# Counter-surveillance AC

## Shit to work on

Frontlines and extensions for Russia

## 1AC General

### The Advantage is Surveillance

#### The post 9/11 era has framed surveillance as an “essential” and Trump has no intention on stopping it

Volz 1/20 Dustin Volz, 1-20-2018, "Trump signs bill renewing NSA's internet surveillance program," U.S., [https://www.reuters.com/article/us-usa-trump-cyber-surveillance/trump-signs-bill-renewing-nsas-internet-surveillance-program-idUSKBN1F82MK /](https://www.reuters.com/article/us-usa-trump-cyber-surveillance/trump-signs-bill-renewing-nsas-internet-surveillance-program-idUSKBN1F82MK%20/) MM

U.S. President Donald Trump on Friday said he signed into law a bill renewing the National Security Agency’s warrantless internet surveillance program, sealing a defeat for digital privacy advocates. “Just signed 702 Bill to reauthorize foreign intelligence collection,” Trump wrote on Twitter, referring to legislation passed by the U.S. Congress that extends Section 702 of the Foreign Intelligence Surveillance Act (FISA). The law renews for six years and with minimal changes the National Security Agency (NSA) program, which gathers information from foreigners overseas but incidentally collects an unknown amount of communications belonging to Americans. The measure easily passed the U.S. House of Representatives last week despite mixed signals posted on Twitter by Trump and narrowly avoided a filibuster in the Senate earlier this week that split party lines. The measure had drawn opposition from a coalition of privacy-minded Democrats and libertarian Republicans. In his tweet on Friday, Trump attempted to clarify why he signed the bill despite repeating an unsubstantiated claim that his Democratic predecessor, Barack Obama, ordered intelligence agencies to eavesdrop on Trump’s 2016 Republican presidential campaign. “This is NOT the same FISA law that was so wrongly abused during the election,” Trump wrote. “I will always do the right thing for our country and put the safety of the American people first!” Last September, the U.S. Justice Department said in a court filing that it had no evidence to support Trump’s claim about improper surveillance during the campaign. Without Trump’s signature, Section 702 had been set to expire on Friday, though intelligence officials had said the surveillance program could continue to operate until April. Under the law, the NSA is allowed to eavesdrop on vast amounts of digital communications from foreigners living outside the United States via U.S. companies like Facebook Inc, Verizon Communications Inc and Alphabet Inc’s Google. But the program also incidentally scoops up Americans’ communications, including when they communicate with a foreign target living overseas, and can search those messages without a warrant. The White House, U.S. intelligence agencies and congressional Republican leaders have said the program is indispensable to national security, vital to protecting U.S. allies and needs little or no revision. Privacy advocates say it allows the NSA and other intelligence agencies to grab data belonging to Americans in a way that represents an affront to the U.S. Constitution.

#### Under a façade of “national security”, surveillance creates a chilling effect and shields communication between confidential sources and the press

Waters 17 Stephenson Waters, 9-5-2017, "The Effects of Mass Surveillance on Journalists’ Relations With Confidential Sources," Taylor & Francis, <https://www.tandfonline.com/doi/full/10.1080/21670811.2017.1365616?scroll=top&needAccess=true> / MM

This hypothesis was supported. Study participants who cover surveillance and national security, overall, reported negative effects or changes to their personal communications online, regardless of whether they are an establishment or adversarial journalist. Despite this, however, participants generally responded that they store personal information on cloud services and share content on social media, albeit in a limited fashion. The reasoning behind why this occurs varied, but a clear theme emerged that was dependent upon opinions of mass surveillance and technical knowledge. Even respondents who argued that mass government surveillance was not a pervasive threat acknowledged that they make changes to their personal online behavior and communications. The reasons for this varied based on technical literacy and their proximity to sensitive information used for their work. P001, an adversarial journalist, for example, reported they were skilled in technical security and disclosed that they used and possessed sensitive information pertaining to surveillance issues. P001 said that the consequences of covering surveillance, such as harassment from authorities and possible legal ramifications, were realistic threats. Considering this, P001 tended to self-censor when communicating in their personal life, both online and in person: I think that I probably do, and even sometimes subconsciously. It’s like people have described it like the policeman in your mind kind of thing, and you maybe self-censor a little bit. It’s kind of horrible. And actually, I’ve felt that happening a couple of times, just even in personal conversations with people completely unconnected with work. I think that’s one of the most harmful aspects of that kind of level of surveillance and the fear of it, that it does that to people. I do think about it, but I try not to let that get to me too much. P003, who did not report a high level of technical skill and argued that NSA capabilities were limited and the topic was overblown, still said that they avoid revealing too much personal information in personal communication, considering the possibility that it could be read and negatively affect their image among media audiences. I’ve always assumed for about [redacted] years, and I’m still using email, that somebody can get it. So, I would never put anything liable or I wouldn’t insult my boss in an email because I know that it’s too easily forwardable, that’s the issue, too. … I just never assumed that I was a hundred percent private. So, I just had a natural discretion. Because also if you got in trouble if something crashed, the IT people would come into your office and they would see everything that you’re doing. At the least, respondents reported being “more aware” of the potential surveillance risks in personal communication, with one respondent, P006, reporting a small but noticeable feeling of anxiety when communicating with friends and colleagues online, arguing that an innocuous message could be misinterpreted and “raise an alarm bell somewhere”: Somebody will email you something with either a joke or a keyword or even like a real news story to a link and people will respond and say, “Oh, we”re going to end up on some list.’ So there’s certainly a fair amount of that kind of macabre humor. And then that’s the sort of funny end of it, but I think that that points to a serious anxiety between people even when you’re just communicating with friends, especially friends who work as journalists or human rights lawyers or what have you. There’s a sort of small but not insignificant chilling effect where I’ll wait to tell a particular friend that— how can I say this? If I know I’m going to see somebody in a day or two I might wait to tell them something or share a story or whatever until I see them in person, or I’ll just think twice about whatever jokes I make or anything like that. It’s sort of always in the back of your mind that something that you write could get swept in because you hit some keyword or because you’re away from somebody who is almost certainly in a database, or if you’re emailing somebody overseas that’s of course another, even if it’s just a sort of “Hey, what’s up?” email. Interestingly, four respondents said that though they may take steps to alter their communication, there was little they could do to prevent someone observing the communication. They said that most personal communication is harmless and mundane, and there was little point in attempting to protect this information. These opinions somewhat contradict their views as journalists, when they later argued that surveillance is a pervasive and dangerous threat to the public interest. To varying degrees, five respondents said that the public should be worried about mass government surveillance programs. The potential for abuse and the current state of secrecy surrounding the programs, they said, could harm public expression and democratic institutions, notably the press. As P001 said: It’s a deeply problematic thing for reporters, mass surveillance. And it has knock-on ramifications for society more generally, because if sources won’t come forward, if you can’t reach out to people and talk to people, that means you can’t get the information. And if you can’t get the information, the stories don’t come out, the news reporting isn’t as comprehensive as it could be, certain facts don’t enter the public domain. Using a panopticism framework and a constant comparative method, this study attempted to explore how journalists communicate with confidential sources in the digital and mobile communication of sensitive information. The seven journalists who participated in this study reported that they believe their work and lives has changed under a real or perceived threat of mass government surveillance. Additionally, participants who cover national security and surveillance issues reported that, overall, digital security measures have altered their jobs, in many cases making their day-to-day work more difficult. Finally, participants discussed the context in which they use digital security tools when communicating with sources online and described conditions that merit or prohibit the use of these tools. Focault (1977) wrote that, for an authoritarian entity, the ultimate power of panopticism derives from a “a state of conscious and permanent visibility that assures the automatic functioning of power” (608). Whether the surveillance or observation is real or implied, the presence of that power is felt, and those under surveillance conform to the will of the authority to avoid punishment or reprimand. This concept, and its effects, can be anecdotally seen from the data collected for this study. Overall, participants reported an increased awareness of a mass government surveillance apparatus at work. In every case, they reported adjusting their behavior to some degree.

#### Stable communication is key to whistleblowers

Posetti 17 Julie Posetti, 5-3-2017, "UNESCO report: surveillance and data collection are putting journalists and sources at risk," Conversation, [https://theconversation.com/unesco-report-surveillance-and-data-collection-are-putting-journalists-and-sources-at-risk-77038 /](https://theconversation.com/unesco-report-surveillance-and-data-collection-are-putting-journalists-and-sources-at-risk-77038%20/) MM

The ability of journalists to report without fear is under threat from mass surveillance and data retention. Released this week, my UNESCO report Protecting Journalism Sources in the Digital Age shows that laws protecting journalists and sources globally are not keeping up with the challenges posed by indiscriminate data collection and the spill-over effects of anti-terrorism and national security legislation. Examining legal changes to how sources are protected across 121 countries between 2007-2015, I found that calls, text messages, and emails made in the process of reporting are increasingly exposed. In particular, they can be caught up in the nets of law enforcement and national security agencies as they trawl for evidence of criminal activity and terrorism and conduct leak investigations. Source protection laws should be updated to protect the online communications of journalists and whistleblowers. If we do not strengthen legal protections and limit the impact of surveillance and data retention, investigative journalism that relies on confidential sources will be difficult to sustain. New technologies, new problems. Now that simply using mobile technology, email, and social networks may result in a person being caught up in state and corporate surveillance and data mining, the laws protecting sources and journalists are being seriously undermined. The study found that source protection laws globally are at risk of being: trumped by national security and anti-terrorism legislation that increasingly broadens definitions of “classified information” and limits exceptions for journalistic acts undercut by surveillance – both mass and targeted jeopardised by mandatory data retention policies and pressure applied to third party intermediaries to release data which risks exposing sources outdated when it comes to regulating the collection and use of digital data, such as whether information recorded without consent is admissible in a court case against either a journalist or a source; and whether digitally stored material gathered by journalistic actors is covered by existing source protection laws, and challenged by questions about entitlement to claim protection - as underscored by the questions: “Who is a journalist?” and “What is journalism”? These threats suggest lawmakers need to think differently when it comes to protecting press freedoms. In the past, the main concerns of courts and lawmakers was whether a journalist could be legally forced to reveal the confidential source of published information or be the subject of targeted surveillance and search and seizure operations. Now that data is routinely intercepted and collected, we must find new ways to protect the right of journalists to withhold the identity of their sources. The Australian metadata threat Australia’s experience with mandatory metadata collection shows how complicated the question of journalist-source protection can become in a digital era. The Australian Federal Police recently admitted to illegally accessing an unidentified journalist’s metadata without a warrant. This breach was possible because of the country’s mandatory data retention law, which requires phone and internet companies to preserve user metadata for two years, even when there is no suspicion of a crime. This includes information such as when a text message was sent and who received it, but not its content. Advocates of long-term metadata retention, like Australian Attorney General George Brandis, have insisted the law poses no significant threat to privacy or freedom of expression. When the legislation was enacted in March 2015, it included an amendment that requires government agencies to seek a warrant to access journalists’ communications with sources in certain cases. Then-Communications Minister Malcolm Turnbull and Attorney-General Senator George Brandis during a press conference introducing the metadata legislation in Canberra, Thursday, Oct. 30, 2014. AAP Image/Alan Porritt Transparency, however, is not required. Revelation of the existence (or non-existence) of such a warrant is punishable by a two-year jail term. At no point are journalists nor media organisations advised of such an intervention, and there is no opportunity for them to challenge the issuing of a warrant. These shortcomings mean the law fails seven out of 11 indicators in UNESCO’s guide for measuring the effectiveness of a country’s legal source protection framework. In the face of these threats, journalists can take steps to protect their online security and ensure sources have ways to contact them securely. Yet even when they encrypt the content of their source communications, they may neglect the metadata, meaning they still leave behind a digital trail of whom they contacted. This data can easily identify a source, and safeguards against its illegitimate use are frequently limited or non-existent. Australia’s Press Council chair, professor David Weisbrot has said mandatory data retention legislation risks “crushing” investigative journalism: I think that whistleblowers who are inside governments or corporations will definitely not come forward because their confidentiality and anonymity will not be guaranteed. If they came forward, a journalist would have to say ‘I have to give you some elaborate instructions to avoid detection: don’t drive to our meeting, don’t carry your cell phone, don’t put this on your computer, handwrite whatever you’re going to give me’.

#### Whistleblowers are key to checking the government – empirics prove

Toland 8 Toland, Carol J. "Internet Journalism and the Reporter's Privilege: Providing Protection for Online Periodicals." U. Kan. L. Rev. 57 (2008): 461. / MM

The press plays a vital role in maintaining a free flow of information and a healthy democracy. Some of its most practical benefits to American society include its service as a “watchdog” over federal, state, and local governments; its utilization of confidential sources to reveal problems that would not receive any public attention otherwise; and its independence from the government that allows for a more neutral, balanced analysis. a. The Press as a Government “Watchdog” The press can often be viewed as operating as a “watchdog” for the government at the federal, state, and local levels. Numerous stories concerning government malfeasance can be traced to anonymous government sources.140 Without the information provided by these individuals, the public would lack knowledge on many important issues. In fact, “in the years since Watergate, literally thousands of stories concerning government corruption, mismanagement, and the more mundane ‘inside workings’ of our public institutions—at the federal, state, and local levels—have resulted from information provided to reporters under promises of confidentiality.”141 Although many of these stories may simply be routine, some were landmark events: [A]rguably some of the “biggest” stories involving government corruption, deception or misinformation about official policy in each of the past four decades has resulted from information provided by anonymous sources or “leaks”: 1. Watergate; 2. The Pentagon Papers . . . ; 3. The Iran-Contra “arms-for-hostages” deal; [and] 4. Anita Hill’s allegation that Clarence Thomas had sexually harassed her.142 Without reporter’s privilege protection, it is unlikely that these stories would ever have seen the light of day or received the amount of attention that they did. Government employees put their careers on the line and sometimes even put their lives in jeopardy to share these stories.143 If protection of their identity had not been guaranteed, they might not have been as willing to share information and expose government wrongdoing. b. The Press’s Utilization of Confidential Sources The press has always valued the help of confidential sources to break stories in both the public and private sectors. This is because the press can better keep the public informed of matters of importance if anonymous sources feel confident that they can step forward to talk to the press while having their anonymity protected. The impact of these stories is far-reaching. For example, “promises of confidentiality to informed sources within companies and private industry are essential to the disclosure of information that may affect millions of investors and/or consumers.”144 When such stories are a direct result of whether those possessing the critical information feel sufficiently protected from retaliation to share what they know, it is essential to create a safe environment to encourage those persons to come forward. The best way to accomplish this is through the protection offered by the reporter’s privilege. c. The Press’s Independence from the Government The press’s independence from the government is rooted in the First Amendment. This independence continues to be a very important issue in the debate about the press’s rights because confidential sources need the confidence that they are sharing information with a journalist who is not merely an extension of the government. Without such independence, the likelihood that these sources will reveal information of great importance sharply declines. As one author pointed out: Myriad news reports and other information of interest to the general public—not limited to any particular topic or field—depend upon the press’ ability to obtain information from sources, not on a confidential basis, but with the understanding that the press is independent and “neutral,” not an “arm of the government” or any other litigant.145 Without a reporter’s privilege, the press’s ability to promise protection to these confidential sources will be virtually nonexistent, leading to the public’s failure to receive important information that may have been of significant benefit.

#### Abuse of power sequences every impact

Caplan 6 Department of Economics and Center for Study of Public Choice [Bryan Caplan at George Mason University, “The Totalitarian Threat,” January 06] / MM

It is obviously harder to refine my numbers than it is to refine estimates of the probability of an extinction-level asteroid impact. The regularities of social science are neither as exact nor as enduring as the regularities of physical science. But this is a poor argument for taking social disasters like totalitarianism less seriously than physical disasters like asteroids. We compare accurately-measured to inaccurately-measured things all the time. Which is worse for a scientist to lose: 1 point of IQ, or his "creative spark"? Even though IQ is measured with high accuracy, and creativity is not, loss of creativity is probably more important. Finally, it is tempting to minimize the harm of a social disaster like authoritarianism, because it would probably not lead to human extinction. Even in Cambodia, the totalitarian regime with the highest death rate per-capita, 75% of the population remained alive after three years of rule by the Khmer Rouge. (Margolin 1999b) But perhaps an eternity of totalitarianism would be worse than extinction. It is hard to read Orwell and not to wonder: Do you begin to see, then, what kind of world we are creating? It is the exact opposite of the stupid hedonistic Utopias that the old reformers imagined. A world of fear and treachery and torment, a world of trampling and being trampled upon, a world which will grow not less but more merciless as it refines itself. Progress in our world will be progress towards more pain. The old civilizations claimed that they were founded on love or justice. Ours is founded upon hatred. In our world there will be no emotions except fear, rage, triumph and self-abasement. Everything else we shall destroy – everything... There will be no loyalty, except loyalty towards the Party. There will be no love, except the love of Big Brother. There will be no laughter, except for the laugh of triumph over a defeated enemy. There will be no art, no literature, no science. When we are omnipotent we shall have no more need of science. There will be no distinction between beauty and ugliness. There will be no curiosity, no enjoyment of the process of life. All competing pleasures will be destroyed. (1983: 220)

#### Restricting the press opens the door to infinite impacts

D’Souza 96 Former Executive Director of ARTICLE 19, 1996 (Frances, Article 19 is a human rights organisation devoted to promoting freedom of expression. She also taught anthropology at Oxford and the London School of economics, “Free Speech - Free Media: Rights under Threat?”, Public Hearing, 4/25, <http://www.europarl.eu.int/hearings/speech/freedom_en.htm>) / MM

In the absence of freedom of expression which includes a free and independent media, it is impossible to protect other rights, including the right to life. Once governments are able to draw a cloak of secrecy over their actions and to remain unaccountable for their actions then massive human rights violations can, and do, take place. For this reason alone the right to freedom of expression, specifically protected in the major international human rights treaties, must be considered to be a primary right. It is significant that one of the first indications of a government's intention to depart from democratic principles is the ever increasing control of information by means of gagging the media, and preventing the freeflow of information from abroad. At one end of the spectrum there are supposedly minor infringements of this fundamental right which occur daily in Western democracies and would include abuse of national security laws to prevent the publication of information which might be embarrassing to a given government: at the other end of the scale are the regimes of terror which employ the most brutal moves to suppress opposition, information and even the freedom to exercise religious beliefs. It has been argued, and will undoubtedly be discussed at this Hearing, that in the absence of free speech and an independent media, it is relatively easy for governments to capture, as it were, the media and to fashion them into instruments of propaganda, for the promotion of ethnic conflict, war and genocide.

### Advocacy

#### We’ll defend that in the United States, reporters ought to have the right to protect the identity of confidential sources, if you want us to defend implementation we’ll defend whatever plan you want us to, we reserve the right to clarify or specify in CX to avoid silly T debates and grant links

#### **Protection from government surveillance is normal mean, there’s no question of solvency**

Posetti 17 Julie Posetti, 5-3-2017, "UNESCO report: surveillance and data collection are putting journalists and sources at risk," Conversation, [https://theconversation.com/unesco-report-surveillance-and-data-collection-are-putting-journalists-and-sources-at-risk-77038 /](https://theconversation.com/unesco-report-surveillance-and-data-collection-are-putting-journalists-and-sources-at-risk-77038%20/) MM

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### Framing

#### **Reliability means that our moral calculus must be based around the consequences of our actions.**

Sinhibabu 13Neil, 13 (National University of Singapore) “The epistemic argument for hedonism” [http://philpapers.org/archive/SINTEA /](http://philpapers.org/archive/SINTEA%20/) MM

While **widespread error** leaves open the possibility that one has true beliefs, it reduces the probability that my beliefs are true. Consider a parallel case. I have no direct evidence that I have an appendix, but I know that previous investigations have revealed appendixes in people. So induction suggests that I have an appendix. Similarly, I know on the basis of 1 and 2 that people's moral beliefs are, in general, rife with error. So even if I have no direct evidence of error in my moral beliefs, induction suggests that they are rife with error as well. 3 invokes the reliability of the processes that produce our beliefs. Assessing processes of belief-formation for **reliability is an important part of our epistemic practices**. If someone tells me that my belief is entirely produced by wishful thinking, I can't simply accept that and maintain the belief. Knowing that wishful thinking is unreliable, I must either deny that my belief is entirely caused by wishful thinking or abandon the belief. But if someone tells me that my belief is entirely the result of visual perception, I'll maintain it, assuming that it concerns sizable nearby objects or something else about which visual perception is reliable. While providing precise criteria for individuating processes of belief-formation is hard, as the literature on the generality problem for reliabilism attests, individuating them somehow is indispensable to our epistemic practices.1

#### He continues that…

our epistemic and anthropological situation, combined with plausible metaethical and epistemic principles, forces us to abandon our moral beliefs. But if a reliable process of moral belief-formation exists, 4 is false, and we can answer the moral skeptic. The rest of this paper discusses the only reliable process I know of. 2.1 Phenomenal introspection reveals pleasure's goodness Phenomenal introspection, a reliable way of forming true beliefs about our experiences, produces the belief that pleasure is good. Even as our other processes of moral belief-formation prove unreliable, it provides reliable access to pleasure's goodness, justifying the positive claims of hedonism. This section clarifies what phenomenal introspection and pleasure are and explains how phenomenal introspection provides reliable access to pleasure's value. Section 2.2 argues that pleasure's goodness is genuine moral value, rather than value of some other kind. In phenomenal introspection we consider our subjective experience, or phenomenology, and determine what it's like. Phenomenal introspection can be reliable while dreaming or hallucinating, as long as we can determine what the dreams or hallucinations are like. By itself, phenomenal introspection doesn't produce beliefs about things outside experience, or about relations between our experiences and non-experiential things. So it doesn't produce judgments about the rightness of actions or the goodness of non-experiential things. It can only tell us about the intrinsic properties of experience itself. Phenomenal introspection is generally reliable, even if mistakes about immediate experience are possible. Experience is rich in detail, so one could get some of the details wrong in belief. Under adverse conditions involving false expectations, misleading evidence about what one's experiences will be, or extreme emotional states that disrupt belief-formation, larger errors are possible. Paradigmatically reliable processes like vision share these failings. Vision sometimes produces false beliefs under adverse conditions, or when we're looking at complex things. Still, it's so reliable as to be indispensible in ordinary life. Regarding phenomenal introspection as unreliable is about as radical as skepticism about the reliability of vision. While contemporary psychologists reject introspection into one's motivations and other psychological causal processes as unreliable, phenomenal introspection fares better. Daniel Kahneman, for example, writes that “experienced utility is best measured by moment-based methods that assess the experience of the present.”22 Even those most skeptical about the reliability of phenomenal introspection, like Eric Schwitzgebel, concede that we can reliably introspect whether we are in serious pain.23 Then we should be able to introspectively determine what pain is like. So I'll assume the reliability of phenomenal introspection. One can form a variety of beliefs using phenomenal introspection. For example, one can believe that one is having sound experiences of particular noises and visual experiences of different shades of color. When looking at a lemon and considering the phenomenal states that are yellow experiences, one can form some beliefs about their intrinsic features – for example, that they're bright experiences. And when considering experiences of pleasure, one can make some judgments about their intrinsic features – for example, that they're good experiences. Just as one can look inward at one's experience of lemon yellow and recognize its brightness, one can look inward at one's experience of pleasure and recognize its goodness.24 When I consider a situation of increasing pleasure, I can form the belief that things are better than they were before, just as I form the belief that there's more brightness in my visual field as lemon yellow replaces black. And when I suddenly experience pain, I can form the belief that things are worse in my experience than they were before. Having pleasure consists in one's experience having a positive hedonic tone. Without descending into metaphor, it's hard to give a further account of what pleasure is like than to say that when one has it, one feels good. As Aaron Smuts writes in defending the view of pleasure as hedonic tone, “to 'feel good' is about as close to an experiential primitive as we get.” 25 Fred Feldman sees pleasure as fundamentally an attitude rather than a hedonic tone.26 But as long as hedonic tones are real components of experience, phenomenal introspection will reveal pleasure's goodness. Opponents of the hedonic tone account of pleasure usually concede that hedonic tones exist, as Feldman seems to in discussing “sensory pleasures,” which he thinks his view helps us understand. Even on his view of pleasure, phenomenal introspection can produce the belief that some hedonic tones are good while others are bad. There are many different kinds of pleasant experiences. There are sensory pleasures, like the pleasure of tasting delicious food, receiving a massage, or resting your tired limbs in a soft bed after a hard day. There are the pleasures of seeing that our desires are satisfied, like the pleasure of winning a game, getting a promotion, or seeing a friend succeed. These experiences differ in many ways, just as the experiences of looking at lemons and the sky on a sunny day differ. It's easy to see the appeal of Feldman's view that pleasures “have just about nothing in common phenomenologically” (79). But just as our experiences in looking at lemons and the sky on a sunny day have brightness in common, pleasant experiences all have “a certain common quality – feeling good,” as Roger Crisp argues (109).27 As the analogy with brightness suggests, hedonic tone is phenomenologically very thin, and usually mixed with a variety of other experiences.28 Pleasure of any kind feels good, and displeasure of any kind feels bad. These feelings may or may not have bodily location or be combined with other sensory states like warmth or pressure. “Pleasure” and “displeasure” mean these thin phenomenal states of feeling good and feeling bad. As Joseph Mendola writes, “the pleasantness of physical pleasure is a kind of hedonic value, a single homogenous sensory property, differing merely in intensity as well as in extent and duration, which is yet a kind of goodness” (442).29 What if Feldman is right and hedonic states feel good in fundamentally different ways? Then phenomenal introspection suggests a pluralist variety of hedonism. Each fundamental flavor of pleasure will have a fundamentally different kind of goodness, as phenomenal introspection more accurate than mine will reveal. This isn't my view, but I suggest it to those convinced that hedonic tones are fundamentally heterogenous. If phenomenal introspection reliably informs us that pleasure is good, how can anyone believe that their pleasures are bad? Other processes of moral belief-formation are responsible for these beliefs. Someone who feels disgust or guilt about sex may not only regard sex as immoral, but the pleasure it produces as bad. Even if phenomenal introspection on sexual pleasure disposes one to believe that it's good, stronger negative emotional responses to it may more strongly dispose one to believe that it's bad, following the emotional perception model suggested in section 1.4. Explaining disagreement about pleasure's value in terms of other processes lets hedonists maintain that phenomenal introspection univocally supports pleasure's goodness. As long as negative judgments of pleasure come from unreliable processes instead of phenomenal introspection, the argument from disagreement eliminates them. The parallel between yellow’s brightness and pleasure’s goodness demonstrates the objectivity of the value detected in phenomenal introspection. Just as anyone's yellow experiences objectively are bright experiences, anyone's pleasure objectively is a good experience.30 While one's phenomenology is often called one's “subjective experience”, facts about it are still objective. “Subjective” in “subjective experience” means “internal to the mind”, not “ontologically dependent on attitudes towards it.” My yellow-experiences objectively have brightness. Anyone who thought my yellow-experiences lacked brightness would be mistaken. Pleasure similarly is objectively good. It's true that anyone's pleasure is good. Anyone who denies this is mistaken. As Mendola writes, the value detected in phenomenal introspection is “a plausible candidate for objective value” (712). Even though phenomenal introspection only tells me about my own phenomenal states, I can know that others' pleasure is good. Of course, I can't phenomenally introspect their pleasures, just as I can't phenomenally introspect pleasures that I'll experience next year. But if I consider my experiences of lemon yellow and ask what it would be like if others had the same experiences, I must think that they would be having bright experiences. Similarly, if in a pleasant moment I consider what it's like for others to have exactly the experience I'm having, I must think that they're having good experiences. If they have exactly the same experiences I'm having**,** their experiences will have exactly the same intrinsic properties as mine. This is also how I know that if I have the same experience in the future, it'll have the same intrinsic properties. Even though the only pleasure I can introspect is mine now, I should believe that others' pleasures and my pleasures at other times are good, just as I should believe that yellow experienced by others and myself at other times is bright. My argument thus favors the kind of universal hedonism that supports utilitarianism, not egoistic hedonism.

#### Thus, the standard is maximizing wellbeing and minimizing harms

#### Prefer additionally:

#### The intrinsic value of people is best respected through util

Cummiskey 90 David, a Philosophy Professor at Bates College “Kantian Consequentialism.” Ethics, Vol. 100, No. 3. 1990. <http://www.jstor.org/stable/2381810>. / MM

We must not obscure the issue by characterizing this type of case as the sacrifice of individuals for some abstract “social entity.” It is not a question of some persons having to bear the cost for some elusive “overall social good.” Instead, the question is whether some persons must bear the inescapable cost for the sake of other persons. Robert Nozick, for example, argues that “to use a person in this way does not sufficiently respect and take account of the fact that he is a separate person, that his is the only life he has.” But why is this not equally true of all those whom we do not save through our failure to act? **By emphasizing solely the one who must bear the cost if we act, we fail to** sufficiently **respect** and take account of **the many other** separate **persons**, each with only one life, **who will bear the cost of our inaction**. In such a situation, what would a conscientious Kantian agent, an agent motivated by the unconditional value of rational beings, choose? A morally good agent recognizes that the basis of all particular duties is the principle that “rational nature exists as an end in itself”. Rational nature as such is the supreme objective end of all conduct. If one truly believes that all rational beings have an equal value, then the rational solution to such a dilemma involves maximally promoting the lives and liberties of as many rational beings as possible. In order to avoid this conclusion, the non-consequentialist Kantian needs to justify agent-centered constraints. As we saw in chapter 1, however, even most Kantian deontologists recognize that agent-centered constraints require a non- value-based rationale. But we have seen that Kant’s normative theory is based on an unconditionally valuable end. How can a concern for the value of rational beings lead to a refusal to sacrifice rational beings even when this would prevent other more extensive losses of rational beings? If the moral law is based on the value of rational beings and their ends, then what is the rationale for prohibiting a moral agent from maximally promoting these two tiers of value? If I sacrifice some for the sake of others, I do not use them arbitrarily, and I do not deny the unconditional value of rational beings. **Persons** may **have “dignity**, that is, an unconditional and incomparable worth” **that transcends any** market **value, but persons also have** a fundamental **equality that dictates that some must** sometimes **give way for the sake of others.** The concept of the end-in-itself does not support the view that we may never force another to bear some cost in order to benefit others.

#### Governments are obligated to use util

Goodin 90 Robert Goodin, Professor of Government, University of Essex, Australian National Defense University, “THE UTILITARIAN RESPONSE,” p. 141-2, 1990. / MM

My larger argument turns on the proposition that there is Something special about the situation of public officials that makes utilitarianism more probable for them than private individuals. Before proceeding with the large argument, I must therefore say what it is that makes it so special about public officials and their situations that make it both more necessary and more desirable for them to adopt a more credible form of util.itarianism. Consider, first, the argument from necessity. Public officials are obliged to make their choices under uncertainty., and uncertainty of a very special sort at that. All choices – public and private alike – are made under some degree of uncertainty, of course. But in the nature of things, private Individuals will usually have more complete information on the peculiarities of their own circumstances. and on the ramifications that alternative possible choices might have for them. Public officials, in contrast, are relatively poorly informed as to the effects that their choices will have on individuals, one by one. What they typically do know are generalities: averages and aggregates. They know what will happen most often to most people as a result of their various possible choices, but that is all. That is enough to allow public policy-makers to use the utilitarian calculus. – assuming they want to use it at all – to choose general rules or conduct.

**The role of the ballot is to vote for the debater with the best policy option to fight dominant institutions, rejection will never work, discussion about the state teach valuable real-world skills that allow us to challenge it**

Zanotti 14[Dr. Laura Zanotti, Associate Professor of PoliSci, Virginia Tech. “Governmentality, Ontology, Methodology: Re-thinking Political Agency in the Global World.” Alternatives: Global, Local, Political, Vol. 38, p. 288-304. A little unclear if this is late 2013 or early 2014 – the stated “Version of Record” is Feb 20, 2014, but was originally published online on December 30th, 2013.] / MM

By questioning substantialist representations of power and subjects, inquiries on the possibilities of political agency are reframed in a way that focuses on power and subjects’ relational character and the contingent processes of their (trans)formation in the context of agonic relations. Options for resistance to governmental scripts are not limited to ‘‘rejection,’’ ‘‘revolution,’’ or ‘‘dispossession’’ to regain a pristine ‘‘freedom from all constraints’’ or an immanent ideal social order. It is found instead in multifarious and contingent struggles that are constituted within the scripts of governmental rationalities and at the same time exceed and transform them. This approach questions oversimplifications of the complexities of liberal political rationalities and of their interactions with non-liberal political players and nurtures a radical skepticism about identifying universally good or bad actors or abstract solutions to political problems. International power interacts in complex ways with diverse political spaces and within these spaces it is appropriated, hybridized, redescribed, hijacked, and tinkered with. Governmentality as a heuristic focuses on performing complex diagnostics of events. It invites historically situated explorations and careful differentiations rather than overarching demonizations of ‘‘power,’’ romanticizations of the ‘‘rebel’’ or the ‘‘the local.’’ More broadly, theoretical formulations that conceive the subject in non-substantialist terms and focus on processes of subjectification, on the ambiguity of power discourses, and on hybridization as the terrain for political transformation, open ways for reconsidering political agency beyond the dichotomy of oppression/rebellion. These alternative formulations also foster an ethics of political engagement, to be continuously taken up through plural and uncertain practices, that demand continuous attention to ‘‘what happens’’ instead of fixations on ‘‘what ought to be.’’83 Such ethics of engagement would not await the revolution to come or hope for a pristine ‘‘freedom’’ to be regained. Instead, it would constantly attempt to twist the working of power by playing with whatever cards are available and would require intense processes of reflexivity on the consequences of political choices. To conclude with a famous phrase by Michel Foucault ‘‘my point is not that everything is bad, but that everything is dangerous, which is not exactly the same as bad. If everything is dangerous, then we always have something to do. So my position leads not to apathy but to hyper- and pessimistic activism.’’

#### Rejecting terminal forms of power like “extinction” or “anti-blackness” IS NOT SUFFICIENT– the task of the revolutionary is to address particular instances to dismantle larger systems of power

Atterton 94 philosophy professor, University of California San Diego, HISTORY OF THE HUMAN SCIENCES JOURNAL, 1994, p. [http://www.acusd.edu/~atterton/Publications/foucault.htm. /](http://www.acusd.edu/~atterton/Publications/foucault.htm.%20/) MM

Foucault considers all these are possible, with appropriate reservations and qualifications: "Are there no great radical ruptures, massive binary divisions, then? Occasionally, yes. But more often one is dealing with mobile and transitory points of resistance, producing cleavages in a society... Just as a network of power relations ends by forming a dense web that passes through apparatuses and institutions, without being exactly localized in them, so too the swarms of points of resistance traverses social stratifications and individual unities. And it is doubtless the strategic codification of tthese points of resistance that makes a revolution possible, somewhat similar to the way in which the state relies on the institutional integration of power relationships."

#### **The 1AC is a form of counter-surveillance – you as a judge have an obligation to produce a space that focuses on challenging the starting point of status quo fear**

Giroux 13 [Henry A. Giroux | Violence, USA: The Warfare State and the Brutalizing of Everyday Life Wednesday, 02 May 2012 10:03 By Henry A. Giroux, Truthout | Op-Ed.] / MM

**Even public school reform is now justified in the** dehumanizing **language of national security, which increasingly legitimates the transformation of schools into** adjuncts of **the** surveillanceand police state. '3 **The privatization and militarization of schools mutually inform each other as students are** increasingly **subjected to** disciplinary apparatuses that limit their capacity for critical thinking **while molding them** into consumers, testing them into submission, **stripping them of** any sense of social responsibility, and convincing large numbers of poor minority students that they are better off under the jurisdiction of the criminal justice system instead of being treated as valued members of the public schools. Schools are increasingly absorbing the culture of prisons and are aggressively being transformed into an extension of the criminal justice system. Many public schools are being militarized to resemble prisons instead of being safe places that would enable students to learn how to be critical and engaged citizens. Rather than being treated with dignity and respect, students are increasingly treated as if they were criminals, given that they are repeatedly "photographed, fingerprinted, scanned, x-rayed, sniffed and snooped on."" As I mentioned in chapter 2, the space of the school resembles a high-security prison with its metal detectors at the school entrances, drug-sniï¬‚ing dogs in school corri- dors, and surveillance cameras in the hallways and classrooms. Student behaviors that were once considered child play are now elevated to the status of a crime. Young people who violate dress codes, engage in food fights, hug each other, doodle, and shoot spit wads are no longer repri- manded by the classroom teacher or principal; instead their behavior is criminalized. Consequently, the police are called in to remove them is criminalized. Consequently, the police are called in to remove them from the classroom, handcuff them, and put them in the back of a police car to be carted off to a police station where they languish in a holding cell. There is a kind of doubling that takes place here between the culture of punishment, on the one hand, and the feeding of profits for the security-surveillance industries. What has emerged in the United States is a civil and political order structured around the problem of violent crime. This governing- through-crime model produces a highly authoritarian and mechanistic approach to addressing social problems that often focuses on low- income and poor minorities, promotes highly repressive policies, and places undue emphasis on personal security rather than considering the larger complex of social and structural forces that fuels violence in the first place. Far from promoting democratic values, a respect for others, and social responsibility, a governing-through-crime approach criminalizes a wide range of behaviors and in doing so often functions largely to humiliate, punish, and demonize. "lhe abuse and damage that criminalizes a wide range of behaviors and in doing so often functions largely to humiliate, punish, and demonize. The abuse and damage that is being imposed on young people as a result of the ongoing militariza- tion and criminalization of public schools defy the imagination. And ;';.':;~.n='.~m':' 74 AMERICA'S EDUCATION DEFICIT AND THE WAR ON the trivial nature of the behaviors that produce such egregious prac- tices is hard to believe. A few examples will suffice: In November 2011, a 14-year-old student in Brevard County, Florida, was suspended for hugging a female friend, an act which even the principal acknowledged as innocent. A 9-year-old in Charlotte, North Carolina, was suspended for sexual harassment after a substitute teacher overheard the child tell another student that the teacher was "cute." A 6-year-old in Georgia was arrested, handcuffed and suspended for the remainder of the school year after throwing a temper tantrum in class. A 6-year-old boy in San Francisco was accused of sexual assault following a game of tag on the playground. A 6-year-old in Indiana was arrested, handcuffed and charged with battery after kicking a school principal. Twelve- year-old Alexa Gonzalez was arrested and handcuffed for doodling on a desk. Another student was expelled for speaking on a cell phone with his mother, to whom he hadn't spoken in a month because she was in Iraq on a military deployment. Four high school students in Detroit were arrested and handcuffed for participating in a food fight and charged with a misdemeanor with the potential for a 90-day jail sentence and a $500 fine. A high school student in Indiana was expelled after sending a profanity-laced tweet through his Twitter account after school hours. The school had been con- ducting their own surveillance by tracking the tweeting habits of all students. These are not isolated incidents. In 2010, some 300,000 Texas schoolchildren received misdemeanor tickets from police officials. One 12-year-old Texas girl had the police called on her after she sprayed perfume on herself during class." **Public spaces that should promote** dialogue, thoughtfulness, and **critical exchange** are ruled by fear and become the ideological corollary of a state that aligns its priorities to war and munitions sales while declaring a state of emergency (under the aegis of a permanent war) as a major reference for shaping domestic policy. In addition, the media and **other cultural apparatuses now** produce, circulate, and **validate** forms of symbolic and real violencethat dissolve the democratic bonds of social reciprocity. **This dystopian use of violence** as enter- tainment and spectacle **is reinforced through the media's incessant appeal to the** market-driven egocentric interests of the autonomous individual, **a fear of the Other**, and a stripped-down version of security that narrowly focuses on personal safety rather than collective security nets and social welfare. One consequence is that those who are viewed as disposable and reduced to zones of abandonment are forced "to address the reality of extreme violence. in the very heart of their everyday life."'Â° Violence in everyday life is matched by a surge of violence in popular culture. Violence now runs through media and popular culture like an electric current. As the New York Times reported recently, "The top-rated show on cable TV is rife with shoot- ings, stabbings, machete attacks and more shootings. The top drama at the box office fills theaters with the noise of automatic weapons fire. The top-selling video game in the country gives players the choice to kill or merely wound their quarry.""' SK

## 1AC Russia

### Framing

#### **Reliability means that our moral calculus must be based around the consequences of our actions.**

Sinhibabu 13Neil, 13 (National University of Singapore) “The epistemic argument for hedonism” [http://philpapers.org/archive/SINTEA /](http://philpapers.org/archive/SINTEA%20/) MM

While **widespread error** leaves open the possibility that one has true beliefs, it reduces the probability that my beliefs are true. Consider a parallel case. I have no direct evidence that I have an appendix, but I know that previous investigations have revealed appendixes in people. So induction suggests that I have an appendix. Similarly, I know on the basis of 1 and 2 that people's moral beliefs are, in general, rife with error. So even if I have no direct evidence of error in my moral beliefs, induction suggests that they are rife with error as well. 3 invokes the reliability of the processes that produce our beliefs. Assessing processes of belief-formation for **reliability is an important part of our epistemic practices**. If someone tells me that my belief is entirely produced by wishful thinking, I can't simply accept that and maintain the belief. Knowing that wishful thinking is unreliable, I must either deny that my belief is entirely caused by wishful thinking or abandon the belief. But if someone tells me that my belief is entirely the result of visual perception, I'll maintain it, assuming that it concerns sizable nearby objects or something else about which visual perception is reliable. While providing precise criteria for individuating processes of belief-formation is hard, as the literature on the generality problem for reliabilism attests, individuating them somehow is indispensable to our epistemic practices.1

#### He continues that…

our epistemic and anthropological situation, combined with plausible metaethical and epistemic principles, forces us to abandon our moral beliefs. But if a reliable process of moral belief-formation exists, 4 is false, and we can answer the moral skeptic. The rest of this paper discusses the only reliable process I know of. 2.1 Phenomenal introspection reveals pleasure's goodness Phenomenal introspection, a reliable way of forming true beliefs about our experiences, produces the belief that pleasure is good. Even as our other processes of moral belief-formation prove unreliable, it provides reliable access to pleasure's goodness, justifying the positive claims of hedonism. This section clarifies what phenomenal introspection and pleasure are and explains how phenomenal introspection provides reliable access to pleasure's value. Section 2.2 argues that pleasure's goodness is genuine moral value, rather than value of some other kind. In phenomenal introspection we consider our subjective experience, or phenomenology, and determine what it's like. Phenomenal introspection can be reliable while dreaming or hallucinating, as long as we can determine what the dreams or hallucinations are like. By itself, phenomenal introspection doesn't produce beliefs about things outside experience, or about relations between our experiences and non-experiential things. So it doesn't produce judgments about the rightness of actions or the goodness of non-experiential things. It can only tell us about the intrinsic properties of experience itself. Phenomenal introspection is generally reliable, even if mistakes about immediate experience are possible. Experience is rich in detail, so one could get some of the details wrong in belief. Under adverse conditions involving false expectations, misleading evidence about what one's experiences will be, or extreme emotional states that disrupt belief-formation, larger errors are possible. Paradigmatically reliable processes like vision share these failings. Vision sometimes produces false beliefs under adverse conditions, or when we're looking at complex things. Still, it's so reliable as to be indispensible in ordinary life. Regarding phenomenal introspection as unreliable is about as radical as skepticism about the reliability of vision. While contemporary psychologists reject introspection into one's motivations and other psychological causal processes as unreliable, phenomenal introspection fares better. Daniel Kahneman, for example, writes that “experienced utility is best measured by moment-based methods that assess the experience of the present.”22 Even those most skeptical about the reliability of phenomenal introspection, like Eric Schwitzgebel, concede that we can reliably introspect whether we are in serious pain.23 Then we should be able to introspectively determine what pain is like. So I'll assume the reliability of phenomenal introspection. One can form a variety of beliefs using phenomenal introspection. For example, one can believe that one is having sound experiences of particular noises and visual experiences of different shades of color. When looking at a lemon and considering the phenomenal states that are yellow experiences, one can form some beliefs about their intrinsic features – for example, that they're bright experiences. And when considering experiences of pleasure, one can make some judgments about their intrinsic features – for example, that they're good experiences. Just as one can look inward at one's experience of lemon yellow and recognize its brightness, one can look inward at one's experience of pleasure and recognize its goodness.24 When I consider a situation of increasing pleasure, I can form the belief that things are better than they were before, just as I form the belief that there's more brightness in my visual field as lemon yellow replaces black. And when I suddenly experience pain, I can form the belief that things are worse in my experience than they were before. Having pleasure consists in one's experience having a positive hedonic tone. Without descending into metaphor, it's hard to give a further account of what pleasure is like than to say that when one has it, one feels good. As Aaron Smuts writes in defending the view of pleasure as hedonic tone, “to 'feel good' is about as close to an experiential primitive as we get.” 25 Fred Feldman sees pleasure as fundamentally an attitude rather than a hedonic tone.26 But as long as hedonic tones are real components of experience, phenomenal introspection will reveal pleasure's goodness. Opponents of the hedonic tone account of pleasure usually concede that hedonic tones exist, as Feldman seems to in discussing “sensory pleasures,” which he thinks his view helps us understand. Even on his view of pleasure, phenomenal introspection can produce the belief that some hedonic tones are good while others are bad. There are many different kinds of pleasant experiences. There are sensory pleasures, like the pleasure of tasting delicious food, receiving a massage, or resting your tired limbs in a soft bed after a hard day. There are the pleasures of seeing that our desires are satisfied, like the pleasure of winning a game, getting a promotion, or seeing a friend succeed. These experiences differ in many ways, just as the experiences of looking at lemons and the sky on a sunny day differ. It's easy to see the appeal of Feldman's view that pleasures “have just about nothing in common phenomenologically” (79). But just as our experiences in looking at lemons and the sky on a sunny day have brightness in common, pleasant experiences all have “a certain common quality – feeling good,” as Roger Crisp argues (109).27 As the analogy with brightness suggests, hedonic tone is phenomenologically very thin, and usually mixed with a variety of other experiences.28 Pleasure of any kind feels good, and displeasure of any kind feels bad. These feelings may or may not have bodily location or be combined with other sensory states like warmth or pressure. “Pleasure” and “displeasure” mean these thin phenomenal states of feeling good and feeling bad. As Joseph Mendola writes, “the pleasantness of physical pleasure is a kind of hedonic value, a single homogenous sensory property, differing merely in intensity as well as in extent and duration, which is yet a kind of goodness” (442).29 What if Feldman is right and hedonic states feel good in fundamentally different ways? Then phenomenal introspection suggests a pluralist variety of hedonism. Each fundamental flavor of pleasure will have a fundamentally different kind of goodness, as phenomenal introspection more accurate than mine will reveal. This isn't my view, but I suggest it to those convinced that hedonic tones are fundamentally heterogenous. If phenomenal introspection reliably informs us that pleasure is good, how can anyone believe that their pleasures are bad? Other processes of moral belief-formation are responsible for these beliefs. Someone who feels disgust or guilt about sex may not only regard sex as immoral, but the pleasure it produces as bad. Even if phenomenal introspection on sexual pleasure disposes one to believe that it's good, stronger negative emotional responses to it may more strongly dispose one to believe that it's bad, following the emotional perception model suggested in section 1.4. Explaining disagreement about pleasure's value in terms of other processes lets hedonists maintain that phenomenal introspection univocally supports pleasure's goodness. As long as negative judgments of pleasure come from unreliable processes instead of phenomenal introspection, the argument from disagreement eliminates them. The parallel between yellow’s brightness and pleasure’s goodness demonstrates the objectivity of the value detected in phenomenal introspection. Just as anyone's yellow experiences objectively are bright experiences, anyone's pleasure objectively is a good experience.30 While one's phenomenology is often called one's “subjective experience”, facts about it are still objective. “Subjective” in “subjective experience” means “internal to the mind”, not “ontologically dependent on attitudes towards it.” My yellow-experiences objectively have brightness. Anyone who thought my yellow-experiences lacked brightness would be mistaken. Pleasure similarly is objectively good. It's true that anyone's pleasure is good. Anyone who denies this is mistaken. As Mendola writes, the value detected in phenomenal introspection is “a plausible candidate for objective value” (712). Even though phenomenal introspection only tells me about my own phenomenal states, I can know that others' pleasure is good. Of course, I can't phenomenally introspect their pleasures, just as I can't phenomenally introspect pleasures that I'll experience next year. But if I consider my experiences of lemon yellow and ask what it would be like if others had the same experiences, I must think that they would be having bright experiences. Similarly, if in a pleasant moment I consider what it's like for others to have exactly the experience I'm having, I must think that they're having good experiences. If they have exactly the same experiences I'm having**,** their experiences will have exactly the same intrinsic properties as mine. This is also how I know that if I have the same experience in the future, it'll have the same intrinsic properties. Even though the only pleasure I can introspect is mine now, I should believe that others' pleasures and my pleasures at other times are good, just as I should believe that yellow experienced by others and myself at other times is bright. My argument thus favors the kind of universal hedonism that supports utilitarianism, not egoistic hedonism.

#### Thus, the standard is maximizing wellbeing and minimizing harms

#### Prefer additionally:

#### The intrinsic value of people is best respected through util

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We must not obscure the issue by characterizing this type of case as the sacrifice of individuals for some abstract “social entity.” It is not a question of some persons having to bear the cost for some elusive “overall social good.” Instead, the question is whether some persons must bear the inescapable cost for the sake of other persons. Robert Nozick, for example, argues that “to use a person in this way does not sufficiently respect and take account of the fact that he is a separate person, that his is the only life he has.” But why is this not equally true of all those whom we do not save through our failure to act? **By emphasizing solely the one who must bear the cost if we act, we fail to** sufficiently **respect** and take account of **the many other** separate **persons**, each with only one life, **who will bear the cost of our inaction**. In such a situation, what would a conscientious Kantian agent, an agent motivated by the unconditional value of rational beings, choose? A morally good agent recognizes that the basis of all particular duties is the principle that “rational nature exists as an end in itself”. Rational nature as such is the supreme objective end of all conduct. If one truly believes that all rational beings have an equal value, then the rational solution to such a dilemma involves maximally promoting the lives and liberties of as many rational beings as possible. In order to avoid this conclusion, the non-consequentialist Kantian needs to justify agent-centered constraints. As we saw in chapter 1, however, even most Kantian deontologists recognize that agent-centered constraints require a non- value-based rationale. But we have seen that Kant’s normative theory is based on an unconditionally valuable end. How can a concern for the value of rational beings lead to a refusal to sacrifice rational beings even when this would prevent other more extensive losses of rational beings? If the moral law is based on the value of rational beings and their ends, then what is the rationale for prohibiting a moral agent from maximally promoting these two tiers of value? If I sacrifice some for the sake of others, I do not use them arbitrarily, and I do not deny the unconditional value of rational beings. **Persons** may **have “dignity**, that is, an unconditional and incomparable worth” **that transcends any** market **value, but persons also have** a fundamental **equality that dictates that some must** sometimes **give way for the sake of others.** The concept of the end-in-itself does not support the view that we may never force another to bear some cost in order to benefit others.

#### Actor specificity

Goodin 90 Robert Goodin, Professor of Government, University of Essex, Australian National Defense University, “THE UTILITARIAN RESPONSE,” p. 141-2, 1990. / MM

My larger argument turns on the proposition that there is Something special about the situation of public officials that makes utilitarianism more probable for them than private individuals. Before proceeding with the large argument, I must therefore say what it is that makes it so special about public officials and their situations that make it both more necessary and more desirable for them to adopt a more credible form of util.itarianism. Consider, first, the argument from necessity. Public officials are obliged to make their choices under uncertainty., and uncertainty of a very special sort at that. All choices – public and private alike – are made under some degree of uncertainty, of course. But in the nature of things, private Individuals will usually have more complete information on the peculiarities of their own circumstances. and on the ramifications that alternative possible choices might have for them. Public officials, in contrast, are relatively poorly informed as to the effects that their choices will have on individuals, one by one. What they typically do know are generalities: averages and aggregates. They know what will happen most often to most people as a result of their various possible choices, but that is all. That is enough to allow public policy-makers to use the utilitarian calculus. – assuming they want to use it at all – to choose general rules or conduct.

#### Preventing extinction is a priori

MacAskill 14, William, Oxford Philosopher and youngest tenured philosopher in the world, Normative Uncertainty, 2014 / MM

The human race might go extinct from a number of causes: asteroids, supervolcanoes, runaway climate change, pandemics, nuclear war, and the development and use of dangerous new technologies such as synthetic biology, all pose risks (even if very small) to the continued survival of the human race.184 And different moral views give opposing answers to question of whether this would be a good or a bad thing. It might seem obvious that human extinction would be a very bad thing, both because of the loss of potential future lives, and because of the loss of the scientific and artistic progress that we would make in the future. But the issue is at least unclear. The continuation of the human race would be a mixed bag: inevitably, it would involve both upsides and downsides. And if one regards it as much more important to avoid bad things happening than to promote good things happening then one could plausibly regard human extinction as a good thing.For example, one might regard the prevention of bads as being in general more important that the promotion of goods, as defended historically by G. E. Moore,185 and more recently by Thomas Hurka.186 One could weight the prevention of suffering as being much more important that the promotion of happiness. Or one could weight the prevention of objective bads, such as war and genocide, as being much more important than the promotion of objective goods, such as scientific and artistic progress. If the human race continues its future will inevitably involve suffering as well as happiness, and objective bads as well as objective goods. So, if one weights the bads sufficiently heavily against the goods, or if one is sufficiently pessimistic about humanity’s ability to achieve good outcomes, then one will regard human extinction as a good thing.187 However, even if we believe in a moral view according to which human extinction would be a good thing, we still have strong reason to prevent near-term human extinction. To see this, we must note three points. First, we should note that the extinction of the human race is an extremely high stakes moral issue. Humanity could be around for a very long time: if humans survive as long as the median mammal species, we will last another two million years. On this estimate, the number of humans in existence in the The future, given that we don’t go extinct any time soon, would be [over 20 quadrillion]. So if it is good to bring new people into existence, then it’s very good to prevent human extinction. Second, human extinction is by its nature an irreversible scenario. If we continue to exist, then we always have the option of letting ourselves go extinct in the future (or, perhaps more realistically, of considerably reducing population size). But if we go extinct, then we can’t magically bring ourselves back into existence at a later date. Third, we should expect ourselves to progress, morally, over the next few centuries, as we have progressed in the past. So we should expect that in a few centuries’ time we will have better evidence about how to evaluate human extinction than we currently have. Given these three factors, it would be better to prevent the near-term extinction of the human race, even if we thought that the extinction of the human race would actually be a very good thing. To make this concrete, I’ll give the following simple but illustrative model. Suppose that we have 0.8 credence that it is a bad thing to produce new people, and 0.2 certain that it’s a good thing to produce new people; and the degree to which it is good to produce new people, if it is good, is the same as the degree to which it is bad to produce new people, if it is bad. That is, I’m supposing, for simplicity, that we know that one new life has one unit of value; we just don’t know whether that unit is positive or negative. And let’s use our estimate of 2×10^14 people who would exist in the future, if we avoid near-term human extinction. Given our stipulated credences, the expected benefit of letting the human race go extinct now would be (.8-.2)×(2×10^14) = 1.2×(10^14). Suppose that, if we let the human race continue and did research for 300 years, we would know for certain whether or not additional people are of positive or negative value. If so, then with the credences above we should think it 80% likely that we will find out that it is a bad thing to produce new people, and 20% likely that we will find out that it’s a good thing to produce new people. So there’s an 80% chance of a loss of 3×(10^10) (because of the delay of letting the human race go extinct), the expected value of which is 2.4×(10^10). But there’s also a 20% chance of a gain of 2×(10^14), the expected value of which is 4×(10^13). That is, in expected value terms, the cost of waiting for a few hundred years is vanishingly small compared with the benefit of keeping one’s options open while one gains new information.

**The role of the ballot is to vote for the debater with the best policy option to fight dominant institutions, rejection will never work, discussion about the state teach valuable real-world skills that allow us to challenge it**

Zanotti 14[Dr. Laura Zanotti, Associate Professor of PoliSci, Virginia Tech. “Governmentality, Ontology, Methodology: Re-thinking Political Agency in the Global World.” Alternatives: Global, Local, Political, Vol. 38, p. 288-304. A little unclear if this is late 2013 or early 2014 – the stated “Version of Record” is Feb 20, 2014, but was originally published online on December 30th, 2013.] / MM

By questioning substantialist representations of power and subjects, inquiries on the possibilities of political agency are reframed in a way that focuses on power and subjects’ relational character and the contingent processes of their (trans)formation in the context of agonic relations. Options for resistance to governmental scripts are not limited to ‘‘rejection,’’ ‘‘revolution,’’ or ‘‘dispossession’’ to regain a pristine ‘‘freedom from all constraints’’ or an immanent ideal social order. It is found instead in multifarious and contingent struggles that are constituted within the scripts of governmental rationalities and at the same time exceed and transform them. This approach questions oversimplifications of the complexities of liberal political rationalities and of their interactions with non-liberal political players and nurtures a radical skepticism about identifying universally good or bad actors or abstract solutions to political problems. International power interacts in complex ways with diverse political spaces and within these spaces it is appropriated, hybridized, redescribed, hijacked, and tinkered with. Governmentality as a heuristic focuses on performing complex diagnostics of events. It invites historically situated explorations and careful differentiations rather than overarching demonizations of ‘‘power,’’ romanticizations of the ‘‘rebel’’ or the ‘‘the local.’’ More broadly, theoretical formulations that conceive the subject in non-substantialist terms and focus on processes of subjectification, on the ambiguity of power discourses, and on hybridization as the terrain for political transformation, open ways for reconsidering political agency beyond the dichotomy of oppression/rebellion. These alternative formulations also foster an ethics of political engagement, to be continuously taken up through plural and uncertain practices, that demand continuous attention to ‘‘what happens’’ instead of fixations on ‘‘what ought to be.’’83 Such ethics of engagement would not await the revolution to come or hope for a pristine ‘‘freedom’’ to be regained. Instead, it would constantly attempt to twist the working of power by playing with whatever cards are available and would require intense processes of reflexivity on the consequences of political choices. To conclude with a famous phrase by Michel Foucault ‘‘my point is not that everything is bad, but that everything is dangerous, which is not exactly the same as bad. If everything is dangerous, then we always have something to do. So my position leads not to apathy but to hyper- and pessimistic activism.’’

#### **You as a judge have an obligation to produce a space that challenges abusive power structures**

Giroux 13 [Henry A. Giroux | Violence, USA: The Warfare State and the Brutalizing of Everyday Life Wednesday, 02 May 2012 10:03 By Henry A. Giroux, Truthout | Op-Ed.] / MM

**Even public school reform is now justified in the** dehumanizing **language of national security, which increasingly legitimates the transformation of schools into** adjuncts of **the** surveillanceand police state. '3 **The privatization and militarization of schools mutually inform each other as students are** increasingly **subjected to** disciplinary apparatuses that limit their capacity for critical thinking **while molding them** into consumers, testing them into submission, **stripping them of** any sense of social responsibility, and convincing large numbers of poor minority students that they are better off under the jurisdiction of the criminal justice system instead of being treated as valued members of the public schools. Schools are increasingly absorbing the culture of prisons and are aggressively being transformed into an extension of the criminal justice system. Many public schools are being militarized to resemble prisons instead of being safe places that would enable students to learn how to be critical and engaged citizens. Rather than being treated with dignity and respect, students are increasingly treated as if they were criminals, given that they are repeatedly "photographed, fingerprinted, scanned, x-rayed, sniffed and snooped on."" As I mentioned in chapter 2, the space of the school resembles a high-security prison with its metal detectors at the school entrances, drug-sniï¬‚ing dogs in school corri- dors, and surveillance cameras in the hallways and classrooms. Student behaviors that were once considered child play are now elevated to the status of a crime. Young people who violate dress codes, engage in food fights, hug each other, doodle, and shoot spit wads are no longer repri- manded by the classroom teacher or principal; instead their behavior is criminalized. Consequently, the police are called in to remove them is criminalized. Consequently, the police are called in to remove them from the classroom, handcuff them, and put them in the back of a police car to be carted off to a police station where they languish in a holding cell. There is a kind of doubling that takes place here between the culture of punishment, on the one hand, and the feeding of profits for the security-surveillance industries. What has emerged in the United States is a civil and political order structured around the problem of violent crime. This governing- through-crime model produces a highly authoritarian and mechanistic approach to addressing social problems that often focuses on low- income and poor minorities, promotes highly repressive policies, and places undue emphasis on personal security rather than considering the larger complex of social and structural forces that fuels violence in the first place. Far from promoting democratic values, a respect for others, and social responsibility, a governing-through-crime approach criminalizes a wide range of behaviors and in doing so often functions largely to humiliate, punish, and demonize. "lhe abuse and damage that criminalizes a wide range of behaviors and in doing so often functions largely to humiliate, punish, and demonize. The abuse and damage that is being imposed on young people as a result of the ongoing militariza- tion and criminalization of public schools defy the imagination. And ;';.':;~.n='.~m':' 74 AMERICA'S EDUCATION DEFICIT AND THE WAR ON the trivial nature of the behaviors that produce such egregious prac- tices is hard to believe. A few examples will suffice: In November 2011, a 14-year-old student in Brevard County, Florida, was suspended for hugging a female friend, an act which even the principal acknowledged as innocent. A 9-year-old in Charlotte, North Carolina, was suspended for sexual harassment after a substitute teacher overheard the child tell another student that the teacher was "cute." A 6-year-old in Georgia was arrested, handcuffed and suspended for the remainder of the school year after throwing a temper tantrum in class. A 6-year-old boy in San Francisco was accused of sexual assault following a game of tag on the playground. A 6-year-old in Indiana was arrested, handcuffed and charged with battery after kicking a school principal. Twelve- year-old Alexa Gonzalez was arrested and handcuffed for doodling on a desk. Another student was expelled for speaking on a cell phone with his mother, to whom he hadn't spoken in a month because she was in Iraq on a military deployment. Four high school students in Detroit were arrested and handcuffed for participating in a food fight and charged with a misdemeanor with the potential for a 90-day jail sentence and a $500 fine. A high school student in Indiana was expelled after sending a profanity-laced tweet through his Twitter account after school hours. The school had been con- ducting their own surveillance by tracking the tweeting habits of all students. These are not isolated incidents. In 2010, some 300,000 Texas schoolchildren received misdemeanor tickets from police officials. One 12-year-old Texas girl had the police called on her after she sprayed perfume on herself during class." **Public spaces that should promote** dialogue, thoughtfulness, and **critical exchange** are ruled by fear and become the ideological corollary of a state that aligns its priorities to war and munitions sales while declaring a state of emergency (under the aegis of a permanent war) as a major reference for shaping domestic policy. In addition, the media and **other cultural apparatuses now** produce, circulate, and **validate** forms of symbolic and real violencethat dissolve the democratic bonds of social reciprocity. **This dystopian use of violence** as enter- tainment and spectacle **is reinforced through the media's incessant appeal to the** market-driven egocentric interests of the autonomous individual, **a fear of the Other**, and a stripped-down version of security that narrowly focuses on personal safety rather than collective security nets and social welfare. One consequence is that those who are viewed as disposable and reduced to zones of abandonment are forced "to address the reality of extreme violence. in the very heart of their everyday life."'Â° Violence in everyday life is matched by a surge of violence in popular culture. Violence now runs through media and popular culture like an electric current. As the New York Times reported recently, "The top-rated show on cable TV is rife with shoot- ings, stabbings, machete attacks and more shootings. The top drama at the box office fills theaters with the noise of automatic weapons fire. The top-selling video game in the country gives players the choice to kill or merely wound their quarry.""' SK

### The Advantage is Russia

#### Confidential sources are key to Mueller getting conclusions – not having confidentiality results in backlash and punishment

Darcey 7/9 Oliver Darcy, 7-9-2018, "Journalist reveals she provided source's identity to the FBI," CNNMoney, <https://money.cnn.com/2018/07/09/media/marcy-wheeler-journalist-reveal-source-fbi/index.html> / MM

A prominent national security blogger revealed last week that she had provided the identity of a source last year to the Federal Bureau of Investigation, a move that led to her becoming a witness in special counsel Robert Mueller's investigation into Russian election meddling. Marcy Wheeler, the blogger, said the disclosure of her contact with the FBI was only being made now to "put a face to the human danger" she contends House Republicans are putting confidential informants in by demanding the Department of Justice provide Congress information that could unmask such confidential sources. The decision by a journalist to reveal a source's identity to the FBI, and provide the law enforcement agency with information on the individual, without the person's explicit permission, is highly unusual. Journalists are trusted by sources to protect their identities at all cost, and reporters have previously chosen to be jailed to defend such arrangements. But Wheeler, the publisher of the Empty Wheel blog, wrote that she felt compelled to talk to authorities about an individual she was convinced "played a significant role in the Russian election attack on the US." Wheeler has not publicly named her source, but she told CNN in a Monday phone interview that the person "definitely did not want me to go to the FBI" and cautioned her in a text message against doing so. "On its face, I broke one of the cardinal rules of journalism," Wheeler told The Washington Post in a story published Sunday, "but what he was doing should cause a source to lose protection." "It's not a decision I regret," she added. Wheeler first revealed in a July 3 blog post on her website that she had gone to the FBI with information about her source. Wheeler said that her source had contacted her in November 2016, suggesting that he had "very good intel" that Michael Flynn, the former national security adviser, would be speaking to Syrian dictator Bashar al-Assad's camp soon. Wheeler said in her blog post her source was not "inside the Trump team." But, beyond that, she did not reveal much else, declining to say precisely when last year she went to the FBI or elaborate on the role she believes her source played in Russian election meddling. But Wheeler did delve into the journalistic dilemma she faced, writing, "I never in my life imagined I would share information with the FBI, especially not on someone I had a journalistic relationship with." Nonetheless, Wheeler said she felt it necessary to go to law enforcement, and listed several reasons for why she chose to do so. Wheeler wrote that, among other things, she believed her source was "doing serious harm to innocent people," that she had "concrete evidence" he had been lying to her and others, and that she had "reason to believe he was testing ways to tamper" with her website. Wheeler homed in on House Republicans, excoriating the lawmakers for, as she said it, putting government informants in "danger." Wheeler wrote in her blog post that exposing government informants could cause real harm, and said that she has communicated with authorities about perceived threats "that arose from sharing" information with the FBI. She explained to CNN that she believes such threats could be matters of life and death. "We're talking about Russians," Wheeler said. "They do kill journalists. That's the ultimate threat that is out there. And I don't think that's an empty threat in my case." Wheeler, however, noted in her blog post that she is a "public figure" and, while her risk "isn't going to go away," if something were to happen to her, the reason would be clear -- a layer of defense other informants may not have. "If something happens to me -- if someone releases stolen information about me or knocks me off tomorrow -- everyone will now know why and who likely did it. That affords me a small bit of protection," Wheeler wrote. "There are undoubtedly numerous other witnesses who have taken similar risks to share information with the government who aren't public figures."

#### Two scenarios:

#### First is Democracy –

#### Success of the investigation is key to protecting democracy and preventing foreign aggression

Bergmann 17 Max Bergmann, 12-12-2017, "Robert Mueller is closing in on Trump. Congress must protect his investigation," Guardian, https://www.theguardian.com/commentisfree/2017/dec/12/robert-mueller-trump-congress-protect-investigation/ MM

**Mueller is coming**. The investigation into Trump campaign coordination with Russia appears to be closing in on the president. The three indictments earlier this month of Trump campaign chairman, Paul Manafort; his deputy, Rick Gates; and foreign policy adviser George Papadopoulos show that Robert Mueller is inside Trump’s campaign. The indictment and plea agreement of former national security adviser Michael Flynn now puts the investigation into the White House. In most circumstances, arresting the president’s campaign chairman and his national security adviser, one of the most important positions in the entire government, would be seen as the culmination of a successful investigation. But what’s clear is that neither Flynn, nor Manafort, is the target of Mueller’s work. As anyone who watches Law and Order knows, prosecutors offer a plea deal in order to get information and build a case against someone higher up in the food chain. If Flynn does strike a plea agreement, there is logically only one person that Mueller would be interested in striking a deal over: the president. The walls are therefore closing in on Trump. But the closer Mueller gets to Trump, the likelier it is that Trump will act to try to end his investigation. Ask yourself this: if you committed a crime and had one of the nation’s top cops coming for you, wouldn’t you try anything, no matter how risky, to get out of it? The same circumstances led Richard Nixon to commit the Saturday night massacre. There are already warning signs that Trump is laying ground work to act against Mueller’s investigation. Following Flynn’s indictment, Trump lashed out against the FBI and Mueller. His allies are now trying to attack the investigation’s credibility, claiming political bias and calling for it to be defunded. The far-right media echo chamber, including many Republican congressmen, have launched a campaign against Mueller’s credibility. A Republican member of Congress is even seeking to strip the investigation of its funding. This comes on the heels of a week of rapid fire distractions and jaw dropping comments from 1600 Pennsylvania Ave: using “Pocahontas” as a slur; retweeting racist websites and tweets; and picking fights with the UK prime minister. Additionally, there are reports that Trump’s lawyer Ty Cobb has told him the investigation will be wrapped up by the end of the year – and if it isn’t, he’ll go ballistic. We are headed for a collision. Congress needs to act now to protect the Mueller investigation, head off a crisis, and make clear that the president is not above the law. Fortunately, members of Congress on both sides of the aisle are currently crafting legislation designed to deter Mueller from being fired. While this legislation is far from a panacea, it will help to tie Trump’s hands. But most importantly, it would send a signal to the country that the that the rule of law reigns supreme. Whether or not this legislation makes it to the floor for a vote depends on Republican congressional leaders. Some in Congress say the legislation is unnecessary; if Mueller is fired, there will be bipartisan support on the Hill for action. But the point is to stop the crisis before it starts. It’s not enough to let Trump act as a petty dictator and then try to pick up the pieces only after he destroys our democratic norms. Congress needs to be clear now that firing Mueller is unacceptable and un-American – we’re a nation of laws, laws that no one is above. Failing to protect Mueller is not just moral cowardice, it’s also leaving America’s national security exposed. His investigation is uncovering details about how a foreign adversary intervened in our democratic process and whether it holds sway over high-ranking government officials. This was an attack on our sovereignty and an effort to undermine a key pillar of America’s global strength: America as a symbol of democracy, freedom, and the rule of law. If we fail to get to the bottom of what happened, and to hold those responsible to account, then the Kremlin will not just have succeeded in undermining our democratic process but in undermining American justice. American weakness in the face of aggression will only ensure that we are attacked again, and may embolden other foreign adversaries like China, Iran and North Korea to do the same. Americans will be left wondering whose interests our government is really serving: ours, or those of foreign adversaries.

**US modelled democracy sequences every impact**

Kasparov 17 Garry Kasparov, Testimony to Congress, 2/16/2017 Chairman of the Human Rights Foundationand author of Winter Is Coming: Why Vladimir Putin and the Enemies of the Free World Must Be Stopped [“Democracy and Human Rights: The Case for U.S. Leadership” https://www.foreign.senate.gov/imo/media/doc/021617\_Kasparov\_%20Testimony.pdf] bcr

The Soviet Union was an existential threat, and this focused the attention of the world, and the American people. There existential threat today is not found on a map, but it is very real. The **forces** of the past **are making** steady **progress against the** modern **world order**. **Terrorist movements** in the Middle East, **extremist parties** across Europe, a paranoid tyrant in **North Korea** threatening nuclear blackmail, and, at the center of the web, an aggressive KGB dictator in **Russia**. They all want to turn the world back to a dark past because **their survival is threatened by** the values of **the free world,** epitomized by the United States. And **they are thriving as the U.S.** has **retreated**. The global freedom index has declined for ten consecutive years. No one like to talk about the United States as a global policeman, but this is what happens when there is no cop on the beat. American leadership begins at home, right here. **America cannot lead** the world on democracy and human rights **if there is no unity** on the meaning and importance of these things. Leadership is required to make that case clearly and powerfully. Right now, Americans are engaged in politics at a level not seen in decades. It is an opportunity for them to rediscover that making America great begins with believing America can be great. The Cold War was won on American values that were shared by both parties and nearly every American. Institutions that were created by a Democrat, Truman, were triumphant forty years later thanks to the courage of a Republican, Reagan. This bipartisan consistency created the decades of **strategic stability** that **is the great strength of democracies. Strong institutions** that outlast politicians **allow** for long-range **planning**. In contrast, **dictators** can operate only tactically, not strategically, because they are not constrained by the balance of powers, but cannot afford tothink beyondtheir own survival. This is why a dictator like Putin has an advantage in chaos, the ability to move quickly. This can only be met by strategy, by long-term goals that are based on shared values, not on polls and cable news. The fear of making things worse has paralyzed the United States from trying to make things better. There will always be setbacks, but the United States cannot quit. The spread of democracy is the only proven remedy for nearly every crisisthat plagues the worldtoday. War, famine, poverty, terrorism–all are generatedand exacerbated by authoritarian regimes. A policy of America First inevitably puts American security last. American leadership is required because there is no one else, and because it is good for America. There is no weapon or wall that is more powerful for security than America being envied, imitated, and admired around the world. Admired not for being perfect, but for having the exceptional courage to always try to be better. Thank you

#### This is magnified by Trump’s illegal precedent when it comes to testifying – without confidential sources Trump is allowed to sit in office and abuse his power

Ball and Berenson 6/8 Molly Ball and Tessa Berenson, 6-8-2018, "Trump’s Campaign to Discredit the Russia Probe May Be Working. It’s Also Damaging American Democracy," Time, <http://time.com/5304206/donald-trump-discredit-mueller-investigation/> / MM

But Trump’s strategy goes even further than Clinton dared: it involves asserting increasingly broad claims of presidential impunity. In a 20-page memo sent to Mueller in January and published on June 2 by the New York Times, Trump’s lawyers articulated an almost boundless view of Executive authority, arguing that he cannot be compelled to testify and cannot have obstructed justice because he has control over all federal investigations. Trump himself claimed in a June 4 tweet he had an “absolute right” to pardon himself, an idea in conflict with the centuries-old principle of British and American law that no one can be a judge in his own case. Trump’s critics hear in these ever-expanding claims of presidential authority not just an echo of Richard Nixon, but the kind of unchecked power Americans have bridled against from the moment they broke with the British monarchy in the 18th century. Spurred by his desire to discredit the Mueller investigation, Trump is putting America’s founding principles on trial, from its independent justice system to the separation of powers to the rule of law. It’s too early to say how the war on Mueller will end. But just as the post-Watergate period redefined presidential power in America, Trump’s vision of the office may well determine the contours of the American government he leaves behind. When Mueller was appointed special counsel in May 2017 by Trump’s handpicked Deputy Attorney General, Republicans couldn’t stop praising him. Speaker of the House Paul Ryan said Mueller would help “ensure thorough and independent investigations are allowed to follow the facts wherever they may lead.” Former House Speaker Newt Gingrich called the former FBI director a “superb choice” and tweeted that “his reputation is impeccable for honesty and integrity.” Even Trump, though furious behind the scenes, issued a measured statement; a month later he called Mueller “an honorable man.” Trump now accuses the straitlaced former Marine of political bias and corruption, blasting the investigation as “an attack on our country.” Gingrich calls Mueller an agent of the “deep state,” his investigation an “open-ended hunt for guilt.” Kevin McCarthy, Ryan’s most likely successor, says “it’s time to wind this down.” Republican chairman of the House Judiciary Committee Bob Goodlatte decried “the magnitude of this insider bias on Mr. Mueller’s team.” Democrats believe this barrage is a coordinated smear campaign run out of the White House. Representative Adam Schiff, the top Democrat on the House Intelligence Committee, tells TIME the committee’s Republicans have engaged in “clear and exposed coordination” with the White House “to undermine the investigation.” Trump’s lawyer Jay Sekulow admits there is method to the madness. “We’re fully cognizant of the fact that this inquiry has a public component to it,” he tells TIME. But Trump’s allies say the war against Mueller is more improvised than planned. The President launches his assault on the investigation via impulse and instinct, his Twitter blasts inspired and magnified by a feedback loop that injects fringe theories and unfounded suspicions into the mainstream debate about the probe. It’s a dangerous moment for Trump. If he agrees to talk, the notoriously undisciplined President risks making a false statement, which could be a crime like the one that led to Bill Clinton’s impeachment. But if he refuses, Mueller could issue a subpoena, instigating a long, high-profile court battle over whether Trump could be forced to testify. The two legal teams–Mueller’s squad of top prosecutors and Trump’s rotating cast of advocates–are haggling over what an interrogation would look like: how long it would be, what topics would be on the table and whether the session would be recorded. Before the President talks to investigators, Trump’s team wants to see the authorization letter that established Mueller’s authority, according to Trump’s lawyer Rudy Giuliani. They are also demanding the special counsel’s report to be issued within 60 days of any interview. It begins, according to those who see it in action, with the President scrolling through right-wing Twitter and picking up on phrases and ideas he likes. “He sees the ones that are the most popular and getting the most [of the] zeitgeist, most attention on social media, and he repeats it,” Eric Bolling, a former Fox News anchor who regularly speaks to the President, tells TIME. Often, Trump latches onto conspiracy theories or lines of attack that he’s seen on Fox News or been fed in late-night conversation with his friends, including Fox News host Sean Hannity. Trump’s tweets cite Fox News shows and commentators by name. Sometimes the feedback loop goes the other way around, with Trump generating a suspicion and the right-wing media bolstering and amplifying it. “It’s almost like he uses Fox & Friends to vet which [topics] are good enough or are legit, and he will go ahead and attack those and light those up,” says a friend of Trump’s who is familiar with his social-media use. A typical White House uses a structured process to disseminate messages, with talking points and conference calls to ensure its allies are speaking from the same script. When it comes to Mueller, however, multiple sources in and around the White House insist there’s no such discipline. “This is not a coordinated caliphate,” a Republican Congressman tells TIME. “This is al-Qaeda, where everyone is their own cell, lobbing Molotov cocktails, firing at will.” One lobbyist close to the White House says he takes messaging cues from Twitter. Even as they deny orchestrating the anti-Mueller campaign, Trump supporters are happy to tout its results. “They’re talking to the American people, who have a right to know,” Joseph diGenova, a lawyer who considered joining Trump’s legal team, says of Trump’s tweets and Giuliani’s media appearances. DiGenova says Trump has been “restrained” in his commentary on the case considering the extent of his victimization by “the FBI, the Department of Justice and the CIA.” Until March, Trump still had yet to use Mueller’s name on Twitter. But subsequent months have seen a rapid escalation of the PR war against the special counsel. Nowhere was the technique more evident than in the recent controversy that the President dubbed “#spygate.” After it was revealed that the FBI used an informant to approach members of Trump’s campaign, the National Review asserted that this amounted to the Obama Administration implanting a “spy” in the rival party’s election operation. Trump leaped at the idea. “SPYGATE could be one of the biggest political scandals in history!” he tweeted on May 23. A thousand cable chyrons were born; on Fox News, commentator Andrew Napolitano lamented, “It’s clear that they had eyes and ears all over the Trump campaign.” Trump expounded on the idea. “I hope it’s not true,” he told reporters, “but it looks like it is.” Trump didn’t cite any evidence for the claim, but his allies in Congress rushed to bolster it. House Intelligence Committee chairman Devin Nunes demanded that the department brief a Republicans-only group of lawmakers on the FBI’s confidential source. Critics said it would represent an alarming erosion of the separation of powers if a political party were permitted to meddle on behalf of the President. On May 24, classified briefings were held, with Democrats allowed to attend. But the appearance of White House interference intensified when Flood and White House chief of staff John Kelly also showed up. The FBI’s actual goal, according to members of both parties who have seen the intelligence, was to determine what the Russians were up to, not to surveil the Trump campaign. A Republican Congressman who attended, Trey Gowdy of South Carolina, told Fox News that “the FBI did exactly what my fellow citizens would want them to do when they got the information they got, and … it has nothing to do with Donald Trump.” Gowdy, long a favorite in conservative circles, was savaged in right-wing media for his perceived disloyalty. Despite three weeks of widespread debunking, Trump was still stoking his phantom controversy. “SPYGATE at the highest level,” Trump tweeted June 5. “This makes the Nixon Watergate burglary look like keystone cop stuff.” Another seed of doubt had been planted in the minds of Trump’s followers about the integrity of federal investigators. When Trump tweeted on June 4 that he has the “absolute right” to pardon himself, some Republicans expressed shock. The President has broad pardon power in the Constitution, but the Justice Department’s Office of Legal Counsel determined in 1974 that a self-pardon would run afoul of bedrock legal principle. Senator Susan Collins called such discussion a “tremendous abuse of his authority.” Senator Lindsey Graham, a sometime Trump ally, dryly noted that the threat of dirty pardons featured in Nixon’s impeachment proceedings. But there were limits. At the Capitol, reporters crowded around Senator Ted Cruz, a Harvard Law–educated former state solicitor general, to ask if the President indeed has the power to self-pardon. The typically loquacious Cruz went silent for a remarkable 18 seconds. Finally, he muttered, “That is not a constitutional issue I’ve studied, so I will withhold judgment at this point.” At the special counsel’s nondescript offices in southwest Washington, Mueller’s team continues undeterred, running a tight ship that doesn’t appear to leak or engage with the press. Mueller speaks not with statements but with legal actions. He has brought charges against a tightening circle of Trump’s orbit, including former campaign chairman Paul Manafort, former National Security Adviser Michael Flynn and former foreign policy aide George Papadopoulos. Mueller has also indicted 13 Russian nationals and three Russian companies on conspiracy charges related to the propaganda effort in the 2016 election. Trump’s defenders note that none of the crimes alleged so far implicate Trump or show explicit collusion with Russian agents. They also bemoan the investigation’s price tag: nearly $17 million so far, according to spending reports filed by the Justice Department. (The investigation of Clinton spent $52 million over nearly five years.) Whether or not Trump is interviewed is critically important. Without that question settled, the President cannot rest easy, and Mueller cannot wrap up his inquiry. In April, the New York Times obtained a list of almost 50 questions Mueller’s team had floated to Trump’s lawyers. The potential queries focused on Trump’s firing of former FBI director James Comey and Flynn; his relationship with Attorney General Jeff Sessions; and a summer 2016 meeting at Trump Tower among campaign officials, Donald Trump Jr. and Russians peddling information on Hillary Clinton. There were also questions related to Trump’s business and family. Trump’s lawyers hope to limit the scope of the questions. ” As negotiations over an interview continue, the posture taken by Trump’s lawyers has changed. For months, his attorneys pledged full cooperation with Mueller; according to the January memo, the team has turned over tens of thousands of documents related to the case. But while, according to Sekulow, “there continues to be a professional dialogue between our team and the office of the special counsel,” the President’s lawyers have become more combative. Giuliani claimed on June 6 that the special counsel’s office is “trying very, very hard to frame” the President. Once Mueller concludes his work, the two battles in this war, legal and political, will converge into one theater. And that is when the wisdom and costs of Trump’s public strategy will become clear. Perhaps the investigation won’t turn up anything that implicates Trump in wrongdoing. Nothing to that effect has been formally alleged. But Trump is preparing for the possibility that Mueller will make serious charges. That’s when the groundwork Trump’s laying now could pay off. Even if Mueller finds that Trump has committed crimes, Trump’s team contends a sitting President cannot be indicted. Legal scholars differ on this point, but Giuliani claims Mueller has informed the White House he would not try to do so. (Mueller’s spokesperson, Peter Carr, declined to comment.) Mueller is required to file a report on his findings to Deputy Attorney General Rod Rosenstein, according to the special-counsel regulations. Rosenstein, in turn, would face pressure to send the report to Congress. Then it would be up to Congress to decide what to do–and that’s when the outcome of the legal inquiry would be determined in the hyperpartisan political arena. “The Congress is going to be driven to a large extent by public opinion,” Giuliani says. Under the Constitution, impeachment proceedings are initiated by the House, which can pass an article of impeachment with a simple majority. If Mueller issues his findings after this November’s midterm elections, the House may well be controlled by Democrats. If they impeach the President, it would be up to the Senate to hold a trial, presided over by the Chief Justice of the Supreme Court. It would require a 67-vote supermajority to convict Trump and remove him from office. All this will be familiar to anyone who lived through the Clinton saga. Clinton was impeached by the Republican House, and the Republican Senate declined to convict him. It’s highly unlikely that Democrats, who currently hold 49 seats in the Senate, will control more than 67 seats next year. Which means Trump’s removal would require the support of Republican Senators whose own base opposes it. Nixon’s approval rating with Republicans was about 50% when he resigned in 1974. Clinton maintained a 90% approval rating among Democrats through the end of his impeachment saga in 1999. While Trump cannot control the outcome of Mueller’s probe, his broadsides shape public perception of it, and thus tip the political scales. “What’s been disappointing is how few people have stood up and said, ‘Mr. President, what you’re saying is inappropriate,” says Republican Senator Jeff Flake of Arizona, a critic of the President. “More Republicans need to say that.” A key question is whether Trump’s quest for self-preservation at all costs is putting the rule of law at risk. Trump “disparage[s] the investigation, but also the individuals who are conducting it, and even more insidiously, the institutions of our government, which are pillars of the protection of our individual rights and security,” says Richard Ben-Veniste, a lead prosecutor during the Watergate scandal. Trump has advanced a vision of American democracy that paints the President as all-powerful, the Attorney General and the Congress as his handmaidens, the top law enforcement and intelligence agencies as corrupt bureaucrats. If Trump’s team takes Mueller to court over a subpoena, the judiciary, too, could find itself riven by politics. Sessions has endured the President’s public floggings for months. Rosenstein, says diGenova, is “lucky he’s going to come out alive.” Trump’s strategy may in the end prove ironic. His claims of unchecked power could end up leaving behind a damaged Executive office and a weakened federal government. But for Trump and his team, all that matters is the president’s survival. Giuliani insists that Trump has done nothing wrong and will be vindicated in the end. As for whether the war on Mueller is working, the President’s lawyer says: “You know when you find out? When it’s over.”

#### Second is Russian Hegemony –

#### Russian involvement was a move to increase Russian heg – Putin is desperate to put Russia back on the map by killing democracy

Vazquez 2/8 Maegan Vazquez, Cnn, 2-8-2018, "Bush: 'Pretty clear evidence' Russia meddled," CNN, [https://www.cnn.com/2018/02/08/politics/george-w-bush-russian-meddling-abu-dhabi/index.html /](https://www.cnn.com/2018/02/08/politics/george-w-bush-russian-meddling-abu-dhabi/index.html%20/) MM

Former President George W. Bush said Thursday that there is "pretty clear evidence that the Russians meddled" in the 2016 presidential election. "It's problematic that a foreign nation is involved in our election system because democracy is only as good as the people trust in results," Bush said at a Milken Institute summit in Abu Dhabi, according to The Independent. He added, "There's pretty clear evidence that the Russians meddled." "Whether they affected the outcome (of the election) is another question, but they meddled, and that's dangerous for democracy," Bush continued. The American intelligence community concluded that Russia was behind the hacking of Democratic groups and other activity in the 2016 election in an effort to help elect Donald Trump. Bush's comments come amid several investigations to determine whether Trump's presidential campaign colluded with Russia during the election. Trump has denied any collusion with Russia and said he believes Russian President Vladimir Putin's denial of any election meddling. Bush told the audience in the United Arab Emirates that "Putin is a brilliant tactician who has the capacity to detect weakness and exploit it," but said he has "a chip on his shoulder." "The reason he does is because the demise of the Soviet Union troubles him. Therefore, much of his moves (are) to regain Soviet hegemony. ... (Putin) is pushing, constantly pushing, probing weaknesses. That's why NATO is very important," Bush added. Bush 43 has become increasingly outspoken about the current political climate in the US over the past year. Last October, he delivered a speech addressing nationalism and Russian aggression, countering points presented by Trump though never addressing the current president by name. "The Russian government has made a project of turning Americans against each other," he said at the time, adding that while Russian interference will not be successful, "foreign aggressions, including cyberattacks, disinformation and financial influence, should never be downplayed or tolerated."

#### **That causes nuclear war – these warrants are SPECIFIC to meddling**

Fisher 14 Max, Max Fisher is a former writer and editor at The Atlantic. “Threats to Americans, ranked (by actual threat instead of media hype),” [http://www.vox.com/2014/10/17/6988377/threats-to-americans-ranked-ebola-isis-russia-furniture /](http://www.vox.com/2014/10/17/6988377/threats-to-americans-ranked-ebola-isis-russia-furniture%20/) MM

5) World War III breaking out in the Baltics Threat to Americans: No one wants a global thermo-nuclear war between the West and Russia, including Vladimir Putin. But his meddling in Baltic NATO countries like Estonia, which the US and Western Europe are committed to defend, could inadvertently trigger what we avoided throughout the Cold War: open military conflict between the major nuclear powers. Both Putin and President Obama have threatened as much to try to scare one another out of acting aggressively. Worst-case scenario: Russia does in Estonia what it did in Ukraine, that snowballs into war between Russia and the US/NATO, and the nukes start falling. How freaked out should you be: To be very clear: the odds of this happening are extremely low. But the danger is real enough that everyone is taking it seriously (Russia is holding major nuclear exercises). If it did happen, it would be many, many times worse than every other item on this list combined.

#### Extinction

Fisher 15 (Max, Foreign affairs columnist @ VOX, "How World War III became possible," 6/29, <http://www.vox.com/2015/6/29/8845913/russia-war>) / MM

That is why, analysts will tell you, today's tensions bear far more similarity to the period before World War I: an unstable power balance, belligerence over peripheral conflicts, entangling military commitments, disputes over the future of the European order, and dangerous uncertainty about what actions will and will not force the other party into conflict. Today's Russia, once more the strongest nation in Europe and yet weaker than its collective enemies, calls to mind the turn-of-the-century German Empire, which Henry Kissinger described as "too big for Europe, but too small for the world." Now, as then, a rising power, propelled by nationalism, is seeking to revise the European order. Now, as then, it believes that through superior cunning, and perhaps even by proving its might, it can force a larger role for itself. Now, as then, the drift toward war is gradual and easy to miss — which is exactly what makes it so dangerous. But there is one way in which today's dangers are less like those before World War I, and more similar to those of the Cold War: the apocalyptic logic of nuclear weapons. Mutual suspicion, fear of an existential threat, armies parked across borders from one another, and hair-trigger nuclear weapons all make any small skirmish a potential armageddon. In some ways, that logic has grown even more dangerous. Russia, hoping to compensate for its conventional military forces' relative weakness, has dramatically relaxed its rules for using nuclear weapons. Whereas Soviet leaders saw their nuclear weapons as pure deterrents, something that existed precisely so they would never be used, Putin's view appears to be radically different. Russia's official nuclear doctrine calls on the country to launch a battlefield nuclear strike in case of a conventional war that could pose an existential threat. These are more than just words: Moscow has repeatedly signaled its willingness and preparations to use nuclear weapons even in a more limited war. This is a terrifyingly low bar for nuclear weapons use, particularly given that any war would likely occur along Russia's borders and thus not far from Moscow. And it suggests Putin has adopted an idea that Cold War leaders considered unthinkable: that a "limited" nuclear war, of small warheads dropped on the battlefield, could be not only survivable but winnable. "It’s not just a difference in rhetoric. It’s a whole different world," Bruce G. Blair, a nuclear weapons scholar at Princeton, told the Wall Street Journal. He called Putin's decisions more dangerous than those of any Soviet leader since 1962. "There’s a low nuclear threshold now that didn’t exist during the Cold War." Nuclear theory is complex and disputable; maybe Putin is right. But many theorists would say he is wrong, that the logic of nuclear warfare means a "limited" nuclear strike is in fact likely to trigger a larger nuclear war — a doomsday scenario in which major American, Russian, and European cities would be targets for attacks many times more powerful than the bombs that leveled Hiroshima and Nagasaki. Even if a nuclear war did somehow remain limited and contained, recent studies suggest that environmental and atmospheric damage would cause a "decade of winter" and mass crop die-outs that could kill up to 1 billion people in a global famine.

### Advocacy

#### We’ll defend that in the United States, reporters ought to have the right to protect the identity of confidential sources, if you want us to defend implementation we’ll defend whatever plan you want us to, we reserve the right to clarify or specify in CX to avoid silly T debates and grant links

#### A federal shield law is key to a democratic free press – prevents compelled disclosure and chilling

Falk et al 18 Editorial Board (permanent board - Steve Falk, the CEO of The Press Democrat and Sonoma Media Investments, and Assistant Editorial Director Jim Sweeney) Santa Rosa Press Democrat, 6-20-2018, ["PD Editorial: More reasons to protect journalists and their sources", https://www.pressdemocrat.com/opinion/8450103-181/pd-editorial-more-reasons-to?sba=AAS] bcr 9-2-2018

The Trump administration’s seizure of messages and records from a New York Times reporter’s personal email accounts and phone number is fresh evidence of the need for a federal shield law to protect reporters from unconstitutional government intrusion. Shield laws, which exist in 49 states but not federally, allow journalists to keep their sources confidential, preventing courts or government officials from compelling their release. They help codify the First Amendment guarantee of a free press. The need became clear again in a recent case. Federal prosecutors investigating whether James Wolfe, a senior Senate Intelligence Committee aide, was leaking information to the press, seized years’ worth of email and phone records from New York Times reporter Ali Watkins. The seized emails dated back to Watkins’ time in college. Prosecutors were interested in Watkins because she was in a relationship with Wolfe for three years and had written stories while a reporter at Politico about the Senate Intelligence Committee. She told her New York Times editors that Wolfe did not provide her with information while they seeing one another. She had informed them of the relationship prior to starting work with the newspaper. An odd side-note to this story involves a U.S. Customs and Border Protection agent who questioned Watkins about her sources and, disturbingly, had detailed information about her overseas travels. That agent was not part of the FBI’s investigation into Wolfe and is now under investigation himself. The seizure of Watkins’ records alarmed press groups. The Committee to Protect Journalists called it a “dangerous precedent” and “a fundamental threat to press freedom.” This is simply the most recent in a long line of incidents proving the need for a shield law. Bills creating shield laws always generate bipartisan support, but so far have not gained enough momentum to pass. When Attorney General Jeff Sessions declined to say during his confirmation hearings that the Justice Department wouldn’t prosecute journalists for doing their jobs, a bipartisan bill was introduced in the House of Representatives, but it never progressed. The bill would have created a statutory privilege preventing journalists from being compelled to reveal confidential sources.

## 1AC Lay Surveillance

### Framing

#### I affirm, Resolved: In the United States, reporters ought to have the right to protect the identity of confidential sources

#### I value morality because the word “ought” in the resolution implies a moral obligation

#### **Reliability is the only way to find epistemic truths, because of this, our moral calculus must be based around the consequences of our actions.**

Sinhibabu writes Neil, 13 (National University of Singapore) “The epistemic argument for hedonism” [http://philpapers.org/archive/SINTEA /](http://philpapers.org/archive/SINTEA%20/) MM

While **widespread error** leaves open the possibility that one has true beliefs, it reduces the probability that my beliefs are true. Consider a parallel case. I have no direct evidence that I have an appendix, but I know that previous investigations have revealed appendixes in people. So induction suggests that I have an appendix. Similarly, I know on the basis of 1 and 2 that people's moral beliefs are, in general, rife with error. So even if I have no direct evidence of error in my moral beliefs, induction suggests that they are rife with error as well. 3 invokes the reliability of the processes that produce our beliefs. Assessing processes of belief-formation for **reliability is an important part of our epistemic practices**. If someone tells me that my belief is entirely produced by wishful thinking, I can't simply accept that and maintain the belief. Knowing that wishful thinking is unreliable, I must either deny that my belief is entirely caused by wishful thinking or abandon the belief. But if someone tells me that my belief is entirely the result of visual perception, I'll maintain it, assuming that it concerns sizable nearby objects or something else about which visual perception is reliable. While providing precise criteria for individuating processes of belief-formation is hard, as the literature on the generality problem for reliabilism attests, individuating them somehow is indispensable to our epistemic practices.1

#### He continues that…

our epistemic and anthropological situation, combined with plausible metaethical and epistemic principles, forces us to abandon our moral beliefs. But if a reliable process of moral belief-formation exists, 4 is false, and we can answer the moral skeptic. The rest of this paper discusses the only reliable process I know of. 2.1 Phenomenal introspection reveals pleasure's goodness Phenomenal introspection, a reliable way of forming true beliefs about our experiences, produces the belief that pleasure is good. Even as our other processes of moral belief-formation prove unreliable, it provides reliable access to pleasure's goodness, justifying the positive claims of hedonism. This section clarifies what phenomenal introspection and pleasure are and explains how phenomenal introspection provides reliable access to pleasure's value. Section 2.2 argues that pleasure's goodness is genuine moral value, rather than value of some other kind. In phenomenal introspection we consider our subjective experience, or phenomenology, and determine what it's like. Phenomenal introspection can be reliable while dreaming or hallucinating, as long as we can determine what the dreams or hallucinations are like. By itself, phenomenal introspection doesn't produce beliefs about things outside experience, or about relations between our experiences and non-experiential things. So it doesn't produce judgments about the rightness of actions or the goodness of non-experiential things. It can only tell us about the intrinsic properties of experience itself. Phenomenal introspection is generally reliable, even if mistakes about immediate experience are possible. Experience is rich in detail, so one could get some of the details wrong in belief. Under adverse conditions involving false expectations, misleading evidence about what one's experiences will be, or extreme emotional states that disrupt belief-formation, larger errors are possible. Paradigmatically reliable processes like vision share these failings. Vision sometimes produces false beliefs under adverse conditions, or when we're looking at complex things. Still, it's so reliable as to be indispensible in ordinary life. Regarding phenomenal introspection as unreliable is about as radical as skepticism about the reliability of vision. While contemporary psychologists reject introspection into one's motivations and other psychological causal processes as unreliable, phenomenal introspection fares better. Daniel Kahneman, for example, writes that “experienced utility is best measured by moment-based methods that assess the experience of the present.”22 Even those most skeptical about the reliability of phenomenal introspection, like Eric Schwitzgebel, concede that we can reliably introspect whether we are in serious pain.23 Then we should be able to introspectively determine what pain is like. So I'll assume the reliability of phenomenal introspection. One can form a variety of beliefs using phenomenal introspection. For example, one can believe that one is having sound experiences of particular noises and visual experiences of different shades of color. When looking at a lemon and considering the phenomenal states that are yellow experiences, one can form some beliefs about their intrinsic features – for example, that they're bright experiences. And when considering experiences of pleasure, one can make some judgments about their intrinsic features – for example, that they're good experiences. Just as one can look inward at one's experience of lemon yellow and recognize its brightness, one can look inward at one's experience of pleasure and recognize its goodness.24 When I consider a situation of increasing pleasure, I can form the belief that things are better than they were before, just as I form the belief that there's more brightness in my visual field as lemon yellow replaces black. And when I suddenly experience pain, I can form the belief that things are worse in my experience than they were before. Having pleasure consists in one's experience having a positive hedonic tone. Without descending into metaphor, it's hard to give a further account of what pleasure is like than to say that when one has it, one feels good. As Aaron Smuts writes in defending the view of pleasure as hedonic tone, “to 'feel good' is about as close to an experiential primitive as we get.” 25 Fred Feldman sees pleasure as fundamentally an attitude rather than a hedonic tone.26 But as long as hedonic tones are real components of experience, phenomenal introspection will reveal pleasure's goodness. Opponents of the hedonic tone account of pleasure usually concede that hedonic tones exist, as Feldman seems to in discussing “sensory pleasures,” which he thinks his view helps us understand. Even on his view of pleasure, phenomenal introspection can produce the belief that some hedonic tones are good while others are bad. There are many different kinds of pleasant experiences. There are sensory pleasures, like the pleasure of tasting delicious food, receiving a massage, or resting your tired limbs in a soft bed after a hard day. There are the pleasures of seeing that our desires are satisfied, like the pleasure of winning a game, getting a promotion, or seeing a friend succeed. These experiences differ in many ways, just as the experiences of looking at lemons and the sky on a sunny day differ. It's easy to see the appeal of Feldman's view that pleasures “have just about nothing in common phenomenologically” (79). But just as our experiences in looking at lemons and the sky on a sunny day have brightness in common, pleasant experiences all have “a certain common quality – feeling good,” as Roger Crisp argues (109).27 As the analogy with brightness suggests, hedonic tone is phenomenologically very thin, and usually mixed with a variety of other experiences.28 Pleasure of any kind feels good, and displeasure of any kind feels bad. These feelings may or may not have bodily location or be combined with other sensory states like warmth or pressure. “Pleasure” and “displeasure” mean these thin phenomenal states of feeling good and feeling bad. As Joseph Mendola writes, “the pleasantness of physical pleasure is a kind of hedonic value, a single homogenous sensory property, differing merely in intensity as well as in extent and duration, which is yet a kind of goodness” (442).29 What if Feldman is right and hedonic states feel good in fundamentally different ways? Then phenomenal introspection suggests a pluralist variety of hedonism. Each fundamental flavor of pleasure will have a fundamentally different kind of goodness, as phenomenal introspection more accurate than mine will reveal. This isn't my view, but I suggest it to those convinced that hedonic tones are fundamentally heterogenous. If phenomenal introspection reliably informs us that pleasure is good, how can anyone believe that their pleasures are bad? Other processes of moral belief-formation are responsible for these beliefs. Someone who feels disgust or guilt about sex may not only regard sex as immoral, but the pleasure it produces as bad. Even if phenomenal introspection on sexual pleasure disposes one to believe that it's good, stronger negative emotional responses to it may more strongly dispose one to believe that it's bad, following the emotional perception model suggested in section 1.4. Explaining disagreement about pleasure's value in terms of other processes lets hedonists maintain that phenomenal introspection univocally supports pleasure's goodness. As long as negative judgments of pleasure come from unreliable processes instead of phenomenal introspection, the argument from disagreement eliminates them. The parallel between yellow’s brightness and pleasure’s goodness demonstrates the objectivity of the value detected in phenomenal introspection. Just as anyone's yellow experiences objectively are bright experiences, anyone's pleasure objectively is a good experience.30 While one's phenomenology is often called one's “subjective experience”, facts about it are still objective. “Subjective” in “subjective experience” means “internal to the mind”, not “ontologically dependent on attitudes towards it.” My yellow-experiences objectively have brightness. Anyone who thought my yellow-experiences lacked brightness would be mistaken. Pleasure similarly is objectively good. It's true that anyone's pleasure is good. Anyone who denies this is mistaken. As Mendola writes, the value detected in phenomenal introspection is “a plausible candidate for objective value” (712). Even though phenomenal introspection only tells me about my own phenomenal states, I can know that others' pleasure is good. Of course, I can't phenomenally introspect their pleasures, just as I can't phenomenally introspect pleasures that I'll experience next year. But if I consider my experiences of lemon yellow and ask what it would be like if others had the same experiences, I must think that they would be having bright experiences. Similarly, if in a pleasant moment I consider what it's like for others to have exactly the experience I'm having, I must think that they're having good experiences. If they have exactly the same experiences I'm having**,** their experiences will have exactly the same intrinsic properties as mine. This is also how I know that if I have the same experience in the future, it'll have the same intrinsic properties. Even though the only pleasure I can introspect is mine now, I should believe that others' pleasures and my pleasures at other times are good, just as I should believe that yellow experienced by others and myself at other times is bright. My argument thus favors the kind of universal hedonism that supports utilitarianism, not egoistic hedonism.

#### Thus, the value criterion is maximizing wellbeing and minimizing harms

#### Prefer additionally:

#### The intrinsic value of people is best respected through consequentialism

Cummiskey writes David, a Philosophy Professor at Bates College “Kantian Consequentialism.” Ethics, Vol. 100, No. 3. 1990. <http://www.jstor.org/stable/2381810>. / MM

We must not obscure the issue by characterizing this type of case as the sacrifice of individuals for some abstract “social entity.” It is not a question of some persons having to bear the cost for some elusive “overall social good.” Instead, the question is whether some persons must bear the inescapable cost for the sake of other persons. Robert Nozick, for example, argues that “to use a person in this way does not sufficiently respect and take account of the fact that he is a separate person, that his is the only life he has.” But why is this not equally true of all those whom we do not save through our failure to act? **By emphasizing solely the one who must bear the cost if we act, we fail to** sufficiently **respect** and take account of **the many other** separate **persons**, each with only one life, **who will bear the cost of our inaction**. In such a situation, what would a conscientious Kantian agent, an agent motivated by the unconditional value of rational beings, choose? A morally good agent recognizes that the basis of all particular duties is the principle that “rational nature exists as an end in itself”. Rational nature as such is the supreme objective end of all conduct. If one truly believes that all rational beings have an equal value, then the rational solution to such a dilemma involves maximally promoting the lives and liberties of as many rational beings as possible. In order to avoid this conclusion, the non-consequentialist Kantian needs to justify agent-centered constraints. As we saw in chapter 1, however, even most Kantian deontologists recognize that agent-centered constraints require a non- value-based rationale. But we have seen that Kant’s normative theory is based on an unconditionally valuable end. How can a concern for the value of rational beings lead to a refusal to sacrifice rational beings even when this would prevent other more extensive losses of rational beings? If the moral law is based on the value of rational beings and their ends, then what is the rationale for prohibiting a moral agent from maximally promoting these two tiers of value? If I sacrifice some for the sake of others, I do not use them arbitrarily, and I do not deny the unconditional value of rational beings. **Persons** may **have “dignity**, that is, an unconditional and incomparable worth” **that transcends any** market **value, but persons also have** a fundamental **equality that dictates that some must** sometimes **give way for the sake of others.** The concept of the end-in-itself does not support the view that we may never force another to bear some cost in order to benefit others.

#### Governments are morally obligated to use consequential calculus

Goodin writes Robert Goodin, Professor of Government, University of Essex, Australian National Defense University, “THE UTILITARIAN RESPONSE,” p. 141-2, 1990. / MM

My larger argument turns on the proposition that there is Something special about the situation of public officials that makes utilitarianism more probable for them than private individuals. Before proceeding with the large argument, I must therefore say what it is that makes it so special about public officials and their situations that make it both more necessary and more desirable for them to adopt a more credible form of util.itarianism. Consider, first, the argument from necessity. Public officials are obliged to make their choices under uncertainty., and uncertainty of a very special sort at that. All choices – public and private alike – are made under some degree of uncertainty, of course. But in the nature of things, private Individuals will usually have more complete information on the peculiarities of their own circumstances. and on the ramifications that alternative possible choices might have for them. Public officials, in contrast, are relatively poorly informed as to the effects that their choices will have on individuals, one by one. What they typically do know are generalities: averages and aggregates. They know what will happen most often to most people as a result of their various possible choices, but that is all. That is enough to allow public policy-makers to use the utilitarian calculus. – assuming they want to use it at all – to choose general rules or conduct.

### My Sole Contention is that source confidentiality is key to reduce the effects of government surveillance

#### The post 9/11 era has framed surveillance as an “essential” and Trump has no intention on stopping it

Volz writes Dustin Volz, 1-20-2018, "Trump signs bill renewing NSA's internet surveillance program," U.S., [https://www.reuters.com/article/us-usa-trump-cyber-surveillance/trump-signs-bill-renewing-nsas-internet-surveillance-program-idUSKBN1F82MK /](https://www.reuters.com/article/us-usa-trump-cyber-surveillance/trump-signs-bill-renewing-nsas-internet-surveillance-program-idUSKBN1F82MK%20/) MM

U.S. President Donald Trump on Friday said he signed into law a bill renewing the National Security Agency’s warrantless internet surveillance program, sealing a defeat for digital privacy advocates. “Just signed 702 Bill to reauthorize foreign intelligence collection,” Trump wrote on Twitter, referring to legislation passed by the U.S. Congress that extends Section 702 of the Foreign Intelligence Surveillance Act (FISA). The law renews for six years and with minimal changes the National Security Agency (NSA) program, which gathers information from foreigners overseas but incidentally collects an unknown amount of communications belonging to Americans. The measure easily passed the U.S. House of Representatives last week despite mixed signals posted on Twitter by Trump and narrowly avoided a filibuster in the Senate earlier this week that split party lines. The measure had drawn opposition from a coalition of privacy-minded Democrats and libertarian Republicans. In his tweet on Friday, Trump attempted to clarify why he signed the bill despite repeating an unsubstantiated claim that his Democratic predecessor, Barack Obama, ordered intelligence agencies to eavesdrop on Trump’s 2016 Republican presidential campaign. “This is NOT the same FISA law that was so wrongly abused during the election,” Trump wrote. “I will always do the right thing for our country and put the safety of the American people first!” Last September, the U.S. Justice Department said in a court filing that it had no evidence to support Trump’s claim about improper surveillance during the campaign. Without Trump’s signature, Section 702 had been set to expire on Friday, though intelligence officials had said the surveillance program could continue to operate until April. Under the law, the NSA is allowed to eavesdrop on vast amounts of digital communications from foreigners living outside the United States via U.S. companies like Facebook Inc, Verizon Communications Inc and Alphabet Inc’s Google. But the program also incidentally scoops up Americans’ communications, including when they communicate with a foreign target living overseas, and can search those messages without a warrant. The White House, U.S. intelligence agencies and congressional Republican leaders have said the program is indispensable to national security, vital to protecting U.S. allies and needs little or no revision. Privacy advocates say it allows the NSA and other intelligence agencies to grab data belonging to Americans in a way that represents an affront to the U.S. Constitution.

#### Under a façade of “national security”, surveillance creates a chilling effect and shields communication between confidential sources and the press

Waters writes Stephenson Waters, 9-5-2017, "The Effects of Mass Surveillance on Journalists’ Relations With Confidential Sources," Taylor & Francis, <https://www.tandfonline.com/doi/full/10.1080/21670811.2017.1365616?scroll=top&needAccess=true> / MM

This hypothesis was supported. Study participants who cover surveillance and national security, overall, reported negative effects or changes to their personal communications online, regardless of whether they are an establishment or adversarial journalist. Despite this, however, participants generally responded that they store personal information on cloud services and share content on social media, albeit in a limited fashion. The reasoning behind why this occurs varied, but a clear theme emerged that was dependent upon opinions of mass surveillance and technical knowledge. Even respondents who argued that mass government surveillance was not a pervasive threat acknowledged that they make changes to their personal online behavior and communications. The reasons for this varied based on technical literacy and their proximity to sensitive information used for their work. P001, an adversarial journalist, for example, reported they were skilled in technical security and disclosed that they used and possessed sensitive information pertaining to surveillance issues. P001 said that the consequences of covering surveillance, such as harassment from authorities and possible legal ramifications, were realistic threats. Considering this, P001 tended to self-censor when communicating in their personal life, both online and in person: I think that I probably do, and even sometimes subconsciously. It’s like people have described it like the policeman in your mind kind of thing, and you maybe self-censor a little bit. It’s kind of horrible. And actually, I’ve felt that happening a couple of times, just even in personal conversations with people completely unconnected with work. I think that’s one of the most harmful aspects of that kind of level of surveillance and the fear of it, that it does that to people. I do think about it, but I try not to let that get to me too much. P003, who did not report a high level of technical skill and argued that NSA capabilities were limited and the topic was overblown, still said that they avoid revealing too much personal information in personal communication, considering the possibility that it could be read and negatively affect their image among media audiences. I’ve always assumed for about [redacted] years, and I’m still using email, that somebody can get it. So, I would never put anything liable or I wouldn’t insult my boss in an email because I know that it’s too easily forwardable, that’s the issue, too. … I just never assumed that I was a hundred percent private. So, I just had a natural discretion. Because also if you got in trouble if something crashed, the IT people would come into your office and they would see everything that you’re doing. At the least, respondents reported being “more aware” of the potential surveillance risks in personal communication, with one respondent, P006, reporting a small but noticeable feeling of anxiety when communicating with friends and colleagues online, arguing that an innocuous message could be misinterpreted and “raise an alarm bell somewhere”: Somebody will email you something with either a joke or a keyword or even like a real news story to a link and people will respond and say, “Oh, we”re going to end up on some list.’ So there’s certainly a fair amount of that kind of macabre humor. And then that’s the sort of funny end of it, but I think that that points to a serious anxiety between people even when you’re just communicating with friends, especially friends who work as journalists or human rights lawyers or what have you. There’s a sort of small but not insignificant chilling effect where I’ll wait to tell a particular friend that— how can I say this? If I know I’m going to see somebody in a day or two I might wait to tell them something or share a story or whatever until I see them in person, or I’ll just think twice about whatever jokes I make or anything like that. It’s sort of always in the back of your mind that something that you write could get swept in because you hit some keyword or because you’re away from somebody who is almost certainly in a database, or if you’re emailing somebody overseas that’s of course another, even if it’s just a sort of “Hey, what’s up?” email. Interestingly, four respondents said that though they may take steps to alter their communication, there was little they could do to prevent someone observing the communication. They said that most personal communication is harmless and mundane, and there was little point in attempting to protect this information. These opinions somewhat contradict their views as journalists, when they later argued that surveillance is a pervasive and dangerous threat to the public interest. To varying degrees, five respondents said that the public should be worried about mass government surveillance programs. The potential for abuse and the current state of secrecy surrounding the programs, they said, could harm public expression and democratic institutions, notably the press. As P001 said: It’s a deeply problematic thing for reporters, mass surveillance. And it has knock-on ramifications for society more generally, because if sources won’t come forward, if you can’t reach out to people and talk to people, that means you can’t get the information. And if you can’t get the information, the stories don’t come out, the news reporting isn’t as comprehensive as it could be, certain facts don’t enter the public domain. Using a panopticism framework and a constant comparative method, this study attempted to explore how journalists communicate with confidential sources in the digital and mobile communication of sensitive information. The seven journalists who participated in this study reported that they believe their work and lives has changed under a real or perceived threat of mass government surveillance. Additionally, participants who cover national security and surveillance issues reported that, overall, digital security measures have altered their jobs, in many cases making their day-to-day work more difficult. Finally, participants discussed the context in which they use digital security tools when communicating with sources online and described conditions that merit or prohibit the use of these tools. Focault (1977) wrote that, for an authoritarian entity, the ultimate power of panopticism derives from a “a state of conscious and permanent visibility that assures the automatic functioning of power” (608). Whether the surveillance or observation is real or implied, the presence of that power is felt, and those under surveillance conform to the will of the authority to avoid punishment or reprimand. This concept, and its effects, can be anecdotally seen from the data collected for this study. Overall, participants reported an increased awareness of a mass government surveillance apparatus at work. In every case, they reported adjusting their behavior to some degree.

#### Stable communication between confidential sources and the press is key to government whistleblowers

Posetti writes Julie Posetti, 5-3-2017, "UNESCO report: surveillance and data collection are putting journalists and sources at risk," Conversation, [https://theconversation.com/unesco-report-surveillance-and-data-collection-are-putting-journalists-and-sources-at-risk-77038 /](https://theconversation.com/unesco-report-surveillance-and-data-collection-are-putting-journalists-and-sources-at-risk-77038%20/) MM

The ability of journalists to report without fear is under threat from mass surveillance and data retention. Released this week, my UNESCO report Protecting Journalism Sources in the Digital Age shows that laws protecting journalists and sources globally are not keeping up with the challenges posed by indiscriminate data collection and the spill-over effects of anti-terrorism and national security legislation. Examining legal changes to how sources are protected across 121 countries between 2007-2015, I found that calls, text messages, and emails made in the process of reporting are increasingly exposed. In particular, they can be caught up in the nets of law enforcement and national security agencies as they trawl for evidence of criminal activity and terrorism and conduct leak investigations. Source protection laws should be updated to protect the online communications of journalists and whistleblowers. If we do not strengthen legal protections and limit the impact of surveillance and data retention, investigative journalism that relies on confidential sources will be difficult to sustain. New technologies, new problems. Now that simply using mobile technology, email, and social networks may result in a person being caught up in state and corporate surveillance and data mining, the laws protecting sources and journalists are being seriously undermined. The study found that source protection laws globally are at risk of being: trumped by national security and anti-terrorism legislation that increasingly broadens definitions of “classified information” and limits exceptions for journalistic acts undercut by surveillance – both mass and targeted jeopardised by mandatory data retention policies and pressure applied to third party intermediaries to release data which risks exposing sources outdated when it comes to regulating the collection and use of digital data, such as whether information recorded without consent is admissible in a court case against either a journalist or a source; and whether digitally stored material gathered by journalistic actors is covered by existing source protection laws, and challenged by questions about entitlement to claim protection - as underscored by the questions: “Who is a journalist?” and “What is journalism”? These threats suggest lawmakers need to think differently when it comes to protecting press freedoms. In the past, the main concerns of courts and lawmakers was whether a journalist could be legally forced to reveal the confidential source of published information or be the subject of targeted surveillance and search and seizure operations. Now that data is routinely intercepted and collected, we must find new ways to protect the right of journalists to withhold the identity of their sources. The Australian metadata threat Australia’s experience with mandatory metadata collection shows how complicated the question of journalist-source protection can become in a digital era. The Australian Federal Police recently admitted to illegally accessing an unidentified journalist’s metadata without a warrant. This breach was possible because of the country’s mandatory data retention law, which requires phone and internet companies to preserve user metadata for two years, even when there is no suspicion of a crime. This includes information such as when a text message was sent and who received it, but not its content. Advocates of long-term metadata retention, like Australian Attorney General George Brandis, have insisted the law poses no significant threat to privacy or freedom of expression. When the legislation was enacted in March 2015, it included an amendment that requires government agencies to seek a warrant to access journalists’ communications with sources in certain cases. Then-Communications Minister Malcolm Turnbull and Attorney-General Senator George Brandis during a press conference introducing the metadata legislation in Canberra, Thursday, Oct. 30, 2014. AAP Image/Alan Porritt Transparency, however, is not required. Revelation of the existence (or non-existence) of such a warrant is punishable by a two-year jail term. At no point are journalists nor media organisations advised of such an intervention, and there is no opportunity for them to challenge the issuing of a warrant. These shortcomings mean the law fails seven out of 11 indicators in UNESCO’s guide for measuring the effectiveness of a country’s legal source protection framework. In the face of these threats, journalists can take steps to protect their online security and ensure sources have ways to contact them securely. Yet even when they encrypt the content of their source communications, they may neglect the metadata, meaning they still leave behind a digital trail of whom they contacted. This data can easily identify a source, and safeguards against its illegitimate use are frequently limited or non-existent. Australia’s Press Council chair, professor David Weisbrot has said mandatory data retention legislation risks “crushing” investigative journalism: I think that whistleblowers who are inside governments or corporations will definitely not come forward because their confidentiality and anonymity will not be guaranteed. If they came forward, a journalist would have to say ‘I have to give you some elaborate instructions to avoid detection: don’t drive to our meeting, don’t carry your cell phone, don’t put this on your computer, handwrite whatever you’re going to give me’.

#### There are three impact scenarios

#### **The first impact is government corruption:**

#### Whistleblowers are key to checking corruption

Toland writes Toland, Carol J. "Internet Journalism and the Reporter's Privilege: Providing Protection for Online Periodicals." U. Kan. L. Rev. 57 (2008): 461. / MM

The press plays a vital role in maintaining a free flow of information and a healthy democracy. Some of its most practical benefits to American society include its service as a “watchdog” over federal, state, and local governments; its utilization of confidential sources to reveal problems that would not receive any public attention otherwise; and its independence from the government that allows for a more neutral, balanced analysis. a. The Press as a Government “Watchdog” The press can often be viewed as operating as a “watchdog” for the government at the federal, state, and local levels. Numerous stories concerning government malfeasance can be traced to anonymous government sources.140 Without the information provided by these individuals, the public would lack knowledge on many important issues. In fact, “in the years since Watergate, literally thousands of stories concerning government corruption, mismanagement, and the more mundane ‘inside workings’ of our public institutions—at the federal, state, and local levels—have resulted from information provided to reporters under promises of confidentiality.”141 Although many of these stories may simply be routine, some were landmark events: [A]rguably some of the “biggest” stories involving government corruption, deception or misinformation about official policy in each of the past four decades has resulted from information provided by anonymous sources or “leaks”: 1. Watergate; 2. The Pentagon Papers . . . ; 3. The Iran-Contra “arms-for-hostages” deal; [and] 4. Anita Hill’s allegation that Clarence Thomas had sexually harassed her.142 Without reporter’s privilege protection, it is unlikely that these stories would ever have seen the light of day or received the amount of attention that they did. Government employees put their careers on the line and sometimes even put their lives in jeopardy to share these stories.143 If protection of their identity had not been guaranteed, they might not have been as willing to share information and expose government wrongdoing. b. The Press’s Utilization of Confidential Sources The press has always valued the help of confidential sources to break stories in both the public and private sectors. This is because the press can better keep the public informed of matters of importance if anonymous sources feel confident that they can step forward to talk to the press while having their anonymity protected. The impact of these stories is far-reaching. For example, “promises of confidentiality to informed sources within companies and private industry are essential to the disclosure of information that may affect millions of investors and/or consumers.”144 When such stories are a direct result of whether those possessing the critical information feel sufficiently protected from retaliation to share what they know, it is essential to create a safe environment to encourage those persons to come forward. The best way to accomplish this is through the protection offered by the reporter’s privilege. c. The Press’s Independence from the Government The press’s independence from the government is rooted in the First Amendment. This independence continues to be a very important issue in the debate about the press’s rights because confidential sources need the confidence that they are sharing information with a journalist who is not merely an extension of the government. Without such independence, the likelihood that these sources will reveal information of great importance sharply declines. As one author pointed out: Myriad news reports and other information of interest to the general public—not limited to any particular topic or field—depend upon the press’ ability to obtain information from sources, not on a confidential basis, but with the understanding that the press is independent and “neutral,” not an “arm of the government” or any other litigant.145 Without a reporter’s privilege, the press’s ability to promise protection to these confidential sources will be virtually nonexistent, leading to the public’s failure to receive important information that may have been of significant benefit.

#### Corruption outweighs any possible impact – corruption and tyranny reduce beings to bare life

Caplan writes Department of Economics and Center for Study of Public Choice [Bryan Caplan at George Mason University, “The Totalitarian Threat,” January 06] / MM

It is obviously harder to refine my numbers than it is to refine estimates of the probability of an extinction-level asteroid impact. The regularities of social science are neither as exact nor as enduring as the regularities of physical science. But this is a poor argument for taking social disasters like totalitarianism less seriously than physical disasters like asteroids. We compare accurately-measured to inaccurately-measured things all the time. Which is worse for a scientist to lose: 1 point of IQ, or his "creative spark"? Even though IQ is measured with high accuracy, and creativity is not, loss of creativity is probably more important. Finally, it is tempting to minimize the harm of a social disaster like authoritarianism, because it would probably not lead to human extinction. Even in Cambodia, the totalitarian regime with the highest death rate per-capita, 75% of the population remained alive after three years of rule by the Khmer Rouge. (Margolin 1999b) But perhaps an eternity of totalitarianism would be worse than extinction. It is hard to read Orwell and not to wonder: Do you begin to see, then, what kind of world we are creating? It is the exact opposite of the stupid hedonistic Utopias that the old reformers imagined. A world of fear and treachery and torment, a world of trampling and being trampled upon, a world which will grow not less but more merciless as it refines itself. Progress in our world will be progress towards more pain. The old civilizations claimed that they were founded on love or justice. Ours is founded upon hatred. In our world there will be no emotions except fear, rage, triumph and self-abasement. Everything else we shall destroy – everything... There will be no loyalty, except loyalty towards the Party. There will be no love, except the love of Big Brother. There will be no laughter, except for the laugh of triumph over a defeated enemy. There will be no art, no literature, no science. When we are omnipotent we shall have no more need of science. There will be no distinction between beauty and ugliness. There will be no curiosity, no enjoyment of the process of life. All competing pleasures will be destroyed. (1983: 220)

#### The second impact is source crackdown:

#### Allowing the government to shut down whistleblowers creates a society left unable to fight against an infinitely powerful sovereign

Hagopian writes Joachim Hagopian, “A History of America’s War on Whistleblowers and Journalists since 9/11,” GlobalResearch, January 6, 2015. / MM

With 2014 fresh in our rear view mirror, an honest examination of events and developments of what’s been happening in America to whistleblowers and journalists since 9/11 under the Bush-Obama regime seems a worthwhile review, however disturbing ands foreboding. By definition a whistleblower is an individual who reports an employer’s misconduct. The [Whistleblower Protection Act of 1989](http://fas.org/sgp/crs/natsec/RL33918.pdf) (WPA) is a law that protects federal government employees in the United States from retaliatory action for voluntarily disclosing information about dishonest or illegal activities occurring within a government organization. Yet despite these supposed legal protections in place, those who have gone public disclosing illicit and immoral behavior by the federal government have been consistently singled out for discrimination and excessive punishment. In fact, [more American citizens](http://www.slate.com/blogs/the_slatest/2013/06/22/edward_snowden_is_eighth_person_obama_has_pursued_under_espionage_act.html) have been indicted for allegedly violating the Espionage Act of 1917 under the current president than all other previous presidents combined. Though the law was designed to punish WWI German spies, and rarely used since for indicting those selling secrets to the enemy or efforts to undermine the American way of life, it is completely obsolete. Yet it is being misused by Obama for purely political purposes to shut down the truth. The Obama administration has also turned down more Freedom of Information Act requests than any other prior presidency with each year the denial rate rising. 2013 was [57%](http://www.poynter.org/news/mediawire/243664/obama-administration-denied-censored-more-foia-requests-in-2013-than-it-approved/) more than the year before, with over half the total requests rejected. Of course Obama’s mantra excuse is always using the “national security” card. He has also [jailed more whistleblowers and journalists](http://www.easternecho.com/article/2014/11/obama-surveillance-state) than any other president. By his over the top, punitive methods, Obama has declared war on the first amendment right to a free press in America, threatening, harassing, indicting and imprisoning those brave enough to speak the truth, accusing them of treason when the president through his administration has repeatedly violated the very Constitution that he has sworn to protect and uphold as the so-called leader of the free world. His malevolent attack on free speech is even more incriminating and inexcusable as a Harvard educated lawyer who once taught constitutional law at the University of Chicago. With their war policies both domestic and abroad one and the same, Obama has carried the totalitarian torch handed him by the Bush-Cheney administration making the United States the world’s [worst human rights violator](http://www.globalresearch.ca/the-us-is-the-worlds-worst-human-rights-violator/5377997). But then they’re all cast from the same psychopathic mold as mere public front men simply following orders from their oligarch puppet masters who own and control them along with virtually everything else on this planet. The man who after the Bush nightmare exploited Americans’ desperate need for hope and change campaigned on false promises that his administration would be far more open and transparent than his war criminal predecessor, pledging to be the most open and honest in US history. Instead Obama has only proven to be the most guarded, vindictive and secretive president in US history. With three quarters of Obama’s two term reign of terror completed, let’s look at the lives of a handful of Americans who have bravely spoken out since 9/11, some known and some lesser known. At great danger to themselves these individuals have exercised their legal rights under the Whistleblower Act and/or First Amendment and paid dearly for only doing the right thing. Their courage to expose government waste, corruption, fraud and its diabolical wrongdoing has been met with blatant retribution and extreme punishment that has systematically resulted in their unlawful firing, false imprisonment, character and career assassination and indeed even their political assassination and murder, all for standing up to injustice and wrongdoing for the greater good of Americans and humanity. These brave and honest individuals working in our government and in journalism should be heralded as our national heroes for their bold truth speaking, not silenced, harmed and/or destroyed by our own criminally treasonous rogue government. The two biggest whistleblowers deservedly receiving the most national and international attention during the last couple years are ex-NSA analyst Edward Snowden, currently a fugitive forced on the run hiding out in Russia, and ex-US Army private Bradley now Chelsea Manning, currently serving three and a half decades of hard time in federal prison. In June 2013 Snowden released documents proving the government leaders to be liars – from Obama’s national security advisor and known perjurer James Clapper to now former National Security Agency (NSA) Director General Alexander (in clear violation of both his sworn oath upholding both the Constitution and his onetime West Point honor code). Through the Snowden revelations Americans and in fact the entire world have come to realize the US government has been routinely conducting invasive, unlawful surveillance on every single aspect of our not so private lives, brazenly and blatantly violating Fourth Amendment search and seizure laws for decades now. Mr. Snowden pointed out what many of us already suspected, that Big Brother is watching our every move, or minimally has free unlimited access. Despite the reactive government and its controlled Mainstream Media propaganda machine claiming the NSA whistleblower is a traitor as the eighth American charged with violating the Espionage Act who weakened national security and placed Americans in danger, then not delivering a shred of forthcoming evidence, public opinion has neither been swayed nor convinced that he’s the villain. Even the New York Times has followed suit with the majority of Americans beginning 2014 with a favorable New Year op-ed article upgrading its view of Edward Snowden:

#### Restricting freedom of the press justifies the government shutting down the First Amendment to cover up atrocities

D’Souza writes Former Executive Director of ARTICLE 19, 1996 (Frances, Article 19 is a human rights organisation devoted to promoting freedom of expression. She also taught anthropology at Oxford and the London School of economics, “Free Speech - Free Media: Rights under Threat?”, Public Hearing, 4/25, <http://www.europarl.eu.int/hearings/speech/freedom_en.htm>) / MM

In the absence of freedom of expression which includes a free and independent media, it is impossible to protect other rights, including the right to life. Once governments are able to draw a cloak of secrecy over their actions and to remain unaccountable for their actions then massive human rights violations can, and do, take place. For this reason alone the right to freedom of expression, specifically protected in the major international human rights treaties, must be considered to be a primary right. It is significant that one of the first indications of a government's intention to depart from democratic principles is the ever increasing control of information by means of gagging the media, and preventing the freeflow of information from abroad. At one end of the spectrum there are supposedly minor infringements of this fundamental right which occur daily in Western democracies and would include abuse of national security laws to prevent the publication of information which might be embarrassing to a given government: at the other end of the scale are the regimes of terror which employ the most brutal moves to suppress opposition, information and even the freedom to exercise religious beliefs. It has been argued, and will undoubtedly be discussed at this Hearing, that in the absence of free speech and an independent media, it is relatively easy for governments to capture, as it were, the media and to fashion them into instruments of propaganda, for the promotion of ethnic conflict, war and genocide.

#### The third impact is education:

#### **Allowing the government to surveil discussions shuts down conversations about every day violence, the affirmative produces an effective discussion about the state that encourages students to challenge it and produces necessary educational dialogue**

Giroux writes [Henry A. Giroux | Violence, USA: The Warfare State and the Brutalizing of Everyday Life Wednesday, 02 May 2012 10:03 By Henry A. Giroux, Truthout | Op-Ed.] / MM

**Even public school reform is now justified in the** dehumanizing **language of national security, which increasingly legitimates the transformation of schools into** adjuncts of **the** surveillanceand police state. '3 **The privatization and militarization of schools mutually inform each other as students are** increasingly **subjected to** disciplinary apparatuses that limit their capacity for critical thinking **while molding them** into consumers, testing them into submission, **stripping them of** any sense of social responsibility, and convincing large numbers of poor minority students that they are better off under the jurisdiction of the criminal justice system instead of being treated as valued members of the public schools. Schools are increasingly absorbing the culture of prisons and are aggressively being transformed into an extension of the criminal justice system. Many public schools are being militarized to resemble prisons instead of being safe places that would enable students to learn how to be critical and engaged citizens. Rather than being treated with dignity and respect, students are increasingly treated as if they were criminals, given that they are repeatedly "photographed, fingerprinted, scanned, x-rayed, sniffed and snooped on."" As I mentioned in chapter 2, the space of the school resembles a high-security prison with its metal detectors at the school entrances, drug-sniï¬‚ing dogs in school corri- dors, and surveillance cameras in the hallways and classrooms. Student behaviors that were once considered child play are now elevated to the status of a crime. Young people who violate dress codes, engage in food fights, hug each other, doodle, and shoot spit wads are no longer repri- manded by the classroom teacher or principal; instead their behavior is criminalized. Consequently, the police are called in to remove them is criminalized. Consequently, the police are called in to remove them from the classroom, handcuff them, and put them in the back of a police car to be carted off to a police station where they languish in a holding cell. There is a kind of doubling that takes place here between the culture of punishment, on the one hand, and the feeding of profits for the security-surveillance industries. What has emerged in the United States is a civil and political order structured around the problem of violent crime. This governing- through-crime model produces a highly authoritarian and mechanistic approach to addressing social problems that often focuses on low- income and poor minorities, promotes highly repressive policies, and places undue emphasis on personal security rather than considering the larger complex of social and structural forces that fuels violence in the first place. Far from promoting democratic values, a respect for others, and social responsibility, a governing-through-crime approach criminalizes a wide range of behaviors and in doing so often functions largely to humiliate, punish, and demonize. "lhe abuse and damage that criminalizes a wide range of behaviors and in doing so often functions largely to humiliate, punish, and demonize. The abuse and damage that is being imposed on young people as a result of the ongoing militariza- tion and criminalization of public schools defy the imagination. And ;';.':;~.n='.~m':' 74 AMERICA'S EDUCATION DEFICIT AND THE WAR ON the trivial nature of the behaviors that produce such egregious prac- tices is hard to believe. A few examples will suffice: In November 2011, a 14-year-old student in Brevard County, Florida, was suspended for hugging a female friend, an act which even the principal acknowledged as innocent. A 9-year-old in Charlotte, North Carolina, was suspended for sexual harassment after a substitute teacher overheard the child tell another student that the teacher was "cute." A 6-year-old in Georgia was arrested, handcuffed and suspended for the remainder of the school year after throwing a temper tantrum in class. A 6-year-old boy in San Francisco was accused of sexual assault following a game of tag on the playground. A 6-year-old in Indiana was arrested, handcuffed and charged with battery after kicking a school principal. Twelve- year-old Alexa Gonzalez was arrested and handcuffed for doodling on a desk. Another student was expelled for speaking on a cell phone with his mother, to whom he hadn't spoken in a month because she was in Iraq on a military deployment. Four high school students in Detroit were arrested and handcuffed for participating in a food fight and charged with a misdemeanor with the potential for a 90-day jail sentence and a $500 fine. A high school student in Indiana was expelled after sending a profanity-laced tweet through his Twitter account after school hours. The school had been con- ducting their own surveillance by tracking the tweeting habits of all students. These are not isolated incidents. In 2010, some 300,000 Texas schoolchildren received misdemeanor tickets from police officials. One 12-year-old Texas girl had the police called on her after she sprayed perfume on herself during class." **Public spaces that should promote** dialogue, thoughtfulness, and **critical exchange** are ruled by fear and become the ideological corollary of a state that aligns its priorities to war and munitions sales while declaring a state of emergency (under the aegis of a permanent war) as a major reference for shaping domestic policy. In addition, the media and **other cultural apparatuses now** produce, circulate, and **validate** forms of symbolic and real violencethat dissolve the democratic bonds of social reciprocity. **This dystopian use of violence** as enter- tainment and spectacle **is reinforced through the media's incessant appeal to the** market-driven egocentric interests of the autonomous individual, **a fear of the Other**, and a stripped-down version of security that narrowly focuses on personal safety rather than collective security nets and social welfare. One consequence is that those who are viewed as disposable and reduced to zones of abandonment are forced "to address the reality of extreme violence. in the very heart of their everyday life."'Â° Violence in everyday life is matched by a surge of violence in popular culture. Violence now runs through media and popular culture like an electric current. As the New York Times reported recently, "The top-rated show on cable TV is rife with shoot- ings, stabbings, machete attacks and more shootings. The top drama at the box office fills theaters with the noise of automatic weapons fire. The top-selling video game in the country gives players the choice to kill or merely wound their quarry.""' SK

#### Debates about how the state can change for the better are important and shape us into better advocates for changing the world in the future

Williams writes Robert F Williams [American civil rights leader and author best known for serving as president of the Monroe, North Carolina chapter of the NAACP and being a complete badass] “Interviews” The Black Scholar. Volume 01, No. 7. BLACK REVOLUTION. May 1970, pp. 2-14.

Williams: It is erroneous to think that one can isolate oneself completely from institutions of a social and political system that exercises power over the environment in which [they] he resides. Self-imposed and premature isolation, initiated by the oppressed against the organs of a tyrannical establishment, militates against revolutionary movements dedicated to radical change. It is a grave error for militant and just minded youth to reject struggle-serving opportunities to join the man's government and the services, police forces, peace corps and vital organs of the power structure. Militants should become acquainted with the methods of the oppressor. Meaningful change can be more thoroughly effectuated by militant pressure from within as well as without. We can obtain valuable know-how from the oppressor. Struggle is not all violence. Effective struggle requires tactics, plans, analysis and a highly sophisticated application of mental aptness. The forces of oppression and tyranny have perfected highly articulate systems of infiltration for undermining and frustrating the efforts of the oppressed in trying to upset the unjust status quo. To a great extent, the power structure keeps itself informed as to the revolutionary activity of freedom fighters. With the looming threat of extermination looming menacingly before black Americans, it is pressingly imperative that our people enter the vital organs of the establishment. Infiltrate the man's institutions.

#### Thus, I strongly urge an affirmative ballot, and now stand open for cross-ex.

## 1AC Lay Russia

### Framing

#### I affirm, Resolved: In the United States, reporters ought to have the right to protect the identity of confidential sources

#### I value morality because the word “ought” in the resolution implies a moral obligation

#### **Reliability is the only way to find epistemic truths, because of this, our moral calculus must be based around the consequences of our actions.**

Sinhibabu writes Neil, 13 (National University of Singapore) “The epistemic argument for hedonism” [http://philpapers.org/archive/SINTEA /](http://philpapers.org/archive/SINTEA%20/) MM

While **widespread error** leaves open the possibility that one has true beliefs, it reduces the probability that my beliefs are true. Consider a parallel case. I have no direct evidence that I have an appendix, but I know that previous investigations have revealed appendixes in people. So induction suggests that I have an appendix. Similarly, I know on the basis of 1 and 2 that people's moral beliefs are, in general, rife with error. So even if I have no direct evidence of error in my moral beliefs, induction suggests that they are rife with error as well. 3 invokes the reliability of the processes that produce our beliefs. Assessing processes of belief-formation for **reliability is an important part of our epistemic practices**. If someone tells me that my belief is entirely produced by wishful thinking, I can't simply accept that and maintain the belief. Knowing that wishful thinking is unreliable, I must either deny that my belief is entirely caused by wishful thinking or abandon the belief. But if someone tells me that my belief is entirely the result of visual perception, I'll maintain it, assuming that it concerns sizable nearby objects or something else about which visual perception is reliable. While providing precise criteria for individuating processes of belief-formation is hard, as the literature on the generality problem for reliabilism attests, individuating them somehow is indispensable to our epistemic practices.1

#### He continues that…

our epistemic and anthropological situation, combined with plausible metaethical and epistemic principles, forces us to abandon our moral beliefs. But if a reliable process of moral belief-formation exists, 4 is false, and we can answer the moral skeptic. The rest of this paper discusses the only reliable process I know of. 2.1 Phenomenal introspection reveals pleasure's goodness Phenomenal introspection, a reliable way of forming true beliefs about our experiences, produces the belief that pleasure is good. Even as our other processes of moral belief-formation prove unreliable, it provides reliable access to pleasure's goodness, justifying the positive claims of hedonism. This section clarifies what phenomenal introspection and pleasure are and explains how phenomenal introspection provides reliable access to pleasure's value. Section 2.2 argues that pleasure's goodness is genuine moral value, rather than value of some other kind. In phenomenal introspection we consider our subjective experience, or phenomenology, and determine what it's like. Phenomenal introspection can be reliable while dreaming or hallucinating, as long as we can determine what the dreams or hallucinations are like. By itself, phenomenal introspection doesn't produce beliefs about things outside experience, or about relations between our experiences and non-experiential things. So it doesn't produce judgments about the rightness of actions or the goodness of non-experiential things. It can only tell us about the intrinsic properties of experience itself. Phenomenal introspection is generally reliable, even if mistakes about immediate experience are possible. Experience is rich in detail, so one could get some of the details wrong in belief. Under adverse conditions involving false expectations, misleading evidence about what one's experiences will be, or extreme emotional states that disrupt belief-formation, larger errors are possible. Paradigmatically reliable processes like vision share these failings. Vision sometimes produces false beliefs under adverse conditions, or when we're looking at complex things. Still, it's so reliable as to be indispensible in ordinary life. Regarding phenomenal introspection as unreliable is about as radical as skepticism about the reliability of vision. While contemporary psychologists reject introspection into one's motivations and other psychological causal processes as unreliable, phenomenal introspection fares better. Daniel Kahneman, for example, writes that “experienced utility is best measured by moment-based methods that assess the experience of the present.”22 Even those most skeptical about the reliability of phenomenal introspection, like Eric Schwitzgebel, concede that we can reliably introspect whether we are in serious pain.23 Then we should be able to introspectively determine what pain is like. So I'll assume the reliability of phenomenal introspection. One can form a variety of beliefs using phenomenal introspection. For example, one can believe that one is having sound experiences of particular noises and visual experiences of different shades of color. When looking at a lemon and considering the phenomenal states that are yellow experiences, one can form some beliefs about their intrinsic features – for example, that they're bright experiences. And when considering experiences of pleasure, one can make some judgments about their intrinsic features – for example, that they're good experiences. Just as one can look inward at one's experience of lemon yellow and recognize its brightness, one can look inward at one's experience of pleasure and recognize its goodness.24 When I consider a situation of increasing pleasure, I can form the belief that things are better than they were before, just as I form the belief that there's more brightness in my visual field as lemon yellow replaces black. And when I suddenly experience pain, I can form the belief that things are worse in my experience than they were before. Having pleasure consists in one's experience having a positive hedonic tone. Without descending into metaphor, it's hard to give a further account of what pleasure is like than to say that when one has it, one feels good. As Aaron Smuts writes in defending the view of pleasure as hedonic tone, “to 'feel good' is about as close to an experiential primitive as we get.” 25 Fred Feldman sees pleasure as fundamentally an attitude rather than a hedonic tone.26 But as long as hedonic tones are real components of experience, phenomenal introspection will reveal pleasure's goodness. Opponents of the hedonic tone account of pleasure usually concede that hedonic tones exist, as Feldman seems to in discussing “sensory pleasures,” which he thinks his view helps us understand. Even on his view of pleasure, phenomenal introspection can produce the belief that some hedonic tones are good while others are bad. There are many different kinds of pleasant experiences. There are sensory pleasures, like the pleasure of tasting delicious food, receiving a massage, or resting your tired limbs in a soft bed after a hard day. There are the pleasures of seeing that our desires are satisfied, like the pleasure of winning a game, getting a promotion, or seeing a friend succeed. These experiences differ in many ways, just as the experiences of looking at lemons and the sky on a sunny day differ. It's easy to see the appeal of Feldman's view that pleasures “have just about nothing in common phenomenologically” (79). But just as our experiences in looking at lemons and the sky on a sunny day have brightness in common, pleasant experiences all have “a certain common quality – feeling good,” as Roger Crisp argues (109).27 As the analogy with brightness suggests, hedonic tone is phenomenologically very thin, and usually mixed with a variety of other experiences.28 Pleasure of any kind feels good, and displeasure of any kind feels bad. These feelings may or may not have bodily location or be combined with other sensory states like warmth or pressure. “Pleasure” and “displeasure” mean these thin phenomenal states of feeling good and feeling bad. As Joseph Mendola writes, “the pleasantness of physical pleasure is a kind of hedonic value, a single homogenous sensory property, differing merely in intensity as well as in extent and duration, which is yet a kind of goodness” (442).29 What if Feldman is right and hedonic states feel good in fundamentally different ways? Then phenomenal introspection suggests a pluralist variety of hedonism. Each fundamental flavor of pleasure will have a fundamentally different kind of goodness, as phenomenal introspection more accurate than mine will reveal. This isn't my view, but I suggest it to those convinced that hedonic tones are fundamentally heterogenous. If phenomenal introspection reliably informs us that pleasure is good, how can anyone believe that their pleasures are bad? Other processes of moral belief-formation are responsible for these beliefs. Someone who feels disgust or guilt about sex may not only regard sex as immoral, but the pleasure it produces as bad. Even if phenomenal introspection on sexual pleasure disposes one to believe that it's good, stronger negative emotional responses to it may more strongly dispose one to believe that it's bad, following the emotional perception model suggested in section 1.4. Explaining disagreement about pleasure's value in terms of other processes lets hedonists maintain that phenomenal introspection univocally supports pleasure's goodness. As long as negative judgments of pleasure come from unreliable processes instead of phenomenal introspection, the argument from disagreement eliminates them. The parallel between yellow’s brightness and pleasure’s goodness demonstrates the objectivity of the value detected in phenomenal introspection. Just as anyone's yellow experiences objectively are bright experiences, anyone's pleasure objectively is a good experience.30 While one's phenomenology is often called one's “subjective experience”, facts about it are still objective. “Subjective” in “subjective experience” means “internal to the mind”, not “ontologically dependent on attitudes towards it.” My yellow-experiences objectively have brightness. Anyone who thought my yellow-experiences lacked brightness would be mistaken. Pleasure similarly is objectively good. It's true that anyone's pleasure is good. Anyone who denies this is mistaken. As Mendola writes, the value detected in phenomenal introspection is “a plausible candidate for objective value” (712). Even though phenomenal introspection only tells me about my own phenomenal states, I can know that others' pleasure is good. Of course, I can't phenomenally introspect their pleasures, just as I can't phenomenally introspect pleasures that I'll experience next year. But if I consider my experiences of lemon yellow and ask what it would be like if others had the same experiences, I must think that they would be having bright experiences. Similarly, if in a pleasant moment I consider what it's like for others to have exactly the experience I'm having, I must think that they're having good experiences. If they have exactly the same experiences I'm having**,** their experiences will have exactly the same intrinsic properties as mine. This is also how I know that if I have the same experience in the future, it'll have the same intrinsic properties. Even though the only pleasure I can introspect is mine now, I should believe that others' pleasures and my pleasures at other times are good, just as I should believe that yellow experienced by others and myself at other times is bright. My argument thus favors the kind of universal hedonism that supports utilitarianism, not egoistic hedonism.

#### Thus, the value criterion is maximizing wellbeing and minimizing harms

#### Prefer additionally:

#### The intrinsic value of people is best respected through consequentialism

Cummiskey writes David, a Philosophy Professor at Bates College “Kantian Consequentialism.” Ethics, Vol. 100, No. 3. 1990. <http://www.jstor.org/stable/2381810>. / MM

We must not obscure the issue by characterizing this type of case as the sacrifice of individuals for some abstract “social entity.” It is not a question of some persons having to bear the cost for some elusive “overall social good.” Instead, the question is whether some persons must bear the inescapable cost for the sake of other persons. Robert Nozick, for example, argues that “to use a person in this way does not sufficiently respect and take account of the fact that he is a separate person, that his is the only life he has.” But why is this not equally true of all those whom we do not save through our failure to act? **By emphasizing solely the one who must bear the cost if we act, we fail to** sufficiently **respect** and take account of **the many other** separate **persons**, each with only one life, **who will bear the cost of our inaction**. In such a situation, what would a conscientious Kantian agent, an agent motivated by the unconditional value of rational beings, choose? A morally good agent recognizes that the basis of all particular duties is the principle that “rational nature exists as an end in itself”. Rational nature as such is the supreme objective end of all conduct. If one truly believes that all rational beings have an equal value, then the rational solution to such a dilemma involves maximally promoting the lives and liberties of as many rational beings as possible. In order to avoid this conclusion, the non-consequentialist Kantian needs to justify agent-centered constraints. As we saw in chapter 1, however, even most Kantian deontologists recognize that agent-centered constraints require a non- value-based rationale. But we have seen that Kant’s normative theory is based on an unconditionally valuable end. How can a concern for the value of rational beings lead to a refusal to sacrifice rational beings even when this would prevent other more extensive losses of rational beings? If the moral law is based on the value of rational beings and their ends, then what is the rationale for prohibiting a moral agent from maximally promoting these two tiers of value? If I sacrifice some for the sake of others, I do not use them arbitrarily, and I do not deny the unconditional value of rational beings. **Persons** may **have “dignity**, that is, an unconditional and incomparable worth” **that transcends any** market **value, but persons also have** a fundamental **equality that dictates that some must** sometimes **give way for the sake of others.** The concept of the end-in-itself does not support the view that we may never force another to bear some cost in order to benefit others.

#### Governments are morally obligated to use consequential calculus

Goodin writes Robert Goodin, Professor of Government, University of Essex, Australian National Defense University, “THE UTILITARIAN RESPONSE,” p. 141-2, 1990. / MM

My larger argument turns on the proposition that there is Something special about the situation of public officials that makes utilitarianism more probable for them than private individuals. Before proceeding with the large argument, I must therefore say what it is that makes it so special about public officials and their situations that make it both more necessary and more desirable for them to adopt a more credible form of util.itarianism. Consider, first, the argument from necessity. Public officials are obliged to make their choices under uncertainty., and uncertainty of a very special sort at that. All choices – public and private alike – are made under some degree of uncertainty, of course. But in the nature of things, private Individuals will usually have more complete information on the peculiarities of their own circumstances. and on the ramifications that alternative possible choices might have for them. Public officials, in contrast, are relatively poorly informed as to the effects that their choices will have on individuals, one by one. What they typically do know are generalities: averages and aggregates. They know what will happen most often to most people as a result of their various possible choices, but that is all. That is enough to allow public policy-makers to use the utilitarian calculus. – assuming they want to use it at all – to choose general rules or conduct.

#### Preventing high magnitude impacts has to come first – anything else justifies suffering on mass scales

MacAskill writes, William, Oxford Philosopher and youngest tenured philosopher in the world, Normative Uncertainty, 2014 / MM

The human race might go extinct from a number of causes: asteroids, supervolcanoes, runaway climate change, pandemics, nuclear war, and the development and use of dangerous new technologies such as synthetic biology, all pose risks (even if very small) to the continued survival of the human race.184 And different moral views give opposing answers to question of whether this would be a good or a bad thing. It might seem obvious that human extinction would be a very bad thing, both because of the loss of potential future lives, and because of the loss of the scientific and artistic progress that we would make in the future. But the issue is at least unclear. The continuation of the human race would be a mixed bag: inevitably, it would involve both upsides and downsides. And if one regards it as much more important to avoid bad things happening than to promote good things happening then one could plausibly regard human extinction as a good thing.For example, one might regard the prevention of bads as being in general more important that the promotion of goods, as defended historically by G. E. Moore,185 and more recently by Thomas Hurka.186 One could weight the prevention of suffering as being much more important that the promotion of happiness. Or one could weight the prevention of objective bads, such as war and genocide, as being much more important than the promotion of objective goods, such as scientific and artistic progress. If the human race continues its future will inevitably involve suffering as well as happiness, and objective bads as well as objective goods. So, if one weights the bads sufficiently heavily against the goods, or if one is sufficiently pessimistic about humanity’s ability to achieve good outcomes, then one will regard human extinction as a good thing.187 However, even if we believe in a moral view according to which human extinction would be a good thing, we still have strong reason to prevent near-term human extinction. To see this, we must note three points. First, we should note that the extinction of the human race is an extremely high stakes moral issue. Humanity could be around for a very long time: if humans survive as long as the median mammal species, we will last another two million years. On this estimate, the number of humans in existence in the The future, given that we don’t go extinct any time soon, would be [over 20 quadrillion]. So if it is good to bring new people into existence, then it’s very good to prevent human extinction. Second, human extinction is by its nature an irreversible scenario. If we continue to exist, then we always have the option of letting ourselves go extinct in the future (or, perhaps more realistically, of considerably reducing population size). But if we go extinct, then we can’t magically bring ourselves back into existence at a later date. Third, we should expect ourselves to progress, morally, over the next few centuries, as we have progressed in the past. So we should expect that in a few centuries’ time we will have better evidence about how to evaluate human extinction than we currently have. Given these three factors, it would be better to prevent the near-term extinction of the human race, even if we thought that the extinction of the human race would actually be a very good thing. To make this concrete, I’ll give the following simple but illustrative model. Suppose that we have 0.8 credence that it is a bad thing to produce new people, and 0.2 certain that it’s a good thing to produce new people; and the degree to which it is good to produce new people, if it is good, is the same as the degree to which it is bad to produce new people, if it is bad. That is, I’m supposing, for simplicity, that we know that one new life has one unit of value; we just don’t know whether that unit is positive or negative. And let’s use our estimate of 2×10^14 people who would exist in the future, if we avoid near-term human extinction. Given our stipulated credences, the expected benefit of letting the human race go extinct now would be (.8-.2)×(2×10^14) = 1.2×(10^14). Suppose that, if we let the human race continue and did research for 300 years, we would know for certain whether or not additional people are of positive or negative value. If so, then with the credences above we should think it 80% likely that we will find out that it is a bad thing to produce new people, and 20% likely that we will find out that it’s a good thing to produce new people. So there’s an 80% chance of a loss of 3×(10^10) (because of the delay of letting the human race go extinct), the expected value of which is 2.4×(10^10). But there’s also a 20% chance of a gain of 2×(10^14), the expected value of which is 4×(10^13). That is, in expected value terms, the cost of waiting for a few hundred years is vanishingly small compared with the benefit of keeping one’s options open while one gains new information.

### My Sole Contention is that confidential sources are key to Mueller getting conclusions in the Russia Investigation

#### Mueller is caught in a pickle and source confidentiality is the only route out – not having confidentiality results in backlash and punishment

Darcey writes Oliver Darcy, 7-9-2018, "Journalist reveals she provided source's identity to the FBI," CNNMoney, <https://money.cnn.com/2018/07/09/media/marcy-wheeler-journalist-reveal-source-fbi/index.html> / MM

A prominent national security blogger revealed last week that she had provided the identity of a source last year to the Federal Bureau of Investigation, a move that led to her becoming a witness in special counsel Robert Mueller's investigation into Russian election meddling. Marcy Wheeler, the blogger, said the disclosure of her contact with the FBI was only being made now to "put a face to the human danger" she contends House Republicans are putting confidential informants in by demanding the Department of Justice provide Congress information that could unmask such confidential sources. The decision by a journalist to reveal a source's identity to the FBI, and provide the law enforcement agency with information on the individual, without the person's explicit permission, is highly unusual. Journalists are trusted by sources to protect their identities at all cost, and reporters have previously chosen to be jailed to defend such arrangements. But Wheeler, the publisher of the Empty Wheel blog, wrote that she felt compelled to talk to authorities about an individual she was convinced "played a significant role in the Russian election attack on the US." Wheeler has not publicly named her source, but she told CNN in a Monday phone interview that the person "definitely did not want me to go to the FBI" and cautioned her in a text message against doing so. "On its face, I broke one of the cardinal rules of journalism," Wheeler told The Washington Post in a story published Sunday, "but what he was doing should cause a source to lose protection." "It's not a decision I regret," she added. Wheeler first revealed in a July 3 blog post on her website that she had gone to the FBI with information about her source. Wheeler said that her source had contacted her in November 2016, suggesting that he had "very good intel" that Michael Flynn, the former national security adviser, would be speaking to Syrian dictator Bashar al-Assad's camp soon. Wheeler said in her blog post her source was not "inside the Trump team." But, beyond that, she did not reveal much else, declining to say precisely when last year she went to the FBI or elaborate on the role she believes her source played in Russian election meddling. But Wheeler did delve into the journalistic dilemma she faced, writing, "I never in my life imagined I would share information with the FBI, especially not on someone I had a journalistic relationship with." Nonetheless, Wheeler said she felt it necessary to go to law enforcement, and listed several reasons for why she chose to do so. Wheeler wrote that, among other things, she believed her source was "doing serious harm to innocent people," that she had "concrete evidence" he had been lying to her and others, and that she had "reason to believe he was testing ways to tamper" with her website. Wheeler homed in on House Republicans, excoriating the lawmakers for, as she said it, putting government informants in "danger." Wheeler wrote in her blog post that exposing government informants could cause real harm, and said that she has communicated with authorities about perceived threats "that arose from sharing" information with the FBI. She explained to CNN that she believes such threats could be matters of life and death. "We're talking about Russians," Wheeler said. "They do kill journalists. That's the ultimate threat that is out there. And I don't think that's an empty threat in my case." Wheeler, however, noted in her blog post that she is a "public figure" and, while her risk "isn't going to go away," if something were to happen to her, the reason would be clear -- a layer of defense other informants may not have. "If something happens to me -- if someone releases stolen information about me or knocks me off tomorrow -- everyone will now know why and who likely did it. That affords me a small bit of protection," Wheeler wrote. "There are undoubtedly numerous other witnesses who have taken similar risks to share information with the government who aren't public figures."

#### A shield law to protect confidential sources is key to a democratic free press, it allows for more transparent discussion about Trump and helps Mueller get critical evidence that will end the Russia Investigation

Falk et al write Editorial Board (permanent board - Steve Falk, the CEO of The Press Democrat and Sonoma Media Investments, and Assistant Editorial Director Jim Sweeney) Santa Rosa Press Democrat, 6-20-2018, ["PD Editorial: More reasons to protect journalists and their sources", https://www.pressdemocrat.com/opinion/8450103-181/pd-editorial-more-reasons-to?sba=AAS] bcr 9-2-2018

The Trump administration’s seizure of messages and records from a New York Times reporter’s personal email accounts and phone number is fresh evidence of the need for a federal shield law to protect reporters from unconstitutional government intrusion. Shield laws, which exist in 49 states but not federally, allow journalists to keep their sources confidential, preventing courts or government officials from compelling their release. They help codify the First Amendment guarantee of a free press. The need became clear again in a recent case. Federal prosecutors investigating whether James Wolfe, a senior Senate Intelligence Committee aide, was leaking information to the press, seized years’ worth of email and phone records from New York Times reporter Ali Watkins. The seized emails dated back to Watkins’ time in college. Prosecutors were interested in Watkins because she was in a relationship with Wolfe for three years and had written stories while a reporter at Politico about the Senate Intelligence Committee. She told her New York Times editors that Wolfe did not provide her with information while they seeing one another. She had informed them of the relationship prior to starting work with the newspaper. An odd side-note to this story involves a U.S. Customs and Border Protection agent who questioned Watkins about her sources and, disturbingly, had detailed information about her overseas travels. That agent was not part of the FBI’s investigation into Wolfe and is now under investigation himself. The seizure of Watkins’ records alarmed press groups. The Committee to Protect Journalists called it a “dangerous precedent” and “a fundamental threat to press freedom.” This is simply the most recent in a long line of incidents proving the need for a shield law. Bills creating shield laws always generate bipartisan support, but so far have not gained enough momentum to pass. When Attorney General Jeff Sessions declined to say during his confirmation hearings that the Justice Department wouldn’t prosecute journalists for doing their jobs, a bipartisan bill was introduced in the House of Representatives, but it never progressed. The bill would have created a statutory privilege preventing journalists from being compelled to reveal confidential sources.

#### Without confidential sources there are three impact scenarios:

#### The first scenario is Democracy –

#### Success of the investigation is the lynchpin of protecting democracy and preventing foreign aggression

Bergmann writes Max Bergmann, 12-12-2017, "Robert Mueller is closing in on Trump. Congress must protect his investigation," Guardian, https://www.theguardian.com/commentisfree/2017/dec/12/robert-mueller-trump-congress-protect-investigation/ MM

**Mueller is coming**. The investigation into Trump campaign coordination with Russia appears to be closing in on the president. The three indictments earlier this month of Trump campaign chairman, Paul Manafort; his deputy, Rick Gates; and foreign policy adviser George Papadopoulos show that Robert Mueller is inside Trump’s campaign. The indictment and plea agreement of former national security adviser Michael Flynn now puts the investigation into the White House. In most circumstances, arresting the president’s campaign chairman and his national security adviser, one of the most important positions in the entire government, would be seen as the culmination of a successful investigation. But what’s clear is that neither Flynn, nor Manafort, is the target of Mueller’s work. As anyone who watches Law and Order knows, prosecutors offer a plea deal in order to get information and build a case against someone higher up in the food chain. If Flynn does strike a plea agreement, there is logically only one person that Mueller would be interested in striking a deal over: the president. The walls are therefore closing in on Trump. But the closer Mueller gets to Trump, the likelier it is that Trump will act to try to end his investigation. Ask yourself this: if you committed a crime and had one of the nation’s top cops coming for you, wouldn’t you try anything, no matter how risky, to get out of it? The same circumstances led Richard Nixon to commit the Saturday night massacre. There are already warning signs that Trump is laying ground work to act against Mueller’s investigation. Following Flynn’s indictment, Trump lashed out against the FBI and Mueller. His allies are now trying to attack the investigation’s credibility, claiming political bias and calling for it to be defunded. The far-right media echo chamber, including many Republican congressmen, have launched a campaign against Mueller’s credibility. A Republican member of Congress is even seeking to strip the investigation of its funding. This comes on the heels of a week of rapid fire distractions and jaw dropping comments from 1600 Pennsylvania Ave: using “Pocahontas” as a slur; retweeting racist websites and tweets; and picking fights with the UK prime minister. Additionally, there are reports that Trump’s lawyer Ty Cobb has told him the investigation will be wrapped up by the end of the year – and if it isn’t, he’ll go ballistic. We are headed for a collision. Congress needs to act now to protect the Mueller investigation, head off a crisis, and make clear that the president is not above the law. Fortunately, members of Congress on both sides of the aisle are currently crafting legislation designed to deter Mueller from being fired. While this legislation is far from a panacea, it will help to tie Trump’s hands. But most importantly, it would send a signal to the country that the that the rule of law reigns supreme. Whether or not this legislation makes it to the floor for a vote depends on Republican congressional leaders. Some in Congress say the legislation is unnecessary; if Mueller is fired, there will be bipartisan support on the Hill for action. But the point is to stop the crisis before it starts. It’s not enough to let Trump act as a petty dictator and then try to pick up the pieces only after he destroys our democratic norms. Congress needs to be clear now that firing Mueller is unacceptable and un-American – we’re a nation of laws, laws that no one is above. Failing to protect Mueller is not just moral cowardice, it’s also leaving America’s national security exposed. His investigation is uncovering details about how a foreign adversary intervened in our democratic process and whether it holds sway over high-ranking government officials. This was an attack on our sovereignty and an effort to undermine a key pillar of America’s global strength: America as a symbol of democracy, freedom, and the rule of law. If we fail to get to the bottom of what happened, and to hold those responsible to account, then the Kremlin will not just have succeeded in undermining our democratic process but in undermining American justice. American weakness in the face of aggression will only ensure that we are attacked again, and may embolden other foreign adversaries like China, Iran and North Korea to do the same. Americans will be left wondering whose interests our government is really serving: ours, or those of foreign adversaries.

**US modelled democracy prevents existential risk and massive structural violence**

Kasparov writes Garry Kasparov, Testimony to Congress, 2/16/2017 Chairman of the Human Rights Foundationand author of Winter Is Coming: Why Vladimir Putin and the Enemies of the Free World Must Be Stopped [“Democracy and Human Rights: The Case for U.S. Leadership” https://www.foreign.senate.gov/imo/media/doc/021617\_Kasparov\_%20Testimony.pdf] bcr

The Soviet Union was an existential threat, and this focused the attention of the world, and the American people. There existential threat today is not found on a map, but it is very real. The **forces** of the past **are making** steady **progress against the** modern **world order**. **Terrorist movements** in the Middle East, **extremist parties** across Europe, a paranoid tyrant in **North Korea** threatening nuclear blackmail, and, at the center of the web, an aggressive KGB dictator in **Russia**. They all want to turn the world back to a dark past because **their survival is threatened by** the values of **the free world,** epitomized by the United States. And **they are thriving as the U.S.** has **retreated**. The global freedom index has declined for ten consecutive years. No one like to talk about the United States as a global policeman, but this is what happens when there is no cop on the beat. American leadership begins at home, right here. **America cannot lead** the world on democracy and human rights **if there is no unity** on the meaning and importance of these things. Leadership is required to make that case clearly and powerfully. Right now, Americans are engaged in politics at a level not seen in decades. It is an opportunity for them to rediscover that making America great begins with believing America can be great. The Cold War was won on American values that were shared by both parties and nearly every American. Institutions that were created by a Democrat, Truman, were triumphant forty years later thanks to the courage of a Republican, Reagan. This bipartisan consistency created the decades of **strategic stability** that **is the great strength of democracies. Strong institutions** that outlast politicians **allow** for long-range **planning**. In contrast, **dictators** can operate only tactically, not strategically, because they are not constrained by the balance of powers, but cannot afford tothink beyondtheir own survival. This is why a dictator like Putin has an advantage in chaos, the ability to move quickly. This can only be met by strategy, by long-term goals that are based on shared values, not on polls and cable news. The fear of making things worse has paralyzed the United States from trying to make things better. There will always be setbacks, but the United States cannot quit. The spread of democracy is the only proven remedy for nearly every crisisthat plagues the world today. War, famine, poverty, terrorism–all are generatedand exacerbated by authoritarian regimes. A policy of America First inevitably puts American security last. American leadership is required because there is no one else, and because it is good for America. There is no weapon or wall that is more powerful for security than America being envied, imitated, and admired around the world. Admired not for being perfect, but for having the exceptional courage to always try to be better. Thank you

#### This abuse of democracy is magnified by Trump’s illegal precedent when it comes to testifying – without confidential sources Trump is allowed to sit in office and abuse his power

Ball and Berenson write Molly Ball and Tessa Berenson, 6-8-2018, "Trump’s Campaign to Discredit the Russia Probe May Be Working. It’s Also Damaging American Democracy," Time, <http://time.com/5304206/donald-trump-discredit-mueller-investigation/> / MM

But Trump’s strategy goes even further than Clinton dared: it involves asserting increasingly broad claims of presidential impunity. In a 20-page memo sent to Mueller in January and published on June 2 by the New York Times, Trump’s lawyers articulated an almost boundless view of Executive authority, arguing that he cannot be compelled to testify and cannot have obstructed justice because he has control over all federal investigations. Trump himself claimed in a June 4 tweet he had an “absolute right” to pardon himself, an idea in conflict with the centuries-old principle of British and American law that no one can be a judge in his own case. Trump’s critics hear in these ever-expanding claims of presidential authority not just an echo of Richard Nixon, but the kind of unchecked power Americans have bridled against from the moment they broke with the British monarchy in the 18th century. Spurred by his desire to discredit the Mueller investigation, Trump is putting America’s founding principles on trial, from its independent justice system to the separation of powers to the rule of law. It’s too early to say how the war on Mueller will end. But just as the post-Watergate period redefined presidential power in America, Trump’s vision of the office may well determine the contours of the American government he leaves behind. When Mueller was appointed special counsel in May 2017 by Trump’s handpicked Deputy Attorney General, Republicans couldn’t stop praising him. Speaker of the House Paul Ryan said Mueller would help “ensure thorough and independent investigations are allowed to follow the facts wherever they may lead.” Former House Speaker Newt Gingrich called the former FBI director a “superb choice” and tweeted that “his reputation is impeccable for honesty and integrity.” Even Trump, though furious behind the scenes, issued a measured statement; a month later he called Mueller “an honorable man.” Trump now accuses the straitlaced former Marine of political bias and corruption, blasting the investigation as “an attack on our country.” Gingrich calls Mueller an agent of the “deep state,” his investigation an “open-ended hunt for guilt.” Kevin McCarthy, Ryan’s most likely successor, says “it’s time to wind this down.” Republican chairman of the House Judiciary Committee Bob Goodlatte decried “the magnitude of this insider bias on Mr. Mueller’s team.” Democrats believe this barrage is a coordinated smear campaign run out of the White House. Representative Adam Schiff, the top Democrat on the House Intelligence Committee, tells TIME the committee’s Republicans have engaged in “clear and exposed coordination” with the White House “to undermine the investigation.” Trump’s lawyer Jay Sekulow admits there is method to the madness. “We’re fully cognizant of the fact that this inquiry has a public component to it,” he tells TIME. But Trump’s allies say the war against Mueller is more improvised than planned. The President launches his assault on the investigation via impulse and instinct, his Twitter blasts inspired and magnified by a feedback loop that injects fringe theories and unfounded suspicions into the mainstream debate about the probe. It’s a dangerous moment for Trump. If he agrees to talk, the notoriously undisciplined President risks making a false statement, which could be a crime like the one that led to Bill Clinton’s impeachment. But if he refuses, Mueller could issue a subpoena, instigating a long, high-profile court battle over whether Trump could be forced to testify. The two legal teams–Mueller’s squad of top prosecutors and Trump’s rotating cast of advocates–are haggling over what an interrogation would look like: how long it would be, what topics would be on the table and whether the session would be recorded. Before the President talks to investigators, Trump’s team wants to see the authorization letter that established Mueller’s authority, according to Trump’s lawyer Rudy Giuliani. They are also demanding the special counsel’s report to be issued within 60 days of any interview. It begins, according to those who see it in action, with the President scrolling through right-wing Twitter and picking up on phrases and ideas he likes. “He sees the ones that are the most popular and getting the most [of the] zeitgeist, most attention on social media, and he repeats it,” Eric Bolling, a former Fox News anchor who regularly speaks to the President, tells TIME. Often, Trump latches onto conspiracy theories or lines of attack that he’s seen on Fox News or been fed in late-night conversation with his friends, including Fox News host Sean Hannity. Trump’s tweets cite Fox News shows and commentators by name. Sometimes the feedback loop goes the other way around, with Trump generating a suspicion and the right-wing media bolstering and amplifying it. “It’s almost like he uses Fox & Friends to vet which [topics] are good enough or are legit, and he will go ahead and attack those and light those up,” says a friend of Trump’s who is familiar with his social-media use. A typical White House uses a structured process to disseminate messages, with talking points and conference calls to ensure its allies are speaking from the same script. When it comes to Mueller, however, multiple sources in and around the White House insist there’s no such discipline. “This is not a coordinated caliphate,” a Republican Congressman tells TIME. “This is al-Qaeda, where everyone is their own cell, lobbing Molotov cocktails, firing at will.” One lobbyist close to the White House says he takes messaging cues from Twitter. Even as they deny orchestrating the anti-Mueller campaign, Trump supporters are happy to tout its results. “They’re talking to the American people, who have a right to know,” Joseph diGenova, a lawyer who considered joining Trump’s legal team, says of Trump’s tweets and Giuliani’s media appearances. DiGenova says Trump has been “restrained” in his commentary on the case considering the extent of his victimization by “the FBI, the Department of Justice and the CIA.” Until March, Trump still had yet to use Mueller’s name on Twitter. But subsequent months have seen a rapid escalation of the PR war against the special counsel. Nowhere was the technique more evident than in the recent controversy that the President dubbed “#spygate.” After it was revealed that the FBI used an informant to approach members of Trump’s campaign, the National Review asserted that this amounted to the Obama Administration implanting a “spy” in the rival party’s election operation. Trump leaped at the idea. “SPYGATE could be one of the biggest political scandals in history!” he tweeted on May 23. A thousand cable chyrons were born; on Fox News, commentator Andrew Napolitano lamented, “It’s clear that they had eyes and ears all over the Trump campaign.” Trump expounded on the idea. “I hope it’s not true,” he told reporters, “but it looks like it is.” Trump didn’t cite any evidence for the claim, but his allies in Congress rushed to bolster it. House Intelligence Committee chairman Devin Nunes demanded that the department brief a Republicans-only group of lawmakers on the FBI’s confidential source. Critics said it would represent an alarming erosion of the separation of powers if a political party were permitted to meddle on behalf of the President. On May 24, classified briefings were held, with Democrats allowed to attend. But the appearance of White House interference intensified when Flood and White House chief of staff John Kelly also showed up. The FBI’s actual goal, according to members of both parties who have seen the intelligence, was to determine what the Russians were up to, not to surveil the Trump campaign. A Republican Congressman who attended, Trey Gowdy of South Carolina, told Fox News that “the FBI did exactly what my fellow citizens would want them to do when they got the information they got, and … it has nothing to do with Donald Trump.” Gowdy, long a favorite in conservative circles, was savaged in right-wing media for his perceived disloyalty. Despite three weeks of widespread debunking, Trump was still stoking his phantom controversy. “SPYGATE at the highest level,” Trump tweeted June 5. “This makes the Nixon Watergate burglary look like keystone cop stuff.” Another seed of doubt had been planted in the minds of Trump’s followers about the integrity of federal investigators. When Trump tweeted on June 4 that he has the “absolute right” to pardon himself, some Republicans expressed shock. The President has broad pardon power in the Constitution, but the Justice Department’s Office of Legal Counsel determined in 1974 that a self-pardon would run afoul of bedrock legal principle. Senator Susan Collins called such discussion a “tremendous abuse of his authority.” Senator Lindsey Graham, a sometime Trump ally, dryly noted that the threat of dirty pardons featured in Nixon’s impeachment proceedings. But there were limits. At the Capitol, reporters crowded around Senator Ted Cruz, a Harvard Law–educated former state solicitor general, to ask if the President indeed has the power to self-pardon. The typically loquacious Cruz went silent for a remarkable 18 seconds. Finally, he muttered, “That is not a constitutional issue I’ve studied, so I will withhold judgment at this point.” At the special counsel’s nondescript offices in southwest Washington, Mueller’s team continues undeterred, running a tight ship that doesn’t appear to leak or engage with the press. Mueller speaks not with statements but with legal actions. He has brought charges against a tightening circle of Trump’s orbit, including former campaign chairman Paul Manafort, former National Security Adviser Michael Flynn and former foreign policy aide George Papadopoulos. Mueller has also indicted 13 Russian nationals and three Russian companies on conspiracy charges related to the propaganda effort in the 2016 election. Trump’s defenders note that none of the crimes alleged so far implicate Trump or show explicit collusion with Russian agents. They also bemoan the investigation’s price tag: nearly $17 million so far, according to spending reports filed by the Justice Department. (The investigation of Clinton spent $52 million over nearly five years.) Whether or not Trump is interviewed is critically important. Without that question settled, the President cannot rest easy, and Mueller cannot wrap up his inquiry. In April, the New York Times obtained a list of almost 50 questions Mueller’s team had floated to Trump’s lawyers. The potential queries focused on Trump’s firing of former FBI director James Comey and Flynn; his relationship with Attorney General Jeff Sessions; and a summer 2016 meeting at Trump Tower among campaign officials, Donald Trump Jr. and Russians peddling information on Hillary Clinton. There were also questions related to Trump’s business and family. Trump’s lawyers hope to limit the scope of the questions. ” As negotiations over an interview continue, the posture taken by Trump’s lawyers has changed. For months, his attorneys pledged full cooperation with Mueller; according to the January memo, the team has turned over tens of thousands of documents related to the case. But while, according to Sekulow, “there continues to be a professional dialogue between our team and the office of the special counsel,” the President’s lawyers have become more combative. Giuliani claimed on June 6 that the special counsel’s office is “trying very, very hard to frame” the President. Once Mueller concludes his work, the two battles in this war, legal and political, will converge into one theater. And that is when the wisdom and costs of Trump’s public strategy will become clear. Perhaps the investigation won’t turn up anything that implicates Trump in wrongdoing. Nothing to that effect has been formally alleged. But Trump is preparing for the possibility that Mueller will make serious charges. That’s when the groundwork Trump’s laying now could pay off. Even if Mueller finds that Trump has committed crimes, Trump’s team contends a sitting President cannot be indicted. Legal scholars differ on this point, but Giuliani claims Mueller has informed the White House he would not try to do so. (Mueller’s spokesperson, Peter Carr, declined to comment.) Mueller is required to file a report on his findings to Deputy Attorney General Rod Rosenstein, according to the special-counsel regulations. Rosenstein, in turn, would face pressure to send the report to Congress. Then it would be up to Congress to decide what to do–and that’s when the outcome of the legal inquiry would be determined in the hyperpartisan political arena. “The Congress is going to be driven to a large extent by public opinion,” Giuliani says. Under the Constitution, impeachment proceedings are initiated by the House, which can pass an article of impeachment with a simple majority. If Mueller issues his findings after this November’s midterm elections, the House may well be controlled by Democrats. If they impeach the President, it would be up to the Senate to hold a trial, presided over by the Chief Justice of the Supreme Court. It would require a 67-vote supermajority to convict Trump and remove him from office. All this will be familiar to anyone who lived through the Clinton saga. Clinton was impeached by the Republican House, and the Republican Senate declined to convict him. It’s highly unlikely that Democrats, who currently hold 49 seats in the Senate, will control more than 67 seats next year. Which means Trump’s removal would require the support of Republican Senators whose own base opposes it. Nixon’s approval rating with Republicans was about 50% when he resigned in 1974. Clinton maintained a 90% approval rating among Democrats through the end of his impeachment saga in 1999. While Trump cannot control the outcome of Mueller’s probe, his broadsides shape public perception of it, and thus tip the political scales. “What’s been disappointing is how few people have stood up and said, ‘Mr. President, what you’re saying is inappropriate,” says Republican Senator Jeff Flake of Arizona, a critic of the President. “More Republicans need to say that.” A key question is whether Trump’s quest for self-preservation at all costs is putting the rule of law at risk. Trump “disparage[s] the investigation, but also the individuals who are conducting it, and even more insidiously, the institutions of our government, which are pillars of the protection of our individual rights and security,” says Richard Ben-Veniste, a lead prosecutor during the Watergate scandal. Trump has advanced a vision of American democracy that paints the President as all-powerful, the Attorney General and the Congress as his handmaidens, the top law enforcement and intelligence agencies as corrupt bureaucrats. If Trump’s team takes Mueller to court over a subpoena, the judiciary, too, could find itself riven by politics. Sessions has endured the President’s public floggings for months. Rosenstein, says diGenova, is “lucky he’s going to come out alive.” Trump’s strategy may in the end prove ironic. His claims of unchecked power could end up leaving behind a damaged Executive office and a weakened federal government. But for Trump and his team, all that matters is the president’s survival. Giuliani insists that Trump has done nothing wrong and will be vindicated in the end. As for whether the war on Mueller is working, the President’s lawyer says: “You know when you find out? When it’s over.”

#### The second impact scenario is Russian Hegemony –

#### Russian involvement in the 2016 election was a move to increase their power – Putin is desperate to put Russia back on the map by killing democracy

Vazquez writes Maegan Vazquez, Cnn, 2-8-2018, "Bush: 'Pretty clear evidence' Russia meddled," CNN, [https://www.cnn.com/2018/02/08/politics/george-w-bush-russian-meddling-abu-dhabi/index.html /](https://www.cnn.com/2018/02/08/politics/george-w-bush-russian-meddling-abu-dhabi/index.html%20/) MM

Former President George W. Bush said Thursday that there is "pretty clear evidence that the Russians meddled" in the 2016 presidential election. "It's problematic that a foreign nation is involved in our election system because democracy is only as good as the people trust in results," Bush said at a Milken Institute summit in Abu Dhabi, according to The Independent. He added, "There's pretty clear evidence that the Russians meddled." "Whether they affected the outcome (of the election) is another question, but they meddled, and that's dangerous for democracy," Bush continued. The American intelligence community concluded that Russia was behind the hacking of Democratic groups and other activity in the 2016 election in an effort to help elect Donald Trump. Bush's comments come amid several investigations to determine whether Trump's presidential campaign colluded with Russia during the election. Trump has denied any collusion with Russia and said he believes Russian President Vladimir Putin's denial of any election meddling. Bush told the audience in the United Arab Emirates that "Putin is a brilliant tactician who has the capacity to detect weakness and exploit it," but said he has "a chip on his shoulder." "The reason he does is because the demise of the Soviet Union troubles him. Therefore, much of his moves (are) to regain Soviet hegemony. ... (Putin) is pushing, constantly pushing, probing weaknesses. That's why NATO is very important," Bush added. Bush 43 has become increasingly outspoken about the current political climate in the US over the past year. Last October, he delivered a speech addressing nationalism and Russian aggression, countering points presented by Trump though never addressing the current president by name. "The Russian government has made a project of turning Americans against each other," he said at the time, adding that while Russian interference will not be successful, "foreign aggressions, including cyberattacks, disinformation and financial influence, should never be downplayed or tolerated."

#### **That causes Russia or the US to launch a nuclear weapon – these warrants are SPECIFIC to Russia meddling**

Fisher writes Max, Max Fisher is a former writer and editor at The Atlantic. “Threats to Americans, ranked (by actual threat instead of media hype),” [http://www.vox.com/2014/10/17/6988377/threats-to-americans-ranked-ebola-isis-russia-furniture /](http://www.vox.com/2014/10/17/6988377/threats-to-americans-ranked-ebola-isis-russia-furniture%20/) MM

5) World War III breaking out in the Baltics Threat to Americans: No one wants a global thermo-nuclear war between the West and Russia, including Vladimir Putin. But his meddling in Baltic NATO countries like Estonia, which the US and Western Europe are committed to defend, could inadvertently trigger what we avoided throughout the Cold War: open military conflict between the major nuclear powers. Both Putin and President Obama have threatened as much to try to scare one another out of acting aggressively. Worst-case scenario: Russia does in Estonia what it did in Ukraine, that snowballs into war between Russia and the US/NATO, and the nukes start falling. How freaked out should you be: To be very clear: the odds of this happening are extremely low. But the danger is real enough that everyone is taking it seriously (Russia is holding major nuclear exercises). If it did happen, it would be many, many times worse than every other item on this list combined.

#### Nuclear war between Russia and the US is an existential risk

Fisher writes (Max, Foreign affairs columnist @ VOX, "How World War III became possible," 6/29, <http://www.vox.com/2015/6/29/8845913/russia-war>) / MM

That is why, analysts will tell you, today's tensions bear far more similarity to the period before World War I: an unstable power balance, belligerence over peripheral conflicts, entangling military commitments, disputes over the future of the European order, and dangerous uncertainty about what actions will and will not force the other party into conflict. Today's Russia, once more the strongest nation in Europe and yet weaker than its collective enemies, calls to mind the turn-of-the-century German Empire, which Henry Kissinger described as "too big for Europe, but too small for the world." Now, as then, a rising power, propelled by nationalism, is seeking to revise the European order. Now, as then, it believes that through superior cunning, and perhaps even by proving its might, it can force a larger role for itself. Now, as then, the drift toward war is gradual and easy to miss — which is exactly what makes it so dangerous. But there is one way in which today's dangers are less like those before World War I, and more similar to those of the Cold War: the apocalyptic logic of nuclear weapons. Mutual suspicion, fear of an existential threat, armies parked across borders from one another, and hair-trigger nuclear weapons all make any small skirmish a potential armageddon. In some ways, that logic has grown even more dangerous. Russia, hoping to compensate for its conventional military forces' relative weakness, has dramatically relaxed its rules for using nuclear weapons. Whereas Soviet leaders saw their nuclear weapons as pure deterrents, something that existed precisely so they would never be used, Putin's view appears to be radically different. Russia's official nuclear doctrine calls on the country to launch a battlefield nuclear strike in case of a conventional war that could pose an existential threat. These are more than just words: Moscow has repeatedly signaled its willingness and preparations to use nuclear weapons even in a more limited war. This is a terrifyingly low bar for nuclear weapons use, particularly given that any war would likely occur along Russia's borders and thus not far from Moscow. And it suggests Putin has adopted an idea that Cold War leaders considered unthinkable: that a "limited" nuclear war, of small warheads dropped on the battlefield, could be not only survivable but winnable. "It’s not just a difference in rhetoric. It’s a whole different world," Bruce G. Blair, a nuclear weapons scholar at Princeton, told the Wall Street Journal. He called Putin's decisions more dangerous than those of any Soviet leader since 1962. "There’s a low nuclear threshold now that didn’t exist during the Cold War." Nuclear theory is complex and disputable; maybe Putin is right. But many theorists would say he is wrong, that the logic of nuclear warfare means a "limited" nuclear strike is in fact likely to trigger a larger nuclear war — a doomsday scenario in which major American, Russian, and European cities would be targets for attacks many times more powerful than the bombs that leveled Hiroshima and Nagasaki. Even if a nuclear war did somehow remain limited and contained, recent studies suggest that environmental and atmospheric damage would cause a "decade of winter" and mass crop die-outs that could kill up to 1 billion people in a global famine.

#### The third impact is Education -

#### **The Trump administration has set illegal standards that draws no line on how much power can be abused without it being considered “abusive”, the affirmative produces an effective discussion about the status quo that encourages students to challenge it and produces necessary educational dialogue**

Giroux writes [Henry A. Giroux | Violence, USA: The Warfare State and the Brutalizing of Everyday Life Wednesday, 02 May 2012 10:03 By Henry A. Giroux, Truthout | Op-Ed.] / MM

**Even public school reform is now justified in the** dehumanizing **language of national security, which increasingly legitimates the transformation of schools into** adjuncts of **the** surveillanceand police state. '3 **The privatization and militarization of schools mutually inform each other as students are** increasingly **subjected to** disciplinary apparatuses that limit their capacity for critical thinking **while molding them** into consumers, testing them into submission, **stripping them of** any sense of social responsibility, and convincing large numbers of poor minority students that they are better off under the jurisdiction of the criminal justice system instead of being treated as valued members of the public schools. Schools are increasingly absorbing the culture of prisons and are aggressively being transformed into an extension of the criminal justice system. Many public schools are being militarized to resemble prisons instead of being safe places that would enable students to learn how to be critical and engaged citizens. Rather than being treated with dignity and respect, students are increasingly treated as if they were criminals, given that they are repeatedly "photographed, fingerprinted, scanned, x-rayed, sniffed and snooped on."" As I mentioned in chapter 2, the space of the school resembles a high-security prison with its metal detectors at the school entrances, drug-sniï¬‚ing dogs in school corri- dors, and surveillance cameras in the hallways and classrooms. Student behaviors that were once considered child play are now elevated to the status of a crime. Young people who violate dress codes, engage in food fights, hug each other, doodle, and shoot spit wads are no longer repri- manded by the classroom teacher or principal; instead their behavior is criminalized. Consequently, the police are called in to remove them is criminalized. Consequently, the police are called in to remove them from the classroom, handcuff them, and put them in the back of a police car to be carted off to a police station where they languish in a holding cell. There is a kind of doubling that takes place here between the culture of punishment, on the one hand, and the feeding of profits for the security-surveillance industries. What has emerged in the United States is a civil and political order structured around the problem of violent crime. This governing- through-crime model produces a highly authoritarian and mechanistic approach to addressing social problems that often focuses on low- income and poor minorities, promotes highly repressive policies, and places undue emphasis on personal security rather than considering the larger complex of social and structural forces that fuels violence in the first place. Far from promoting democratic values, a respect for others, and social responsibility, a governing-through-crime approach criminalizes a wide range of behaviors and in doing so often functions largely to humiliate, punish, and demonize. "lhe abuse and damage that criminalizes a wide range of behaviors and in doing so often functions largely to humiliate, punish, and demonize. The abuse and damage that is being imposed on young people as a result of the ongoing militariza- tion and criminalization of public schools defy the imagination. And ;';.':;~.n='.~m':' 74 AMERICA'S EDUCATION DEFICIT AND THE WAR ON the trivial nature of the behaviors that produce such egregious prac- tices is hard to believe. A few examples will suffice: In November 2011, a 14-year-old student in Brevard County, Florida, was suspended for hugging a female friend, an act which even the principal acknowledged as innocent. A 9-year-old in Charlotte, North Carolina, was suspended for sexual harassment after a substitute teacher overheard the child tell another student that the teacher was "cute." A 6-year-old in Georgia was arrested, handcuffed and suspended for the remainder of the school year after throwing a temper tantrum in class. A 6-year-old boy in San Francisco was accused of sexual assault following a game of tag on the playground. A 6-year-old in Indiana was arrested, handcuffed and charged with battery after kicking a school principal. Twelve- year-old Alexa Gonzalez was arrested and handcuffed for doodling on a desk. Another student was expelled for speaking on a cell phone with his mother, to whom he hadn't spoken in a month because she was in Iraq on a military deployment. Four high school students in Detroit were arrested and handcuffed for participating in a food fight and charged with a misdemeanor with the potential for a 90-day jail sentence and a $500 fine. A high school student in Indiana was expelled after sending a profanity-laced tweet through his Twitter account after school hours. The school had been con- ducting their own surveillance by tracking the tweeting habits of all students. These are not isolated incidents. In 2010, some 300,000 Texas schoolchildren received misdemeanor tickets from police officials. One 12-year-old Texas girl had the police called on her after she sprayed perfume on herself during class." **Public spaces that should promote** dialogue, thoughtfulness, and **critical exchange** are ruled by fear and become the ideological corollary of a state that aligns its priorities to war and munitions sales while declaring a state of emergency (under the aegis of a permanent war) as a major reference for shaping domestic policy. In addition, the media and **other cultural apparatuses now** produce, circulate, and **validate** forms of symbolic and real violencethat dissolve the democratic bonds of social reciprocity. **This dystopian use of violence** as enter- tainment and spectacle **is reinforced through the media's incessant appeal to the** market-driven egocentric interests of the autonomous individual, **a fear of the Other**, and a stripped-down version of security that narrowly focuses on personal safety rather than collective security nets and social welfare. One consequence is that those who are viewed as disposable and reduced to zones of abandonment are forced "to address the reality of extreme violence. in the very heart of their everyday life."'Â° Violence in everyday life is matched by a surge of violence in popular culture. Violence now runs through media and popular culture like an electric current. As the New York Times reported recently, "The top-rated show on cable TV is rife with shoot- ings, stabbings, machete attacks and more shootings. The top drama at the box office fills theaters with the noise of automatic weapons fire. The top-selling video game in the country gives players the choice to kill or merely wound their quarry.""' SK

#### Debates about how the state can change for the better are important and shape us into better advocates for changing the world in the future

Williams writes Robert F Williams [American civil rights leader and author best known for serving as president of the Monroe, North Carolina chapter of the NAACP and being a complete badass] “Interviews” The Black Scholar. Volume 01, No. 7. BLACK REVOLUTION. May 1970, pp. 2-14.

Williams: It is erroneous to think that one can isolate oneself completely from institutions of a social and political system that exercises power over the environment in which [they] he resides. Self-imposed and premature isolation, initiated by the oppressed against the organs of a tyrannical establishment, militates against revolutionary movements dedicated to radical change. It is a grave error for militant and just minded youth to reject struggle-serving opportunities to join the man's government and the services, police forces, peace corps and vital organs of the power structure. Militants should become acquainted with the methods of the oppressor. Meaningful change can be more thoroughly effectuated by militant pressure from within as well as without. We can obtain valuable know-how from the oppressor. Struggle is not all violence. Effective struggle requires tactics, plans, analysis and a highly sophisticated application of mental aptness. The forces of oppression and tyranny have perfected highly articulate systems of infiltration for undermining and frustrating the efforts of the oppressed in trying to upset the unjust status quo. To a great extent, the power structure keeps itself informed as to the revolutionary activity of freedom fighters. With the looming threat of extermination looming menacingly before black Americans, it is pressingly imperative that our people enter the vital organs of the establishment. Infiltrate the man's institutions

#### Thus, I strongly urge an affirmative ballot and now stand open for cross-ex.

## Specific Add Ons

### Vs. LHP

#### Reliability is the most important part of epistemic calculus, it’s the only historically way to tell what is morally true. Any other moral theory is arbitrary because it is not historically justified and creates un-justifiable conditions absent vague moral theorizing. Because of this, consequences must come first, our cognitive process naturally act to minimize pain and maximize wellbeing. For example, when I look at a hot stove, I get a natural instinct to not put my hand on it because it will cause me harm. Because natural human processes revolve around this, I can know that others can experience the same properties.

### vs. FW Debater

#### Non-ideal theories are key to prevent oppressive structures

Mills 5 Charles W. Mills (John Evans Professor of Moral and Intellectual Philosophy) ““Ideal Theory” as Ideology” Hypatia vol. 20, no. 3 (Summer 2005) / MM

Now what distinguishes ideal theory is not merely the use of ideals, since obviously nonideal theory can and will use ideals also (certainly it will appeal to the moral ideals, if it may be more dubious about the value of invoking idealized human capacities). What distinguishes ideal theory is the reliance on idealization to the exclusion, or at least marginalization, of the actual. As O’Neill emphasizes, this is not a necessary corollary of the operation of abstraction itself, since one can have abstractions of the ideal-as-descriptive-model type that abstract without idealizing. But ideal theory either tacitly represents the actual as a simple deviation from the ideal, not worth theorizing in its own right, or claims that starting from the ideal is at least the best way of realizing it. Ideal theory as an approach will then utilize as its basic apparatus some or all of the following concepts and assumptions (there is necessarily a certain overlap in the list, since they all intersect with one another): An idealized social ontology. Moral theory deals with the normative, but it cannot avoid some characterization of the human beings who make up the society, and whose interactions with one another are its subject. So some overt or tacit social ontology has to be presupposed. An idealized social ontology of the modern type (as against, say, a Platonic or Aristotelian type) will typically assume the abstract and undifferentiated equal atomic individuals of classical liberalism. Thus it will abstract away from relations of structural domination, exploitation, coercion, and oppression, which in reality, of course, will profoundly shape the ontology of those same individuals, locating them in superior and inferior positions in social hierarchies of various kinds. • Idealized capacities. The human agents as visualized in the theory will also often have completely unrealistic capacities attributed to them—unrealistic even for the privileged minority, let alone those subordinated in different ways, who would not have had an equal opportunity for their natural capacities to develop, and who would in fact typically be disabled in crucial respects. • Silence on oppression. Almost by defi nition, it follows from the focus of ideal theory that little or nothing will be said on actual historic oppression and its legacy in the present, or current ongoing oppression, though these may be gestured at in a vague or promissory way (as something to be dealt with later). Correspondingly, the ways in which systematic oppression is likely to shape the basic social institutions (as well as the humans in those institutions) will not be part of the theory’s concern, and this will manifest itself in the absence of ideal-as-descriptive-model concepts that would provide the necessary macroand micro-mapping of that oppression, and that are requisite for understanding its reproductive dynamic. • Ideal social institutions. Fundamental social institutions such as the family, the economic structure, the legal system, will therefore be conceptualized in ideal-as-idealized-model terms, with little or no sense of how their actual workings may systematically disadvantage women, the poor, and racial minorities. • An idealized cognitive sphere. Separate from, and in addition to, the idealization of human capacities, what could be termed an idealized cognitive sphere will also be presupposed. In other words, as a corollary of the general ignoring of oppression, the consequences of oppression for f the social cognition of these agents, both the advantaged and the disadvantaged, will typically not be recognized, let alone theorized. A general social transparency will be presumed, with cognitive obstacles minimized as limited to biases of self-interest or the intrinsic difficulties of understanding the world, and little or no attention paid to the distinctive role of hegemonic ideologies and group-specifi c experience in distorting our perceptions and conceptions of the social order.

### vs. K Debater

#### Critique is useless without a concrete policy option that solves for your harms.

Bryant 12 Levi Bryant (Professor of Philosophy at Collin College) “A Critique of the Academic Left” 2012 <https://larvalsubjects.wordpress.com/2012/11/11/underpants-gnomes-a-critique-of-the-academic-left/> / MM

Unfortunately, the academic left falls prey to its own form of abstraction. It’s good at carrying out critiques that denounce various social formations, yet very poor at proposing any sort of realistic constructions of alternatives. This because it thinks abstractly in its own way, ignor[es]ing how networks, assemblages, structures, or regimes of attraction would have to be remade to create a workable alternative. Here I’m reminded by the “underpants gnomes” depicted in South Park: The underpants gnomes have a plan for achieving profit that goes like this: Phase 1: Collect Underpants Phase 2: ? Phase 3: Profit! They even have a catchy song to go with their work: Well this is sadly how it often is with the academic left. Our plan seems to be as follows: Phase 1: Ultra-Radical Critique Phase 2: ? Phase 3: Revolution and complete social transformation! Our problem is that we seem perpetually stuck at phase 1 without ever explaining what is to be done at phase 2. Often the critiques articulated at phase 1 are right, but there are nonetheless all sorts of problems with those critiques nonetheless. In order to reach phase 3, we have to produce new collectives. In order for new collectives to be produced, people need to be able to hear and understand the critiques developed at phase 1. Yet this is where everything begins to fall apart. Even though these critiques are often right, we express [critiques] them in ways that only an academic with a PhD in critical theory and post-structural theory can understand. How exactly is Adorno to produce an effect in the world if only PhD’s in the humanities can understand him? Who are these things for? We seem to always ignore these things and then look down our noses with disdain at the Naomi Kleins and David Graebers of the world. To make matters worse, we publish our work in expensive academic journals that only universities can afford, with presses that don’t have a wide distribution, and give our talks at expensive hotels at academic conferences attended only by other academics. Again, who are these things for? Is it an accident that so many activists look away from these things with contempt, thinking their more about an academic industry and tenure, than producing change in the world? If a tree falls in a forest and no one is there to hear it, it doesn’t make a sound! Seriously dudes and dudettes, what are you doing? But finally, and worst of all, us Marxists and anarchists all too often act like assholes. We denounce others, we condemn them, we berate them for not engaging with the questions we want to engage with, and we vilify them when they don’t embrace every bit of the doxa that we endorse. We are every bit as off-putting and unpleasant as the fundamentalist minister or the priest of the inquisition (have people yet understood that Deleuze and Guattari’s Anti-Oedipus was a critique of the French communist party system and the Stalinist party system, and the horrific passions that arise out of parties and identifications in general?). This type of “revolutionary” is the greatest friend of the reactionary and capitalist because they do more to drive people into the embrace of reigning ideology than to undermine reigning ideology. These are the people that keep Rush Limbaugh in business. Well done! But this isn’t where our most serious shortcomings lie. Our most serious shortcomings are to be found at phase 2. We almost never make concrete proposals for how things ought to be restructured, for what new material infrastructures and semiotic fields need to be produced, and when we do, our critique-intoxicated cynics and skeptics immediately jump in with an analysis of all the ways in which these things contain dirty secrets, ugly motives, and are doomed to fail. How, I wonder, are we to do anything at all when we have no concrete proposals? We live on a planet of 6 billion people. These 6 billion people are dependent on a certain network of production and distribution to meet the needs of their consumption. That network of production and distribution does involve the extraction of resources, the production of food, the maintenance of paths of transit and communication, the disposal of waste, the building of shelters, the distribution of medicines, etc., etc., etc.

#### Excessive focus on representations kills the liberal movements you seek to promote.

Chait 15 Jonathan Chait “How the language police are perverting liberalism.” NY Magazine January 275h 2015 [http://nymag.com/daily/intelligencer/2015/01/not-a-very-pc-thing-to-say.html /](http://nymag.com/daily/intelligencer/2015/01/not-a-very-pc-thing-to-say.html%20/) MM

Or maybe not. The p.c. style of politics has one serious, possibly fatal drawback: It is exhausting. Claims of victimhood that are useful within the left-wing subculture may alienate much of America. The movement’s dour puritanism can move people to outrage, but it may [and] prove ill suited to the hopeful mood required of mass politics. Nor does it bode well for the movement’s longevity that many of its allies are worn out. “It seems to me now that the public face of social liberalism has ceased to seem positive, joyful, human, and freeing,” confessed the progressive writer Freddie deBoer. “There are so many ways to step on a land mine now, so many terms that have become forbidden, so many attitudes that will get you cast out if you even appear to hold them. I’m far from alone in feeling that it’s typically not worth it to engage, given the risks.” Goldberg wrote recently about people “who feel emotionally savaged by their involvement in [online feminism] — not because of sexist trolls, but because of the slashing righteousness of other feminists.” Former Feministing editor Samhita Mukhopadhyay told her, “Everyone is so scared to speak right now.” That the new political correctness has bludgeoned even many of its own supporters into despondent silence is a triumph, but one of limited use. Politics in a democracy is still based on getting people to agree with you, not making them afraid to disagree. The historical record of political movements that sought to expand freedom for the oppressed by eliminating it for their enemies is dismal. The historical record of American liberalism, which has extended social freedoms to blacks, Jews, gays, and women, is glorious. And that glory rests in its confidence in the ultimate power of reason, not coercion, to triumph.

#### The 1AC’s educational process turns state-bad arguments.

Williams 70 – Robert F Williams [American civil rights leader and author best known for serving as president of the Monroe, North Carolina chapter of the NAACP and being a complete badass] “Interviews” The Black Scholar. Volume 01, No. 7. BLACK REVOLUTION. May 1970, pp. 2-14.

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#### The state is inevitable - learning to speak the language of power creates the only possibility of social change debate can offer and opens up options for resistance

Coverstone 05 Alan Coverstone (masters in communication from Wake Forest, longtime debate coach) “Acting on Activism: Realizing the Vision of Debate with Pro-social Impact” Paper presented at the National Communication Association Annual Conference November 17th 2005 / MM

An important concern emerges when Mitchell describes reflexive fiat as a contest strategy capable of “eschewing the power to directly control external actors” (1998b, p. 20). Describing debates about what our government should do as attempts to control outside actors is debilitating and disempowering. Control of the US government is exactly what an active, participatory citizenry is supposed to be all about. After all, if democracy means anything, it means that citizens not only have the right, they also bear the obligation to discuss and debate what the government should be doing. Absent that discussion and debate, much of the motivation for personal political activism is also lost. Those who have co-opted Mitchell’s argument for individual advocacy often quickly respond that nothing we do in a debate round can actually change government policy, and unfortunately, an entire generation of debaters has now swallowed this assertion as an article of faith. The best most will muster is, “Of course not, but you don’t either!” The assertion that nothing we do in debate has any impact on government policy is one that carries the potential to undermine Mitchell’s entire project. If there is nothing we can do in a debate round to change government policy, then we are left with precious little in the way of pro-social options for addressing problems we face. At best, we can pursue some Pilot-like hand washing that can purify us as individuals through quixotic activism but offer little to society as a whole. It is very important to note that Mitchell (1998b) tries carefully to limit and bound his notion of reflexive fiat by maintaining that because it “views fiat as a concrete course of action, it is bounded by the limits of pragmatism” (p. 20). Pursued properly, the debates that Mitchell would like to see are those in which the relative efficacy of concrete political strategies for pro-social change is debated. In a few noteworthy examples, this approach has been employed successfully, and I must say that I have thoroughly enjoyed judging and coaching those debates. The students in my program have learned to stretch their understanding of their role in the political process because of the experience. Therefore, those who say I am opposed to Mitchell’s goals here should take care at such a blanket assertion. However, contest debate teaches students to combine personal experience with the language of political power. Powerful personal narratives unconnected to political power are regularly co-opted by those who do learn the language of power. One need look no further than the annual state of the Union Address where personal story after personal story is used to support the political agenda of those in power. The so-called role-playing that public policy contest debates encourage promotes active learning of the vocabulary and levers of power in America. Imagining the ability to use our own arguments to influence government action is one of the great virtues of academic debate. Gerald Graff (2003) analyzed the decline of argumentation in academic discourse and found a source of student antipathy to public argument in an interesting place. I’m up against…their aversion to the role of public spokesperson that formal writing presupposes. It’s as if such students can’t imagine any rewards for being a public actor or even imagining themselves in such a role. This lack of interest in the public sphere may in turn reflect a loss of confidence in the possibility that the arguments we make in public will have an effect on the world. Today’s students’ lack of faith in the power of persuasion reflects the waning of the ideal of civic participation that led educators for centuries to place rhetorical and argumentative training at the center of the school and college curriculum. (Graff, 2003, p. 57) The power to imagine public advocacy that actually makes a difference is one of the great virtues of the traditional notion of fiat that critics deride as mere simulation. Simulation of success in the public realm is far more empowering to students than completely abandoning all notions of personal power in the face of governmental hegemony by teaching students that “nothing they can do in a contest debate can ever make any difference in public policy.” Contest debating is well suited to rewarding public activism if it stops accepting as an article of faith that personal agency is somehow undermined by the so-called role playing in debate. Debate is role-playing whether we imagine government action or imagine individual action. Imagining myself starting a socialist revolution in America is no less of a fantasy than imagining myself making a difference on Capitol Hill

#### Prioritizing academic theorization because the case “doesn’t solve enough” is unethical – before saying “reform is impossible,” consider what that means for the people affected by the aff

Delgado 9 – Chair of Law at the University of Alabama Law School, J.D. from the University of California, Berkeley, his books have won eight national book prizes, including six Gustavus Myers awards for outstanding book on human rights in North America, the American Library Association’s Outstanding Academic Book, and a Pulitzer Prize nomination.  Professor Delgado’s teaching and writing focus on race, the legal profession, and social change, 2009, “Does Critical Legal Studies Have What Minorities Want, Arguing about Law”, p. 588-590

The CLS critique of piecemeal reform Critical scholars reject the idea of piecemeal reform. Incremental change, they argue, merely postpones the wholesale reformation that must occur to create a decent society. Even worse, an unfair social system survives by using piecemeal reform to disguise and legitimize oppression. Those who control the system weaken resistance by pointing to the occasional concession to, or periodic court victory of, a black plaintiff or worker as evidence that the system is fair and just. In fact, Crits believe that teaching the common law or using the case method in law school is a disguised means of preaching incrementalism and thereby maintaining the current power structure.“ To avoid this, CLS scholars urge law professors to abandon the case method, give up the effort to ﬁnd rationality and order in the case law, and teach in an unabashedly political fashion. The CLS critique of piecemeal reform is familiar, imperialistic and wrong. Minorities know from bitter experience that occasional court victories do not mean the Promised Land is at hand. The critique is imperialistic in that it tells minorities and other oppressed peoples how they should interpret events affecting them. A court order directing a housing authority to disburse funds for heating in subsidized housing may postpone the revolution, or it may not. In the meantime, the order keeps a number of poor families warm. This may mean more to them than it does to a comfortable academic working in a warm office. It smacks of paternalism to assert that the possibility of revolution later outweighs the certainty of heat now, unless there is evidence for that possibility. The Crits do not offer such evidence. Indeed, some incremental changes may bring revolutionary changes closer, not push them further away. Not all small reforms induce complacency; some may whet the appetite for further combat. The welfare family may hold a tenants’ union meeting in their heated living room. CLS scholars’ critique of piecemeal reform often misses these possibilities, and neglects the question of whether total change, when it comes, will be what we want.

#### The right fills in and makes it so much worse

Pugh 10- Senior Academic Fellow, Director ‘The Spaces of Democracy and the Democracy of Space’ network, Department of Geography, School of Geography, Politics and Sociology, Newcastle University (Jonathan, “The Stakes of Radical Politics have Changed: Post-crisis, Relevance and the State” Globalizations March–June 2010, Vol. 7, Nos. 1–2, pp. 289–301) / MM

1. In the early days of the crisis there was widespread anticipation of change. From the collapse of large banks and public anger at acquisitive capitalists, to the collapse in faith in neoliberal 2 ideologues and political elites, this was a watershed moment for the radical Left. However, given its failure to provide a coherent response to the crisis, many radicals have begun to explore what it means to be of the ‘radical Left’ today (Chandler, 2009a; Smith, 2008; Cox, 2009; Harvey, 2009; Castree, 2009; contributors to Pugh, 2009). Importantly, we are still therefore at a time of opportunity for the Left. 2. The crisis has highlighted the salience of the state, representational and party politics. It has done so because while of course the ‘masses’ have not emerged as a political force, making strong demands of the state, the state nevertheless became, by default, the main institution that the general population left to resolve the crisis. 3. Seizing this opportunity, governments (in Britain, the USA, and across much of the West) have used trillions of dollars of taxpayer money to continue to intervene in the interests of capital and the neo-liberal model. Across Europe, as elsewhere, the Right and neo-liberals get this point, using the economic power of government in recent months to support their causes. 4. Some (clearly not all) on the radical Left have therefore misread the public mood when it comes to the role of the nation state. Despite predictions and aspirations from those civil society organisations that want to withdraw and deterritorialise from the state, most other people, if reluctantly, have moved in the opposite direction. 5. Some radicals had reduced radical politics to living more ethical lifestyles. Their aim is to produce ethical individuals, to raise awareness, not a collective and instrumental political project for the state. This is not providing an effective challenge to the Right and neo-liberals, who as just noted post-crisis are capturing the powerful institutions of politics. 6. Articulate and intelligent, the ‘philosophical militant’ has done much to shift and change our understanding of the world in recent decades. However, the crisis shows that there is a difference between doing philosophy and doing politics. Philosophy does not provide the detailed, tangible, instrumental mechanisms needed today. Some radicals have therefore attached too much importance to their philosophical interventions and critique, making them political acts, in and of themselves. I do not claim to be able to make intricate connections between these various points in this brief, largely rhetorical paper. They are simply a list to provide food for thought to those engaged with that disparate label that we call ‘the radical Left’. And for those who have perhaps, like me, been shocked at our impotence. Most People Looked to the State, Not Away From It As noted, my first point is directed toward those who seek to avoid the salience of the state, representational, and party politics post-crisis. Before the crisis Michael Hardt and Antonio Negri (2000) produced what was widely heralded at radical conferences as the Communist Manifesto for the twenty-first century. Sadly for many, the crisis proved it to be incorrect. For while Hardt and Negri (2000, p. 48) were seeking ‘lines of flight’ from territorial government, through the deterritorialised multitude, post crisis most people have, by default, allowed a strong state to address the specificities of the crisis like trade and financial regulation, credit rating, fiscal stimuli, forms of nationalisation, closing down tax havens, and penalising acquisitive capitalists, as just some of many examples. The multitude is not therefore a significant brake on state power. Far from it. It would seem that state power has increased, to intervene in the fine details of unregulated capitalism. In 2009, the organisers of the World Social Forum, one leading civil society organisation, were forced to admit that civil society organisations are ‘not yet strong enough to overcome the problems caused by capitalism’ (Osava, 2009).

#### The law is key to *sustaining* reforms—incremental changes increase the likelihood of wholescale upheavals

Delgado 9 Richard Delgado 9, self appointed Minority scholar, Chair of Law at the University of Alabama Law School, J.D. from the University of California, Berkeley, his books have won eight national book prizes, including six Gustavus Myers awards for outstanding book on human rights in North America, the American Library Association’s Outstanding Academic Book, and a Pulitzer Prize nomination. Professor Delgado’s teaching and writing focus on race, the legal profession, and social change 2009, Arguing about Law, p. 588-590

2. The CLS critique of piecemeal reform Critical scholars reject the idea of piecemeal reform. Incremental change, they argue, merely postpones the wholesale reformation that must occur to create a decent society. Even worse, an unfair social system survives by using piecemeal reform to disguise and legitimize oppression. Those who control the system weaken resistance by pointing to the occasional concession to, or periodic court victory of, a black plaintiff or worker as evidence that the system is fair and just. In fact, Crits believe that teaching the common law or using the case method in law school is a disguised means of preaching incrementalism and thereby maintaining the current power structure.“ To avoid this, CLS scholars urge law professors to abandon the case method, give up the effort to ﬁnd rationality and order in the case law, and teach in an unabashedly political fashion. The CLS critique of piecemeal reform is familiar, imperialistic and wrong. Minorities know from bitter experience that occasional court victories do not mean the Promised Land is at hand. The critique is imperialistic in that it tells minorities and other oppressed peoples how they should interpret events affecting them. A court order directing a housing authority to disburse funds for heating in subsidized housing may postpone the revolution, or it may not. In the meantime, the order keeps a number of poor families warm. This may mean more to them than it does to a comfortable academic working in a warm office. lt smacks of paternalism to assert that the possibility of revolution later outweighs the certainty of heat now, unless there is evidence for that possibility. The Crits do not offer such evidence. Indeed, some incremental changes may bring revolutionary changes closer, not push them further away. Not all small reforms induce complacency; some may whet the appetite for further combat. The welfare family may hold a tenants‘ union meeting in their heated living room. CLS scholars‘ critique of piecemeal reform often misses these possibilities, and neglects the question of whether total change, when it comes, will be what we want. 3. CLS Idealism The CLS program is also idealistic. CLS scholars’ idealism transforms social reality into mental construct.“ Facts become intelligible only through the categories of thought that we bring to experience. Crits argue that the principal impediments to achieving an ideal society are intellectual. People are imprisoned by a destructive system of mental categories that blocks any vision of a better world." Liberal capitalist ideology so shackles individuals that they willingly accept a truncated existence and believe it to be the best available. Changing the world requires primarily that we begin to think about it differently.“ To help break the mental chains and clear the way for the creation of a new and better world, Crits practice "trashing"—a process by which law and social structures are shown to be contingent, inconsistent and irrationally supportive of the status qua without good reason. CLS scholars' idealism has a familiar ring to minority ears. We cannot help but be reminded of those fundamentalist preachers who have assured us that our lot will only improve once we "see the light" and are "saved."

#### Including the state in analysis is necessary for effective

Booth 14**,** Aberystwyth international politics professor, 2014 (Ken, International Relations: All That Matters, 7/25, google books)

Scholars love to debate the definition of their discipline. This is hardly surprising, as there is always a great deal riding on where one draws the line between what is in or out. In this book, ‘international relations’ is defined simply as the international level of world politics. By ‘international level’ I mean the interactions largely (but not exclusively) of sovereign states; by ‘world politics’ I mean ‘who gets what, when and how across the world’, to stretch Harold Lasswell’s classical definition of ‘politics’. The reason for accentuating the international level of world politics is twofold. First, as already mentioned, the international is a level with enormous ‘causal weight’. Second, to engage with ‘who gets what, when and how across the world’ without a coherent focus such as ‘the international level’ is to invite bewilderment in the face of information overload. This problem is evident in many of the doorstep-sized textbooks about ‘world’ or ‘global’ politics: what in the world is not a matter of ‘world politics’? The formulation proposed offers a distinct focus (‘the international’), while being empirically open (‘the world’). I owe this way of thinking largely to C.A.W. Manning, an early doyen of IR, who described academic international relations as having ‘a focus but not a periphery’. By focusing on the international, critics will say that I have succumbed to a ‘state-centric’ view of the world. This is the idea that states are the fundamental reality of world politics. Such a view is sometimes also described as being ‘statist’, meaning endorsing the idea that the state is and should be the highest level of both political decision-making and loyalty. My position is more complicated: I want to recognize the empirical significance of states and their relations without being statist politically or ethically. This is like an atheist arguing about ‘religion’. An atheist cannot for long discuss religion without talking about God, but this does not make the atheist ‘God-centric’; it only means that the atheist is aware of the significance of God when talking about religion. The book will argue that the international level of world politics is state-dominated in an empirical sense (some states are the most powerful ‘actors’ in the world) without succumbing to state-centrism in a normative sense (believing that the contemporary states-system represents the best of all possible worlds). Later chapters will underline that states are not the only actors at the international level: some multinational corporations have more clout than some states. Nonetheless, it would be foolish to play down the continuing significance of especially the most powerful states in determining ‘who gets what’ across the world, or the continuing ‘causal weight’ of state interactions in shaping the ‘when and how’ of things happening. Recognizing these empirical realities is perfectly consistent with accepting that one of the aims of studying IR is to challenge what is done, and why, and consider whether different worlds are possible and desirable. Matters of continuity and change are always present in international relations. According to the ‘realist’ tradition (explained later), the international level or system has had, again in Waltz’s term, a distinct ‘texture’ (a persisting set of characteristics) over the centuries. This continuity allows us to have a time-transcending understanding of the situations, dilemmas and crises faced by leaders and peoples in other places in other eras. Critics of this view - those dazzled by what’s new - tend to argue that talk of ‘texture’ exaggerates continuity. This is mistaken. There can be no doubt that we live in a new era when it comes to technology and its potential, for example, but have relations between political units fundamentally changed? We cannot, and should not, assume that everything will always be the same, but it would be foolish to underestimate the stubborn continuities of state interactions.

### vs. T Debater

#### I will defend reporters defined by Merriam Webster as **a person employed by a newspaper, magazine, or television company to gather and report news” if you want me to comply to a different interp ask in CX**

#### Whistleblowers are a subset of confidential sources.

IALS ‘16 Infolawcentre.blogs.sas.ac.uk. Information Law and Policy Center: Institute of Advanced Legal Studies., Sept 2016. Web. 9 Sept. 2018.

This brief reports on a research initiative on confidential source and whistleblower protection led by researchers at the Information Law and Policy Centre at the Institute of Advanced Legal Studies. It includes the findings of discussions with a specialist group of 25 investigative journalists, representatives from relevant NGOs and media organisations, media lawyers and specialist researchers in September 2016. Main findings • The UK Government has, in recent years, pursued a number of policies and legislative proposals that have substantially weakened protections for sources. Most urgently, these include the Investigatory Powers Act that has recently become law and the Digital Economy Bill currently being considered by Parliament. • Technological change means that journalists, freelancers and publications are faced with previously unprecedented difficulties in protecting their sources. The technological protections for sources have not kept pace with the ability of states and other actors to use technology to intercept or monitor communications. • Although a number of domestic and European legal protections exist for the protection of confidential sources, their effectiveness is considerably weakened by technology that provides an easy route to information; and the use of covert powers to which journalists and sources may be oblivious. • Working **investigative journalists** and media lawyers, many with several decades of experience, **are profoundly concerned** about the growing technological and **legal vulnerability of confidential sources including whistleblowers, the protection of whom is essential to the pursuit of responsible journalism in the public interest**. • There is a need to strengthen whistleblower protection legislation in the UK.

#### Prefer reasonability with a brightline of defending the aff whole resolution

#### The resolution is set so that there is ground for discussion on both sides, you can read any argument with a generic topic link or a link to our method

#### Anything that devolves away from the whole resolution causes some form of structural limit because it says that one side needs more ground than another, the res provides a central point

#### They’re just whining or trying to find a way to win, don’t vote against me for defending what the resolution has told me to defend

#### CX checks all interps – encourages substantive clash by missing messy theory debates, if they don’t check their interp grant us a we meet

#### Allow 1AR theory and meta-theory – key to testing abusive neg positions

#### **Err aff on counter interps – the 1AR makes it impossible to frame large substance and theoretical questions, the 2NR frames the whole pace of the debate so giving the aff at least ONE framing mechanism is key to not flowing neg on every question.**

#### All theory is drop the argument –

#### reciprocity – it’s drop the arg for both of us so it’s fair

#### prevents me from reading 1AR drop the debater theory which creates a 7-6 time skew

#### this means if I lose the T debate just evaluate the pre-fiat impacts of the aff, key to education because we still get to talk about the aff with it still being fair because I can’t weigh most of my impacts

#### if the abuse story is so bad that it was incoherent to evaluate the aff without the argument then that’s also a reason why the abuse wasn’t that bad in the first place

### Structural Violence

#### Minority groups are disproportionately targeted

**Giroux 14**-Global TV Network Chair Professorship at McMaster University in the English and Cultural Studies Department and a Distinguished Visiting Professorship at Ryerson University [Henry, “Totalitarian Paranoia in the Post-Orwellian Surveillance State,” Truthout, February 10, 2014, <http://www.truth-out.org/opinion/item/21656-totalitarian-paranoia-in-the-post-orwellian-surveillance-state>] ellipses included in original article / MM

*The practice of surveillance is both separate and unequal.* ... Welfare recipients ... are more vulnerable to surveillance because they are members of a group that is seen as an appropriate target for intrusive programs. Persistent stereotypes of poor women, especially women of color, as inherently suspicious, fraudulent, and wasteful provide ideological support for invasive welfare programs that track their financial and social behavior. Immigrant communities are more likely to be the site of biometric data collection than native-born communities because they have less political power to resist it. ... Marginalized people are subject to some of the most technologically sophisticated and comprehensive forms of scrutiny and observation in law enforcement, the welfare system, and the low-wage workplace. They also endure higher levels of direct forms of surveillance, such as stop-and-frisk in New York City.60 The corporate-surveillance state collects troves of data, but the groups often targeted by traditional and new forms of digital surveillance are more often than not those who fall within the parameters of either being a threat to authority, reject the consumer culture or are simply considered disposable under the regime of neoliberal capitalism. The political, class and racial nature of suppression has a long history in the United States and cannot be ignored by whitewashing the issue of surveillance as a form of state violence by making an appeal to the necessity of safety and security.

# --- 1AR ---

# Extensions

### Super Short Russia O/V

#### The Mueller investigation is try or die – Trump is abusing his power and has justified shutting down democracy and fueling Russian hegemony. Democracy prevents every impact through proper scenario analysis and planning and Russian hegemony will lead to extinction because meddling will eventually tick off a country enough to launch a nuclear weapon and spark a nuclear holocaust.

### 1AR Russia O/V (0:50)

#### The Mueller investigation is getting tense and confidential sources are the only option left. Trump’s illegal precedent on testifying prevents the case from coming to conclusions – the aff is try or die - only allowing confidentiality creates accurate conclusions.

#### Failing to protect Mueller and fuel the investigation justifies shutting down national security threats and allowing foreign nations to mess with the US with no consequences, this gets modeled globally, shuts down democracy, and sequences every impact because it allows for strategic planning and analysis of issues that prevents war, famine, poverty, terrorism, and existential risks.

#### Justifying Trump’s ivory tower elitism also proves to Russia that they can get their name on the map again and increase their hegemony. This isn’t the first time they have meddled, Ukraine, Estonia, Afghanistan, Germany and the United States is the holy grail. That WILL spark World War III. Russia eventually meddles in enough countries that someone will get angry enough to click the big red button. That draws in the US and sparks hair trigger nuclear weapon attacks which target big cities, kill millions of people, destroys the environment, and makes more attacks likely.

#### The aff solves by fueling the critical informants that Mueller needs, only by establishing a shield law can create routes of communication that are essential for protecting witnesses.

### Super Short O/V (0:20)

#### Surveillance is justified under a façade of national security and scares away whistleblowers, that justifies an infinite amount of crimes against humanity and reduces beings to bare life because there is no brightline on how many rights the government can violate without getting called out.

#### Granting confidentiality solves by allowing whistleblowers to expose the government without the fear of being stalked by the NSA, durable fiat solves any of their solvency objections.

### 1AR Surveillance O/V (0:55)

#### We live in a realm of surveillance where every possible move can be observed by Big Brother, this fear of surveillance prevents whistleblowers from exposing government secrets because the NSA can watch their every move in the digital status quo.

#### This leads to corruption and a lack of accountability. The government they can do whatever they want, incidents like Watergate, the Iran-Contra deal, and the Pentagon Papers all prove, these incidents would’ve never gone to the press if it weren’t for confidential sources. Rights violations create bare life conditions because we become soldiers for the totalitarian state, this outweighs extinction because life becomes constant suffering and torment in state interest.

#### The government shutting down whistleblowers also allows infinite freedom violations and allows the state to control the flow of information. Lacking whistleblowers as a check on the government creates a state-controlled media and allows them to cover up horrible human rights violations like the My Lei Massacre in Vietnam and drone strikes in the Middle East.

#### Granting confidentiality solves all of these harms by allowing whistleblowers to expose the government without the fear of being stalked by the NSA, durable fiat solves any of their solvency objections.

### 1AR Util O/V

#### Prefer our framework, it prevents the suffering of millions of people

#### It’s the most reliable – phenomenal introspection proves that pain is the most historically reliable way to assume something is ethically true because everyone sees pain as bad. I.e. when you look at a hot stove you get a natural instinct to not put your hand on it. Only our framework can account for how people naturally act

#### It’s the most real-world – governments naturally act to minimize consequences, anything else is abstraction and doesn’t focus on how acts play out in the real world

#### It treats all beings as equal – other frameworks say certain beings and actions can’t be moral, util puts it on an equal playing field and says that every being is equal and that no one can have more worth than another

### 1AR ROTB O/V (0:35)

#### The roll of the ballot is to vote for the debater with the best policy option to reject dominant institutions, prefer this

#### Real world – we can’t completely reject institutions because new institutions will always rise up, the only concrete solution is understanding how to work within the state and find life out of it, our Williams, Zanotti, and Atterton evidence say that the only way to find power and fix institutions is by understanding the oppressors and their tactics

#### Topic lit – most of the literature on the topic is negative state action because the topic IS A NEGATIVE STATE ACTION

#### Critical education – you should endorse an advocacy that fights against an institution that allows for the suffering of millions of people and justifies it by watching our every move, before they can completely control our lives we should use this space as a place of understanding how the surveillance state works and finding ways to reject its power, this means our ROTB wins on uniqueness

# A2: Case Objections

## Surveillance Adv

### AT: Circumvention

#### Aff takes out circumvention – that’s **Posetti ’17**

#### aff sets crucial legal precedent that stops government intervention

#### durable fiat solves - federal protection is necessary and sufficient to protect reporters against subpoenas and investigations in court

#### shield laws stop government agencies from searching for specific personal records and even if they do they can’t do anything about it

### AT: Not Authoritarian (Packer 09)

#### It’s not about what the government is ACTUALLY doing, it’s about what it justifies. This justifies an infinite amount of rights violations because the government has drawn no brightline on what is okay.

#### The aff isn’t about court subpoenas being authoritarian, it’s about the surveillance state being authoritarian, which the aff would solve.

## Russia Adv

### AT: Russia Didn’t Interfere

#### There is no question that Russia interfered

Hunt 7/24 Albert R. Hunt, 7-24-2018, "Yes, Russian Election Sabotage Helped Trump Win," Bloomberg, [https://www.bloomberg.com/view/articles/2018-07-24/russian-meddling-helped-trump-win-in-2016 /](https://www.bloomberg.com/view/articles/2018-07-24/russian-meddling-helped-trump-win-in-2016%20/) MM

And now a number of experts familiar with the issue have come to believe that Russia did make a difference for Trump. Former Director of National Intelligence James Clapper now says the evidence that Russian President Vladimir Putin swung the election to Trump “is staggering.” Noting that fewer than 80,000 votes in Michigan, Pennsylvania and Wisconsin decided the contest, he wrote in a book released in May, “I have no doubt that more votes than that were influenced by the massive effort by the Russians.” Most Republicans dismiss Clapper as a Trump-hating supporter of his former boss, ex-President Barack Obama. But Clapper’s view will get powerful academic support soon. Kathleen Hall Jamieson, a leading scholar of communications and its effect on American politics, has a book coming out in September that will present data in support of its case that Russian interference in 2016 was a decisive factor for Trump. “The Russian trolls and hackers created message imbalances, the former in social media, the latter in news,” that helped the Republican, she said in an interview on Sunday. “The use that the mainstream and conservative media made of the Russian hacking of the Democrats’ emails altered the news and debate agendas in ways that past election research would suggest were significant enough to change the outcome.” The book is “Cyberwar: How Russian Hackers and Trolls Helped Elect a President, What We Don’t, Can’t and Do Know.” Jamieson is a professor and former dean at the Annenberg School for Communications at the University of Pennsylvania. Contrary to the claims of most Republicans, there’s already a serious circumstantial case for the strong impact of Russian interference. NBC News and others have reported that there were thousands of Russian trolls amplifying phony reports like the fiction that Pope Francis endorsed Trump. Anecdotally, it’s obvious that these influenced some voters. The leaks of emails sent by top Democrats played a role in setting the 2016 general election agenda. On the eve of the Democratic National Convention in July of 2016, for example, WikiLeaks released internal documents that U.S. intelligence agencies said were stolen by Russian hackers showing that the Democratic National Committee had favored Clinton over challenger Bernie Sanders in the primaries. That led to the resignation of the party chair, Debbie Wasserman Schultz, and infuriated some Sanders supporters who later said that they sat out the general election. In early October, immediately after a video surfaced in which Trump bragged about groping women, WikiLeaks released its first leak of emails from the account of Clinton’s campaign manager, John Podesta. This happened on a Friday afternoon, not the best time to leak a story if the object is to get attention; the intent was almost certainly to deflect attention from the Trump video. An indictment of 12 Russian operatives last week by Special Counsel Robert Mueller traced the email hacks to a Russian military intelligence unit. Beyond the effect on voters, the relentless drumbeat of articles about email leaks also forced the Clinton campaign to spend time reacting and making strategic adjustments. Eight days before the election, the New York Times ran a front-page story declaring that the Federal Bureau of Investigation had found no clear link between Russia and Trump, and that Moscow’s purpose was to disrupt the American election but not to help one candidate. Later, after the election, the Times reported on links between Trump and Russians during the campaign, and the American intelligence agencies concluded in a public report that the purpose was to help Trump.

## Solvency

### AT: Aff doesn’t increase whistleblowers

#### Doesn’t matter because the aff is try or die – surveillance is higher than it’s ever been and allowing the government to shield human rights violations. If we win that the aff makes it easier for whistleblowers to come forward then you should vote aff on even miniscule offense.

### AT: Whistleblowing is happening in the squo

#### Our argument isn’t that ZERO whistleblowing is happening, it’s that the government has violated rights by punishing whistleblowers and limiting the ability for them to check the government.

### AT: Pearson 15 (alt cause)

#### This evidence is talking about how safe the REPORTERS feel, not how protected the sources are, this is not a solvency deficit, just that reporters are occasionally scared, which the aff would solve.

### AT: Vagueness alt cause

#### Durable fiat solves – we should talk about the consequences of the plan, anything else allows the negative to always win because they can just give some miniscule reason why the implementation of the aff fails

#### The resolution is a normative statement, we just need to prove that a world without confidentiality is worse than a world with it.

#### Extend the Posetti evidence out of solvency – a shield law would include surveillance protections and overcome all concerns about solvency.

## Util

### Sinhibabhu is a bad dude

### Aff isn’t probable

### Magnitude > Probability

### Extinction First

### Calc Indict O/V

### AT Can’t Predict

### AT Infinite Consequences

### AT Calc probability of being wrong

### AT Different types of pleasure

### AT Infinite Universe

### AT Utility Monster

### AT Migraine problem

# 1AR Theory

## Condo

## PICs

## Condo PICs

# 1AR Kritiks

## Kant

## Spikes

# A2: Disads

## AT: False Information

#### Turn – false information is good, it exposes the state which the aff proves is a good thing

#### We should expose the Trump administration and the surveillance state in general, even if the information isn’t true it makes the government look bad which FUNCTIONS as a check and balance

#### No impact – the information is already out if the information is proven to be fake, so the impact should’ve already happened

#### Turn – the aff is widely supported among democrats which increases confidence in the press and minimizes fake news

Silverman ’17 Craig Silverman December 4, 2017, Poynter, 12-4-2017, ["Trump is causing Democrats to trust media more, while Republicans are endorsing more extreme views, says a new study", https://www.poynter.org/news/trump-causing-democrats-trust-media-more-while-republicans-are-endorsing-more-extreme-views] AL 8-24-2018

**The presidency of Donald Trump has caused Democrats to experience** a surge in confidence in the press at the same time that **Republicans and Trump supporters are expressing more extreme, negative views of the media**, according to new research in the Poynter Media Trust Survey released today. But while **views of the media are becoming even more divided along party lines**, the researchers also found evidence that online media consumption habits of Democrats and Republicans may be less polarized than commonly believed. “Trump has sparked unprecedented levels of polarization in views toward the media. In the period for which we have data, Democrats and Republicans have never had such disparate levels of trust and confidence in the media,” said Brendan Nyhan, a professor of political science at Dartmouth College and coauthor of the study. The research is based on a representative survey of 2,100 American adults conducted by YouGov in November, as well as an analysis of anonymized desktop web-browsing data collected from participants during a one-week period. Nyhan and his coauthors, Andrew Guess from Princeton and Jason Reifler from the University of Exeter, are presenting their paper today at the inaugural Poynter Journalism Ethics Summit in Washington, D.C., "The Press and the President: Trust and the Media in a New Era." The research was supported by a grant from the Craig Newmark Philanthropies. Nyhan said that Trump’s negative approach to the press could be causing “the strongest relationship between presidential approval and media attitudes that has been observed to date.” The survey found that 74% of respondents who identify as Democrats, or who lean Democratic, have “a great deal” (19%) or “a fair amount” (55%) of confidence in the media. A poll taken in September 2016 asked the same question and found that 51% of Democrats expressed the same level of support, meaning that their confidence has increased 23 percentage points in just one year. **Seventy-four percent confidence in the press is the highest level registered for Democrats since 1997**, the earliest date for which similar data is available. Meanwhile, just **19% of** respondents who identified as **Republicans**, or who lean Republican, **expressed “a great deal” or “a fair amount” of confidence in the media**. “Democrats still do not love the press — only 19 percent express ‘a great deal’ of trust and confidence — but they are far more positive than in the past,” Nyhan said. “We interpret **this increase** as **reflect**ing a recognition of the role of the media in holding an opposition president accountable, especially when his party controls both chambers of Congress.” The surge in trust and confidence in the media among Democrats helped drive the overall results to “a level of support not seen since after the 2001 terrorist attacks,” the authors write. But that result masks a deeply polarized electorate whose party affiliation and level of support, or disapproval, of Trump increasingly dictates their view of the media. The researchers found that Republicans and Trump supporters are today “far more likely to endorse extreme claims about media fabrication, to describe journalists as an enemy of the people, and to support restrictions on press freedom.” More than 60% of respondents who identified as approving of Trump agreed with the president’s statement that the media is an “enemy of the American people.” Among Trump disapprovers, roughly 15% agreed with the statement. When asked if they agree with the statement that the media “keep political leaders from doing their job,” the percentages were roughly the same. Nyhan said responses to these survey questions don’t indicate whether individual respondents would, for example, like to see reporters jailed. “It’s important not to get too hyper-literal about what they mean, but it’s certainly concerning that they are even willing to say [the press is the enemy of the people] and indicate it in a survey,” he said. Overall more Americans endorsed these “extreme” positions than the researchers had expected. “Most disturbingly, one in four Americans (25%) endorses draconian limitations on press freedom” that would give government officials the right to stop a media outlet from publishing a story, the researchers found. The survey also revealed another way Republicans and Democrats differ when it comes to opinions of the media: Republicans with high level of knowledge about politics have less confidence in the press than Republicans with low levels of knowledge. For Democrats it’s the reverse — those with high knowledge are more likely to have confidence in the press, while those with low knowledge also have low confidence. The researchers believe this is likely a result of vastly different messages about the media coming from Democratic and Republican elites. “**If you're a politically aware Democrat, you've been exposed to a lot of ideas about the** critical importance of the media and other mainstream institutions**, especially in the past year**,” Andrew Guess of Princeton told BuzzFeed News. “For politically aware Republicans, the message has often been quite different.” Nyhan said “one of the principles of public opinion is that the most knowledgeable people are most likely to hear and follow queues from like-minded partisan elites.” The level of political knowledge of respondents was determined based on their responses to a series of factual assertions such as, “Rex Tillerson is the current U.S. Secretary of State.” Polarized news consumption In addition to asking questions, the researchers analyzed anonymized web-browsing data from survey participants. This enabled them to compare what people said about their online news consumption with data about the sites they actually visited using desktop computers. One key finding is that respondents had a tendency to overreport their use of partisan news sources. “Democrats seem to overreport visiting the Huffington Post and Republicans tend to underreport doing so. The converse is true for Fox News — Republicans tend to overreport visiting the Fox News website while Democrats seem to underreport,” the researchers write. Nyhan said this shows that “people’s perceptions of what they’re reading and what they’re actually reading are different.” Guess said it’s possible that people overreport their consumption of partisan media to reflect their political identity. “Democrats are more likely to say they visit the Huffington Post than they actually do, for instance, because being a Huffington Post reader is possibly seen as part of being a good Democrat,” he said. “Put together, patterns like these suggest that the conventional wisdom is skewed toward thinking that people's media diets are more polarized than they actually are.” Nyhan said this new data is “consistent with the notion that fears about ‘echo chambers’ may be overstated.”

## AT: Midterms

### Vs. LHP

#### Their Wong evidence just says that SOME Republicans back the plan, but there is no internal link between that and ALL republicans backing the plan or that this means a republican victory. Some republicans want the wall and a ton of republicans don’t, generalizing claims aren’t warrants

#### Just because one bipartisan bill passes doesn’t mean that every Republican bill will start to pass. There are still moderate republicans and republicans that don’t want super horrible stuff like the wall and teachers having guns, the same claim I just read before applies, generalizing claims aren’t warrants

#### The aff impacts outweigh, reducing beings to bare life creates otherization and constant suffering in state interest. This isn’t minor suffering for some people it’s constant suffering for EVERYONE because we all become soldiers for the totalitarian state.

### Cards

#### The aff is perceived as a huge liberal victory – republicans won’t back the plan.

Silverman ’17 Craig Silverman December 4, 2017, Poynter, 12-4-2017, ["Trump is causing Democrats to trust media more, while Republicans are endorsing more extreme views, says a new study", https://www.poynter.org/news/trump-causing-democrats-trust-media-more-while-republicans-are-endorsing-more-extreme-views] AL 8-24-2018

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#### Congress won’t impeach.

Antle ’18 W. James Antle 18, politics editor of The Washington Examiner, 2/1/18, “Why Senate Republicans might just impeach Trump,” http://theweek.com/articles/752058/why-senate-republicans-might-just-impeach-trump

It seems more likely than not that Democrats will retake the House in November, with the building wave of GOP retirements perhaps the best indicator that Republicans themselves are expecting a rout. If Democrats win control of Congress, they will then have the simple House majority required to impeach Trump. What they almost certainly will not have, however, no matter how well the midterms go, is the two-thirds Senate majority needed to convict and remove him. Given the difficult map this year, Democrats may not even be able to take control of the Senate. But for the sake of argument, let's say they win a 52-48 majority. They would still need 15 Republicans to vote to remove Trump from office. Would Senate Republicans ever turn on Trump? That's a tall order. But contrary to the expectations of liberals who believe all elected Republicans indiscriminately enable Trump, it may not be an impossible one, at least compared to the last two presidents threatened with impeachment. Remember the '90s? Even with 55 votes in the Senate, Republicans were never going to be able to complete their impeachment drive against President Bill Clinton because there were no Democratic senators willing to vote to remove him. Only five House Democrats voted for any of the Clinton articles of impeachment. The GOP was never going to get 12 senators. Similarly, if party leaders had allowed antiwar Democrats to move forward with their efforts to impeach President George W. Bush, they might have won over Republicans like Ron Paul or Walter Jones in the House, but zero Senate Republicans could have been persuaded to convict Bush. In Clinton's case, Democrats simply did not believe that the underlying offense that led to the president's perjury and alleged obstruction of justice — consensual sexual relations with White House intern Monica Lewinsky — was serious enough to justify removing him from office. And in Bush's case, Republicans would have regarded the president's impeachment as the criminalization of policy disagreements (particularly over the so-called war on terror), and they overwhelmingly still agreed with the Bush policy in question. Things might be different with Trump. If Mueller is able to present clear and compelling evidence of collusion between Russia and the Trump campaign, with the president's knowledge, Republican votes for impeachment really are gettable in a way that they were not in past cases. This situation would be fundamentally different than the impeachment talk around Clinton and Bush. And some Senate Republicans really might turn on the president. Obviously, the threshold for GOP senators to turn on Trump would be much higher than for Democrats, for whom the Trump Tower meeting alone suffices. For Republicans, "collusion" would likely have to mean some direct involvement in stolen Democratic emails, cooperating with the creation and distribution of Russian fake news, or at bare minimum a well established awareness of and coordination with what the Russians were doing. They would have to see a clear quid pro quo. For many GOP lawmakers, even that wouldn't be enough. Many have indeed shown that they'll back Trump no matter what. But it is not that hard to imagine a set of facts that would cause principled Russia hawks like Ben Sasse, Marco Rubio, and Lindsey Graham to turn against the president. And once a few dominos fall, it makes it easier for the others to topple in turn.

#### Trump will divert through Twitter and screaming at Nike – too many checks on diversionary war

Bershidsky 17 – Bloomberg view columnist, 2017 (Leonid, “Trump a master of diversionary tactics,” *Frederick News Post*, <http://www.fredericknewspost.com/opinion/trump-a-master-of-diversionary-tactics/article_19f13378-2e36-5d9b-bec2-6a15b056ee0c.html)>

President Donald Trump’s executive activity has been frantic in the first days of his term. He has moved to keep a number of the scary promises that were easier to dismiss as unfeasible during the campaign than to accept as actual policies in the real world. But the big stories he has generated have had nothing to do with these actions. According to data collected by BuzzSumo.com, the most widely shared CNN news story about Donald Trump since Jan. 21 was one about his press secretary, Sean Spicer, attacking the media for their reporting on inauguration attendance. It was shared 169,700 times on Facebook. A story on Trump’s executive order to start rolling back Obamacare clocked just 71,100 shares. On The New York Times’ website, the most widely shared story debunked Spicer’s “alternative facts.” It showed up on Facebook 170,900 times. The New York Times piece about Trump’s executive order abandoning the Trans-Pacific Partnership got 44,600 shares. This is the result of a manipulation strategy described long ago by Noam Chomsky: “Keep the adult public attention diverted away from the real social issues, and captivated by matters of no real importance.” Leftists such as Chomsky argue that this is what capitalist elites do, but I know it as a common tactic of kleptocratic regimes such as Vladimir Putin’s in Russia. There’s even a term for the tactic: “diversionary conflict.” Faced with economic difficulties or other problems potentially threatening to its survival, the regime starts a war somewhere or sharpens domestic ethnic divisions. Since the oil price plummeted in late 2014, the Putin regime has kept Russians on a steady diet of war news from eastern Ukraine and Syria (Russia and its allies have been winning). With the Syrian operation, Putin sharply raised his international standing, but a big reduction in protests against worsening economic conditions has probably been more important to him. In neighboring Ukraine, every time a government finds itself in trouble and particularly unpopular, the matter of the country’s linguistic division surfaces, with various groups trying to promote or ban the Russian language. Former President Viktor Yanukovych used the language matter as cover for passing other unpopular legislation. Now, with President Petro Poroshenko’s popularity at a nadir, reforms stalled and the cost of living rising sharply, Ukrainians are distracted by the discussion of a new language law that would make Ukrainian obligatory in public life, under threat of fines. Trump doesn’t need to start wars: He and his team know how emotional many Americans are about him. He can choose what he wants to be hated for -- preferably for something silly and unrelated to his actual priorities at the moment. He used this to his advantage during the campaign: His alleged sexual misconduct took up so much media time and public attention than issues like his business history, his tax returns and his proposals. As the inauguration attendance argument played, Trump has been busy. Apart from starting the Obamacare rollback and withdrawing from the TPP, he has frozen a reduction of mortgage insurance premiums, allowed the Keystone Pipeline to go ahead and prepared to sign an executive order to begin construction of a border wall. Well aware that some of these important actions might cause indignation and targeted protest, Trump has tossed out another meaningless football for the media and the public to fixate on. “I will be asking for a major investigation into VOTER FRAUD, including those registered to vote in two states, those who are illegal and even those registered to vote who are dead,” he tweeted. Sure enough, at the time of this writing, the CNN story about this was the most shared in the last 24 hours, with news about the border wall order coming a distant second. Just as it was unimportant how many people attended the inauguration, it doesn’t matter at all at this point whether undocumented immigrants actually voted last November and whether any votes were cast for dead people. No one is challenging the results of the election. The wall and the Keystone Pipeline matter, yet are much smaller stories in terms of readership. Trump and his team are already showing a flair for diversion. Is it enough to discourage the kinds of mass protests that such aggressive moves on lightning-rod issues might spark? We’ll know in the coming days and weeks, though protesters’ energy was certainly sapped by the massive women’s march, which took place before Trump actually did anything damaging to women’s rights. Trump’s and his team’s communications look awkward, inept, gallingly primitive. It’s time to wise up: These people know what they’re doing. They want their political opponents to be confused, to flail at windmills, to expend emotions on meaningless scandals to distract them from any targeted, coordinated action against specific threats. There are going to be many of these: Trump appears intent on keeping his promises. Calm concentration is needed to counteract dangerous policies.

## AT: Agenda PTX

#### Turn – there is broad bipartisan support for a reporter’s privilege.

Raskin ‘17 Raskin, Jaimie. “Reps. Raskin and Jordan Introduce Bipartisan Federal Press Shield Law.” Congressman Jamie Raskin, US Conressman, 17 Nov. 2017, raskin.house.gov/media/press-releases/reps-raskin-jordan-introduce-bipartisan-federal-press-shield-law.

Today, Congressman Jamie Raskin (MD-08) and Jim Jordan (OH-04) introduced the Free Flow of Information Act of 2017 (H.R.4382), **a bipartisan federal shield law that would protect the public’s right to know by safeguarding a free and independent press.** The legislation would establish **a federal statutory privilege** that would protect journalists from being compelled to reveal confidential sources and ensure that they can do their jobs without fear of imprisonment or intimidation. The legislation **was introduced this evening after Attorney General Jeff Sessions, in testimony before the House Judiciary Committee** earlier today, refused to commit to not jailing journalists for doing their jobs. Although many states have shield laws or some sort of reporter’s privilege, no such protection exists at the federal level. Dozens of journalists have served jail time, including former New York Times reporter Judith Miller, who served more than 80 days in jail for refusing to reveal a confidential source in 2005. “The First Amendment provides for a free press, but that guarantee means nothing if reporters cannot protect whistleblowers and confidential sources, or if reporters have to live in fear of prosecution or jail time,” said Raskin. “When the press is unable to do its job, the American people – and our ability to function as a democracy – suffer. A free press is the people’s best friend and the tyrant’s worst enemy.” “All of the rights protected in the First Amendment need to be defended,” said Jordan. “From the religious liberty in our churches, to the free speech of students on college campuses, to the ability of reporters to protect the confidentiality of their sources, these fundamental American freedoms must be strengthened and preserved.” Raskin and Jordan’s proposal for a federal shield law is identical to a previous bipartisan bill (H.R. 2102), which passed the House with overwhelming support on a 398-21 vote. The 2007 legislation was championed and cosponsored by Vice President Mike Pence when he was a Congressman representing Indiana’s 6th District. “Every day, we rely on the press to hold our government accountable, educate us about issues of public interest, and keep the American people informed,” Raskin continued. “Thomas Jefferson said, ‘Were it left to me to decide whether we should have a government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter.’ I’m with Jefferson and the rest of the Founding Fathers. **We need to make good on the constitutional promise of a free press**—one that is shielded from threats of jail time and criminal prosecution for performing their critical work. **It’s time to pass a federal shield law to protect the press, whose work is essential to protect strong democracy.”**

#### Trump capitalizes on any bipartisan victory – the aff bolsters his political capital.

Cook and Dawsey ‘17 Nancy Cook and Josh Dawsey, White House reporters for POLITICO, 2017 ("Tax reform becomes a must-win issue for the White House," POLITICO, Available online at http://www.politico.com/story/2017/07/19/tax-reform-becomes-must-win-for-trump-240691, Accessed 7/21/2017)

With President Donald Trump’s effort to undo Obamacare derailed by opposition from Republican senators, the White House has turned its attention to its next big shot at a big win: tax reform. The long-held GOP goal of re-engineering the U.S. tax system has now become a political imperative for **the Trump administration, which has yet to deliver any major legislative victories despite Republican control of the White House and both houses of Congress. “They know they could really use a win**,” said Larry Kudlow, an informal economic adviser to the Trump campaign, who met with Trump last week. “The president, from the get-go, has been much more comfortable with tax cuts than health care.” Donors and influential Republicans are particularly eager to see tax reform completed before the 2018 midterms — both for their own bottom lines and because **it will be harder for Republicans to hold on to Congress without policy accomplishments, White House advisers and outside supporters fear.** “If Republicans fail to repeal or at least substantially roll back Obamacare, it raises the stakes dramatically to pass into law a big, bold tax-reform plan,” said Tim Phillips, who leads Americans for Prosperity, the political group backed by the Koch brothers. “On the political side, **the biggest problem that Republicans could face in 2018 is not a partisan battle. It's a sense of incompetence and inability to govern** that will be most painful,” said Josh Holmes, a longtime McConnell adviser and former chief of staff. “Unless they can figure out how to reverse this quickly, you can see where this cascades into more issues past health care,” Holmes added. But consensus on the political value of achieving tax reform ahead of the 2018 midterm elections does not equal agreement on the policy details — and that could bedevil Trump’s next big policy push, just as the health care effort was undermined by insurmountable differences between moderates and conservatives in the Republican Caucus.

## AT: Impeachment

### Link D

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Antle ’18 W. James Antle 18, politics editor of The Washington Examiner, 2/1/18, “Why Senate Republicans might just impeach Trump,” http://theweek.com/articles/752058/why-senate-republicans-might-just-impeach-trump

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### Impact D

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He used this to his advantage during the campaign: His alleged sexual misconduct took up so much media time and public attention than issues like his business history, his tax returns and his proposals. As the inauguration attendance argument played, Trump has been busy. Apart from starting the Obamacare rollback and withdrawing from the TPP, he has frozen a reduction of mortgage insurance premiums, allowed the Keystone Pipeline to go ahead and prepared to sign an executive order to begin construction of a border wall. Well aware that some of these important actions might cause indignation and targeted protest, Trump has tossed out another meaningless football for the media and the public to fixate on. “I will be asking for a major investigation into VOTER FRAUD, including those registered to vote in two states, those who are illegal and even those registered to vote who are dead,” he tweeted. Sure enough, at the time of this writing, the CNN story about this was the most shared in the last 24 hours, with news about the border wall order coming a distant second. Just as it was unimportant how many people attended the inauguration, it doesn’t matter at all at this point whether undocumented immigrants actually voted last November and whether any votes were cast for dead people. No one is challenging the results of the election. The wall and the Keystone Pipeline matter, yet are much smaller stories in terms of readership. Trump and his team are already showing a flair for diversion. Is it enough to discourage the kinds of mass protests that such aggressive moves on lightning-rod issues might spark? We’ll know in the coming days and weeks, though protesters’ energy was certainly sapped by the massive women’s march, which took place before Trump actually did anything damaging to women’s rights. Trump’s and his team’s communications look awkward, inept, gallingly primitive. It’s time to wise up: These people know what they’re doing. They want their political opponents to be confused, to flail at windmills, to expend emotions on meaningless scandals to distract them from any targeted, coordinated action against specific threats. There are going to be many of these: Trump appears intent on keeping his promises. Calm concentration is needed to counteract dangerous policies.

#### Trump lash out will be small – he’ll conduct an airstrike or a raid, not a full-on war

Tierney ’17 Dominic Tierney 17, PhD in international politics from Oxford University, 6-15-17, “The Risks of Foreign Policy as Political Distraction,” https://www.theatlantic.com/international/archive/2017/06/trump-diversionary-foreign-policy/530079/

But what about military force? To be clear, there is little cause to speculate that Trump plans to launch a full-scale war solely to distract attention. For one thing, as president, the worst possible time to start a major military campaign is when you’re deeply unpopular. And the political upside is shaky at best. Recent big wars in Afghanistan and Iraq were politically damaging to George W. Bush. Even victory doesn’t guarantee a pay-off, as George H. W. Bush discovered when he won the 1991 Gulf War and then lost his bid for reelection in 1992. A crisis may arise where there are real national-security rationales for fighting, along with potential domestic gains.

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### A2: Mueller

#### Your ev is outdated – Mueller’s investigation is failing and Trump impeachment is impossible with underwhelming indictments.

Gensert 2/17 William L. Gensert “Mueller Is Losing Flynn, so He Indicts Russians” February 17, 2018, American Thinker https://www.americanthinker.com/articles/2018/02/mueller\_is\_losing\_flynn\_so\_he\_indicts\_russians.html

**With** former national security adviser **Michael Flynn's guilty plea likely to be set aside, the indictments announced yesterday** by Deputy A.G. Rod Rosenstein, in tenor, scope, and timing, **are a desperate attempt by Mueller to save his crumbling collusion investigation from complete failure.** There are some easily seen exigencies in the Mueller indictments of 13 Russians late Friday afternoon. Why release the indictments on a Friday afternoon? Friday is the traditional day in politics to announce something you want people to pay little attention to and quickly forget. This is doubly true when it is a holiday weekend. Monday is Presidents' Day. Friday afternoon at the beginning of a three-day weekend is probably one of the worst times to release something big, something that could shake to its core the very foundation of the Trump administration, because **most Americans will pay little attention to this beyond reading the headlines** – at least until Tuesday, when they return to work. The timing was deliberately chosen to ensure that most Americans would be greatly aware of the fact that Mueller had made indictments in "Russiagate," and that these indictments were of Russians, no less, and that there were many, thirteen in all. Wow, that's almost a dozen. According to plan, Mueller is counting on most Americans having little information beyond that. By Tuesday, I'm sure Mueller hopes many will have lost interest in the content of said indictments because in this world of instant everything, the extent of the allegations will be old news, and many will have already formed their ultimate opinion and thus won't care about the nitty-gritty. Why indict Russians, whom you can never bring to justice because there is no extradition treaty between the United States and Russia? **The crimes alleged and the people indicted are immaterial** to it all. In fact, it's better for Mueller that none of those charged will ever see a day in court. Fake identities on Facebook and Twitter and organizing rallies (mostly for Trump but also for Hillary) are not Earth-shattering crimes, and fake Facebook and Twitter accounts are not exactly rare. It's not as if Russia hasn't always meddled in our elections. Didn't Barack Obama try to meddle in Israel's election a few years ago? Maybe Mueller should indict him – or maybe the Israelis should. Oh, and let's not forget: they also spent $100,000 on political advertising on Facebook and Twitter. Please, give me a break – a hundred grand? The coffee budget for the Clinton campaign was probably a lot more than that. Are we supposed to believe that a hundred grand tipped a multibillion-dollar election? Maybe Mueller should have indicted every American who has ever used a fake identity on Facebook and Twitter for political purposes. Maybe Mueller should mobilize the Army and arrest everyone wearing a mask to hide his identity at an Antifa rally, done for political purposes and to raise money anonymously. Why now, why this, and why them? Mueller needed Russians. The MSM will salivate in onanistic glee, while your basic low-information citizen will hear the word "Russian" and assume that it proves Trump guilty. After all, it's been in the news for some time that this investigation is about Trump's collusion with the Russians to steal the election. Most importantly, he needed as many indictments of Russians as he could get, and he needed them now for two reasons. Reason one is that the indictments will give the media a basis to argue that the investigation is not the "witch hunt" it has increasingly been looking like, and reason two is that he is about to lose his prize: Flynn's guilty plea. Michael Flynn, Trump's national security adviser for a hot minute, copped a plea for lying to the FBI. Judge Rudolf Contreras of the FISC (the court that accepted from the Obama administration the Steele dossier as evidence supporting the issuance of a FISA warrant to spy on members of the Trump campaign) accepted Flynn's guilty plea. Six days later, Contreras was recused from the case. The new judge is Judge Emmet G. Sullivan. His first order directed Mueller to release to Flynn's lawyers any exculpatory evidence in Mueller's possession. He also ordered that "if the government has identified any information which is favorable to the defendant but which the government believes not to be material, the government shall submit such information to the Court for in camera review." In other words, any evidence Mueller feels is not material or contains classified information and therefore should not be released, must be provided to Judge Sullivan for him to make the determination as to what can and cannot be released – no hiding behind the magic of withholding evidence or prosecutor-determined redaction. Andrew McCarthy, the former assistant United States attorney for the Southern District of New York, who is famous for trying the "Blind Sheik," Sheik Omar Abdel Rahman, in the first World Trade Center bombing, noted, "Sullivan's order supersedes the plea agreement and imposes on the special counsel the obligation to reveal any and all evidence suggesting that Flynn is innocent of the charge to which he has admitted guilt." You see, Judge Sullivan was the judge in the Ted Stevens case. Do you remember him? He was the 85-year-old Republican senator from Alaska whose conviction for corruption was set aside by Judge Sullivan because the prosecution withheld exculpatory information. The prosecutors falsely charged and convicted a sitting U.S. senator who they knew was innocent. It is believed that because of Stevens's October conviction, he lost his November re-election bid to Democratic challenger Mark Begich. Judge Sullivan angrily stated at the time when he set aside the conviction a month later that "[i]n nearly 25 years on the bench, I've never seen anything approaching the mishandling and misconduct that I've seen in this case." Judge Sullivan also appointed an independent counsel to investigate misconduct by the government prosecutors. Judge Sullivan is a man of honor. Many once thought Mueller was as well. Sullivan is not about to let prosecutors railroad another defendant in his court by withholding evidence. Mueller's no dope; he knows that his **Flynn guilty plea is going to fly away.** After all, who would know better that if he can't withhold or redact, he has no case? He is also aware that **without Flynn's guilty plea and without these new indictments seeming to be more than they are** but also bounteous in nature, **his entire investigation will fold like the house of cards** it is. Lies and innuendo can get you only so far. There you have it: **meaningless indictments**, for mostly meaningless and insignificant crimes to **shore up a meaningless investigation** about to take a big hit when Flynn's prior guilty plea becomes meaningless.

#### Robert Mueller’s investigation won’t lead to any major implications, and even if it might, Trump can just stop the investigation altogether.

Lemieux ‘17 Scott Lemieux No Publication "Why Flynn's guilty plea won't bring down Trump" 12-4-2017 http://theweek.com/articles/740859/why-flynns-guilty-plea-wont-bring-down-trump | DP

On top of that, **It's hard to imagine at this point that Mueller will be able to complete his investigation. Trump can have Mueller removed, and he can also issue mass pardons to anyone he implicates**. Normally, a president wouldn't do this because he fears impeachment (or being forced to resign, like Richard Nixon.) But this isn't 1974. Congressional **Republicans have made it clear that they will not act to constrain Trump** as long as he can be a useful instrument to pass their agenda. And early Saturday, the Senate passed their tax legislation, which Republicans have been seeking to do since Trump's surprising victory. The omnibus bill is essentially a grab bag of awful Republican policy — it doesn't just massively cut taxes for the wealthy, it will take health care away from millions of people and raise taxes for many middle-class families, particularly those in states with decent social services. Trump will sign the bill when it passes in its final form, and that's all House Speaker Paul Ryan (R-Wis.) and Senate Majority Leader Mitch McConnell (R-Ky.) care about. In other words, **Trump can almost certainly still act with impunity because he is willing it facilitate a substantively awful and incredibly unpopular agenda. The Flynn plea probably won't change this.**

### A2: Approval Rating

#### Trump’s approval among Republican Congressmen has consistently remained high regardless of the absurdity of his actions, so voting for impeachment won’t happen.

Beinart ’17 Peter Beinart Atlantic "The Odds of Impeachment Are Dropping" 12-3-2017 https://www.theatlantic.com/politics/archive/2017/12/trump-impeachment/547358/ | DP

Among Republicans, **Trump’s approval rating has held remarkably steady**. The week Mueller was named, according to [Gallup](http://news.gallup.com/poll/203198/presidential-approval-ratings-donald-trump.aspx), **Trump’s GOP support stood at 84 percent.** In the days after Donald Trump Jr. was revealed to have written, “I love it” in response to a Russian offer of dirt on Hillary Clinton, it reached 87 percent. In Gallup’s last poll, taken in late November, it was 81 percent. **Trump’s approval rating among Republicans has not dipped below 79 percent since he took office. None of the revelations from Mueller’s investigation—nor any of the other outrageous things Trump has done—has significantly undermined his support** among the GOP rank and file. **Congressional Republicans have made it clear that they will not act to constrain Trump as long as he can be a useful instrument to pass their agenda.**

### Impact Turn

#### Pence will probably be just as bad – they share the same views and he’ll just continue Trump’s agenda.

#### Civil War – impeachment causes massive backlash by hardcore conservatives – turns the DA

Barnes 8/30 LUKE BARNES 8/30 AUG 30, 2017 https://thinkprogress.org/trump-supporters-war-civil-war-0c796c6f6763/

Televangelist Jim Bakker has warned that Christians would begin a second civil war if President Trump were ever impeached. “I predict if it happens there will be a Civil War in the US,” he said on the Jim Bakker Show in May, in a segment highlighted by Right Wing Watch that recently began making the rounds once again. “The Christians will finally come out of the shadows, because we’re going to be shut up permanently if we’re not careful, and God says that faith without works is death, we have to do things.” The televangelist’s proclamation is one of many in a series of predictions this year by far-right media figures who warn that there will soon be another civil war. Last week longtime Trump adviser Roger Stone warned that there would be a violent, armed response if Trump was impeached. “You will have a spasm of violence in this country, an insurrection like you’ve never seen,” he announced. “The people will not stand for impeachment. A politician that votes for it will endanger their own life**.**” “There will be violence on both sides,” he added. “I will make this clear. I’m not advocating violence, but I’m predicting it.” According to MediaMatters, conspiracy theorist Alex Jones was later “told” by Donald Trump that the president “really liked” Stone’s comments. The radio host has often bragged about how he has “influence” over the President and repeatedly said he’s communicated with him on certain topics.

## AT: Base

### Top Level

#### THERE IS LITEARLLY NO INTERNAL LINK, CALL FOR IT AFTER THE ROUND – their evidence just says that Trump hates the press and uses press-bad discourse but doesn’t say that it will cause his base to turn against him, DO NOT LET THEM EXPLODE THIS IN THE 2NR OR OVEREXPLAIN THIS, HOLD THEM TO A HIGH THRESHOLD ON A PIECE OF EVIDENCE THAT LITERALLY DOESN’T MAKE THE CLAIM THEY ARE SAYING

### Cards

#### Turn – there is broad bipartisan support for a reporter’s privilege.

Raskin ‘17 Raskin, Jaimie. “Reps. Raskin and Jordan Introduce Bipartisan Federal Press Shield Law.” Congressman Jamie Raskin, US Conressman, 17 Nov. 2017, raskin.house.gov/media/press-releases/reps-raskin-jordan-introduce-bipartisan-federal-press-shield-law.

Today, Congressman Jamie Raskin (MD-08) and Jim Jordan (OH-04) introduced the Free Flow of Information Act of 2017 (H.R.4382), **a bipartisan federal shield law that would protect the public’s right to know by safeguarding a free and independent press.** The legislation would establish **a federal statutory privilege** that would protect journalists from being compelled to reveal confidential sources and ensure that they can do their jobs without fear of imprisonment or intimidation. The legislation **was introduced this evening after Attorney General Jeff Sessions, in testimony before the House Judiciary Committee** earlier today, refused to commit to not jailing journalists for doing their jobs. Although many states have shield laws or some sort of reporter’s privilege, no such protection exists at the federal level. Dozens of journalists have served jail time, including former New York Times reporter Judith Miller, who served more than 80 days in jail for refusing to reveal a confidential source in 2005. “The First Amendment provides for a free press, but that guarantee means nothing if reporters cannot protect whistleblowers and confidential sources, or if reporters have to live in fear of prosecution or jail time,” said Raskin. “When the press is unable to do its job, the American people – and our ability to function as a democracy – suffer. A free press is the people’s best friend and the tyrant’s worst enemy.” “All of the rights protected in the First Amendment need to be defended,” said Jordan. “From the religious liberty in our churches, to the free speech of students on college campuses, to the ability of reporters to protect the confidentiality of their sources, these fundamental American freedoms must be strengthened and preserved.” Raskin and Jordan’s proposal for a federal shield law is identical to a previous bipartisan bill (H.R. 2102), which passed the House with overwhelming support on a 398-21 vote. The 2007 legislation was championed and cosponsored by Vice President Mike Pence when he was a Congressman representing Indiana’s 6th District. “Every day, we rely on the press to hold our government accountable, educate us about issues of public interest, and keep the American people informed,” Raskin continued. “Thomas Jefferson said, ‘Were it left to me to decide whether we should have a government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter.’ I’m with Jefferson and the rest of the Founding Fathers. **We need to make good on the constitutional promise of a free press**—one that is shielded from threats of jail time and criminal prosecution for performing their critical work. **It’s time to pass a federal shield law to protect the press, whose work is essential to protect strong democracy.”**

#### Trump capitalizes on any bipartisan victory – the aff bolsters his political capital.

Cook and Dawsey ‘17 Nancy Cook and Josh Dawsey, White House reporters for POLITICO, 2017 ("Tax reform becomes a must-win issue for the White House," POLITICO, Available online at http://www.politico.com/story/2017/07/19/tax-reform-becomes-must-win-for-trump-240691, Accessed 7/21/2017)

With President Donald Trump’s effort to undo Obamacare derailed by opposition from Republican senators, the White House has turned its attention to its next big shot at a big win: tax reform. The long-held GOP goal of re-engineering the U.S. tax system has now become a political imperative for **the Trump administration, which has yet to deliver any major legislative victories despite Republican control of the White House and both houses of Congress. “They know they could really use a win**,” said Larry Kudlow, an informal economic adviser to the Trump campaign, who met with Trump last week. “The president, from the get-go, has been much more comfortable with tax cuts than health care.” Donors and influential Republicans are particularly eager to see tax reform completed before the 2018 midterms — both for their own bottom lines and because **it will be harder for Republicans to hold on to Congress without policy accomplishments, White House advisers and outside supporters fear.** “If Republicans fail to repeal or at least substantially roll back Obamacare, it raises the stakes dramatically to pass into law a big, bold tax-reform plan,” said Tim Phillips, who leads Americans for Prosperity, the political group backed by the Koch brothers. “On the political side, **the biggest problem that Republicans could face in 2018 is not a partisan battle. It's a sense of incompetence and inability to govern** that will be most painful,” said Josh Holmes, a longtime McConnell adviser and former chief of staff. “Unless they can figure out how to reverse this quickly, you can see where this cascades into more issues past health care,” Holmes added. But consensus on the political value of achieving tax reform ahead of the 2018 midterm elections does not equal agreement on the policy details — and that could bedevil Trump’s next big policy push, just as the health care effort was undermined by insurmountable differences between moderates and conservatives in the Republican Caucus.

#### Politics is tribal---Trump’s base supports him because he’s on their team---they’ll support whatever policy he supports

Edsall ’17 Thomas B. Edsall, Professor of Journalism at Columbia University, 9/14/17, “Trump Says Jump. His Supporters Ask, How High?,” https://www.nytimes.com/2017/09/14/opinion/trump-republicans.html

There is more to this phenomenon than evangelical hypocrisy. Many **Republican voters**, including self-identified strong conservatives, are ready and willing to shift to the left **if** they’re told that **that’s the direction Trump is moving**. Michael Barber and Jeremy C. Pope, political scientists at Brigham Young University, reported in their recent paper “Does Party Trump Ideology? Disentangling Party and Ideology in America,” that many **Republican** voters are: malleable to the point of innocence, and self-reported expressions of **ideological fealty are** quickly abandoned **for policies** that — once endorsed by a well-known party leader — run **contrary to** that expressed **ideology. Those** most willing to adjust their positions on ten issues ranging from abortion to guns to taxes **are** firm Republicans, Trump loyalists, self-identified conservatives and low information Republicans. The Barber-Pope study suggests that for many Republicans **partisan identification is** more a tribal affiliation than an ideological commitment. Many **partisans are**, in effect, more aligned with the leader of their party than with the principles of the party. (Although Barber and Pope confined their study to Republicans, they note that Democrats may “react in similar ways given the right set of circumstances.”) President Trump’s ability to slide his supporters to the left or right will face a major challenge if he lives up to what Democratic congressional leaders described on Wednesday night as the beginnings of an agreement to prevent the deportation of nearly 800,00 undocumented young immigrants and to strengthen border security without building a wall. Barber and Pope’s paper expands on recent work by David E. Broockman and Daniel M. Butler, “The Causal Effects of Elite Position-Taking on Voter Attitudes,” which was published in the American Journal of Political Science. Broockman and Butler, who are political scientists at the Stanford Graduate School of Business and the University of California-San Diego, found that Voters often adopted the positions legislators took, even when legislators offered little justification. Moreover, **voters** did not evaluate their legislators more negatively **when representatives took positions these voters had previously opposed**, again regardless of whether legislators provided justifications. The findings are consistent with theories suggesting voters often defer to politicians’ policy judgments. Along similar lines, Christopher Achen and Larry Bartels, political scientists at Princeton and Vanderbilt, reject traditional views of democratic elections in their new book, “Democracy for Realists: Why Elections Do Not Produce Responsive Government.” Achen and Bartels argue that the “familiar ideal of thoughtful citizens steering the ship of state from the voting booth is fundamentally misguided.” In the conventional view, democracy begins with the voters. Ordinary people have preferences about what their government should do. They choose leaders who will do those things, or they enact their preferences directly in referendums. In either case, what the majority wants becomes government policy — a highly attractive prospect. Achen and Bartels dismiss this “folk theory of democracy” to argue that the more realistic view is that Citizens’ **perceptions of parties’ policy stands and their own policy views are** significantly colored by their party preferences. Even on purely factual questions with clear right answers, citizens are sometimes willing to believe the opposite if it makes them feel better about their partisanship and vote choices. They conclude “that group and partisan loyalties, not policy preferences or ideologies, are fundamental in democratic politics.” The Barber-Pope study took advantage of Trump’s exceptional propensity during the campaign to take multiple, often contradictory stands on issues. This allowed them to cite two opposing stands Trump had taken on a series of issues in order to test the willingness of Republican voters to follow Trump’s position to the left or right. The authors conducted a survey with YouGov of 1,300 voters broken into five subgroups, each of which was asked 10 questions using a research design that employed “both ‘conservative’ and ‘liberal’ Trump cues.” For example: 1. “Do you support or oppose increasing the minimum wage to over $10 an hour?” 2. “Donald Trump has said that he supports this policy. How about you? Do you support or oppose increasing the minimum wage to over $10 an hour?” 3. “Donald Trump has said that he opposes this policy. How about you? Do you support or oppose increasing the minimum wage to over $10 an hour?” 4. “Congressional Republicans have said that they support this policy. How about you? Do you support or oppose increasing the minimum wage to over $10 an hour?” 5. “Congressional Republicans have said that they oppose this policy. How about you? Do you support or oppose increasing the minimum wage to over $10 an hour?” The same variation was used on nine other contentious policy questions: increasing taxes on the wealthy, abortion, immigration, guns on school property, the Iran nuclear deal, universal health care, background checks for gun purchases, climate change and funding Planned Parenthood. The survey also asked respondents how much they approved of Trump, how they would describe their own ideology on a 5-point scale, and eight questions to rank their political knowledge. Barber and Pope found that people who identified themselves as strong Republicans **were** among the most malleable voters. When told Trump had adopted a liberal stance, these voters moved decisively to the left; when told Trump had taken a conservative position, they moved sharply to the right, as the accompanying chart shows. The same patterns emerged in the case of voters who strongly approve of Trump and among voters who describe themselves as “strong conservatives,” as I mentioned earlier. This last point suggests that instead of calling themselves strong conservatives, these voters are more accurately described as strong partisans. This, in turn, helps explain why most elected Republican officials accepted Trump’s equivocal response to the white supremacist marchers in Charlottesville, Va. last month. Nathaniel Persily, a professor of law and political science at Stanford, described his surprise at the docility of Republican officials in an email: While I and others had written extensively about the partisan tribalism of both elites and the mass public, I guess I would have expected greater defections by Republicans in the wake of Charlottesville. Persily went on to argue a related point: To some extent, I think that each Republican realizes that the electoral and political costs of opposing the president may always exceed the benefits — no matter what the issue. The extraordinary approval ratings Trump gets from his core voters further reinforce the unwillingness of Republican elected officials to defy him. Among Republicans who voted for Trump in the primaries, his approval rating in a Wall Street Journal/NBC News poll earlier this month stood at 98 percent. Among Republicans who did not vote for Trump in the primaries, his approval rating stood at 66 percent. I asked both Barber and Pope of Brigham Young what their thoughts on American politics are now that Trump has been in office eight months. Pope argued in an email that there has been too much emphasis on polarization and not enough on partisanship. While elites — elected officials and party activists — are ideologically polarized, the best the general public “can manage is a kind of tribal partisanship that does not really reflect the content of the elite discussion,” Pope wrote: Citizens pick a team, but they don’t naturally think like the team leadership does. And **when Trump tells Republicans to think in a new way, lots of people** happily adopt that new position because **they were never that committed to the old ideas** anyway. They’re just committed to the label. Republican leaders in the House and Senate, in Pope’s view, are struggling to come to terms with a hard truth: that much of the Republican electorate is not really interested in the conservative project as expressed by Paul Ryan or Mitch McConnell or the Freedom Caucus. They are hostile to immigrants and rather nationalist in outlook, but not consistently market-oriented or libertarian in their thinking the way that some Republican elites continue to be. In a separate email, Barber wrote that the commonplace phrase “all politics is identity politics” is a good description “of the state of the Republican Party, and the Democratic Party to a degree.” He noted that a large corporate tax cut “isn’t really an ideological priority for much of the rank and file” of the Republican Party, but “if it means that their side has ‘won’, then they are in favor of it. More broadly, I think it shows us that teamsmanship is much more important than any particular policy agenda.” What can we take away from all of this? First, **Trump’s base has given him** considerable leeway and his **strongest supporters** are likely to back him when he violates Republican orthodoxy — as he did recently by agreeing to a debt ceiling strategy proposed by Democratic leaders over the objections of their Republican counterparts. Second, the claims of ideological conservatives that a large segment of the electorate has turned to the right on policy issues is suspect at best. Third, and most significant, if the Barber-Pope, Broockman-Daniels and Achen-Bartels conclusions are right, American politics is less a competition of ideas and more a struggle between two teams.

#### No diversionary war – rhetoric not consistent with empirical realities.

Kelly 11/28 Robert Kelley American political analyst on inter-Korean affairs and associate professor in political science at Pusan National University PhD International Relations from OSU 11-28-2017, "World War III won’t be between a nuclear North Korea and the United States," Newsweek, <http://www.newsweek.com/world-war-3-nuclear-north-korea-trump-threats-724880>

One of the top stories of 2017 is the emergence of North Korea as a nuclear missile power. This was not a great surprise. North Korea has sought a nuclear weapon since at least the 1980s, and its program has been pretty serious since the early 1990s. Nevertheless, it always seemed that considerable hurdles—technical, logistical, financial, intellectual—stood in the way. Now it appears North Korea can launch a missile all the way to North America, and President Donald **Trump has elevated the issue to one of his chief priorities. He has used tough language against the North Koreans**, at some points appearing to threaten a massive, possibly nuclear, strike. **This has created much alarmism and paranoia that war is imminent. But there is** little empirical indication that this is so. I live in South Korea, and while there is much rumor, **there has been no new stationing here of major U.S. assets**. The military aircraft units necessary for an airstrike are not moving in. The armada Trump threatened in the spring still has not arrived. Leaves of U.S. soldiers are not being canceled. Noncombatants are not being evacuated. In short, a glaring gap has opened between the reality in South Korea and Trump’s warlike rhetoric. Keep Up With This Story And More By Subscribing Now At some point, **the Western media will catch on and begin to report** despite the Trumpian bombast, war is unlikely. Indeed, the president recently passed up his best chance to lay the public opinion groundwork for a strike in a speech to the parliament of South Korea. South Korean cooperation, if not open support, is vital for any such strike. Many of the necessary military assets are there, and South Koreans would bear the brunt of any Northern retaliation. Yet **Trump** did not use the opportunity to lobby for war or even a limited airstrike. Instead, he **promoted the decades-old U.S. effort to contain, deter, isolate and sanction the North.** If Trump isn’t bothering to sell an attack to the South, then the likelihood, no matter what he says on Twitter, is that he will not strike. The reason, after all the noise about how we cannot tolerate a nuclear North Korea, is that we can. For many years, the United States has put up with three other countries whom we deeply distrust—Russia, China and Pakistan—having nuclear weapons. Only once, in Cuba in 1962, did we consider blocking a nuclear expansion with military force. The result was the terrifying Cuban Missile Crisis. And while the U.S. arguably won that standoff, it so unnerved U.S. decision-makers, as well as the rest of the planet, that it never repeated the exercise. When China developed nuclear missiles in the 1960s and ’70s, we did not interfere, even though China was going through the tumult of the Cultural Revolution. Similarly, when Pakistan nuclearized in the 1990s, the U.S. did not intervene, even though Pakistan had, and still has, serious Islamic fundamentalism problems.In each instance, a state in deep ideological opposition to the U.S.—Stalinist, Maoist and Islamic fundamentalist—acquired nuclear weapons and set off an anxious discussion in the U.S. about “fanatics” with the world’s worst weapons. Yet the alternatives were even worse. Airstrikes on China would have set the whole of East Asia ablaze; dropping Special Forces into Pakistan to hijack its weapons—an idea briefly considered—would have been a near-suicide mission; striking the “Islamic bomb” might have sparked a regional Muslim revolt. In all cases, U.S. officials found the risks of action outweighed by the risks of trying to manage the new status quo. In time, Washington adapted. This is almost certainly what will happen with North Korea. Once again, “fanatics” have acquired the bomb, and nightmare scenarios of a nuclear war abound. Yet there is little indication that the North Koreans seek these weapons for offensive purposes. **Striking the U.S. with a nuclear weapon would clearly lead to the North’s rapid destruction. The Northern elite are not suicidal.** Instead, it appears that they wish to survive. They have pointed out that if Saddam Hussein or Muammar el-Qaddafi had had nuclear weapons, they would be alive today.

#### Republicans place party identification above policy positions---they’ll love Trump no matter what.

Barber ’17 Michael Barber 17, Assistant Professor of Political Science at BYU; and Jeremy C. Pope, Associate Professor of Political Science at BYU, 2017, “Does Party Trump Ideology? Disentangling Party and Ideology in America,” <https://www.dropbox.com/s/ofh5bzwnt4ixwdj/Does_Party_Trump_Ideology%3F.pdf?dl=0>

Are people conservative because they are Republicans? Or is it the reverse: people are Republicans because they are conservatives? Understanding the influence of partisanship on one’s issue positions and the influence of one’s issue positions on partisan affiliation has vexed scholars for decades because the two identities are so closely connected. Available evidence is open to interpretation. And though much has been said about this long-standing question, the concepts are nearly impossible to disentangle in modern America. Ideology and partisanship are highly correlated, and have become even more so over time.1 Thus scholars have talked about a kind of partisan polarization that assumes that citizens hold consistently ideological views. This is largely because partisanship, issue positions, and one’s self-described ideology are all so highly correlated. But the question remains as to whether citizens are primarily ideological or partisan. The election of Donald J. Trump as the 45th president of the United States helps us answer this important question. The virtue of Trump is that he defies ideological categorization while simultaneously being the leader of a major political party. This makes it possible to leverage Trump’s ideological schizophrenia to address the question of how partisanship and ideology interact. An example from 2016 helps illustrate the idea. In December of 2016 Politico reported that “in July 2014 just 10 percent of Republicans held a favorable view of [Vladimir] Putin, according to a poll conducted by the Economist and YouGov. By September of 2016, that number rose to 24 percent. And it’s even higher today: 37 percent of Republicans view Putin favorably, the poll found in December” (Nussbaum and Oreskes, 2016). Essentially, Republicans became four times more likely to view Vladimir Putin favorably over the course of about two years. The left panel of Figure 1 displays a more detailed picture of the change in opinion among both Republicans and Democrats over this period of time. What explains this dramatic shift in opinion among Republican respondents? Over this period little had changed in formal relations between Russia and the United States. Russia’s invasion of Crimea in Ukraine took place shortly before the first poll (in February of 2014) and the U.S. response had largely involved merely disputing the legitimacy of the annexation through diplomatic means.2 There were no other major Russia-related events to change opinion in this period, and the latter poll in 2016 was done long before the true scope of accusations about Russian meddling in American elections became widely known (in September of 2016 the story had barely been reported anywhere). This period, however, broadly coincides with the rise of Donald J. Trump as a political figure, his successful nomination as the Republican candidate for President, and eventual election as the President of the United States of America. Thus, the question to ask is to what extent Trump, his position within the Republican Party, and his relationship to the president of Russia altered Republican answers to public opinion questions. We suggest, and will show through a novel survey experiment, that these types of changes in responses of Republicans are rooted in partisan loyalty rather than thoughtful ideological changes in attitude about Russia or Vladimir Putin. Evaluations of Putin are far from the only area where Republicans have recently made a dramatic shift. Historically, Republicans have been the political party more likely to favor a conservative approach to trade policy—often favoring the expansion of free trade agreements between the United States and other countries. However, since Donald Trump entered the 2016 presidential campaign by descending a golden escalator, Republican support for free trade has similarly declined, now hovering around only 30% support (see the right-panel of Figure 1. Remarkably, in less than two years, support for a bedrock principle of conservatism fell by nearly 50% among members of the Republican party. Moreover, opinions of Putin and free trade are not isolated issues. In fact, similar stories could be told about Republican attitudes on immigration policy, Wikileaks, and other matters.3 These dramatic changes raise several important questions. First, how much does Trump and his views of politics, policy, and world affairs affect rank and file Republicans voters? More broadly, how are citizens’ opinions of political issues influenced by the position of parties and party leaders? Secondly, how could opinion on these important issues change so dramatically among Republicans over such a relatively short period of time? One possible explanation is many Republicans followed the new leader of the party and simply changed their minds about these issues when Donald Trump’s campaign offered its novel message. On the other hand, it may also be the case that Donald Trump’s unique issue positions, while alienating many traditionally conservative Republicans, brought in a new cohort of Republicans who supported the President’s unique suite of issue positions. The first explanation suggests that partisans may not have strong attachments to particular issues while the second explanation allows for closely held issue positions with weaker attachment to a particular party affiliation. Trump’s style will actually allow us to test his endorsement effect on a constant group of voters. Though partisans remain divided on the question of Trump’s value to the republic, political scientists can welcome his rise for one unique reason: Trump is positioned to help scholars untangle this extremely thorny problem. Those who study public opinion have long debated whether people affiliate with a particular party because of the issue positions that they already strongly hold or whether people adopt the issue positions of the political party they have chosen identify with for other reasons. Put another way, to what degree do people hold issue positions independent of their partisanship and to what degree are their issue positions weakly held reflections of their chosen party’s platform? Furthermore, to the degree that both of things occur, how much of each effect is going on and for which kinds of citizens? Putting the question in these terms suggests thinking of two key groups: partisan loyalists and ideologues. In this dichotomy, pure partisan loyalists are unswervingly loyal to their party, but they care very little (if at all) about the underlying issues endorsed by the party. Changing issue positions by a party causes no problem for these people as they simply adopt the party’s new position. Loyalists merely take the party line on all questions—regardless of whatever that position might be. True ideologues, on the other hand, would behave in exactly the opposite fashion. These people should be highly loyal to the underlying principles and policies that arise from those principles. Loyalty to those ideas implies that ideologues people should remain faithful to those principles regardless of which party or partisan leader espouses those views. Of course, most people likely fall somewhere between these pure types with a mix of partisan loyalty and ideological commitment. Distinguishing these two types—partisan loyalists from ideologues—is, however, extraordinarily difficult because partisanship and ideology virtually always run in the same direction. This is especially true in contemporary America. As long as Democrats are more likely to be liberals and Republicans are more likely to be conservatives it becomes extremely difficult to cleanly distinguish between these types. Enter Donald J. Trump. The great virtue of Trump for research design is that he defies ideological categorization—especially in the period under consideration in this paper: the 2016 campaign and the very early part of his presidency in 2017. President Trump regularly takes (and as a candidate took) multiple positions on multiple issues. Many of these positions rested on opposite sides of the ideological spectrum. For example, Philip Bump, of The Washington Post pointed out in the spring of 2016 that “Donald Trump took 5 different positions on abortion in 3 days,” a remarkable record made all the more notable by the fact that one of the positions was to uphold Roe v. Wade, while a separate version of his position was that abortion should be outlawed and women who obtained an illegal abortion should be be punished.4 Trump sometimes offered contradictory statements within the same sentence. In a May 25 interview with Yahoo News, he is quoted as saying “I don’t want to have guns in classrooms, although in some cases, teachers should have guns in classrooms, frankly.” Rare is the candidate that can effectively get away with such behavior.5 Trump’s very ideological incoherence makes it possible to study how people react to ideological cues given by the leader of a major political party. What is special to Trump—and perhaps unique—is that in many cases these cues go in the opposite direction of the traditional party orthodoxy. Thus, this unique politician affords us the opportunity to see which people follow the party and cue giver versus adhering to a fixed ideological position. In other words, when Trump, as the leader of the Republican party, announces a policy position that has been traditionally embraced by liberals, do Republicans, who typically self-identify as conservatives accept the liberal policy as the new position of their party or do they stick to their ideologically conservative guns? The findings of this paper—which performs exactly this experiment in early 2017 before Trump had much of a governing record to scrutinize6—are as follows. When told that Donald Trump supports a liberal policy, Republicans are substantially more likely to also endorse this policy compared to the same question with no mention of Trump’s position. The same is also true, to a smaller extent, when Republicans are informed that Trump supports a conservative policy. Furthermore, these treatment effects vary across the population. Low-knowledge respondents, strong Republicans, those who approve of Trump, and self-described ideological conservatives are the most likely to respond to the treatment condition in both a liberal and a conservative direction, depending on the content of the treatment not on the ideological predispositions of the group. The random presentation of either a liberal or conservative Trump position provides our experiment with excellent internal validity. However, the project also has better external validity than previous experiments involving fictional candidate positions or vignettes because President Trump has actually taken each of the issue positions presented. The implications of this paper are that many people react just as we would expect partisan loyalists to react. Many people’s expressed issue positions are malleable to the point of innocence, and self-reported expressions of ideological fealty are quickly abandoned for policies that—once endorsed by a well-known party leader—run contrary to that expressed ideology. However, we also note that not everyone behaves this way. In fact, our experiment gives evidence that, among Republicans, the politically knowledgeable, those who do not approve of the cue-giver, and self- described moderates and liberals are not all that likely to change their views when informed of President Trump’s positions. On balance, however, the picture is one of people who emphasize partisan attachments over ideological principles. We conclude the empirical section of the paper by noting that for a one dimensional model of ideological beliefs, being shown a “liberal” Trump’s policy positions moves Republicans nearly halfway towards being pure independents.

#### Trump lash out will be small – he’ll conduct an airstrike or a raid, not a full-on war

Tierney ’17 Dominic Tierney 17, PhD in international politics from Oxford University, 6-15-17, “The Risks of Foreign Policy as Political Distraction,” https://www.theatlantic.com/international/archive/2017/06/trump-diversionary-foreign-policy/530079/

But what about military force? To be clear, there is little cause to speculate that Trump plans to launch a full-scale war solely to distract attention. For one thing, as president, the worst possible time to start a major military campaign is when you’re deeply unpopular. And the political upside is shaky at best. Recent big wars in Afghanistan and Iraq were politically damaging to George W. Bush. Even victory doesn’t guarantee a pay-off, as George H. W. Bush discovered when he won the 1991 Gulf War and then lost his bid for reelection in 1992. A crisis may arise where there are real national-security rationales for fighting, along with potential domestic gains.

#### Trump will divert through Twitter and screaming at Nike – too many checks on diversionary war

Bershidsky 17 – Bloomberg view columnist, 2017 (Leonid, “Trump a master of diversionary tactics,” *Frederick News Post*, <http://www.fredericknewspost.com/opinion/trump-a-master-of-diversionary-tactics/article_19f13378-2e36-5d9b-bec2-6a15b056ee0c.html)>

President Donald Trump’s executive activity has been frantic in the first days of his term. He has moved to keep a number of the scary promises that were easier to dismiss as unfeasible during the campaign than to accept as actual policies in the real world. But the big stories he has generated have had nothing to do with these actions. According to data collected by BuzzSumo.com, the most widely shared CNN news story about Donald Trump since Jan. 21 was one about his press secretary, Sean Spicer, attacking the media for their reporting on inauguration attendance. It was shared 169,700 times on Facebook. A story on Trump’s executive order to start rolling back Obamacare clocked just 71,100 shares. On The New York Times’ website, the most widely shared story debunked Spicer’s “alternative facts.” It showed up on Facebook 170,900 times. The New York Times piece about Trump’s executive order abandoning the Trans-Pacific Partnership got 44,600 shares. This is the result of a manipulation strategy described long ago by Noam Chomsky: “Keep the adult public attention diverted away from the real social issues, and captivated by matters of no real importance.” Leftists such as Chomsky argue that this is what capitalist elites do, but I know it as a common tactic of kleptocratic regimes such as Vladimir Putin’s in Russia. There’s even a term for the tactic: “diversionary conflict.” Faced with economic difficulties or other problems potentially threatening to its survival, the regime starts a war somewhere or sharpens domestic ethnic divisions. Since the oil price plummeted in late 2014, the Putin regime has kept Russians on a steady diet of war news from eastern Ukraine and Syria (Russia and its allies have been winning). With the Syrian operation, Putin sharply raised his international standing, but a big reduction in protests against worsening economic conditions has probably been more important to him. In neighboring Ukraine, every time a government finds itself in trouble and particularly unpopular, the matter of the country’s linguistic division surfaces, with various groups trying to promote or ban the Russian language. Former President Viktor Yanukovych used the language matter as cover for passing other unpopular legislation. Now, with President Petro Poroshenko’s popularity at a nadir, reforms stalled and the cost of living rising sharply, Ukrainians are distracted by the discussion of a new language law that would make Ukrainian obligatory in public life, under threat of fines. Trump doesn’t need to start wars: He and his team know how emotional many Americans are about him. He can choose what he wants to be hated for -- preferably for something silly and unrelated to his actual priorities at the moment. He used this to his advantage during the campaign: His alleged sexual misconduct took up so much media time and public attention than issues like his business history, his tax returns and his proposals. As the inauguration attendance argument played, Trump has been busy. Apart from starting the Obamacare rollback and withdrawing from the TPP, he has frozen a reduction of mortgage insurance premiums, allowed the Keystone Pipeline to go ahead and prepared to sign an executive order to begin construction of a border wall. Well aware that some of these important actions might cause indignation and targeted protest, Trump has tossed out another meaningless football for the media and the public to fixate on. “I will be asking for a major investigation into VOTER FRAUD, including those registered to vote in two states, those who are illegal and even those registered to vote who are dead,” he tweeted. Sure enough, at the time of this writing, the CNN story about this was the most shared in the last 24 hours, with news about the border wall order coming a distant second. Just as it was unimportant how many people attended the inauguration, it doesn’t matter at all at this point whether undocumented immigrants actually voted last November and whether any votes were cast for dead people. No one is challenging the results of the election. The wall and the Keystone Pipeline matter, yet are much smaller stories in terms of readership. Trump and his team are already showing a flair for diversion. Is it enough to discourage the kinds of mass protests that such aggressive moves on lightning-rod issues might spark? We’ll know in the coming days and weeks, though protesters’ energy was certainly sapped by the massive women’s march, which took place before Trump actually did anything damaging to women’s rights. Trump’s and his team’s communications look awkward, inept, gallingly primitive. It’s time to wise up: These people know what they’re doing. They want their political opponents to be confused, to flail at windmills, to expend emotions on meaningless scandals to distract them from any targeted, coordinated action against specific threats. There are going to be many of these: Trump appears intent on keeping his promises. Calm concentration is needed to counteract dangerous policies.

## AT: Cyber

## AT: Terror

### Top Level

#### Their impact should’ve already happened – reporting about how shitty our national security is DOESN’T REQUIRE reporters’ privilege, THEIR UNIQUENESS EVIDENCE PROVES THIS BECAUSE IT PROVES THAT NATIONAL SECURITY IS LOW NOW, AND SOMEONE OBVIOUSLY REPORTED ABOUT THAT, whistleblowing is only unique to preventing surveillance because our Hagopian evidence proves that requests to report about surveillance have been shutdown

#### To use “national security” as a reason to shut down whistleblowing is the same rights violation and removal that justified the US intervening in other countries and drone striking innocent civilians in the Middle East

#### Reject their mindset that there is always an existential risk to be stopped

#### Every impact has a 1% chance of being true, there’s a reason why NONE of the extinction impacts we say are going to happen never actually happen, I could tweet that Trump is an asshole that doesn’t understand national security and your framing would frame that as a “national security threat” which is obviously a wrong way to calculate impacts

#### Human rights violations and suffering of millions creates conditions where it’s not just IMMEDIATE death or short-term death, instead it’s a life of suffering and torment where there is NO such thing as pleasure because the state controls every action you take

#### Extend our Caplan evidence from the advantage – bare life outweighs because it creates the conditions where nothing is pleasurable for an infinite amount of time, which weighs strongest under our framework

### Cards

#### No terror threat

Pena ’10 [Pena, author in Coalition for a Realistic Foreign Policy and other Think Tank. 2010(Charles "Still mesmerized by WMDs" http://original.antiwar.com/pena/2010/06/24/sb11-mesmerized-bywmds) second]

Terrorism is not an existential threat. Although terrorists may be able to cause great harm, they do not have the ability to destroy the United States. We need to stop talking and acting as if they do. Interestingly. when a sked "What are thereat existential threats that refocused on?" Flournoy said, 'Th ere are many." Oh really? The United States isfaced with "many' edstential threats? The lastbme I checked, the only real existential threat was the shrinking Russian nuclear arsenal. Even though Russia isn't supposed to bethe adversaryth at the former S oviet Ur] ion was, the U.S. and Ru ssia ski II maintain a similar nu clear po stireto ward each other-both sides continueto target their strategic nuclear weapons a gainst ea ch other just asthey did d uring th e Cold War. So tho se warhea ds (estimated at o ver 3,00 0 currently) represent an eAstenba I thre+1. But beyond the Russian nuclear arsenal, no other county in the world has the capabilityto destroy the United States China is esbmated to have as many as 50 intercontinental range nuclear missiles. which would be ab leto inflicttrennendous damage but not utterly obliterate the United States — plus the larger and more technologically advanced U.S, strategic nuclear arsenal acts as a powerful deterrent against China or any other nuclear power. Nexus between terrorism and weapons of mass destruction as an existential th reat? -There's an old saying: Fool me once, sha me on you; fool me twice, sha me on me. So whom does the Oba ma administration think they're toting

#### Terror threat overblown – we’re more likely to be hit by a comet

Mueller ’05 John Mueller. "I sThere Still a Tarorist Threat?" FOREIGN AFFAIRS v.85 n. 5. September/October 2005. p. 2+.

But while feeping such pciential dangers in mind, it is worth remembering that the total number of people killed since 9/11 by al Qaeda or al Qaeda-like operatives outside of Afghanistan and Iraq is not much higher than the number who drown in bathtubs in the United States in a single year, and that the lifetime chance of an America n being killed by international terrorism is about one in 80,000 - about the same chance of being killed by a comet or a meteor. Even if there were a al 1- sc ale attack e \,ery thee months for the next five years, the likelihood that an individual Amer.c an would number among the dead would be two hundredths of a percent (prone in 5,000). Although it remains hereti:al to say so, the evidence so far suggests that fea rs of the omnipotent terrorist - reminiscent of those inspired by images of the 20-foot-tall Japanese aft r Pearl H arbor o r the 20-foot-tall Communists at various points in the Cold War (particularly after Sputnik) -- may have been overblown, the threat presented within the United

#### Trump on the brink of military expansion – increased domestic terrorism would trigger a massive expansion to fight terrorism

May 2/4 (Charlie May (), It’s Trump’s war on terror now, and the endless war will march on, Salon, 2-4-2018, 2-9-2018, https://www.salon.com/2018/02/04/its-trumps-war-on-terror-now-and-the-endless-war-will-march-on/, AS.]

It’s Trump’s war on terror now, and the endless war will march on The Trump administration has dramatically escalated global conflicts, and civilian deaths — with no end in sight [CHARLIE MAY](https://www.salon.com/writer/charlie-may)02.04.2018•10:00 AM From the floor of the House on Tuesday night during his State of the Union address, President Donald Trump boasted of his accomplishments in the war on terror that he inherited. He highlighted the near-defeat of the Islamic State, vowing to refill the prison at Guantanamo Bay, and put the world on notice that America would rebuild its nuclear arsenal. The one thing he lacked was an exit strategy for the never-ending American military campaign that began more than 15 years ago. Despite promises made by Trump on the campaign trail and while in office, the world will not be a safer place. Conflicts will continue; tensions will escalate; and the United States will continue to feel the [ramifications](https://theintercept.com/2018/01/29/isis-iraq-war-islamic-state-blowback/) of its endless foreign military interventions in Middle Eastern and African nations. On the international stage, things look bleaker than ever as Trump ramps up military operations afar, and pushes for policy that seals the borders at home. Trump's speech also turned back the clock on the global fight against terrorism and explicitly promised to not only bring back the shadowy Bush-era tactics — some of which expanded throughout the Obama era — but on steroids. Worse yet, he proposed they would be done openly, brazenly and without question. Trump's political posturing on the global war on terror has been largely overlooked as Americans have grown to be further and further removed from the country's conflicts abroad. Drone warfare The impact Trump made, however, was [immediate](https://www.salon.com/2017/08/06/trump-war-on-terror/). After one year in office, Trump has dramatically escalated several U.S. conflicts abroad; civilian death tolls have skyrocketed. Under Trump, the controversial drone program "has resulted in more loss of life from drone strikes than all eight years of Obama’s presidency," [according](https://reprieve.org.uk/update/game-changer-trumps-new-attacks-on-human-rights/) to Reprieve, an international human rights organization. "Trump ripped up the limited safeguards President Obama put in place. This is now industrial-scale executions, hugely expanded in both scale and callousness, conducted with no regard for human life or human rights." The fight against ISIS In the past year the U.S. has made serious gains on the ground against the ISIS, liberating the group's two primary strongholds in Mosul, Iraq, and Raqqa, Syria. But as Trump declared victory, he overlooked that Americans [won't be able to extricate themselves](http://www.independent.co.uk/news/world/middle-east/isis-life-in-tel-kaif-mosul-iraq-action-against-hunger-a7721881.html)anytime soon. And so, the question of a post-ISIS [landscape is an open one](https://www.irinnews.org/analysis/2017/10/23/winter-coming-who-will-rebuild-raqqa). U.S. military presence in Syria is now indefinite, Secretary of State Rex Tillerson [announced](https://www.nytimes.com/2018/01/17/world/middleeast/tillerson-troops-syria-islamic-state.html) in January. The wars the U.S. has engaged in no longer have timelines or clear-cut exit strategies, instead, presence is timeless, conflict is inevitable and the lines of the battlefield have dissolved to near-invisibility. Operations in Africa Across Africa, U.S. military operations [have bloomed](https://news.vice.com/en_us/article/ywn5yy/us-military-secret-missions-africa), and are predominantly conducted in clandestine fashion, with little public knowledge or debate. It's true, however, that this was a likely destiny with Trump at the helm or not, but his bombastic rhetoric and short-fused temperament certainly make the prospect all the more dangerous. U.S. counterterrorism operations have spread throughout the continent in recent years, and are kept in almost complete secrecy, depriving the public of any knowledge for debate. Last October, four U.S. Special Forces soldiers were killed in an ambush along the border of Mali and Niger. In the wake of the incident, Trump cast the blame on his generals. He followed that up by engaging in a feud with the widow of one of the slain soldiers, Sgt. La David Johnson, over whether or not the president remembered the [widow's husband's name](https://www.salon.com/2017/10/18/mother-of-slain-soldier-david-johnson-donald-trump-disrespected-us/). Guantanamo Bay The horrors of the U.S. military prison in Cuba, and the [radicalization](https://www.theatlantic.com/international/archive/2013/04/how-guantanamo-bays-existence-helps-al-qaeda-recruit-more-terrorists/274956/) of its prisoners, are [well-documented](https://www.amnesty.org.uk/guantanamo-bay-human-rights). Only 41 men remain in the prison, several of whom have never once been charged with a crime or promised a fair trial. Eight of those men are [represented](https://reprieve.org.uk/update/trumps-guantanamo-executive-order-undermines-american-values/) by Reprieve. Of course, Trump touted his reversal of an Obama-era executive order to close GITMO — something the 44th president never saw happen — and promised to send new faces to indefinite detention. On the campaign trail Trump [promised](https://www.huffingtonpost.com/entry/the-torture-friendly-trump-administration_us_5970f6b2e4b0d72667b05f0d) to bring back torture and go after the families of terrorists, something both he and his predecessor have [already achieved](https://theintercept.com/2017/01/30/obama-killed-a-16-year-old-american-in-yemen-trump-just-killed-his-8-year-old-sister/). Michael Baker on civil liberties and national security Former CIA operative Michael Baker discusses the origins of the war on terror and national security. Afghanistan Now old enough to drive, the war that started the new global interventionist wave looks worse than it ever has before. The Taliban resurgence has been both [fierce](https://www.theguardian.com/world/2017/aug/03/afghanistan-war-helmand-taliban-us-womens-rights-peace) and predictable. Despite U.S. hopes to strike a deal with the Taliban in peace talks, Trump [undercut](https://www.salon.com/2018/01/30/trump-rules-out-peace-talks-with-taliban-undercuts-u-s-strategy/) the idea and said he would be unwilling to speak with the group. The amount in which the Taliban maintains control over Afghanistan has been disputed, but a [recent](http://www.bbc.com/news/world-asia-42863116)BBC study found that Taliban fighters are active in 70 percent of the country. Findings from the 38th quarterly report conducted by the Special Inspector General for Afghanistan Reconstruction (SIGAR) proved that despite Trump's escalations, little progress has been made. "[T]he expanded authorities provided to U.S. forces in Afghanistan have resulted in a significant uptick in U.S. air strikes and special operations against the insurgency, with the U.S. dropping 653 munitions in October 2017, a record high since 2012 and a more than three-fold increase from October 2016," the report [said](https://www.sigar.mil/pdf/quarterlyreports/2018-01-30qr-section3-funding.pdf). "These actions have yet to increase the Afghan government’s control over its population." The endgame Since the turn of the century, American wars have become a can for presidents to kick down the road — only to be mentioned in the broadest of terms, if at all. All the while, Trump has eschewed diplomacy as a quiver in the American arsenal. He has shown no intention of reducing military expenditures. As he used tragedies for his political benefit, he's ignored [right-wing extremism](https://www.pbs.org/newshour/show/u-s-sees-300-violent-attacks-inspired-far-right-every-year) at home, letting it fester.

#### Maximizing dissuasion power is key to prevent global instability

Thayer ‘07 (Bradley A.; Associate Professor in the Dept. of Defense and Strategic Studies at Missouri State University; American Empire: A Debate – Reply to Christopher Lane: The Strength of American Empire; pg 103)

In contrast to Layne’s argument, maximizing the power of the United States aids its ability to defend itself from attacks and to advance its interests. This argument is based on its prodigious economic, ideological, and military power. Due to this power, the United States is able to defeat its enemies the world over, to reassure its allies, and to dissuade states from challenging it. From this power also comes respect and admiration, no matter how grudging it may be at times. These advantages keep the United States, its interests, and its allies secure, and it must strive to maintain its advantages in international politics as long as possible.

#### Lack of U.S. power leaves behind a power vacuum, spurring terrorism, economic turmoil and nuclear war.

Ferguson ’04 Niall Ferguson, July/August 2004 “A World Without Power,” FOREIGN POLICY Issue 143

So what is left? **Waning empires. Religious revivals. Incipient anarchy. A coming retreat into fortified cities. These are the Dark Age experiences that a world without a hyperpower might quickly find itself reliving**. The trouble is, of course, that this Dark Age would be an altogether more dangerous one than the Dark Age of the ninth century. For the world is much more populous-roughly 20 times more--so **friction between the world's disparate "tribes" is bound to be more frequent**. Technology has transformed production; now human societies depend not merely on freshwater and the harvest but also on supplies of fossil fuels that are known to be finite. **Technology has upgraded destruction**, too, so it is now possible not just to sack a city but to obliterate it. For more than two decades, globalization--the integration of world markets for commodities, labor, and capital--has raised living standards throughout the world, except where countries have shut themselves off from the process through tyranny or civil war. **The reversal of globalization--which a new Dark Age would produce--would certainly lead to economic stagnation and even depression**. As the United States sought to protect itself after a second September 11 devastates, say, Houston or Chicago, it would inevitably become a less open society, less hospitable for foreigners seeking to work, visit, or do business. Meanwhile, as Europe's Muslim enclaves grew, **extremists' infiltration of the EU would become irreversible, increasing trans-Atlantic tensions over the Middle East to the breaking point. An economic meltdown in China would plunge the Communist system into crisis, unleashing the centrifugal forces that undermined previous Chinese empires**. Western investors would lose out and conclude that lower returns at home are preferable to the risks of default abroad. The worst effects of the new Dark Age would be felt on the edges of the waning great powers. The wealthiest ports of the global economy--from New York to Rotterdam to Shanghai--would become the targets of plunderers and pirates. With ease, terrorists could disrupt the freedom of the seas, targeting oil tankers, aircraft carriers, and cruise liners, while Western nations frantically concentrated on making their airports secure. Meanwhile, limited **nuclear wars could devastate numerous regions, beginning in the Korean peninsula and Kashmir, perhaps ending catastrophically in the Middle East**. In Latin America, wretchedly poor citizens would seek solace in Evangelical Christianity imported by U.S. religious orders. In Africa, the great plagues of aids and malaria would continue their deadly work. The few remaining solvent airlines would simply suspend services to many cities in these continents; who would wish to leave their privately guarded safe havens to go there? For all these reasons, the prospect of an apolar world should frighten us today a great deal more than it frightened the heirs of Charlemagne. **If the United States retreats from global hegemony--its fragile self-image dented by minor setbacks on the imperial frontier--its critics at home and abroad must not pretend that they are ushering in a new era of multipolar harmony**, or even a return to the good old balance of power. Be careful what you wish for. **The alternative to unipolarity would not be multipolarity at all. It would be apolarity--a global vacuum of power. And far more dangerous forces than rival great powers would benefit from such a not-so-new world disorder.**

## AT: Federalism

## AT: Heg

#### DO NOT TRUST TRUMP ON MAKING OUR COUNTRY LOOK POWERFUL– he’s tearing down government and has a zero-sum approach to policy

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The result is that among voters–who are the people who really matter, in a democracy–almost no one respects the presidency anymore. Half of them loathe the 45th president; the other half voted him in with the express intention of seeing him throw bombs and tear down the very institutions of governance that created whatever level of peace and prosperity America currently enjoys. In this context of debased institutions, Trump is going to have enormous power but much less legitimacy. So the question then arises: What is he going to do with all that power? And remember, this is a man who can unilaterally obliterate life as we know it. A hawkish bully with zero foreign-policy expertise has his finger on the nuclear trigger; on top of that, a bombastic billionaire with zero economic expertise is now in charge of the U.S. economy, which in turn will set the macroeconomic tone for the entire planet. Trump, it’s important to remember, does not have allies. In politics, he was supported by almost no traditional power brokers until the very end; in business he has a long history of doing badly by his contractors, lenders, and the like. For Trump, life is a zero-sum game with winners and losers, and unless someone else is losing, he can’t be winning. This doesn’t bode well for anybody, inside or outside the USA, whose name isn’t Trump.

#### Trump’s ascendance is a textbook power coup – history proves rule of law is now lost and the reign of the alt-right’s here

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The election of Donald Trump raises serious worries about the future of the rule of law in the United States. Many an authoritarian has taken power from a democratic state under the banner of populist nationalism, and Trump’s association with illiberal and antidemocratic individuals and groups (from Vladimir Putin to Steve Bannon and the “alt-right”) has raised the worry that Trump does not respect the basic norms of our Constitutional order. How Legal Orders Collapse Some reflections on the rise of authoritarians of the recent—as well as distant—past can give us a clue about how worried we should be. The destruction of legal checks on political power tends to follow a well-established playbook dictated by the strategic constraints on powerful executives.

# A2: Counterplans

## General Responses

### AT: PICs

#### Inherent solvency deficit – a free press necessitates the exposure of all perspectives to the public – the shutting down of false information reifies this form of discursive policing in public spaces and educational apparatuses – that’s our Giroux evidence

#### 3. Extend **Gora ’08** – complete confidentiality is key – anything else destroys the rights of journalists all together.

#### 4. Foucault says that the specificity and thoroughness of regulations intensify the machinations of power which attempt to meticulously control individuals’ lives. Takes out the PIC – specifically banning one type of confidentiality and allowing others amplifies the disciplinary power of political institutions.

#### 5. PICs are another form of discipline – they remove some people’s rights which regulates information under the purview of structures of power

#### 6. Crossapply **Moten and Harney ‘13** – the desire for security replicates totalitarian forms of control which leads into aggression – the PIC is an instantiation of one desire for protection from false information which links into the aff

#### 7. PIC fuels cyclical desire for safety and their impacts are irresolvable and inevitable – only the aff solves – that’s **Giroux ‘13**

## AT: States

### Top Level – States

#### **Non-unique – most states already have shield protection laws already but they don’t solve for federal surveillance by the NSA – that’s Rottman 6/9**

#### Aff solves – only federal enforcement can stop government surveillance – that’s Posetti ‘17

#### Perm do both – we pass the plan and allow the states to flexibly implement it.

#### a. Shields the link – it’s an example of cooperative federalism.

Dorf ‘17 - Michael C. Dorf, ("Should Federalism Play a Role in the Interpretation of Civil Rights Laws?", VERDICT, 3-8-2017, Available Online from https://verdict.justia.com/2017/03/08/federalism-play-role-interpretation-civil-rights-laws, Accessed on 7-24-2017 by JS)

Some federal statutes explicitly contemplate participation of state government officials in carrying out their objectives. Federal laws such as the Clean Air Act and the Clean Water Act as well as federal programs like Medicaid and highway grants are just some examples of so-called cooperative federalism: The federal government sets the broad policy and provides most or all of the funding; states that choose to participate have an important role in implementing the policy. States’ rights are baked into such programs. Even when a federal law does not require or encourage state participation in its implementation, a court construing unclear provisions of that law might do so in a way that preserves flexibility for states. Why? Three sorts of reasons can be offered. First, conditions might vary from place to place. By construing a federal statute to allow state and local governments greater freedom, courts leave open possibilities that suit such different conditions. Second, even when the relevant conditions are relatively uniform nationwide, construing federal law to provide states and localities more freedom encourages a variety of approaches. Such freedom allows each state to serve as what Justice Louis Brandeis famously called “a laboratory” for “novel social and economic experiments without risk to the rest of the country.” Third, the U.S. Constitution creates a system of dual sovereignty in which the federal government acts on its enumerated powers while the states act on their reserved powers when doing so does not conflict with either a federal law or the Constitution itself. The Supreme Court has sometimes narrowly construed federal statutes to avoid attributing to Congress the intention to go all the way to the edge of its powers or required a clear statement by Congress to do so.

#### b. Perm solves – state enforcement is no replacement for federal leadership

Kay et al. ‘12 (David J. Kay is a Research Analyst in the Center for Technology and National Security Policy (CTNSP), Institute for National Strategic Studies, at the National Defense University. Terry J. Pudas is a Senior Research Fellow in CTNSP. Brett Young was a Research Assistant in CTNSP. August 2012. Preparing the Pipeline: The U.S. Cyber Workforce for the Future. Institute for National Strategic Studies. www.dtic.mil/docs/citations/ADA577318)

One of the primary challenges facing state and local governments is their inability to attract and retain competent individuals. All states, except Vermont, have a legal requirement to balance their budgets. States were hit particularly hard by the 2008 financial crisis, and Federal funding to assist states with budget shortfalls, enacted as part of the 2009 Recovery Act, has expired. Although state finances are improving as the economy begins to recover, states will continue to face historically large shortfalls in the coming years.20 As a result, states that were once able to attract cyber talent with generous benefits packages are no longer able because of fiscal realities. Impending across-the-board budget cuts will affect not only recruitment, but also the retention of skilled employees. Recent trends indicate that states currently only spend about 2 percent of their IT budget on security, even though the accepted industry standard is about 5 percent. Some states are also geographically disadvantaged. Top-level talent often receives offers from the private sector and a wide array of Federal agencies. Individuals with low-density, high-demand skill sets generally choose to pursue top-dollar employment options in Silicon Valley and large metropolitan areas rather than geographically remote areas. As stated, state, local, and tribal governments have difficulty competing with salaries and benefits packages offered by the private sector and Federal Government, especially in the current fiscal climate.

#### Worst case the counterplan is fiat abuse – it’s impractical and the literature proves

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. / MM

Still, as noted earlier, the concerns about the use of shield laws to protect anonymous commenters are not fanciful. The question becomes one of how to accommodate protection for anonymous commenters without risking legislative backlash. The options include having news organizations alert commenters that they are being sought by litigants and then letting them defend themselves with a Dendrite-Cahill-Brodie theory; continuing to protect the commenters with shield laws, but doing so [\*123] more selectively; or expanding shield law protection, either through legislation or court interpretation, to protect all anonymous commenters as sources **in all states** that have shield statutes. The third option **seems impractical because of the amount of coordination and time it would take to change the law nationwide, and it could exacerbate the risk that legislators would tinker with the laws in undesirable ways.** The first option has the advantage of creating a relatively level playing field for all commenters to a Web site, regardless of who owns the site. But it does not address news organizations' ethical, practical and business reasons for wanting to protect the comment forums they have created or otherwise maintained.

### Fiat Abuse

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### Perm: Smith 13

#### Whoopsies, you missed a line that justifies perm do both and resolves the link to <>

Smith 13, Dean C., journalist and author, A theory of shield laws: journalists, their sources, and popular constitutionalism, LFB Scholarly Publishing LLC, 2013. / MM

As to the future of journalist privilege, three distinct lobbying efforts are called for. First, with shield laws now on the books in 40 states and the District of Columbia, it would be worth mounting a lobbying campaign in the remaining states; achieving unanimity in all 50 states would create a powerful statement of public support for protecting journalists’ sources. Second, as this study and others have indicated,23 press advocates should direct some of their lobbying efforts to states with older shield laws, especially those with statutes adopted in the 1930s and 1940s, to bring these laws in line with best practices; achieving uniformity in these laws, especially with regards to broadly worded covered-person and covered-medium definitions, also would create a powerful public policy statement. Third, the campaign for a federal shield law must continue, and the Senate’s current bill should be held up as a model for drafting covered-person language that truly lives up to the idea of using statutory law to implement First Amendment values.

## AT: Sources Right CP

#### Perm – provide protections to both – net benefit is that everyone is protected and causes more whistleblowing

#### No solvency – reporters won’t reach out to sources because they can’t choose to reveal their identities when they need to.

#### None of the information would be leaked because the government cracks down on the press which is necessary for public exposure – also means no solvency

#### Impossible to determine when a source wants confidentiality – need something concrete like the aff

#### Turn – the CP destroys open dialogue because sources would just abuse their privileges and lie – only the aff resurges the autonomy of the press to check structures of power.

#### Doesn’t make any sense – confidentiality is an agreement between both journalist and informant

#### Aff outweighs

#### Time frame – strong press is key to stopping totalitarianism.

#### Magnitude – strong press incentivizes more sources to come forward in the future.

## AT: False Information PIC

#### Turn – false information is good, it exposes the state which the aff proves is a good thing

#### We should expose the Trump administration and the surveillance state in general, even if the information isn’t true it makes the government look bad which FUNCTIONS as a check and balance

#### No impact AND a huge solvency deficit – the information is already out if the information is proven to be fake, so the impact should’ve already happened, there’s no point in preventing the information from spreading because the information already REACHED the public in the first place

#### PICs are a voting issue – it makes the aff debate themselves, explodes neg ground because the neg can PIC out of an infinite amount of things, and encourages writing vague plans and tiny affs to avoid PICs which explodes limits. Vote on fairness because debate is a competitive activity, vote on education because it’s the only reasons schools fund debate.

## AT: Sexual Assault PIC

#### Perm do both – the aff gives reporters the right to protect the identity of confidential sources, the CP just adds on a plank that says sexual assault survivors should be able to choose which is just plan plus and not competitive

#### They contradict themselves – they say that it is good when survivors choose to put their name in and also that it’s bad when they put their name in. Reject this – it allows them to shift in the 2NR and no link out of any of our args

#### Exemptions are normal means – the aff gives reporters the RIGHT to protect the identity of confidential sources but if a sexual assault survivor wants to have their name included or excluded would be something that they still would be able to control because if the reporter would be like “nope, we’re gonna include your name” or vice versa, the survivor wouldn’t want to be a source for them

#### Condo PICs are a voting issue – it makes the aff debate themselves, explodes neg ground because the neg can PIC out of an infinite number of things and then just kick it regardless of how good our responses are, this encourages writing vague plans and tiny affs to avoid PICs which explodes limits and turns any of their offense. Vote on fairness because debate is a competitive activity, vote on education because it’s the only reasons schools fund debate.

## AT: Whistleblowers CP (LHP)

#### The counterplan is literally the aff, but with a solvency deficit of drawing the line of who a reporter can and can’t be. Drawing a line on who can be considered a “whistleblower” allows the state to determine what kind of sources go to the press which is a form of security and surveillance.

#### That justifies perm do the aff then the alt, shields the link because if shield laws don’t solve then some press is still better than no press and the alt will solve. Timeframe perms aren’t a voter, it’s key to testing the applicability of how the aff will function in real world policy.

#### Castiglione 2 just says the legal protection for whistleblowers is good WHICH IS LITERALLY WHAT THE AFF IS, they don’t say uniquely why federal privilege is bad, they just say that it creates “bad leaks” with no warrant

#### Castiglione 3 is powertagged, it just says that there are good and bad leaks but doesn’t say that these laws will allow for the better kinds of leaks, so theres no impact or disad to voting aff.

# A2: Kritiks

## Generic Responses

### Top Level

### AT: Reform Bad

### AT: High Theory

## AT: Wilderson

## AT: Agamben

## AT: Deleuze

## AT: Habeas Viscus

## AT: Capitalism

## AT: “Rights”

## AT: LHP Cynicism K thing

## AT: Baud/Bifo

# A2: NCs

## General Responses

## AT: Extinction First

#### Your understanding of death as a constantly warded off biological end denies its symbolic meaning – they erect a politics of security against death ensuring war, genocide, and oppression.

Robinson ’12 /Andrew, Political Theorist, Activist Based in the UK and research fellow affiliated to the Centre for the Study of Social and Global Justice (CSSGJ), University of Nottingham, “Jean Baudrillard: The Rise of Capitalism & the Exclusion of Death”, March 30

Symbolic exchange – or rather, its suppression – plays a central role in the emergence of capitalism. Baudrillard sees a change happening over time. Regimes based on symbolic exchange (differences are exchangeable and related) are replaced by regimes based on equivalence (everything is, or means, the same). Ceremony gives way to spectacle, immanence to transcendence. Baudrillard’s view of capitalism is derived from Marx’s analysis of value. Baudrillard accepts Marx’s view that capitalism is based on a general equivalent. Money is the general equivalent because it can be exchanged for any commodity. In turn, it expresses the value of abstract labour-time. Abstract labour-time is itself an effect of the regimenting of processes of life, so that different kinds of labour can be compared. Capitalism is derived from the autonomisation or separation of economics from the rest of life. It turns economics into the ‘reality-principle’. It is a kind of sorcery, connected in some way to the disavowed symbolic level. It subtly shifts the social world from an exchange of death with the Other to an eternal return of the Same. Capitalism functions by reducing everything to a regime based on value and the production of value. To be accepted by capital, something must contribute value. This creates an immense regime of social exchange. However, this social exchange has little in common with symbolic exchange. It ultimately depends on the mark of value itself being unexchangeable. Capital must be endlessly accumulated. States must not collapse. Capitalism thus introduces the irreversible into social life, by means of accumulation. According to Baudrillard, capitalism rests on an obsession with the abolition of death. Capitalism tries to abolish death through accumulation. It tries to ward off ambivalence (associated with death) through value (associated with life). But this is bound to fail. General equivalence – the basis of capitalism – is itself the ever-presence of death. The more the system runs from death, the more it places everyone in solitude, facing their own death. Life itself is fundamentally ambivalent. The attempt to abolish death through fixed value is itself deathly. Accumulation also spreads to other fields. The idea of progress, and linear time, comes from the accumulation of time, and of stockpiles of the past. The idea of truth comes from the accumulation of scientific knowledge. Biology rests on the separation of living and non-living. According to Baudrillard, such accumulations are now in crisis. For instance, the accumulation of the past is undermined, because historical objects now have to be concealed to be preserved – otherwise they will be destroyed by excessive consumption. Value is produced from the residue or remainder of an incomplete symbolic exchange. The repressed, market value, and sign-value all come from this remainder. To destroy the remainder would be to destroy value. Capitalist exchange is always based on negotiation, even when it is violent. The symbolic order does not know this kind of equivalential exchange or calculation. And capitalist extraction is always one-way. It amounts to a non-reversible aggression in which one act (of dominating or killing) cannot be returned by the other. It is also this regime which produces scarcity – Baudrillard here endorses Sahlins’ argument. Capitalism produces the Freudian “death drive”, which is actually an effect of the capitalist culture of death. For Baudrillard, the limit to both Marx and Freud is that they fail to theorise the separation of the domains they study – the economy and the unconscious. It is the separation which grounds their functioning, which therefore only occurs under the regime of the code. Baudrillard also criticises theories of desire, including those of Deleuze, Foucault, Freud and Lacan. He believes desire comes into existence based on repression. It is an effect of the denial of the symbolic. Liberated energies always leave a new remainder; they do not escape the basis of the unconscious in the remainder. Baudrillard argues that indigenous groups do not claim to live naturally or by their desires – they simply claim to live in societies. This social life is an effect of the symbolic. Baudrillard therefore criticises the view that human liberation can come about through the liberation of desire. He thinks that such a liberation will keep certain elements of the repression of desire active. Baudrillard argues that the processes which operate collectively in indigenous groups are repressed into the unconscious in metropolitan societies. This leads to the autonomy of the psyche as a separate sphere. It is only after this repression has occurred that a politics of desire becomes conceivable. He professes broad agreement with the Deleuzian project of unbinding energies from fixed categories and encouraging flows and intensities. However, he is concerned that capitalism can recuperate such releases of energy, disconnecting them so they can eventually reconnect to it. Unbinding and drifting are not fatal to capitalism, because capitalism itself unbinds things, and re-binds things which are unbound. What is fatal to it is, rather, reversibility. Capitalism continues to be haunted by the forces it has repressed. Separation does not destroy the remainder. Quite the opposite. The remainder continues to exist, and gains power from its repression. This turns the double or shadow into something unquiet, vampiric, and threatening. It becomes an image of the forgotten dead. Anything which reminds us of the repressed aspects excluded from the subject is experienced as uncanny and threatening. It becomes the ‘obscene’, which is present in excess over the ‘scene’ of what is imagined. This is different from theories of lack, such as the Lacanian Real. Baudrillard’s remainder is an excess rather than a lack. It is the carrier of the force of symbolic exchange. Modern culture dreams of radical difference. The reason for this is that it exterminated radical difference by simulating it. The energy of production, the unconscious, and signification all in fact come from the repressed remainder. Our culture is dead from having broken the pact with monstrosity, with radical difference. The West continues to perpetrate genocide on indigenous groups. But for Baudrillard, it did the same thing to itself first – destroying its own indigenous logics of symbolic exchange. Indigenous groups have also increasingly lost the symbolic dimension, as modern forms of life have been imported or imposed. This according to Baudrillard produces chronic confusion and instability. Gift-exchange is radically subversive of the system. This is not because it is rebellious. Baudrillard thinks the system can survive defections or exodus. It is because it counterposes a different ‘principle of sociality’ to that of the dominant system. According to Baudrillard, the mediations of capitalism exist so that nobody has the opportunity to offer a symbolic challenge or an irreversible gift. They exist to keep the symbolic at bay. The affective charge of death remains present among the oppressed, but not with the ‘properly symbolic rhythm’ of immediate retaliation. The Church and State also exist based on the elimination of symbolic exchange. Baudrillard is highly critical of Christianity for what he takes to be a cult of suffering, solitude and death. He sees the Church as central to the destruction of earlier forms of community based on symbolic exchange. Baudrillard seems to think that earlier forms of the state and capitalism retained some degree of symbolic exchange, but in an alienated, partially repressed form. For instance, the imaginary of the ‘social contract’ was based on the idea of a sacrifice – this time of liberty for the common good. In psychoanalysis, symbolic exchange is displaced onto the relationship to the master-signifier. I haven’t seen Baudrillard say it directly, but the impression he gives is that this is a distorted, authoritarian imitation of the original symbolic exchange. Nonetheless, it retains some of its intensity and energy. Art, theatre and language have worked to maintain a minimum of ceremonial power. It is the reason older orders did not suffer the particular malaise of the present. It is easy to read certain passages in Baudrillard as if he is bemoaning the loss of these kinds of strong significations. This is initially how I read Baudrillard’s work. But on closer inspection, this seems to be a misreading. Baudrillard is nostalgic for repression only to the extent that the repressed continued to carry symbolic force as a referential. He is nostalgic for the return of symbolic exchange, as an aspect of diffuse, autonomous, dis-alienated social groups. Death Death plays a central role in Baudrillard’s theory, and is closely related to symbolic exchange. According to Baudrillard, what we have lost above all in the transition to alienated society is the ability to engage in exchanges with death. Death should not be seen here in purely literal terms. Baudrillard specifies early on that he does not mean an event affecting a body, but rather, a form which destroys the determinacy of the subject and of value – which returns things to a state of indeterminacy. Baudrillard certainly discusses actual deaths, risk-taking, suicide and so on. But he also sees death figuratively, in relation to the decomposition of existing relations, the “death” of the self-image or ego, the interchangeability of processes of life across different categories. For instance, eroticism or sexuality is related to death, because it leads to fusion and communication between bodies. Sexual reproduction carries shades of death because one generation replaces another. Baudrillard’s concept of death is thus quite similar to Bakhtin’s concept of the grotesque. Death refers to metamorphosis, reversibility, unexpected mutations, social change, subjective transformation, as well as physical death. According to Baudrillard, indigenous groups see death as social, not natural or biological. They see it as an effect of an adversarial will, which they must absorb. And they mark it with feasting and rituals. This is a way of preventing death from becoming an event which does not signify. Such a non-signifying event is absolute disorder from the standpoint of symbolic exchange. For Baudrillard, the west’s idea of a biological, material death is actually an idealist illusion, ignoring the sociality of death. Poststructuralists generally maintain that the problems of the present are rooted in the splitting of life into binary oppositions. For Baudrillard, the division between life and death is the original, founding opposition on which the others are founded. After this first split, a whole series of others have been created, confining particular groups – the “mad”, prisoners, children, the old, sexual minorities, women and so on – to particular segregated situations. The definition of the ‘normal human’ has been narrowed over time. Today, nearly everyone belongs to one or another marked or deviant category. The original exclusion was of the dead – it is defined as abnormal to be dead. “You livies hate us deadies”. This first split and exclusion forms the basis, or archetype, for all the other splits and exclusions – along lines of gender, disability, species, class, and so on. This discrimination against the dead brings into being the modern experience of death. Baudrillard suggests that death as we know it does not exist outside of this separation between living and dead. The modern view of death is constructed on the model of the machine and the function. A machine either functions or it does not. The human body is treated as a machine which similarly, either functions or does not. For Baudrillard, this misunderstands the nature of life and death. The modern view of death is also necessitated by the rise of subjectivity. The subject needs a beginning and an end, so as to be reducible to the story it tells. This requires an idea of death as an end. It is counterposed to the immortality of social institutions. In relation to individuals, ideas of religious immortality is simply an ideological cover for the real exclusion of the dead. But institutions try to remain truly immortal. Modern systems, especially bureaucracies, no longer know how to die – or how to do anything but keep reproducing themselves. The internalisation of the idea of the subject or the soul alienates us from our bodies, voices and so on. It creates a split, as Stirner would say, between the category of ‘man’ and the ‘un-man’, the real self irreducible to such categories. It also individualises people, by destroying their actual connections to others. The symbolic haunts the code as the threat of its own death. The society of the code works constantly to ward off the danger of irruptions of the symbolic. The mortal body is actually an effect of the split introduced by the foreclosure of death. The split never actually stops exchanges across the categories. In the case of death, we still ‘exchange’ with the dead through our own deaths and our anxiety about death. We no longer have living, mortal relationships with objects either. They are reduced to the instrumental. It is as if we have a transparent veil between us. Symbolic exchange is based on a game, with game-like rules. When this disappears, laws and the state are invented to take their place. It is the process of excluding, marking, or barring which allows concentrated or transcendental power to come into existence. Through splits, people turn the other into their ‘imaginary’. For instance, westerners invest the “Third World” with racist fantasies and revolutionary aspirations; the “Third World” invests the west with aspirational fantasies of development. In separation, the other exists only as an imaginary object. Yet the resultant purity is illusory. For Baudrillard, any such marking or barring of the other brings the other to the core of society. “We all” become dead, or mad, or prisoners, and so on, through their exclusion. The goal of ‘survival’ is fundamental to the birth of power. Social control emerges when the union of the living and the dead is shattered, and the dead become prohibited. The social repression of death grounds the repressive socialisation of life. People are compelled to survive so as to become useful. For Baudrillard, capitalism’s original relationship to death has historically been concealed by the system of production, and its ends. It only becomes fully visible now this system is collapsing, and production is reduced to operation. In modern societies, death is made invisible, denied, and placed outside society. For example, elderly people are excluded from society. People no longer expect their own death. As a result, it becomes unintelligible. It keeps returning as ‘nature which will not abide by objective laws’. It can no longer be absorbed through ritual. Western society is arranged so death is never done by someone else, but always attributable to ‘nature’. This creates a bureaucratic, judicial regime of death, of which the concentration camp is the ultimate symbol. The system now commands that we must not die – at least not in any old way. We may only die if law and medicine allow it. Hence for instance the spread of health and safety regulations. On the other hand, murder and violence are legalised, provided they can be re-converted into economic value. Baudrillard sees this as a regressive redistribution of death. It is wrested from the circuit of social exchanges and vested in centralised agencies. For Baudrillard, there is not a social improvement here. People are effectively being killed, or left to die, by a process which never treats them as having value. On the other hand, even when capitalism becomes permissive, inclusive and tolerant, it still creates an underlying anxiety about being reduced to the status of an object or a marionette. This appears as a constant fear of being manipulated. The slave remains within the master’s dialectic for as long as ‘his’ life or death serves the reproduction of domination.

## AT: Structural Violence

### Top Level

#### Minority groups are disproportionately targeted

**Giroux 14**-Global TV Network Chair Professorship at McMaster University in the English and Cultural Studies Department and a Distinguished Visiting Professorship at Ryerson University [Henry, “Totalitarian Paranoia in the Post-Orwellian Surveillance State,” Truthout, February 10, 2014, <http://www.truth-out.org/opinion/item/21656-totalitarian-paranoia-in-the-post-orwellian-surveillance-state>] ellipses included in original article / MM

*The practice of surveillance is both separate and unequal.* ... Welfare recipients ... are more vulnerable to surveillance because they are members of a group that is seen as an appropriate target for intrusive programs. Persistent stereotypes of poor women, especially women of color, as inherently suspicious, fraudulent, and wasteful provide ideological support for invasive welfare programs that track their financial and social behavior. Immigrant communities are more likely to be the site of biometric data collection than native-born communities because they have less political power to resist it. ... Marginalized people are subject to some of the most technologically sophisticated and comprehensive forms of scrutiny and observation in law enforcement, the welfare system, and the low-wage workplace. They also endure higher levels of direct forms of surveillance, such as stop-and-frisk in New York City.60 The corporate-surveillance state collects troves of data, but the groups often targeted by traditional and new forms of digital surveillance are more often than not those who fall within the parameters of either being a threat to authority, reject the consumer culture or are simply considered disposable under the regime of neoliberal capitalism. The political, class and racial nature of suppression has a long history in the United States and cannot be ignored by whitewashing the issue of surveillance as a form of state violence by making an appeal to the necessity of safety and security.

### 1AR (Short)

### 1AR v Structural Violence (Long)

## AT: Kant

### Framing O/V

#### Their offense flows aff – source protection is key to autonomy and has a unique deontological obligation

Midolo 16 Emanuele Midolo, Writer for Medium, “Protecting anonymous sources: an ethical dilemma.” Medium. January 4, 2016. / MM

Journalists have a moral obligation to protect their confidential sources of information. This is article 15 of the Press Complaints Commission but, more importantly, it is the most sacred principle of our profession. A deontological duty which, in the UK, is clearly asserted by article 7 of the National Union of Journalists. To the NUJ, the rule is simple: not protecting a source is always wrong. A problem arises when this ethical duty should be applied in practice, possibly under the constraint of justice. In fact, in many European countries journalists are vulnerable to the attention of judges and police officers. In the UK, section 10 of the Contempt of Court Act (1981) states that disclosure is “necessary” in three cases: in the interests of national security; in the interests of justice; for the prevention of crime and disorder. It is clear that these three “exceptions” on a rather wide range of occasions in which a court can order a journalist to reveal their sources and/or turn over their notes and recordings. If they refuse, they will be found guilty of contempt of court and 3ned — or even sent to jail. It does not happen often, but it has happened. In 2001, Vanessa Leggett, an American freelance, went to prison for 168 days after she refused to disclose her source on a murder case. “For the government and the press to do their jobs, they have to promise people confidentiality. To ask the government or the press to violate that makes their jobs impossible”. Vanessa Leggett In 2006, a videoblogger, Joshua Wolf, refused to supply an American grand jury with the tape of an anarchist protest during which a police car was burned. After 226 days spent in jail, Wolf finally agreed to turn over the videotape. In 2009, an Irish journalist, Suzanne Breen, was ordered by the police to reveal her sources on an article about an IRA massacre. She refused and went to trial, which she eventually won. Leggett, Wolf and Breen acted with courage, but not everyone has been so brave. In 2003, Nick Martin-Clark, a British freelance reporter, revealed to police the source of one of his articles and testi3ed against him in court. The source, a prisoner named George McKeown, was convicted of murder and sentenced to 24 years. Clark was expelled by the NUJ, entered a protection programme and never worked as a journalist again. He later wrote a defense for the British Journalism Review, When a journalist must tell, where he declared that “the principle of confidentiality, important though it is, is not an end in itself but ultimately a means to disclosure which must remain for journalists our primary purpose”. I do not blame Martin-Clark for his decision, as he seemed convinced that “there was a clear public interest in solving a murder.” I also understand that such situations surely expose journalists to a hard ethical dilemma. However, I believe that acting as Martin-Clark did would endanger me and my source in various ways, compromising my work as a reporter and exposing me (and him) to possible criminal retaliations, as Breen’s case has shown. Most importantly, it would endanger the public interest: reducing public trust towards the press and so discouraging other people who may wanted to become a source (informers, whistleblowers etc) from cooperating. Pulitzer prize winner Alex Jones pointed out that those are “two conflicting but legitimate values, the journalistic value and the investigative one”. But journalists are not detectives. Prosecutors or the police can get the piece of information they want without forcing journalists to reveal their sources. Even if my meetings with Mr X were to be eventually exposed, and so his/her identity, either by police officers during the trial, or by another journalist, my agreement would be intact, and so my professional reputation — as well as my moral integrity. Furthermore, my refusal to testify would not impede the court’s ability to do justice in the case. On August 2014, the Khmer Rouge Tribunal condemned Pol Pot’s second-in-command, Nuon Chea, for crimes against humanity. The sentence came although journalists Thet Sambath and Rob Lemkin refused to hand over the uncut interviews conducted with Chea for their documentary, Enemies of the people. To summarise, the European Court of Human Rights repeatedly found that English law fails to give adequate protection to journalists, breaching art. 10 (Freedom of Expression) of the Human Rights Act. Although it is true that in the UK there is no protection if the law demands disclosure about a source, I personally believe that this is an instance of telling right from wrong, and it has little to do with what the law has to say. It is a matter of principle. For this reason, confidentiality is a sacred bond that should never be broken.

#### Our offense wins under their framework, our D’Souza evidence proves that allowing the government to shut down whistleblowers creates freedom violations and justifies the government shutting down all of our rights

#### Our framework is universalizable, Sinhibabhu proves that all humans cognitively experience pain, so only ours can account for properties intrinsic to humans

### AT: Omnilateral Will

#### Political oppression means that resistance is justifiable.

Ripstein 9 Ripstein, Arthur. Force and Freedom Kant's Legal and Political Philosophy. Cambridge, Mass.: Harvard UP, 2009. Print.

In the Anthropology, Kant offers several illustrations of barbarism, in- cluding polygamy and the barbarous condition in which women are kept “as domestic animals.”32In the concluding passage of the “Right of Na- tions,” Kant says that war is the “barbaric way of deciding disputes.”33 Such examples can be developed in two directions, corresponding to the two conditions of human beings with duties but no rights, slavery and serfdom.34 First, if some persons are treated as (though they were) the property of others, or attacked or killed with impunity, they are in the opposite of a condition in which their rights can be secured to them against everyone else. They are slaves, and do not share a rightful condition with their masters. Second, even if their innate right of humanity is minimally secure, if members of a class of persons are forcibly prevented from hav- ing anything external as their own—excluded from the system of prop- erty, or permitted to use it only on terms set by another—through a social rule backed by armed thugs, they have the status of serfs. The members of a class of serfs are not in a rightful condition with those others. Indeed, even the postulate of private right does not apply to them, since they are forbidden from using usable things to set and pursue their purposes. The fact that one side regularly wins in deciding disputes by force does noth- ing to improve the situation. Those who are subject to the violence of others lack any public authorization to exercise their purposiveness, since those others dictate whether they can use anything. In a state of nature persons can have things as their own, albeit only provisionally; in a defec- tive state of nature some cannot even have things as their own provision- ally, since organized force enables others to dispossess them. As a defective form of a state of nature, a condition of barbarism can have no united will. All force is merely unilateral; when force is organized in a condition of barbarism, it takes the form of rule by prerogative, even if members of the more powerful group have elaborate procedures for decision-making. Unlike despotism, in which law is sometimes used for the private purposes of the rulers, in barbarism all exercises of power are necessarily for private purposes, even if they are highly organized, because there are no public purposes, only (at most) common ones. As such, the use of private force may be resisted with right. In a condition of barba- rism, there is no freedom, because each person is subject to the unilateral choice of others. Moreover, unlike the ideal case of anarchy (freedom without force or law), in which everyone acts unilaterally, but none in- fringes on the right of any other, freedom is absent in barbarism because force is present but law still absent. Since that force cannot be character- ized as an expression of a united will, it must be understood as merely unilateral. Those who resist barbarism with the aim of entering a rightful condition do right; those who uphold barbarism “do wrong in the high- est degree.” Barbarism is not a possible form of the general will, so no ar- gument for preserving a united will has any application. Only an argu- ment for creating one does. Kant’s conception of barbarism is important for understanding his op- position to revolution, because many of the examples that are often brought out to embarrass him—most notably Nazi Germany—are condi- tions of barbarism in Kant’s sense. A regime that denies the innate right of people, and forbids them acquired rights, neither secures rights nor cre- ates a condition in which “what belongs to each can be secured to him against everyone else.”35 The normative significance of the concept of barbarism parallels the normative significance of the concept of a mob. The citizens as a collec- tive body can only be distinguished from a mob on the basis of institu- tions that represent them as giving themselves laws together. The significance of institutions does not, however, rest on the fact that they are complex, but on the contrast between right and violence that is the basis for public right.36 A highly organized mob is still a mob, because it acts unilaterally.

### Fuck Kant

### Kant is a Homophobe

## AT: Libertarianism

## AT: Particularism

## AT: Hobbes

## AT: Pragmatism

## AT: Freedom

## AT: Arbitrariness

# A2: ROTBs

## AT: Truth Testing

### Overview (General)

# A2: Theory/Topicality

## Generic Responses

### Overview – Theory Bad

### Reasonability Brightline

### AT: Can’t Weigh Case

## Weighing Args

### Fairness > education

### Education > fairness

### Drop the debater

### RVIs on topicality good

## AT: T – Reporters

### We Meet

#### We meet – who the reporters are is irrelevant to the aff, we don’t define or limit reporters because we say that all reporters are good because they allow for open discourse and represent free expression

## AT: Must Spec

### Top Level – Spec

### AT: RoB Spec

### Can Be Absolute or Qualified

#### Shield laws can be absolute or qualified – here are some examples

Weishen Law n.d.**,** [Weishen Law Project, Protecting News Sources: A Study of Shield Law, https://weishenlawproject.wordpress.com/differences-between-state-shield-laws/, no date] / MM

In general, shield laws of different states provide reporters either an absolute privilege or a qualified one. The shield law in Alabama offers absolute reporter privilege. According to Alabama Code Section 12-21-142 (2006), a “news-gathering person” is exempted from disclosing sources in any trial or before any court. In contrast, the Florida statute regarding protection of confidential sources restricts reporter’s privilege in certain conditions. Florida Evidence Code Section 90.5015 (2012) says that the journalist privilege “does not apply to physical evidence, eyewitness observations, or visual or audio recording of crimes.” Besides specifically identifying what kind of information is protected, Florida, like most other states adopt qualified shield laws, offers opportunity to overcome reporter’s privilege based on the three-part test Justice Stewart proposed in Branzburg v. Hayes. Such fundamental differences exist across states shield laws and most of them maintain conditions in which journalists cannot expect or pursue their privilege.

## AT: Inherency Shit

#### Status quo whistleblower protections fail and are meant to push sources to prosecution

Mian 17 Rashed Mian, “Obama’s Legacy: A Historic War on Whistleblowers,” Long Island Press, January 14, 2017.

The federal government does not have one set of unified whistleblower protections. Instead, they are a “patchwork of protections,” Elizabeth Hempowicz, policy counsel at the Project on Government Oversight (POGO), tells the Press. “Probably every federal agency, you can at least go to your IG (Inspector General),” she says, “and most agencies have a chain of command that you can go through to report whistleblowing complaints through, but that’s slightly different than the protections that they have.” Having an umbrella law covering whistleblowers is the ultimate goal of her project, but Hempowicz is not optimistic. “I don’t think that will ever happen,” she says. “Even now there’s big disparities in the different kinds of protections that whistleblowers get depending where they are.” Whistleblowers who have come under government scrutiny complain of a double standard. Government-approved leaks—information given to journalists that is not embarrassing but instead paints an agency positively—are commonplace in Washington, D.C. and don’t often lead to prosecution. But if prosecutors do decide to act, the treatment of the whistleblower is favorable. The case most often cited by whistleblowers as particularly outrageous is that of Gen. David Patraeus, the former CIA Director who pleaded guilty to disclosing classified information to his mistress and biographer, but received only two years of probation. Patraeus also lied to the FBI, but federal investigators decided against charging him under a section of the Espionage Act. In a [14-page letter](https://consortiumnews.com/wp-content/uploads/2015/10/HollySterlingLetter1.pdf?55ac53&55ac53) Holly Sterling sent to Obama on Oct. 15, 2015, she mentioned the “obvious disparate treatment” given to Patraeus. “If one strips away the race, financial status, and political clout of Jeffrey and Mr. Patraeus and solely reviewed the alleged crimes of Jeffrey and those pled by the general, it is glaringly obvious this was selective prosecution and sentencing,” she wrote the president, asking for clemency. There’s also the case involving the making of the Oscar-nominated film Zero Dark Thirty, which famously followed a CIA officer’s mission to capture Osama bin Laden, and suggested that the CIA’s torture program was key in tracking down the 9/11 mastermind. Kathryn Bigelow, the film’s director, attended a classified briefing about the hunt to capture Osama bin Laden, and, according to reports, the [CIA persuaded the filmmaker](https://www.theguardian.com/film/2013/may/07/zero-dark-thirty-cia-memo) to remove elements that would cast the clandestine agency in a bad light. The apparent collaboration did trigger [two internal investigations](https://www.theguardian.com/film/2015/sep/11/zero-dark-thirty-cia-access-three-internal-agency-investigations-kathryn-bigelow-mark-boal), but no one within the CIA was ever prosecuted for cooperating with the filmmaker about the bin Laden manhunt. As far as public perception goes, Hempowicz of POGO says that government-approved leaks and disclosures from whistleblowers appear similar, “except one is protected because you’re doing the bidding of those above you and those people who would be in charge of investigating and taking action against you.” “I think there’s just an inherit problem when the government is trying to do its work by leaking information,” she adds, “and yet turning around to people who are blowing the whistle or leaking for the public interest, and then saying, ‘You can’t do this; you have to go to jail now for doing the same thing.’”

## AT: Any Possible Shell

### A2 – Reporters only employed by company / professionals

**Counterinterpretation – the aff may defend that “reporters” includes people who report on events but aren’t employed by a news company.**

**A reporter includes anyone who reports, not just professionals.**

**Merriam Webster** [Merriam Webster (), Definition of REPORTER No Publication, 7-10-2018, 9-8-2018, https://www.merriam-webster.com/dictionary/reporter, AS.]

Definition of reporter: one that [reports](https://www.merriam-webster.com/dictionary/reports): such as a: a person who makes authorized statements of law decisions or legislative proceedings b: a person who makes a shorthand record of a speech or proceeding

**Prefer – 1) Common usage – first definition in the most popular dictionary is what’s most common. Comes first since (a) it’s most accessible – first result on Google and isn’t behind paywalls like some legal documents (b) there’s only one most common definition while there are hundreds of legal interpretations of the word reporter – can’t resolve the true legal meaning since it always varies (c) source credibility – Merriam Webster is one of the most reputable dictionaries.**

**I meet.**

**Standards:**

**(1) Textuality – insofar as my definition is correct that means I win T on face – it’s an independent voter.**

**Nebel 15** [Jake Nebel (), The Priority of Resolutional Semantics by Jake Nebel Briefly, 2-20-2015, 9-8-2018, <https://www.vbriefly.com/2015/02/20/the-priority-of-resolutional-semantics-by-jake-nebel/>, AS.]

One reason why LDers may be suspicious of my view is because they see topicality as just another theory argument. But unlike other theory arguments, topicality involves two “interpretations.” The first is an interpretation, in the ordinary sense of the word, of the resolution or of some part of it. The second is a rule—namely, that the affirmative must defend the resolution.[2](https://www.vbriefly.com/2015/02/20/the-priority-of-resolutional-semantics-by-jake-nebel/#fn2) If we don’t distinguish between these two interpretations, then the negative’s view is merely that the affirmative must defend whatever proposition they think should be debated, not because it is the proposition expressed by the resolution, but rather because it would be good to debate. This failure to see what is distinctive about topicality leads quickly to the pragmatic approach, by ignoring what the interpretation is supposed to be an interpretation of. By contrast, the topicality rule—i.e., that the affirmative must defend the resolution—justifies the semantic approach. This rule is justified by appeals to fairness and education: it would be unfair to expect the negative to prepare against anything other than the resolution, because that is the only mutually acceptable basis for preparation; the educational benefits that are unique to debate stem from clash focused on a proposition determined beforehand. The inference to the priority of semantic considerations is simple. Consider the following argument: We ought to debate the resolution. The resolution means X. Therefore, We ought to debate X. The first premise is just the topicality rule. The second premise is that X is the semantically correct interpretation. Pragmatic considerations for or against X do not, in themselves, support or deny this second premise. They might show that it would be better or worse if the resolution meant X, but sentences do not in general mean what it would be best for them to mean. At best, pragmatic considerations may show that we should debate some proposition other than the resolution. They are (if anything) reasons to change the topic, contrary to the topicality rule. Pragmatic considerations must, therefore, be weighed against the justifications for the topicality rule, not against the semantic considerations: they are objections to the first premise, not the second premise, in the argument above.

**(2) Topic education – a big part of the resolution is the discussion of how technology has transformed reporting, how thousands of new reporters such as bloggers exist, and how the government should deal with this shift – your definition excludes that entire discussion. Supercharges the abuse since this specific part of the topic is a modern development that will become important in our lifetimes – key to education.**

**(3) Ground – forcing the aff only to defend professional employees massively limits the ground I can claim – the number of professional employees is way lower than the total number of people who report, meaning the magnitude of aff arguments plummets. And, insofar as I disclosed the aff there’s no reason they can’t be prepared to answer it, so more ground for me doesn’t hurt the neg that much anyway.**

**(4) Aff flex – aff should get to be slightly abusive to compensate for neg advantages. (a) neg is reactive to the aff – they can tailor their 1NC strategy perfectly to the aff (b) the short 1AR means I have to respond to both T and all of their answers to case – gives them a massive advantage in the 6-minute 2NR**

**(c) it accounts for neg side bias. Neg wins more rounds – outweighs since stats take analytics into account already.**

**Adler 15** [Steven Adler (), Are Judges Just Guessing? A Statistical Analysis of LD Elimination Round Panels by Steven Adler NSD Update, 3-30-2015, 9-8-2018, <http://nsdupdate.com/2015/are-judges-just-guessing-a-statistical-analysis-of-ld-elimination-round-panels-by-steven-adler/>, AS.]

. A naïve randomization might suggest that each judge has a 50-50 chance of voting Aff vs. Neg on their individual ballot, and that therefore the distribution would look something like this: In Lincoln-Douglas, however, there is a strong suspicion that Negatives win more often than 50% of the time, so there is good reason to think that this ‘random’ hit-rate for Neg winning should not be 50%. Indeed, this advantage for Negatives is present in the analysis’s data, so we must adjust the expected randomization rate accordingly (bear with me here, because this will involve a little math). Using the aggregate data, we can calculate the Neg win-rate for these elimination rounds as 54.7%. To win a round as Neg, you could either win on a 3-0 decision or on a 2-1 decision (with three possible combinations of how this 2-1 could occur, depending on which judge sits). Accordingly, if judges were randomizing their ballots, we would need to find a ‘randomization rate’ for a Negative ballot such that x^3 + 3\*x^2\*(1-x) = 0.547, which produces an x value of 0.531. (This math is simpler than it seems: About 15% of the time with this randomization rate you would expect a 3-0 for the Negative, and just under 40% of the time it would produce a 2-1 for the Negative, so it combines to the total Neg win-rate of 54.7%.) So, we now know the rate at which each judge should be ‘randomly’ voting for Neg vs. Aff if it were to construct an overall Neg win-rate of 54.7%, and using that information we can construct what the expected data for the entire set of outcomes would be: You can tell visually that these distributions are very different from one another. Whereas the expected distribution predicts far more 2-1 decisions than 3-0 decisions, in practice 3-0s are quite prevalent. A 3-0 decision for the Negative is the most likely of any individual outcome, and a 3-0 decision for the Affirmative is nearly as likely as a 2-1 decision in the Aff’s favor. According to these data and the accompanying Chi-test, there is a next-to-zero (p < 0.0001) chance that this distribution could be represented by judges randomizing in the ways described above; this is relatively strong evidence that judges are able to discern winners and that they generally agree with one another on this distinction, or at least more than mere chance would predict. Yet a plausible objection here might be that maybe the elimination round data need to be further segmented. For instance, perhaps the data do not meet this randomization because judges can easily distinguish between winners and losers in early elimination rounds, which typically contain more-lopsided matchups, but that in late elimination rounds the decision is much murkier. In fact, I find some support for this hypothesis, though it may be an artifact of a smaller sample-size for this segment.

**Crossapply their voters.**

**And, I should get RVIs on T – (a) otherwise it’s a NIB – I can lose the round on it but they can’t, making it irreciprocal and thus unfair (b) time skew – I have to answer each one of their args for longer than it takes them to read it since they can win on any one of their standards (c) checks frivolous T – forces them to read substantive args rather than just filling the 1NC with a generic T position which is better for substance education. Outweighs because actually has out of round benefits compared to T debate.**

### A2 – Reporters include all reporting, not just professionals

**Just spec all reporters, not just professionals, in the aff**

**But if necessary:**

**(1) CX checks – you could’ve just asked me in CX – would’ve taken seconds. Forcing me to spec that in the aff wastes speech time which is much more important than CX time since it’s the only time I can make arguments, but you can’t make arguments in CX.**

**(2) Aff flex – aff should get to be slightly abusive to compensate for neg advantages. (a) neg is reactive to the aff – they can tailor their 1NC strategy perfectly to the aff (b) the short 1AR means I have to respond to both T and all of their answers to case – gives them a massive advantage in the 6-minute 2NR**

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### A2 – Must defend that reporters protect all confidential sources

**Counterinterpretation – the aff does not have to defend that reporters will protect the identity of all confidential sources, just that they have the right to do so.**

**I meet.**

**Standards:**

**(1) Textuality – the res says that reporters have the right to protect their identities, not that they always will – your interpretation fundamentally changes the meaning of the resolution.**

**Textuality is an independent voter and comes first – we have to stick to the topic whether or not it is pragmatic to do so.**

**Nebel 15** [Jake Nebel (), The Priority of Resolutional Semantics by Jake Nebel Briefly, 2-20-2015, 9-8-2018, <https://www.vbriefly.com/2015/02/20/the-priority-of-resolutional-semantics-by-jake-nebel/>, AS.]

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**(2) Real-world education – impossible to force every individual reporter to do something in the real world, meaning focusing on government action should come before fiating the actions of thousands. Real world education is key since we can use it in real life – we won’t be debating LD our whole lives.**

**(3) Aff flex – aff should get to be slightly abusive to compensate for neg advantages. (a) neg is reactive to the aff – they can tailor their 1NC strategy perfectly to the aff (b) the short 1AR means I have to respond to both T and all of their answers to case – gives them a massive advantage in the 6-minute 2NR**

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### A2 – Must spec the conditions of confidentiality

**Just spec the conditions in the aff**

**But if necessary:**

**(1) CX checks – you could’ve just asked me if I defend absolute confidentiality, or if its up to the reporter, etc. in CX – would’ve taken seconds. Forcing me to spec that in the aff wastes speech time which is much more important than CX time since it’s the only time I can make arguments, but you can’t make arguments in CX.**

**(2) Aff flex – aff should get to be slightly abusive to compensate for neg advantages. (a) neg is reactive to the aff – they can tailor their 1NC strategy perfectly to the aff (b) the short 1AR means I have to respond to both T and all of their answers to case – gives them a massive advantage in the 6-minute 2NR**

**(c) it accounts for neg side bias. Neg wins more rounds – outweighs since stats take analytics into account already.**

**Adler 15** [Steven Adler (), Are Judges Just Guessing? A Statistical Analysis of LD Elimination Round Panels by Steven Adler NSD Update, 3-30-2015, 9-8-2018, <http://nsdupdate.com/2015/are-judges-just-guessing-a-statistical-analysis-of-ld-elimination-round-panels-by-steven-adler/>, AS.]

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### A2 – Need solvency advocate for what conditions of confidentiality

**Counterinterpretation – the aff doesn’t need a solvency advocate specifying the conditions for confidentiality.**

**I meet.**

**(1) Ground – you massively limit the possible arguments the aff can make if you need a solvency advocate for the type of confidentiality. Bad for fairness since I can only make a very small amount of arguments that you can prep out perfectly while the neg gets infinite arguments. Also destroys creativity since I can’t ever think of my own conditions for my aff, meaning we get no legal education. Outweighs since a lot of debaters become lawyers, and creative case writing means we have to understand the specific details of the topic.**

**(2) Aff flex – aff should get to be slightly abusive to compensate for neg advantages. (a) neg is reactive to the aff – they can tailor their 1NC strategy perfectly to the aff (b) the short 1AR means I have to respond to both T and all of their answers to case – gives them a massive advantage in the 6-minute 2NR**

**(c) it accounts for neg side bias. Neg wins more rounds – outweighs since stats take analytics into account already.**

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**Defense:**

**(1) No reason you need a specific advocate in the literature to say what I can just tell you in the 1AC or in CX – you can respond to the aff the same either way**

**Crossapply their voters.**

**And, I should get RVIs – (a) otherwise it’s a NIB – I can lose the round on it but they can’t, making it irreciprocal and thus unfair (b) time skew – I have to answer each one of their args for longer than it takes them to read it since they can win on any one of their standards (c) checks frivolous theory – forces them to read substantive args rather than just filling the 1NC with a generic theory position which is better for substance education. Outweighs because actually has out of round benefits compared to theory debate.**

### A2 - Must defend whole res

**We do in all our affs anyway I think – but see below**

### A2 - aff must defend a right, not a privilege – must defend universal right, no conditions

**Counterinterpretation – the aff may defend an advocacy that contains certain conditions for confidentiality. To clarify, they don’t have to defend a universal right.**

**I meet.**

**(1) Reciprocity – you get counterplans, NCs, topicality, etc. – argument quantity is already heavily skewed neg. Pigeonholing the aff into even fewer possible 1ACs gives the neg massive advantage in amount of args – that makes you less predictable, means you can always prep out the aff but neg can’t be prepped out, and destroys fairness.**

**(2) Topic education – reading whole res affs / affs that defend a universal right with no conditions every round would be extremely boring and uneducational – (a) no one would have any incentive to prep since there’d essentially only be one aff (b) we wouldn’t learn the specifics of the topic if we’re just debating the proposition of an aff without any subsets every round – formulating and debating plans gives debaters tons more in-depth knowledge about the topic, which outweighs broad knowledge since you can just use Google to get broad knowledge.**

**(3) Aff flex – aff should get to be slightly abusive to compensate for neg advantages. (a) neg is reactive to the aff – they can tailor their 1NC strategy perfectly to the aff (b) the short 1AR means I have to respond to both T and all of their answers to case – gives them a massive advantage in the 6-minute 2NR**

**(c) it accounts for neg side bias. Neg wins more rounds – outweighs since stats take analytics into account already.**

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**Defense:**

**(1) Subsets don’t allow for infinite arguments – there is a very clear limit on what the aff can run, which is the ground contained by the resolution.**

**Crossapply their voters.**

**And, I should get RVIs – (a) otherwise it’s a NIB – I can lose the round on it but they can’t, making it irreciprocal and thus unfair (b) time skew – I have to answer each one of their args for longer than it takes them to read it since they can win on any one of their standards (c) checks frivolous theory/T – forces them to read substantive args rather than just filling the 1NC with a generic theory/T position which is better for substance education. Outweighs because actually has out of round benefits compared to theory/T debate.**

### A2 - aff cannot defend whistleblowers (Violation: Confidential sources are distinct from whistleblowers)

**(1) Whistleblowers can be a type of confidential source – they are simply employees who reveal wrongdoing.**

**Merriam Webster Legal Dictionary** [Merriam Webster Legal Dictionary, Legal Definition of WHISTLEBLOWER No Publication, 9-7-2018, 9-8-2018, https://www.merriam-webster.com/legal/whistleblower, AS.]

whistleblower: an employee who brings wrongdoing by an employer or other employees to the attention of a government or public agency

**Prefer – (a) it’s a legal dictionary – most relevant and specific to the topic (b) common usage – it’s the first definition on the most popular dictionary.**

**(2) I don’t use the term whistleblower in my advocacy text, so as long as they are a subset of confidential sources, they are included in my aff’s ground.**

### A2 – Need legal method for determining what a reporter is in 1AC

**(1) We do spec exactly what a reporter is in the 1AC – just use that as the legal definition and allow judges to use their discretion in cases involving reporters to determine whether they are a reporter in the first place.**

**(2) CX checks – I could’ve told you a method they could use in CX and would’ve taken seconds. Spec-ing in my speech means (a) you might have wanted me to spec some other method and asked me to in CX, but if I already spec-ed in the 1AC I’m now opened up to a ton of theory args from you (b) causes time skew if I have to explain the full method in 1AC. And me losing speech time is worse than you losing CX time since arguments can only be made during speeches, not in CX.**

### A2 – Aff must defend Supreme Court, can’t defend congress

**Counterinterpretation – if the negative does not tell the affirmative in front of the judge before the round that they want the affirmative to defend the actor of the 1AC as courts rather than Congress, then the affirmative may defend Congress as an actor.**

**I meet.**

**(1) Ground – you get even more, better neg ground if I defend Congress instead– for example, midterms, which is a very relevant position as we are approaching it soon.**

**(2) Predictability – Congress is the most common actor that is spec-ed on almost every topic – means there’s no excuse for not having answers against it. Solves your ground arguments since you obviously knew Congress would be a popular actor before this round – just write DAs and CPs to it.**

**(3) Topic education – bidirectional shells mean there’s no way I can escape a constant theory debate over the aff actor – if I spec-ed Supreme Court they could, and probably would, just read a must defend Congress shell. Since there’s no way to know which one they’ll read if they don’t tell me what actor they want me to spec before the round, their strategy ruins all the non-theory education in the round. Comes first since it matters outside of the round.**

**(4) Aff flex – aff should get to be slightly abusive to compensate for neg advantages. (a) neg is reactive to the aff – they can tailor their 1NC strategy perfectly to the aff (b) the short 1AR means I have to respond to both T and all of their answers to case – gives them a massive advantage in the 6-minute 2NR**

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**Defense:**

**(1) CX checks – if you wanted me to use a different actor you could’ve just asked in CX. Solves all abuse since you can still run the args you originally wanted to in the 1NC.**

**(2) You don’t prove that there’s more neg ground when courts are the actor instead of Congress – just listing a few positions isn’t actual stats or evidence.**

**Crossapply their voters.**

**And, I should get RVIs – (a) otherwise it’s a NIB – I can lose the round on it but they can’t, making it irreciprocal and thus unfair (b) time skew – I have to answer each one of their args for longer than it takes them to read it since they can win on any one of their standards (c) checks frivolous theory/T – forces them to read substantive args rather than just filling the 1NC with a generic theory/T position which is better for substance education. Outweighs because actually has out of round benefits compared to theory/T debate.**

### A2 – Aff must defend congress, can’t defend Supreme Court

**We defend congress in all our affs anyway**

# Random Extra Cards

## Other Cards

### Russia

#### There is no question that Russia interfered

Hunt 7/24 Albert R. Hunt, 7-24-2018, "Yes, Russian Election Sabotage Helped Trump Win," Bloomberg, [https://www.bloomberg.com/view/articles/2018-07-24/russian-meddling-helped-trump-win-in-2016 /](https://www.bloomberg.com/view/articles/2018-07-24/russian-meddling-helped-trump-win-in-2016%20/) MM

And now a number of experts familiar with the issue have come to believe that Russia did make a difference for Trump. Former Director of National Intelligence James Clapper now says the evidence that Russian President Vladimir Putin swung the election to Trump “is staggering.” Noting that fewer than 80,000 votes in Michigan, Pennsylvania and Wisconsin decided the contest, he wrote in a book released in May, “I have no doubt that more votes than that were influenced by the massive effort by the Russians.” Most Republicans dismiss Clapper as a Trump-hating supporter of his former boss, ex-President Barack Obama. But Clapper’s view will get powerful academic support soon. Kathleen Hall Jamieson, a leading scholar of communications and its effect on American politics, has a book coming out in September that will present data in support of its case that Russian interference in 2016 was a decisive factor for Trump. “The Russian trolls and hackers created message imbalances, the former in social media, the latter in news,” that helped the Republican, she said in an interview on Sunday. “The use that the mainstream and conservative media made of the Russian hacking of the Democrats’ emails altered the news and debate agendas in ways that past election research would suggest were significant enough to change the outcome.” The book is “Cyberwar: How Russian Hackers and Trolls Helped Elect a President, What We Don’t, Can’t and Do Know.” Jamieson is a professor and former dean at the Annenberg School for Communications at the University of Pennsylvania. Contrary to the claims of most Republicans, there’s already a serious circumstantial case for the strong impact of Russian interference. NBC News and others have reported that there were thousands of Russian trolls amplifying phony reports like the fiction that Pope Francis endorsed Trump. Anecdotally, it’s obvious that these influenced some voters. The leaks of emails sent by top Democrats played a role in setting the 2016 general election agenda. On the eve of the Democratic National Convention in July of 2016, for example, WikiLeaks released internal documents that U.S. intelligence agencies said were stolen by Russian hackers showing that the Democratic National Committee had favored Clinton over challenger Bernie Sanders in the primaries. That led to the resignation of the party chair, Debbie Wasserman Schultz, and infuriated some Sanders supporters who later said that they sat out the general election. In early October, immediately after a video surfaced in which Trump bragged about groping women, WikiLeaks released its first leak of emails from the account of Clinton’s campaign manager, John Podesta. This happened on a Friday afternoon, not the best time to leak a story if the object is to get attention; the intent was almost certainly to deflect attention from the Trump video. An indictment of 12 Russian operatives last week by Special Counsel Robert Mueller traced the email hacks to a Russian military intelligence unit. Beyond the effect on voters, the relentless drumbeat of articles about email leaks also forced the Clinton campaign to spend time reacting and making strategic adjustments. Eight days before the election, the New York Times ran a front-page story declaring that the Federal Bureau of Investigation had found no clear link between Russia and Trump, and that Moscow’s purpose was to disrupt the American election but not to help one candidate. Later, after the election, the Times reported on links between Trump and Russians during the campaign, and the American intelligence agencies concluded in a public report that the purpose was to help Trump.

### Other stuff

#### Solvency advocate

Rottman 6/9 Gabe Rottman, 6-9-2018, "The Trump Administration’s Pursuit of Ali Watkins Proves We Need Federal Shield Law Now," Daily Beast, <https://www.thedailybeast.com/the-trump-administrations-pursuit-of-ali-watkins-proves-we-need-federal-shield-law-now?ref=home> / MM

Absent a federal law — more on that in a second — the news media must rely on the Justice Department’s discretion. Law enforcement traditionally has recognized the essential role journalists play in a democracy, and, as noted, will only target journalists in investigations when other options have failed. Indeed, that discretion serves the interests of the government itself. Historically, every time the government has overreached in investigating members of the news media, authorities have had to contend with a rapid and dramatic backlash from the public and from lawmakers. That’s exactly what happened with the Obama-era guidelines, which the Justice Department adopted to mollify critics after investigators used a dragnet subpoena to seize the phone records of almost 100 Associated Press reporters and labeled a Fox News journalist an unindicted co-conspirator in an Espionage Act case simply because he asked a source for information — something that reporters do every day. The same pushback may already be taking shape in this case. Rep. Jim Jordan, a Republican from Ohio on the House Government Oversight Committee, suggested Friday that he may try and hold hearings on the records seizure. All of this boils down to one simple truth: journalists, now more than ever, need federal legal protections to ensure that the government can’t indiscriminately seize their confidential records or force them to disclose anonymous sources. Virtually all states have some form of such a “shield law” that protects journalists from being forced to reveal their communications with sources and other work product, but Congress has yet to act at the federal level. As the Watkins case may indicate that the Justice Department intends to draw journalists into investigations, democracy demands that Congress debate and pass such a law to ensure our free press remains free.

#### We comes first – these politics of fear construct who is and isn’t normal and strips power away from bodies

Hall 7 (Master of Arts in Political Science, Lindsay, “Death, Power, and the Body: A Bio-political Analysis of Death and Dying”, Virginia Polytechnic Institute, p. 15-17) AL 8-22-2018

Foucault labeled this new type of power as “disciplinary,” and while he acknowledged its earlier presence in isolated examples, his point was that, in modernity, this type of disciplinary power extended its influence from society’s army barracks and monasteries to nearly every social institution. **Disciplinary mechanisms**, he contended, infiltrated the whole of society in the late seventeenth century when the first concerted efforts to arrange and control specific and identifiable groups of people took place. According to Foucault, the forces that are used to arrange and **classify groups** of people also render those people as individual units. **The individual**, he argued, **is** thus **a** **construction of power** created only when that individual is recognized as part of a larger and identifiable group–**a group is not created by a mass of individuals, but vice versa**. According to Foucault, it is only through discipline that modern individuals are created out of a mass. Disciplinary power, he claimed, differs from preexisting power mechanisms in that it is applied “primarily to bodies and what they do rather than to the land and what it produces.” As a result of the propagation of disciplinary power, it at once becomes possible to “extract time and labor, rather than commodities and wealth” from individual bodies (2003a, 35). An important step, Foucault points out, for the budding capitalist economies of the time. Thus, for Foucault, this new mechanism of power was essentially “one of the basic tools for the establishment of industrial capitalism and the corresponding type of society” that we now associate with capitalist economies (2003a, 36). In fact, it can be argued that the pressing need to produce a labor force in the late seventeenth century sparked a refinement of existing disciplinary techniques–and the invention of others–in order to shape the bodies of individuals into the exact type of laborers that would be appreciated by capitalists. The benefits of **disciplinary power**, Foucault explained, lie **in its precise manipulation** of the body so as **to render bodies** “both **useful and docile”** (Foucault 16 2003c, 249). “In short, dissociates power from the body; on the one hand, it turns it into an ‘aptitude,’ a ‘capacity,’ which it seeks to increase; on the other hand, it reverses the course of the energy, the power that might result from it, and **turns** it **into** a relation of **strict subjection**” (Foucault 1977, 138). All of **this takes place**, Foucault maintains, **through** the **meticulous regulation of the body’s** movement and the time and space in which it moves. Specifically, there are three elements of disciplinary power that Foucault claims train the bodies of individuals to become both “useful and docile;” hierarchical observation, examination, and normalizing judgment. According to Foucault, **the possibility of constant observation is crucial for disciplinary power to be effective**. For capitalist factories to succeed, he maintained, they need to be architecturally and managerially structured so as to facilitate constant observation. Hierarchies must be established and workers must be monitored by those in positions above their own, thus inducing good work habits without the threat of physical violence. Moreover, Foucault theorized that it was not specifically constant observation that produced these results, for such observation of every worker would be both inefficient and impossible. It was merely the possibility of being observed that shaped the behavior of laborers–the mere possibility that someone, somewhere might be watching. According to Foucault, those that are being observed need to be evaluated in an effective way. Thus a second element of disciplinary power is the examination. Workers are periodically tested on their abilities and their habits, however, the results of such tests matter little without some sort of standard of comparison. The third element of disciplinary power is normalizing judgment–this element is linked to Foucault’s earlier interest in the development of statistics; the gathering of **knowledge about individuals. Through** compiling **such information**, Foucault points out, **it is possible to identify an “average**,” a standard **by which to compare** individual **behavior**. For Foucault**, it is ultimately the desire to be “normal,” that shapes individuals,** their bodies and their minds. And “**thanks to** a whole system of **surveillance**, hierarchies, inspections, bookkeeping, and reports–all technology that can be described as the disciplinary technology of labor,” the **power to** **define** what qualifies as **normal is taken** completely **out of the hands of those to which** the standard **is applied** (Foucault 2003c, 242). It is no accident that this form of power appears to be linked with another sense of the word “discipline,” meaning an academic field of study. In fact, for Foucault, disciplinary power is inextricably bound to knowledge itself, particularly the fields of knowledge that make the individual the object of study–psychiatry, criminology, sociology, psychology, and medicine. Together, the human sciences create a regime of power that, according to Foucault, controls, describes, and monitors human behavior in terms of norms. **By setting out what is “normal,”** the human sciences thus also **intentionally create the idea of abnormality** or deviation. **The more abnormal and excluded you are**, the **more individual** you become. **Individuality is** thus, for Foucault, **not** the **desirable** individuality of Liberalism–**it is the mark of the mental patient, the convict, and the over-comatose. It has nothing to do with** taking **control** over one's own life and **everything to do with being controlled**.

#### Reporters who refuse to disclose are punished – creates a deterrent effect for informants and threatens reporter autonomy and neutrality – the aff is key for broader reform.

Sager ’07 Sager, Kelli L., and Rochelle L. Wilcox. Kelli Sager has more than 30 years of litigation experience representing television and radio broadcasters, cable companies, motion picture producers and distributors, newspapers and magazines, book authors, Internet companies, and Web publishers, both at the trial and appellate level of federal and state courts. Her practice encompasses all areas of media and entertainment litigation, including defamation, privacy, idea submission claims, access, prior restraint, reporter's shield laws, copyright and trademark law, and Internet law. Litigation offers practical yet lively information on common problems and interests for the lawyers who try cases and the judges who decide them. “Protecting Confidential Sources.” Litigation, vol. 33, no. 2, 2007, pp. 36–41. JSTOR, JSTOR, www.jstor.org/stable/29760621.

The importance of protecting access to confidential sources is particularly striking with regard to the role they often play in prize-winning journalism. For example, one commentator surveyed the authors of stories nominated for a Pulitzer Prize in 1980. Of those authors who participated in the survey, more than 60 percent reported that confidential sources had played a "significant role" in story development. John E. Osborn, "Updating the Empirical Evidence," 17 Colum. Hum. Rts. L. Rev. 57, 69, 74 (1985). Every journalist participating in the survey disclosed that he or she had used a confidential source or information during the preceding decade, and half disclosed that they used confidential sources "routinely" or "frequently." Id. at 72-73. More recently, in 2006, the Pulitzer Prize for National Reporting was shared by journalists at two newspapers, one of which was the New York Times. The journalists were lauded for "their carefully sourced stories on secret domestic eavesdropping that stirred a national debate on the boundary line between fighting terrorism and protecting civil liberty." This story, like so many others, could not have been written without information from confidential sources. Published December 15, 2005, it explained how "[n]early a dozen cur? rent and former officials, who were granted anonymity because of the classified nature of the program, discussed it [the topic] with journalists for the New York Times because of their concerns about the operation's legality and oversight." Other examples of important national stories published only with the assistance of confidential sources include those covering the Pentagon Papers, in which an American military analyst employed by the Rand Corporation leaked secret information from the Pentagon about America's role in Vietnam to the New York Times and Washington Post, and, more recently, the accounts of abuse and torture at Abu Ghraib prison. These are only a few examples of serious news reporting that could not have been done without the journalists' ability to promise confidentiality and, equally important, to keep that promise. Showing that journalists' interests in ensuring access to confidential sources will be compromised if the reporters are forced to testify may be more difficult. Given the nature of this issue, little empirical evidence exists. Thus, testimony by journalists or experts about the importance of confidential sources can be very useful. In addition to fully explaining the obvious concern that sources will not come forward if they believe their anonymity can be compromised, journalists may provide persuasive examples of stories in which they relied on confidential sources and also believed that their reputations and/or ability to obtain further confidential information would be diminished or destroyed by compelled disclosure. The reporter's declarations should be designed to prove, as many courts have recognized, that [c]ompelled disclosure of confidential sources unquestionably threatens a journalist's ability to secure information that is made available to him only on a confidential basis\_**The deterrent effect such disclosure is likely to have upon future 'undercover' investigative reporting ... threatens freedom of the press and the public's need to be informed.** Other interests also support a privilege for confidential information. One is the journalist's need to remain impartial in reporting the news. Most journalists strive to remain an unbiased reputation as an unprejudiced source of news is tremendously valuable. **Yet when a journalist is drawn into the story by being threatened with contempt and perhaps imprisonment for refusing to disclose a confidential source, she becomes part of the story and her neutrality is threatened.** As the California supreme court has recognized, **journalists serve as "the eyes and ears of the public," and immunity from compelled disclosure of confidential sources is needed to safeguard their autonomy.** Miller v. Superior Court, 21 Cal. 4th 883, 898 (1999) (citations omitted). On some occasions and even when the court recognizes the existence of a reporter's privilege, the judge may require the reporter to testify either in deposition or during a hearing or trial. This need typically arises if the journalist-client is involved in either of two scenarios: (1) Because the journalist has the burden to establish the existence of the privilege, judges sometimes require reporters to testify about underlying facts to demonstrate that the privilege applies, and (2) in circumstances where there is no absolute privilege (as in most criminal cases), judges may require the reporter to appear and counsel to object on a question-by-question basis. In these circumstances, knowing when and how to protect the testifying reporter is critical. The following tips may be of use in such circumstances: First, meet with the reporter beforehand to prepare him for the appearance. As with any witness, the reporter should be instructed to pause before answering any question to give counsel an opportunity to object. If the journalist-witness answers a question before the lawyer has an opportunity to object, the objection becomes moot but more importantly, the journalist inadvertently may have revealed information that could lead to the disclosure of a confidential source. Second, be familiar with the scope and extent of the privilege for that jurisdiction. In California, for example, the privilege applies to any "unpublished" information; consequently, even foundational questions about information that does not appear in the article may be objectionable. In states that protect only confidential source identities but not other unpublished information, counsel should listen carefully to the question asked and object to any question that could lead even indirectly to the identity of the source. Third, protect against disclosure by process of elimination. For example, in a situation where the journalist's source is labeled "Mr. X," opposing counsel might assume the journalist may respond to the question whether the source is Mr. A. The problem with this scenario becomes evident, how? ever, after the interrogator receives negative responses to succeeding questions whether the source then might be Mr. B? Mr. C? And so on. Interposing an objection to the first question, whether the source is Mr. X, leads to the obvious conclusion. Once the interrogator eliminates enough people, the source may be easy to identify, even if the question about Mr. X was never asked directly. Additionally, if interrogating counsel will be permitted to ask about on-the-record sources, volunteer a list of those so that a line clearly separates questions about those individuals from open-ended questions about "sources" in general. When a court orders a journalist to disclose a confidential source, the journalist is placed in the difficult position of deciding whether to comply or to risk being penalized. **If the journalist is held in contempt, a number of punishments are possible, including fines and imprisonment. Although very few journalists have gone to jail for their refusal to comply with an order to disclose a confidential source, that risk always exists.** If the journalist is a party to litigation, the concerns may be different. One common remedy for violation of an order compelling disclosure of confidential source information is a limiting order forbidding the party journalist from relying on the confidential source and possibly including an instruction that the journalist had no source for the challenged statements. For example, when faced with a journalist's refusal to comply with a discovery order, a New York court concluded: At trial, if the defendants opt to rely on their statutory privilege, they should be precluded from any use of those sources and information as proof of verification or evidence of responsibility. On the other hand, if they choose to fully disclose their investigation, no limitation of the defense will occur. Greenberg v. CBS Inc., 69 A.D.2d 693, 709 (N.Y. Sup. Ct. App. Div. 1979). Courts generally have been reluctant to enter orders striking a journalist party's pleadings. In Oak Beach Inn Corp. v. Babylon Beacon, Inc., 62 N.Y.2d 158, 166 (N.Y. 1984), New York's court of appeals reversed an order depriving a newspaper of its entire defense as a sanction for refusing to comply with an order compelling disclosure. Relief, the court held, "should adequately protect the plaintiff's interest without intolerably burdening the newspaper." Id. at 167. Thus, the court ordered more limited sanctions, such as precluding reliance on information from the source in defending against the allegation of malice, or forcing the newspaper to rely on proof of its own independent investigation. "A newspaper should not be required to accept substantial financial loss as the price for continuing to honor a commitment to maintain the confidentiality of one of its sources." Id. **Journalists are more threatened today than at any time in American history.** Never before have prosecutors, defendants, and civil litigants felt such freedom to demand that journalists produce confidential information. Never before have so many journalists been faced with the prospect of going to jail for refusing to comply with a disclosure order. **More urgent than ever is the need for journalists to stand up for** their right to ensure that news media will continue to have **the tools they need to serve as the monitor of government** that the drafters of the Constitution envisioned when they declared "Congress shall make no law ... abridging the freedom of. . . the press."

#### Informant confidentiality is necessary to uncover corruption and scrutinize government institutions – anything else causes complete exposure for both the informant *and* journalist to structures of power.

Nkusi ’15 Fred K. Nkusi, November 03, 2015, New Times | Rwanda, 11-3-2015, ["The principle of confidentiality in journalism is a delicate balance", https://www.newtimes.co.rw/section/read/194062] AL 8-18-2018

One of the constitutive features of a democratic state is the state that embraces fundamental rights and freedoms, among others, the freedom of expression, including the protection of journalistic confidentiality sources. Across the world **a free press depends on the free flow of information** from the media to the people and from the people to the media. The issue of disclosing journalistic confidential sources has been a bone of contention in media landscape. It is noteworthy that the privilege of non-disclosure of confidentiality sources is one of the core principles of journalists. **Without upholding this privilege, journalists have little**, if any, **real role to play in the society**. Journalists often receive sensitive, perhaps explosive, information on political issues and have to publish them. **Journalists must be able to assure** their sources that their **identities will remain anonymous** in order **to encourage the informants to continue supplying them information freely.** The protection of sources, sometimes also referred to as the confidentiality of sources, as the reporter’s privilege, is a right accorded to journalists under the laws of many countries, as well as under international law. This privilege is also defined as the right of a journalist to refuse to reveal sources of confidential information. Non-disclosure of confidential sources is indeed an essential element in promoting both the free flow of information and the public’s right to know. **Journalists must be ready to uphold the fruits of their news gathering from scrutiny by government or private entities in order to maintain their editorial line independence**. In fact, without these privileges, **the ability of the press to scrutinise government and, for example, to uncover corruption would be severely compromised**. A question can, however, emerge: who is entitled to protection (under journalistic privilege)? Though each State has its own precise contours of a journalistic privilege, the broader protection is meant for the practising journalists, or anyone involved in the process of gathering, writing, editing, or publishing news or information to the public. And which confidential sources are subject to protection? The privilege would cover not only the identity of sources but also unpublished information and documentary materials and other unpublished journalistic work product. This article analyses the interplay between journalistic privilege of confidential sources and when a journalist could be compelled to divulge confidential sources due to supposedly overriding countervailing interests. Whether it is a matter of principle, or practice if you like, the question is how to strike a right balance in protecting public interests, on the one hand, and without infringing journalistic right to confidential sources on the other hand. To begin with, let’s explore the practice in some of the EAC member states and beyond. In Rwanda, for example, the confidentiality source has a pretty scanty attention. Under media law, in principle, the privilege of journalistic confidentiality sources is guaranteed. However, such privilege can be set aside by a court in matters relative to criminal investigations. That said, a journalist/reporter is caught between a rock and a hard place: to either disclose his/her anonymous informants or shrug off the court order, which itself can be construed as contempt of the court. Unlike in Uganda, press and journalist act provides that “a journalist shall not be compelled to disclose the source of his or her information except with the consent of the person who gave him or her information or on an order of a court of law”. In both Tanzania and Burundi there is no privilege whatsoever available to protect journalists from disclosing their sources of information if required to do so by a court. More regrettably, the Burundian Press law provides that “at any time, the journalists can be compelled to reveal the sources of information before the Court in case of information relating to the following offences: state security, public order, confidentiality of defence, and physical and moral integrity of persons”. Like most basic rights and freedoms, privilege of journalist’s confidentiality sources is not absolute. However, making a trade-off between the protection of issues of public concerns and privilege of confidential sources remains a tricky challenge. The European Court of Human Rights (ECtHR), for example, declared, in Goodwin v. United Kingdom Case, in 1996 that journalists have a right not to disclose their sources unless an overriding countervailing interest outweighs the confidentiality of news sources. The best approach has, however, been elegantly summarised by the ICTY Appeals Chamber, in a landmark case of Jonathan Randal, the former Washington Post reporter, where it was noted that journalists can be compelled to divulge the news sources, or testify, but certain threshold test must be met: “if the evidence sought is of direct and important value in determining the core issue in the case and such evidence cannot be sufficiently obtained elsewhere”. Over and above, the court stressed that, for example, war correspondents could not be compelled to testify about their sources, except under extraordinary circumstances. Such an approach intends to limit **courts from wield**ing **their powers for granted and, at all times, coerce a journalist to reveal his confidential sources** rather than being the last resort.

#### The *ability* of the press to check the government is specifically necessary – it is an act of change and dissent and endorsement regardless of the *result* itself – education is the first step.

Vobic ’15 Igor VOBIČ, Melita POLER KOVAČIČ, Igor Vobič, PhD, Assistant Professor at the Faculty of Social Sciences, University of Ljubljana; Melita Poler Kovačič, PhD, Professor at the Faculty of Social Sciences, University of Ljubljana WATCHDOG JOURNALISM AND CONFIDENTIAL SOURCES: A STUDY OF JOURNALISTS’ NEGOTIATION OF CONFIDENTIALITY WITH THEIR SOURCES https://www.dlib.si/stream/URN:NBN:SI:DOC-3XWI9FFO/25578e4c-cb45-42d2-856c-5cb55201019f/PDF

Despite the study’s rather narrow scope, the interview analysis indicates that investigations of the journalists’ negotiation of confidentiality with their sources should consider **the normative function of journalism as a social institution with respect to power and the public** in order to scrutinise the reasoning and practices behind using anonymous sources. Since these dynamics are contextually diverse, journalism studies as a field should historicise and restrict its theoretical and empirical vistas. Such synchronic and diachronic approaches would help comprehend the paradoxes of source confidentiality as the right of **journalists** who are torn between their aim to **act on behalf of the public and their mandate to follow the imperatives of news media owners** and their managers while **monitoring, documenting and questioning the (ab)uses of power.**

#### The 1AC is a form of counter-surveillance – without anonymous confidential sources the press is destroyed and the government is uncontestable

Sager 7 Sager, Kelli L., and Rochelle L. Wilcox. Kelli Sager has more than 30 years of litigation experience representing television and radio broadcasters, cable companies, motion picture producers and distributors, newspapers and magazines, book authors, Internet companies, and Web publishers, both at the trial and appellate level of federal and state courts. Her practice encompasses all areas of media and entertainment litigation, including defamation, privacy, idea submission claims, access, prior restraint, reporter's shield laws, copyright and trademark law, and Internet law. Litigation offers practical yet lively information on common problems and interests for the lawyers who try cases and the judges who decide them. “Protecting Confidential Sources.” Litigation, vol. 33, no. 2, 2007, pp. 36–41. JSTOR, JSTOR, [www.jstor.org/stable/29760621](http://www.jstor.org/stable/29760621). AL 8-22-2018

In challenging any attempt to obtain information about a confidential source from a journalist, the most important thing is understanding and explaining why it matters. Why do journalists insist that they need protection that is not afforded to the rest of society? Ultimately, the reason is that journalists play a unique role in society. With a single exception, the Bill of Rights protects only "rights": individual rights that **the government may not infringe**. But it also protects the institution of **the press**: "Congress shall make no law . . . abridging the freedom of . . . the press." As the Supreme Court explained three decades ago, "The constitutional guarantee of **a free press** . . . **secures the paramount public interest in a free flow of information to the people concerning public officials.**" Pell v. Procunier, All U.S. 817, 832 (1974). **The journalist is both obligated and entitled to report on the government.** To do this, she must have information. The material may come from many sources, but **confidential informants are essential for journalists to perform their first duty of reporting on the government.** Most courts will agree with the fundamental proposition that **communications between a journalist and a confidential informant will be chilled if the journalist cannot guarantee anonymity**. Nonetheless, it is important to provide tangible, reliable evidence to support the need for this privilege. In the Watergate scandal, for example, Bob Woodward, Carl Bernstein, and eight other journalists were subpoenaed to disclose the sources of their information regarding Watergate. Numerous influential journalists and public figures submitted affidavits opposing the subpoenas, explaining that **a significant amount of information is obtained only with assurances of confidentiality and that a journalist's ability to report fully on an issue is threatened if she is forced to testify and disclose confidential information or sources.** Democratic Nat'I Comm. v. McCord, 356 F. Supp. 1394 (D.D.C. 1973). The district court, after noting the tremendous significance of the information obtained through confidential sources, quashed the subpoenas. It explained: **This Court cannot blind itself to the possible "chilling effect" the enforcement of these broad subpoenas would have on the flow of information to the press**, and so to the public. This Court stands convinced that if it allows the discouragement of investigative reporting into the highest levels of government, no amount of legal theorizing could allay the public's suspicions engendered by its actions and the matters alleged in these lawsuits. Id. at 1397 (footnote omitted).

#### The 1AC is a criticism of the status quo, where the press is ruled by fear, subject to the violence which follows the imposition of the concept of *discipline* into public spaces. We must combat the fear of rules of norms which bind us down – the role of the judge as an intellectual with the power to determine truth or falsity within the debate space and transform the discursive space is to vote for the method that best challenges disciplinary apparatuses.

Giroux ’13 [Henry A. Giroux | Violence, USA: The Warfare State and the Brutalizing of Everyday Life Wednesday, 02 May 2012 10:03 By Henry A. Giroux, Truthout | Op-Ed. SK]

**Even public school reform is now justified in the dehumanizing language of national security, which increasingly legitimates the trans- formation of schools into adjuncts of the surveillance and police state**. '3 **The privatization and militarization of schools mutually inform each other as students are increasingly subjected to** disciplinary apparatuses that limit their capacity for critical thinking **while molding them** into consumers, testing them into submission, **stripping them of** any sense of social responsibility, and convincing large numbers of poor minority students that they are better off under the jurisdiction of the criminal justice system instead of being treated as valued members of the public schools. Schools are increasingly absorbing the culture of prisons and are aggressively being transformed into an extension of the criminal justice system. Many public schools are being militarized to resemble prisons instead of being safe places that would enable students to learn how to be critical and engaged citizens. Rather than being treated with dignity and respect, students are increasingly treated as if they were criminals, given that they are repeatedly "photographed, fingerprinted, scanned, x-rayed, sniffed and snooped on."" As I mentioned in chapter 2, the space of the school resembles a high-security prison with its metal detectors at the school entrances, drug-sniï¬‚ing dogs in school corri- dors, and surveillance cameras in the hallways and classrooms. Student behaviors that were once considered child play are now elevated to the status of a crime. Young people who violate dress codes, engage in food fights, hug each other, doodle, and shoot spit wads are no longer repri- manded by the classroom teacher or principal; instead their behavior is criminalized. Consequently, the police are called in to remove them is criminalized. Consequently, the police are called in to remove them from the classroom, handcuff them, and put them in the back of a police car to be carted off to a police station where they languish in a holding cell. There is a kind of doubling that takes place here between the culture of punishment, on the one hand, and the feeding of profits for the security-surveillance industries. What has emerged in the United States is a civil and political order structured around the problem of violent crime. This governing- through-crime model produces a highly authoritarian and mechanistic approach to addressing social problems that often focuses on low- income and poor minorities, promotes highly repressive policies, and places undue emphasis on personal security rather than considering the larger complex of social and structural forces that fuels violence in the first place. Far from promoting democratic values, a respect for others, and social responsibility, a governing-through-crime approach criminalizes a wide range of behaviors and in doing so often functions largely to humiliate, punish, and demonize. "lhe abuse and damage that criminalizes a wide range of behaviors and in doing so often functions largely to humiliate, punish, and demonize. The abuse and damage that is being imposed on young people as a result of the ongoing militariza- tion and criminalization of public schools defy the imagination. And ;';.':;~.n='.~m':' 74 AMERICA'S EDUCATION DEFICIT AND THE WAR ON the trivial nature of the behaviors that produce such egregious prac- tices is hard to believe. A few examples will suffice: In November 2011, a 14-year-old student in Brevard County, Florida, was suspended for hugging a female friend, an act which even the principal acknowledged as innocent. A 9-year-old in Charlotte, North Carolina, was suspended for sexual harassment after a substitute teacher overheard the child tell another student that the teacher was "cute." A 6-year-old in Georgia was arrested, handcuffed and suspended for the remainder of the school year after throwing a temper tantrum in class. A 6-year-old boy in San Francisco was accused of sexual assault following a game of tag on the playground. A 6-year-old in Indiana was arrested, handcuffed and charged with battery after kicking a school principal. Twelve- year-old Alexa Gonzalez was arrested and handcuffed for doodling on a desk. Another student was expelled for speaking on a cell phone with his mother, to whom he hadn't spoken in a month because she was in Iraq on a military deployment. Four high school students in Detroit were arrested and handcuffed for participating in a food fight and charged with a misdemeanor with the potential for a 90-day jail sentence and a $500 fine. A high school student in Indiana was expelled after sending a profanity-laced tweet through his Twitter account after school hours. The school had been con- ducting their own surveillance by tracking the tweeting habits of all students. These are not isolated incidents. In 2010, some 300,000 Texas schoolchildren received misdemeanor tickets from police officials. One 12-year-old Texas girl had the police called on her after she sprayed perfume on herself during class." **Public spaces that should promote dialogue, thoughtfulness, and critical exchange are** ruled by fear **and become the ideological corollary of a state that aligns its priorities to war** and munitions sales while declaring a state of emergency (under the aegis of a permanent war) as a major reference for shaping domestic policy. In addition, the media and **other cultural apparatuses now** produce, circulate, and **validate forms of** symbolic and real violence **that dissolve the democratic** bonds of social reciprocity. **This dystopian use of violence** as enter- tainment and spectacle **is reinforced through the media's incessant appeal to the** market-driven **egocentric interests of the autonomous individual, a fear of the Other, and a stripped-down version of secu- rity that narrowly focuses on personal safety** rather than collective security nets and social welfare. One consequence is that **those who are viewed as disposable and reduced to zones of abandonment are forced "to address the reality of extreme violence** . . . **in the very heart of their everyday life**."'Â° Violence in everyday life is matched by a surge of violence in popular culture. Violence now runs through media and popular culture like an electric current. As the New York Times reported recently, "The top-rated show on cable TV is rife with shoot- ings, stabbings, machete attacks and more shootings. The top drama at the box office fills theaters with the noise of automatic weapons fire. The top-selling video game in the country gives players the choice to kill or merely wound their quarry.""' SK

#### The impacts are multifold – disciplinary apparatus’ push journalists into a new zone of exclusion – they are viewed as disposable and suffer symbolic and real violence that mirrors a dystopia but parallels reality – this leads to securitization, dehumanization, consumerism, alienation and violence against students.

**It is not sufficient to reject terminal forms of power like “classism” or “anti-blackness” because these criticisms neglect the underlying forces that engender systems of domination – Instead we resist power specifically to the sphere that they operate in. Terminal instances of power stem from the systemic formation of overlapping disciplinary structures – the task of the revolutionary is to address specific instances so as to unravel larger hegemonic structures**

Atterton ‘94 philosophy professor**,** University of California San Diego, HISTORY OF THE HUMAN SCIENCES JOURNAL, 1994, p. http://www.acusd.edu/~atterton/Publications/foucault.htm.

Foucault considers all these are possible, with appropriate reservations and qualifications: "Are there no great radical ruptures, massive binary divisions, then? Occasionally, yes. But more often one is dealing with mobile and transitory points of resistance, producing cleavages in a society... Jjust as a network of power relations ends by forming a dense web that passes through apparatuses and institutions, without being exactly llocalized in them, so too the swarms of points of resistance traverses social stratifications and individual unities. And it is doubtless the strategic codification of tthese points of resistance that makes a revolution possible, somewhat similar to the way in which the state relies on the institutional integration of power relationships."

#### The emergence of totalitarian control originates from various disciplinary apparatuses that insidiously crystallize systems of hegemony. Restructuring of the political occurs through the deconstruction of disciplinary mechanisms – the specificity and thoroughness of regulations intensify the machinations of power which attempt to meticulously control individuals’ lives.

Foucault Foucault, Michel. Discipline and Punish: The Birth of the Prison. New York: Vintage Books, 1979. Print

The ‘invention’ of this new political anatomy must not be seen as a sudden discovery. It is rather a multiplicity of often minor processes, of different origin and scattered location, which overlap, repeat, or imitate one another, support one another, distinguish themselves from one another according to their domain of applica­ tion, converge and gradually produce the blueprint of a general method. They were at work in secondary education at a very early date, later in primary schools; they slowly invested the space of the hospital; and, in a few decades, they restructured the military organization. They sometimes circulated very rapidly from one point to another (between the army and the technical schools or secondary schools), sometimes slowly and discreetly (the insidious militarization of the large workshops). On almost every occasion, they were adopted in response to particular needs: an industrial innovation, a renewed outbreak of certain epidemic diseases, the invention o f the rifle or the victories o f Prussia. This did not prevent them being totally inscribed in general and essential transforma­ tions, which we must now try to delineate.¶ There can be no question here of writing the history of the different disciplinary institutions, with all their individual differ­ ences\* I simply intend to map on a series of examples some of the essential techniques that most easily spread from one to another. These were always meticulous, often minute, techniques, but they had their importance: because they defined a certain mode of detailed political investment of the body, a 'new micro-physics **of** power; and because, since the seventeenth century, they had constantly reached out to ever broader domains, as if they tended to cover the entire social body. Small acts of cunning endowed with a great power of diffusion, subtle arrangements, apparently innocent, but profoundly suspicious, mechanisms that obeyed economies too shameful to be acknowledged, or pursued petty forms of coercion — it was nevertheless they that brought about the mutation of the punitive system, at the threshold of the contemporary period. De­ scribing them will require great attention to detail: beneath every set¶ of figures, we must seek not a meaning, but a precaution; we must situate them not only in the inextricability of a functioning, but in the coherence of a tactic. They are the acts of cunning, not so much of the greater reason that works even in its sleep and gives meaning to the insignificant, as of the attentive 'malevolence\* that turns everything to account. Discipline is a political anatomy of detail. Before we lose patience we would do well to recall the words of Marshal de Saxe: ‘Although those who concern themselves with details are regarded as folk of limited intelligence, it seems to me that this part is essential, because it is the foundation, and it is impossible to erect any building or establish any method without understanding its principles. It is not enough to have a liking for architecture. One must also know stone-cutting\* (Saxe, 5). There is a whole history to be written about such 'stone-cutting’ - a history of the utilitarian rationalization of detail in moral accountability and political control. The classical age did not initiate it; rather it accelerated it, changed its scale, gave it precise instruments, and perhaps found some echoes for it in the calculation of the infinitely small or in the description of the most detailed characteristics of natural beings. In any case, ‘detail\* had long been a category of theology and asceticism: every detail is important since, in the sight of God, no immensity is greater than a detail, nor is anything so small that it was not willed by one of his individual wishes. In this great tradition of the eminence of detail, all the minutiae of Chris­ tian education, of scholastic or military pedagogy, all forms of ‘training' found their place easily enough. For the disciplined man, as for the true believer, no detail is unimportant, but not so much for the meaning that it conceals within it as for the hold it provides for the power that wishes to seize it. Characteristic is the great hymn to the ‘little things' and to their eternal importance, sung by Jean- Baptiste de La Salle, in his Traitd sur les obligations des freres des licoles chretiennes. The mystique of the everyday is joined here with the discipline of the minute. 'How dangerous it is to neglect little things. It is a very consoling reflection for a soul like mine, little disposed to great actions, to think that fidelity to little things may, by an imperceptible progress, raise us to the most eminent sanctity: because little things lead to greater \* . . Little things; it will be said, alas, my God, what can we do that is great for you, weak and mortal creatures that we are. Little things; if great things presented them­ selves would we perform them? Would we not think them beyond our strength? Little things; and if God accepts them and wishes to receive them as great things? Little things; has one ever felt this? Does one judge according to experience? Little things; one is cer­ tainly guilty, therefore, if seeing them as such, one refuses them? Little things; yet it is they that in the end have made great saints! Yes, little things; but great motives, great feelings, great fervour, great ardour, and consequently great merits, great treasures, great rewards' (La Salle, Traite . . ., 238-9). The meticulousness of the regulations, the fussiness of the inspections,the supervision of the smallest fragment of life and of the body will soon provide, in the context of the school, the barracks, the hospital or the workshop, a laicized content, an economic or technical rationality for this mystical calculus of the infinitesimal and the infinite. And a History of Detail in the eighteenth century, presided over by Jean-Baptiste de La Salle, touching on Leibniz and Buffon, via Frederick II, covering pedagogy, medicine, military tactics and economics, should bring us, at the end of the century, to the man who dreamt of being another Newton, not the Newton of the immensities of the heavens and the planetary masses, but a Newton of ‘small bodies’, small movements, small actions; to the man who replied to Monge’s remark, ‘there was only one world to discover\*: ‘What do I hear? But the world of details, who has never dreamt of that other world, what of that world? I have believed in it ever since I was fifteen. I was concerned with it then, and this memory lives within me, as an obsession never to be abandoned. . . That other world is the most important of all that I flatter myself I have dis­ covered: when I think of it, my heart aches’ (these words are attributed to Bonaparte in the Introduction to Saint-Hilaire\*s Notions synthetiques et historiques de philosophic naturelie). Napoleon did not discover this world; but we know that he set out to organize it; and he wished to arrange around him a mechanism of power that¶ would enable him to see the smallest event that occurred in the state he governed; he intended, by means of the rigorous discipline that he imposed, ‘to embrace the whole of this vast machine without the slightest detail escaping his or her attention\* (Treilhard, 14).¶ A meticulous observation of detail, and at the same time a political awareness of these small things, for the control and use of men, emerge through the classical age bearing with them a whole set of techniques, a whole corpus of methods and knowledge[.], descriptions, plans and data. And from such trifles, no doubt, the man of modern humanism was born.1