40 percent.7 Rampage against environmental laws **Make no mistake**, though, **the** **Trump administration** presents an existential threat to the entire planet. Leadership on the state and local level may be able to bridge the gap at the federal level, but only **for a period of time**. The administration appears to be on a rampage against environmental laws that protect clean air, water, and our way of life. Since taking office, President **Trump has signed more than seven executive orders, presidential memorandums, and bills that roll back environmental protections and prioritize giveaways to the fossil fuel industry**. **That number is expected to jump even higher in the coming days with an anticipated executive action aimed at undoing the Clean Power Plan, lifting a coal moratorium on public lands, throwing out consideration of climate change in federal decision-making, and making it easier to release the potent global warming pollutant, methane**. The list of polluting actions, however, also includes eliminating a prohibition on bribery by oil companies, cutting limits on dumping of toxic mine waste in streams, and trying to make the United States more dependent on Canadian tar sands. To say that the Trump administration is beholden to the corporate interests that benefit from eliminating environmental protections understates reality. This team stepped out of the boardroom into Washington, D.C. Recently, the White House released a statement8 that promoted Exxon and had significant portions that were identical to the statement Exxon itself released.9 Administrator Scott Pruitt’s own emails show a close relationship with top polluters, such as Devon Energy and Koch Industries, and illustrate deep coordination as the energy companies pushed through his office the policy outcomes they wanted.10 Pruitt brings these relationships with him to the EPA, the agency he sued 14 times as attorney general of Oklahoma. Joining him at the agency are staffers who have worked to propagate climate denial under infamous climate denier Sen. James Inhofe (R-OK) and the Koch-backed Freedom Partners.11 The irreversible global shift to clean energy Although the Trump administration’s early actions serve as handouts to the fossil fuel industries, **America’s clean energy economy is now strong enough to withstand a short-term change in policy**. President Barack **Obama’s dogged focus on emissions reductions will not be easily reversed** either. Between 2008 and 2015, the United States’ emissions dropped 9 percent even as the economy grew more than 10 percent.12 Solar, wind, geothermal, and other renewable energy industries have grown substantially in terms of generation and jobs, becoming a fundamental part of the U.S. economy overall. Between 2008 and 2015, U.S. wind generating capacity nearly tripled and solar capacity—both concentrating and photovoltaic systems—grew by 23 times.13 For individuals, the cost of residential solar photovoltaic system has fallen to approximately one-third its cost in 1998, or from $12.34 per watt to $4.05 per watt.14 Wind power recently surpassed conventional hydropower as the nation’s most significant renewable generation source.15 According to the U.S. Department of Energy’s annual energy jobs report, renewable electricity generation employs nearly 547,000 people, with the solar industry employing nearly 374,000 of that total.16 The energy efficiency economy, which includes building professionals, efficient appliance manufacturers, energy service providers, and others, has reached more than 2.2 million workers across the country.17 None of the CEO’s or leaders of these growing industries are represented in the fossil fuel-focused White House. **This shift** **toward clean energy is a global one**. **Countries around the world—including both developed and emerging economies—see that their future prosperity hinges on nonpolluting energy**. **Thanks to the** **leadership of** President **Obama, more than 130 countries have now officially joined** the **Paris** Agreement—a historic pact to reduce greenhouse gas pollution and build resilience to the destructive effects of climate change.18 **These countries are not liable to reverse course** **in the wake of the U.S. election. In fact, all countries have reaffirmed their dedication to implement the Paris Agreement and more than 30 countries have officially joined the pact after the election of President Trump**.19 It would be economic folly for the United States to turn its back on this global shift toward nonpolluting energy. Recognizing this, approximately 900 U.S. businesses and investors have now encouraged U.S. and global leaders to support the Paris Agreement and climate action.20 If the United States cedes its leadership in the global movement to curb greenhouse gas pollution, other major powers, most notably China, are primed to dominate the coming clean energy economy. In the meantime, **global leaders who are serious about stopping climate change are more likely** to visit governors’ mansions in **Sacramento, CA, or Albany, NY, than the White House**. **Elected officials there and in other states and localities understand that American leadership on clean energy means that U.S. workers will be creating**, making, **and selling technologies and products in developing and emerging markets**.21 These sub-national level elected officials can themselves become leaders and have political clout in the international movement to combat climate change. Governors, mayors, and other elected officials can pick up the climate change mantel abandoned by the Trump administration and help the United States lead by example around the world. **The challenge will be to organize** the leadership that represents those jurisdictions that voted for strong action on climate change into **a force that can counterbalance the lack of ambition from the United States at the federal level**. The growing resistance **As governors**, mayors, clean energy leaders, and citizens **continue to advance climate action domestically and internationally**, **it is equally important that**, as Americans, **we do all we can to stop the Trump administration and Republican leaders in Congress from implementing the most anti-environmental agenda in decades.** The engagement and direct action being taken by individuals in every community in every state is nothing short of inspiring. Resistance works. From the Women’s March in January to February’s Day Without Immigrants, millions of Americans—especially young Americans—are making their voices heard. Notably, a significant percentage of the Millennial generation failed to show up to vote last November, yet their understanding of the dangers of climate change presents some cause for hope: They believe that the climate is changing. An October, 2016 poll from the University of Texas at Austin found that “[m]ore than 9 out of 10 survey respondents (91 percent) under age 35 say climate change is occurring compared to 74 percent of those age 65 older.”22 The Harvard Institute of Politics released a poll in April of 2015 that had similar results, showing that, “3 in 4 millennials believe global warming is a fact.”23 If this generation now understands that their votes or their decisions not to vote have consequences and turns out in the coming years to express their determination to combat climate change, the Trump administration and its climate denying allies will soon be a brief chapter in the history books. Two upcoming governor’s races will provide a glimpse into how the resistance we are witnessing translates to results at the ballot box. Both New Jersey and Virginia have off-year gubernatorial elections in 2017. Virginia can be a bellwether for greater sentiment across the country. The year after President Obama’s historic election when Democrats swept into power across all chambers of government, Virginians elected Republican Bob McDonnell to be governor by a 17-point margin.24 Hillary Clinton won the state 49.8 percent to Trump’s 44.4 percent, showing there is a strong Democratic base. However, the state retains deep ties to fossil fuels, with coal mines making up close to 2 percent of U.S. production, its ports shipping over one-third of all U.S. coal exports, and some oil and gas production in its southwestern counties.25 Hillary Clinton also won New Jersey but by a greater margin, 55 percent to 41 percent. New Jersey’s economy is not strongly tied to fossil fuels, but it has suffered the slowest economic growth in the nation for the past few years.26 Although the races for these governors’ mansions are still taking shape, they will likely become referenda on what is happening in Washington, D.C., and in some measure, the anti-environmental policies being pursued by the Trump administration. The results of these races could be a preview for the congressional midterms in 2018 and send a powerful signal to climate deniers, at all levels of government, that they will be held accountable for their out-of-the-mainstream views. What’s on the line One cannot overstate the stakes in **this fight to defend climate policies and to continue progress at the** **city, state, and international level.** President Trump’s own **Secretary of Defense James Mattis has acknowledged climate change as a “threat multiplier**,” and has called on the military to “unleash us from the tether of fuel,” according to past reports.27 **Other national intelligence experts are also concerned that conflict regions around the world increasingly share similar problems because of political, economic, and social instability exacerbated by climate change**.28 **The most recent and high-profile example of climate’s destabilizing force on the world is the Syrian refugee crisis.** **The historic drought** affecting Syria between 2006 and 2009 **left entire regions without food and water**, making worse the perilous circumstances there and **contributing to violen**ce that forced people from their homes.29 Here at home, the Office of Management and Budget, or **OMB**, released a report last November that **identified climate change as a serious fiscal risk to the federal government**. **The report calculated that sea-level rise and extreme weather will drive up annual federal disaster recovery costs in coastal areas by** $19 billion by 2050 and by **$50 billion** by 2075.30 The truth is that President Trump has taken climate change into account for his own properties. Trump’s Ireland golf resort filed a permit application to build a sea wall, citing “global warming and its effects.”31 In Palm Beach, where Trump’s home Mar-a-Lago sits on the water’s edge, elected officials expect that sea levels in the region may increase by seven inches by 2030 and two feet by 2060.32 Conclusion Though President Trump can choose to ignore climate change and line the pockets of oil, gas, and coal executives, most Americans know that, as a nation, we do not have the luxury of arguing the politics or putting our heads in the sand. It is therefore on all of us—local leaders, state leaders, campus leaders, and citizens—to find optimism in the reality that we can find paths to progress, even as we fight, every day, to stop the Trump administration from selling out our planet and our future.

### 1AR – State Courts

#### Perm do the CP –

#### Courts can’t set a definition of reporter like the plan – they can’t isolate student reporting nor adopt such an expansion definition – that means either A) the CP doesn’t solve the aff or B) it’s unconstitutional under the first amendment and equal protection, so it fails.

Stone 5

Geoffrey R., Harry Kalven, Jr. Distinguished Service Professor of Law at the University of Chicago, Why We Need a Federal Reporter's Privilege, 34 HOFSTRA L. REV. 39, 42 (2005)

The reason for this doctrine is not that such laws cannot dampen First Amendment freedoms, but that the implementation of a constitutional analysis that allowed every law to be challenged whenever it allegedly impinged even indirectly on someone’s freedom of expression would be a judicial nightmare. Does an individual have a First Amendment right not to pay taxes, because taxes reduce the amount of money she has available to support political causes? Does an individual have a First Amendment right to violate a law against public urination, because he wants to urinate on a public building to express his hostility to government policy? Does a reporter have a First Amendment right to violate laws against burglary or wiretapping, because burglary and wiretapping will enable him to get an important story? To avoid such intractable and ad hoc line-drawing, the Court simply presumes that laws of general application are constitutional, even as applied to speakers and journalists, except in extraordinary circumstances.34 Predictably, the Court invoked this principle in Branzburg: “[T]he First Amendment does not invalidate every incidental burdening of the press that may result from the enforcement of civil or criminal statutes of general applicability.”35 This is a sound basis for the Court to be wary of constitutionalizing a strong journalist-source privilege, but it has no weight in the legislative context. Courts necessarily proceed on the basis of precedent, and they are quite sensitive to the dangers of “slippery slopes.” Legislation, however, properly considers problems “one step at a time” and legislators need not reconcile each law with every other law in order to meet their responsibilities. For the Court to recognize a journalist-source privilege but not, for example, a privilege of journalists to commit burglary or wiretapping, would pose a serious challenge to the judicial process. But for Congress to address the privilege issue without fretting over journalistic burglary or wiretapping is simply not a problem. This is a fundamental difference between the judicial and legislative processes.

#### legislatures key.

Rood and Grossman 91 - Leslye DeRoos Rood; Ann K. Grossman, The Case for a Federal Journalist's Testimonial Shield Statute, 18 Hastings Const. L.Q. 779, HeinOnline (1991) WJ

It is important that the legislature and not the judiciary establish this privilege. The Reporter's Testimonial Privilege is essentially a substantive law; the creation of testimonial privilege entails the weighing of competing policy interests, which is a legislative and not a judicial function.15 The Supremacy Clause and the constitutional scheme as a whole recognize that the legislature is more competent to balance such policy interests. In addition to the myriad of personal benefits that emanate from a free press, three other goals are served by a congressionally enacted reporter's privilege: (1) the continued independence of the judici- ary from the influences of the political fray; 6 (2) the maintenance of the system of checks and balances and the separation of powers;1 7 and (3) the efficiency of government that would be promoted by the uniform- ity and clarity of the statute. The privilege we propose protects the es- sential right of freedom of speech, provides plaintiffs, defendants, and sources alike with greater predictability of the law, and reflects the principle of separation of powers.

### 1AR – Scotus

#### SCOTUS can’t set a definition of reporter like the plan – they can’t isolate student reporters nor adopt such an expansion definition – that means either A) the CP doesn’t solve the aff or B) it’s unconstitutional under the first amendment and equal protection, so it fails.

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#### Perm do both—double solvency—combination of legislative reform and constitutional remedies decreases the probability of circumvention.

#### legislatures key.

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#### It either shields the link

Whittington 5 Keith E., Cromwell Professor of Politics – Princeton University, ““Interpose Your Friendly Hand”: Political Supports for the Exercise of Judicial Review by the United States Supreme Court”, American Political Science Review, 99(4), November, p. 585, 591-592

There are some issues that politicians cannot easily handle. For individual legislators, their constituents may be sharply divided on a given issue or overwhelmingly hostile to a policy that the legislator would nonetheless like to see adopted. Party leaders, including presidents and legislative leaders, must similarly sometimes manage deeply divided or cross-pressured coalitions. When faced with such issues, elected officials may actively seek to turn over controversial political questions to the courts so as to circumvent a paralyzed legislature and avoid the political fallout that would come with taking direct action themselves. As Mark Graber (1993) has detailed in cases such as slavery and abortion, elected officials may prefer judicial resolution of disruptive political issues to direct legislative action, especially when the courts are believed to be sympathetic to the politician’s own substantive preferences but even when the attitude of the courts is uncertain or unfavorable (see also, Lovell 2003). Even when politicians do not invite judicial intervention, strategically minded courts will take into account not only the policy preferences of well-positioned policymakers but also the willingness of those potential policymakers to act if doing so means that they must assume responsibility for policy outcomes. For cross-pressured politicians and coalition leaders, shifting blame for controversial decisions to the Court and obscuring their own relationship to those decisions may preserve electoral support and coalition unity without threatening active judicial review (Arnold 1990; Fiorina 1986; Weaver 1986). The conditions for the exercise of judicial review may be relatively favorable when judicial invalidations of legislative policy can be managed to the electoral benefit of most legislators. In the cases considered previously, fractious coalitions produced legislation that presidents and party leaders deplored but were unwilling to block. Divisions within the governing coalition can also prevent legislative action that political leaders want taken, as illustrated in the following case.

#### Or links to the net benefit

Brandon Carter 17, 5-1-2017, "Trump on Gorsuch: 'Every 5-4 decision is because of me'," TheHill, http://thehill.com/homenews/administration/331346-trump-on-gorsuch-every-5-4-decision-is-because-of-me

President Trump says he has personally swung the Supreme Court with his appointment of Justice Neil Gorsuch. “Every 5-4 decision is because of me,” Trump told the Washington Examiner in an interview published Monday, adding that “could go on for 40 years” since Gorsuch “is a young man.” At age 49, Gorsuch is now the youngest justice on the high court. Trump’s successful nomination and confirmation of Gorsuch is seen as the biggest success of his first 100 days in office, fulfilling a campaign promise to voters to fill the seat of former Justice Antonin Scalia. Trump made the appointment of a new conservative justice one of the main promises of his campaign. A new ad released Monday touted Trump’s placement of Gorsuch on the bench with a narrator saying, "A respected Supreme Court justice:

### 1AR – Con Am

#### Amendments are irrelevant and not enforced

Strauss 1 – Professor of Law @ U Chicago

(David, Harry N. Wyatt Professor of Law at University of Chicago, Harvard Law Review, “THE IRRELEVANCE OF CONSTITUTIONAL AMENDMENTS”, 114 Harv. L. Rev. 1457, Lexis)

[\*1466] There are also more concrete implications that follow from the relative insignificance of the formal amendment process. It is sometimes said that the Constitution should be interpreted "as a whole." The amendments and the original provisions should, according to this view, all be read together, roughly as if the document were all written at one time by one author. n20 For example, many of the amendments concern the franchise and elections; few of the post-Bill of Rights amendments establish new substantive rights. Therefore (the argument runs), constitutional law should be concerned primarily with maintaining a well-functioning representative government rather than with establishing substantive rights. n21 Others have invoked the Nineteenth Amendment, which guarantees women's suffrage, as a reason for interpreting the Fourteenth Amendment to forbid gender discrimination across the board (an interpretation of the Fourteenth Amendment that appears inconsistent with the original understanding of that provision). n22 Still others have suggested that the Sixteenth, Seventeenth, and Nineteenth Amendments (authorizing an income tax, providing for the direct election [\*1467] of Senators, and enfranchising women, respectively) implicitly authorized the federal welfare and regulatory state. n23¶ These arguments presuppose that amending the Constitution - and, by implication, failing to amend the Constitution - is a significant event. If this supposition is true, a formal, textual amendment might legitimately be read back into other provisions of the Constitution to produce a result that would not be warranted without the formal amendment. n24 But if the amendments carry no special significance - if they are not the principal means (or even an important means) by which the People change our constitutional order - then these interpretive approaches lose their foundation. It may be correct to interpret the Fourteenth Amendment to forbid gender discrimination, and the movement toward greater equality for women, including women's suffrage, may be a legitimate reason to interpret the Fourteenth Amendment this way. But the fact that women's suffrage was formally recognized by the Nineteenth Amendment - instead of coming about through, for example, state legislation or judicial interpretation - should not carry great weight.¶ One final implication is the most practical of all. If amendments are in fact a sidelight, then it will usually be a mistake for people concerned about an issue to try to address it by amending the Constitution. Their resources are generally better spent on legislation, litigation, or private-sector activities. It is true that the effort to obtain a constitutional amendment may serve very effectively as a rallying point for political activity. A constitutional amendment may be an especially powerful symbol, and it may be worthwhile for a group to seek an amendment for just that reason. But in this respect constitutional amendments are comparable to congressional resolutions, presidential proclamations, or declarations of national holidays. If they bring about change, they do so because of their symbolic value, not because of their operative legal effect.

#### The courts view the amendment as overstepping legal boundaries and will backlash absent fiat

Sullivan 99 - Professor of Law and Former Dean at Stanford Law School

(Kathleen, The Century Foundation Report, “Great and Extraordinary Occasions: Developing Guidelines for Constitutional Change”, http://www.constitutionproject.org/pdf/great\_and\_extraordinary\_occasions.pdf)

A third danger lurking in constitutional amendments is that of mutiny against the authority of the Supreme Court. We have lasted two centuries with only twenty-seven amendments because the Supreme Court has been given enough interpretive latitude to adapt the basic charter to changing times. Our high court enjoys a respect and legitimacy uncommon elsewhere in the world. That legitimacy is salutary, for it enables the Court to settle or at least defuse society’s most ideologically charged disputes.¶ Contemporary constitutional revisionists, however, suggest that if you dislike a Supreme Court decision, mobilize to overturn it. If the Court holds that free speech rights protect flag burners, just write a flag-burning exception into the First Amendment. If the Court limits student prayer in public schools, rewrite the establishment clause to replace neutrality toward religion with equal rights for religious access instead. Such amendment proposals no doubt reflect the revisionists’ frustration that court packing turns out to be harder than it seems— Presidents Reagan and Bush, as it turned out, appointed more moderate than conservative justices. But undermining the authority of the institution itself is an unwise response to such disappointments.

#### No judicial follow on

Dixon 11, Prof at U Chicago Law School, Rosalind Dixon, Constitutional Amendment Rules: A Comparative Perspective, May

2011, <http://www.law.uchicago.edu/files/file/347-rd-comparative.pdf>

Actual constitutional amendments of this kind have also been extremely common in juris- dictions such as Australia, Canada and even the US. In Australia, in more than one hundred years there have been only eight successful referenda under s. 128 of the Commonwealth Constitution and every one of these has approved changes to basic rules of constitutional procedure or structure of this kind.3 In South Africa, there have been 16 constitutional amend- ments passed since 1996 and each one has again been directed to clarifying, or altering, the operation of constitutional rules as opposed to standards.4 In the US, it has also been the case as John Ferejohn and Larry Sager (2003: 1960) note that with the important exception of the Reconstruction Amendments, the post-Bill-of-Rights amendments have ‘almost exclusively been preoccupied ‘with mechanical, textually-explicit revisions governing the election of the President, Vice-President, and members of the Senate, presidential terms and success, and the selection of presidential electors by residents of the District of Columbia – all matters …that have been largely outside the [broadly accepted] interpretive discretion of the judiciary’.5

#### If there is follow on it’s courts blocking the counter plan

Dixon 11, Prof at U Chicago Law School, Rosalind Dixon, Constitutional Amendment Rules: A Comparative Perspective, May

2011, <http://www.law.uchicago.edu/files/file/347-rd-comparative.pdf>

In other constitutional contexts, however, constitutional drafters and even judges have been willing to go even further in seeking to counter the danger of amendment to certain aspects of a constitution by imposing absolute limits on the ability of legislative majorities to change the constitution via a process of amendment. Given the constraints on the amendment of state constitutions imposed by the US Constitution, this is implicitly the model adopted in many states in the US that otherwise provide for flexible processes of constitutional amendment (see e.g. Romer v Evans, 517 US 620 (1996); Ginsburg and Posner 2010; compare also Choudhry and Hume in this volume and Simeon 2009: 15). This is also the model adopted under the US Constitution in respect of the representation of the states in the Senate (Art. II s. 3 cl. 1), which some scholars have relied on to develop a more extensive theory of implied limits on the power of amendment under Article V of the US Constitution (see e.g. Murphy 1995). Precedent for such an approach, however, is also found in a broader comparative context in numer- ous foreign constitutions, including, most notably, the German Basic Law of 1949, which adopts a relatively permissive voting rule for most amendments, but also makes ‘imper- missible’ amendments to key constitutional provisions, such as those provisions governing the division of Germany into Länder, and protecting the participation of the Länder in the legislative process, and all of the basic rights ‘principles’ laid down in Articles 1–20 of the Basic Law (see Art 79(3)) (for discussion in the Eastern European context, see e.g. Holmes and Sunstein 2001)

## \*\*1AR – Competition\*\*

### 1AR – Intrinsicness Perms Good

### 1AR – Textual – TL

### 1AR – Functional – TL

### 1AR – Must Be Functional and Textual – PT

## \*\*1AR – Word PICs\*\*

### 1AR - Word Pics Illegitimate – Cards

### 1AR – Discourse Focus Bad – Theory

### 1AR – Discourse Focus Bad – Policy Good

### 1AR – Discourse Focus Bad – Irrelevant

### 1AR – Vote Aff – Card

## \*\*1AR – Consult\*\*

### 1AR - Consult CPs Bad – Theory

### 1AR – Consult – Textuality Perm

### 1AR – Consult – Perm do the CP

## \*\*1AR – Delay CP\*\*

### 1AR – Delay – Theory

### 1AR – Delay - Shell

### 1AR – Delay – Perm

# DA Frontlines

### 1AR – Thumpers

#### Shield laws exist now at the states --- proves they can autonomously regulate it and that it’s their authority currently.

Handman 14 Laura R. Handman, Partner at Davis Wright Tremaine LLP, “PROTECTION OF CONFIDENTIAL SOURCES: A MORAL, LEGAL, AND CIVIC DUTY.” 19 Notre Dame J.L. Ethics & Pub. Pol'y 573. 2014. RP

Forty-nine states plus the District of Columbia offer some form of protection to journalists who refuse to disclose confidential sources.63 These protections are in the form of either court decisions or statutes, commonly known as "shield laws," which recognize the reporter's privilege.64 Foreign jurisdictions have also recognized that protecting confidential sources is vital to maintaining a free press.65 Further, since 1972, in the wake of Branzburg, the Justice Department has had a policy guideline applicable to federal prosecutors respecting a reporter's privilege. 66 The current guideline admonishes: Because freedom of the press can be no broader than the freedom of reporters to investigate and report the news, the prosecutorial power of the government should not be used in such a way that it impairs a reporter's responsibility to cover as broadly as possible controversial public issues. This policy statement is thus intended to provide protection for the news media from forms of compulsory process, whether civil or criminal, which might impair the news gathering function. 67

#### More ev --- it’s already at the state level --- the plan strengthens protections

Jones 13 RonNell Andersen Jones, Associate Professor of Law, J. Reuben Clark Law School, Brigham Young University. “RETHINKING REPORTER'S PRIVILEGE.” Michigan Law Review, Volume 111. 2013. RP

In response to these tensions, proposals developed for a so-called "reporter's privilege" 6-a legal construct that, when successfully invoked, would make the news reporter an exception to "the longstanding principle that 'the public ... has a right to every man's evidence."' 7 Now embodied in state law by statute, constitutional provision, court decision, or court rule in nearly all fifty states,8 the privilege permits a reporter, under defined circumstances, to refuse to respond to a subpoena that seeks information the reporter received confidentially in the newsgathering process, and to avoid facing the contempt citation that might otherwise result from such a refusal.9 These laws, arising as they did from the heightened awareness of the admirable role of the investigative press, are largely tailored to serving that role. They presume that reporters need this unique treatment in order to fulfill their "public-serving function of producing important news stories."'0 Thus, although both the reporter and the confidential source are essential to the widespread distribution of that publicly useful information, the doctrinal focus has almost exclusively been on the reporter.

### AT – Due Process

#### Nonuq—Trump crushed rule of law

Litman 6/18 [(Leah Litman is an assistant professor of law at the University of California, Irvine.) "How Trump Corrupts the Rule of Law" NYTimes, 6-18-2018, https://www.nytimes.com/2018/06/18/opinion/trump-zero-tolerance-border.html] whs-ee

On June 4, the White House announced that President Trump’s planned congratulatory appearance with the Super Bowl champion Philadelphia Eagles was canceled because, it stated, “They disagree with their president because he insists that they proudly stand for the national anthem.” Reporters quickly noted that no Eagle players knelt during the anthem last season. Characteristically refusing to admit error, Trump instead issued a new justification, referencing a policy he had bullied the NFL into adopting for next season, under which anthem protests can take place only in the locker room, out of sight of cameras.

“Unfortunately, only a small number of players decided to come, and we canceled the event,” he tweeted. “Staying in the Locker Room for the playing of our National Anthem is as disrespectful to our country as kneeling.” Obviously, no Eagles had yet stayed in the locker room during the anthem, since they would not be forced to make the choice to do so until the fall. His chain of cause and effect made no chronological sense at all. But in Trump’s twisted psyche, the connection made all the sense in the world. Skipping an appearance with Trump was the same thing as skipping the national anthem. Trump is the flag.

In lieu of the traditional appearance, Trump promised football fans a celebration of America. It was a sad little display of ersatz patriotism. Before an audience of Republican staffers hastily summoned to fill out the crowd, and against a backdrop of a military band and a large flag, the president sang “God Bless America,” or at least the lines he could remember. Patriotism requires subordinating yourself to something larger, and Trump cannot subordinate himself to anything. His idea of patriotism is a kind of trolling — which, to be fair, is also his idea of nearly everything.

The performance of authoritarian theater capped several head-spinning days in which Trump laid bare with unusual clarity his determination to put the state at his personal command. In recent weeks, he has fixated on his power to pardon any federal crime. The presidential pardon is a constitutional anomaly of previously minor significance. In the English legal tradition before the framing of the Constitution, kings issued pardons, a necessary safety valve in a legal system with rigid rules and a heavy use of Capital Punishment. It took Trump to fully exploit its potential for abuse as an enabler of wanton criminality.

Trump visibly relishes the ability to use the pardon to reward his allies, whether they be criminals themselves (the brutal lawbreaking sheriff Joe Arpaio, Bush-era perjurer Scooter Libby, or right-wing conspiracy theorist and campaign-finance scofflaw Dinesh D’Souza) or advocates of a potentially deserving subject (Kim Kardashian, whose husband, Kanye West, has emerged as Trump’s most prominent African-American spokesman, persuaded Trump to release 63-year-old nonviolent drug offender Alice Johnson from her mandatory-minimum sentence). It might seem odd that Trump would pardon a drug offender, albeit one who has already served a disproportionately lengthy sentence, given his general support for rigid sentencing for drug offenders (including the death penalty for dealers). But the inconsistency between Trump’s pardons and his overall support for brutal law enforcement is not beside the point. It is the point. Trump is sending the message that the law is whatever he says it is.

His friends and potential co-defendants have received the message clearly. The pardoning “has to be a signal to Mike Flynn and Paul Manafort and even Robert S. Mueller III: Indict people for crimes that don’t pertain to Russian collusion and this is what could happen,” Roger Stone told the Washington Post. “The special counsel has awesome powers, as you know, but the president has even more awesome powers.” On The Alex Jones Show, Stone even promised, “I will never roll on Donald Trump,” offering up the quo for the presidential quid.

At the same time, any pretense of Trump’s respecting the independence of the Justice Department has disintegrated. Attorney General Jeff Sessions clearly had no choice but to recuse himself from the Russia investigation, given that he played a role in the campaign that is under investigation and misled Congress about his own contacts with Russia. And yet, as obvious as the decision to recuse was to anybody familiar with either DOJ policy in particular or government ethics in general, its logic was entirely lost on Sessions’s boss. Trump attempting to absorb ethics-based reasoning must be like a child in a Peanuts movie listening to an adult, with the words all sounding like indecipherable trombone notes.

Trump, reported Axios recently, never stopped berating Sessions for his recusal or gave up his attempts to persuade the attorney general to un-recuse himself (which would be an even more extraordinary move). Trump has tried to sell Sessions on the prospect of becoming a “hero” to their base by quashing the Russia probe and opening new investigations of Trump’s political enemies. “Much of [Trump’s] desire for investigating [Hillary] Clinton and Barack Obama comes from a desire for retribution,” people who have discussed it with him told Axios.

The allegation that the president had pressured his attorney general to violate ethics both by reversing his recusal and by halting an investigation into presidential misconduct is a Watergate-level offense. Yet Trump has so numbed the faculties of his critics that the report barely registered. Astonishingly, Trump himself confirmed the report. “The Russian Witch Hunt Hoax continues, all because Jeff Sessions didn’t tell me he was going to recuse himself,” Trump tweeted. “I would have quickly picked someone else. So much time and money wasted, so many lives ruined … and Sessions knew better than most that there was No Collusion!” Trump and his lawyers have asserted that he is immune from indictment — even, Rudy Giuliani insisted, if he were to shoot James Comey — and could, in any case, pardon himself for any crime. Their lack of interest in disguising these claims to complete presidential immunity from the law is a chilling indicator of where the crisis is headed.

Trump’s outbursts have been mostly discounted as the ravings of a crank, to be taken only somewhat seriously and not at all literally. And yet his lawyers turned the demands Trump has been making in public and private into a full-on doctrine in the form of memos submitted to Mueller over the past 12 months. They officially endorsed the president’s belief that federal law enforcement must operate purely at his whim. “The President not only has unfettered statutory and Constitutional authority to terminate the FBI Director,” they wrote. “He also has Constitutional authority to direct the Justice Department to open or close an investigation, and, of course, the power to pardon any person before, during, or after an investigation and/or conviction.”

#### No extinction from disease

Farquhar 17

Sebastian Farquhar is the director of the Global Priorities Project, Masters degree in Physics and Philosophy from the University of Oxford, Project Manager at FHI, John Halstead, DPhil in political Philosophy from St Anne’s College, Oxford, Global Priorities Project, 2017, “Existential Risk Diplomacy and Governance”, https://www.fhi.ox.ac.uk/wp-content/uploads/Existential-Risks-2017-01-23.pdf

For most of human history, natural pandemics have posed the greatest risk of mass global fatalities.37 However, there are some reasons to believe that natural pandemics are very unlikely to cause human extinction. Analysis of the International Union for Conservation of Nature (IUCN) red list database has shown that of the 833 recorded plant and animal species extinctions known to have occurred since 1500, less than 4% (31 species) were ascribed to infectious disease.38 None of the mammals and amphibians on this list were globally dispersed, and other factors aside from infectious disease also contributed to their extinction. It therefore seems that our own species, which is very numerous, globally dispersed, and capable of a rational response to problems, is very unlikely to be killed off by a natural pandemic.

One underlying explanation for this is that highly lethal pathogens can kill their hosts before they have a chance to spread, so there is a selective pressure for pathogens not to be highly lethal. Therefore, pathogens are likely to co-evolve with their hosts rather than kill all possible hosts.39

### AT – Terror

#### No link – students don’t get terror info – those are major reporting organizations and gov officials - students get subpoenaed for crime, police recording, protests, etc.

### AT– Base

#### No link – aff uses 50 states, not associated with Trump.

#### No impact – lashouts and distractions have been Syria strikes, Twitter, and other small moves.

### AT–Fake News

1] Terminally nonuq—

A] Newspapers like the Enquirer and infowars already cite anonymous or confidential sources and put out tons of fake news like “Hillary is a reptile”

B] Fake news extremely prevalent now—Facebook has been unable to contain groups that say stuff like “vaccines cause autism” and QAnon

2] Tons of alt causes to fake news:

a] People like Alex Jones say they are “performers” in court which is how they win defamation suits

b] the era of Trump means blatantly untrue stories from InfoWars are endorsed by the president and his staff which gives fake news legitimacy.

3] No link—alt causes prove there’s no correlation between anonymous sources and fake news or else Trump wouldn’t have won.

### AT– Politics - Generic

### AT: Midterms

#### This DA is horrible – it says that any bipartisan victory triggers the link which means ANYTHING triggers the link and there’s lots of thumpers

### AT: Impeachment (!T)

### AT: Reverse Federalism

#### No link – source reporting and education’s always a state’s issue – the federal government punted on it in Branzburg and there’s patchwork since states have been given the right to control. That also means the squo links to the DA because state have shield laws right now, so the squo should have already triggered the DA.

#### spills into environmental policy

Kazman et al ’16 (Sam; Ilya Shapiro; Joshua Thompson; November 2016; the Competitive Enterprise Institute's general counsel; senior fellow in constitutional studies at the Cato Institute, editor-in-chief of the Cato Supreme Court Review, former special assistant/adviser to the Multi-National Force in Iraq on rule-of-law; senior attorney at the Pacific Legal Foundation; “Amicus Brief of Pacific Legal Foundation, Competitive Enterprise Institute and Cato Institute in Support of Petitioners”; *Christie v. National Collegiate Athletic Association*; No. 16-476)

3. The Third Circuit’s Decision Would Carve a Loophole into the Anti-Commandeering Doctrine The Third Circuit’s narrow interpretation of the anti-commandeering doctrine could impact far more than sports gambling. It creates a significant loophole in the doctrine that would allow the federal government to overextend its constitutional authority. This could fundamentally alter the relationship between the federal government and the states. For instance, the federal government could compel states to continue implementing education policies well after they have proven unpopular. Previously, the need to convince states to cooperate has given them significant leverage to influence federal policy. See Young, supra at 1074-75 (explaining that state resistence to federal education policy forced a federal agency to change its requirements). If, once adopted, the federal government could compel states to continue to implement particular policies, the political consequences could be far reaching. The federal government could dictate curricula or testing requirements in those states that previously embraced the federal policy. But see Milliken v. Bradley, 418 U.S. 717, 741-42 (1974) (recognizing education as an area of traditional state and local control). It could also require states to continue enforcing their current bathroom policies, whatever those may be. Cf. G.G. ex rel. Grimm v. Gloucester Cnty. Sch. Bd., 822 F.3d 709 (4th Cir. 2016), cert. granted, No. 16-273 (Oct. 28, 2016). Limiting the anti-commandeering doctrine could also have severe repercussions in environmental policy. Federal-state cooperation on environmental regulation is particularly useful because states have greater local knowledge and more available enforcement officers. See Richard B. Stewart, Pyramids of Sacrifice? Problems of Federalism in Mandating State Implementation of National Environmental Policy, 86 Yale L.J. 1196, 1243-50 (1977). But if the federal government could indefinitely impose its will on states after they initially agree, that would threaten these cooperative federalism arrangements, with far reaching affects. Cf. Robert V. Percival, Environmental Federalism: Historical Roots and Contemporary Models, 54 Md. L. Rev. 1141, 1174 (1995). The decision below invites these problems. For instance, if the federal government used its spending power to entice a state to adopt federal policy as its own, it could then forbid the state from ever changing its policy. When the state cried foul, the federal government could respond that, despite all appearances, the state isn’t being commandeered because it was not compelled to adopt the policy originally. See N.C.A.A., 832 F.3d at 401-02. Obviously, a state would be extremely wary to cooperate in implementing federal environmental policy if it knows that, once it does, it may be permanently giving up its sovereignty. Cf. Stewart, supra at 1243-50. That would make cooperative federalism arrangements far more treacherous, not only undermining federalism but also the policy goals that these arrangements advance. Perhaps the most politically salient issue which this narrow reading of the anti-commandeering doctrine could affect is marijuana legalization. Numerous states have experimented with decriminalizing marijuana, despite the federal prohibition against possession and distribution.3 Erwin Chemerinksy, et al., Cooperative Federalism and Marijuana Regulation, 62 UCLA L. Rev. 74, 81-89 (2015). This state experimentation is only possible because “the federal government cannot require states to enact or maintain on the books any laws prohibiting marijuana.” Id. at 102-03 (emphasis added); see Austin Raynor, The New State Sovereignty Movement, 90 Ind. L.J. 613, 626 (2015); Sam Kamin, Cooperative Federalism and State Marijuana Regulation, 85 U. Colo. L. Rev. 1105, 1107 (2014). But under the Third Circuit’s rationale, the federal government is free to stop this process in its tracks, by forbidding states from any further liberalization. Jacob Sullum, Victories for Eight of Nine Marijuana Initiatives Hasten the Collapse of Prohibition, Reason.com (Nov. 9, 2016)4 (eight additional states liberalized their marijuana laws in the most recent elections).

#### Necessary and sufficient to solve warming---Extinction

--state action necessary and sufficient, preventing Trump crackdown is key, warming is existential

Podesta 17

John Podesta is the Founder and a Board Member of the Center for American Progress and most recently was the chairman of the 2016 Hillary Clinton presidential campaign. He previously served as chief of staff to President Bill Clinton and counselor to President Barack Obama. He is also a visiting professor of law at the Georgetown University Law Center, Battling Climate Change in the Time of Trump, March 21, 2017, https://www.americanprogress.org/issues/green/reports/2017/03/21/428812/battling-climate-change-time-trump/

There is no way to sugarcoat the outcome of the 2016 election for anyone who cares about the health of our planet. President Donald **Trump has made clear that he intends to pursue a special interest-driven agenda that would make climate change worse**. Since the start of his administration, **he has taken steps to increase America’s dependence on oil**, including foreign oil; **eliminate limits on carbon pollution; and weaken vehicle efficiency standards** at the expense of American families. **His budget decimates scientific research and he selected an administrator for the** Environmental Protection Agency, or **EPA, who denies that carbon pollution is a main cause of climate change. The Trump administration’s anti-environmental agenda is, without question, a grave danger to the health of our children and grandchildren—and the health of our planet**. **But this threat alone is no reason to give up hope** that we can still avert the most severe impacts of climate change. The energy and effectiveness of citizen activism suggests that **the most damaging policies of the Trump administration can be stopped**. And, as importantly, a review of the votes cast in the November election **and the steps being** taken by state and local leaders indicate **an alternate path for climate action in the next four years.** The economy is voting for climate action Winning the popular vote by more than 3 million ballots was not enough for Democrats to win the White House, but those votes nonetheless represent the voices of a majority of Americans. Public opinion research now consistently finds that most Americans believe climate change is a major problem and support steps to cut carbon pollution.1 What’s more, a recent Brookings Institution analysis found that the counties that Hillary Clinton won account for 64 percent of the United States’ economic output.2 **For those of us counting greenhouse gas emissions**, **the fact that nearly two-thirds of the U.S. economy voted for progressive leadership in November is more than significant**. Governors of states that voted for Clinton, for example, **are already stepping up to the challenge of battling climate change.** In January of this year, Gov. Andrew Cuomo (D) of New York called on the states that make up **the** Regional Greenhouse Gas Initiative, or **RGGI**, to **lower their collective carbon** pollution reduction **target an additional 30 percent** **below 2020 levels** by 2030. **In California, Gov. Jerry Brown (D) has established the state as a global leader on climate action, adopting a cap and trade program, taking big steps to build a clean energy economy, and setting the aggressive reduction goal of 40 percent** below 1990 levels by 2030.3 **Gov. Brown** also **recently** denounced the Trump administration’s attacks on climate science and research and **staked out California’s leading role going forward** in that aspect of progress.4 **Even in states that President Trump won, elected officials are continuing to move aggressively to deliver climate change policies**. Since the election, 71 mayors from across the country penned an open letter to President Trump, stating that they will continue to take “bold” climate action. Of that collection of mayors, 29 of them come from states that voted for President Trump.5 Atlanta Mayor Kasim Reed (D), for example, called on fellow U.S. mayors to stand together to deliver on global climate goals and reaffirm commitments to local action.6 In addition to taking on a leadership role in the global coalition of more than 7,100 cities committed to the fight against climate change, Mayor Reed is working at the local level in Atlanta, including by launching the city’s first solar initiative to reduce municipal energy consumption by up to 40 percent.7 Rampage against environmental laws **Make no mistake**, though, **the** **Trump administration** presents an existential threat to the entire planet. Leadership on the state and local level may be able to bridge the gap at the federal level, but only **for a period of time**. The administration appears to be on a rampage against environmental laws that protect clean air, water, and our way of life. Since taking office, President **Trump has signed more than seven executive orders, presidential memorandums, and bills that roll back environmental protections and prioritize giveaways to the fossil fuel industry**. **That number is expected to jump even higher in the coming days with an anticipated executive action aimed at undoing the Clean Power Plan, lifting a coal moratorium on public lands, throwing out consideration of climate change in federal decision-making, and making it easier to release the potent global warming pollutant, methane**. The list of polluting actions, however, also includes eliminating a prohibition on bribery by oil companies, cutting limits on dumping of toxic mine waste in streams, and trying to make the United States more dependent on Canadian tar sands. To say that the Trump administration is beholden to the corporate interests that benefit from eliminating environmental protections understates reality. This team stepped out of the boardroom into Washington, D.C. Recently, the White House released a statement8 that promoted Exxon and had significant portions that were identical to the statement Exxon itself released.9 Administrator Scott Pruitt’s own emails show a close relationship with top polluters, such as Devon Energy and Koch Industries, and illustrate deep coordination as the energy companies pushed through his office the policy outcomes they wanted.10 Pruitt brings these relationships with him to the EPA, the agency he sued 14 times as attorney general of Oklahoma. Joining him at the agency are staffers who have worked to propagate climate denial under infamous climate denier Sen. James Inhofe (R-OK) and the Koch-backed Freedom Partners.11 The irreversible global shift to clean energy Although the Trump administration’s early actions serve as handouts to the fossil fuel industries, **America’s clean energy economy is now strong enough to withstand a short-term change in policy**. President Barack **Obama’s dogged focus on emissions reductions will not be easily reversed** either. Between 2008 and 2015, the United States’ emissions dropped 9 percent even as the economy grew more than 10 percent.12 Solar, wind, geothermal, and other renewable energy industries have grown substantially in terms of generation and jobs, becoming a fundamental part of the U.S. economy overall. Between 2008 and 2015, U.S. wind generating capacity nearly tripled and solar capacity—both concentrating and photovoltaic systems—grew by 23 times.13 For individuals, the cost of residential solar photovoltaic system has fallen to approximately one-third its cost in 1998, or from $12.34 per watt to $4.05 per watt.14 Wind power recently surpassed conventional hydropower as the nation’s most significant renewable generation source.15 According to the U.S. Department of Energy’s annual energy jobs report, renewable electricity generation employs nearly 547,000 people, with the solar industry employing nearly 374,000 of that total.16 The energy efficiency economy, which includes building professionals, efficient appliance manufacturers, energy service providers, and others, has reached more than 2.2 million workers across the country.17 None of the CEO’s or leaders of these growing industries are represented in the fossil fuel-focused White House. **This shift** **toward clean energy is a global one**. **Countries around the world—including both developed and emerging economies—see that their future prosperity hinges on nonpolluting energy**. **Thanks to the** **leadership of** President **Obama, more than 130 countries have now officially joined** the **Paris** Agreement—a historic pact to reduce greenhouse gas pollution and build resilience to the destructive effects of climate change.18 **These countries are not liable to reverse course** **in the wake of the U.S. election. In fact, all countries have reaffirmed their dedication to implement the Paris Agreement and more than 30 countries have officially joined the pact after the election of President Trump**.19 It would be economic folly for the United States to turn its back on this global shift toward nonpolluting energy. Recognizing this, approximately 900 U.S. businesses and investors have now encouraged U.S. and global leaders to support the Paris Agreement and climate action.20 If the United States cedes its leadership in the global movement to curb greenhouse gas pollution, other major powers, most notably China, are primed to dominate the coming clean energy economy. In the meantime, **global leaders who are serious about stopping climate change are more likely** to visit governors’ mansions in **Sacramento, CA, or Albany, NY, than the White House**. **Elected officials there and in other states and localities understand that American leadership on clean energy means that U.S. workers will be creating**, making, **and selling technologies and products in developing and emerging markets**.21 These sub-national level elected officials can themselves become leaders and have political clout in the international movement to combat climate change. Governors, mayors, and other elected officials can pick up the climate change mantel abandoned by the Trump administration and help the United States lead by example around the world. **The challenge will be to organize** the leadership that represents those jurisdictions that voted for strong action on climate change into **a force that can counterbalance the lack of ambition from the United States at the federal level**. The growing resistance **As governors**, mayors, clean energy leaders, and citizens **continue to advance climate action domestically and internationally**, **it is equally important that**, as Americans, **we do all we can to stop the Trump administration and Republican leaders in Congress from implementing the most anti-environmental agenda in decades.** The engagement and direct action being taken by individuals in every community in every state is nothing short of inspiring. Resistance works. From the Women’s March in January to February’s Day Without Immigrants, millions of Americans—especially young Americans—are making their voices heard. Notably, a significant percentage of the Millennial generation failed to show up to vote last November, yet their understanding of the dangers of climate change presents some cause for hope: They believe that the climate is changing. An October, 2016 poll from the University of Texas at Austin found that “[m]ore than 9 out of 10 survey respondents (91 percent) under age 35 say climate change is occurring compared to 74 percent of those age 65 older.”22 The Harvard Institute of Politics released a poll in April of 2015 that had similar results, showing that, “3 in 4 millennials believe global warming is a fact.”23 If this generation now understands that their votes or their decisions not to vote have consequences and turns out in the coming years to express their determination to combat climate change, the Trump administration and its climate denying allies will soon be a brief chapter in the history books. Two upcoming governor’s races will provide a glimpse into how the resistance we are witnessing translates to results at the ballot box. Both New Jersey and Virginia have off-year gubernatorial elections in 2017. Virginia can be a bellwether for greater sentiment across the country. The year after President Obama’s historic election when Democrats swept into power across all chambers of government, Virginians elected Republican Bob McDonnell to be governor by a 17-point margin.24 Hillary Clinton won the state 49.8 percent to Trump’s 44.4 percent, showing there is a strong Democratic base. However, the state retains deep ties to fossil fuels, with coal mines making up close to 2 percent of U.S. production, its ports shipping over one-third of all U.S. coal exports, and some oil and gas production in its southwestern counties.25 Hillary Clinton also won New Jersey but by a greater margin, 55 percent to 41 percent. New Jersey’s economy is not strongly tied to fossil fuels, but it has suffered the slowest economic growth in the nation for the past few years.26 Although the races for these governors’ mansions are still taking shape, they will likely become referenda on what is happening in Washington, D.C., and in some measure, the anti-environmental policies being pursued by the Trump administration. The results of these races could be a preview for the congressional midterms in 2018 and send a powerful signal to climate deniers, at all levels of government, that they will be held accountable for their out-of-the-mainstream views. What’s on the line One cannot overstate the stakes in **this fight to defend climate policies and to continue progress at the** **city, state, and international level.** President Trump’s own **Secretary of Defense James Mattis has acknowledged climate change as a “threat multiplier**,” and has called on the military to “unleash us from the tether of fuel,” according to past reports.27 **Other national intelligence experts are also concerned that conflict regions around the world increasingly share similar problems because of political, economic, and social instability exacerbated by climate change**.28 **The most recent and high-profile example of climate’s destabilizing force on the world is the Syrian refugee crisis.** **The historic drought** affecting Syria between 2006 and 2009 **left entire regions without food and water**, making worse the perilous circumstances there and **contributing to violen**ce that forced people from their homes.29 Here at home, the Office of Management and Budget, or **OMB**, released a report last November that **identified climate change as a serious fiscal risk to the federal government**. **The report calculated that sea-level rise and extreme weather will drive up annual federal disaster recovery costs in coastal areas by** $19 billion by 2050 and by **$50 billion** by 2075.30 The truth is that President Trump has taken climate change into account for his own properties. Trump’s Ireland golf resort filed a permit application to build a sea wall, citing “global warming and its effects.”31 In Palm Beach, where Trump’s home Mar-a-Lago sits on the water’s edge, elected officials expect that sea levels in the region may increase by seven inches by 2030 and two feet by 2060.32 Conclusion Though President Trump can choose to ignore climate change and line the pockets of oil, gas, and coal executives, most Americans know that, as a nation, we do not have the luxury of arguing the politics or putting our heads in the sand. It is therefore on all of us—local leaders, state leaders, campus leaders, and citizens—to find optimism in the reality that we can find paths to progress, even as we fight, every day, to stop the Trump administration from selling out our planet and our future.

# NC Frontlines

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# More evidence

### Adv

#### Student journalists are the key bulwark against corruption now but a lack of protections erodes their power.

**Peters 17** Jonathan Peters,, 1-23-2017, "Student journalists especially vulnerable to Trump’s press-as-enemy rhetoric," Columbia Journalism Review, <https://www.cjr.org/united_states_project/trump_students_press_media.php> OHS-AT

That’s a big problem because student journalists have filled in gaps created by the traditional media’s decline, playing a vital role in meeting their communities’ news needs. Just last week, Michigan high schoolers pressed Gov. Rick Snyder about his endorsement of Betsy DeVos for education secretary. And looking back, to note a few other examples, New Jersey high schoolers once revealed serious misconduct complaints against a superintendent, and national outlets at first relied on coverage by student journalists during the Mizzou protests.

At the college level, the headache here is that as student journalists are making increasingly important contributions through their reporting (in at least four states, there are more students covering state legislatures than professionals), the federal courts are curtailing their speech and press rights. And, once again, Hazelwood is the main reason. Although it involved high school student speech, recently it has been applied to college student speech as well. Four federal appeals courts, covering 16 states, have extended Hazelwood to college campuses.

Meanwhile, the Supreme Court hasn’t clarified whether it’s proper to apply Hazelwood to college journalists, and it’s unclear how Trump’s yet-to-be-named nominee, expected to be highly conservative, will affect the vote in student-speech cases generally. On the one hand, the nominee will replace Scalia, who supported school authority in such cases, and the rest of the conservative bloc is unchanged from the court’s last student-speech case, in 2007, in which the bloc voted together. On the other hand, that case involved speech at a school-supervised event that allegedly promoted the use of illegal drugs. In a case involving speech of a higher order, there’s a chance of winning over certain justices, perhaps Roberts, whose free speech record is otherwise strong, or Alito, who wrote a concurring opinion in the 2007 case stressing that it didn’t apply to broader social or political speech. The same thinking would apply to the court’s new member, who might be reachable in the right case.

At any rate, fulfilling a community’s news needs means covering a range of public issues that might upset university administrators, and Hazelwood is a complicating factor. The case says that administrators may censor articles that “associate the school with any position other than neutrality on matters of political controversy.” That’s clearly irreconcilable with much of public affairs reporting and commentary.

But the problems don’t stop with Hazelwood. There’s another reason the student press is especially vulnerable to erosions of independence: the reporter’s privilege. A recent study I conducted with my University of Kansas colleagues Genelle Belmas and Peter Bobkowski found that most states do allow journalists to shield confidential sources and unpublished information in some circumstances, but those protections usually do not apply to student journalists—either because students don’t qualify for them, or because the qualifying criteria are unclear enough that student journalists couldn’t claim protection with any confidence.

All told, we have a student press being asked to do more with less—to produce stories that inform their communities, while hamstrung by Hazelwood and lacking privilege protections—at a time when the president talks about journalists as if they’re incarnations of Kylo Ren. That’s untenable, but what can be done?

If student journalists are to continue making significant contributions, federal courts must stop curtailing their First Amendment rights, and state legislatures need to repair damage already done by the courts. They should follow the lead of states that have enacted laws, some of them long ago, to protect student journalists by granting them rights beyond those guaranteed in Hazelwood. Right now, in fact, the Student Press Law Center campaign New Voices USA is lobbying nationwide for such legislation, and four state bills have been filed just since the start of 2017. (Disclosure: I occasionally represent student journalists through the SPLC, but I’m not involved in the New Voices campaign.)

#### Patchwork state laws are insufficient – don’t stop subpoenas or jailing.

Peters et al. 17 [Jonathan Peters; Genelle Belmas; Piotr Bobkowski, A Paper Shield: Whether State Privilege Protections Apply to Student Journalists, 27 Fordham Intell. Prop. Media & Ent. L.J. 763 (2017)] WJ

Most state reporter's privileges exclude student journalists or make it difficult for such students to claim shield protections.210 Only two statutes explicitly reference students, 2 11 and many shields include non-student-friendly language, such as requiring the journalistic work to be done for "substantial financial gain," 2 12 or only covering a "professional journalist." 2 1 3 Other definitions are so ambiguous that it is difficult to say whether they would include student journalists. For example, would a student journalist be "engaged in" or "connected with" a news outlet if she wrote for a student paper? 214 Would that outlet be considered "accredited"? 2 15 And, if the newspaper published only four issues each year, would those intervals be sufficiently "regular"? 2 16 Moreover, the case law is sparse.217 Only a few jurisdictions have reported cases involving privilege claims by student journal- ists. 21 8 Beyond that, just a small minority of jurisdictions have re- ported cases addressing privilege issues at all, and those decisions generally fail to address how student journalists would fare in fu- 219 In short, privilege protections for student journalists in future cases. are, at best, uncertain in most states. The lack of protection is concerning because, as noted above, student journalists play a vital role in meeting their communities' needs for news and information.2 20 In four states, student journal- ists outnumber professional journalists who report on state legislatures.2 21 More generally, fulfilling news needs means candidly cov- ering a range of public issues that might draw government res- ponses-even subpoenas.2 2 2 At the college level alone, campus- based news organizations-and student collaborations with profes- sional outlets-are filling some of the gaps created by the decline of traditional state and local media.2 Such organizations cover the states and towns where the schools are located.2 For example, Arizona State University operates Cronkite News, where students cover public affairs in Phoenix, Arizona, Washington, D.C., and Los Angeles, California, 2 25 and Boston University runs the New England Center for Investigative Reporting, where professional journalists work with students to produce major stories.22 6 For years, too, there has been a growing consensus that journal- ism programs should transform themselves into "teaching hospit- als" for gathering, producing, and distributing news.227 For exam- ple, in a 2009 report, the Knight Commission on the Information Needs of Communities in a Democracy22 8 asserted that colleges needed to enhance their roles as "hubs of journalistic activity." 2 2 9 And, in a 2012 open letter to university presidents, leaders of the nation's largest journalism foundations stated that journalism pro- grams must "recreate themselves if they are to succeed in playing their vital roles as news creators." 2 3 0 While student journalists make significant contributions through independent reporting, they lack important legal protec- tions. Recently, one student journalist was incarcerated for months after refusing to reveal a source.2 31 The lack of protections for stu- dent journalists is plainly irreconcilable with watchdog journalism, which is essential for informed communities.232 Thus, protecting these journalists from disruptions in their classes, lives, and futures is in the best interest of both professional journalists, who will need to hire principled graduates in the future, and the public, which needs good reporters for the free exchange of information. Law- makers and judges should apply the privileges to student journalists through legislative amendments and judicial recognitions to allow student journalists, where warranted, to make promises of confi- dentiality with confidence.

#### No protection.

**LoMonte 17** “Column: Student journalists deserve more protection” By Frank D. LoMonte, special to the Times Published: September 27, 2017Updated: September 27, 2017 at 06:51 PM <https://www.tampabay.com/opinion/columns/column-student-journalists-deserve-more-protection/2338976> OHS-AT

But while students work as peers on par with salaried professionals in the newsroom, the same is not true in the courtroom. There, students occupy a decidedly second-class legal status ill-befitting their importance in fulfilling community information needs — and nowhere is worse than Florida.

In Florida, those indefatigable students whose 'round-the-clock dedication helped millions stay safe during Irma lack any meaningful legal protection if the government tries to censor their work, retaliate for unflattering news reports, or expose their anonymous sources.

Florida is in a small minority of states that excludes unpaid journalists from the benefit of the reporter's privilege, which enables journalists to avoid jail if pressed to disclose unpublished information or give up confidential sources. Florida's 1998 privilege statute protects only paid professionals, leaving students in peril if police or prosecutors demand their notes or their recorded interviews.

### Solvency

#### College newspapers solve—report on undercovered issues and small profit incentive

Brown 15 [(Rachel, freelance journalist. She has worked for the Los Angeles Times, Yahoo, and the San Francisco Chronicle.) “A New Role for Student Media: College Newspapers and the Crises in Journalism” (2015) Media and Communication Studies Honors Papers, Ursinus College, 4-26-15

To this end, college newspapers have been another suggested means of achieving the democratic ideals that the media was intended to accomplish. Similarly to non-profit organizations, the majority of college newspapers are not impacted by the same profit pressures as commercial publications. Campus newspapers often have the freedom to publish more content and fewer advertisements, allowing more room for informative copy. Further, since college newspapers are less dependent on profits, they have the freedom to produce more content that might not draw in the most readership, but is critical information to disseminate (Downie and Schudson 2009).

Some commercial newspapers, such as the The Miami Herald and the Sun Sentinel, enlisted student journalists to fill the gaps in their staffs. Newspapers have taken advantage of this mutually-beneficial situation, since student reporters are often looking for professionallypublished bylines and commercial papers are struggling to maintain the full staffs that they supported in the past. Extending from this trend, campus and commercial newspapers have coordinated their coverage to enable the two publications to share content. By maximizing the resources of each reporter, student and professional, some local papers have been able to expand the scope of their coverage without increasing their production costs (Downie and Schudson 2009). This system has allowed student journalists to gain value experience in a professional setting, while also enabling local newspapers to maintain the depth of coverage necessary to succeed financially and democratically.

Another model that has been proposed to support the struggling local news industry is a hybrid between university and local publications, maximizing both organizations’ resources to best serve their community. The Columbia Missourian is a local daily newspaper that is staffed by a team of professional editors and student reporters. Students have covered local news, while the editors ensure that the copy is up to the standards of a professional publication. This hybrid structure has also been employed at the Columbia School of Journalism in New York, where students are responsible for beat coverage for professional newspapers. The content is often shared between the campus publication and various local news outlets (“Toni Stabile Center for Investigative Journalism” 2014).

The usefulness of college newspapers filling an expanding civic role is particularly apparent as campus publications take on the in-depth, investigative reporting that local papers no longer have the resources to cover. Investigative reporting is critical to local journalism’s ability to function as democratic forums; these publications must question the information they gather in order to uncover stories that the public would not otherwise be aware of (Street et al. 2014). This is another situation where student journalists, who are often more able are to expend the time and effort necessary to write a successful investigative article. This structure is exemplified at the Wisconsin Center for Investigative Journalism, a nonprofit organization on the University of Wisconsin’s campus that is dedicated to “increasing the quality and quantity” of investigative reporting in the area (“WisconsinWatch.org - Wisconsin Center for Investigative Journalism” 2014). The Wisconsin Center combines the efforts of students, interns, and some professional journalists to provide the coverage that once fell under the jurisdiction of local newspapers. Other similar collaborations, such as the New England Center for Investigative Journalism based out of Boston University, employ a similar model and content-share between the local commercial papers (The Globe) and the college newspaper.