## Courts CP – Blake 2016

### 1NC Courts

#### Counterplan Text: The Supreme Court of the United States, in the next available test case, should rule that public colleges and universities ought not restrict any constitutionally protected speech.

#### Lawsuits are piling up against free speech restrictions – the counterplan strengthens First Amendment protections and solves the entirety of the case

Watanabe 14 [Teresa Watanabe (covers education for the LA Times), "Students challenge free-speech rules on college campuses," LA Times, 7/1/2014] AZ

College students in California and three other states filed lawsuits against their campuses Tuesday in what is thought to be the first-ever coordinated legal attack on free speech restrictions in higher education. Vincenzo Sinapi-Riddle, a 20-year-old studying computer science, alleged that Citrus College in Glendora had violated his 1st Amendment rights by restricting his petitioning activities to a small "free-speech zone" in the campus quad. According to Sinapi-Riddle's complaint, a campus official stopped him last fall from talking to another student about his campaign against spying by the National Security Agency, saying he had strayed outside the free-speech zone. The official said he had the authority to eject Sinapi-Riddle from campus if he did not comply. "It was shocking to me that there could be so much hostility about me talking to another student peacefully about government spying," Sinapi-Riddle said in an interview. "My vision of college was to express what I think." In his lawsuit, Sinapi-Riddle is challenging Citrus' free-speech zone, an anti-harassment policy that he argues is overly broad and vague and a multi-step process for approving student group events. The college had eliminated its free-speech zones in a 2003 legal settlement with another student, but last year "readopted in essence the unconstitutional policy it abandoned," the complaint alleged. College officials were not immediately available for comment. But communications director Paula Green forwarded copies of Citrus' free-speech policy, which declares that the campus is a "non-public forum" except where otherwise designated to "prevent the substantial disruption of the orderly operation of the college." The policy instructs the college to enact procedures that "reasonably regulate" free expression. The "Stand Up for Speech" litigation project is sponsored by the Foundation for Individual Rights in Education, a Philadelphia-based group that promotes free speech and due process rights at colleges and universities. Its aim is to eliminate speech codes and other campus policies that restrict expression. In a report published this year, the foundation found that 58% of 427 major colleges and universities surveyed maintain restrictive speech codes despite what it called a "virtually unbroken string of legal defeats" against them dating to 1989. Even in California — unique in the nation for two state laws that explicitly bar free speech restrictions at both public and private universities — the majority of campuses retain written speech codes, he said. Among 16 California State University campuses surveyed by the group, for instance, 11 were rated "red" for employing at least one policy that "substantially restricts" free speech. "Universities are scared of people who demand censorship -- they're afraid of lawsuits and PR problems," said Robert Shibley, the foundation’s senior vice president. "Unfortunately, they are more worried about that than about ignoring their 1st Amendment responsibilities," he added. "The point of the project is to balance out the incentives that cause universities to institute rules that censor speech." The foundation intends to target campuses in each of four federal court circuits; after each case is settled, it will file another lawsuit. In other cases filed Tuesday: — [Iowa State University](http://www.latimes.com/topic/education/colleges-universities/iowa-state-university--OREDU0000581-topic.html) students Paul Gerlich and Erin Furleigh challenged administrative rejection of their campus club T-shirt promoting legalization of marijuana. The university said the shirt violated rules that bar the use of the school name to promote "dangerous, illegal or unhealthy" products and behavior, according to the complaint. — [Chicago State University](http://www.latimes.com/topic/education/colleges-universities/chicago-state-university-OREDU000801-topic.html) faculty members Phillip Beverly and Robert Bionaz sued over what they said were repeated attempts to silence a blog they write on alleged administrative corruption. — [Ohio University](http://www.latimes.com/topic/education/colleges-universities/ohio-university-OREDU000671-topic.html) student Isaac Smith challenged the campus speech code that forbids any act that "degrades, demeans or disgraces another." University officials invoked the code to veto a T-shirt by Smith’s Students Defending Students campus group — which defends peers accused of campus disciplinary offenses. The T-shirt said, "We get you off for free," a phrase that administrators found "objectified women" and "promoted prostitution," the complaint said.

#### Courts are better checks on implementation – they decide the birghtline for whether speech is constitutionally protected.

Arthur 11 (Joyce, Founder and Executive Director of the Abortion Rights Coalition of Canada, a national political pro-choice group, “The Limits of Free Speech,” Sep 21, 2011, https://rewire.news/article/2011/09/21/limits-free-speech-5/

A common objection to prosecuting hate speech is that it might endanger speech that counters hate speech. For example, a critique may repeat the offending words and discuss their import, or it may subvert the hate message in a subtle or creative way that could be misunderstood by some. But context is everything when determining whether speech is actually hateful or not, so this objection seems nonsensical. Any reasonable judge should be able to discern the difference in intent or effect behind a hateful message and the speech that critiques it.

### Solves Movements

#### Court action spurs a national dialogue and social movements: Friedman 2004

Barry Friedman, NYU law professor, 2004, The Importance of Being Positive: The Nature and Function of Judicial Review

From a descriptive posture then, the Supreme Court is not the

Supreme Ruler that poses a hope or a threat; rather, the Supreme Court acts as a catalyst for debate, fostering a national dialogue about constitutional meaning. Prompting, maintaining, and focusing this debate about constitutional meaning is the primary function of judicial review.”7 The claim is not that the country is incapable of having a constitutional discussion absent a Supreme Court pronouncement, only that constitutional dialogue seems the inevitable result of an important or controversial constitutional decision. The debate over slavery is just one example of a national conversation about constitutional meaning that, while helped along by a judicial decision, was not only a result of judicial intervention. ”" However, because the nature of a judicial decision is to cast something in constitutional terms, when that decision is debated, the Constitution more typically plays a central role. Congressional debates, to pick a counter-example, less commonly display this constitutional nature, even if that would be warranted. ”" At least it seems that way, absent some empiricism that suggests otherwise. Perhaps this is to be expected, even preferred, given the exact nature of Congress’s task, i.e., doing the nation’s business. And when the Constitution does appear in congressional debate, typically it is because of a question of how the Court will react much as what the Constitution should mean. Nothing here is intended to speak to the counterfactual-that is, what if there was no judicial review. Thayer famously took the view that too much judicial review dampened broader constitutional debate.""" Maybe this is so, maybe not. But in the world in which we live, the courts foment and sustain constitutional dialogue. This is the central role of judicial review. Although this largely has been a positive account, it is worth making the normative turn, if ever so briefly. On examination, it is possible to see that the positive account points to a role for judicial review that account that although the hope of judicial review may be overstated, the threat is overstated as well. Critics challenge the hegemony of judicial interpretations of the Constitution, but this drastically overstates the case. Many judicial interpretations raise no controversy.” But when they do, what occurs is not obeisance to the courts, but a healthy process of constitutional debate and often constitutional change. This process of constitutional dialogue and constitutional change matters, because this ultimately ensures that the Constitution is owned by all of us.I32 As Richard Fallon says, with regard to constitutional legitimacy, “the first crucial point is the fact of widespread acceptance.”""3 Some judicial decisions do strike a national nerve, and when they do, they rouse opposition. That opposition invites participation in the process of reaching consensus about constitutional meaning. Participation can occur at great levels but also trivial ones, like sending a small check to an interest group. The cumulative effect of this political activity concerning a constitutional issue may be a shift and coalescing of public opinion. However-and this is important-the Supreme Court’s responsiveness to public opinion is not to immediate popular preference so much as to a body of opinion that endures over time. This is the case precisely because constitutional law is sticky, changing only after an appropriately intense national conversation occurs. The conversation can be short-lived but intense enough to generate an immediate supermajority, such as when a constitutional amendment is passed in response to a court decision. Or, constitutional law can change-as it more typically does -only after a long, drawn-out process of political engagement. The benefit of the process of constitutional change is that it serves the separating function, of helping to determine and distinguish between immediate political preference and deeper commitments. The stickiness of constitutional law means that most political change occurs only after a sustained campaign during which public opinion can become educated and coalesce, a period of time over which immediate popular preference becomes tested. Alternatively, new constitutional law comes about because immediate preference is so intense as to do what so rarely is done: forge a constitutional amendment.”

### Solves Free Speech Zones

#### Plenty of test cases

Lim 16 [David Lim, "Free speech, behind the line," Student Press Law Center, 1/20/2016] AZ

Across the country, colleges are attempting to restrict students’ free speech to certain times and places, most notably in free speech zones — areas on campus specifically designated for demonstrations or protests. In at least six cases filed by the Foundation for Individual Rights in Education in the past two years, students have sued on the basis of the First Amendment.

#### Litigation solves free speech zones

Lim 16 [David Lim, "Free speech, behind the line," Student Press Law Center, 1/20/2016] AZ

Record of victories in court for First Amendment The lawsuits that have been settled in court are part of the ‘Stand Up For Speech Litigation Project,’ a project by FIRE that aims to “eliminate unconstitutional speech codes through targeted First Amendment lawsuits.” The latest settlement was in September, by Dixie State University in Utah. Three students filed a lawsuit, with FIRE’s help, against the university in March that alleged their free speech rights were violated because administrators would not allow them to distribute flyers that criticized President Barack Obama, former President George W. Bush and Cuban revolutionary Che Guevara. Dixie State administrators said the flyers, which were to promote the students’ Young Americans for Liberty chapter, violated the school’s policy because they disparaged and mocked individuals. Administrators also told the students that the Young Americans for Liberty’s “free speech wall” event would have to take place in the free speech zone, which comprised about 0.1 percent of campus, according to the complaint. Administrators have since agreed to revise campus policies, including the free speech zone and the flyer approval process. Before the latest settlement at Dixie State, “we abolished free speech zones at Modesto Junior College, [University of] Hawaii at Hilo, Citrus College and Cal Poly,” Sevcenko said. The colleges all settled: Modesto Junior College, Hawaii at Hilo and Dixie State for $50,000, Citrus College for $110,000 and Cal Poly for $35,000. “In the case of Cal Poly, they required that students get a permit to speak — of course the government doesn’t get to decide who speaks and who doesn’t,” Sevcenko said. In July, Cal Poly had agreed to settle a lawsuit filed by student Nicolas Tomas, who was prevented from handing out fliers against animal abuse by university police. Tomas has claimed he was told he would have to wear a badge, signed by an administrator in the Office of Student Life, while distributing the fliers. The university also required students to stay in the campus’ free speech zone — which, according to FIRE, constituted less than 0.01 percent of campus — when distributing materials and speaking out, and to register in advance for any activities outside. The Office of Student Life also had to approve all fliers and posters before distribution. In the settlement, four months after the lawsuit was filed, Cal Poly denied any wrongdoing, saying the settlement was to “buy its peace and to avoid the further costs of litigation.” Still, the university agreed to revise its policies and to train officials in the Office of Student Life and the campus police in the revisions. Another college is currently undergoing litigation being brought by FIRE: Blinn College in Texas. Sevcenko said she was confident that its free speech zone will also be removed. “The precedent is so clear on this that that’s the reason that they are settling so fast,” Sevcenko said. “That’s why they are amenable to policy changes, there is just no plausible legal argument on the other side, at least we have not heard one yet.” As an example of the precedents for these cases, Sevcenko pointed towards a 2012 ruling, Univ. of Cincinnati Chapter of Young Americans for Liberty v. Williams, that overturned the University of Cincinnati’s policy to limit students’ speech to a free speech zone that constituted 0.1 percent of campus. The case, in the U.S. District Court for the Southern District of Ohio, found that a policy where students had to ask permission five days in advance of exercising speech was unconstitutional. “It is offensive — not only to the values protected by the First Amendment, but to the very notion of a free society — that in the context of everyday public discourse a citizen must first inform the government of her desire to speak to her neighbors and then obtain a permit to do so,” U.S. District Judge Timothy Black wrote in his opinion. Without a compelling government interest, free speech zones do not stand on the basis that students have other methods of communicating off campus, Goldstein said. “Creating a free speech zone is like saying ‘we’re going to censor everything except for this circle’ — you can’t do that,” Goldstein said. “The existence of alternative modes of communication is not a defense to an accusation of censorship.”

### Ethics O/V

#### CP solves the entirety of case since it passes the same policy with a different actor. If case offense is non-unique, then vote on impacts to other frameworks since there’s a minimal risk that those impacts still matter.

#### The standard is maximizing expected wellbeing –

#### First, colleges don’t have unified intentions –

#### College actions are taken through the combination of multiple individual actions, so there’s no overarching intent

#### Elections and succession of administrators mean that the composition of colleges is never stable, so they can never have a unified intention. Even if a policy is passed with some intention, the intention of a new set of leaders is immediately different

#### College administrators have conflicting interests which are contradictory, so even if we could measure individual intentions it would be nonsensical to combine them

#### Second, college policies cause trade-offs between citizens since they benefit some and harm others; the only justifiable way to resolve these conflicts is by benefitting the maximum possible number of people since anything else would unequally prioritize one group over another. Two impacts:

#### Side constraint theories are useless for states since they’ll inevitably violate some constraint

#### Answers util indicts since non-consequentialist moral theories prevent any action which is worse than not being able to use util

### 2NR MATERIALS

### A2 Links to Endowments

#### No link to the Endowments DA –donors blame the court, not the universities for the increased number of protests – our Hartocollis ev says that interviewees claimed that they saw their university in a different light because it promoted certain protests and held the university culpable. The Supreme Court's mandate is an external actor's regulation that isn't treated the same – if you are a donor deciding whether to contribute to a facility or the hiring of a new department, you would not be put off because of a court case

#### At worst, public colleges would openly criticize the ruling and explicitly distance themselves from the Supreme Court's ruling so that donors recognize a clear disconnect between the court case and the college itself

#### Regardless, the link to the CP is smaller than it is to the aff – all the neg needs to win is that the aff decreases donations MORE than the CP

### A2 Perm Shields Link

#### The perm still links to the net benefit – the world of perm do both means that the aff issues a press conference that announces the new policy of the courts, while at the same time the Supreme Court issues a ruling on free speech

#### If the aff happens after the courts' ruling, it's intrinsic – it adds an element of time to the counterplan

#### Either way, the link is smaller to the counterplan than to both the plan and the counterplan

### A2 No Test Case

#### Lawsuits against free speech restrictions are increasing

Urban 14 [David Urban (senior counsel at Liebert Cassidy Firm), "Campus Free Speech – A Review of Policies Can Avoid Litigation," 8/19/2014] AZ

There is one exception though, and it is a significant one – lawsuits. There is a fair chance colleges will see an increase in expensive lawsuits brought by students or outsiders to challenge campus policies in the name of free speech. Challenges are expected to involve policies that impose definitions of the campus areas where expressive activities may take place, those that require students or outsiders to wait several days before access to those areas, and those that require permits for area use. Targeted policies may also include those that impose prohibitions on speech in the form of student codes of conduct or harassment policies. At an increasing pace, civil rights lawyers are already filing these types of lawsuits, and prominent commentators and journalists are joining the debate – often on the side of those challenging college policies. A lawsuit was recently brought by students at the University of Hawaii at Hilo against administrators for allegedly restricting speech activities to a small area of campus, and prohibiting a student from distributing literature outside the area. Another lawsuit was brought against a community college in southern California asserting that its free speech areas on campus were too small and that the school had a harassment policy applicable to students that was overbroad. Both lawsuits were filed in federal courts. They ask that the challenged policies be found illegal and that the plaintiffs be paid damages and their attorneys’ fees. These types of cases can attract substantial media attention, which in turn can lead to public outcries (well-founded or not) against the university or college for having supposedly engaged in censorship. A major proponent of these lawsuits is the Foundation for Individual Rights in Education (“FIRE”), a campus free speech advocacy group headquartered in Philadelphia. FIRE announced at a press conference in Washington D.C. on July 1, 2014, that it was supporting four separate civil rights lawsuits filed that day against institutions of higher education in different parts of the country for alleged free speech violations. FIRE stated ominously that they expected more lawsuits of this type to be filed against colleges soon.

### A2 Non-Inherent

#### Even if speech is constitutionally protected in public discourse, the constitutionality of college regulation of that speech is distinct and vague – clarifying judicial precedent is key to solve

Post 91 [Robert Post (Professor of Law, School of Law (Boalt Hall), University of California at Berkeley. B.A., Harvard College, 1969; J.D., Yale University, 1977; Ph.D., Harvard University, 1980), "Racist Speech, Democracy, and the First Amendment," 1991] AZ

I conclude, therefore, by stressing two brief points. First, the constitutionality of restraints on racist speech within public universities does not depend upon the constitutionality of such regulation within public discourse. Second, the constitutionality of restraints on racist speech within public universities will depend to a very great extent upon the educational purposes that we constitutionally attribute to public institutions of higher learning, and upon the various modalities through which such institutions are understood to pursue those purposes. We ought to see debate turn toward the achievement of a fuller and more reflective comprehension of these questions.

### A2 No Compliance

#### Yes compliance – especially in the context of speech rights

Keck & Strother 16 [Thomas M. Keck (Michael O. Sawyer Chair of Constitutional Law and Politics at Syracuse University's Maxwell School of Citizenship and Public Affairs) and Logan Strother, "Judicial Impact," Oxford Research Encyclopedia, October 2016] AZ

Rosenberg’s work also inspired studies demonstrating that, under certain conditions, courts can effectively enforce compliance with their holdings. Rosenberg himself acknowledged the existence of such conditions (1991, pp. 30–36), but that is not what his book is usually remembered for, and other scholars (both before and after publication of The Hollow Hope) have drawn more attention to the possibility of effective, court-motivated policy change. Ralph Cavanagh and Austin Sarat (1980) found that decisions concerning debtors, tenants, and intimate relationships did in fact substantially alter the state of social practice. For example, by subjecting lender/landlord claims to significant scrutiny even in the absence of affirmative defenses by debtors/tenants, small claims courts considerably improved the fairness of legal proceedings in those tribunals (Cavanagh & Sarat, 1980). Similarly, Michael Rebell and Arthur Block (1982) and Jennifer Hochschild (1984) found that federal court decisions in the field of education reform were generally complied with. In the area of prison reform, Malcolm Feeley and Edward Rubin (1998) argue that courts both formulated and implemented policy that substantially altered the status quo; that is, litigators and judges dramatically improved the conditions in federal prisons. Paul Frymer (2003) argues that legal activism and the “top-down” institutional power of the courts were crucial to the integration of labor unions, an issue on which elected officials generally failed to act. In an important 2011 book, Matthew Hall sought to assess these dynamics more systematically. Examining patterns of implementation with regard to every landmark exercise of judicial review by the US Supreme Court from 1954 to 2005, Hall concluded that when the Court’s decisions are broadly popular and/or can be implemented by lower courts directly (as opposed to school boards and other public actors), they are generally complied with. With regard to Roe v. Wade (1973), for example, Hall hypothesizes that the Court’s decision would have a significant impact; abortion rights are politically controversial, but since they were regulated at the time primarily via criminal bans on abortion, the Roe decision could be implemented simply by trial judges refusing to convict abortion providers for violating such bans. When Rosenberg (2008, p. 179) investigated Roe’s impact, he found that the incidence of legal abortions had already been on an upward trajectory for several years when the Court stepped in, and that the Court’s decision did not much alter this trajectory. But Hall (2011, p. 41) disaggregates this data by state and finds that states with strict legislative restrictions on abortion—i.e., those where the Roe decision was consequential—witnessed a sudden and dramatic rise in legal abortions in the decision’s wake. (He also finds that the number of women crossing state lines to seek an abortion decreased significantly.) Thomas M. Keck (2014, pp. 214–224) has likewise emphasized that a great many controversial, rights-protecting judicial decisions—even on polarizing issues like abortion, affirmative action, gay rights, and gun rights, and even when they spark widespread opposition—are fully complied with.

### A2 Courts Fail/Too Slow

#### Courts are effective – spill over to other forms of political action and have superior outcomes

Keck & Strother 16 [Thomas M. Keck (Michael O. Sawyer Chair of Constitutional Law and Politics at Syracuse University's Maxwell School of Citizenship and Public Affairs) and Logan Strother, "Judicial Impact," Oxford Research Encyclopedia, October 2016] AZ

Adopting a comparative lens, Robert A. Kagan coined the term “adversarial legalism” to characterize the distinctly American style of policymaking via litigation, which he contrasts with a European-style “bureaucratic legalism” that is prevalent in many other advanced Western democracies. Picking up on Kagan’s distinction, a number of scholars have demonstrated that Congress regularly empowers courts via regulatory statutes that rely on litigation as a significant (and sometimes primary) mode of policy enforcement (Burke, 2002; Farhang, 2010; Mulroy, 2012). Barnes and Tom Burke (2015) have pointed out that both adversarial and bureaucratic legalism are present in the US context, with different policy mechanisms having taken root in different policy domains. Drawing on careful case studies of three distinct areas of injury compensation policy—one dominated by tort law (asbestos injury compensation), one dominated by bureaucratic institutions (Social Security disability insurance), and one which shifted from an initial dominance by tort litigation to a subsequent bureaucratic model (vaccine injury compensation)—they argue that many of the supposed weaknesses of litigation as a means of policy-making have been overstated. In their cases, litigation fueled rather than suppressed other forms of political mobilization. Courts did not serve as “flypaper,” drawing advocates away from other, more effective means of political action (as Rosenberg had suggested in The Hollow Hope); their controversial decisions did sometimes provoke political countermobilization, but the same is true of controversial legislative and administrative enactments. Courts also proved more flexible than bureaucratic agencies in responding to new circumstances and demands. Aaron Ley (2014) likewise argues that the judiciary can effectively produce policy, and that it sometimes does so in ways that have measurable advantages over other institutions. Looking at disputes between farmers who burned their fields and citizens concerned with harms to air quality caused by the burning in three states (Idaho, Oregon, and Washington), Ley argues that litigation enhanced public input on the relevant policy questions and delivered policy outcomes that were qualitatively better than the outcomes of administrative or legislative politics. Additionally, he points out that litigation is not necessarily more costly or slower than other modes of political contestation.

### THEORY

### A2 Court CPs Bad

#### Counterinterpretation – if the aff specifies a type of speech to ban, the negative may read a courts counterplan that mandates the plan.

#### Courts counterplans are core neg ground on this topic –

####  The aff gets to parametricize the rez by picking one example- it’s an inherent advantage because they know way more about their *one* aff than the neg who has to be prepared for *every* aff- the best check is to be able to test the actor of the aff – having the courts CP is key to the neg's ability to engage, which turns their strat skew standard

#### Key to substantive education – this topic is incredibly small and courts counterplans are key to expand debates beyond the speech codes good/bad debate to test the actor of the plan – debate about the proper decision-maker is especially important on the current topic since free speech

#### Other agent counterplans aren't strategically viable and don't solve the aff – free speech is a legal doctrine that neither Congress nor the executive can affect – empirics like the Hazelwood cases prove that only the Supreme Court can clarify the scope of legitimate regulation on college campuses

### Condo Key

#### They'll say that their interp only applies to conditional agent CPs, but – condo is uniquely key for the neg's ability to read the courts CP

#### Neg debaters are risk-averse and won't read the courts CP in debates if they're stuck with them – the 1AR can make very high-impact and short arguments that take out the PIC – for instance, they can say that colleges don't comply with court doctrine in the context of their aff, or say that the CP's not inherent– for neg debaters to feel comfortable reading this counterplan in a debate, they need to know that they have another potential out in the 2NR

#### 2. Agent CPs are inconsistent with most neg arguments like speech codes good or a K of free speech– their interp either:

#### A. Forces the neg to commit to reading only the courts CP and waste the rest of their speech time since they can't make any other arguments, which is obviously unstrategic or

#### B. not read agent CPs at all, which means all our agent CPs good offense applies

### A2 Predictability

#### Agent counterplans aren't unpredictable – only a handful of actors have the authority to regulate free speech doctrine, and the Supreme Court is a core part of the literature in defining the scope of protected speech

#### Disclosure checks – it's been on my wiki for a month

#### The aff should be forced to defend all parts of their plan text – they picked this actor. Their logic devolves to no neg fiat – counterplans are key to neg ground to offset aff fiat

### A2 Must Have Test Case

#### Counterinterpretation – if the aff specifies a type of speech to ban, the negative may read a courts counterplan that mandates the entirety of the aff plan without a specific test case.

#### Overview on their shell – all their args aren't about courts being bad, but rather why CPs need solvency advocates – [explain why that's unreasonable]

#### Courts counterplans are core neg ground on this topic –

####  The aff gets to parametricize the rez by picking one example- it’s an inherent advantage because they know way more about their *one* aff than the neg who has to be prepared for *every* aff- the best check is to be able to test individual parts of the aff

#### Key to substantive education – this topic is incredibly small and courts counterplans are key to expand debates beyond the speech codes good/bad debate to test the actor of the plan – debate about the proper decision-maker is especially important on the current topic since free speech

#### Other agent counterplans aren't strategically viable and don't solve the aff – free speech is a legal doctrine that neither Congress nor the executive can affect – empirics like the Hazelwood cases prove that only the Supreme Court can clarify the scope of legitimate regulation on college campuses

### A2 Utopian Fiat

#### 1. Utopian fiat has no impact – debate is already extremely esoteric – the proliferation of theory, kritiks, spreading, and dense philosophy. Even if our CP promotes education at the cost of some real world similarities, it's non-unique since debate's isolation is inevitable.

#### 2. Turn – all 629 public colleges would never act in unison – our use of fiat is more realistic since it isolates a single actor.

### A2 Generics

#### Debates about legal mechanisms and Supreme Court precedent are far from generic – in fact, the entire topic controversy focuses on the network of laws and statutes that regulate free speech protections – our CP is key to accurate understanding of the topic