## Fraternities PIC – Hemanth – Blake 16

## Top Level

### NC

#### Counterplan text:

#### Public colleges and universities in the United States ought not restrict constitutionally protected speech other than advertising, organization, or membership for IFC fraternities.

#### Fraternities are sites of rape, serious injury, and death.

Flanagan 14 (Caitlin, the Atlantic, citing Douglas Fierberg, attorney specializing in fraternity-related litigation, “The Dark Power of Fraternities”, http://www.theatlantic.com/magazine/archive/2014/03/the-dark-power-of-fraternities/357580/)

“Until proven otherwise,” Fierberg told me in April of fraternities, “they all are very risky organizations for young people to be involved in.” He maintains that fraternities “are part of an industry that has tremendous risk and a tremendous history of rape, serious injury, and death, and the vast majority share common risk-management policies that are fundamentally flawed. Most of them are awash in alcohol. And most if not all of them are bereft of any meaningful adult supervision.” As for the risk-management policies themselves: “They are primarily designed to take the nationals’ fingerprints off the injury and deaths, and I don’t believe that they offer any meaningful provisions.” The fraternity system, he argues, is “the largest industry in this country directly involved in the provision of alcohol to underage people.” The crisis-management plans reveal that in “the foreseeable future” there may be “the death or serious injury” of a healthy young person at a fraternity function.

#### Ban on campus fraternities solves – even banning fraternity advertising alone is good

Ryan 14 (Julia, The Atlantic, “How Colleges Could Get Rid of Fraternities”, http://www.theatlantic.com/education/archive/2014/03/how-colleges-could-get-rid-of-fraternities/284176/)

Perhaps the most obvious way to end fraternities is for universities to simply remove Greek life from their campuses. “It’s not even really a turf war anymore between universities and Greek groups because it’s as as if universities have given up,” Alexandra Robbins, author of Pledged: The Secret Life of Sororities, said in an interview. “If higher education really wanted to get rid of Greek groups, they could. All universities would have to do is put their foot down, but they don’t.” Universities could say no Greek groups or events on campus and prohibit advertising for Greek life on campus. Elizabeth A. Armstrong, a sociologist at University of Michigan and co-author of Paying for the Party, suggested universities could quell the power of Greek life just by treating fraternities like other clubs: “[One method] would be to say okay you are not so special. You do not get the special attention of the dean. We are going to actually allow other student groups on campus equal power,” she said. “We are going to supervise you just as much as everybody else.”

#### Fraternities are protected by the First Amendment's right to free speech

Lukianoff 11 [Greg Lukianoff (President and CEO, Foundation for Individual Rights in Education), "To Survive, Fraternities Need to Stand for Something, Anything," Huffington Post, 8/1/2015] AZ

A lot of fraternities seem to know that their freedom of association is protected by the First Amendment. (While the freedom to join and form groups is not technically listed in the text of the First Amendment, it is understood to arise from the protections of freedom of speech and the right to assembly.) What fraternities often do not know, however, is that there are several different kinds of freedom of association protected by the First Amendment, and they are not all made equal. The strongest kind of freedom of association protected by the First Amendment is the right to “intimate” association, best represented by the family. Our government recognizes that the bonds of family are particularly important and that it should do its best to avoid actions that interfere with this bond. The second strongest kind of freedom of association is called “expressive” association. Sensibly, courts understand that the right to freedom of expression would not mean a great deal if we are forbidden from joining together with like-minded individuals to amplify the power of our voices and take collective action. This understanding forms the basis of our right to form groups around commonly held beliefs whether they are religious, secular, or ideological. Everything from Mothers Against Drunk Driving to NORML is a kind of expressive association. (This includes my nonprofit, the Foundation for Individual Rights in Education, as well.)

## Net Benefit

### 2NC Race

#### Racism is coded in the DNA of frats – fraternities recruiting, advertising, and norms are racially biased

Quinlan 16 [Casey Quinlan (policy reporter), "Fraternities Were Built On Racism. So Why Are We Surprised When They Do Racist Things?" Think Progress, 2/22/2016] AZ

Across the country, students of color have increasingly been drawing attention to racist climates on their college campuses through protests, occupations, and other activism. And as the media attention on these issues has ramped up, so has the focus on what exactly fraternities’ roles are in the campus culture. Fraternities may perpetuate a particularly toxic environment for marginalized students — especially because, unlike other kinds of student groups on campus, fraternities tend to enjoy certain privileges that shield them from serious consequences when racist, homophobic, and misogynist acts do take place. More attention has been drawn to racism at fraternities recently after Sigma Alpha Epsilon made national news when an entire bus full of members of its University of Oklahoma chapter began singing and laughing along with a racist song, filled with racial slurs and references to lynching, about never admitting black students to the fraternity. Later that year, SAE’s Yale chapter was reportedly also responsible for enforcing a “white-women only” policy at their fraternity parties. Other frats have gotten bad press after leaked emails reveal racist and misogynist conversations among brothers, or after they’ve thrown frat parties relying on racist stereotypes. It’s rare that universities close chapters and suspend members, such as in the case of the University of Oklahoma’s SAE chapter. Is this incidental? Or does it have something to do with the greater context of fraternities’ culture and history? The history of race and class dynamics of fraternities According to Lawrence Ross, author of the newly released book, Blackballed: The Black and White Politics of Race on America’s Campuses, it’s important for Americans to understand the circumstances under which fraternities became popular. As campuses began to become more open to the middle class and to black students, Greek organizations resisted class and race diversity. Frats were a way for white upper-class men to separate themselves from an increasingly diverse student population. “The DNA of these organizations, if you go back, these predominantly white fraternities in particular were created after the Civil War with the expansion of college to non-aristocratic students,” Ross said. “Organizations on those campuses, they started to put restrictive clauses that restricted membership to white Christians and sometimes they would say you had to be ‘Aryan,’ so it was a long fight just to get African Americans to join their organizations.” “They see themselves as colorblind.” In the 1950s and 1960s, it became less and less acceptable for fraternities to outright discriminate against men of color, but many fraternities clung on to their explicitly stated white and Christian terms for membership for as long as possible. Although those fraternities eventually had to adapt and admit men of color, they still have the freedom to accept whomever they want as members, which means that although they state an interest in diversity, many of the institutions are still overwhelmingly white. Phi Delta Theta suspended its Williams College chapter for pledging “non-Aryans” in 1953. It sustained its suspension against the chapter but in 1954 changed its membership clause from “full Aryan blood” to “socially acceptable,” Ross explained in Blackballed. Today, many of the national Greek organizations don’t even keep records of how many people in their organizations are people of color. In this way, fraternities can simply say they’re colorblind and ignore racial inequities, Ross said. “They don’t want to rock the boat when it comes to race. They see themselves as colorblind,” Ross said. “Whereas young people of color see race. When African Americans walk into a classroom, they can immediately identify every African American in the classroom, because they can identify how small the population is on the college campus. That’s because they see the world as it is, not as some type of mythical rainbow coalition that they want the university to be.”

### 2NC Sexual Assault

#### Fraternities are breeding grounds for misogyny and sexual assault. Only a ban solves.

Bennett 14 (12/3, Jessica, Time Magazine, “The Problem With Frats Isn’t Just Rape. It’s Power.”)

Too many frats breed sexism and misogyny that lasts long after college. Why we need to ban them—for good. At the university I called home my freshman year, fraternity row was a tree-lined street full of Southern style mansions, against a backdrop of the poor urban ghetto that surrounded the school. Off-campus frat parties weren’t quite how I pictured spending my weekends at a new school – I wasn’t actually part of the Greek system – but it became clear quickly that they were the center of the social structure. They controlled the alcohol on campus, and thus, the social life. So there I was, week after week, joining the throngs of half-naked women trekking to fraternity row. We learned the rules to frat life quickly, or at least we thought we did. Never let your drink out of your sight. Don’t go upstairs – where the bedrooms were housed – without a girlfriend who could check in on you later. If one of us was denied entry to a party because we weren’t deemed “hot” enough – houses often ranked women on a scale of one to 10, with only “sixes” and up granted entry to a party – we stuck together. Maybe we went to the foam party next door. In two years at the University of Southern California, I heard plenty of stories of women being drugged at frat parties. At least one woman I knew was date raped, though she didn’t report it. But most of us basically shrugged our shoulders: This was just how it worked… right? If the recent headlines are any indication, it certainly appears so. Among them: women blacked out and hospitalized after a frat party at the University of Wisconsin, only to discover red or black X’s marked on their hands. An email guide to getting girls in bed called “Luring your rapebait.” A banner displayed at a Texas Tech party reading “No Means Yes, Yes Means Anal” – which happened to be the same slogan chanted by frat brothers at Yale, later part of a civil rights complaint against the university. And now, the story of Jackie, who alleged in a Rolling Stone article — swiftly becoming the subject over fairness in reporting whether the author was negligent in not reaching out to the alleged rapists — that she was gang raped by seven members of the Phi Kappa Psi house at the University of Virginia, and discouraged from pressing charges to protect the university’s reputation. The alleged rape, it turned out, took place at the same house where another rape had occurred some thirty years prior, ultimately landing the perpetrator in jail. “I’m sick about this,” says Caitlin Flanagan, a writer and UVA alumna who spent a year documenting the culture of fraternity life for a recent cover story in the Atlantic. “It’s been 30 years of education programs by the frats, initiatives to change culture, management policies, and we’re still here.” Which begs the question: Why isn’t every campus in America dissolving its fraternity program — or at least instituting major, serious reform? Not every fraternity member is a rapist (nor is every fraternity misogynist). But fraternity members are three times more likely to rape, according to a 2007 study, which notes that fraternity culture reinforces “within-group attitudes” that perpetuate sexual coercion. Taken together, frats and other traditionally male-dominated social clubs (ahem: the Princeton eating club) crystalize the elements of our culture that reinforce inequality, both gender and otherwise. For starters, they are insulated from outside perspective. It wasn’t until the late 1960s that Greek organizations eradicated whites-only membership clauses; as a recent controversy at the University of Alabama revealed, only one black student had been permitted into that Greek system since 1964. Throughout the country, the fraternities grew into “caste system based on socioeconomic status as perceived by students,” John Chandler, the former president of Middlebury, which has banned frats on campus, recently told Newsweek. And when it comes to campus social life, they exert huge social control: providing the alcohol, hosting the parties, policing who may enter–based on whatever criteria they choose. Because sororities are prohibited from serving alcohol, they can’t host their own parties; they must also abide by strict decorum rules. So night after night, women line up, in tube tops and high heels, vying for entrance. Even their clothes are a signifier of where the power lies. “Those with less power almost invariably dress up for those who have more,” Michael Kimmel, a sociologist at Stony Brook University, wrote in a recent column for TIME. “So, by day, in class, women and men dress pretty much the same … At parties, though, the guys will still be dressed that way, while the women will be sporting party dresses, high heels and make up.” And when frat boys grow up? They slide right into the boys club of the business world, where brothers land Wall Street jobs via the “fraternity pipeline,” as a recent Bloomberg Businessweek piece put it — a place where secret handshakes mean special treatment in an already male-dominated field. Fraternities have graduated plenty of brilliant Silicon Valley founders: the creators of Facebook, Instagram, among others. They’ve also brought us Justin Mateen, the founder of Tinder, who stepped down amid a sexual harassment lawsuit, and Evan Spiegel, the Snapchat CEO, whose recently apologized for e-mails sent while in the Stanford frat where Snapchat was founded, which discussed convincing sorority women to perform sex acts and drunkenly peeing on a woman in bed. If we lived in a gender-equal world, fraternities might work. But in an age where 1 in five college women are raped or assaulted on campus, where dozens of universities are under federal investigations for their handling of it, and where the business world remains dominated by men, doesn’t the continued existence of fraternities normalize a kind of white, male-dominated culture that already pervades our society? There is something insidious about a group of men who deny women entry, control the No. 1 asset on campus – alcohol – and make the rules in isolated groups. “[Colleges] should be cultivating the kind of sensibility that makes you a better citizen of a diverse and distressingly fractious society,” Frank Bruni wrote it in a New York Times column this week. “How is that served by retreating into an exclusionary clique of people just like you?”

### Net Benefit – Binge Drinking

#### Fraternities create dangerous social situations that harm students

Shipley 14 (1/7, David, Bloomberg, “Dean Wormer’s Favorite Editorial”, https://www.bloomberg.com/view/articles/2014-01-07/dean-wormer-s-favorite-editorial)

The next question is: How do fraternities fit into that mission? As it turns out, the fraternities that dominate so much of collegiate social life are of dubious value. University presidents and administrators don’t even have to pay expensive consultants to reach this conclusion. They can just look at the data, both statistical and anecdotal: On balance, most campuses would be better off without fraternities. Start with alcohol consumption. Although a majority of college students drink, abusive drinking is far more prevalent in fraternities. One study of 17,000 students at 140 four-year colleges found that almost 90 percent of fraternity house residents engage in binge drinking (five or more drinks at a time), compared with 45 percent for nonmembers. Binge drinking is associated with a host of ills, from neurological damage to assaults. Alcohol abuse also plays a central role in one of the most corrosive aspects of fraternities: hazing of new members in initiation rituals that are often brutal and vile. Sadly, at least one student has died in hazing episodes in each of the past 43 years. Although it’s unclear whether alcohol played a part in the death of a student at New York’s Baruch College in November -- the third hazing-related death last year -- alcohol is often involved. Hazing is illegal in 44 states, but the existing laws are largely ineffectual or treat hazing as little more than jaywalking. A federal law that made serious hazing a felony offense might help deter this underreported scourge. It might also help college administrators overcome their reluctance to enforce bans on hazing for fear of offending alumni who threaten to withhold contributions. Unfortunately, fraternities have banded together to thwart the passage of national anti-hazing legislation in the past.

## Solvency

### Ban Key

#### Only a ban solves.

Valenti 14 (Jessica, “Frat brothers rape 300% more. One in 5 women is sexually assaulted on campus. Should we ban frats?”, https://www.theguardian.com/commentisfree/2014/sep/24/rape-sexual-assault-ban-frats)

It’s time to talk about banning fraternities. When sociology professors Elizabeth Armstrong and Laura Hamilton conducted an intensive, landmark five-year study on college students – by living amongst, following around and interviewing students in one dorm at an anonymous Midwestern public university – they reported that two women living on their floor were sexually assaulted at fraternity parties within the first few weeks of the semester. Armstrong, who turned the results of the study into a well-received bestseller about college inequality and a paper on sexual assault, tells me that while anti-sexual violence programs are doing all the right things, they may not be doing enough. “I was just at University of Massachusetts and at Wesleyan, and they were talking about bystander intervention programs and that’s great – people should try to engage,” she said. “But what it leaves off the table are the organizations that put people at risk on campus.” Armstrong reminded me of what I hear on campus visits myself – that fraternities are hotbeds for all sorts of risk beyond sexual assault: there’s also alcoholism, alcohol poisoning, people falling out of windows and dangerous hazing incidents. She insists that frats “vary tremendously” in terms of how sexually dangerous they are – traditionally African American frats, gender-inclusive frats and multicultural frats are not as threatening as those populated by mostly-white, economically-entitled students, for example – but when you look at the overall risk fraternities create for students on campus, “reforming or preserving these organizations doesn’t make a lot of sense,” Armstrong said. And while probably not all fraternities are hunting grounds for rapists and not all men who join frats (or varsity sports teams) are predators, when so much sexual violence is centered around one area of campus life, something has to be done. For Wesleyan – home of the “rape factory” frat – school administrators decided that means mandating that women be admitted to fraternities. The school announced this week that all frats must go co-ed within the next three years. While I applaud what seems a theoretical move towards equality, I don’t much like the idea of women as a “civilizing” force for men’s bad behavior. Why try to fix something that’s irrevocably broken? Better, instead, that we take an honest look at the statistics and stories coming out of colleges and act accordingly. I realize banning frats is likely a pipe dream – the organizations are deeply embedded in college culture, they generate student programming and are supported by powerful alumni. But if we’re ready to take on college administrators, sue under Title IX, or carry mattresses on our back in protest, why not this? Why not now?

## Competition

### AT Perm Do Both

#### Perm do both is incoherent. It can’t simultaneously be true that public colleges shouldn’t ban ANY constitutionally protected speech AND that colleges should ban fraternity organization, participation, and advertising.

#### [Insert Competition Block Here]

### AT Perm Do CP

#### Perm do the CP severs out of the word ANY in the resolution. If the AFF doesn’t win public colleges shouldn’t ban ANY form of constitutionally protected speech they haven’t justified the resolution.

### Competition

#### Fraternities rely on constitutionally protected speech. The resolution says public colleges ought not restrict ANY constitutionally protected speech. If we win that one instance of constitutionally protected speech should be banned, we disprove the resolution.

#### First, fraternities generally fall under the aegis of 1st amendment free speech protections – that's Lukianoff

#### Second, participation in social organizations is constitutionally protected as “expression of opinion”, which is speech.

Colloton 85 (Steven, Yale Policy and Law Review, “Freedom of Association: The Attack on Single-Sex College Social Organizations”, http://digitalcommons.law.yale.edu/cgi/viewcontent.cgi?article=1084&context=ylpr)

Despite the Court's statement that the right of association extended to groups interested in extra-political matters, it remained unclear whether the Constitution would protect apolitical associations, including social organizations . 2 Some commentators recognized that the right of association would afford some constitutional protection to personal associations, 29 and dicta from the Supreme Court's holding in Griswold v. Connecticut validated that notion. Justice Douglas wrote: The right of "association," like the right of belief, is more than the right to attend a meeting; it includes the right to express one's attitudes or philosophies by membership in a group or by affiliation with it or by other lawful means. Association in that context is a form of expression of opinion; and while it is not expressly included in the First Amendment its existence is necessary in making the express guarantee fully meaningful.30

#### Third, debates over the meaning of the term “speech” should err in favor of the broader interpretation. Judicial precedent proves an expansive interpretation of speech is most appropriate.

Laws No Date (“Supreme Court Definition of Freedom of Speech”, http://constitution.laws.com/the-supreme-court/speech)

The recent judicial history of the Supreme Court has seen a broad definition held of the right to freedom of speech, as it is granted to Americans by the First Amendment. One of the basic issues raised by this principle is the question of when it may infringe on other considerations, such as the ability of communities to enforce standards which they find acceptable, groups and individuals to protect themselves against violence, and prominent figures to be free of slander and libel.

#### Fourth, even if fraternities THEMSELVES aren’t speech, several fraternity-related activities are.

#### A) Fraternity advertising. This is obviously speech. Our Ryan evidence says bans on fraternity advertising are likely to reduce membership in Greek life organizations. Any risk that advertising bans do some good is a reason to vote NEG since there’s no offense for why they’re bad!

#### B) Fraternity dues. Money is speech according to legal precedent

McGinnis 16 (John, LA Times, “Op-Ed Liberals are dangerously wrong about Citizens United: Money is speech”, http://www.latimes.com/opinion/op-ed/la-oe-mcginnis-money-speech-liberals-20160522-snap-htmlstory.html)

Consider how the Roberts court has treated the mantra beloved of reformers who want paid political communications curbed at election time: “Money is not speech.” Outside campaign regulation, the Supreme Court’s 1st Amendment jurisprudence has banned any restrictions of expenditures that pay for expression. A government-imposed limit on, say, the amount of money a newspaper could spend for investigative reporters would be obviously unconstitutional. Why, then, should money spent on political campaigns be any different?

### Ext Money Is Speech

Public Citizen No Date (“A Constitutional Amendment to Keep Corporate Money out of Elections: Overturning the “Money=Speech” Doctrine”, https://www.citizen.org/documents/Money-Doesn't-Equal-Speech-Fact-Sheet1.pdf)

Even before its disastrous 2010 ruling in Citizens United v. Federal Election Commission, the U.S. Supreme Court had already developed a flawed reading of the First Amendment that struck down reforms designed to prevent corruption and to ensure that the voices of the powerful did not drown out “We the People” in the halls of our democratic institutions. Although the extraordinary threat of unlimited corporate money in elections is a new expansion of the doctrine that “money is speech”, decisions of the Court since the Watergate era have enabled the richest one percent of society to buy outsized influence in our government