# Neg

## Race IQ CP

#### Counterplan text – public colleges and universities in the United States should not restrict any constitutionally protected professorial speech except that they ought to restrict race-IQ research and speech advocating for it.

#### The CP competes – scientific research is “protected speech” that the government can’t constitutionally regulate. Delgado 83

Delgado, Richard, Sean Bradley, David Burkenroad, and Ron Chavez. "Can Science Be Inopportune-Constitutional Validity of Governmental Restrictions on Race-IQ Research." UCLA L. Rev. 31 (1983): 128. CC

Whether "more speech" will be the appropriate remedy in any particular case is determined by the circumstances under which the speech occurs.524 Considerations such as the persua- siveness or purpose of the speech usually are not considered rele- vant to determining whether additional speech is the appropriate remedy. For example, scientists' influence over the lay public be- cause of their training and position should not justify a more in- trusive remedy than one which would be permitted in the case of nonscientists. The Court has announced on several occasions that "the concept that government may restrict the speech of some ele- ments of our society in order to enhance the relative voice of others is wholly foreign to the First Amendment....-525 In First National Bank of Boston v. Bellotti, 26 for example, the Court struck down a Massachusetts law preventing corporations from making expenditures for the purpose of influencing referendum elections. The Court held that without a showing by the state that corporations posed an imminent threat of dominating elections, the first amendment interest in allowing the free flow of speech could not support the restriction, even though the corporation might enjoy more wealth and power than the average noncorporate citizen. Similarly, the state is not justified in regulating a particular course of scientific research because it is conducted for the pur- pose of affecting society when more research to counter the scien- tists' conclusions is an available alternative. In Organizationfor a Better Austin v. Keefe, 5 28 for example, the Supreme Court vacated an injunction restraining an organization from distributing leaflets criticizing the respondent for his business practices. The Court observed that "[pletitioners plainly intended to influence respon- dent's conduct by their activities. 5 29 This intent did not, how- ever, remove petitioner's activities from first amendment protection. Scientists may similarly intend to have an effect on public policy with their research, but this intention should not jus- tify state application of a more restrictive remedy than allowing competition with other researchers' ideas.

Race IQ research is incredibly harmful to black people and allowing professors to pursue it causes major harm in terms of lack of equality, psychological injury, economic disadvantage, inhibition of reproduction and eugenics, and risk of violence. This card is a doozy but it’s so good – hang in there. **Delgado 83**

Delgado, Richard, Sean Bradley, David Burkenroad, and Ron Chavez. "Can Science Be Inopportune-Constitutional Validity of Governmental Restrictions on Race-IQ Research." UCLA L. Rev. 31 (1983): 128. CC

A. Erosion of the Ideal of Equality The ideal of equality-that "all men are created equal," 40 1 and that each person is an equal moral agent-is deeply rooted in our legal system. 40 2 This ideal has been imperfectly realized: over a century after the abolition of slavery, minority citizens continue to suffer from discriminatory attitudes and treatment which infect our economic system, our cultural, political, and educational insti- tutions, and the daily interactions of individuals.40 3 Moreover, in the past ten years minorities have become the victims of a discern- ible increase in racial hostility.4°4 One risk associated with race- IQ research that must therefore be faced is the possibility that it will contribute to a further erosion of the ideal of equality. If either the results of the research or its mere conduct could lead to this result, then the research would be "inopportune" in the strongest sense-research that should not be conducted because it threatens a central principle by which our society seeks to order itself. Contemporary response to Arthur Jensen's 1969 article405 gives some strength to concern for the erosion of the ideal of equality.40 6 In an article entitled "Born Dumb?" Newsweek sum- marized Jensen's views: Dr. Jensen's view, put simply, is that most blacks are born with less "intelligence" than most whites .... Jensen's theo- retical views lead him in his article to develop some quite prac- tical policy recommendations. Since intelligence is fixed at birth anyway, he claims, it is senseless to waste vast sums of money and resources on such remedial programs as Head Start which assume that a child's intellect is malleable and can be improved ("Compensatory education has been tried and it ap- parently failed," he writes). Instead, programs should concen- trate on skills which require a low level of abstract 40 7 intelligence. The opposition to and criticism of Jensen's views by many geneti- cists and educational psychologists4°8 received less attention from the popular news media.40 9 Thus, the message that many Ameri- cans received was simple: well-intentioned social programs can- not overcome the unfortunate fact that blacks were "born 4 10 dumb." Advocacy and publication of disparaging views about a so- cial group may, if the victimized group lacks the means to oppose them successfully, permanently damage the chances of the group's members to achieve economic and social equality with the major- ity population. Such negative images may enable the majority group to construct a stigma-theory, an ideology to explain the stig- matized group's inferiority and the danger it represents. 4 11 A stigma permits the majority group to treat the victims as less than fully human; if they are treated unequally, they are only getting 4 12 In considering challenges to educational "tracking," courts have analyzed the use of intelligence-labelling devises in terms similar to these.4 13 In Hobson v. Hansen,4 14 decided in 1967, Judge Skelly Wright found the Washington, D.C. school district's tracking system discriminatory because it segregated races by tending to place a disproportionate number of black children in the lower tracks with few remedial opportunities.41 After noting the relatively rigid class and racial separation that resulted,41 6 Judge Wright concluded: Even in concept the track system is undemocratic and discrimi- natory. Its creator admits it is designed to prepare some chil- dren for white-collar, and other children for blue-collar, jobs. Considering the tests used to determine which children are to receive the blue collar special, and which the white, the danger of children completing their education wearing the wrong col- 417 lar is far too great for this democracy to tolerate. The court carefully considered the basis for ability grouping in theory and practice, and found that the tests, which ostensibly measured ability, actually measured and reinforced socio-eco- nomic advantage.41 8 Furthermore, once a child was placed in a track, a self-fulfilling prophecy occurred: "[T]eachers acting under false assumptions because of low test scores will treat the disadvantaged student in such a way as to make him conform to theirlowexpectations....,4"9. Thestudentinturnactsoutthe system's judgment; "there is strong evidence that performance in fact declines."420 In 1979 the Federal District of Northern California applied strict scrutiny42' to student ability grouping and became the first court to order a permanent injunction against the use of IQ tests in placing children in educable mentally retarded classes. Judge Peckham found that the IQ tests used to place students in special education classes were biased against blacks422 and that these placements stigmatized the students423 and relegated them to an inferior educational setting.424 The court inferred a segregative intent from the test's discriminatory impact and found that the school board had violated the equal protection clause of the four- teenth amendment. School tracking causes specific harms (stigmatization and in- ferior education) and does so to identifiable victims and over a short period of time. The injury flowing from race-IQ research, however, is diffuse and general, and the mechanism by which it occurs-the formation of a stigma picture42 5-is slow and cumu- lative. It seems probable that race-IQ research will contribute to some extent to a weakening of the ideal of equality; the point of the research, after all, is to find and quantify differences in intellectual capacity among the various population groups. It is uncer- tain, however, whether a court would view the mitigation of such dangers as a compelling state interest. Unlike Judges Wright's and Peckham's findings with respect to school tracking, some judges may see the harms to the ideal of equality of race-IQ re- search to be speculative.426 .

Psychological Injury / Another ground justifying regulation of race-IQ research might be prevention of psychological injury to minority persons. This injury could stem either from the research results, or from the mere fact of the investigation itself. A public accusation that one is less intelligent or worthy than another or even that one's genetic heritage carries a predisposition to low mentality can seri- ously damage self-respect. 4 27 When the accusation attributes a permanent and unchangeable inferiority associated with race, the potential for psychological injury is great.428 Private law protects against damage to feelings in the torts of outrage and intentional or unintentional infliction of emotional distress. Our public law also recognizes psychological harms as evils. Brown v. Board of Education429 turned in large part on the demonstration that separate but equal schooling would damage the self-regard and future prospects of black schoolchildren.4 30 Hobson v. Hansen 431 disapproving the use of IQ tests for educa- tional tracking, mentioned as one ground for disapproval that la- beling a child as intellectually inferior caused a sense of worthlessness, fear and despair. The court stated that "evidence of turmoil [could] be found," and cited "the inability of many Ne- gro pre-schoolers and first graders to draw themselves as colored, or other than in animal-like or caricature-like fashion. ' 432 The court in Larry P. v. Riles made similar findings.433 In Loving v. Virginia, the Supreme Court invalidated antimis- cegenation legislation designed "to maintain Supremacy, '434 in part because its purpose was stigmatic.435 The harm which justified the Court's ruling in Loving lay not only in the enforced separation of the races but also in allowing "one in- group [to enjoy] full normal communal life and [barring] one out- group. .. . from this life and forc[ing it] into an inferior life of its own. ' 436 The suggestion made by some race intelligence propo- nents that blacks are inferior to whites at birth falls within the Court's definition of stigma in both Brown and Loving. Avoidance of stigma and psychological injury resulting from discriminatory treatment on the basis of race is a clearly recog- nized and compelling state interest.437 Moreover, research aimed at discovering race-based differences in IQ may well contribute to the weight of psychological injury and the stigma that many mi- nority persons bear. Such individual injury is more concrete and focused than the relatively abstract injury to the ideal of equality discussed earlier. The intelligence and personal worth of every member of the target group is called into question, and each per- son is forced to deal with this negative attribution as best he or she can. Unless the psychological harm likely to result from race-IQ research can somehow be minimized, prevention of such harm would probably constitute a compelling state interest.

C. Economic Loss The sense of inferiority and hopelessness that can result from being labeled inferior may cause demoralization and suppress[ion of] aspirations that look unattainable when seen with the restricted vision imposed by a withered self-concept. ' 43 8 A recent experiment which put blacks and whites of similar aptitudes and capacities into a competitive situation found that the blacks exhib- ited defeatism, half-hearted competitiveness, and "high expecta- tions of failure. ' 4 39 Also, there is evidence stigmatization affects parenting practices" 0 among minority group members and hence reinforces a tradition of failure. 44 1 One study found that many minority mothers were hypersensitive to ques- tions of race, accepted whiteness as superior, and harbored nega- tive feelings about life's chances.442 If self-image affects achievement, racial labeling, including that which results from race-IQ studies, may cause economic loss in two ways: the imme- diate pecuniary loss to the individual victim in the form of dimin- ished life prospects, and the more long-term loss to society resulting from the decreased productivity of a segment of its citizenry. While economic loss of both types, individual and societal, seems probable, the extent of the loss is difficult to evaluate. Some persons may feel victimized yet be spurred to try even harder to succeed. Others may suffer psychological but no pecuniary injury because they are fortunate enough to find employment in an envi- ronment devoid of prejudice. Still, the probable economic effect supplies an additional element of legitimacy to regulatory propos- als aimed at averting or minimizing the harms of race-IQ re- search, if only by adding a quantitative measure of state interest in psychological and emotional welfare.

D. Inhibition of Reproductive Freedom Further harm that may occur from the results, or possibly even the conduct, of race-IQ research is inhibition of reproductive opportunities of the population singled out. The history of race- based intelligence research reveals that on occasion it has pro- vided scientific justification for harsh legislation and social poli- cies aimed at reducing the procreative opportunities of groups considered genetically inferior. Early interest in IQ testing developed from the eugenics of Francis Galton, who believed that science should give to the more suitable races or strains of blood a better chance of prevailing over the less suitable. 4 3 Once the IQ test was developed, followers of Galton such as Henry Goddard employed test results to urge re- duction of immigration from southern and eastern Europe on the ground that the children of persons from these regions demon- strated an "inability ...to handle abstractions." 4 Goddard maintained that 83 percent of Jews were feeble-minded, a "hered- itary" defect they shared with 87 percent of Russians, 80 percent of Hungarians and 79 percent of Italians. 4 5 Goddard and his co- worker Carl Brigham informed Congress and powerful political supporters of eugenics such as Theodore Roosevelt and Herbert Hoover446 that American intelligence was declining. Army intelli- tellectually inferior" Alpine and Mediterranean races together with "the presence here of the Negro"' "48 would cause a deteriora- tion of American intelligence unless immigration laws were passed. Moreover, tax savings would accrue if the government could reduce the large numbers of "inferior racial stock" that had become wards of the state.449 Thus, in 1924 Congress passed the Johnson Restriction Act which imposed "national origin quotas" and reduced the influx of Southern and Eastern Europeans to a trickle.450 President Calvin Coolidge, signing the law, declared that "America must be kept American."' 45' Advocates of eugenics also spearheaded the drive for compulsory sterilization.452 More than thirty American states followed the lead of Indiana in 1907 in passing eugenics sterilization laws.453 These laws provided for compulsory sterilization of "idiots," "imbeciles," "criminals," "epileptics" and "dissolute and degenerate persons, ' 45 4 on the ground that their undesirable traits were transmitted through the genes.455 Under California's sterilization law, which permitted the sterilization of persons deemed "morally and sexually" de- praved, 6200 sterilizations were performed between 1907 and 1928. Other states passed laws calling for sterilization for chicken theft, car stealing and prostitution.456 Pro-sterilization sentiment frequently focused on "anti-social whites"457 and low-income 458 blacks. Harry Laughlin, drafter of the Model Eugenical Sterilization law,459 played a critical role in convincing the Supreme Court to uphold the sterilization of Carrie Buck, an eighteen-year old in- mate of the Virginia state prison. Laughlin described Buck as a "feeble-minded daughter of a whore," a member of "the shiftless, ignorant, worthless class of anti-social whites" and "a potential parentofsociallyinadequateoffspring.'460 InBuckv.Bell,461Jus- tice Holmes agreed with Laughlin. Noting that "experience has shown that heredity plays an important part in the transmission of insanity [and] imbecility," 462 Holmes endorsed eugenic steriliza- tion in the Court's 8-to-1 decision: It is better for all the world, if instead of waiting to execute degenerate offspring for crime, or to let them starve for their imbecility, society can prevent those who are manifestly unfit from continuing their kind. The principle that sustains com- pulsory vaccination is broad enough to cover cutting the Fallo- pian tubes. Three generations of imbeciles are enough.463 Carrie Buck was sterilized. Although more than 63,000 human beings have been steril- ized under state laws patterned after Laughlin's model law,464 many more have been sterilized on the authority of questionable state and federal administrative action. In a 1974 decision, Relf v. Weinberger,465 Judge Gerhard Gesell found that "an estimated 100,000 to 150,000 low-income [mainly black] persons have been sterilized annually under federally funded programs. ' 466 Gesell concluded that "uncontroverted evidence" demonstrated "that an indefinite number of poor people have been improperly coerced into accepting a sterilization operation under the threat that vari- ous federally supported welfare benefits would be withdrawn un- less they submitted to irreversible sterilization." 467 Many present-day proponents of race-IQ research share the same assumptions and urge the same solutions as their predeces- sors. Jensen believes we should study the "danger that current welfare policies, unaided by eugenic foresight, could lead to the genetic enslavement of a substantial segment of our popula- tion. ' 468 According to Shockley, the reason behind this "retro- gressive evolution" is that lower IQ mothers have significantly more children than others, and the proportion of "white genes" is being reduced in each generation.469 His solution to the problem of "genetic enslavement" is a public "sterilization Bonus Plan." This plan would offer a "bonus rate of $1000 for each point below 100 IQ, $30,000 put in trust for a 70 IQ moron of a 20-child poten- tial and, thus, it might return $250,000 to taxpayers in reduced costs of mental retardation care. '470 More recently, Shockley has been active on behalf of the "Nobel Prize sperm bank," a private effort to increase the breeding potential of persons of demon- strated genius.47' In 1942, the Supreme Court in Skinner v. Oklahoma472 di- rectly addressed the manner in which invidiously selective govern- ment control over reproductive matters might be exercised. In Skinner, the Court held invalid a state law requiring the steriliza- tion of anyone convicted three times for felonies, but exempting convictions for white-collar crimes such as violation of tax laws or embezzlement. Recognizing procreation as "fundamental to the very existence and survival of the race," Justice Douglas's opinion for the Court invoked strict scrutiny to strike down the law on equal protection grounds.473 The Court also attacked the distinc- tions made by the law among the different offenses: "Sterilization of those who have thrice committed grand larceny, with immunity for those who are embezzlers, is a clear, pointed, unmistakable discrimination. .. . We have not the slightest basis for inferring that.. . [discrimination] has any significance in eugenics, nor that the inheritability of criminal traits follows the neat legal distinc- tions which the law has marked between those two offenses. '474 The Court then pinpointed the threat to a pluralistic and demo- cratic society posed by eugenics and its advocates: "The power to sterilize, if exercised. . . [i]n evil or reckless hands. . . can cause races or types which are inimical to the dominant group to wither and disappear. Race-IQ research has, without question, been associated with ignoble, even genocidal, ends.476 Equally clearly, the state has a compelling interest in wishing to avoid any association with such ends, and to do so may refuse to fund the research or permit it to be carried out on state campuses or in state facilities. The race-IQ researcher can counter, of course, that there may, in fact, exist great differences in intellectual potential among the races and that, once known, these differences would justify measures to con- trol the reproduction of races or groups found to be inferior. These differences, if they exist, can only be shown by scientific research aimed at discovering them. Skinner, in short, may be wrong. In deciding how much weight to afford this interest, it is use- ful to observe that the danger from limiting reproductive freedom is likely to arise, if at all, only if the outcome of the relevant re- search is applied in a particular way. Unlike the harms consid- ered to this point, genocidal policies seem unlikely to arise merely because race-IQ research is initiated. In addition, it cannot be said that these policies would arise immediately and ineluctably from the new knowledge; society might decide to ignore the re- sults, or to apply only a mild incentive not to reproduce, which the target population could ignore. Because of these uncertainties, the genocidal potential of race-IQ research appears not to give rise to a compelling state interest.

E. Risk of Violence A final justification for regulation of race-IQ research is that the research, or the uses to which it may be put, will lead to vio- lence. Although apparently no writer has tried to justify state con- trol on this ground, the argument can easily be made.477 The recent riots in Florida478 serve as a reminder that group violence is not confined to our past, but is "a recurring. . . feature of American political and social history. '479 For many members of this nation's racial minorities, the living conditions largely re- sponsible for the ghetto uprisings of the 1960's, such as unemploy- ment, consumer exploitation, housing, and police violence, remain unchanged today.480 Their understandable resentment may be exacerbated if it becomes known that social scientists of the majority race are engaged in research aimed at demonstrating the genetic inferiority of minor- ity populations. Individual acts of violence may occur even if the research ultimately demonstrates no difference in IQ among the races, or proves inconclusive. The danger of violence is increased if the research does pur- port to find an IQ difference, large or small, between the majority and minority races. Governments may use this result to relieve their budgets of the burden of providing for the poor, or increase efforts to control the reproductive rates of the minority popula- tions. School authorities may gear education of certain racial mi- norities toward rote memorization and away from the acquisition of conceptual skills. Employers and universities may eliminate or scale down affirmative action programs. Society as a whole may lose respect for minority populations and devote less effort to pro- tecting their rights. The frustrations which breed violence will in- crease as blacks and other persons of minority race realize that their prospects are not just holding steady, but are actually diminishing. 48' The prevention of anarchy and violence is, of course, a core purpose of government, and measures designed to reduce the like- lihood of civil unrest fall squarely within an area of legitimate state action.482 The difficulty with using a prevention-of-violence rationale to support limitations on race-IQ research is that it is difficult to determine in advance how much, if any, violence is likely to result if race-IQ research goes forward. The argument for regulation fits generally into the model of violence suggested by the " 'Fire' in a crowded theater" model. As the lives of a group of persons become increasingly threatened, they become more and more desperate to escape. If only a few doors are open, eventually their panic turns them against the society that "walls" them in. The analogy is not perfect, however. As the Kerner Commis- sion found, outbreaks of violence depend on a number of causes and cannot be predicted with any certainty.483 Many persons in- ternalize hatred or assaults on their integrity, while others erupt at the slightest insult.48 4 Thus, one cannot say for certain that vio- lence will result from either the research itself or the uses the state may make of it. Nonetheless, it is likely that inquiry into the pos- sible genetic inferiority of populations will be met with anger, frustration, and demoralization.4 8 5 In considering the social inter- ests in regulating race-IQ research, courts should take the possibil- ity of these destructive effects into account, even if they do not rise to the level of a compelling state interest. F. SocialDisutility ofRace-IQ Research A number of the interests discussed so far provide strong ar- guments against social sponsorship of race-IQ research and, per- haps, even against permitting such research to take place under state auspices. On balance, however, it is uncertain that any single one of these arguments is compelling, or that they are compelling in the aggregate. When courts have been unable to decide whether an individual's first amendment interest outweighs a competing state interest, they have sometimes resolved the issue by examining the social utility of the speech or speech-act in 48 6 question. The strongest utility-based argument that an advocate of race-IQ research can make is that knowledge of racial differences is essential in order to develop educational strategies to educate members of racial minorities.487 Although the knowledge of in- nate intellectual differences might hurt in the short run, the re- searcher may argue, it is necessary in the long run to make realistic appraisals of what can and cannot be done.488 This argu- ment makes it necessary to assess the likelihood that a race-IQ researcher could prove (or disprove) that such racial differences in intelligence exist. A number of formidable hurdles lie in the way of any such demonstration. Assuming that we do inherit a certain capacity for intelli- gence, that capacity is not easily measured. Intelligence is an ev- eryday concept which has no agreed-upon scientific definition.489 Existing psychometric definitions of intelligence lack both the "logical rigor" and "scientific relevance" that are necessary for a research result to have the proper predictive scope and the proper capability of being reproduced in another setting.490 Jensen at- tempts to avoid this definitional problem by taking an operation- alist stance that IQ is not intelligence, but is simply what the IQ 49 1 tests measure. To avoid such circularity, intelligence is most plausibly de- fined as the ability to adapt and survive in various environ- ments.492 Adaptability is not easily measured, however, and even less easily analyzed into genetic and acquired components. Rich- ard Lewontin and David Layzer point out that for malleable traits such as intelligence, the environment does not just quantitatively limit or encourage the phenotype of the genetic trait, as it does for height.493 The environment determines qualitatively, in interac- tion with one's genes, how that trait will develop. For instance, in environment X, A might outscore B on a mental test, while in environment Y, B might outscore A on the same test.494 Thus even if the environment were completely controlled for a group, the test results of that group could not be used to make any assess- ment of its genetic superiority over another group. These difficul- ties are more than methodological; they constitute serious conceptual difficulties with any attempt to test the race-IQ hypoth- esis. Because they call into question the likelihood of any useful result from race-IQ research, and because that research threatens a number of distinct harms, a court might well tip the balance in favor of regulation or prohibition. ' 475

This type of research still happens at universities – Charles Murray is still a prominent race-IQ theorist today – there’s no room for “confrontation” against racist research – when their arguments are based on logical fallacies and not on evidence, there’s no debate to be had, and there’s no way for students to speak out against the research. When professors argue that certain students are fundamentally inferior, it’s time to choose what type of speech we deem as relevant. **Nwanevu 17**

Osita Nwanevu [University of Chicago Stamps Scholar]. “The Kids Are Right.” Slate. March 12, 2017. CC

Charles Murray, an author and political scientist, was scheduled to give a lecture at Middlebury College earlier this month. Murray is best known for co-authoring The Bell Curve, a book published in 1994 in which he argued that blacks are less intelligent than white people. On March 2, a mix of students and “outside agitators” shut down Murray’s talk and forced him off campus. A professor was injured and hospitalized, and Murray’s car was mobbed. On cue, a few gallant crusaders against political correctness sprang into action, delivering familiar critiques of campus intolerance to go along with their sensible condemnations of the incident’s violence. In the Atlantic, Peter Beinart argued that the confrontation with Murray reflected a threat even to mainstream figures like former Secretary of State Condoleezza Rice, whose scheduled 2014 address at Rutgers was opposed merely because she had approved torture and promoted a dead-end war that killed at least a quarter of a million people. In the Washington Post, Danielle Allen compared Murray’s plight with the ordeal faced by the black students of the Little Rock Nine. The fact that the research Murray has endorsed is regularly deployed by racists to argue that the education of black students is futile went unacknowledged. And in the New York Times, Frank Bruni wrote that the incident reflected the “dangerous safety” of higher education and endorsed the view that Murray’s critics can only learn he is wrong via engagement with his ideas. The millions who’ve found good reason to reject the notion of black inferiority without even an awareness of Charles Murray’s existence evidently have yet to be truly educated on the subject. All told though, reaction to the Murray incident, compared with the furor inspired by, say, the Yale Halloween costume controversy or the protests at the University of Missouri, has been relatively sparse. “Where is the outrage from faculty at universities around the country, both towards this incident, and so many others?” Michael Strain asked at National Review. The veteran critics on and off campus, like the rest of us, are a bit preoccupied. As you may have heard, Donald Trump has been elected president of the United States. In his first seven weeks in office, Trump has attempted to delegitimize the judiciary and the electoral process and condemned the free press. He has made two thinly veiled attempts to restrict the entry of Muslims into the country. The president’s chief strategist Steve Bannon, who employed unabashed Islamophobes, sexists, and propagandists of racism as head of Breitbart, routinely cites a novel about an invasion of Europe by deviant, feces-eating minorities to explain his worldview. Given conditions on the ground in 2017, it’s easy to forget the thousands upon thousands of words expended not too long ago in the service of arguing that college students represented the most serious threat to liberal democratic norms and values. “American political correctness has obviously never perpetrated the brutality of a communist government, but it has also never acquired the powers that come with full control of the machinery of the state,” New York’s Jonathan Chait warned ominously in November 2015. Trumpism’s present control of that machinery, as even the harshest critics of political correctness on campus must concede, offers more than a conjectural threat to liberalism’s animating principles, including the belief in the equality of all people before the law and in the eyes of others. But those principles, in truth, have always been threatened. Liberalism comes equipped with a very large self-destruct button. Under liberalism in its purest form, you are permitted to promote bigotry, to argue that certain kinds of people—black people, gay people, Muslims, Jews, women—should be seen as inferior or dangerous. You are free, even, to advocate for their mistreatment and oppression. This is part of the right to free speech and expression. This is also the open back door that Trump walked through, with the forces of a resurgent white nationalism close behind. We are all wary, now, of normalizing the coded xenophobia and prejudice that hangs in the air. Talk of “globalism” and “law and order” rings familiar alarm bells. We recognize that the president’s offhanded comments may carry deep meaning, that his jokes are not just jokes, that the subtleties of the way he addresses certain communities carry great import. This is not so far removed from the vigilant posture of student activists who have warned us—to loud guffaws from the discourse’s responsible adults—about the small and often imperceptible ways bigotry can penetrate our lives and habits of mind. Those students have also warned that granting people like Charles Murray prominent platforms on our campuses in the spirit of open discourse may be counterproductive. “For too long, a flawed notion of ‘free speech’ has allowed individuals in positions of power to spread racist pseudoscience in academic institutions, dehumanizing and subjugating people of color and gender minorities,” Middlebury student Elizabeth Siyuan Lee told the New York Times on Tuesday. “While I defend Murray’s right to speak his mind, the fact that the college provided an elevated platform for him did more harm than good.” Is this such an outrageous point of view? Is it inherently misguided to suggest some speech ought to be restricted not by law but by informal rules? Is the space in the discourse that liberalism has granted to bigots emboldened by the Trump era a real problem or not? The critics of political correctness have largely shirked opportunities to explore these questions seriously and open-mindedly, instead preferring to render student activists as uncharitably as possible. “The modern college student thinks he or she (or xe) is uniquely oppressed, mistreated, and unsafe,” Robby Soave wrote in a characteristic piece for the Daily Beast last June. “They think a university education is too hostile, triggering, and difficult.” This is the conclusion that Soave and other writers have comfortably drawn based on the handful of some 20 million college students who are controversial enough to make for screaming headlines. One can find pockets of extremism and silliness in any category of people and amongst the adherents of nearly any ideological doctrine. Outright violence of the kind that broke out in Middlebury has been rare among today’s activists, whose militancy, it should be said, pales dramatically in comparison to the literal terrorism of some college students in the late 1960s and early 1970s. When you pare away the sensationalism that characterizes much of the reporting on the campus scene, political correctness doesn’t seem to be as powerful a force as its critics want us to believe. Take the panic over trigger warnings. In 2015, the National Coalition Against Censorship released the results of a survey of more than 800 professors in the Modern Language Association and the College Art Association—professors who, as teachers of literature and art, would be among the most likely to use warnings. More than 92 percent said they were unaware of any student efforts on their campus to require trigger warnings, 85 percent reported their own students had never asked for them, and 88 percent of those who did not offer trigger warnings said their students hadn’t complained about their absence. The report concluded that reports of a trigger warning epidemic were “difficult to substantiate.” Advertisement Naturally, these findings were mostly ignored—the anti-PC narrative admits precious little change or nuance. Its central argument, after all, amounts to little more than a knuckle-dragging grunt: More speech good. Those who disagree—those who dare suggest that the utility of speech may in fact be dependent on content, context, speaker, and audience—have unfailingly been deemed oversensitive and closed-minded. They are beholden to, in Jonathan Chait’s words, “philosophical premises that happen to be incompatible with liberalism.” Incompatible? Really? As of 2014, laws criminalizing offensive hate speech were on the books in 89 countries, including 84 percent of European nations. Is Spain, which bans racist speech, not a liberal state? Should we consider the state of Israel, where one can face criminal penalties for denying the Holocaust, intellectually stunted and fragile? This is not a call for the criminalization of speech in the United States. It seems probable that the stringent protections for speech afforded Americans by the First Amendment have created a uniquely open public sphere that yields unique benefits to our discourse. But the argument that politically correct standards of etiquette or speech restrictions on campus are delirious, unprecedented absurdities that will set us on a slow, steady path toward the snuffing out of free society is unhinged. The PC critics, one suspects, are dimly aware of this reality and understand too the moral and practical limitations of wholly free discourse. Every now and then, they show us that their true views on speech are more complicated than their condemnations of students let on. In his 2015 essay “Not a Very P.C. Thing to Say,” Chait scolded student activists for writing off their white, privileged opponents as irreconcilable enemies. “Politics in a democracy is still based on getting people to agree with you, not making them afraid to disagree,” he wrote. But in a post responding to the “deplorables” fracas a year later, Chait’s views on the utility of discourse and engagement appeared to have undergone a mysterious transformation. “Trump enjoys a hard-core support that lies beyond persuasion, utterly immune to even the starkest factual evidence,” he wrote. Advertisement Also consider the case of Milo Yiannopoulos, booted from a scheduled appearance at the University of California–Berkeley in February by protesters uninterested in hearing from a man who claimed the mass shooting at Orlando, Florida’s Pulse nightclub was “an expression of mainstream Muslim values.” Yiannopoulos was in turn invited to speak at the American Conservative Union’s Conservative Political Action Conference. “We think free speech includes hearing Milo’s important perspective,” ACU chairman Matt Schlapp tweeted. It was soon discovered that Yiannopoulos believes children as young as 13 can consent to sex with adults more than twice their age. His speech was canceled. Why was Yiannopoulos’ invitation to CPAC rescinded? Because he held beliefs that offended and disgusted. When students oppose speakers on similar grounds, hacks shriek about thought-policing. Let’s imagine he had taken the opportunity at CPAC to expand on his controversial views—surely attendees could have learned something valuable from a free, open, and lively debate on whether raping children is in fact OK. Alas, the illiberal totalitarians who demanded that the American Conservative Union reverse course denied us a chance to find out. The notion that speech could be sensibly regulated was the central idea of one of the conservative movement’s ur-texts. God and Man at Yale, authored by the then 25-year-old William F. Buckley Jr., is little more than an extended plea for speech restrictions on campus. “Question: What is the 1) ethical, 2) philosophical, or 3) epistemological argument for requiring continued tolerance of ideas whose discrediting it is the purpose of education to effect,” Buckley asked. “What ethical code (in the Bible? in Plato? Kant? Hume?) requires ‘honest respect’ for any divergent conviction?” These are sound questions, as much as a campus liberal today might find fault with the targets of his ire. Yale for Buckley was, among other things, insufficiently religious. Members of the faculty, he alleged, had been using “pernicious techniques to undermine the tenets of Christianity.” These “pernicious techniques” included the deployment of one-liners like, “All I can tell about heaven is that it must be awfully crowded there!” This is perhaps one of the earliest documented instances of students being triggered by a professor. God and Man at Yale, which is subtitled “The Superstitions of ‘Academic Freedom’ ” is also likely one of the first texts by a student arguing that campuses should be safe spaces. “I believe it to be an indisputable fact that most colleges and universities, and certainly Yale, the protests and pretensions of their educators and theorists notwithstanding, do not practice, cannot practice, and cannot even believe what they say about education and academic freedom,” Buckley wrote. “I should be interested to know how long a person who revealed himself as a racist, who lectured about the anthropological superiority of the Aryan, would last at Yale? My prediction is that the next full moon would see him looking elsewhere for a job.” Today, National Review, the publication Buckley founded, rails against such arguments. “[Liberals] have declared academic freedom an ‘outdated concept’ and have gone the full Orwell,” Kevin Williamson wrote in 2015, “declaring that freedom is oppressive and that they should not be expected to tolerate ideas that they do not share.” But the politically correct do not argue for an end to all extant academic and political debates. Like Buckley, they call for a recognition that politics, morality, and practicality create inherent bounds to discourse. Few demand that anti-vaccination advocates be granted equal time to express their views. And if a movement emerged on college campuses to promote a kind of fashionable, refined Islamic fundamentalism—an alt-Qaida, if you will—we can be assured that critics of restricted speech would discover an enthusiasm for no-platforming. But when student activists, particularly minority activists, argue against the permissibility of certain speech on the grounds that it enables prejudice, we’re suddenly told that universities must always be free marketplaces of ideas. The critics of political correctness flatter themselves with paeans to their putative open-mindedness and cluck sadly at angry outbursts. Yes, certain ideas are wrong, they tell activists. But when you allow people to examine the various sides of a debate, those with the best command of facts and reason—that is, those who agree with us—will emerge victorious. The race scientists will go the way of flat-earthers. Islamophobia will be found contemptible. Hillary will win. But this moment in American politics and American life proves that the victory of reason cannot always be assured. The purveyors of logic, of facts dutifully checked and delivered to the public, lost big league in November. The cost has been an erosion of our national character that we will be powerless to stop unless we fight prejudice wherever it lies. The critics of political correctness have argued that shutting down certain conversations may bear political costs and alienate potential allies. This is a certainty. Morality is alienating. But the costs of being moral have been borne successfully by innumerable movements for social change. This is, to borrow a phrase, a time for choosing. In the Trump era, should we side with those who insist that the bigoted must traipse unhindered through our halls of learning? Or should we dare to disagree?

#### “Confronting” racist research by “speaking out” is not an effective in the context of science research – this ev is incredibly specific to scientific research and is far better than their generic “confronting speech with speech” arguments. Delgado 83

Delgado, Richard, Sean Bradley, David Burkenroad, and Ron Chavez. "Can Science Be Inopportune-Constitutional Validity of Governmental Restrictions on Race-IQ Research." UCLA L. Rev. 31 (1983): 128. CC

Under the first amendment, the preferred remedy for com- munications with a harmful content is the competition of oppos- ing views. "More speech" can expose the fallacies of the harmful speech, educate the listener, and otherwise avert the evils that may follow from the harmful speech.52' This remedy is constitution- ally preferable to state regulation of speech for a number of rea- sons. Providing more information to the public furthers the first amendment function of encouraging self-government.5 22 By al- lowing the free exchange of ideas the government refrains from making ultimate judgments, thereby ensuring that the public's ability to make decisions is not undermined by governmental pa- ternalism.5 23 Finally, the researcher's constitutional interest in continuing the investigation is left undisturbed. Thus, where the state's concern arises because of the content of a scientist's re- search, encouraging speech, rather than regulating it, generally will be the preferred remedy. Whether "more speech" will be the appropriate remedy in any particular case is determined by the circumstances under which the speech occurs.524 Considerations such as the persua- siveness or purpose of the speech usually are not considered rele- vant to determining whether additional speech is the appropriate remedy. For example, scientists' influence over the lay public be- cause of their training and position should not justify a more in- trusive remedy than one which would be permitted in the case of nonscientists. The Court has announced on several occasions that "the concept that government may restrict the speech of some ele- ments of our society in order to enhance the relative voice of others is wholly foreign to the First Amendment....-525 In First National Bank of Boston v. Bellotti, 26 for example, the Court struck down a Massachusetts law preventing corporations from making expenditures for the purpose of influencing referendum elections. The Court held that without a showing by the state that corporations posed an imminent threat of dominating elections, the first amendment interest in allowing the free flow of speech could not support the restriction, even though the corporation might enjoy more wealth and power than the average noncorporate citizen.527 Similarly, the state is not justified in regulating a particular course of scientific research because it is conducted for the pur- pose of affecting society when more research to counter the scien- tists' conclusions is an available alternative. In Organizationfor a Better Austin v. Keefe, 5 28 for example, the Supreme Court vacated an injunction restraining an organization from distributing leaflets criticizing the respondent for his business practices. The Court observed that "[pletitioners plainly intended to influence respon- dent's conduct by their activities. 5 29 This intent did not, how- ever, remove petitioner's activities from first amendment protection. Scientists may similarly intend to have an effect on public policy with their research, but this intention should not jus- tify state application of a more restrictive remedy than allowing competition with other researchers' ideas. While the persuasiveness and the purpose of a scientist's re- search will not affect the appropriateness of "more speech" as a remedy, a restrictive remedy may be sought where discussion would be ineffective in preventing the threat to the state's interest. Speech is effective where there is "time to expose through discus- sion the falsehood and fallacies, [and] to avert the evil by the processes of education." 530 Consequently, where time allows, the remedy to be applied is "more speech, not enforced silence."' 53' Only where there is the threat of an imminent danger and insuffi- cient time for discussion, may the state intrude to prevent the threatened harm.5 32 For example, speech has been held to be an ineffective remedy in cases where pressure may be exerted on a party without opportunity to have a competing influence counter the initial pressure, 533 or where the means of communication is such that the access of opposing speech to the medium is inher- ently restricted.5 34 In such circumstances, the opportunity for remedying the harms by further speech is absent and the state may validly use a more intrusive form of control. Scientific speech does raise concerns about the ability of more speech to remedy the harms produced by new ideas. In the cases where more speech has been viewed by the Court as an effective remedy it has been assumed that competing ideas exist, or are ca- pable of being generated, which can oppose the speech with harm- ful content.535 Science, however, may be one area of dispute where that assumption is incorrect. To the lay person, the formi- dable consensus of scientific opinion in most matters may make the idea of dissent seem futile. In large part, of course, this is due to the circumstance that scientific knowledge is not primarily a product of opinion or ideology, but a public explanation, gener- ally accessible, and presumably subject to renewed tests of verifi- cation. 536 Once a scientific truth is established, that truth will be accepted by virtually all who accept the authority of science.537 The constitutional preference for more speech may, therefore, be mistaken in the case of science since science may progress to a point where no speech can effectively compete with a harmful sci- entific theory once it is accepted as true. Under such conditions a restriction on research may be the only alternative to the ineffec- tive competition of ideas.5 38 Whether the Constitution's reliance on speech as a remedy is mistaken will be considered in the fol- lowing examination of the process by which scientific disputes are resolved. 1. How complex scient!fic disputes are resolved. Science owes much of its prestige and authority to the presumed empirical bases that allow it to make scientific truths generally known, verifiable, and therefore trustworthy. 39 In this respect, scientific statements seem to differ from those of politics and religion, whose assertions are statements of value and, consequently, not subject to any ob- jective verification. 540 Despite science's empirical foundation, complex scientific issues are rarely resolved by appeals to testable data. The history of science contains many instances in which theories were accepted despite the existence of contradictory em- pirical observations,541 and in which propositions were rejected even though they had an arguable basis in experimental proof.542 For instance, in the recent controversies over nuclear power and the fluoridation of water supplies, one commentator has noted that various experts chose one side of the controversy over the other when the data were ambiguous, for such reasons as the de- sire of an expert to aid a friend or oppose an enemy, or simply because the expert was accustomed to one position and did not desire to have it questioned.

#### Speaking out with more speech doesn’t make sense in the context of professors presenting research since students only response is to leave the classroom and make the professor’s voice more empowered. Caruso 17

Justin Caruso, Black Ivy League student claims ‘trauma’ after white professor refuses to acknowledge privilege, The College Fix, <https://www.thecollegefix.com/post/30968/>, 1/31/17.

A black University of Pennsylvania student recently declared that his fall semester at the Ivy League institution was “traumatic” because he had three white professors who refused to acknowledge their privilege, and one scholar in particular who “constantly perpetuated these systems of oppression … [that] led to me mentally breaking down in the classroom.” Student James Fisher wrote about his experience earlier this month in an op-ed in the Daily Pennsylvanian campus newspaper. In it, Fisher opens by saying: “Last semester was honestly the worst semester I’ve had at Penn so far. And all because of one thing: the white professors I’ve had at Penn. It appears that the term ‘privilege’ does not apply to them. Nor do they care to learn what it is.” Fisher wrote about his experience with one professor, noting that there “were countless times that his lack of acknowledgment of his privilege led to some of the trauma that I experienced in class. He would show images of slaves on plantations and even allow students to say ignorant comments in class.” “… So, because my professor wanted to protect the voices of the white students who benefit from black oppression, the oppression unfortunately continued. It even led to me mentally breaking down in the classroom,” Fisher wrote. “And while trying to console me, [the professor] said, ‘There is no way that I could acquire the wisdom that you possess.’ That was exactly what I needed to hear! I think he thought that that was a compliment,” Fisher continued. “I stopped going to his class for a month. With different emotions going through my head from not only this class but from the Trump election, I did not want to step foot into another white space until I made sure that my mental health was restored.” The column ended by arguing: “The truth is, you as a single person cannot make up for the horrific things that white people have done to us throughout human history. But that does not mean that you do not have the power to stop yourself from oppressing the students that you teach every day. You have to be invested in stopping racism and oppression every day, not just on your free time.” Reached for comment by The College Fix, Fisher was asked how he thought white people at Penn benefit from oppressing black people. “Well, the same way white people in general benefit from black oppression,” Fisher told The Fix. “So, since we’re oppressed, right, we’re not able to perform at our best, so they use that and they take advantage of their privileges of not being the types of people to be looked at by police, right, by not being the types of people that are constantly scrutinized by American society, and they use that to their benefit,” Fisher said in a telephone interview. Fisher added that he thinks other black students at UPenn “strongly” agree with him, and that colleges and universities could better accommodate black students if they would stop talking and start listening. “If the majority of people in that classroom, or the majority of voice that we here in a typical class section, is a white male’s voice, maybe it shouldn’t be heard that much,” Fisher told The Fix. “You know there’s something wrong with that narrative if other narratives are not getting sort of more recognition or more clout.” “I get that you’re always searching for us [minority students] to get the answer,” he said, “when all you have to really do is just shut up and listen.”

#### White teachers’ racial bias devalues black students and makes them feel hopeless, decreasing graduation rates and overall success. Withrow 16

Taylor Withrow, Study: White teachers devalue black students, <http://www.redandblack.com/uganews/study-white-teachers-devalue-black-students/article_f325c32c-0cb7-11e6-b0c5-17eed266f0bc.html>, 4/29/16.

White teachers expect less academic success than black teachers expect from the same black student, according to a study conducted by researchers at John Hopkins University and American University. “This problem is very real, very evident,” said Louis Castenell, a professor of educational psychology at the University of Georgia. “It’s demonstrated often in every school district we surveyed.” According to the study, a white teacher is about 30 percent less likely to think the black student will graduate from a four-year college than a black teacher, and almost 40 percent less likely to think black students will graduate from high school. Black female teachers are more optimistic about the ability of black boys to complete high school than teachers of any other demographic. Researchers found white and other non-black teachers were 12 percent more likely than black teachers to predict black students would not finish high school, with black males receiving harsher criticism. “Lots of research has been done on this and there is overwhelming evidence that this is absolutely true,” Castenell said. “Many white teachers have shared the view that minority kids, particularly brown and black kids, are less motivated to be academically successful.” Low expectations The lower expectations for black students may play a role in the lower graduation rates for black students. “In my high school in Pennsylvania, I was the only black person in the running for Valedictorian. Both teachers and students were shocked to see that I was in the running,” said Shannon Harris, a sophomore from Philadelphia. “They said things like they would never expect for someone like me to be smart.” Castenell said based on his research of student-teacher relationships, teachers who do not have confidence in a student’s success typically have low self-esteem in their ability to teach. “These teachers with low self-esteem project that in their academic expectations of these kids,” he said. Sarah Warui said she has seen this behavior from professors in her classes at UGA. “I’ve definitely observed plenty of racially prejudiced behavior toward black students, mainly black males, by my teachers,” the freshman from Atlanta said. “At UGA alone, one of my professors always singles out the two black male students in my class.” Jim Garrett, a professor in the College of Education, said he believes some teachers do not have high expectations, or lack respect for minority students, because of ideas Americans grow up with about African Americans. “Somehow we have to learn to educate people about the things they think they know. And it’s not just in schools, it’s within the system,” Garrett said. “These lower expectations of African Americans become unconscious.”