

# dominate

lincoln douglas

2013

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lincoln douglas  
2013

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# Read this First

The 2013 edition you hold in your hands is the culmination of hundreds of hours of work, and it is the best sourcebook we have put out in three years of publication. We are excited to present you with this resource, but in exchange for benefitting from our labor, we only ask for one thing: commit to challenging everything we say.

Here's what that means: make yourself articulate three compelling arguments against any argument you find here. Debaters are convincing, and debaters with combined decades of experience came together to create this resource. If reading this book will only make you convinced that we are right, it has done more harm than good. If you cannot make this commitment, I promise, you will absolutely be better off without this book.

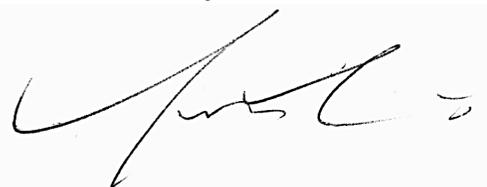
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Dominate LD is not a book; it is a mindset. The articles in this resource didn't make the cut because of their authors' accolades or reputation, but because they demonstrate their author's commitment to constant improvement and to excellence. The materials here have been worked and reworked, because we hold ourselves to an expectation of excellence.

We hope it clarifies the topic, answers some of your questions, and inspires your arguments. We hope the ideas on these pages spark debates in meetings and conversations at tournaments. This is more than a collection of cases and articles on the resolution. It is an opportunity to peer into the minds of not only some of the most successful Lincoln-Douglas competitors, but also arguably, the premier LD thinkers in the nation.

Debate is an incredibly self-reflexive activity: we analyze debate, theorize on what is good and bad, and limit our own options in rounds to make debate a better activity. We hope that the debate community as whole benefits from the proliferation of a desire for constant self-improvement.

Sincerely,

A handwritten signature in black ink, appearing to read 'Jon Chi Lou', is written over a light gray rectangular background.

Jon Chi Lou



# Resolutional Analysis



# Resolutional Analysis

Resolved: Privacy is undervalued.

The resolution is simple, the grammatical structure straightforward, and the terms few. But for a resolution that acts so forthcoming, this resolution hold an impressive number of puzzles. We'll get to definitions and a basic primer on the different types of privacy in a later section, but let's focus on some of these puzzles to start off with.

## Fact or Value?

Value, judging by the trajectory of the sun and the moon. A fuller defense of the view that the resolution is a value topic is available to the public on the blog, so I will avoid being redundant here. The basic claim in the article is that resolutions mandating value judgments but not policy judgments are value resolutions.

## How fact & value both fit into this resolution

There can be a theological debate over whether this resolution is value or fact, but eventually, the disagreement becomes semantic. What everyone ultimately agrees on is that this resolution has a value component and a fact component—the resolution requires debaters to prove on both a fact and a value level.

What is a value judgment? This is simply a claim of good or bad as opposed to a claim of truth or falsity. When I make the claim that the laptop I am working on is a MacBook Pro, that is a fact claim, one that is either true or false. When I make the claim that MacBook Pro's are the best machines for the average college student, that is a value claim, one that asserts the goodness or badness of something.

So, back to the resolution. There are two components to every case, every debate.

First, debaters have to make a value judgment specifying the ideal level of privacy. If the resolution says that right now, we undervalue privacy, there also has to be a level of privacy at which it is considered correctly valued and a level at which it is overvalued. It is a key requirement of the resolution that debaters specify a standard for what the correct amount of privacy should be. That standard is a value judgment, which means it is somewhat arbitrary and cannot be immediately obvious, just like the appropriateness of MacBooks for college students cannot be immediately obvious and must be investigated.

Second, debaters have to prove the resolution on a fact level. In other words, now that we've established the standard for the correct level of privacy, do people currently value it at that level? If so, then privacy is not undervalued. If not, and people value it at above or below that level, then it is over- and under-valued, respectively. This is not a question of right and wrong or good and bad, it is a question of truth—a yes or no question.

Every case must address these interdependent questions at some point: how much should we value privacy, and are we currently fulfilling that?

## By Whom

“Privacy is undervalued” is missing a critical grammatical element: the subject. A standard sentence would tell us who is undervaluing privacy, and read “Privacy is undervalued by America, or society, or the United States government.” This lack of subject means that we have to specify who undervalues privacy ourselves, and this is crucial. The scope of the resolution is key to answering the question of the resolution. If the subject of the resolution is “companies that share user data,” the result of the debate is far different from one where the subject is “users whose data is being shared by said companies.”

It is not simply a matter of picking a subject that is favorable towards you. It is also a matter of picking a subject that you can defend, because the nature of the role that this subject plays means that it will be a major area of disagreement—the crux of the controversy—in many debates. Can we just look at the paparazzi who are violating the privacy of celebrities, or should we look at America in general to determine whether privacy is undervalued?

The tricky thing about picking a subject and arguing the subject is that there isn’t one right answer to the question, “what is the subject of the resolution?” It is a matter of arguing that setting a certain scope for the debate provides the best debate, not that it reflects the truth or falsity of the situation. Thus, arguments for and against scopes for the debate are really just reasons to prefer.

## Reasons to Prefer Different Subjects

There is no limit to what kind of arguments can be used to argue for different subjects for the resolution. Let’s go with the example from before. If someone ran a case arguing that paparazzi should be the focus of the debate, I can respond without even looking at the facts in the case, or whether their standards for privacy make sense, by simply arguing on the scope level.

One potential argument here could be that the values of paparazzi don’t reflect the values of society in general. By focusing on one subset of the population that undervalues privacy, we skew the overall conclusion. A compelling response would be that the conclusion can’t be skewed when the resolution never specified that the focus of the debate should be on America. In other words, if the resolution asked us “are mountain lions a problem?” it isn’t skewing the debate to focus on places where there are mountain lions, because that’s where the debate can happen. In fact, the debate perhaps should be focused solely on paparazzi because that is an area where privacy is actually being undervalued and that is a problem that we need to address. If we just focus on things that lead us to inaction, that is not a debate that is productive.

## Components of the Value Debate

### *Value as Impact*

Ultimately, values are benefits of voting for one side of the debate. Debaters promise the judge, “vote for me, and you will get a world with more peace, and love, and hope.” The values, or the biggest benefits of each side, are compared against each other to determine the winner, assuming of course that the values are firmly linked by each debater to their side of the resolution. Values can be compared using standard impact weighing mechanisms like scope,

magnitude, severity, and reversibility. But there's a different perspective we can use to think about values that might help contextualize the debate.

### *Value as Standard*

The arbitrary standard that debaters have to set for "how much privacy is enough privacy?" may be a challenge, but using values as the standard may simplify the problem. Since the standard is absolutely arbitrary, we can reduce the entire debate over the ideal level of privacy down to one factor: your value. The standard you set answers the question, "how do we know when we have undervalued privacy?" On affirmative, the answer could be, when the lack of privacy leads to damaging my value, and vice versa on negative.

One relevant note here: instead of saying privacy will lead to a certain value, it may be easier and more logically sound to say that the undervaluing of privacy will destroy a certain value. Karl Popper's theories on falsification come to mind: it is impossible to prove a positive, but it is possible to disprove a positive.

## Components of the Fact Debate

Perhaps more challenging than setting a value standard may be establishing a standard for what constitutes "valuing" or "undervaluing" something within the fact debate.

*Words* — If we poll a group of people and they tell us that they think or feel a certain way, we should accept that as proof positive that they value or undervalue something. For example, if we find a poll that says Americans disapprove of the Patriot Act, that is sufficient proof that Americans value their privacy when it comes to warrantless wiretapping.

*Actions* — It doesn't matter what people think or say they think if they do not act upon it. If people do not act on their convictions, it shows that they ultimately do not put enough weight upon their convictions and thus, that they do not truly value something.

*Expectations/Unspoken Thoughts* — The unspoken expectations should be the standard for determining whether privacy is valued in a certain area. America would be undervaluing privacy when their expectations of privacy for a certain group don't match the value standard specified. For example, we expect celebrities to have a lower level of privacy—this is unacceptable because it devalues their worth, and thus privacy is undervalued by America.

This is essentially the man-on-the-street of standards for determining whether privacy is valued. There is no scientific study for what people think or expect, but we posit a hypothetical in which we put ourselves in the shoes of the subject in question. As discreditable as this standard seems, it is the standard used by the Supreme Court when deciding that people have less privacy in Times Square than in their cars and less privacy in their cars than in their homes.

## Timeframe

The word "is" forces analysis of privacy and the valuation of privacy to be current. We should be talking about the present rather than the past. But this poses yet another challenge. If "is" always refers to the present, our research and analysis will always be outdated by the time we

read it in the round. Unless every debater does same-day research, or to some extent, research parli-style right before the round, there is no way to fulfill this requirement of the resolution. Here are four interpretations of the word “is” that might help solve the problem.

*Current events* — The word “is” doesn’t refer so much to the present in the rigorous sense of the present second, in the present hour, but speaks to current events in general—things that are unfolding or things that remain in the public eye, things that still have an ongoing, direct impact on the people of today.

*Arbitrary standard* — We understand that it’s impossible to research right as we speak, so we’re just going to say that anything from the past three weeks (or two weeks or two years) is kosher. Yes, it’s arbitrary, but we need room to breathe for debate to happen. Deal with it.

*No evidence for change* — Newspapers and journals don’t publish an article every day if things haven’t changed—they only report about significant changes. Thus, as long as the article or piece of evidence we’re quoting is reasonably recent and doesn’t have any contradictory evidence against it, we’ll accept the claim of the evidence as true in the present as well. To some extent, this is the view taken by most policy debaters arguing inherency using the “date of the article” line of argumentation.

*Trends* — Looking at minute changes doesn’t inform us about the general state of us valuing or undervaluing privacy. People are fickle and they might suddenly value or devalue something based on current events; however, that does not reflect on the true underlying state of mind of the people. We must look to trends in privacy to determine whether privacy is headed in the right direction or the wrong direction.

For example, we would not talk about the all the individual changes Facebook has made to its privacy policy and privacy settings in the past five years, but instead, we look to their vision for what people should share and the overall goals of the aggregate of the changes they’ve made during that period. Another example is 9/11—privacy has been trending downwards since the attacks—the TSA and PATRIOT Act are just two examples of the continuing trend of devaluing privacy.

## Using Generalizations

The last standard—trends—ties beautifully into this point. Rather than quibbling over day-to-day changes, we looked at the big picture. We zoomed out to get a more accurate representation of what was going on across multiple moments, isolating anomalies and eliminating them.

The same concept of generalizing and looking at the big picture can also be applied to the subject or scope of the resolution as well. Instead of looking at just the paparazzi, we look at whether the people in general approve of the paparazzi or whether they consume the media that the paparazzi generate. Generalizing in this way allows extremes to be cancelled out and allows opinions to be equalized.

## Burdens Rephrased

Because the resolution places the burden on the affirmative to prove that something is undervalued, phrasing it in a negative rather than positive way, the following restatements of the resolution hold true:

Affirmative — Privacy should be more highly valued;

Negative — Privacy should not be more highly valued; privacy should be valued as it currently is, or it should be valued less.

The restatements of the resolution may make it easier to understand. The restatement essentially takes the burdens of each side but phrases them in a positive way. You'll notice that the negative burden sounds almost policy-like in that the debater has the option of defending the status quo as a corollary to refuting the affirmative position.



# What is Privacy?

Whenever I eat tuna straight out of a can, I drink chocolate milk to go with it. Who has the right to know that? If I wear socks with sandals, who can stop me? How creepy is it when Google-bots read your e-mails in order to give you more relevant advertising? More seriously, is abortion honestly a 'constitutional right'? How important are search warrants, really? Should there be a ban on homosexual activity? Does the government have the authority to protect you from yourself?

Defining what privacy is, and to what extent it should be valued, is an extremely important part of our worldview and our political beliefs. This year, we're really going to be delving into deep issues—everything from euthanasia to fan magazines. But as any good debater knows, before you get into the debate round you really have to have an understanding of the terms being used. So what exactly is privacy? At first glance it seems self-explanatory—the ability to keep things private. But as you delve into the resolution, you'll start to realize that there are actually several views on what privacy means. From what I have seen, there are four main viewpoints on what privacy generally means and how it impacts society. These four main interpretations of privacy are:

## Privacy as Control over Information

"Informational privacy encompasses an individual's freedom from excessive intrusion in the quest for information and an individual's ability to choose the extent and circumstances under which his or her beliefs, behaviors, opinions, and attitudes will be shared with or withheld from others."

– Report of the Committee on National Statistics' Panel on Confidentiality and Data Access, Duncan et al., 1993. *Private Lives and Public Policies*, Washington, DC: National Academy Press

"The type of privacy covered by the Privacy Act and our Office is the protection of people's personal information. However, this is just one aspect of privacy. Other types of privacy can include territorial privacy and physical or bodily privacy and privacy of your communications."

– The Australian Government Office of the Australian Information Commissioner's functioning definition

Violations of privacy include: "Intrusion upon a person's seclusion or solitude, or into his private affairs. Public disclosure of embarrassing private facts about an individual. Publicity placing one in a false light in the public eye. Appropriation of one's likeness for the advantage of another"

– William Prosser, philosopher

Privacy can easily be defined as control over information about yourself—what goes online, what goes into print, what your neighbors know about you, et cetera. The ability to control what other people know about you is a really important aspect of privacy, so affirmatives could definitely make a case exclusively about this type of privacy, perhaps talking about ethical journalism, confidentiality and anonymity, facebook privacy settings, or maybe even gossip.

## Privacy as Freedom From Observation

“the quality or state of being apart from company or observation” – Merriam Webster

“a state in which one is not observed or disturbed by other people; the state of being free from public attention” – Oxford Dictionary

“The quality or condition of being secluded from the presence or view of others.” – The Free Online Dictionary

When you enter into any casino in Las Vegas, hidden cameras use digital imaging to detect when a felon is hiding within their casino. This leads to the capture of many criminals, but it requires taking and storing pictures of everyone who enters into a casino. When you run a red light, cameras will take pictures of your license plate and you will receive a ticket in the mail. The FBI communications tracker known as “Carnivore” has recently been found to survey any online communications it wants, and is not limited to simply the surveillance of criminal suspects. Many rental car companies now place GPS tracking devices on their vehicles, airlines are now considering using iris scans or fingerprint cards to keep track of their customer’s records, and the Australian government even considered using electronic strips to ‘tag’ all people on visa, in order to crack down on the problem of visitors overstaying their visa limit.

Privacy as the freedom from observation doesn’t just mean ‘being alone.’ It means the ability to control when you are observed and when you are not. Affirmatives could easily focus only on the freedom from observation, perhaps utilizing the recent Google Maps controversy to point out how little control the individual now has over when s/he is being watched.

## Privacy as Freedom of Choices

“Privacy enables control over personal information as well as control over our bodies and personal choices for our concept of self.” –Stanford Encyclopedia of Philosophy

This is a viewpoint that I believe could really give the affirmative an edge in the view of privacy. Viewing privacy as control over our bodies and personal choices puts forth a new idea about privacy. The true value of privacy is not being alone, protecting our reputation or even being free from unauthorized observation. The value of privacy is in having the freedom to make your own choices. The individual has the right to do what s/he wants within the privacy of his or her own home, and to try to regulate what the individual does is not only a violation of their privacy, but their human dignity. One thing to beware is that under this definition of privacy, the case of *Roe v. Wade* can legitimately be used against you, whereas that case really does not apply under the other three interpretations of privacy.

## Privacy as Freedom from Intrusion

“freedom from unauthorized intrusion.” – Merriam Webster’s Online Dictionary

“In this study privacy is defined as the state of being free from unsanctioned intrusions.” – functioning definition from Dr. Craig Thompson’s study on cultural privacy

“the state of being free from intrusion or disturbance in one's private life or affairs” – Dictionary.com

"Privacy can be defined in terms of having control over the extent, timing, and circumstances of sharing oneself (physically, behaviorally, or intellectually) with others." – IRB Guidebook, Part III.D, Department of Health and Human Services, Office for Human Research Protections.

Undesired intrusion doesn't only mean warrantless searches and government invasion—it can also mean nosy neighbors and prying school officials. I think this kind of violation of privacy is anything where people pry themselves into your life by force. That could be illustrated in the recent facebook case where school officials threatened to suspend a middle school girl unless she gave them the password to her facebook account. When school officials got on her facebook account, they proceeded to punish the girl for derogatory remarks made about school officials which she said privately to her friends. Another example would be the upcoming use of drones on American citizens, to be used to collect information without a warrant. Observe:

“Billions of artificial flies will be released into the atmosphere next week as part of the International Surveillance Initiative. The flies will include advanced camera systems and reproductive technology to keep citizen's safety at the highest possible levels. The flies will look just like any other normal fly, so citizens are encouraged to no longer smash the insects, as you may be destroying government property—an offense punishable by a fine of a half million dollars, or up to thirty years in prison.” – Fact News—the ONLY News (Part of a My Chemical Romance music video. Hehe. Gotcha, didn't I? ;))

And my Personal Favorite Definition:

"... the state or condition of being alone, undisturbed, or free from public attention, as a matter of choice or right; freedom from interference or intrusion. An important aspect of privacy is the ability to exclude others from the premises. The right to be free from intrusion or interference is a key element of privacy." – Canadian Supreme Court Justice Cory in the case R. v. Edwards  
This definition sums up all four aspects of privacy in a quick, clear, comprehensive way. Thank you Justice Cory!



# History of Privacy

The majority of LD resolutions can be traced back to a vision of our founding fathers, or a deep history of philosophical debate. Individual rights have been discussed again and again by philosophers from Locke to Bastiat. Popular sovereignty was a topic discussed by philosophers for hundreds of years before it became one of our LD topics. The value of democracy, cooperation and due process all trace back to longstanding philosophical conflicts. This year's resolution is no exception.

Privacy, and discussions about what privacy entails, play a huge role in American history. In the American Constitution, the value of privacy is strongly implied in the Fourth and Fifth Amendments, which give us the freedom from unwarranted search and seizure as freedom from undesired invasion of the military into our private homes. However, privacy was mainly established not through the Constitution, but through court cases. Here are a few cases that you need to be aware of that helped to define and establish our cultural view of privacy:

**Roberson v. Rochester Folding Box Company (1902):** A drawing of a woman was used for an advertisement without that woman's consent. Even though the picture was flattering, the woman says the advertisements were embarrassing and caused her mental distress. The courts ruled that using the individual's image without his or her consent is a violation of privacy. They upheld this ruling 3 years later in a similar case—*Pavesich v. New England Life Insurance Company*.

**Pierce v. Society of Sisters (1925):** The government cannot force a parent to send their child to either public or private school, since parents deserve privacy and most often know better than the government what is best for their child.

**Griswold v. Connecticut (1964):** This landmark decision established that privacy is a constitutional right under the 14<sup>th</sup> amendment, and that our founding fathers fully intended for the protection of privacy.

**Time, Inc. v. Hill (1967):** This case ruled that if newspapers or magazines publish false information about a person, that does not necessarily violate that person's right to privacy.

**Roe v. Wade (1973):** This case stated that a woman's right to have an abortion is protected under the 14<sup>th</sup> amendment of the Constitution, as it is a vital part of her right to privacy.

**Zacchini v. Scripps-Howard Broadcasting Co (1977):** Even though daredevil Zacchini had asked that no copies of his stunts be published without his permission, Scripps-Howards Broadcasting Co filmed one of Zacchini's stunts and later published this stunt on television. Even though the broadcasting company had no hidden motives and did not intend to do anything wrong, it was ruled that this was, in fact, a violation of privacy.

**United States v. Simons (2000):** When employees are using work-related communication devices, they should not expect a high amount of privacy.

**Kyllo v. United States (2001):** In this case, police used thermal imaging to discover that Kyllo was growing marijuana illegally in his garage. Traditionally, the use of thermal imaging to obtain information had been allowed by the courts. However, in this case, the Supreme Court ruled in a 5-4 decision that the use of thermal imaging to obtain information without a warrant violates the 4<sup>th</sup> amendment. The Supreme Court then went on to reverse the court's decision, using the exclusionary rule to free Kyllo, and significantly expanding our privacy rights against unwarranted search.

**Lawrence v. Texas (2003):** Some Texas laws had outlawed homosexual activity. These laws were previously upheld in the case of Bowers v. Hardwick. However, in Lawrence v. Texas, these laws were struck down and declared unconstitutional under the implied right to privacy within the constitution.

**United States v. Zeigler (2007):** When using a company computer, employees can have their records searched by their bosses without a warrant, and that does not violate privacy.

**R.I. ACLU Complaint Against Verizon and AT&T (2008):** Verizon and AT&T gave bits of customer information to a governmental agency as part of a cooperative investigation. Customers complained that this violated their right to privacy, and brought Verizon and AT&T to court. However, since communications companies are given immunity from lawsuits any time they are acting in accordance with governmental agencies, the case was quietly dismissed.

**Simone v. The Town of Johnston (2010):** The town of Johnston was sued for illegally releasing information found on a man's driver's license, in violation of his privacy.

# Pitfalls to Avoid

## Privacy is undervalued? Where? When? By Whom?

There is almost nothing worse than a debate round without context. To avoid rounds that pass by like ships in the night, you need to define context. This resolution is incredibly broad in that it gives a vague general statement without clause, context or exception. Thus, it is up to you as the debater to interpret the resolution.

For one, you must define at what level privacy should be valued. Make sure you have a stable definition of when exactly privacy is undervalued, and when it is valued enough. Make sure you define the actor. Privacy is undervalued by whom? From what I've seen, there will be four main actors to pick from—society, government, businesses, the individual. Make sure you clearly define which actor you're discussing within your case. As the season progresses, it may also become necessary for you to clarify which country you are discussing within your case, and maybe even defend the idea that the resolution applies only to America. Just be sure you can define and defend the proper bounds of the resolution, or negatives will use your lack of understanding to steam roll you into a pulp.

## The Bottomless, Inescapable Vortex of Metaphysical Philosophy!

In LD, it can be easy to get trapped in your own little philosophical world. So you're arguing that trying to discover the facts will not always lead us to the truth, and the next thing you know, you find yourself arguing that we can never actually be certain of anything and you can't even remember when existentialism got introduced into the round in the first place. When it comes to this resolution, watch it. When debating something as difficult to define as privacy in the context of what is 'undervalued' it can be easy to get lost in all mind blowing surreal-ness of high philosophy. To keep the round clean, you have to keep it real. Find real-life examples for any argument that you want to run and keep some good analogies ready. Don't get sucked into an inescapable vortex of metaphysical philosophy in front of your friends.

## Status quo? What's that? It's all Greek to me...

Actually, that's Latin. In order to prove that privacy is undervalued, you not only need to establish the context of the debate (including at what level privacy should be valued). You also need to know at what level privacy is being valued currently, and you have to be able to prove that the level at which we value privacy is much lower than the level at which we should value privacy. Know your status quo. If you don't know the status quo, you're going to get eaten alive. But if you pay close attention to the status quo... *veni vidi vici!*

## Losing Your Fashion Sense

Be trendy! This resolution states that privacy is undervalued. That means you can't only focus on historical events—you have to focus on the here and now. But more than that, the resolution

is a general statement. Even if you DO focus very well on the here and now, you can't just provide a string of isolated examples where privacy was undervalued. You have to show that the undervaluing of privacy is a continuing occurrence and a constant trend. So pick up on your political fads and start following those trends!

Socks with sandals.

Just don't do it.

# Values

## National Security

It's important to keep your country safe from attack or invasion. Ever since 9/11, we've placed specific importance on keeping America free from terrorism and inside invasion. But to what extent should we value national security? This value brings out the age-old argument of privacy vs. national security. Applications such as the Brooklyn Bridge terrorist attacks would be used to really center the round around the question of what to do when upholding public safety for all requires compromising privacy for a few.

**Neg:** In order to uphold national security, the government has to be able to locate and identify potential threats, and the government needs the authority to eliminate these threats. Measures such as TSA definitely violate privacy, but are necessary to uphold the national security of the United States government.

**Aff:** For affs who go up against this value, my biggest recommendation would be to engage the neg directly in a liberty versus national security debate. The affirmative can make a great case for the idea that liberty is more important to a nation than an all-knowing Leviathan government. This tactic is stronger than trying to argue that privacy best upholds security since it has more link to the affirmative side, and it basically de-legitimizes the negative's arguments, which is good for you. But if you're intent on proving that privacy upholds national security, the argument could definitely be made that people not only need to be kept safe from outside threats- the people need to be safe from their government as well.

**Similar Ideas/Terms:** Safety, Protection, Domestic Tranquility, Peace, Defense, Utilitarianism, General Welfare

**If You Want to Know More about This Value:** Research anti-terrorism measures within the United States. Specifically, Wired magazine recently published a series on the use of information-collecting drones within the United States. Those articles contain a lot of information which you should be familiar with. Additionally, the 2004-2005 NCFCA LD resolution covered the topic of civil rights versus national security, so you may want to look up archives of cases used during that season.

## Liberty

Please don't say Somalia. Liberty is more than just doing whatever you want; it's about recognizing the right of the individual to run his or her own life. Sometimes we're tempted to say that the government ought to step in and save people from themselves, but ultimately, people are responsible for their own actions, and they deserve liberty. Highly individualistic in nature, there is a bevy of quotes from Founding Fathers, authors, philosophers and the like from which you can draw inspiration for your case.

**Aff:** The link between liberty and privacy is incredibly strong and easy to defend. When a person has the right to privacy, to be outside of observation and regulation and to make his or her choices outside the judgment of others, that, my friends, is the very definition of liberty.

**Neg:** If you run against an aff value of liberty, I would really look into running inherency. Privacy and liberty are really valued highly, especially here in the United States. There are a few areas where liberty is restricted—however, even liberty-loving philosopher John Locke knew that in society, sometimes the liberty of a few have to be compromised in order to maintain the state of society as a whole. Another strong argument would be that sometimes, protecting a person's privacy actually means violating liberty. One example of this would be laws on corporate espionage, or forbidding 'peeping Tom' situations. The obvious affirmative response to this would be that we're not talking about violating one person's liberty to uphold another person's privacy—we're talking about how upholding privacy for the individual will uphold liberty for the same individual. While that does clarify the affirmative's logic, you'll need to point out that whether it's for the same individual or different individuals, the point still stands that sometimes you must choose between privacy and liberty.

**Similar Ideas/Terms:** Limited Government, Choice, Independence, Human Rights, Individual Rights, Civil Rights.

**If You Want to Know More about This Value:** If you haven't already, read *The Law* by Bastiat—it talks specifically about how government must not violate the privacy/liberty of an individual, and about the importance of personal choice. Another obvious source to look to is John Locke. For arguments on the other side, check out the Stanford Encyclopedia of Philosophy's page on Liberty. It's really just a goldmine on dissenting opinions that will enable you to effectively argue against a value of liberty without sounding un-American and without defaulting to the cliché, overused and hardly relevant Somalia line. There is one stand out argument that I want to point out here because I think it is especially relevant to the topic of privacy: liberty is not inherently valuable. It is only as valuable as what the individual does with his or her liberty. And again, researching anti-terrorism measures will help you to understand the main controversy surrounding privacy and liberty.

## Justice

Many have claimed that justice is the foundation upon which all of society is built. After all, every day people have to assume that they will be given what they deserve. The ability to remove criminals from society without harming the innocent is essential to any civilization. In the realm of this resolution, a value of justice would be used to center the round on the problem of using privacy for the purpose of deception.

**Aff:** Should we destroy the privacy of the many, simply because privacy is abused by a few? I think the affirmative could make a great case based on the idea that privacy must be upheld within the realm of justice. The affirmative has a lot of ground to draw from, and has the natural judge bias. However, the affirmative will have to be able to not only defend existing regulations, but actually argue that the current regulations provided are insufficient. That may prove to be challenging.

**Neg:** Clearly, privacy can protect rights—but it can also be used as a shield to the guilty. If we really want to uphold justice, we have to make sure that the facts are found and the truth is known. Although the current regulations were created for a reason, and are supported by the vast majority of your judges, defeating judge bias will be easier than you think. By pointing out the practical problems in many of the regulations which protect privacy, and by suggesting that we took these regulations too far, you will come off as the voice of reason and your judges will be inclined to vote for you. Your biggest challenge here will be your knowledge of the justice system. You need to know the justice system well enough to come across as credible. The justice system is vast and complicated—to run this case well, you need to be dedicated to your case and willing to research hard.

**Similar Ideas/Terms:** Rule of Law, Fairness, Domestic Tranquility, Individual Rights

**If You Want to Know More about This Value:** start off with learning some of the basic due process regulations. It would be best to know the pros and cons of the exclusionary rule specifically, then expand your way into regulations such as Miranda Rights, lawyer-client confidentiality and judicial time limits. Knowing basic court cases will also help to boost your confidence and credibility.

## Human Dignity

To value human dignity means to recognize that people are humans, and not animals, and as such a minimal level of respect must be granted to all people. This value is somewhat vague in definition, but the general idea is undeniable and it becomes impossible to try to refute. So how do you pin it down to refute it? How do you hold a moonbeam in your hand? This elusive quality makes Human Dignity one of my favorite values of all time.

**Aff:** Throughout the ages, privacy has traditionally been associated with human dignity. Allowing people discretion in what information they allow to the public, who they see and what choices they make all require treating the individual as a human. Serious violations of human dignity can be considered an affront to human dignity, making this value link incredibly strong. I predict that this will be one of the most popular values of the year.

**Neg:** You don't have to give in to the idea that violating a person's privacy violates their human dignity. The value link is incredibly strong, but you can fight it if you impact your value as a part of human dignity. (If you are running a Justice case, point out that punishing the innocent and releasing the guilty back into society just to protect a few people's 'privacy' is really an affront to human dignity. If you're running National Security, point out that risking people's lives just to protect 'privacy' is also an affront to human dignity. You get the idea.) If you impact your value well enough, you could definitely steal a part of the aff's value.

Something else I found helpful when going against affirmative cases with the value of human dignity was the "consent" argument. If a person consents to something knowingly and willingly, then it is not an affront to human dignity. For example, stardom. When people enter into the music industry or when they accept a large role in a movie, they understand that attention comes with that, and they willingly choose to give up their privacy in return for the attention. So actually, paparazzi are not compromising star's human dignity, since stars willingly traded away their privacy in order to make it big in their industry. (Bonus! If a person knowingly and willingly

submits to something, then to try to change their decision is actually an affront to human dignity! The irony.)

**Similar Ideas/Terms:** Human rights, Respect, Self-Determination

**If You Want to Know More About This Value:** Again, the Stanford Encyclopedia of Philosophy has a lot to say, so check out their pages on Privacy as well as Human Dignity. Other than that, like I previously mentioned, it's difficult to pin down, so you can't really put a lot of research into it. I would recommend focusing efforts on the affirmative's applications instead.

## Personal Discernment

This would be a value based off of the idea of privacy as control over information. It would be a case based on the individual-level, about how much the modern individual trusts his friends. I see the conflict focusing around trust versus individual discernment, with apps centering around facebook or friend-theft.

**Aff:** The argument of personal discernment states that the individual needs to be more careful with what they say in front of other people. It regards mainly the idea that you shouldn't let your friends too close too fast. The biggest problem with this case is that it may come off as suspicious. You would have to handle it carefully, perhaps playing to the popular mindset that teenagers aren't careful about what they say online. Just be careful not to sound like you're suspicious and paranoid and you'll do fine!

If the aff comes up against a negative who argues that trust is more important than personal discernment, Aff could do one of three things: one, they could argue personal discernment above trust, arguing that it's a good thing we're so careful with what we say around others. Two, the aff could argue that we really aren't that careful with what we say or who we say it around. Three, they could argue that in order to really achieve trust, the individual has to make sure that his or her friends are trustworthy. Trust only comes with close friendship, and trying to force it is not natural or smart.

This would be a more individual-person-based case. This case would be based off the idea of privacy as discretion of information—only people we know and trust have the ability to access certain information about us.

**Neg:** On the other hand, you have to make it sound as if the aff is being suspicious and paranoid, while at the same time remembering not to sound naïve and over-trusting. One thing you really could do is bring a different context into the round. If the affirmative focuses mainly on how people aren't careful enough online, point out how people trust their bankers/brokers too much and talk about recent scandals or Ponzi schemes. By adding in a different context, you argue the aff case without actually arguing on aff ground, thereby abolishing most of the aff advantage in the debate round. Score!

One thing I would recommend is actually an analysis of the definitions used. I hate definition wars personally, but keep this thought in the back of your head—in a majority of cases, the definition of privacy includes intrusion by another person. If a person isn't careful about what

s/he posts online, or is simply too trusting, then there really isn't any intrusion by another person. Granted those circumstances are correct, you could legitimately run topicality.

**Similar Ideas/Terms:** Discretion, Friendship, Personal Discernment, Respect

## Reputation

This case would look at the damage done by media—fan magazines, tabloids, news shows, interviews and even positive press can shift your reputation in a way you never would have expected. That's why the right to privacy is so important—you get more control over your reputation, your name and what people think about you. This case would focus on the definition of privacy that means control over information about yourself. This would push the debate round to focus on freedom of the press—whether or not the press has the liberty to publish things it knows to be false, whether source confidentiality is more important than the public's right to know, whether the individual has the right to withhold information for the purpose of deception and how far the press should be allowed to go in order to get a story. If you love media, or love talking about the media, this is a good direction in which to start looking for a case!

**Aff:** The affirmative would obviously take the position of privacy. The aff could point out the importance of source confidentiality and of the right of people to control what others know about them. Americans don't just have freedom of the press; we have freedom from the press as well. Everyone needs an escape. Private lives and public lives are separate for a reason.

**Neg:** If every individual could control what the press printed about him/her, that would destroy the purpose of the press altogether. In isolated cases, the press can go too far to get a story, but everything can be brought to extremes. As a whole, there are strict journalism codes to protect privacy. These rare cases of violated privacy are against the norm and against the rules. Additionally, when it comes to the press, the public has a right to know.

**Similar Ideas/Terms:** Dignity, Personal Discretion, Accurate Journalism, Freedom of the Press, Confidentiality, Anonymity

**If You Want to Know More about This Value:** Read a tabloid. Just kidding ;) Again, this is another value that was debated a few years back. Look through archives, or if you know any debaters who were around back then, ask them for their old cases. You should also look up current regulations on journalism to protect privacy, research laws on libel and slander and cases where libel and slander were recorded and condemned and what the limits on libel and slander are. You'd be surprised what you can find! (For example, did you know that newspapers are allowed to publish things that the newspaper knows to be false, and the newspaper will receive no punishment for that, so long as the newspaper does not have malicious intent? True story.)

## Progress

Can I get a holler from all the tech geeks out there? The kind who watch sci fi on the weekends and study physics on the weekdays? Yeah, woot it up for Jar Jar Binks and the 10<sup>th</sup> Doctor,

right? If you love using progress as a value, can't stop talking about technology or like running highly philosophical (and slightly obscure) cases, this will be absolutely perfect for you.

**Neg:** From astrophysics, to medicines which prevent cancer, to Marie Curie, all the way over to waste-to-energy companies in Britain, history has shown us that it pays to work as a team. As Isaac Newton said, stand on the shoulders of giants. We haven't only seen this in science—we can also see it in something as simple as Wikipedia. Working alone can yield results—sharing what you know and asking for help can yield results faster!

**Aff:** On the flip side, we've seen a lot of technology made through the exact opposite—a refusal of both sides to share what they know. For example, the Space Race prompted one of the greatest booms in space technology we've ever seen, and it was caused because two parties greatly valued their privacy.

**Similar Ideas/Terms:** Innovation, Improvement, Wisdom, Advancement, Knowledge, Learning

**If You Want to Know More about This Value:** Look up collaborative efforts where information sharing lead to progress or improvement. It should be easy enough—technological advancements have been made through cooperative measures all throughout time. Just start googling! If you want somewhere concrete to start, though, I would suggest the science homepage for the BBC- the things posted there are really amazing. Even if you don't find exactly what you're looking for, it's a great site and a great jumping off point.

## Individual Rights

Life, liberty and property. The concept was originally attributed to John Locke, but was mentioned several times by Bastiat and Thomas Jefferson. Judges love them, opponents can't seem to argue against them, and they can apply to basically any case. This makes individual rights a popular, if somewhat overused valued.

**Aff:** As I mentioned previously under the values of Human Dignity and Liberty, privacy is strongly linked to the idea that the individual deserves respect, and deserves the ability to make his/her own choices. This makes privacy easily applicable to the value of individual rights.

**Neg:** This is something I really had a lot of fun thinking about. A negative could make a really amazing kritik based off of a value of individual rights. The resolution assumes, at its most foundational level, that privacy is valuable. But privacy is not actually valuable! Think about it like this—privacy can be an incredibly good thing. But when it's used to deceive, manipulate, hide scandal, escape justice or violate individual rights, it is most certainly not valuable.

For example, if a terrorist uses his 'privacy' to keep a bomb plot secret, and ends up killing one hundred people, that privacy most certainly was not valuable. So privacy is not valuable when it harms individual rights. Additionally, violations of privacy are only bad if they compromise rights. For example, look at facebook. Every day, hundreds of Americans post on facebook, handing out private information and significantly decreasing the amount of privacy in their lives. However, even though facebook compromises privacy, it is not viewed as an inherently bad thing. Why? Because it doesn't violate individual rights.

You can see the big idea here—Privacy is only valuable when it upholds individual rights. Thus, privacy is not valuable. Actually, it is individual rights which are valuable! The resolution assumes that privacy is valuable. However, as you can see, we never actually value privacy—we only value the individual rights that privacy sometimes implies. Thus, the basic assumption in the resolution is false, and the resolution must be negated.

**Similar Ideas/Terms:** Human rights, Inalienable rights, Human Dignity, Liberty

**If You Want to Know More about This Value:** For the negative case, you'll need to look up a special theory known as Thompson's Reductionism theory. That will tell you everything you need to know. For the affirmative, read some John Locke and you'll get a general idea about what individual rights means and how it applies to the concept of privacy.



# Strategy

This resolution has a unique structure, interesting implications and fact resolution undertones. This resolution gives debaters the opportunity to try new things with structure and strategy. Here are a few of the stand-out differences in this year's resolution:

## Inherency

The resolution states that privacy is undervalued. The first thing that jumped out at me about this resolution is that debaters have to prove not only that privacy is valuable, but also that the current level at which we value it is not sufficient. In other words, debaters have to stay recent, and have to prove that the status quo is not fixing itself, and that we're not starting to value privacy more highly. In other words: inherency is legit.

In Team Policy debate, inherency is used to say that the affirmative plan is not needed. This is done mainly by proving one of two things—either the affirmative plan is going to be passed anyway, or the problems discussed within the affirmative team's plan are going to fix themselves. This year, LDers are given the opportunity to argue inherency the exact same way.

For example, imagine that the affirmative comes up with a case about how facebook undervalues the privacy of its users. There would be two legitimate ways to attack this case using inherency. If you had any evidence suggesting that facebook was rewriting its privacy policies, or working to make user's accounts more secure, you could use that evidence to prove that facebook clearly sees the value in privacy, as it is working to secure its customers privacy. Thus, privacy is not undervalued. So you just showed the judge, essentially, that the affirmative plan is going to be passed anyway, so we don't need an affirmative ballot to value privacy more highly. Pretty awesome, eh?

The second way to argue inherency would be to prove that the harms are already being solved. Using our facebook case, let's say you have evidence that facebook users are learning to use privacy settings, and are becoming competent in protecting their own privacy. You could impact this in one of two ways—1) facebook doesn't really need to value privacy higher, since it knows its customers can handle themselves. So facebook isn't really undervaluing privacy, since it doesn't need to value privacy higher. 2) even though facebook undervalues its customers privacy, facebook users clearly value their own privacy. We can't make the broad statement that privacy as a whole is undervalued if facebook users clearly value their own privacy. But either way you decide to impact it, your strategy is the same—you're proving that the harms provided in the affirmative case are already being solved for, and thus an affirmative ballot is not warranted.

This year, inherency is an incredibly strong argument. The LDer who adapts and learns to run inherency well will have a significant edge in this upcoming season.

[Ed. note: we can articulate this argument without even mentioning "inherency" in-round.]

## Negative Strategy: Flex Negs and Direct Ref

There is nothing worse than a debate round without clash. It's like a wrestling match where you're not allowed to touch your opponent, or maybe like watching an episode of Jeopardy! where contestants aren't allowed to hit the button (which could also accurately describe the 8<sup>th</sup> GOP Republican presidential nomination debate...). Point being, it's bad. And you risk that horribly clash-less debate this year if you debate without context.

For example, think about this round: the aff proves that the government too highly values national security, undermines our privacy and harms our liberty, and that the government should value our privacy more highly. The neg then comes back and proves that privacy is overvalued in our justice system, and that privacy sometimes causes the innocent to be harmed and can cause guilty men to walk free. The aff has no idea how to refute the neg's case and the neg has no idea how to refute the aff's case. The round then degenerates into a value-clash of whether national security or justice is more important. In the end, the judge has to vote on his own personal opinion on which case he likes better. In this case, no matter who the judge ends up voting for, *neither debater deserves the ballot*.

But in the next debate round, the affirmative debates a national security neg. After attempting to show how the government should value privacy higher and national security less, the neg comes back with a flex neg that proves that when we undervalue national security in favor of privacy, innocent people die. Since the aff and neg are on common ground, we can have a deep, interesting debate round full of clash. The winner of the debate round will be decided by who wins the arguments, and thus the ballot will not lay subject to the judge's personal bias. In normal LD resolutions, we have a clear aff and neg side. Popular sovereignty and individual rights. Due process and the discovery of fact. Competition and cooperation. In short, normally the resolution specifically asks the negative to defend a certain position. That means that the burden of proof is equal on the aff and neg sides, which is the reason why negs need their own values and their own cases. Make sense?

But you see, that's not the case this year. This resolution is written in such a way so that it's less like a values resolution, and much more like a fact resolution than we've ever seen in homeschool debate before. "Privacy is undervalued" does not ask the negative to defend any position whatsoever—it gives the neg unlimited ground. That significantly changes the negative's burden of proof. This year, the negative does not have to defend any position—he only has to cast reasonable doubt on the aff case, and make the judge honestly doubt the validity of the resolution.

Since the burden of proof is completely different this year, that will change everything about negative strategy. Specifically, it means that negatives will not gain much advantage from using a negative case (unless having a case makes said negative debater feel more comfortable, fits with the debater's personal style, or any other exceptions specific to the individual.). Since negatives gain no strategic advantage from using a case, it only makes sense that they should spend the vast majority of their time on the affirmative's case. So where does that lead us? Flex negs and direct ref. In any normal year, flex negs and direct refs are not a good idea, due to the burden of proof split I described earlier. But due to the structure of this year's resolution, I would highly recommend running a flex neg or a direct ref. Specifically, flex negs give you all the strategic advantages of a direct ref, while still sticking to the familiar layout that parent and alumni appreciate. That's a really great strategy right there.

# Argument Exposition



# Affirmative

## Paparazzi

The argument for this case can be broken up into a few sections: first, the establishment of what privacy is; second, the way we should evaluate the resolution; third, how privacy is undervalued; and fourth, the impacts.

First, in order for this case to work, it's key to establish what exactly privacy is: a fundamental and innate right. Many claim that privacy is a positive right, or a right that a government can choose to bestow upon its citizens. However, a closer examination of privacy shows that it is in fact a negative, or inherent right (governments simply choose how to protect it). Princeton defines the right to privacy as “the right to be free of unsanctioned intrusion.”<sup>1</sup> This definition begs the question, intrusion upon what? The clearest interpretation would say that individuals or entities are free from unsanctioned intrusion upon themselves or their property. Thus, a classic definition of one's inherent rights (such as Locke's life, liberty, and property) supports the idea that privacy is an inherent right. For if we have an inherent right to our person and possessions, it's simple to extend that to say that we have a right to then protect and keep private our person and possessions, if we so choose. Of course, the most obvious argument that will be made against this is that it's subordinate to protecting the rights of others (e.g. you don't have the right to keep something illegal private because protecting the security of a nation is more important than protecting the privacy of an individual). In which case, it could be argued that privacy operates just like any other right – you have the right to it until you're using it to harm someone else. At the point when an individual is using his privacy to abuse another's right to whatever, he's stopped truly exercising his right and is instead abusing it.

So if we can establish that privacy is a fundamental right, then we can begin to evaluate what the resolution is truly asking us to prove. As the affirmative, your burden is simply to prove the resolution is true. You need to prove that privacy is undervalued. I believe that the best way in which to do that is to focus your proof around a specific value and show that, in relation to your value, privacy is undervalued. The value that I've chosen to frame my case around is human dignity, the innate worth of the individual that one has simply by virtue of being human. Thus, my stance on the resolution in this particular case is that privacy is undervalued within American society, which is a direct attack on the dignity of the individual (I'm focusing on American society, but this problem is widespread, and can be applied outside of the U.S.).

Finally, we get to the real heart of the argument – how exactly privacy is undervalued. It's undervalued through a current cultural mindset, which is essentially that it's acceptable to pry into the lives of famous individuals and spill their secrets for the world to see. There are three key ways in which this problem has made itself such an issue – first, it's an industry. Tabloids, magazines, radio programs, television shows, you name it – all of these exist and are devoted to the specific purpose of exposing the private lives of others. They're certainly not going away any time soon, because they're profitable for their owners. The business world is able to make money by violating the privacy of certain individuals, and it's thought to be acceptable because they're famous and supposedly live public lives. Second, it's expected. It's no longer shocking to

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<sup>1</sup> <http://www.thefreedictionary.com/right+to+privacy>

see a celebrity's secrets printed off as a headline – it's become normal. We undervalue privacy so much that the violation of it is now considered normal. Finally, and perhaps most importantly, is that we all participate in this. Every time we purchase one of these magazines, watch this news, read these articles, we're devaluing the privacy of others right along with the rest of the culture. This mindset, that it's alright to violate the privacy of famous individuals, is one that is clearly ingrained within our culture. Beyond a shadow of a doubt, privacy is undervalued.

Which leads us to the impacts relative to the value of human dignity, and there are two key ones: first, these individuals are dehumanized. Instead of being viewed as human beings with real lives and situations and problems, they're viewed as the next top story. Their value as individuals – their human dignity – is thrown aside in the name of entertainment, which dehumanizes them. But it isn't just these individuals that are dehumanized. This leads us to the second impact, which is the potential for widespread violation. Our society has already established that it's normal to violate the privacy of certain individuals. So there's nothing to stop our culture from continuing to violate the privacy of citizens as a whole, because we've already established that it's alright to do that to someone who's famous. When we look to the fundamental value of human dignity, we see that, because the privacy of the individual is so undervalued within our society, dehumanization is practically normalized. And there's no telling where it will end.

## Freedom of Association

How do we know what a right is? A right is defined by Brian Orend in his book *Human rights: concept and context* as something that society is entitled to provide individuals with. However determining what an individual is due can be quite troublesome at times and in fact some things that people declare are “rights” can often involve impinging upon the rights of others. In addition, some “rights” sound downright ridiculous. However for this we use principles to determine what is and what is not a right.

The principle this case uses is the non-aggression principle. Dr. Walter Block, professor of economics at Loyola University describes the non-aggression principle as follows, “It states, simply, that it shall be legal for anyone to do anything he wants, provided only that he not initiate (or threaten) violence against the person or legitimately owned property of another. That is, in the free society, one has the right to manufacture, buy or sell any good or service at any mutually agreeable terms.”

Therefore anything that would require coercion would not be a right. Privacy, however, would remain a right. Privacy is the right to be secluded from the company or view of others. This is a key element of freedom according to the non-aggression principle. Society is not obliged to my company and therefore, without my say so, should have no right to my association. I should have the right to associate as I wish. However in our society we do not have that right oftentimes.

Namely we can look at two instances in which our society does not value our right to private free association. First is Title II of the Civil Rights Act of 1964. Title II of the CRA bans discrimination by private enterprises that serve the public at large, such as restaurants, hotels and the like. The law now states that individuals who own these restaurants have no right to refuse service to individuals based on race or similar classifications. So if a white supremacist refuses service to individuals because they are African-American or Chicanos, that is against the law. This is similar to if the African-American owner of a barbershop prefers his clientele to be solely African-American. This legal trend extended to housing as well. Title VII of the Civil Rights Act of 1968 (commonly called the “Fair Housing Act”) refuses to allow sellers of homes to refuse to sell a home to a person or family on the basis of race.

You may ask yourself, as is natural today, why these would be considered bad things? After all, who pities the white supremacist who refuses service to ethnic minorities? Who doesn't have immense sympathy and respect for the Freedom Riders of the 1960s and 1970s in the Deep South? Who on earth could pity the hateful bigot who refuses to sell his house to family on the basis of something they cannot change, such as their race?

The question is not whether or not these hypothetical (while in the 1960s and prior to that, these people and their ugly hatreds were in fact very real) individuals are sympathetic. They are not. They are gross and they are as ugly as their bigotry. However the principle of living in a free society is that free individuals should be capable of making their decisions. We are free to make decisions that others may not personally agree with. Personally, I abhor the individual who holds hatred in their heart for others based on their personal identity. I refuse to associate myself with them. However just as it is within my right to refuse to associate myself with them on the basis I, rightfully, find them utterly distasteful, it is also the right of anyone to refuse to associate themselves with someone they consider to be utterly distasteful. This is the essence of

tolerance. To tolerate the views and actions of others that you may find abhorrent as long as they do not violate the rights of others.

To refuse these people the right to free association on the basis their views are bigoted and abhorrent, is in fact coercion. Coercion is forcing someone to do something in an involuntary manner or against their will. The essence of this case, according to the non-aggression principle, is that this is wrong. Why? It is wrong on the basis that the essence of being a free human being is the ability to have autonomy, or sovereignty over ourselves. Refusal of this autonomy occurs when we forcibly make decisions for other people that they do not consent to. This is why rape is considered such a horrific crime.

French philosopher, political philosopher and social contract theorist Jean-Jacques Rousseau explains that human beings are the only animal that can choose when they die. It is explained that when you place any other animal in a fight or flight situation, by instinct they will try to live. Even the rabbit that cowers in fear is doing so because they predators that usually hunt them hunt on motion-based sensors rather than sight. So staying still is a survival tactic. It is in the rabbit's DNA to make it try to live. Human beings, however, when presented with a fight or flight scenario, are the only species capable of choosing to stop trying to live.

This is exemplified in the movie *The Grey* with Liam Neeson. In this movie, a group of oil workers in Alaska crash in the wilderness inhabited by large grey wolves; they attempt to maintain their will to survive. At some point in the movie, a character refuses to go on any further, choosing instead to die on his own terms. This capacity, Rousseau argued, is only possessed by human beings. Thus autonomy, that is making our own decisions, is what separates us from animals. To refuse to allow individuals to possess autonomy is to deny them their humanity. Once someone has been denied the essence of their humanity (in a process known as dehumanization), they are outside moral consideration. For instance, we revile individuals who kill another human being. However we do not revile individuals who kill cows for a living or animals who kill other animals. This is because we view animals outside the realm of moral consideration. Therefore once someone has had their humanity stripped from them it is one step on the road of dehumanization. Populations that are dehumanized are ripe for mass destruction such as the Holocaust in the 1940s or the Armenian Genocide (yes I know, it wouldn't be Lincoln-Douglas without a Hitler shout out).

This fear of dehumanization should outweigh all other moral considerations and the fact it is currently restricted means that privacy is currently undervalued in the United States by the American federal government.

## Journalistic Privacy

The main essence of this case is that giving a high value to privacy promotes the general welfare of a country and civilization. This is done specifically by allowing journalists to protect the confidentiality and thus privacy of their anonymous sources for crucial new stories. This is critical to stopping government corruption, which all of society benefits from.

General welfare is a concept that is often implemented into the national goals of countries through either their founding documents or governing constitution. While the Constitution of Argentina also lists “general welfare” as one of its national goals, the United States of America is most notable in trying to promote the general welfare in the Preamble of the Constitution: “We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.”

However, the case *Jacobson v. Massachusetts* (1905) notes that the Preamble itself gives no authority nor does it limit the government. Despite this, it must be noted that general welfare was a highly valued concept amongst our Founding Fathers, so much so that it not only was considered a national goal but was also listed among the Congress’ powers in Article I, Section 8, Clause I of the Constitution.

Thomas Jefferson, the author of the Declaration of Independence, the wartime governor of Virginia and our third President, argued that that the general welfare clause ought to be a limitation on the Congress’ ability to tax and spend. Governments should only be able to wield that massive power in favor of the general welfare instead of the select welfare of some citizens. Edward Spannaus of the *American Almanac* explains that, “The commitment to promote the general welfare of all persons, as opposed to protecting the interests of a narrow section or class of the population, encapsulates what is most unique about the United States of America—that it is the only modern nation-state republic founded on this principle.” The legal definition of general welfare from *West’s Encyclopedia of Law* defines it as, “The concern of the government for the health, peace, morality, and safety of its citizens.”

While parametrizing privacy down to journalistic ethics and the confidentiality of sources may seem narrow, they play a huge effect on our general welfare and our governance. The press has always been considered absolutely necessary to any kind of working democracy. This is because any form of popular government and popular sovereignty is based on the assumption that people are generally informed and that therefore consulting them in governmental policy and choosing leaders will generally be the best option. However this is only possible in a press that is professional and also in a press that is fully capable of relaying critical information to the electorate.

Confidential sources are an absolutely necessary tool in ensuring a free and professional press that keeps democracy working. This is in part due to how privacy and anonymity actually encourages people to share more than they would if the world knows their identity. Sociologists and social psychologists note that this is why people often will share more details about their personal lives on Internet social networking sites on the basis it provides some illusion of anonymity. Think of the psychology that goes behind a diary. Would you spill the same inner thoughts if you knew that your diary would be read in public? Or even if there was a slight

chance that it would be made public? Oscar Wilde, Anglo-Irish playwright and social commentator, noted that, "If you give a man a mask, he will tell you the truth."

The reverse of this is known commonly as the "chilling effect," or a scenario in which potential informants will refuse to give information for fear of being found out and named. Steven Price of the *Media Law Journal* argued that,

It seems very likely that there is some sort of chilling effect. Almost all judges, academics, law reform agencies, and legislatures that have considered this issue, believe that there is. It follows as a matter of logic that sources concerned about keeping their identities secret may think twice before providing information to journalists who may be compelled to reveal them. Most countries have some form of protection for journalists with respect to their confidential sources for this reason.

However while most counties have some protection of privacy for these anonymous sources, the United States has continued to lag on this issue. While 40 states and the District of Columbia have shield laws that protect journalists right to keep sources private, this is currently not enough. For starters, these state laws have varying levels of protection, as New Hampshire defines those involved in New Media such as blogs and the like as journalists while the state of Oregon limits that protection only to those who have journalism degrees or are attached to a traditional media outlet. Furthermore, there are no federal laws that protect these sources' privacy. For instance, in the 1972 case of *Branzburg v. Hayes*, the Court found on a 5-4 decision that journalists do not contain the right to protect confidential sources' privacy. Judith Miller of the *New York Times* was infamously jailed for 85 days for refusing to sacrifice the privacy of her source in the Valerie Plame/CIA leak scandal, involving Scooter Libby and Robert Novak.

These sources are critical for the general welfare due to the type of information we receive from them. To refuse to protect them would result in crucial information being lost. Steven Price also explains that,

There is ample evidence of very significant stories that could not have been written without the help of confidential sources, including some of the most publicly important journalism of our time. In the United States, for example, those stories include Watergate, the My Lai massacre, the Pentagon Papers, the Iran-Contra scandal, Abu Ghraib, and the federal government's involvement in unauthorised wire-tapping and torture.

Therefore without the necessary protection of the law, and the critical nature of privacy to the general welfare, it's clear that the resolution is in fact and therefore privacy is undervalued in America.

## War on Drugs

This case operates on a couple different levels—it essentially makes a very, very big argument on the value level, and plays it out through one very large example.

**In a Nutshell: Privacy is viewed unconsciously as a right. When you attempt to deprive someone of privacy, they push back.**

PRIVACY PREVENTS COUNTER-COMMUNITY.

**Privacy = control over your particular sphere.** The case defines privacy as **having control over one's own personal information, body, and self-concept**. I cannot access your private information without your consent, I cannot force you to undergo a surgery you don't believe you need, and I cannot coerce you into accepting some identity, belief, or mental state that you did not choose for yourself. Valuing privacy more means allowing individuals greater control over the "sphere" surrounding them. The recreational use of drugs is therefore, by rights, a private activity, falling under two of the three categories identified:

**The Body**—For thousands of years, humans have sought the effects of substances to alter their life in some way, whether religiously, recreationally, ceremonially, medically, or economically. The mere sensation of pleasure—the "high"—attained from the use of certain substances we call "illegal drugs" does not serve as a justification for imprisoning the person seeking pleasure on a societal level or a moral level.

The desired effect of a recreational substance frequently comes with costs, but is much more rarely fatal than existing ills which we tolerate or glorify. We should consider this a level-setting test: "Our threshold for permitting a drug should be at least as high as the current permitted drugs." If one is not actively advocating against legal alcohol, tobacco, and highly abusable prescription drugs, the contradiction is imminent.

Even if *some* drugs may be so destructive or mentally pathogenic as to **constitute** serious concern, the broad stroke ought to be towards legalization. Perhaps the near-certain addiction, mental disturbance, and horrific consequences of methamphetamine abuse constitute a danger sufficiently certain to at least make use (and by extension distribution) evidence of gross negligence. Many drugs, however, are relatively harmless. Allowing less destructive drugs would clearly delineate the surely-foolish but mostly-harmless nature of the vast majority of drug use, as opposed to the objectively terrible consequences of certain substances.

In any case where significant societal benefit can be gained by loosening restrictions on at least one drug, privacy ought to be more highly valued in order to attain those results.

**Self-Concept**—The capacity of certain substances to potentially widen the user's perspective should not be quickly dismissed. Political views, religious faith, nationality, group affiliation, gender, race and ethnicity all contribute in some way to our self-concept, and each individual is free to his beliefs on any of the above. Similarly, the decision to use or not use drugs (and, resultantly, to have one's experience and self-concept potentially altered by them) falls under the privacy of each person's self-concept.

This line of argumentation essentially (1) summarizes the nature of privacy to argue that the use of drugs is rightfully a private activity, and (2) builds in a small presumptive justification for therefore loosening drug restrictions on principle.

The next major line of argumentation explores how violating privacy in fact causes major societal ills, thus tying into the value of societal order. The thesis of the case is that valuing privacy prevents groups from being pushed out of society based on their identity-related choices. In other words, **privacy prevents culture-crashing**. That's important, because unstable societies lack the framework for achieving any other good—no matter what your opponent's value is, they can't achieve it without valuing privacy. This happens through a multi-layered process that works something like this.

**Human beings treat privacy as their right and will seize it if they can.** When a person's privacy is violated, their reaction is to seize it back if it's within their power, much as they do rights such as the freedom of speech. Human beings only have this response when they believe they are *entitled* to something. (Whether human beings actually are entitled to privacy is irrelevant; the point is that we *think* we are.)

**Societal violations of privacy create social schisms.** When a government legally aligns itself against some person's control over their personal information, body, or self-interest, that person may have a compelling interest to withdraw from society. Similarly, as government attempts to crack down on drug use, drug users simply go underground. The odds of any individual drug user being caught is extremely low, and the user views some measure of social withdrawal as an acceptable cost. As an illustration, take the example of religious persecution—the crucifixion of Christ and beheading of John the Baptist did little to dissuade early Christians. Instead, these persecutions in violation of privacy taught them that broad society was aligned against them, untrustworthy, and corrupt.

**These social rifts severely disrupt societal stability.** Unfortunately, the drug economy being driven underground has far more destructive consequences. Enforcement does little to curb drug use, which is seen as the choice of the individual. However, the social consequences are serious. Drug users—typically young males—are imprisoned in huge numbers. When they emerge, they have forged greater connections with criminality. Finding few employers willing to hire a felon, gainful employment for these men becomes next to impossible. The flood of returning prisoners with low employment and community identification worsens the conditions of poverty, which in turn creates a better environment for drug use and drug users, which in turn increases arrests and incarcerations, which creates yet more poverty. These communities thus sink into cycles of distrust and disregard for the law and society in general. In turn, criminal organizations gain power and income. **Before long, an entire counter-society is created,** characterized by racial division, distrust of legal foundations, and a host of other social pathologies. **The goals and values of this new society are, as though by design, almost diametrically opposed to the one it came from.**

# Negative

## Privacy is Not Inherently Valuable

The idea that privacy is inherently valuable is extremely difficult to defend, so very few affirmatives will want to argue for that standpoint, and those who do will likely have sketchy logic.

As neg, you can take advantage of this through the argument that privacy is not inherently valuable. This argument is based on a fascinating theory called Thompson's Reductionism. This philosophy states that privacy is not inherently valuable: privacy can be harmed again and again, and no one will mind at all unless the privacy violations also violate the person's individual rights. Thus, Thompson deduced that any time a person says privacy is being undervalued, they are actually complaining about *individual rights* being undervalued.

This is the kind of argument I like to think of as a 'pocket' argument. Keep this argument in your back pocket throughout the season, and I guarantee you it will come in handy. I can see this argument at least having two different applications:

### A. As a Values Argument Against Privacy

No one likes a whole rez case. Because of the wording of this year's resolution, debaters might be tempted to adopt a value of privacy, effectively arguing that privacy is inherently valuable. You could use the argument the privacy is not inherently valuable as a quick, easy and simple response against this value. Since it is both common sense and high philosophy, you can spin it to appeal to community judges and college debaters alike. Booyah.

### B. As a Kritik

Resolved: privacy is undervalued. The resolution carries an assumption—that privacy is valuable. If you prove that assumption wrong, then the whole resolution is based on a false assumption! When you search the privacy page of the Stanford Encyclopedia of Philosophy, you'll find that no major philosopher has ever argued that privacy is inherently valuable. Thompson's Reductionism can be used as proof that privacy really isn't valuable. Viola! If you want, you can further use this argument to state that the resolution should be changed to Resolved: Individual rights are undervalued, depending on how much you like kritiks.

## No Right to Hide

Whether you're talking about the public's right to know, justice or security, you have to admit that there are some things that the individual does not have a right to hide. Terrorists do not have a right to hide explosives from the police. In court, the prosecution doesn't have a right to hide evidence which would prove the defendant innocent. For general welfare to be achieved, privacy cannot always be valued.

I'd bet any sum of money that most affirmatives will respond to this argument the same way, so for your further education, I'm going to include a summary of that argument and two responses. If you argue that there are some things the individual doesn't have a right to hide, the affirmative will most likely respond with a big-picture argument about the innocent. (You can't just violate everyone's rights! Some people might be guilty, and some people might deserve to have their privacy violated, but not everyone does! We must protect the innocent! Think about poor Billie Jean who was suspected of child abuse and had her house torn to shreds by police, and was put under surveillance for twenty years!!) When the affirmative argues this, there are two unique responses that you need to keep in mind.

- Your job is to be the voice of doubt. You don't need to argue that privacy must always be violated. You're just pointing out the negative consequences of valuing privacy more highly. (This argument is explained further in the strategy section.)
- When you join a society, you give up certain rights. John Locke's social contract states that the forfeiture of certain rights is necessary in order to maintain a tranquil society. It could definitely be argued that privacy is one of those rights which must be violated to a certain extent. Not even John Locke (the individual-rights-all-the-way philosopher) would argue that the limitation of privacy harms the individual's rights, so this is a strong argument for the negative.

## Right to Die

The argument for this case can be broken up into a few sections: first, the establishment of what privacy is; second, the way we should evaluate the resolution; third, how privacy is overvalued; and fourth, the impacts.

First, in order for this case to work, it's key to establish that privacy is not a clear or fundamental right. It's going to be somewhat of a stretch to claim that no one at all has any sort of right to privacy. However, the argument that needs to be made is that there is no clear delineation when we should or shouldn't value privacy. The affirmative can present any number of examples in which the right to privacy is used for good. The problem, however, is that the right to privacy can be used for good. It can just as easily be used for wrong purposes. Ultimately, there's no clear brightline to determine when we should uphold privacy or compromise it. The impact is two-fold: first, that we don't have a clear standard to evaluate when privacy should or should not be upheld; the second, that because there's no standard, we can't consider it to be a fundamental right that extends over all else.

So if we can establish that privacy is not a clear or fundamental right, then we can begin to evaluate what the resolution is truly asking us to prove. As the negative, your burden is simply to prove the resolution is false – privacy is not undervalued; it's either valued 'normally' or overvalued. In this particular case, I'm going to prove that this so-called right to privacy, while not inherently bad (or good), is overvalued. I believe that the best way in which to do that is to focus your proof around a specific value and show that, in relation to your value, privacy is undervalued. The value that I've chosen to frame my case around is human dignity, the innate worth of the individual that one has simply by virtue of being human. Thus, my stance on the resolution in this particular case is that because the right to privacy has been overvalued, it has created a mindset that allows us to devalue not only the dignity of others, but also the dignity of ourselves.

Finally, we get to the real heart of the argument – how exactly privacy is overvalued. It's important to note that you don't need to show that a 'right' to privacy is somehow wrong or harmful in all situations, just that overvaluing it in relation to your value (human dignity!) causes serious problems. The simple fact is that the right to privacy justifies actions that can be considered extremely harmful, and this can be most clearly seen through a court case dealing with euthanasia. The issue of euthanasia and the right to die is a complicated and controversial issue that LDers tend to stay away from, but it's one that's intrinsically connected to the right to privacy. To ignore it is to ignore a key issue in this battle. One of the key cases dealing with this issue was the 1990 Supreme Court case *Cruzan v. Director, Missouri Department of Health*. A young woman named Nancy Cruzan was in an automobile accident in 1983, and her injuries were so severe that she lived in an essentially vegetative state for seven years. Her family wanted to take her off life support, believing she would not want to live like this. However, the State of Missouri forbade it, so the family took the case to the Supreme Court. While the Court ultimately decided in the State's favor, it also stated that the right of privacy absolutely includes the right to die, and the Cruzan family was able to take Nancy off of life support after providing more evidence that she would have wished to die. In the name of the right to privacy, individuals are justified in taking their own lives. That devalues the worth of a life – and it devalues the dignity of an individual. Ever since this case, euthanasia and right-to-die laws have often come into the forefront of the American political scene, encouraging the idea that it is acceptable to

use one's right to privacy to take one's own life. Privacy is certainly overvalued when it comes to the most fundamental extension of human dignity – the respect of human life.

Which leads us to the impacts relative to the value of human dignity, and there are two key ones: first, that we dehumanize ourselves by devaluing our dignity. It's absolutely arguable that it's perfectly within one's right to life to then take one's own life away. However, human dignity holds to a higher standard - that even if we have the right to take our own lives, if we're truly valuing and respecting life and our dignity as individuals, we won't. Yet the overvaluing of the supposed right to privacy allows us to do just that, thus dehumanizing individuals as the idea that it's acceptable under privacy to take one's own life becomes normalized. The resolution is false, and the impacts are serious. Because when privacy is overvalued, individuals are dehumanized and life loses its inherent and innate worth.

## Segregation

Privacy allows for individuals to separate in society and this allows for the festering of extreme and anti-social views that harm society (ex. white supremacist movement, segregation, parents denying their children medicine).

The main essence of this case is that giving a high value to privacy promotes the general welfare of a country and civilization. This is done specifically by allowing journalists to protect the confidentiality and thus privacy of their anonymous sources for crucial new stories. This is critical to stopping government corruption, which all of society benefits from.

The value analysis would be the same as the journalism case. Generally it is our highest command to make the lives of people around us better, according to the Categorical Imperative and the Golden Rule. Therefore we should also do so on a societal level.

Once we've proven that general welfare is the key concept that we should promote and elevate in a debate, now we must prove how overvaluing privacy actually harms general welfare. The affirmative undoubtedly is going to construct privacy as an unalienable right that no one could ever restrict. However this kind of construction is what makes us overvalue privacy. Your argument should be not just aimed at the current governmental/societal evaluation of privacy but also directly against how the affirmative constructs privacy.

The first reason why this inalienable construction of privacy is wrong is because it results in a societal condition known as anomie. Anomie is the phenomenon where people feel divorced from society and that they have no connection to the people around them. French sociologist Emile Durkheim, often called the father of sociology, coined the term in his 1897 *Suicide*. Durkheim analyzed populations who had higher levels of suicide and compared them to people who had lower levels of suicide. The common factor was the amount of integration into society and a lack of seclusion. Those who were very well integrated and had low levels of seclusion often had lower levels of suicide, whereas those who suffered from a lack of integration and were commonly secluded and more individualistic (ex. Protestants had a higher rate than more communal religions such as Catholics and Jews). Furthermore he classified four types of suicide and while some were more caused by social stifling, he said the most common is "egoistic" suicide, where people commit suicide due to a lack of being connected to people. In a world where we value privacy as an absolute in the name of absolutist individualism, people become disconnected from society and can't rely upon it during their troubles, leading to suicide.

The second is the possibility of segregation. Segregationists opposed Title II of the Civil Rights Act of 1964 and the Title VII of the Civil Rights Act of 1968 on the basis of privacy and the right of private association; the right to be secluded from other people. However, segregation harms the general welfare. For instance, Professors Massey and Denton found that segregation, even private voluntary segregation leaves the minority to be without any political alliances, meaning that they are at the mercy of the state. For instance this is exactly what occurred in the 1970s when the Bronx suffered from massive closures of fire stations and a refusal of the NYFD to respond to calls in predominantly African-American neighborhoods. Professor Kotlowitz also argues that segregation concentrates poverty and therefore increases violent crime.

The last problem we can examine is that of violent extremism. When people become too secluded from society at large, it can often result in terrorism. For years governments have attempted to not just combat terrorism but in the wake of 9/11, try to understand not just what politically and ideologically motivates specific terrorists but what motivates people to commit violence en masse against unarmed civilians? There are many theories to explain this phenomenon but the most interesting psychological theory that looks at the individual is the subcultural theory. Franco Ferracuti, a professor from the University of Rome, explains people that resort to terrorism do so because they were secluded from mainstream life and therefore grew up in their own social systems and in their own value systems. Thus, their justification of violent acts comes from their seclusion from mainstream society. This can easily be verified by the examples of lone wolf terrorists such as Timothy McVeigh, Major Nidal Hasan and others.

## PATRIOT Act

The essence of this case is that of valuing safety above of all else. Valuing safety, the act of protecting society's survival overall, should be the premier value for two reasons. For starters, it is the prerequisite to enjoying or valuing any other value. For instance, one cannot enjoy freedom without first being alive. One cannot enjoy general welfare without first being alive. Being alive is the prerequisite and thus is a prior question to any other value when they come head to head. Some may argue however that in some scenarios people do not wish to be alive. However this is an argument from cowardice, and furthermore, it's suicidal logic. Saying that, "I prefer not to live on the basis of how difficult the circumstances are" isn't bravery. It's fear. It's fear of living in a world that is difficult. This is why for instance many mass murderers commit suicide after the deed is done. They fear living in a world of consequences. This is why the original Britannica Encyclopedia defined suicide as an "Act of cowardice disguised as an act of heroism," which brings us to our next point.

People's survival is an irreversible value. People may say to safety (or security or any other of its synonyms), "Oh but a life without liberty (or whatever idealistic value they are espousing at the moment) isn't worth living." Perhaps. While liberty in some instances may be worth dying for, it is certainly worth waiting for. That statement could only be true if we were discussing an infinite loss of liberty as in eternal slavery. Then we could truly examine if whether or not a loss of liberty is worse than a loss of life. However history does not work like that. No loss of liberty, however complete and devastating, is irreversible. People who lose liberty will often gain it later in the future. For instance the rebels who were defeated in Hungary's 1956 revolt against the USSR (arguably one of the most totalitarian governments on earth) no doubt wondered if it would ever end. However it did end and liberty was restored. However once an individual is dead, that's it. They are gone. They cannot be brought back. Therefore safety should be valued first because its loss is irreversible.

Now that we've established safety as the premier value, it's clear that our current evaluation of privacy is proper because we value it without putting our safety in jeopardy. We can see this in our tools for counterterrorism, namely the USA PATRIOT Act. It's undoubtable that the PATRIOT Act does restrict privacy somewhat. Jerry Berman, executive director for the Center for Democracy and Technology, notes how the PATRIOT Act does increase the federal government's ability to data mine and surveil people's use of the Internet.

However these restrictions do in fact help save people's lives. According to former Attorney General John Ashcroft, the PATRIOT Act has been "Al Qaeda's worst nightmare." According to Department of Justice officials, it has been critical to gathering information for use in 300 trials and 179 convictions for acts of terrorism. For instance, it was used to trace an anonymous letter to the FBI to Al Qaeda. It was used to break up a terror cell and its plot to attack a Jewish day care center in Portland, Oregon. Also, it was used to prosecute the "Lackawanna Six," a group of Yemeni-Americans who traveled to Afghanistan in 2001 to receive training at an al Qaeda-affiliated camp near Kandahar.

For those who may want to argue that jihadist or terrorist threats to the United States are overblown or no longer dangerous, I would like to note the words of Seth G. Jones, a political scientist at the Rand Corporation and a former advisor to the US Special Forces Command, "Far from being dead and buried, the terrorist organization [Al Qaeda] is now riding a resurgent tide as its affiliates engage in an increasingly violent campaign of attacks across the Middle East

and North Africa. And for all the admiration inspired by brave protesters in the streets from Damascus to Sanaa, the growing instability triggered by the Arab Spring has provided al Qaeda with fertile ground to expand its influence across the region.”

Also, the US-based Center for Combating Terrorism notes that, “Between 2004 and 2008, for example, al-Qaida claimed responsibility for 313 attacks, resulting in the deaths of 3,010 people.”

Have no doubt, jihadists do pose a threat to people’s safety and to more highly value privacy would threaten the premier value.

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# Cases



# Paparazzi

You're standing in line to check out at the grocery store. You reach for a pack of gum, and what's the first thing you see? A tabloid. Spilling the secrets of the rich and famous has become commonplace within American society; however, I believe that this mindset is one that devalues the dignity of the individual by violating their privacy. It's because I believe in the dignity of the individual that I stand resolved: Privacy is undervalued.

In order to provide clarity in today's round, undervalued is defined as: to have too little regard or esteem for.<sup>1</sup> We'll examine the definition of privacy through the first point of:

## Resolutional Analysis

### *1. Privacy is a Right.*

I define privacy from the Merriam Webster Dictionary as "the freedom from unauthorized intrusion."<sup>2</sup> Furthermore, I define this freedom as an inherent right that all individuals have. Now, a classic interpretation of the rights of the individual (i.e. LD's favorite philosopher, John Locke) would be life, liberty, and property. However, if we have an inherent right to our person and our possessions, it's only logical to say that we have the inherent right to protect and keep our person and our possessions private. Therefore, privacy is an extension of the right to property.

### *2. The Affirmative Burden.*

The resolution asks me as the affirmative to prove that right now, as the present tense implies, the inherent right to privacy is not regarded highly. Since this is, of course, value debate, my burden as the affirmative is to prove this to you in the context of the value that I will choose to uphold – quite simply, if I can prove that privacy is undervalued and that harms my value, then I have met my burden and an affirmative ballot is warranted.

The value that I'm upholding as the most important in today's round is human dignity, which can be defined as "[The state of being] worthy of esteem or respect by virtue of being human."<sup>3</sup> Essentially, human dignity is the respect for the innate worth and value of the individual, simply because they are a human being.

The thesis, or main idea, that I am going to prove to you today is that the privacy of the individual is constantly violated by a cultural mindset which ultimately violates our dignity as people. We see this through the following contentions:

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<sup>1</sup> Princeton University 2012. <http://www.thefreedictionary.com/undervalued>

<sup>2</sup> Merriam-Webster Online Dictionary, <http://www.merriam-webster.com/dictionary/privacy>

<sup>3</sup> Based on the American Heritage Dictionary of the English Language.

## Contention 1: Privacy is Undervalued.

Privacy is undervalued in many various ways within contemporary society—however, I believe that one of most egregious areas in which it is undervalued is, as we've already established, celebrity or pop culture. We're going to see why this is so important through three subpoints:

### *A. Industry.*

An entire industry exists primarily for the purpose of intruding upon the private lives of famous individuals. Tabloids, magazines, radio programs, television shows—you name it. The people running these publications depend upon discovering secrets and extracting private information about anyone who's in the public eye and putting it on display for the rest of the world. One particular agency known as X17 News was founded in the early 1990's by a photojournalist named Francois Navarre. He initially wanted to focus on actual news, but found gossip news far more lucrative. His company is now one of the largest paparazzi agencies in the world who specifically target exposing the private lives of celebrities. In fact, when pop stars Britney Spears attacked a sports vehicle when she was going through some difficult times in 2007, it was the vehicle of an X17 photographer. As Stephen Huvane, Jennifer Aniston's publicist once said: “All [tabloids] do is distort and damage the dignity of the private lives of actors... I have never represented a client who enjoyed being followed by paparazzi or having fabricated stories about their lives in those magazines.”<sup>4</sup> Yet the fact that an entire industry is devoted to invading privacy just shows how the mindset that devaluing the right to privacy is acceptable in our society.

This leads us to:

### *B. Expectation.*

The invasion of celebrities' privacy isn't just encouraged by industry, it's expected. If you become famous, you and the world in which we live in expects your secrets to be revealed and your privacy to be intruded upon. The publicist Cari Ross, who works for celebrities like Jennifer Connelly, says: “People think because you're famous they have the right to know everything about you.”<sup>5</sup> In fact, the attention becomes so overwhelming that some celebrities choose to give in only to try to avoid more invasion of privacy in the future. For example, celebrity couple Cox and David Arquette released a photo of their newborn daughter along with this statement: “It is our wish that by making this photo available, we will protect the privacy of our daughter by discouraging the unwanted pursuit by photographers.”<sup>6</sup> They knew that the world around them expected to be able to pry into their daughter's privacy, and they tried to preempt it. They had to take that action because the mindset that it's okay to violate privacy if you're famous is so deeply ingrained in our culture that the violation is expected.

Yet perhaps the most important extension of the violation of privacy is seen in:

### *C. Participation.*

It's not just the industry and the paparazzi and the celebrity culture that participate in this. We all do. Every time we purchase one of these magazines, watch this news, read these articles, we're

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<sup>4</sup> <http://www.guardian.co.uk/lifeandstyle/2009/jun/24/magazines-media-aniston-jolie-pitt>

<sup>5</sup> [http://www.usatoday.com/life/people/2004-07-06-celeb-privacy\\_x.htm](http://www.usatoday.com/life/people/2004-07-06-celeb-privacy_x.htm)

<sup>6</sup> Ibid.

devaluing the privacy of others right along with the rest of our culture. That's why this mindset is so dangerous – it's not just in the world around us. It can be in us, too.

An industry exists to devalue privacy. It's expected, and we all have the potential to participate. The mindset that violating this right to privacy is acceptable is clearly ingrained within our culture. Privacy is undervalued. Let's examine why this is so important to the value of human dignity in:

## Contention 2: Dignity is Destroyed.

It's clear that privacy in regards to famous individuals is undervalued. This is a direct attack on human dignity, as we'll see through the following subpoints:

### *A. Commodification.*

Individuals whose privacy is devalued by this celebrity culture are not viewed as human beings with real lives and real situations and real problems—they're viewed as the next top story. As Janice Min, the editor of the tabloid *Us Weekly* said, "A celebrity is like an elected official. If you're getting paid \$20 million a movie, you have to rely on public goodwill to stay in office. You have to accept the fact that you're a public commodity."<sup>7</sup> That's exactly how these famous people are viewed by tabloids, and in turn by the general public—as public commodities. This is a direct attack on the fundamental truth that every individual has worth simply because they are human.

### *B. Threat.*

Because celebrities are viewed practically as commodities, that opens the door for them to be seen as fair game for virtually any invasion of privacy possible. Celebrity stalking has become a phenomenon, as websites like Gawker Stalker post minute-by-minute celebrity sightings so that their fans can go and find them, wherever they are. This leads to incidents like the 1989 murder of television star Rebecca Schaeffer by a man who had been stalking her for months, invading her privacy by going through her driving records. Yet it's not just various individuals who are guilty of invasion in this manner that threatens celebrities—it's the industry itself. In 2006, Brad Pitt and Angelina Jolie were mobbed by photographers in the Western Indian city of Pune, and were only able to escape with the help of bodyguards. In 2005, Lindsay Lohan's Mercedes Benz was hit by a photographer's minivan as Lohan attempted to flee from the paparazzi. Perhaps most famous and tragic is the death of Britain's Princess Diana, who was chased by the paparazzi in a nightmare that ultimately led to her death. The invasion of privacy poses a threat to the individual that strips them of their value and dignity as human beings.

This commodification that leads to an absolutely real threat is terrible, yes, but at its core, it's so terrible because it makes it normal to take away the dignity of the individual and lessens the value of human life and worth. We'll explore this through:

### *C. Normalcy.*

Our society has already established that it is normal to violate the privacy of certain individuals, if they happen to catch the public's eye. This sets a precedent of normalcy, of allowing privacy to be violated and devalued in the name of industry and entertainment. This sets a precedent of

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<sup>7</sup> Ibid.

destroying the dignity of any individual, all the because the fundamental right to privacy is devalued.

The inherent right of the privacy of the individual is constantly undervalued by the society that we live in. Because I have shown you that privacy is clearly undervalued, and that the result is dehumanization, a direct attack upon my value of human dignity, I believe that I've fulfilled my burden in today's round and that an affirmative ballot is warranted. The next time you walk into a grocery store and glance at a tabloid, I'd challenge you to remember just how important the right to privacy is to each one of us. For it is only by valuing the right to privacy that we can truly value the dignity of the individual.

# Crazy Libertarian

## Strategy Notes

I have dubbed this case the “Crazy Libertarian” case. It’s an idea based off of the basic libertarian philosophers—Bastiat, Locke, Rand—and their views on privacy. Essentially, this case states that the true value of privacy is liberty, and the only way to protect liberty is through privacy.

The most important part of this case is actually the first contention. The first contention does a few things that are necessary for correctly running this case: first, it establishes the value link. From what I have seen of the resolution thus far, most debaters will be unfamiliar with the idea that privacy implies the ability to make your own choices. Thus, even though the value link is strong, it will be important to explain it carefully. The first contention really establishes the value link.

Second, the first contention gives the judge an idea of what you’re going to be talking about. I skipped over most of the resolitional analysis in this case in order to give more time to the contentions, and the resolitional analysis was pushed to the first contention. It develops resolitional analysis almost by telepathy—the idea is that it should give such a clear, simple and easily illustrated view of the resolution that your judge will accept this interpretation as fact without need of heavy analysis, subpoints of definitions. Not only is this better for your speaks, but it’s actually a much stronger and easily defensible resolitional analysis, since your judge will listen, understand and agree. So that’s the strategy there.

Just a note—this case is NOT ready to run. Don’t just pull it out of the sourcebook and take it to the tournament. It’s far too long, and it’s not specified to fit your style or your region’s style. Running cases straight out of sourcebooks is a bad idea.

This case is admittedly, highly libertarian, and conservative judges will probably be strongly biased against it. However, all the logical links in this case are there, which makes this case exceptionally strong, especially if you ever get a liberal or libertarian judge, or a completely tabula rasa judge. To fit your personal preference, you can either keep this case as-is, or replace the more extreme examples in my second and third contentions with more conservative-friendly examples, like the example I provided in my first contention.

So what is the ideal amount of privacy/liberty a person should have? I didn’t include this in the case itself since it has little to do with express logic and more to do with refutation, but you should know the answer in case your opponent asks for clarification. More liberty is never a bad thing—liberty being the right to do what you want with your life liberty or property without harming others. If liberty causes no harm whatsoever to others, why should there be a cap on how much liberty a person should have? (This would be one reason why I dubbed the case the Crazy Libertarian Case) If your opponent questions how much privacy we should have, look to your value of liberty to double as a criterion—we should have as much privacy as is needed to truly uphold liberty. No more, no less. One bit of advice—look for a good example to illustrate this point before you go to competition with this case.

Additionally, it might not be a good idea to run this case against younger debaters, so please consider that.



# Crazy Libertarian

“To deprive a man of his natural liberty and to deny to him the ordinary amenities of life is worse than starving the body; it is starvation of the soul, the dweller in the body. “

These words by Mahatma Gandhi show us that freedom is not just something which human beings want, but something which we deserve. No overlord should rule us, no benevolent dictator should overtake our lives. It is because I believe that all people should have the right to exercise their own freedom, so long as they do not endanger others, I stand Resolved: that Privacy is undervalued.

Before we start today’s debate, let’s first look at the definition of privacy:  
“the quality or state of being apart from company or observation” – Merriam Webster

The Stanford Encyclopedia of Philosophy clarifies that, “Privacy enables control over personal information as well as control over our bodies and personal choices for our concept of self.”

When we’re talking about privacy, we’re talking about freedom from undesired intrusion or observation. That really implies not only the ability to keep to yourself, but also the freedom from undesired control or tyranny.

The highest value in today’s debate round is that of Liberty. Thomas Jefferson once defined liberty as “Rightful liberty is unobstructed action according to our will within limits drawn around us by the equal rights of others. I do not add ‘within the limits of the law’ because law is often but the tyrant’s will, and always so when it violates the rights of the individual.”

Liberty—the right to do what we wish with our life, liberty and property so long as we do not harm others—is essential. Thomas Jefferson stated that liberty was a right given to man not by government, but by God. Liberty is essential, not only to our lives and to our wellbeing, but to our very humanity. Liberty is an inalienable right that must be protected. The right to liberty is an essential part of our humanity, our individuality and our lives as United States citizens. When we’re looking at the value of privacy, we have to recognize that above all else, liberty must be upheld.

My criterion, or the way to get to my value, will be through privacy. Privacy is that right to be free from surveillance or control. I believe that we can only achieve liberty through privacy—only when the individual is free from control can that individual have the right to make his or her own choices. I’m going to be talking about this more in my three contentions today, the first of which is:

## Contention One: Privacy is Essential to Liberty

Liberty is the ability to do what we want with our life, liberty and property so long as we do not harm others. In order to really uphold liberty, we have to have privacy—the privacy to be free from constant surveillance, the privacy to make our own decisions outside the view of anyone

else and the ability to control our own lives without excessive governmental oversight. In order to have liberty, we must have privacy.

When the right to privacy is undervalued, liberty cannot survive. For example, look at the United Nations Declaration on the Rights of the Child. Although this charter was created with the intent of protecting children, it does so by vastly undervaluing the privacy of parents.

For example, look at the case of Nate Tseglin, a 17 year old homeschooled boy. He was fluent in English, Russian and Hebrew, and was also studying Spanish, French, German and Italian. At age 3, he had been diagnosed with Asperger's syndrome, a form of Autism, and sometimes would be prone to convulsions. His parents lovingly guided him through his illness, but on November 3<sup>rd</sup>, 2008, government authorities forcibly entered their way into Nate's home, handcuffed him and forced him into a police car. They then took him to a hospital where he was forced to undergo painful treatment and was deprived of all books for over a year. All of this because the government believed Nate 'needed' this treatment.

This complete disregard for privacy and parental rights show that privacy is absolutely essential in order to uphold any form of liberty. In order to protect kids like Nate from abuses of power such as these, privacy and liberty must be upheld and must be protected. Is government intervention sometimes necessary to protect children from abuse? Absolutely! But the government needs to be extremely careful to only intervene in situations where intervention is absolutely necessary and not simply in cases where the government disagrees with a personal decision between parents and their children.

When parents and children together make personal decisions and those decisions cause little or no harm to any person whatsoever, for the government to intervene is not only a violation of the parent's and children's express wishes, but also a devaluation of their privacy and an unjust deprivation of their inalienable right to liberty. When privacy is violated in ways such as this, it threatens our right to liberty. This brings me on to my second contention:

## Contention Two: The Value of Privacy and Liberty are Being Questioned

Recently, we've seen government officials question the value of the individual's right to privacy. After all, the government knows what's best for you! Shouldn't the government be allowed to make your life better by making your choices for you?

I think a clear example where we can see this mindset is in the illegalization of prostitution. Two consenting adults, in the privacy of their own homes, doing something which causes no harm to anyone except possibly themselves, can be found guilty of a crime simply because there was an exchange of money involved. Clearly, that we would illegalize something done between two consenting adults in the privacy of their own homes that causes no harm whatsoever to others, that itself shows a lack of regard to the individual's right to privacy, and it compromises the individual's freedom.

Another example can be seen in the illegalization of marijuana. Those who smoke marijuana definitely do harm to their own bodies, but the act of smoking marijuana causes no harm whatsoever to others. If an adult smokes marijuana in his own home, apart from where anyone else has to breathe in second-hand smoke, then even if he does not cause any harm to anyone

but himself, the individual can be arrested for smoking marijuana. Especially when you consider that no one else is being harmed, it's astonishing the kinds of measures the government will take to crack down on smokers. In the case of *Utah v. Durrant*, it was even ruled that the use of thermal-imaging devices, warrantless searches and seizures and even strip searches can be justified in order to catch drug users, so long as police believe that the drugs would be removed or used in the time it would take to get a warrant. This clearly shows a lack of regard for the individual's privacy and liberty, especially when you consider that pot is not even vastly harmful to the individual who smokes it!

[Blair note: this is a good place to insert a striking piece of evidence. I found lots of evidence about how dangerous marijuana really was, but I couldn't pick my favorite. Italicized are several cards—insert your favorite here.]

*"No one has ever died of THC poisoning, mostly because a 160-lb. person would have to smoke roughly 900 joints in a sitting to reach a lethal dose. [...] Pot is about as dangerous for a fit person as exercise."* –*Time*, November 4, 2002

*"In fact, study participants who smoked pot enjoyed significantly higher increases in their lymphocytes (cells that help fight disease) than those who took a placebo."* –*Time*, November 4, 2002

*"The risk of becoming dependent on marijuana is comparatively low. Just 9% of those who have used the drug develop dependence. By comparison, 15% of drinkers become dependent on alcohol, 23% of heroin users get hooked, and a third of tobacco smokers "* –*Time*, November 4, 2002

*"One could argue that the abuse of McDonald's has a greater potential health-care cost than the abuse of marijuana."* –*Time*, April 02, 2009

We see the theme of the benevolent dictator furthered in the case of *Bowers v. Hardwick*, which upheld laws banning homosexual activity within the state of Texas. Even though these laws were later removed from legislature, it really shows the recent mindset that the government can violate your privacy and liberty, so long as the government thinks it is for your own good. However, each individual has the right to make his own choices, so long as those choices cause no harm to others. If we start to invade the individual's privacy by attempting to regulate what decisions the individual makes in his or her own home and by questioning the individual's right to make his or her own decisions, then we are in complete and blatant violation of that individual's rights to liberty and to privacy. This brings me on to:

### Contention Three: Privacy is Undervalued

Unfortunately, the idea that the government has the right to encroach on the private decisions we make in our own homes has been seen all over the world, from laws in Sweden requiring that every individual use contraceptives to laws in France banning all citizens from naming their pig "Napoleon." The right of the individual adult to make his or her own choices in the privacy of his or her own home is being compromised. Privacy is being undervalued.

The road to hell is often paved with good intentions, but as we've seen, Big Brother government must not be allowed to control our lives. Because liberty must be upheld, because we cannot

have liberty without privacy, and because the right to privacy is slowly slipping away in favor of the benevolent dictator, you can clearly see that privacy is undervalued. Thus, I invite you to stand with me in affirming today's resolution.

# Freedom of Association

## Strategy Notes

This can be a bit tricky and requires some eloquence in the cross examination and rebuttal speeches, but correctly done, it can be devastating. The strength of this case comes from the novelty of the argument and the strength of its value.

The value is simple: human rights. This is an incredibly powerful value that taps into a conservative league and appeals to nearly all Americans. It is something we always try to champion. Also there are strong arguments in favor of it as a value due to how intrinsically tied human rights are to morality and the essence of humanity. There are really only two arguments one has to rebut. The first is that human rights, by being plural, is not a value at all. However this is plainly rubbish. Anyone who has read any level of rights theory knows that human rights operate as a whole. Without one, the rest fail. Without liberty, life and property would be useless and unfulfilling. Secondly, the debater argues that life should be valued above human rights. However this assumes that a life in which your life is not your own and your property is not your own is actually worth it. A safe little life of no consequence is hardly worth living.

Once established, however, it can get tricky. No one wants to sympathize with Klansmen and bigots and rightfully so. Plainly speaking, they are terrible people no one should sympathize with. However remind the judge that the beauty of a free society is that you have the right to be a terrible person as long as you don't threaten the life, liberty or property of others. Refusing to serve someone or hire someone does not count as threatening any of these. Furthermore the argument is just correct. A right is something I am due. I am not due your company or association. Remind the judge that the freedom of association cuts both ways. While no one wants to sympathize with the Klansman who owns a restaurant, does anyone fault an African-American waitress refusing service to a skinhead or someone covered in neo-Nazi and neo-Confederate tattoos?

The last big objection that some judges will have to this case is some immediate liking towards the Civil Rights Act of 1964, which is understandable. It was a landmark in the fight for racial equality and tolerance in this country brought about by one of the greatest leaders America has ever had. However, remind the judge to be loyal to the principles of human rights as opposed to fallible men and their legislation, no matter how well intentioned they may be.



# Freedom of Association

In those associations which men promiscuously form for the purpose of trade or of any concern, in which government is totally out of the question, and in which they act merely on the principles of society, we see how naturally the various parties unite; and this shows, by comparison, that governments, so far from always being the cause or means of order, are often the destruction of it. – Thomas Paine

It is because of the principles of liberty espoused by one of our most esteemed founding fathers, that I stand in affirmation of today’s resolution, “Resolved: Privacy is undervalued.”

## Observation: The Resolution Analyzed.

### *a. Definitions.*

**Privacy:** *Freedom from unauthorized intrusion.*  
Merriam Webster Dictionary.

**Undervalue:** *to have insufficient regard or esteem for.*  
Random House Dictionary, 2012.

**Human rights:** The basic rights and freedoms to which all humans are entitled, often held to include the right to life and liberty, freedom of thought and expression, and equality before the law.  
American Heritage Dictionary of the English Language.

**Freedom of association:** The right to form societies, clubs, and other groups of people, and to meet with people individually, without interference by the government.  
American Heritage New Dictionary of Cultural Literacy, Third Ed.

### *b. Resolution restated.*

“Freedom from unauthorized intrusion is insufficiently regarded and esteemed.”

Since this statement is still too broad, the affirmative will be narrowed down to privacy as valued by the United States government.

### *c. Affirmative burden.*

If I can prove to you that my value is the most important concept in the round today and that it is violated by laws regarding privacy in the United States, the statement is true and privacy is undervalued.

## Contention 1: Human rights is the most important concept.

### *a. Human rights are a moral obligation.*

While other values may be at times violated or restricted for the sake of higher ethical obligations, human rights are a moral obligation that by their nature should not ever be sacrificed for another end. Brian Orend, director of International Studies and professor of philosophy at the University of Waterloo, explains,

In general...human rights are those fundamental benefits that every human being can reasonably claim from other people and from social institutions, as a matter of justice. Failing to provide such benefits or acting to take away such benefits, counts as rights violation. The violation of human rights is a vicious and ugly phenomenon indeed; and it is something we have overriding reasons to resist and ultimately remedy.<sup>1</sup>

Every human being has a duty to resist human rights violations as the ethical obligation.

### *b. Human rights are a what define as human beings.*

What makes human beings, homo sapiens, different? Part of it is our ability to impart rights and our ability to freely make decisions, as opposed to acting on instinct. We view this ability as sacred and therefore inherently part of what makes us human. For human beings to take the life, liberty or property of others, first we must view them as less than human. Michelle Maiese of the Conflict Consortium explains that this process is known as dehumanization. She argues that while nearly everyone is for rights for human beings, in order to justify human rights violations, we view the targets of such violations as less than human. She notes,

However, for individuals viewed as outside the scope of morality and justice, "the concepts of deserving basic needs and fair treatment do not apply and can seem irrelevant." Any harm that befalls such individuals seems warranted, and perhaps even morally justified. Those excluded from the scope of morality are typically perceived as psychologically distant, expendable, and deserving of treatment that would not be acceptable for those included in one's moral community...Psychologically, it is necessary to categorize one's enemy as sub-human in order to legitimize increased violence or justify the violation of basic human rights. Moral exclusion reduces restraints against harming or exploiting certain groups of people. In severe cases, dehumanization makes the violation of generally accepted norms of behavior regarding one's fellow man seem reasonable, or even necessary.<sup>2</sup>

### *c. Conclusion.*

Human rights is the highest value for two reasons. First, it is the moral obligation that binds us all. Secondly, it comprises the essence of being human and separate from other animal species.

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<sup>1</sup> Brian Orend, *Human rights: concept and context*. Broadview Press Ltd., 2002, Toronto, page 33.

<sup>2</sup> Michelle Maiese, "Dehumanization," June 2003, Conflict Consortium.

## Contention 2: Privacy undervalued.

### *a. The current evaluation of privacy in the United States.*

In the 1960s, America came to terms with a long legacy of public discrimination as the government publicly demeaned and discriminated against people of color, in particular in the American South. Spaces that were paid for by taxpayer money were consistently segregated. In the landmark piece of legislation commonly known as the 1964 Civil Rights Act, the United States federal government outlawed such discrimination. However the laws also banned private discrimination. Title II of the Civil Rights Act of 1964 bans discrimination by private enterprises such as hotels and restaurants, while allowing for discrimination by other private enterprises such as social clubs. Title VII bans discrimination in employment by private enterprises as well.<sup>3</sup>

### *b. The current evaluation restricts human rights.*

That claim may puzzle some. How on earth can banning discrimination violate people's human rights? Banning discrimination in public facilities clearly does not. As citizens and taxpayers, we all have an equal claim to these spaces. However one of our human rights is the freedom of association. The freedom of association means that individuals should have the right to associate and disassociate with whom they wish. Just as we should uphold the right of an African-American businessman throw out a customer who wore his Klan robes, we should uphold the right of a racist business owner to refuse to associate with those he dislikes. Why? Because rights are what someone is due. I am not due to your company nor are you due to mine. The alternative is coercion as Llewellyn Rockwell Jr. explains,

When business hires, some people make the cut and others do not. It is the same with college admissions, church membership, fraternities, civic clubs, and nearly every other association. They all exercise the right to exclude. It is central to the organization of every aspect of life. If this right is denied, what do we get in its place? Coercion and compulsion. People are forced together by the state, with one group required at the point of a gun to serve another group. This is involuntary servitude, expressly prohibited by the 13th amendment. One presumes that a freedom-loving people will always be against that.<sup>4</sup>

## Contention 3: Conclusion.

The above two contentions prove two main points.

1. Human rights are an obligation to follow and the essence of what makes us human.
2. The current evaluation of privacy in American law harms our human right of free association and acts coercively.

Therefore, since human rights are the standard by which we judge whether or not privacy is undervalued or correctly valued, and our current evaluation of privacy harms human rights, privacy is undervalued and you should vote affirmative.

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<sup>3</sup> The Civil Rights Act of 1964, Pub.L. 88-352, 78 Stat. 241, enacted July 2nd 1964.

<sup>4</sup> Llewellyn Rockwell, Jr., "Freedom of Association", Von Mises Institute, June 3rd 2010.



# War on Drugs

**Definition: Privacy:** As the Stanford Encyclopedia of Philosophy explains, “Privacy enables control over personal information as well as control over our bodies and personal choices for our concept of self.” This breaks down the three areas that privacy covers, but we need to examine more closely how it functions. The nature of privacy is inherently multifaceted, so we’ll tackle **how privacy works in two points. First, privacy is what enables us as human beings to live together in societies**—without some boundaries regarding what is and is not the business of the collective, there can be no peaceful coexistence between people with different backgrounds, genetic makeups, experiences, opinions, practices and inclinations. Privacy serves as that boundary, allotting control over a person’s personal information, bodies, and choices for self-concept to that person and only that person. **Second, privacy is a question of identity.** The three things which privacy allows us control over—information released, body, and self-concept—form much of the fundamental basis of identity. If what we call “identity” is a complex interplay of how we present ourselves to others (through private information), the physical state we choose to exist in (our body), and how we conceptualize our place in the world through our minds, then loss of control over these constitutes loss of identity. Keep this in mind, because we will discuss this in greater detail under contention 2. These two principles describe how privacy has worked from the beginning, but privacy takes similar meaning when applied in the context of governments— If my older sister wasn’t okay with me reading her diary when I was eight years old, I doubt she’d feel any better if Janet Napolitano had done it instead. With that in mind, let’s turn to the **Value.**

**My Value today is that of societal order.** Before any right can be protected or good can be accomplished there must exist a framework by which these things can be upheld. An orderly society, therefore, is the summation of the values system. To see how the violation of privacy damages an orderly society (and some real applications of how that matters), we turn to a method of analysis called **the Case Study.** Values only matter insofar as they are translated to action. So, when I examine the question of whether “privacy is undervalued,” I propose a simple test: We look at one way in which we could value privacy more, and examine the results. If we decide, at the end of the day, that we should, in fact, value privacy more, then the resolution has been proven true, and privacy is necessarily undervalued. This is the same as any other value debate; I am simply answering the question in a different way.

The case study I would like to examine is, arguably, the single greatest restriction of privacy in modern American life: **the prohibition of the recreational use of drugs.** Remember, if privacy is the control of each person over their personal information, bodies, and choices of self-concept, there can be little doubt that drug prohibition qualifies as a restriction. As John Stuart Mill put it, “The only purpose for which power can be rightfully exercised over any member of a civilized community, against his will, is to prevent harm to others. His own good, either physical or moral, is not sufficient warrant.” Evaluating the policy of drug prohibition will thus allow us to understand privacy writ large, and see on grand scope and scale how an orderly society is damaged by a lack of respect for privacy.

We will begin with

Observation 1: The War on Drugs has failed.

While a society free of all drug use is an admirable goal, we must ask a simple question: “Is it working?” The answer, unfortunately, is no. We will explore the failure of the drug war through three points.

This brings us to

*Point A: The Cold, Hard Numbers.* Butler notes that the failure of the drug war, when viewed through statistics, is plain as day. Twice as many people die from using drugs now as died from use before the War started. Forty-five percent of Americans have used illegal drugs at some point in their lifetimes, and fifteen percent have done so within the last year. Revenues would rank the illegal drug business number 13 on the Fortune 500 list of largest US corporations. And, as David W. Fleming and James P Gray noted in the *Los Angeles Times* in 2008, not only is it easier for young people to obtain illegal drugs than a six-pack of beer, but marijuana is the largest cash crop in the state of California. One is forced to ask the question: If we have spent over forty years and two and a half trillion dollars on drug prohibition, shouldn't we have something to show for it?

*Point B: The Wrong People Benefit.* Fleming and Gray note that there are, of course, winners in the drug war. However, they are not the winners we intended. Rather they are the drug lords making billions every year, tax free, in Colombia, Afghanistan, Mexico, and the United States, bringing murder and destabilization in their wake; the street gangs infesting our cities, who make their income from the sale of drugs; those in government paid to fight the first two groups, whose money and control grow larger with each tax dollar we waste; the politicians who get elected by talking tough on drugs, and therefore divert money towards catching potheads watching Cartoon Network instead of killers and rapists; the for-profit prisons who make money every time another harmless offender is locked up, and the terrorist groups worldwide who are financed by the sales of illegal drugs. If these people are the winners in the drug war, who are the losers? Fleming and Gray say, and I quote, “Literally everyone else, especially our children.”

*Point C: The Wrong People are Hurt.* The War on Drugs exacts a massive toll on communities not just through providing funding to violent criminals, but also through mass incarceration. In 2006, nearly 1.9 million people were arrested for drug crimes, and over 8.2 million were for marijuana alone. As Butler notes, “The War on Drugs has created a rate of incarceration that makes us *less* safe. [...] What the War on Drugs means is that we've taken nonviolent offenders, exposed them to violent ones, and then reintroduced them into our communities. A recent study notes the tragic result [...] prison serves to transmit violent habits and values rather than to reduce them.” This mass incarceration turns harmless, often occasional drug users into hardened criminals. It rips apart the families of people serving time, forcing them into similar cycles of poverty and criminality. It also makes it impossible to punish *real* criminals: on average, drug offenders serve longer federal sentences (78 months) than rapists (67 months), burglary offenders (51 months), aggravated assaulters (50 months), and auto thieves (37 months). Since 1989, more people have been incarcerated for drug offenses than for all violent offenses combined, and when states need to release prisoners early because they lack the space to house them, we need to realign our priorities, and we need to do so around privacy.

## Observation 2: How this relates to privacy.

Let's tie this in to how we view privacy. Privacy, as noted earlier, is an issue of identity. If people are inclined to make the decision to use drugs (and thus exercise their control over their bodies and self-concept), the brute application of force only forces reasonable, nonviolent people to go underground and out of society. Remember, privacy is the mechanism that allows people of drastically different stripes to coexist in the same society. When we violate it and attempt to restrict activities that should belong to the people engaging in them, we drive them underground and create rifts in society. Americans have long held that it is an essential part of freedom to be allowed to engage in activities which others may find stupid, distasteful, or immoral. We are allowed tattoos, piercings, excessive tanning and plastic surgery, obesity, self-injury, homosexuality, pornography, drinking, smoking, willful ignorance, disobedience to our parents, and adultery just as surely as we are allowed the freedom of our own religion, speech, and assembly. The use of an intoxicating substance is simply no different. Allowing these behaviors enables us to monitor them, to integrate their practitioners into society, and to keep society functioning, upholding the value of societal stability. We see this not just in the failure of the current drug war, but also in

## Observation 3: Lessons from history.

As Butler writes, "During the United States' first experiment with Prohibition, when it was a crime to sell alcohol, Al Capone made \$60 million a year from alcohol sales. [...] Prohibition's end had been hastened by a letter in the *New York Times*, written by John D. Rockefeller [...] It was published on the front page:

When [Prohibition was introduced] I earnestly hoped that it would be generally supported by the public opinion. This has not been the result, but rather drinking generally has increased; the speakeasy has replaced the saloon; a vast army of lawbreakers has been recruited and financed on a colossal scale; many of our best citizens have openly and unabashedly disregarded the Eighteenth Amendment; respect for all law has greatly lessened; and crime has increased to an unprecedented degree.

One of today's billionaires could write the same letter, substituting 'drugs' for 'alcohol.' **In conclusion**, we have seen today the consequences of placing limitations on legitimate practices of privacy. One such violation takes the form of a war on drugs with thousands of casualties and costs in the trillions, which has ripped apart families, destroyed the rule of law, destabilized our borders, and produced no discernible results. Reversing course is the only option. Thank you.



# Journalistic Privacy

## Strategy Notes

This case parametrizes to a specific realm of privacy: journalism. This case relies on a simple strategy of proving a few premises. First is general welfare. The negative will likely attack your value in a few ways. "Oh it's too broad, it's too vague." Explain that it wasn't "too broad" for the Founding Fathers to put it in our Constitution and that all powerful concepts, such as love or justice have many facets and are often difficult to pin down. However the strength of this value is that it allows you to subsume whatever your opponent's value is. "Oh your value is liberty (how original)? Is liberty good for society? Oh it is? Well it's now a facet of general welfare." Boom. Subsumed.

The rest is simple. It is relatively simple to prove that it is in society's best interest that they know of government corruption. Furthermore it is obvious that confidential sources are key to exposing these kind of stories. Lastly, all that is left is to prove that refusing to protect the privacy these sources threatens this critical flow of information. By sticking to these basic premises, it will make your job much easier after establishing the value.



# Journalistic Privacy

The good of the people is the true wealth of nations. — Arthur Griffith, Irish statesman

It is because of the principles espoused in this quotation, I stand in affirmation of today's resolution: "Resolved: Privacy is undervalued."

Observation: Resolutional Analysis.

*a. Definitions.*

**Privacy:** *Freedom from unauthorized intrusion.*  
Merriam Webster Dictionary.

**Undervalue:** *to have insufficient regard or esteem for.*  
Random House Dictionary, 2012.

**General welfare:** *The concern of the government for the health, peace, morality and safety of its citizens.*  
West's Encyclopedia of Law.

*b. Resolution restated.*

"Freedom from unauthorized intrusion is insufficiently regarded and esteemed."

Since this statement is still too broad, the affirmative will be narrowed down to privacy as valued by the United States government.

*c. Affirmative burden.*

If I can prove to you that my value is the most important concept in the round today and that it is violated by laws regarding privacy in the United States, the statement is true and privacy is undervalued.

Contention 1: General Welfare is the highest value.

*a. It's a legal obligation of our government.*

Promoting the general welfare of our citizens is a legal obligation upon our government as outlined in the philosophical reasoning behind the creation of the Constitution, the Preamble. "We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defence, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America."<sup>1</sup>

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<sup>1</sup> The Preamble of the American Constitution, ratified, 1789.

*b. It's the highest ethical obligation.*

The fundamental premise of the general welfare is that it is an ethical obligation to help other people. This maxim, commonly known as the Golden Rule, is one of the oldest moral principles rooted deep in the human conscience and etched on the human heart, as is evidenced by the fact it is found in nearly every system of religion and ethics. Antony Flew, famous British philosopher, noted that, "The maxim 'Treat others how you wish to be treated'. Various expressions of this fundamental moral rule are to be found in tenets of most religions and creeds through the ages, testifying to its universal applicability."<sup>2</sup>

*c. Conclusion.*

The fundamental ethical principle is that we should treat people well because we have an obligation to other people. This principle is the premise of our governing legal principle in the Constitution, the general welfare. Thus, it is the highest value in today's round.

## Contention 2: Journalistic privacy is key to the general welfare.

*a. What is journalistic privacy?*

Journalistic privacy is the practice of journalists using sources who demand on being unnamed and confidential and protecting that privacy from unwanted intrusion.

*b. Why is it crucial?*

The use of confidential sources is crucial because it brings us news stories that are of vital importance to citizens in a representative government. This is because when given some kind of anonymity, people often will often reveal information they would not be willing to otherwise. Famous Anglo-Irish poet Oscar Wilde argued, "Man is least himself when he talks in his own person. Give him a mask, and he will tell you the truth."

A critical instance of the use of confidential sources was the McPhilemy/Channel4 documentary exposing collusion and operational cooperation between British security forces and loyalist terrorist organizations in Northern Ireland. McPhilemy used confidential sources to expose a committee of loyalist politicians, business leaders and terrorist leaders that colluded to murder Catholic civilians in Northern Ireland. This culminated with the murder of famed civil rights lawyer Patrick Finucane, who was shot to death in front of his children on his own doorstep.<sup>3</sup> Instances like this, which are a dime a dozen, exemplify journalism's importance to the general welfare. Sarah Pearson recognized this truth when she argued, "Journalism is important to democracy because it is intended to educate the public and create a healthy public discourse about issues of the day."<sup>4</sup>

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<sup>2</sup> Antony Flew, *Dictionary of Philosophy*, 1979. MacMillan Press, London: page 134.

<sup>3</sup> Sarah Hall, "Loyalist murder committee was 'no hoax'", *The Guardian*, March 30th 2000.

<sup>4</sup> Sarah Hinchcliff Pearson, "The Hard Truths about Journalism," *The Center for Internet and Society*, September 8th 2009.

### Contention 3: Privacy undervalued.

*a. Current evaluation of privacy in journalism by the United States federal government is incredibly lacking.*

The Student Press Law Center finds that there are 10 states in the Union with no laws protecting the privacy in the journalist-source relationship and several laws have intense restrictions on them.<sup>5</sup> Furthermore, there is no federal shield law and such a law has defeated in Congress multiple times.<sup>6</sup>

*b. A lack of privacy harms the general welfare.*

Without protections for the privacy between journalists and their sources who wish to remain unnamed, there is a “chilling effect” on potential sources of critical media value. Steven Price, a New Zealand barrister specializing in media law, explained that,

It seems very likely that there is some sort of chilling effect. Almost all judges, academics, law reform agencies, and legislatures that have considered this issue, believe that there is. It follows as a matter of logic that sources concerned about keeping their identities secret may think twice before providing information to journalists who may be compelled to reveal them.<sup>7</sup>

### Conclusion.

We have learned a few key facts. General welfare, the summation of our ethical and legal principles, is upheld by a vigorous press that protects the private relationship between sources and reporters. This relationship and its privacy is under constant threat from unauthorized intrusion due to a lack of laws protecting their privacy. Therefore privacy remains undervalued.

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<sup>5</sup> Student Press Law Center, “State-by-State Guide to the Reporter's Privilege for Student Media”, last updated 2010.

<sup>6</sup> Society of Professional Journalists, “Struggling to Report: The Fight for a Federal Shield Law,” <http://www.spj.org/shieldlaw.asp>

<sup>7</sup> Steven Price, “Evidence about the chilling effect,” Media Law Journal, June 19th 2009.



This case is written so as to give you some solid negative ground to stand on—a good value, strong examples, impeccable logical links and something for the judge to hang his hat on. The best scenario in which to use this case is one where you are unfamiliar with the affirmative's case/arguments, when your refutation is weak, when the affirmative knows his case too well or one where the affirmative really emphasizes his value.

This case was NOT meant to be run as-is. There's a lot of evidence for this case, and I wanted you to be aware of all of it, so this case will take a LOT longer than five minutes to run, as is. You'll need to pick your favorite examples out, and drop everything that doesn't thrill you. Despite the specific examples and evidence this case has, this case is actually written to fit an old-school LD format. The evidence and examples are included within this case ONLY to support your value, philosophy and strategy. You'll need to connect your value to nearly every other argument you make, so this case works best if you have an old-school refutation style. This case relies heavily on your ability to run value clash, so if you don't know how to run value clash properly, this case isn't for you.

Since this case relies heavily on specific examples and evidence, your opponent will probably use a good bit of his CX time to ask questions, ask for evidence, for examples, for numbers, et cetera. In order to argue this case to the best of its ability, you should know the ins and outs of each of these examples. In each case itself, each of the specific examples are explained very simply and very clearly so that you and your judge should both understand the big picture. I also have included a page of backup evidence to help you understand the specifics of what you're arguing. My recommendation would be to read the backup support page all the way through before you run this debate case in a round. Not gonna lie—if you don't know the specifics, you're going to look like an idiot in CX.

You will have an advantage in running this case if you competed in LD in the NCFCA last year. This case is extremely similar to many of the cases that were run in the NCFCA last year, so anyone familiar with that resolution will be more familiar with the basic philosophy and logic behind this case. This case will be a great pick for anyone who plans to affiliate with NCFCA but attend a few Stoa tournaments, since it will be a case you're already familiar with. It will maximize your area of expertise above and beyond most of your competition, while requiring very little extra work or research.

One thing you should note about this case is that you are not advocating all privacy be removed from the justice system. The goal of this case is to show that in very specific examples privacy ought to be lessened, not that in every instance privacy ought to be abolished. Another thing your opponent may try to throw at you is "according to what standard?" How much should privacy be lessened? Where's the brightline? Remember that the resolution doesn't ask you how much privacy should be valued—your burden of proof is only to show that privacy is overvalued. So if your opponent starts asking for specifics and brightlines, that honestly goes above and beyond your burden of proof, so it's extra-resolutional. But if this does become an issue for you, use your value of Justice as the criterion for how much we should value privacy—value privacy only if it aids in the pursuit of justice.



# Justice Neg

“The administration of justice is the firmest pillar of government.” – George Washington  
Justice is the very foundation of any government. Without government, the world would devolve into a state of anarchy where the mob would rule, the strongest would conquer and justice would be trodden upon. Hobbes wrote that the reason why governments form at all is to preserve justice. It is because I agree that justice is essential to both government and society, I negate the resolution: that privacy is undervalued.

Today, my value will be justice. Justice is defined as “The giving to each what is his due” (Merriam Webster). Societies build upon the assumption that each man will be given what is his due. If criminals are left to wander the streets, and innocent men must worry that they will be wrongly convicted and sentenced, then civilization cannot exist.

My criterion will be Disclosure of Facts. In order to achieve justice, we must know the truth about who is guilty and who is innocent. If we don’t know the facts, and if we don’t know the truth, there is no possible way that we can achieve justice. In order to achieve justice, we must have full disclosure of the facts.

Facts are essential to achieving justice. But excessive privacy can keep the facts from being found. In my negative speech, I’m going to be showing you that within the United States justice system, privacy is overvalued in many cases, and this actually hinders justice, starting off with:

## Contention One: Facts are Essential to Justice

In order to achieve justice, we must have the facts, and those facts must be available to be used in a courtroom. If police are unable to find facts, and if they are unable to use vital facts in a courtroom, then justice cannot be achieved. Unfortunately, the exaggerated sense of the importance of privacy that we see in our courtrooms often does just that—keep the facts from court. This brings me to

## Contention Two: Privacy Undermines Fact Finding

Because we place such a high value on privacy, facts often do not make it into the courtroom. This means that due to valuing privacy too highly, we obscure justice. We saw this during the OJ Simpson case, where OJ Simpson was accused of a double murder. The day after the murders, OJ Simpson drove to the house of Robert Kardashian, a close friend of his. He then handed Mr. Kardashian a large bag. Later, when the police asked to see the contents of the bag, Mr. Kardashian stated that he was now OJ’s “defense lawyer” and that looking inside the bag would violate lawyer-client confidentiality. We have no idea what was in the bag or why it was so important because under the guise of ‘lawyer client confidentiality,’ Mr. Kardashian successfully kept the bag’s contents a secret from the police. He never even had to defend this idea court—it was immediately accepted by the court that lawyer-client confidentiality can be used to hide vital facts from the police. Valuing privacy to this extent undermines fact finding, and it undermines justice altogether.

We see the exact same harm to justice done in court cases regarding computer encryption. Imagine that police officers determine that a man running a Ponzi scheme keeps his records on his computer. The police get a warrant, search the house and seize the computer only to find that the hard drive of the computer has been encrypted with a code that the police cannot solve. Even though the police have a warrant, and have the right to see what's on the computer, current police codes state that the police are not allowed to ask the defendant to decode the hard drive. Many times, police cannot crack encryption, cannot see what is on the computer, and guilty men can walk free.

The Associated Press stated on February 22, 2012, "Federal prosecutors argue that not allowing the government access to encrypted computers would make it impossible to prosecute crimes such as terrorism, child exploitation and drug trafficking."

So then why were encrypted computer codes created? Because of an exaggerated right to privacy. Many believe that by forcing a defendant to decode a hard drive, we risk violation of the defendant's right against self-incrimination. But when the police have a warrant, and have the right to see what's on a computer, decrypting your hard drive for them is no less self-incrimination than unlocking the door when the police come to search your house! Our exaggerated sense of privacy is being used as a shield to the guilty.

Justice is essential to society, and justice must be upheld. However, overly restrictive regulations and an exaggerated sense of the value of privacy keep the facts from reaching trial, and impede justice. We have to say that privacy is definitely valuable—however, it is not valuable to the extent where it can be abused, and where it can become a detriment to justice and to society itself. When privacy gets to the point where it is used to perpetuate injustice, and yet this privacy is still protected and defended, we must say that privacy is overvalued. And this is my final contention:

### Contention Three: Privacy is Overvalued

Justice is the very basis of society, government and of civilization. Because privacy hinders justice, and keeps the truth at bay, we must say that it is, in fact, overvalued. One final example to prove the gross exaggeration of the importance of privacy is judicial time limits. Laws within the United States currently state that if the prosecution has evidence which would prove the defense to be innocent, the prosecution must share this evidence with the defendant. However, laws are extremely strict regarding exactly when and what evidence can be shared.

Because we value the defendant and prosecution's privacy, and their ability to keep their cases a secret, we allow only for a short time window for the defense and prosecution to share evidence. If vital facts are found before this time window opens, the prosecution must wait to share evidence. If vital evidence which would prove the defendant to be innocent is found after that time window has closed, the prosecution cannot share this evidence with the defendant at all. This means that many times, innocent men are wrongfully convicted simply because their lawyers were unaware of important facts. For example, in the case of *State v. Gell*, the state failed to disclose evidence that showed that the victim was seen alive after the last moment that the defendant could have possibly killed him. As a result, an innocent man was wrongfully imprisoned. The same thing happened in *State v. Hoffman*, *State v. Bishop*, *State v. Brandley*,

State v. Munsey and many, many others. By overvaluing the privacy of the prosecution, we cause innocent men to be wrongfully convicted.

More privacy is not necessarily better, and I think that's something we saw yet again during the contempt proceedings of Eric Holder regarding Operation Fast and Furious.

Operation Fast and Furious was an attempt at a sting operation where federal officers allowed the otherwise illegal sale of weapons to known criminals in order to discover where those weapons were going and how they were being used. This operation failed miserably as weapons from Operation Fast and Furious were linked to over 170 crime scenes, including the murder of border agent Brian Terry, and less than half of the weapons sold were ever recovered, exponentially increasing crime along the Mexican border. But when the House Oversight Committee attempted to hold Attorney General Eric Holder in contempt for refusing to release documents surrounding Operation Fast and Furious, President Obama proceeded to hide evidence from trial by invoking executive privilege. Through executive privilege and this 'right' to privacy, Congress may never reach justice.

Because the current levels of privacy are harming justice, privacy is clearly overvalued. Only by valuing privacy less and the facts more can we hope to achieve justice. Because justice is essential, and because so much privacy compromises justice, the only logical conclusion is that privacy is overvalued.

## Backup Evidence:

**OJ Simpson Hid Evidence From the Police Due to Privacy:** "Mr. Kardashian was also an important figure in the case because he was seen carrying away a garment bag from Mr. Simpson's Rockingham Avenue home the day after the double killing. In the criminal case, he asserted attorney-client privilege and was never called to testify." –NYT October 3, 2003

**Encrypted Computer Laws let Criminals Go Free:** "Federal prosecutors argue that not allowing the government access to encrypted computers would make it impossible to prosecute crimes such as terrorism, child exploitation and drug trafficking." –Associated Press, Feb 22, 2012

**Police Cannot Crack Computer Encryption:** "In one of the few examples of a similar case, a sheriff's detective under suspicion for improper use of a law enforcement database told investigators in King County, Wash., in 2004 that he simply forgot the password to the encrypted portion of his computer hard drive. The detective retired and the computer's hard drive was placed into storage. "We apparently did not ever crack the code to get in," sheriff's spokeswoman Cindi West said." –Associated Press, Feb 22, 2012

**Privacy Allows Innocent Men to be Imprisoned Because of Evidence Sharing Laws:** "The record of wrongful convictions in the United States has repeatedly shown that exculpatory evidence can be withheld for long periods of time, forcing innocent individuals to spend years or decades in prison. Extensive investigations during the appeals process have contributed to overturned verdicts by bringing to light suppressed exculpatory evidence. As is often the case, prosecutors have sole discretion in determining whether evidence is exculpatory and thus,

whether to disclose it.” –Pewtrusts, comprehensive brief on the importance of expanded discovery.

**Privacy Causes Evidence to be Suppressed:** “Cases are still tried without all of the discoverable information being turned over; sometimes by neglect and sometimes by design.” – New York University, comprehensive brief

# Right to Die

“The state has not come close to showing that it has any interest... in usurping a competent, incurably ill individual's autonomous decision to obtain a licensed physician's assistance in dying so that she might die with the same human dignity with which she was born.”<sup>1</sup> So stated Montana Supreme Court Justice John Warner in 2009, in the decision of a case dealing with whether or not a patient could be given a drug to end his or her own life. Warner defended the decision by citing the importance of human dignity – yet I believe that it is in fact human dignity itself that it is jeopardized through the overvaluing of privacy that leads to decisions like these. It is because I believe in the utmost importance of human dignity that I negate the resolution and stand Resolved: Privacy is not undervalued.

In order to provide clarity in today's round, the following terms are defined:

Definitions:

Privacy: the right to be free of unsanctioned intrusion – Princeton University 2012<sup>2</sup>

Undervalued: to have too little regard or esteem for – Princeton University 2012<sup>3</sup>

Now that we understand these key terms, let's examine what exactly the resolution means through the:

Resolutional Analysis:

*1. No Standard.*

While I'm sure that the affirmative can provide you with many examples of privacy being used to further good purposes, just as many examples exist of privacy being used to justify immoral actions. Privacy in and of itself is amoral—there's no inherent good to privacy, and there can only be good in what it does, or protects. There's no complete and objective standard to say when privacy is good or not. The impact of this is that we can't use privacy alone to uphold a moral value, because it's an amoral tool.

Which brings us to:

*2. The Negative Burden.*

My burden as the negative is to prove that the resolution is false—namely, that privacy is either not undervalued in our current world, or that it is overvalued in the context of the value that I've chosen to uphold. If I can prove that privacy is in fact overvalued and that causes harm to my value, then I've proven the resolution false and a negative ballot is warranted.

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<sup>1</sup> [http://www.upi.com/Top\\_News/US/2010/03/21/US-Supreme-Court-The-right-to-die-vs-the-value-of-life/UPI-43371269156600/](http://www.upi.com/Top_News/US/2010/03/21/US-Supreme-Court-The-right-to-die-vs-the-value-of-life/UPI-43371269156600/)

<sup>2</sup> <http://www.thefreedictionary.com/right+to+privacy>

<sup>3</sup> <http://www.thefreedictionary.com/undervalued>

That value that I am going to be upholding as the most important standard to protect is human dignity, which can be defined as "[The state of being] worthy of esteem or respect by virtue of being human." (*Based on the American Heritage Dictionary of the English Language.*) Essentially, human dignity is the idea that all people have an inherent worth simply because they are human, and that respect for life and worth must be protected and upheld.

The thesis, or key idea, that I am going to prove through this case is that the overvaluing of privacy has created a mindset that allows the devaluing not only of the dignity of others, but the dignity of ourselves. We'll see why this is true through the following contentions:

## Contention 1: Privacy is Overvalued.

Privacy is overvalued in relation to the value of human dignity, which we can see through the following subpoints:

### *A. Justification.*

Now, I'm certainly not saying that privacy is somehow wrong or harmful in all situations—my contention is simply that that overvaluing it in relation to my value of human dignity is harmful to that value. The simple fact is that the right to privacy is used to justify actions that are extremely damaging to the dignity of the individual, which we'll see in:

### *B. Overvalued.*

The overvaluing of the right to privacy justifies the right to die. The issue of the right to die is a complicated and controversial issue that we as debaters tend to stay away from, but it's one that's intrinsically connected to the right to privacy. To ignore it is to ignore a key issue in this battle. This issue is developed through a court case that deals with both the right to privacy and the right to die—the case that I'm referring to is the 1990 Supreme Court case *Cruzan v. Director, Missouri Department of Health*. A young woman named Nancy Cruzan was in an automobile accident in 1983, and her injuries were so severe that she lived in an essentially vegetative state for seven years. Her family wanted to take her off life support, believing she would not want to live like that. However, the State of Missouri forbade it, so the family took the case to the Supreme Court. While the Court ultimately decided in the State's favor, it also stated that the right of privacy absolutely includes the right to die. The reasoning behind the Court's decision was that the Due Process Clause forbids the the government from depriving anyone of their right to life, and that the right to life includes the right to do with it as one pleases, even if that means taking away one's life. Essentially, the Court ruled that the privacy to do as one pleases with one's life justifies taking that life—privacy justifies the right to die.

Within our own country, our courts have upheld that privacy, as a right, justifies the right of a person to take their own life. Privacy has become a right completely overvalued within our society, and its results are clearly seen through:

## Contention 2: Human Dignity is Devalued.

Now we get to look at what happens to human dignity as a result of this. So, first—

### *A. Dignity Destroyed.*

Allowing the overvaluing of privacy to justify access to the right to die tramples upon human dignity. Do we have the right to die? Perhaps, but that's not quite the question to ask. Rather, we should be asking, what is the impact upon the dignity of the individual? Under a standard of simply pure human rights, taking one's own life would be within one's right to liberty. But the respect for human dignity calls us to a higher standard. It says that human life is precious and has incredible worth simply because we are human—to willingly take that life is to devalue one's own worth and dignity as a person. If we uphold privacy, we're upholding the ability to devalue the true dignity of the individual, turning human life into something that simply isn't worth much.

The problem of privacy isn't simply limited to these right-to-die cases, though, because the spreading of these beliefs poses a tangible threat to the dignity of every individual, which we can see through:

### *B. Extension.*

Many of the key cases surrounding the right-to-die issue, particularly the one we've already discussed, reference the right-to-die specifically in cases of terminally ill patients. However, the problem with using privacy to justify the right-to-die in these cases is that it leads to an extension of the right-to-die for all. It is the right to privacy that justifies not only these cases, but also is used to attempt to justify euthanasia on a broad scale within our world today. As the American Medical Association's Council on Ethical and Judicial Affairs states, "Euthanasia hinges on a more basic right, the individual's right to privacy (especially protection from interference and bodily invasion)."<sup>4</sup> If we continue to overvalue privacy, we promote a mindset that justifies euthanasia and tramples upon the dignity and worth of a human being.

Oftentimes, those who justify the right-to-die through privacy claim to be doing so in order to better uphold human dignity. Yet ultimately, privacy is overvalued in relation to the foundation of one's human dignity—the respect for human life. The resolution is false, and the impacts are serious. Because when privacy is overvalued, life loses its inherent and innate worth.

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<sup>4</sup> <http://www.pages.drexel.edu/~cp28/euth1.htm>



The strength of this case is the value. First and foremost the value plays well in a male dominated and fairly ideologically conservative league. Use that. Secondly, national security plays well to nearly all Americans, who by nature have a cultural predilection towards a warrior ethos. However there are also intrinsic strengths beyond the appeal. Security is a basic human instinct. We are fighting animals. We will always fight to live. This is something human beings are hardwired to do. Furthermore, it is impossible to enjoy liberty or any other value if one is dead. The common refrain is that without some values, life is not worth it. However that is an argument from cowardice; that is a refusal to live without the consequences of life. Also it assumes that they can be compared. Liberty and justice can be recovered and regained. Life lost cannot ever be regained, which means not only is it most valuable but also most fragile and therefore warrants immediate protection.

Once the value is established, which should be quite easy, the rest of the case quite easily falls in line. There is no doubt that privacy has been restricted a bit in the attempts to beef up American counter-terrorism efforts. However that is the nature of a dangerous world. Emphasize this. Terrorists kill people. There are a lot of them, and there is a decent chance they will seek weapons of immense power. With these odds, there is no reason to start playing the gentleman's game with them. Given the primacy of the value, the restriction of some privacy is certainly worth it and thus privacy is correctly valued.



# National Security

One of the most fundamental roles of government is to protect us from enemies. — Dr. Edward Feulner, Heritage Foundation

It is because of the obvious truth of this quotation from Dr. Feulner, that I stand in negation of today's resolution, "Resolved: Privacy is undervalued."

Observation: The Resolution Analyzed.

*a. Definitions.*

**Privacy:** *Freedom from unauthorized intrusion.*  
Merriam Webster Dictionary.

**Undervalue:** *to have insufficient regard or esteem for.*  
Random House Dictionary, 2012.

**Security:** *precautions taken to guard against crime, attack, sabotage, espionage.*  
Random House Dictionary 2012.

*b. Resolution restated.*

"Freedom from unauthorized intrusion is insufficiently regarded and esteemed."

Since this statement is still too broad, the affirmative will be narrowed down to privacy as valued by the United States government.

*c. Affirmative burden.*

If I can prove to you that my value is the most important concept in the round today and that it is violated by laws regarding privacy in the United States, the statement is true and privacy is undervalued.

Contention 1: Security is the chief value.

*a. Security is the foremost human instinct.*

Security since the time of tribes and family hunter-gatherer units has been the primary focus and value of humanity. Human beings, like every living thing, are ingrained with the fight or flight instinct to preserve ourselves and our security. This is such a strong instinct that even though the environment around us has immensely changed in the 21st century and is much safer than several thousand years ago, human beings are still just as hardwired to survive. According to Jeanne Bryner for LiveScience, "The research, published online this week in the *Proceedings of the National Academy of Sciences*, reveals that humans today are hard-wired to pay attention to

other people and animals much more so than non-living things, even if inanimate objects are the primary hazards for modern, urbanized folks.”<sup>1</sup>

*b. Security is the founding block of all other values.*

In order to exercise any value, a human being must first exercise existence. In short, for any human being to enjoy any value of any sort they must first exist. Therefore when it comes to comparing values, it is critical to value the founding block first before any additions to the founding block.

*c. It is irreversible.*

A loss of security leads to a loss of life, as shown by the tragedy of the *USS Liberty* incident, the attack on Pearl Harbor and the tragic events on 9-11. This loss of life is utterly irreversible. These individuals cannot be brought back. While justice may be delayed for a time, it can be restored. While rights can be lost, they can be recovered. No one can recover these lost lives and therefore we must cherish what is most precious and fragile: life.

*d. Conclusion.*

Not only is security the foundation of the enjoyment of all values of life and existence, it is also the most basic instinctual urge of living as a human being. Since this resolution is evaluating how human beings act, we as human beings should always value security first.

## Contention 2: Privacy is properly valued and saves lives.

*a. How we currently value privacy.*

The United States federal government has long protected an individual’s right to freedom from unauthorized intrusion. For instance in the 1965 case *Griswold v. Connecticut* the Supreme Court found that there is a right to privacy found in the United States Constitution.<sup>2</sup> However like all rights there are some restrictions and limits and the right to privacy is no different. In the wake of the terrorist atrocities aimed at New York City on September 11<sup>th</sup>, 2001, the United States federal government passed the USA PATRIOT Act, to more effectively target terrorist movements. This act understood that the use of the Internet in the 21st century is a treasure trove for potential terrorists. Thus it is necessary to search the Internet just as it is necessary to search the physical realm. Jerry Berman, executive director for the Center for Democracy and Technology noted that, “The attorney general is making a full-court press on the Internet. They want to do a lot of data mining and investigations on the Internet, and because they are looking for a needle in the haystack, they are going to conduct investigations that take them to the outer circle.”<sup>3</sup>

*b. Restricting some privacy stops terrorist attacks.*

The USA PATRIOT Act, while restricting some amounts of privacy, has in fact saved lives and disrupted the plans of dangerous and murderous terrorist organizations. Bush-era former Attorney General John Ashcroft argued that, “The Patriot Act is Al Qaeda’s worst nightmare

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<sup>1</sup> Jeanna Bryner, “Modern humans retain caveman’s survival instincts,” LiveScience, September 24th 2007.

<sup>2</sup> *Griswold v. Connecticut* 381 U.S. 479 (1965).

<sup>3</sup> Stefanie Olsen, “Patriot Act draws privacy concerns,” CNET News, October 26th 2001.

when it comes to disrupting and disabling their operations here in America.” The former attorney general noted that thanks to the Act, 179 terrorist convictions have been reached and used to break up terror cells in Virginia, Oregon, and elsewhere, by restricting privacy.<sup>4</sup>

*c. Terrorism is an immense threat to our security.*

Eleven years after 9/11 and after the death of Osama bin Laden, it is fashionable for some to argue that terrorism is no longer a threat and that therefore restrictions of privacy are not justified. However that is not the case at all. I would like to note the words of Seth G. Jones, a political scientist at the Rand Corporation and a former advisor to the US Special Forces Command, “Far from being dead and buried, the terrorist organization [Al Qaeda] is now riding a resurgent tide as its affiliates engage in an increasingly violent campaign of attacks across the Middle East and North Africa. And for all the admiration inspired by brave protesters in the streets from Damascus to Sanaa, the growing instability triggered by the Arab Spring has provided al Qaeda with fertile ground to expand its influence across the region.”<sup>5</sup>

Also the US-based Center for Combating Terrorism notes that, “Between 2004 and 2008, for example, al-Qaida claimed responsibility for 313 attacks, resulting in the deaths of 3,010 people.”<sup>6</sup>

And it gets worse. Findings from the United States federal government have warned that there is an immense risk from terrorist organizations using weapons of mass destruction, likely biological, against the United States by 2013.<sup>7</sup> Make no mistake, the stakes are higher than ever and we need to reaffirm that privacy is correctly valued in order to save lives.

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<sup>4</sup> FoxNews, “Ashcroft Outlines Patriot Act Success,” July 14th 2004.

<sup>5</sup> Seth G. Jones, “Think Again: Al Qaeda”, May/June 2012, Foreign Policy Magazine.

<sup>6</sup> Yassin Musharbash, “Surprising Study on Terrorism: Al Qaida Kills Eight Times More Muslims than Non-Muslims,” Der Spiegel, December 3rd 2009.

<sup>7</sup> Tom Bowman, “Report: Terrorist Could Use WMD by 2013,” December 3rd 2008, National Public Radio.



# Conclusion

Thanks for following along—you've reached the end of this edition of Dominate LD. But this is only the start. Hopefully you've gained something from these pages and from challenging the ideas they've been filled with, from asking us questions and sharing your own arguments through the Collective, and from open discussions with like-minded debaters. That is an ongoing process that does not stop here.

Question your own arguments. Make yourself improve. Don't stop after you've created a good argument—challenge it. Challenge yourself. And never stop challenging yourself.