# Black Surveillance Aff

## Pt 1 is Framing

#### **The privilege to be anonymous is something only afforded to whiteness Yancy 14**

 George Yancy is a professor of philosophy at McAnulty College who focuses primarily on issues of social justice, “White Self-Criticality beyond Anti-racism: How Does It Feel to Be a White Problem?” <http://www.amazon.com/White-Self-Criticality-beyond-Anti-racism-Philosophy/dp/0739189492>, JB

This feeling of anonymity has also arisen in similar situations in which my whiteness renders my antiracist aspirations utterly invisible. I feel my particular identity being effaced by whiteness itself I want to be able to censure whiteness simply by looking a certain way, through the use of facial expressions and body language, but I can't. I feel trapped, rendered invisible behind a screen that makes all white people look identical.. Since I can't change the fact that I am white, I can't get out from behind the screen. Subtle gestures toward resistance or cross-racial solidarity, such as looking angry or hated, rarely make any difference: they are easily ignored or misinter-preted by other screened-in whites, and they are usually indistinguishable to those on the other side. If I yell loud enough or jump high enough, the people out there may be able to hear me or see me, and a large enough disturbance stands a chance of being noticed by those on my side, too. But as soon as I cease to make this tremendous effort, I retain instantly and by default to the anonymity guaranteed by the hegemonic screen of whiteness. My protest against feeling "anonymous" may signal that I have realized the impossibility, in this racialized society, of being judged on my individual merits and not according to my race. Before noticing that whiteness is a problem, and a problem fore, I was able to enjoy the presumption (mine and other white people's, that is) of my own goodness and the assurance that my individual acts, good or bad, would never reflect on my race, but only on me personally.. This exposes my mistaken white belief that U.S. society had already become, as the Reverend Dr. Martin Luther King tr. dreamed, a meritocracy where we are "not ... judged by the color of lout] skin but by the content of [ourl character.” I now retain that white people generally feel this way only about white people, and that people of color are justified in assuming white people, including me, to be racist (actively participating in whiteness) unless we demonstrate otherwise.lv This realization is sobering, especially the latter. It feels unfair, though, of course, it is not, to have to prove myself, not to be considered "innocent until proven guilty." Is this in any way analogous to what individual people of color experi-ence when white people make assumptions about them based on their actual or perceived race? Does my sense of "anonymity" in a white crowd signal that what I am up against is nothing less than racial stereotyping? By asking this question, I do not intend to blame people of color for stereotyping white people or to cry 'reverse discrimination." Insofar as white people can be "stereotyped' as part of the oppressor group, it is our own fault for having been and continuing to be oppressors; it is our own racism, coming home to roost. Neither do I intend to imply that all stereotyping has equally detrimen-tal effects. In my experience, the white stereotype of a white person as good works to the psychic advantage of white people who are clueless about whiteness. It is extremely pleasant to be able to expect to be received warm-ly, or at least chilly, by virtually everyone I encomter in my dolly life. I am chafing against this stereotype because working to diminish the power of whiteness and gaining the good opinion of antiracist, especially people of color, has become important to me. But unless I am carving out a path different from the masses of white people who don't do a whole lot to counteract whiteness, it is perfectly logical for everyone, whites and people of color alike, to assume that I am part of those masses. If I'm not taking such steps, I am just like them.

#### The ROB is to vote for the debater who offers the best strategy for counteracting the white-gaze. Countergazing allows for newfound agency. We must engage directly with white supremacy. We must counteract the invisibility of whiteness by exposing it with an oppositional gaze. A consistent stare renders whiteness visible and counteracts its functions in perpetuating "imperialist white supremacist capitalist patriarchy."

**Hooks 92** [Black Looks: Race and Representations Bell hooks South End Press Boston, MA Copyright 19 92 by Gloria Watkins. Hooks is a feminist author and social activist, professor of African American Studies and English at Yale, Associate Professor of Women’s Studies and American Literature.] JB

When thinking about black female spectators, I remember being punished as a child for staring, for those hard intense direct looks children would give grown-ups, looks that were seen as confrontational, as gestures of resistance, challenges to authority. The "gaze" has always been political in my life. Imagine the terror felt by the child who has come to understand through repeated punishments that one's gaze can be dangerous. The child who has learned so well to look the other way when necessary. Yet, when punished, the child is told by parents, "Look at me when I talk to you." Only, the child is afraid to look. Afraid to look, but fascinated by the gaze. There is power in looking. Amazed the first time I read in history classes that white slave owners (men, women, and children) punished enslaved black people for looking, I wondered howthis traumatic relationship to the gaze had informed black parenting and black spectatorship. The politics of slavery, of racialized power relations, were such that the slaves were denied their right to gaze. Connecting this strategy of domination to that used by grown folks in southern black rural communities where I grew up, I was pained to think that there was no absolute difference between whites who had oppressed black people and ourselves. Years later, reading Michel Foucault, I thought again about these connections, about the ways power as domination reproduces itself in-different locations employing similar apparatuses, strategies, and mechanisms of control. Since I knew as a child that the dominating power adults exercised over me and over my gaze was never so absolute that I did not dare to look, to sneak a peep, to stare dangerously, I knew that the slaves had looked. That all attempts to repress our black peoples right to gaze had produced in us an overwhelming longing to look, a rebellious desire, an oppositional gaze. By courageously looking, we defiantly declared: "Not only will I stare. I want my look to change reality." Even in, the worse circumstances of domination, the ability to manipulate one's gaze in the face of structures of domination that would contain it, opens up the possibility of agency. In much of his work, Michel Foucault insists on describing domination in terms of “relations of power" as part of [is] an effort to challenge the assumption that power is a system of domination which controls everything and which leaves no room for freedom. “Emphatically stating that in all relations of power "there is necessarily the possibility of resistance," he invites the critical thinker to search those margins, gaps, and locations on and through the body where agency can be found.

#### Whiteness remains unmarked, even though its effects have marked us. We will flip the script. "Look, a white!"

**Yancy 2** Yancy, G. (2012). *Look, a white!: Philosophical essays on whiteness*. Temple University Press. JB

The reality is that the “workings of race” are precisely what people of color see/experience most of the time. Important to this learning process, though, is reminding my white students that they are white, that they are part of the very “workings of race” that they are beginning to recognize.39 For most of my white students, before taking my course their own whiteness is just a benign phenotypic marker. Indeed, for most of them, whiteness has not really been marked as a raced category to begin with. They do not recognize the normative status of whiteness that the marking is designed to expose. For them, “to be white” means “I am not like you guys”—those people of color. Whiteness as normative and their whiteness as unremark- able thus remain in place, uninterrogated, unblemished. Sara Ahmed writes, “There must be white bodies (it must be possible to see such bodies as white bodies), and yet the power of whiteness is that we don’t see those bodies as white bodies. We just see them as bodies.”40 In short, the process of disentan- gling the sight of white bodies from the sight of such bodies as just bodies is not easy, but it is necessary. For many whites, the process of marking the white body (“Look, a white!”) is not just difficult but threatening. The process dares to mark whites as racists, as perpetuators and sustainers of racism. Furthermore, the process dares to mark whites as raced beings, as inextricably bound to the historical legacy of the “workings of race.” Hence, the process encourages a slippage not only at the site of seeing themselves as innocent of racism but also at the site of seeing themselves as unraced.41 As Zeus Leonardo and Ronald K. Porter write, “Hiding behind the veil of color-blindness means that lifting it would force whites to confront their self-image, with people of color acting as the mirror. This act is not frightening for people of color but for whites.”42 It is frightening because whites must begin to see themselves through gazes that are not prone to lie/obfuscate when it comes to the “work- ings of race” qua whiteness. Indeed, there is no real need to lie about white- ness. People of color have nothing to lose; whites have so much to protect. Yet what do they have to protect? As Richard Wright notes, “Their constant outward-looking, their mania for radios, cars, and a thousand other trinkets, made them dream and fix their eyes upon the trash of life, made it impos- sible for them to learn a language that could have taught them to speak of what was in theirs or others’ hearts. The words of their souls were the syl- lables of popular songs.”43

## Pt 2 is Surveillance

#### The federal government has historically placed civil rights groups under extreme surveillance in an attempt to break down movements and coerce leaders into becoming informants Brown 10

 “Civil Rights Photographer Unmasked as Informer” Sep 13, 2010 <https://www.nytimes.com/2010/09/14/us/14photographer.html> JB

A That photo of the Rev. Dr. [Martin Luther King](http://topics.nytimes.com/top/reference/timestopics/people/k/martin_luther_jr_king/index.html?inline=nyt-per), Jr. riding one of the first desegregated buses in Montgomery, Ala.? He took it. The well-known image of black sanitation workers carrying “I Am a Man” signs in Memphis? His. He was the only photojournalist to document the entire trial in the murder of Emmett Till, and he was there in Room 306 of the Lorraine Hotel, Dr. King’s room, on the night he was assassinated. But now an unsettling asterisk must be added to the legacy of Ernest C. Withers, one of the most celebrated photographers of the civil rights era: He was a paid [F.B.I.](http://topics.nytimes.com/top/reference/timestopics/organizations/f/federal_bureau_of_investigation/index.html?inline=nyt-org) informer. On Sunday, The Commercial Appeal in Memphis [published](http://www.commercialappeal.com/news/2010/sep/12/photographer-ernest-withers-fbi-informant/) the results of a two-year investigation that showed Mr. Withers, who died in 2007 at age 85, had collaborated closely with two F.B.I. agents in the 1960s to keep tabs on the civil rights movement. It was an astonishing revelation about a former police officer nicknamed the Original Civil Rights Photographer, whose previous claim to fame had been the trust he engendered among high-ranking civil rights leaders, including Dr. King. “It is an amazing betrayal,” said Athan Theoharis, a historian at Marquette University who has written books about the F.B.I. “It really speaks to the degree that the F.B.I. was able to engage individuals within the civil rights movement. This man was so well trusted.” From at least 1968 to 1970, Mr. Withers, who was black, provided photographs, biographical information and scheduling details to two F.B.I. agents in the bureau’s Memphis domestic surveillance program, Howell Lowe and William H. Lawrence, according to numerous reports summarizing their meetings. The reports were obtained by the newspaper under the Freedom of Information Act and posted on its Web site. A clerical error appears to have allowed for Mr. Withers’s identity to be divulged: In most cases in the reports, references to Mr. Withers and his informer number, ME 338-R, have been blacked out. But in several locations, the F.B.I. appears to have forgotten to hide them. The F.B.I. said Monday that it was not clear what had caused the lapse in privacy and was looking into the incident. Civil rights leaders have responded to the revelation with a mixture of dismay, sadness and disbelief. “If this is true, then Ernie abused our friendship,” said the Rev. James M. Lawson Jr., a retired minister who organized civil rights rallies throughout the South in the 1960s. Others were more forgiving. “It’s not surprising,” said Andrew Young, a civil rights organizer who later became mayor of Atlanta. “We knew that everything we did was bugged, although we didn’t suspect Withers individually.” Many details of Mr. Withers’s relationship with the F.B.I. remain unknown. The bureau keeps files on all informers, but has declined repeated requests to release Mr. Withers’s, which would presumably explain how much he was paid by the F.B.I., how he was recruited and how long he served as an informer. At the time of his death, Mr. Withers had the largest catalog of any individual photographer covering the civil rights movement in the South, said Tony Decaneas, the owner of the Panopticon Gallery in Boston, the exclusive agent for Mr. Withers. His photographs have been collected in four books, and his family was planning to open a museum, named after him. His work shows remarkable intimacy with and access to top civil rights leaders. Friends used to say he had a knack for being in the right place at the right time. But while he was growing close to top civil rights leaders, Mr. Withers was also meeting regularly with the F.B.I. agents, disclosing details about plans for marches and political beliefs of the leaders, even personal information like the leaders’ car tag numbers. David J. Garrow, a [Pulitzer Prize](http://topics.nytimes.com/top/reference/timestopics/subjects/p/pulitzer_prizes/index.html?inline=nyt-classifier)-winning historian who has written biographies of Dr. King, said many civil rights workers gave confidential interviews to the F.B.I. and C.I.A., and were automatically classified as “informants.” The difference, Mr. Garrow said, is the evidence that Mr. Withers was being paid. Although Mr. Withers’s motivation is not known, Mr. Garrow said informers were rarely motivated by the financial compensation, which “wasn’t enough money to live on.” But Marc Perrusquia, who wrote the article for The Commercial Appeal, noted that Mr. Withers had eight children and might have struggled to support them. The children of Mr. Withers did not respond to requests for comment. But one daughter, Rosalind Withers, told local news organizations that she did not find the report conclusive. “This is the first time I’ve heard of this in my life,” Ms. Withers told The Commercial Appeal. “My father’s not here to defend himself. That is a very, very strong, strong accusation.”

#### 3Black lives matter has been under heavy surveillance from the federal government- leads to potential breakdown of the movement due to a chilling effect Joseph & Hussain 18

George Joseph is a criminal justice reporter at In Justice Today. His work has appeared in outlets such as ProPublica, The Guardian, Foreign Policy, and The Verge. Murtaza Hussain is a journalist whose work focuses on national security, foreign policy and human rights. His work has previously been featured in the New York Times, The Guardian and Al Jazeera English <https://theintercept.com/2018/03/19/black-lives-matter-fbi-surveillance/> March 19 2018 JB

[Black Lives Matter](https://www.aljazeera.com/topics/organisations/black-lives-matter.html) protests have been monitored by the US government and have been seen as a potential threat, according to recently released documents from the FBI and the US Department of Homeland Security (DHS). The documents, which include internal emails and field reports, were circulated among law enforcement agencies in 2016. They were obtained as the result of a lawsuit filed by the Center for Constitutional Rights (CCR) and the civil rights group Color of Change (COC) and provided to Al Jazeera. Black Lives Matter (BLM), which started as a response to US police killings of unarmed black individuals in 2014, has grown into a movement fighting to end systemic violence against black people. The language in the files points to the monitoring of Black Lives Matter protests, protected by the First Amendment, based on a presumption of violence. In July 2016, the FBI began warning of "attacks against law enforcement" after a gunman [shot and killed five police officers](https://www.aljazeera.com/news/2016/07/dallas-killings-police-killed-snipers-protest-160708034233850.html) at a rally against police brutality in Dallas, Texas. According to the FBI's own account, the gunman, Micah Xavier Johnson, acted alone. He had no known ties to Black Lives Matter or any other group. Yet, in a [series of emails](https://www.aljazeera.com/mritems/Documents/2017/11/28/69da06c8c3294bddbc71e907db27264e_100.pdf) dated July 8, 2016, the day after the shooting, the agency began using racially-charged language, suggesting Johnson's actions were part a larger threat. "Due to sensitivities surrounding recent police shootings, the threat of copycat attacks against law enforcement exists," one email read. It added that "there is a threat of black supremacist extremists attempting to violently co-opt the upcoming DNC/RNC", referring to the Democratic and Republican National Conventions. The term "black supremacist extremist" appears twice in the emails without explanation, potentially conflating two different things. Michael German, a former FBI agent and fellow at the Brennan Center for Justice, told Al Jazeera that the "blending of activities" of protesters and "someone they [the FBI] acknowledge is a lone actor can be misleading in police documents". German added: "If I'm a police officer on the street trying to address the concerns raised in this report, obviously, I'm going to be focusing on black people." The FBI has never publicly used the phrase "black supremacist extremists", but a version of the term was used as recently as August, according to an [FBI intelligence report](https://www.documentcloud.org/documents/4067711-BIE-Redacted.html) obtained by [Foreign Policy](http://foreignpolicy.com/2017/10/06/the-fbi-has-identified-a-new-domestic-terrorist-threat-and-its-black-identity-extremists/) magazine. The report, which was issued more than a year after the Dallas shootings, warned that "Black Identity Extremists" were violently targeting police." The FBI assesses it is very likely Black Identity Extremists perceptions of police brutality against African Americans spurred an increase in premeditated retaliatory lethal violence against law enforcement and will likely serve as justification for such violence," the report, dated August 3, read. German said that "part of this is searching for terminology that covers all the black people they are concerned about". Brandi Collins, campaign director at Color of Change, said the FBI has "been building this narrative over time", adding that the department has been "trying to infiltrate organisations, and going to protests, to bolster this claim that black folks, in The Movement for Black Lives, are terrorist threats to this community". Another [set of emails](https://www.aljazeera.com/mritems/Documents/2017/11/28/81a951f0088c4bda9a34d6f3239e947c_100.pdf) from July 2016 reveal how the FBI may use specific language to justify data collection and monitoring, specifically in the case of Black Lives Matter. While BLM demonstrations are protected by the First Amendment, the emails said that "based on known intelligence and/or specific, historical observations, it is possible the protected activity could invite a violent reaction towards the subject individuals or groups, or the activity could be used as a means to target law enforcement". The emails add: "In the event no violent reaction occurs, FBI policy and federal law dictates no further record be made of the protected activity". Omar Farah, lead attorney at the Center for Constitutional Rights, which sued to get the emails made public, said the "email suggests that the FBI makes bedrock First Amendment protections conditional based on its unchallenged view that BLM protests give rise to violence". "But the problem with surveillance - and particularly the historic and current surveillance of black-led movements for social change - is that the surveillance itself is what does all the work, even if, as the email claims, the FBI later stops recording protected activity," he told Al Jazeera. "Surveillance is what chills people from mobilising and organising." The emails also fail to reveal why BLM is being singled out. "What are they actually drawing from as they're building this narrative about violent reactions that they're presuming will happen?" Collins asked. "It definitely feels like to me it's thrown in as this after-thought, as they're going about collecting a breathtaking amount of data and information on people involved in the movement for black lives." A third document, dated July 8, 2016, suggests how misinformation may be playing a role in the government's handling of BLM protests. An [advisory titled "UPDATE: Day of Rage Protests across America"](https://www.aljazeera.com/mritems/Documents/2017/11/28/892e2d1d8a284b2f9329339378a6c457_100.pdf), warned of the potential for violence at several BLM-related events taking place across the US, in the aftermath of the Dallas shooting. This document was first reported in The Washington Times. "Being anywhere near these protests greatly increases the chance that you could become a victim of violence," the advisory read. "When the mob mentality takes over, normally decent people can commit heinous acts." The "Day of Rage" event was reportedly a hoax, stemming from a YouTube video that called for a "Day of Rage" in support of BLM. The BLM movement [tweeted](https://twitter.com/Blklivesmatter/status/754038978664275969) that no such plans existed, after the story was picked up by several news sites. The advisory was sent to Army personnel by the US Army North. The document was released to CCR through the DHS's National Protection and Programs Directorate.

## Pt 3 is the Advocacy: I affirm, In the United States, Reporters ought to have the right to protect confidential sources who are from Black Lives Matter

#### Confidentiality is key to the reporting of radical organizations Osborn

Osborn, John E. "The Reporter's Confidentiality Privilege: Updating the Empirical Evidence after a Decade of Subpoenas," *Columbia Human Rights Law Review* vol. 17, no. 1 (Fall 1985): p. 57-82. *HeinOnline*, https://heinonline.org/HOL/P?h=hein.journals/colhr17&i=63.

The press has been advancing this argument for some time. More than thirty years before the first major wave of press subpoenas in the late 1960s, the American Newspaper Guild recognized the importance of confidential sources to newsgathering when it adopted the following provision as part of its first code of ethics: "Newspapermen shall refuse to reveal confidences or disclose sources of confidential information in court or before other judicial or investigative bodies .... ",6 Individual members of the press have also expressed their views on this subject on numerous occasions. Most notable are the affidavits filed by a number of distinguished journalists in Caldwell v. United States.:7 Earl Caldwell of The New York Times' San Francisco News Bureau, who appealed his case to the Supreme Court from the Ninth Circuit, stated that the Black Panthers and other dissident groups would "not speak with newspapermen until a relationship of complete trust and confidence has been developed." 3 Although Caldwell had developed such a relationship and had written some outstanding exclusive accounts of Black Panther activities,:"' he stated that: In recent months I have noticed a general attitude on the part of various radical organizations . . . that the information given might be used against them in some type of investigation or inquiries whose sole purpose they feel is designed to stifle their activities . . . [Ilt is my opinion as a professional newspaperman that if I am made to testify before the grand jury that members and officers of these groups would refuse to speak to me . . . and, therefore, my ability to function as a reporter specializing in this area would be ended." Another New York Times reporter, Anthony Ripley, described his difficulties in obtaining information from student radicals after he was subpoenaed and compelled to testify before the House Committee on Internal Security about articles he had written on a national convention of Students for a Democratic 4 Society (SDS). 1 Reporters who were not involved in covering radical groups also testified that they could not do their jobs effectively without the use of confidential information. Former CBS News anchorman Walter Cronkite stated that he constantly depends on confidential information: [W]ithout such materials, I would be able to do little more than broadcast press releases and public statements . . . . The material that I obtain in privacy and on a confidential basis is given to me on that basis because my news sources have learned to trust me and can confide in me without fear of exposure. In nearly every case their position, perhaps their very job or career, would be in jeopardy if this were not the case." Former CBS News White House correspondent Dan Rather also cited a recent example to support his claim that the "fear that confidential discussions may be divulged . . . would curtail a reporter's ability to discover and analyze the news." Rather's source, who had supplied otherwise unobtainable information on government, politics, and civil rights feared that Rather would violate his confidences due to government pressure; he declined to continue his relationship 43 with Rather. These statements are rather typical of the fears newsmen have professed during periods of heavy subpoena activity." The concern that the press will be unable to gather and publish the news effectively has been raised in other areas of first amendment law,45 and is often labeled "the chilling effect." This concept in the confidentiality area, as one commentator has noted, "depends upon an awareness that newsmen are compelled to turn confidential information over to the state, and the apprehension[s] that the data will be used either to harass or prosecute the source."'47 Although the Supreme Court was aware of the arguments expressed in the aforementioned statements before issuing its decision in Branzburg, 48 the Court did not explicitly recognize the existence of a chilling effect resulting from the forced disclosure of confidential sources. 9

#### The Black Lives Matter movement is key to disrupting the white gaze- Through deduction, BLM forces engagement and recognition from the other side which is key to success of the movement Mackin 16

 <https://www.jstor.org/stable/10.5325/philrhet.49.4.0459>casa\_token=kI5VLCbaiGIAAAAA:sX4pmpikQ8nDlCYnerUDhITnrb7EzCH50tw7BMSoCWisqwMjY5RAgAFmJS0eF73eZWaRYUGNLbXHqlPkgx5ypcNdbKdpNmHKpB1t5SY7JvNzWyRV2g#s03Philosophy & Rhetoric Vol. 49, No. 4, Special Issue: Speech in Revolt: Rancière, Rhetoric, Politics (2016), pp. 459-481 JB

Black Lives Matter activists adopt a more political response, however. They mobilize another form of epiphanic knowledge in which they “understand” their opponents' arguments, orders, and questions in ways that negate the world in which those speech acts initially worked. This often takes the form of what Rancière calls an “upsetting deduction” (1999, 49): from the equality that the order formally acknowledges (the equal capacity to understand orders), political actors deduce another kind of equality that the order denies (the equal capacity to understand problems or the equal right to diagnose and resist white supremacy; also see Nichanian [2012](https://www.jstor.org/stable/10.5325/philrhet.49.4.0459?casa_token=kI5VLCbaiGIAAAAA:sX4pmpikQ8nDlCYnerUDhITnrb7EzCH50tw7BMSoCWisqwMjY5RAgAFmJS0eF73eZWaRYUGNLbXHqlPkgx5ypcNdbKdpNmHKpB1t5SY7JvNzWyRV2g#r14), 33). Recall that for Rancière a police order at once establishes a common and divides it up. The second moment of political disagreement occurs when activists understand the equality that the police order establishes in a way that allows them to infer another form of equality from it. The fact that their opponents claim to agree that black lives matter becomes proof that they must also accept the reasonability of the activists' claims about, for instance, the need for police body cameras and the need to engage in street protests. One advantage of this deduction is that it turns the opponents' refusal of dialogue into reasons for including those opponents in a communicative exchange. The activists understand what their opponents are doing when they assert that Black Lives Matter protesters are disorderly, rude, interruptive, and only concerned about “black lives.” They understand their opponents to be declaring that the activism is not in fact activism. The Black Lives Matter activists resignify such declarations as confirmations of what they have been saying all along: that notwithstanding their claims to the contrary, their opponents do not acknowledge the activists' equal capacity for speech and reason. The activists anticipate their opponents' denials and use them as resources for continuing a dialogue (see Nichanian [2012](https://www.jstor.org/stable/10.5325/philrhet.49.4.0459?casa_token=kI5VLCbaiGIAAAAA:sX4pmpikQ8nDlCYnerUDhITnrb7EzCH50tw7BMSoCWisqwMjY5RAgAFmJS0eF73eZWaRYUGNLbXHqlPkgx5ypcNdbKdpNmHKpB1t5SY7JvNzWyRV2g#r14), 41). The police violence, the unfair treatment poor and African American defendants receive in the court system, the accusations of criminality and thuggery, the descriptions of them as being “in revolt” all become proof of the validity of the activists' claims and justifications for their actions. The protests are necessary and justified precisely because their opponents rationalize the police killings of unarmed African Americans, precisely because their opponents treat the protesters as thugs and criminals and utilize military equipment against them. We can see this dynamic at work in the hands up, don't shoot gesture. It may be true that the performance works as Apel says that it does, that it positions African Americans as passive victims of exceptional police violence. Yet something else is also going on. The protesters are inserting their counterworld into the world of their opponents. As in the plebeian secession, the activists effect this insertion through complex mimicry. In the first place, the gesture mimes the “reasonable person's” response to the police. When an officer points a gun, the expected response is to put one's hands up in surrender. This mimicry demonstrates that those who view African Americans as unusually irrational, violent, or passive are wrong. However, the gesture also mimes the gestures that the protesters say Michael Brown engaged in as he was shot. Recall that the police officer who shot Michael Brown, Darren Wilson, testified that Brown acted like a “demon,” irrationally charging and forcing Wilson to shoot; other witnesses testified that Brown was trying to surrender (see State of Missouri v. Darren Wilson [2014](https://www.jstor.org/stable/10.5325/philrhet.49.4.0459?casa_token=kI5VLCbaiGIAAAAA:sX4pmpikQ8nDlCYnerUDhITnrb7EzCH50tw7BMSoCWisqwMjY5RAgAFmJS0eF73eZWaRYUGNLbXHqlPkgx5ypcNdbKdpNmHKpB1t5SY7JvNzWyRV2g#r23), 225). I make no claim about which testimony is accurate. My only interest is in understanding the meaning of this mimicry. The mimicry dramatizes the existence of the clash of perception between whites and African Americans and “proves” the validity of the latter's. Most obviously, the gesture identifies the position of the protesters with that of Michael Brown. Just as Brown faced an officer who saw him as a demon, the protesters face heavily armed police officers who see them as rage-filled animals. The substitution also goes the other direction. In miming what they take to be Brown's gesture, the protesters re-present the confrontation between Wilson and Brown, using their own violent and unjust treatment by the police to “prove” Wilson's violent and unjust treatment of Brown. The gesture, in other words, does not just reposition African Americans as submissive; it also restages the conflict between the protesters and the police and between the police and Michael Brown in a way that offers proof of the protesters' claims about the existence of white supremacy. The protesters act as if their lives matter and as if they were reasonable people living in an egalitarian world, which are things that their opponents say they already believe. They put their hands up when the police point guns at them; they use arguments anyone can understand to state the “obvious” truth that African Americans are not treated equally in the United States, and they act as free and equal people would in response to such a truth: they contest the inequality and defend themselves against it. In response, the police declare the protesters to be irrational and in revolt; they shout racist epithets at them; they show up with armored personnel carriers and point sniper rifles at them. Yet given the way that the activists have staged the conflict, such responses only confirm the protesters' claims. It was Officer Wilson who was and the police in general who are “interrupting.” It is the police who are behaving irrationally and acting in rage and who are imposing a system of white supremacy on the activists' reasonable and egalitarian world. In short, the hands up, don't shoot gesture performs two functions: it dramatizes the activists' assertion that what is at stake in the disagreement is the question of whether the activists are speaking beings, and it includes their opponents in a communicative exchange over that question, **even (or especially) when those opponents refuse to acknowledge that the exchange is occurring.** The gesture can perform these functions because it has a dual structure. It raises a determinate validity claim (“police behavior toward African Americans is unjust for X reasons”), but it also presents a poetic metaphor of the speech situation in which the claim is getting made (“we are in a situation in which acting reasonably leads our opponents to point guns at us”) (see Rancière [1999](https://www.jstor.org/stable/10.5325/philrhet.49.4.0459?casa_token=kI5VLCbaiGIAAAAA:sX4pmpikQ8nDlCYnerUDhITnrb7EzCH50tw7BMSoCWisqwMjY5RAgAFmJS0eF73eZWaRYUGNLbXHqlPkgx5ypcNdbKdpNmHKpB1t5SY7JvNzWyRV2g#r18), 56). There is a determinate claim, and there is a commentary on how their opponents receive this claim, one that anticipates their opponents' responses and casts them as self-contradictions. The police and their defenders might deny the existence of white supremacy, and they might say that the protests are irrational. Yet the protesters' “reasonable” performances, along with the police's violent responses to them, prove otherwise. This dynamic creates the activists' proof that the police's interpretation of the conflict is either perfidious or irrational. It is essential to emphasize that the activists' accusations of self-contradiction are not entirely logical; they are political-aesthetic declarations. Through the upsetting deduction, the activists argue that the fact that their opponents state that they believe black lives matter implies that also they agree that police behavior is a manifestation of white supremacy. It is on the basis of this implication that they accuse their opponents of contradicting themselves. There is a logical argument here, but the argument works by establishing a poetic link between two phenomena (having a life that matters and the existence of white supremacy). This link is not just “there” waiting for someone to point it out; it appears only through declaration and ongoing action (see Nichanian [2012](https://www.jstor.org/stable/10.5325/philrhet.49.4.0459?casa_token=kI5VLCbaiGIAAAAA:sX4pmpikQ8nDlCYnerUDhITnrb7EzCH50tw7BMSoCWisqwMjY5RAgAFmJS0eF73eZWaRYUGNLbXHqlPkgx5ypcNdbKdpNmHKpB1t5SY7JvNzWyRV2g#r14), 38). In this regard, the activists' upsetting deduction mimics aspects of Plato's myth of the metals. Socrates, we recall, does not argue that the myth is true. He does not even argue that manual laborers must believe that it is true. What matters is that the laborers sense the myth's truth that they weave this truth into daily life and make it real in practice (Rancière [2014](https://www.jstor.org/stable/10.5325/philrhet.49.4.0459?casa_token=kI5VLCbaiGIAAAAA:sX4pmpikQ8nDlCYnerUDhITnrb7EzCH50tw7BMSoCWisqwMjY5RAgAFmJS0eF73eZWaRYUGNLbXHqlPkgx5ypcNdbKdpNmHKpB1t5SY7JvNzWyRV2g#r20), 270). So too with the upsetting deduction. It does not matter whether giving an order really presupposes equality between those giving orders and those receiving them; what matters is that political actors sense this equality and make it manifest in action. What this shows is that Black Lives Matter activism develops a mode of political-aesthetic transformation that is fully imbricated into the sensory order that it negates. The activists enact modes of freedom and equality that the dominant order of sense denies—above all, the freedom to engage in practices in which one steps outside of one's assigned roles and reconfigures the sensory world. Yet these modes of freedom and equality are neither primordial nor fleeting. They are determinate: they are manifested through the articulation of a coherent counterworld; they are inserted into the dominant order of sense through a complex mimicry that includes recalcitrant opponents in ongoing communicative exchanges; and they can be sustained through ongoing action. Conceived as the production of epiphanic knowledge, **that is what political action creates.** It does not open a universal perspective that explains how assertions, institutions, subjectivities, or spaces can be made legitimate, but neither does it launch one out of history via fleeting experiences of primordial freedom and equality. It only holds out the hope that we might resignify the resources of a dominant order of sense, that we might transform what is given (see Chambers [2013](https://www.jstor.org/stable/10.5325/philrhet.49.4.0459?casa_token=kI5VLCbaiGIAAAAA:sX4pmpikQ8nDlCYnerUDhITnrb7EzCH50tw7BMSoCWisqwMjY5RAgAFmJS0eF73eZWaRYUGNLbXHqlPkgx5ypcNdbKdpNmHKpB1t5SY7JvNzWyRV2g#r4), 63).

## Underview?

#### We defend the legal definition of a journalist

Senate Judiciary Committee 17 Text - H.R.4382 - 115th Congress (2017-2018): Free Flow of Information Act of 2017.” *Congress.gov*, 13 Dec. 2017, [www.congress.gov/bill/115th-congress/house-bill/4382/text.](http://www.congress.gov/bill/115th-congress/house-bill/4382/text./) JB

(5) JOURNALISM.—The term “journalism” means the gathering, preparing, collecting, pho­to­graph­ing, recording, writing, editing, reporting, or publishing of news or information that concerns local, national, or international events or other matters of public interest for dissemination to the public.

#### 2. We defend the aff advocacy as a general ought statement not a policy action- if they can’t prove that the aff ought not happen then they haven’t sufficiently answered the thesis of the aff and you should presume aff.