# 1NC v Sekou

## 1

#### Counterplan text: Public colleges and universities in the United States ought to only restrict constitutionally protected speech in order to ban campus police officers from carrying guns.

Buhrmaster 03 Scott, Managing Editor for PoliceOne.com and the Director of Training for the PoliceOne Training Network. “Should campus cops carry guns? One college president says no.” November 18, 2003. https://www.policeone.com/school-violence/articles/72520-Should-campus-cops-carry-guns-One-college-president-says-no/ sa-ib

Should campus cops carry guns? One college president says no. Columbus State Community College (OH) President Val Moeller doesn’t want guns on her campus. Understandable -- when it comes to the institution’s civilian faculty and nearly 23,000 students -- but extremely controversial when you realize that Moeller’s resolve to maintain a firearms-free environment extends to the sworn officers who make up the college’s police force. "The question of whether our agency should be armed is a highly volatile issue," CSCC Police Chief Mike Stritenberger told PoliceOne. "Our officers are very emotional about it, as well they should be. I fully support their interest in being allowed to carry firearms. Firearms and police officers go together. In my more than 30 years of sworn law enforcement work, this is the first position I’ve taken where carrying a firearm is not allowed." President Moeller’s thinking was made clear, at least in part, on a "Chat with the President" forum based on the Columbus State Intranet system. When asked to explain her anti-armed officer position she replied, "Much of the research shows that having armed public safety officers on campus increases the chances for more violence."

#### It competes – guns are protected as symbolic speech.

Blanchfield 14, Patrick, Freelance Writer; PhD in Comparative Literature, Emory University. "What do Guns Say?" The New York Times. 04 May 2014. https://opinionator.blogs.nytimes.com/2014/05/04/what-do-guns-say/

Bunkerville is simply the next step in a trend that has been ramping up for some time. Since the election of Barack Obama, guns have appeared in the public square in a way unprecedented since the turbulent 1960s and ’70s — carried alongside signs and on their own since before the Tea Party elections, in a growing phenomenon of “open carry” rallies organized by groups like the Modern American Revolution and OpenCarry.org, and in the efforts by gun rights activists to carry assault weapons into the Capitol buildings in New Mexico and Texas (links to video). According to open carry advocates, their presence in public space represents more than just an expression of their Second Amendment rights, it’s a statement, an “educational,” communicative act — in short, an exercise of their First Amendment freedom of speech. (See this, from the group Ohio Carry, and this Michigan lawsuit.) This claim bears serious consideration. The First Amendment has historically been much harder to limit than the Second, and so extending the freedom of speech to the open display of weapons raises several urgent questions about how we understand the relationship between expressing ideas and making threats, between what furthers dialogue and what ends it. But are guns speech? Is carrying a weapon as an act of public protest constitutionally protected under the First Amendment? And if so, what do guns say? The courts have traditionally recognized “symbolic speech” — actions that convey a clear message — as deserving of First Amendment protection (by, for example, protecting the right of students in Des Moines to wear armbands protesting the Vietnam War). As “the expression of an idea through an activity,” symbolic speech depends heavily on the context within which it occurs. Unlike pure speech, symbolic speech is more susceptible to limitation, as articulated by the Warren court’s 1968 ruling in United States v. O’Brien. The outcome of that case, the O’Brien test, establishes a four-pronged series of qualifications for determining when symbolic speech can be limited: (1) Any limitation must be within the state’s constitutional powers; (2) the limitation must be driven by a compelling governmental interest; (3) that countervailing interest must be unrelated to the content of the speech, touching solely on the “non-communicative aspect” of the act in question; and (4) any limitation must be narrowly tailored and prohibit no more speech than absolutely necessary. In practical terms, this litmus test suggests that you can carry a gun as symbolic speech, particularly in the context of a pro-Second Amendment demonstration. The state’s clear interest in maintaining public order can be narrowly satisfied by demanding that protesters either carry guns that are unloaded — at least with an open chamber — or which otherwise have the barrel or action blocked. Thus far, open carry protesters have largely followed this rule, notably by sticking tiny American flags into their guns. “If the SWAT team comes down and starts surrounding us with tactical gear, it only takes a minute to pull them out,” the organizer of one such event told reporters. “But that’s not going to happen.”

#### Cops aren’t required to report their gun use.

Press 15 Associated Press in New York. “More US campus police officers now carry guns, report finds” January 20, 2015. https://www.theguardian.com/education/2015/jan/20/more-campus-police-officers-now-carry-guns-report-finds sa-ib

Nearly all campus police officers at public universities now carry guns, pepper spray and other weapons, according to a new justice department report. In addition, experts say more private schools are now looking to arm police. Overall, about two-thirds of public and private campuses used armed officers during the 2011-12 school year, according to the Bureau of Justice Statistics survey of 900 four-year colleges with at least 2,500 students. Officers at public universities were more than twice as likely as those at private schools to carry guns. Despite the increase, schools are not required to report weapon use to federal authorities. Experts said campus administrators are increasingly pressed for assurances that officers are well-equipped and well-trained following high-profile crimes like the 2007 Virginia Tech shootings and the Penn State child sex abuse case. “Compared to 10 years ago, we’ve made drastic improvements to become more professional, more accountable and more responsive to the expectation of our campus community,” said the Florida State University police chief, David Perry, who serves as president of the International Association of Campus Law Enforcement Administrators. “Parents are asking up front … do you have weapons, can you respond to an active shooter if there was a situation on your campus?” he said. The Bureau of Justice Statistics last surveyed campus law enforcement agencies in 2004-05. On the more than 700 campuses questioned for both reports, the percentage of agencies arming their officers rose from 68% to 75%. About 32,000 people were working full-time for campus law enforcement at four-year institutions in 2011-12, the most recent statistics available. About 92% of public campuses used sworn police officers, those with full arrest powers, and most sworn officers were authorised to carry guns, pepper spray and batons and to patrol beyond campus boundaries, the report said. About 40% could carry a stun gun. Federal authorities do not track how often weapons are used, the report’s author, BJS senior statistician Brian Reaves, said. “There is no DOJ requirement for reporting the use of weapons by police,” Reaves said by email. “The individual agencies would likely have records of this, but DOJ does not attempt to collect this information as part of any systematic data collection.”

#### Campus cops regularly escalate small infractions and target people of color.

Quinlan 16 Casey, reporter for ThinkProgress, previously an editor for U.S. News and World Report. “5 Things That Make It Hard to Be a Black Student at a Mostly White College” January 25, 2016. sa-ib

Being targeted by campus police **The number of armed officers at universities has gone up in the past decade**, a U.S. Department of Justice report shows. During the 2011-2012 school year, 91 percent of public colleges had armed police officers. There has also been a recent uptick in the percentage of private and public colleges that employ officers who carry guns, from 68 percent in the 2004-2005 school year to 75 percent in 2011-2012. **There is already distrust between safety officers and black college students, who are often profiled** by police officers off campus, and **there has been a record of** safety **officers unnecessarily criminalizing small infractions or stepping outside of their authority** when they approach black college students. For example, Portland State University students and Black Lives Matter activists protested the introduction of weapons to the campus police force due to concerns about who would be targeted by campus police.Black college students are often stopped by officers for very minor issues. In September, a black college student who attended Hinds Community College in Mississippi was stopped by a campus police officer who said his pants violated the college dress code. When the student refused to show his ID, he was arrested for a failure to comply. Yet, after the incident, the college said he had not violated the dress code.

#### Only the counterplan solves – violent protests will get shut down by cops with weapons – disarming the establishment is key.

## 2

#### Safe spaces are being developed on campuses now.

Kenney 16 Tanasia. “California University Grants Black Students a ‘Safe Space’ with ‘Blacks-Only’ Campus Housing” Atlanta Black Star. September 07, 2016. SA-IB

California State University Los Angeles is the latest in a string of public universities to offer campus housing exclusively for African-American students. The move to establish a “Blacks-only” co-ed housing area comes just nine months after CSLA’s Black Student Union hit university officials with a list of demands regarding campus diversity and student inclusion. Among their requests was the creation of housing specifically delegated for African-American students. The housing would act as a “safe space” for Black students seeking refuge from the overt racism and “microagressions” spouted by their white peers. “WE DEMAND the creation and financial support of a CSLA housing space delegated for Black students and a full time Resident Director who can cater to the needs of Black students,” read one of the union’s demands. “A CSLA housing space delegated for Black students would provide a cheaper alternative housing solution for Black students. This space would also serve as a safe space for Black CSLA students to congregate, connect, and learn from each other.”

#### The aff removes them.

Mikelionis 17 Lukas. “4 US States Consider Free Speech Laws To Fight Censorship and ‘Safe Spaces’ On Campus” February 08, 2017. SA-IB

Four US states are considering legislation that would ensure free speech on college campuses and prohibit universities from shielding people from offensive and controversial ideas. Most states were put on alert after the eruption of violence at the University of California, Berkeley, where Milo Yiannopoulos was scheduled to give a speech. His event was cancelled over safety fears. President Trump has put the issue of free speech on campus in the spotlight after he threatened to withdraw federal funds from universities that don’t honor the First Amendment rights. Virginia Earlier this week, the Virginia’s House of Delegates passed bill HB1301 aimed at protecting freedom of speech on campus. The bill reaffirms that public colleges and universities in the state are covered by the First Amendment. The full text of the law reads: “Except as otherwise permitted by the First Amendment to the Constitution, no public institution of higher education shall abridge the freedom of any individual, including enrolled students, faculty and other employees, and invited guests, to speak on campus.” House Democratic leader David Toscano celebrated the bill, saying: “Any time we have the chance to support the First Amendment we should do that.” “It’s a good idea to celebrate the First Amendment. We want our campuses to be noisy, we want people to debate things,” he added. Colorado In Colorado, the Senate Education Committee approved a bill defending the constitutionally granted rights of Colorado students. The bill would prohibit government funded colleges from restricting students’ First Amendment rights to free speech in any way. According to the draft of the bill, free speech includes speaking, distributing materials, or holding a sign. The bill also requires converting existing so-called “free speech zones”—a campus phenomena where only at certain places students are able to exercise free speech—into monuments or memorials. “Free speech zones are counterintuitive to our core values, we should never falter in our defense of our constitutional rights or confine a free exchange of ideas,” explained Senator Tim Neville, who introduced the bill. “Students on Colorado campuses are growing into the leaders of tomorrow, and restricting their fundamental rights as they seek out truth and knowledge is contrary to the American spirit as well as the mission of universities,” he added. North Dakota North Dakota is also considering a bill to fight the onslaught of “safe spaces” and ensure the Constitution that guarantees free speech is protected in the state’s public universities. Republican State Rep. Rick Becker sponsor of House Bill 1329, said the proposed legislation is a response to an “attitude that free speech is not free speech” at universities, where free expression is stifled by university policy. “There is an atmosphere of political correctness and social justice that will lead to safe spaces and this whole concept on every campus,” he said. “We have to put a stop to it now.” The bill would “confirm free speech as a fundamental right” and demand the governing body of the North Dakota University System to a ratify a policy of free speech.

#### Safe spaces are key to the aff – they provide healing spaces for people of color.

Pickett 16 RaeAnn, senior director of communications and public Affairs at the National Latina Institute for Reproductive Health and a Ms. Foundation Public Voices Fellows. “Trigger Warnings and Safe Spaces Are Necessary” August 31, 2016. SA-IB

The decision doesn't take students wants or needs into account. As the National Coalition Against Censorship notes: “In many cases, the request for trigger warnings comes from students themselves.” And safe spaces can have powerful therapeutic purposes for those who enter them. In fact, the university's new policy does the exact opposite of what it is purported to do: instead of fostering academic freedom, it could foster mistrust and negatively affect survivors of trauma, including people of color. If students cannot trust that spaces they enter are going to keep them safe, they are less able to feel secure enough to learn. Safe spaces and trigger warnings can help support [survivors] victims of assault, PTSD and violence. Organizations like Slut Walk and Take Back The Night have made great strides in ending stigma for sexual assault survivors and have called for increasing trigger warnings for sensitive content. A lack of safe spaces can also compound the mental toll of racism, even subtle racism. Past experience with bullying plays a role here: Of the 160,000 children bullied every day, 31% are multiracial, according to Clemson University’s “Status of Bullying in School” 2013 report. Racial bullying often goes unnoticed or unreported due to how teachers perceive interethnic relationships. Psychologist Morris Rosenberg found that African-Americans showed surprisingly high rates of self-esteem when they compared themselves with other African-Americans, but when they compared themselves to white peers, self-esteem levels dropped. Safe spaces can help minorities feel empowered to speak up. Some may say a commitment to free speech, by any means necessary, does more to foster a positive academic setting than safe spaces and trigger warnings. But the bigger question is: whose speech is being protected by these policies? They certainly don’t always foster a healthy relationship with students of color or survivors of trauma or those who live at the intersection of both. Sitting in the dark holding my newborn and struggling with undiagnosed postpartum depression, anxiety and obsessive-compulsive disorder were some of the darkest days of my life. But because of ratings systems on movies and descriptions on the TV guide, I was able to take small steps every day to commit to keeping myself mentally healthy. The pressure of living up to the stereotype of a proud, wise, confident Latina mother kept me from seeking help for a long time. But when my first postpartum depression support group facilitator said in a hushed, happy voice that this was a safe space, I felt the weight slowly start to lift from my chest. All the pent-up anxiety I had felt was dissapating—just by knowing that the physical place I chose to be in was filled with people who understood me and could help me find the tools to get well. Being able to make informed decisions about which spaces students chose to enter and not enter is critical in helping them stay well and take control over the information they decide to receive and how to receive it. A critical phase of healing involves reclaiming power and control in positive ways.

#### Disad turns and outweighs – controls the internal link to whether people of color can be prepared to engage in the aff if they don’t feel safe

## Case

### Framework

#### 1] Rage and violence are co-opted by white supremacy to destroy coalitions – a love ethic is key – reject their epistemic framing.

hooks 04 bell, American author, feminist, and social activist. The focus of hooks' writing has been the intersectionality of race, capitalism, and gender, and what she describes as their ability to produce and perpetuate systems of oppression and class domination. She has published over 30 books and numerous scholarly articles, appeared in documentary films, and participated in public lectures. Primarily through a postmodern perspective, she has addressed race, class, and gender in education, art, history, sexuality, mass media, and feminism. “We Real Cool: Black Men and Masculinity” Routledge, 2004. SA-IB

Creative alternative ways to live, be, and act will come into being only when there is mass education for critical consciousness—an awakening to the awareness that collectively black male survival requires that they learn to challenge patriarchal notions of manhood, that they claim nonviolence as the only progressive stance to take in a world where all life is threatened by patriarchal imperialist war. If black males were to truly reclaim the legacy of Martin Luther King, Jr. and add to this political platform an awareness of the need to end male domination, they would be able to end the violence that is destroying black male life, minute by minute, day by day. It is no accident that just at the moment in our country’s history when the nonviolent civil rights struggle rooted in a love ethic was successfully working to end discrimination, galvanizing the nation and the world— movements that included a critique of militarism, capitalism, and imperalism—the white-supremacist patriarchal state gave unprecedented positive attention to the black males who were advocating violence. It is no accident that just as Malcolm X was moving away from an anti-white black separatist discourse to global awareness of neo-colonialism, linking anti-racist struggle here at home with freedom struggles everywhere, his voice was silenced by state-supported black-on-black homicide The real agency and power of black liberation struggle was felt when black male leaders dared to turn away from primitive models of patriarchal violence and warfare toward a politics of cultural transformation rooted in love. These radical perspectives and the resistance struggle they put in place led to greater freedom. As powerful alternative visions, spearheaded by charismatic black male leaders who were not ashamed to admit mistakes, who were humble, who were willing to make sacrifices, they represented an absolute threat to the existing status quo. This is the masculinity black males must emulate if they are to survive whole. To end black male violence black males must dare to embrace that revolution of values King writes about in Where Do We Go from Here: “The stability of the world house which is ours will involve a revolution of values to accompany the scientific and freedom revolution energizing the earth. We must rapidly begin the shift from a thing-oriented society to a person-oriented society. When machines and computers, profit motives and property rights are considered more important than people, the giant triplets of racism, materialism, and militarism are incapable of being conquered.” Clearly, King’s vision has proven to be far more radical than the political visions of black power advocates who embraced a militaristic vision of struggle. While King did not live long enough to undergo a conversion to feminist politics that would have enable him to critique his own negative actions toward women and change them, by insisting on the power of a love ethic he was offering a vision that, if realized, would challenge and change patriarchy. Male violence is a central problem in our society. Black male violence simply mirrors the styles and habits of white male violence. It is not unique. What is unique to black male experience is the way in which acting violently often gets both attention and praise from the dominant culture. Even as it is being condemned black male violence is often deified. As Orlando Patterson suggests, as long as white males can deflect attention from their own brutal violence onto black males, black boys and men will receive contradictory messages about what is manly, about what is acceptable. Contrary to the vision of black men who advocated black power, there is no freedom to be found in any dominator model of human relationships. As long as the will to dominate is there, the context for violence is there also. To end our cultural fascination with violence, and our imposition onto men in general and black men in particular who carry the weight of that violence, we must choose a partnership model that posits interbeing as the principle around which to organize family and community. And as Dr. King wisely understood, a love ethic should be the foundation. In love there is no will to violence.

#### 2] PIC turns this – violent protests can be fine, but cops shouldn’t be able to shoot protesters up.

### Adv 1

#### Colleges co-opt protests to avoid dealing with real issues – turns case.

Chomsky 16 (Aviva, American teacher, historian, author and activist. She is a professor of History and the Coordinator of Latin American, Latino and Caribbean Studies at the Salem State University in Massachusetts. "Students vs. neoliberals: The unreported conflict at the heart of our campus culture wars" May 25, 2016. www.salon.com/2016/05/25/students\_vs\_neoliberals\_the\_unreported\_conflict\_at\_the\_heart\_of\_our\_campus\_culture\_wars\_partner/)

nstead, the spotlight has been on student demands for cultural changes at their institutions that focus on deep-seated assumptions about whiteness, sexuality, and ability. At some universities, students have personalized these demands, insisting on the removal of specific faculty members and administrators. Emphasizing a politics of what they call “recognition,” they have also demanded that significant on-campus figures issue public apologies or acknowledge that “black lives matter.” Some want universities to implement in-class “trigger warnings” when difficult material is being presented and to create “safe spaces” for marginalized students as a sanctuary from the daily struggle with the mainstream culture. By seizing upon and responding to these (and only these) student demands, university administrators around the country are attempting to domesticate and appropriate this new wave of activism. In the meantime, right-wing commentators have depicted students as coddled, entitled, and enemies of free speech. The libertarian right has launched a broad media critique of the current wave of student activism. Commentators have been quick to dismiss student protesters as over-sensitive and entitled purveyors of “academic victimology.” They lament the “coddling of the American mind.” The Atlantic’s Conor Friedersdorf has termed students “misguided” in their protests against racist language, ideas, and assumptions, their targeting of “microaggression” (that is, unconscious offensive comments) and insensitivity, and their sometimes highly personal attacks against those they accuse. One of the most vocal critics of the new campus politics, the Foundation for Individual Rights in Education, argues that such rampant “liberalism” and “political correctness” violate academic freedom and freedom of speech. (In this, they are in accord with the liberal American Civil Liberties Union. Free speech advocates Daphne Patai and the ACLU’s Harvey Silvergate, for example, bemoan a new diversity requirement at the University of Massachusetts for its “politicization of education.”) In a response that, under the circumstances, might at first seem surprising, college administrators have been been remarkably open to some of these student demands — often the very ones derided by the right. In this way, the commentators and the administrators have tended to shine a bright light on what is both personal and symbolic in the new politics of the student protesters, while ignoring or downplaying their more structural and economically challenging desires and demands.

#### Uniqueness should frame your evaluation of the disad – their argument is that whiteness sparks protests but there’s no uniqueness read that says that whiteness isn’t prevalent enough in the status quo – trump and the onslaught of racism everywhere triggers the advantage now

### Adv 2

#### Their attempt to rescue the university is pathetic – the university is a rotting corpse upon which the cultural Left attempts to inject meaning onto an already dying institution under the pretense that change is still possible. The aff is a spoon feeding of the university which will only turn case.

Baudrillard 95 (Jean, Simulacra and Simulation: The Spiraling Cadaver, 1995)

Ommitted

#### Their resistance strategy is only accessible to white people.

**Fang 16** Fang, Marina [Contributor, The Huffington Post] “Most College Students Want Free Speech on Campuses – But Not When It’s Hate Speech.” *Huffington Post.* April 2016. RP

But students understand the limitations of free speech policies, especially with regard to discriminatory and offensive rhetoric. In recent months, many students of color have called on their college administrators to more fully address racism on campuses, arguing that their campuses do not promote openness and diversity. “Students do appear to distinguish controversial views from what they see as hate speech — and they believe colleges should be allowed to establish policies restricting language and certain behavior that are intentionally offensive to certain groups,” the survey’s organizers wrote. Yet about 54 percent of students said that “the climate on campus prevents some people from saying what they believe because others might find it offensive.” Gallup, in collaboration with the Knight Foundation and the Newseum Institute, surveyed 3,000 students between the ages of 18 and 24 attending four-year colleges and universities in the United States. Amid a wave of incidents involving free speech and protests on college campuses, the survey’s organizers sought to gather students’ opinions about the First Amendment. The survey noted that **race plays a particular role in college students’ perceptions of First Amendment freedoms**. For example, only **39 percent of the black students in the survey reported feeling less confident in the right to peacefully assemble, compared to 70 percent of white students.** Students are highly distrustful of the press. Nearly 60 percent of the students surveyed “have little or no trust in the press to report the news accurately and fairly,” and many expressed mixed opinions about the media’s coverage of campus protests. While the vast majority of students surveyed said that the press should generally have unrestricted access to campus protests, close to half said that in some cases, there can be reasons to bar the press, like if protesters think that the reporter may be biased, or whether “the people at the protest say they have a right to be left alone.” The survey indicated that students are also concerned about the use of social media, with many noting that they feel that it can lead to uncivil and hateful discussions and that it can be easy to express opinions anonymously. For example, Yik Yak, a popular social network on college campuses, allows anonymous postings. Many college students have reported seeing hateful Yik Yak posts, increasing pressure on the company to crack down on people who use the app to harass others.

#### **The argument that we should “convince the racist” is antiblack.**

Lawrence 89 Charles, professor of law. “The Debates Over Placing Limits on Racist Speech Must Not Ignore the Damage It Does to Its Victims.” The Chronicle of Higher Education. 1989.

Whenever we decide that racist speech must be tolerated because of the importance of maintaining societal tolerance for all unpopular speech, we are asking blacks and other subordinated groups to bear the burden for the good of all. We must be careful that the ease with which we strike the balance against the regulation of racist speech is in no way influenced by the fact that the cost will be borne by others. We must be certain that those who will pay that price are fairly represented in our deliberations and that they are heard. At the core of the argument that we should resist all government regulation of speech is the ideal that the best cure for bad speech is good, that ideas that affirm equality and the worth of all individuals will ultimately prevail. This is an empty ideal unless those of us who would fight racism are vigilant and unequivocal in that fight. We must look for ways to offer assistance and support to students whose speech and political participation are chilled in a climate of racial harassment.

#### **They tag these cards like they’re radical, but they’re the same white bullshit liberals spout on a daily basis – like “open discussion, engage racists in debate, respect racist’s right to free speech” – their Ross evidence literally asks what the difference is between Cal’s protest and Steve Bannon.**

**Napolitano –**

But the way to deal with extreme, unfounded speech is not with less speech — it is with more speech, informed by facts and persuasive argument

**Nickens –**

**should want these opinions out in the open where they can more easily challenge them.**

#### **They are a strike for strikes sake – they appeal to the very system that they have rallied against which makes social change impossible.**

Baudrillard 76 Jean, French sociologist, philosopher, cultural theorist and political commentator. “Symbolic Exchange and Death” 1976.

Ommitted

### Adv 3

#### Reverse enforcement is empirically denied – their cards lack scope.

Delgado and Yun 94 Richard, Professor of Law at the University of Colorado. David, member of the Colorado Bar. “Pressure Valves and Bloodied Chickens: An Analysis of Paternalistic Objections to Hate Speech Regulation” California Law Review. 1994. http://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=1712&context=californialawreview SA-IB

A second paternalistic argument is that enactment of hate speech rules is sure to hurt minorities because the new rules will be applied against minorities themselves.61 A vicious insult hurled by a white person to a black will go unpunished, but even a mild expression of exasperation by a black motorist to a police officer or by a black student to a professor, for example, will bring harsh sanctions. The argument is plausibile because certain authorities are racist and dislike blacks who speak out of turn, and because a few incidents of blacks charged with hate speech for innocuous behavior have occurred. Nadine Strossen, for example, asserts that in Canada, shortly after the Supreme Court upheld a federal hate speech code, prosecutors began charging blacks with hate offenses. 62 But the empirical evidence does not suggest that this is the pattern, much less the rule. Police and FBI reports show that hate crimes are committed much more frequently by whites against blacks than the reverse. 63 Statistics compiled by the National Institute Against Violence and Prejudice confirm what the police reports show, that a large number of blacks and other minorities are victimized by racist acts on campus each year.' Moreover, the distribution of enforcement seems to be consistent with commission of the offense. Although an occasional minority group member may be charged with a hate crime or with violating a campus hate speech code, these prosecutions seem rare.6 5 Racism, of course, is not a one-way street; some minorities have harassed and badgered whites. Still, the reverse-enforcement objection seems to have little validity in the United States. A recent study of the international aspects of hate speech regulation showed that in repressive societies, such as South Africa and the former Soviet Union, laws against hate speech have indeed been deployed to stifle dissenters and members of minority groups.6 6 Yet, this has not happened in more progressive countries.67 The likelihood that officials in the United States would turn hate speech laws into weapons against minorities seems remote.

#### Empirics prove college speech codes are successful.

Hodulik, Patricia [University of Wisconsin-Madison. Senior System Legal Counsel, University of Wisconsin System Administration.] “Racist Speech on Campus.” Wayne Law Review. 1990-1991.

The most serious concerns about adopting a rule restricting discriminatory harassment or hate speech were those involving legal questions as to whether any sort of restriction on expressive behavior could be accepted in a university setting. **The Wisconsin cases, however, provide little evidence to suggest that free expression has been deterred or suppressed as a result of enforcement of the university's antiharassment regulation. In the eighteen months in which it has been in force, a total of thirty-two complaints have been filed alleging violations of the Wisconsin rule.14 Of these, thirteen were dismissed because they were found not to violate the rule;35 two were dismissed following a hearing;** and in ten cases, discipline was imposed. 36 The disci- plinary sanctions imposed included one written apology, one warn- ing letter, seven disciplinary probations and one suspension.37 **All cases resulting in probation or suspension also involved conduct which violated some other provision of the student conduct code- an assault, a threat, or disorderly conduct, for example.38 In no case was discipline imposed in connection with a classroom dis- cussion or expression of opinion.3 9 In most of the cases leading to discipline, the rule violation involved the use of a discriminatory epithet rather than "other expressive behavior."**

#### Their Hudson ev is wrong – the first amendment stymied racial progress and their movements claims are overblown.

Delgado and Yun 94 Richard, Professor of Law at the University of Colorado. David, member of the Colorado Bar. “Pressure Valves and Bloodied Chickens: An Analysis of Paternalistic Objections to Hate Speech Regulation” California Law Review. 1994. http://scholarship.law.berkeley.edu/cgi/viewcontent.cgi?article=1712&context=californialawreview SA-IB

Many absolutists and defenders of the First Amendment urge that the First Amendment historically has been a great friend and ally of social reformers. Nadine Strossen, for example, argues that without free speech, Martin Luther King, Jr. could not have moved the American public as he did. 8 Other reform movements also are said to have relied heavily on free speech.6 9 This argument, like the two earlier ones, is paternalistic-it is based on the supposed best interest of minorities. If they understood their own best interest, the argument goes, they would not demand to bridle speech. The argument ignores the history of the relationship between racial minorities and the First Amendment. In fact, minorities have made the greatest progress when they acted in defiance of the First Amendment.70 The original Constitution protected slavery in several of its provisions,7 1 and the First Amendment existed contemporaneously with slavery for early 100 years. Free speech for slaves, women, and the propertyless was simply not a major concern for the drafters, who appear to have conceived the First Amendment mainly as protection for the kind of refined political, scientific, and artistic discourse they and their class enjoyed. Later, of course, abolitionism and civil rights activism broke out.72 But an examination of the role of speech in reform movements shows that the relationship of the First Amendment to social advance is not so simple as free speech absolutists maintain. In the civil rights movement of the 1960s, for example, Martin Luther King, Jr. and others did use speeches and other symbolic acts to kindle America's conscience.73 But as often as not, they found the First Amendment (as then understood) did not protect them.7 4 They rallied and were arrested and convicted; sat in, were arrested and convicted; marched, sang, and spoke and were arrested and convicted. 75 Their speech was seen as too forceful, too disruptive. Many years later, to be sure, their convictions would sometimes be reversed on appeal, at the cost of thousands of dollars and much gallant lawyering. But the First Amendment, as then understood, served more as an obstacle than a friend. 76 Why does this happen? Narrative theory shows that we interpret new stories in terms of the old ones we have internalized and now use to judge reality.7 7 When new stories deviate too drastically from those that form our current understanding, we denounce them as false and dangerous. The free market of ideas is useful mainly for solving small, clearly bounded disputes.78 History shows it has proven much less useful for redressing systemic evils, such as racism. 79 Language requires an interpretive paradigm, a set of shared meanings that a group agrees to attach to words and terms.80 If racism is deeply inscribed in that paradigm-woven into a thousand scripts, stories, and roles-one cannot speak out against it without appearing incoherent. An examination of the current landscape of First Amendment exceptions reveals a similar pattern. Our system has carved out or tolerated dozens of "exceptions" to the free speech principle: conspiracy; libel; copyright; plagiarism; official secrets; misleading advertising; words of threat; disrespectful words uttered to a judge, teacher, or other authority figure; and many more. 2 These exceptions (each responding to some interest of a powerful group)83 seem familiar and acceptable, as indeed perhaps they are. But a proposal for a new exception to protect some of the most defenseless members of society, 18-year old black undergraduates at predominantly white campuses, immediately produces consternation: the First Amendment must be a seamless web. It is we, however, who are caught in a web, the web of the familiar. The First Amendment seems to us useful and valuable. It reflects our interests and sense of the world. It allows us to make certain distinctions, tolerates certain exceptions, and functions in a particular way we assume will be equally valuable for others. But the history of the First Amendment, as well as the current landscape of doctrinal exceptions, shows that it is far more valuable to the majority than to the minority, far more useful for confining change than for propelling it.8 "

#### Sending hate speech underground destroys it.

Parekh 12, Bhikhu (2012) ‘Is There a Case for Banning Hate Speech?’, in Herz, M. and Molnar, P. (eds.) The Content and Context of Hate Speech: Rethinking Regulation and Responses. Cambridge: Cambridge University Press, pp. 37–56. EE

It is sometimes argued that banning hate speech drives extremist groups under- ground and leaves us no means of knowing who they are and how much support they enjoy. It also alienates them from the wider society, even makes them more detennined. and helps them recruit those attracted by the allure of forbidden fruit. This is an important argument and its force should not be underestimated. How- eyer, it has its limits. **A ban on hate speech might drive extremist groups underground, but it also persuades their moderate and law-abiding members to dissociate them- selves from these groups. When extremist groups go underground, they are denied the oxygen of publicity and the aura of public respectability. This makes their oper- ations more difficult and denies them the opportunity to link up with other similar groups and recruit their members. While the ban might alienate extremist groups, it has the compensating advan- tage of securing the enthusiastic commitment and support of their target groups.** Besides, beyond a certain point, alienation need not be a source of worry. Some religious groups are alienated from the secular orientation of the liberal state, inst as the communists and polyamoronsly inclined persons bitterly resent its commitment (respectively) to market economy and rnonogamy. We accept such forms of alien- ation as inherent in collective life and do not seek to redress them by abandoning the liberal state. **The ban might harden the determination of some, but it is also likely to weaken that of those who seek respectability and do not want to be associated with ideas and groups considered so disreputable as to be banned, or who are deterred by the cost involved in supporting them. There is the lure of the prohibited, but there is also the attraction of the respectable.**