Privacy   
Negative Case by Chris Jeub



I dug deep into Monument Publishing’s archives and based this case from one written several years ago from the 2011 Stoa National Champion, Jon Bateman. The resolution that year was “Privacy is undervalued,” a simple resolution whose value is extracted from Jon’s case to create this negative case in 2016.

Jon wasn’t the only one to use the TSA as an example of a violation of privacy. It seemed to creep into every single round that year. But privacy hasn’t been run yet in our line of Lincoln-Douglas cases in your Monument Membership for Stoa Lincoln-Douglas debaters. Most values have centered on government seizure of property or compromising individual or corporate rights to ownership.

As defined in this case, I’m including the right to keep your privacy, as if privacy itself is a property right. Whenever the government (or society in approval of the government) decides the needs of the public elevates to the level of violating our privacy rights, they will inevitably do an awful job of it. I make the case that if the government (or society’s demands on the government) valued private property rights as it should, the solution to any perceived public need would be much, much better.

I also include a persuasive technique in this case that comes from a bestseller that I’m reading right now, *Pre-Suasion: A Revolutionary Way to Influence and Persuade* (see <https://www.influenceatwork.com/book/)>. Several times throughout the case, I make the debate decision to be *about the judge* rather than *the arguments*. The idea stems from the author’s idea early in the book that too many of us use traditional persuasion techniques that focus on the arguments, when — contrary to most logicians and debate coaches — the most persuasive techniques are those that focus on the person you are trying to persuade.

You’ll see this new technique executed a few times in this case, and you’ll find the way the arguments are presented to be highly effective. I also suspect that I will be incorporating more elements of “pre-suasion” in Monument Membership cases to come. Enjoy!

Privacy

Privacy is perhaps the most undervalued “value” in today’s world. It is violated constantly. Despite attempts from privacy advocacy groups to warn the public of impeding doom from their loss of privacy, the world continues to let their privacy chip away.

That is, until your negative ballot in today’s debate round. You, Judge, will join me in negating the resolution and instead be resolved that *the needs of the public ought NOT be valued above private property rights.*

# Definitions

Before we dive into the specifics, allow me to define some terms:

1. “Needs of the Public” is derived from Lorren Clark’s work “Definition of Want vs. Need.” Examples would include medical services, educational programs, assistance in obtaining food, shelter, clothing, transportation, freeways, roads, etc. We may want abundances of all of these, but only the examples of these can be labeled “needs of the public.”[[1]](#footnote-1)

2. “Private property rights” is derived from the Dictionary.com definition of “private property”: “land or belongings owned by a person or group and kept for their exclusive use.”[[2]](#footnote-2) People have a “right” to use their property as they see fit.

The conflict of this resolution lies within the weighing mechanism, which is my third definition:

3. “Ought to be valued above” is what will sway you, Judge, to vote negative in this round. You will see in the following contentions that “private property rights” must in fact be valued above the needs of the public.

How? By our value…

# Value: Privacy

I have one more definition for you, that of “privacy.” From the American Heritage Dictionary of the English Language:

**Privacy: “**a. The quality or condition of being secluded from the presence or view of others. b. The state of being free from unsanctioned intrusion: *a person's right to privacy.*”[[3]](#footnote-3)

It is my argument as the negative debater that private property rights are at risk, and the state of being free from unsanctioned intrusion is hemorrhaging our privacy rights as a society. I have two contentions for you.

# Contention 1: Society Undervalues Privacy

Does our society respect its people’s privacy? Not when it conflicts with the needs of the public. Consider…

## Application: TSA

Can we blame our government’s reaction to the rise of terror in the past decade or two? Transportation is one of those “needs of the public” that the affirmative wants to impose on us. The Transportation Security Administration is perhaps the best example to center on in today’s debate.

TSA agents are bold in their privacy violations because of the needs of public safety. TSA agents search private property of every single person who boards a public airplane in the United States, even giving full-body scans, pat-downs, and other invasive searches. Your luggage, your shoes, your jewelry, even your own body are all compromised for the sake of public need to keep transportation safe.

So, how have they succeeded in keeping the affirmative’s needs of the public? Not so well. According to an ABC undercover report in 2015, the failure rate was 95%. Quote:

“According to officials briefed on the results of a recent Homeland Security Inspector General’s report, TSA agents failed 67 out of 70 tests, with Red Team members repeatedly able to get potential weapons through checkpoints.”[[4]](#footnote-4)

Unquote. What this shows is astounding. Though the masses have approved of the TSA’s violation of our private property rights, they have compromised this for only a 5% success rate in return. That’s hardly a compromise that should be tolerated. Your negative vote, Judge, will help ensure that privacy stops being violated for the so-called needs of public safety.

Despite this proof, there is an understandable hesitation in voting negative. It only takes that 5% window to lead to a devastating terror attack. How can the needs of public safety be kept while upholding private property rights? By privatizing it altogether. My second contention shows a better way…

# Contention 2: Society’s Better Way

Judge, you need to go radically to the negative side with me for a moment. Let’s imagine if America’s response to terrorism was to elevate privatization above that of the public? In other words, rather than allowing the government to decide what needs should be protected and how to go about doing it (which usually violates privacy), let the private sector decide for itself.

## Application: Privatize the TSA

This has been done remarkably well in other societies. As noted by Representative Darrell Issa of California:

The idea of privatizing airport security isn't a new one. Look no further than Canada and almost every single European country, which all use private airport screeners. The U.S. did, too — before we decided to nationalize airport security in the wake of 9/11. Certainly quick action was called for then, but our government-run screening program hasn't lived up to the level of service or security we had hoped for.[[5]](#footnote-5)

You can see that Issa’s idea is not that radical. Canada and more European countries do the exact opposite of America. Our overvaluing of the needs of the public is somewhat of a laughing stock to the rest of the world. Seriously, we are still turning over our shoes because of a terrorist who tried to hide a bomb 15 years ago!

After all this time of inefficient airport security from the TSA, airports are wising up to value private property rights over that of the needs of the public. As reported in Dallas in 2016:

Amidst growing concern over delays at airports around the country, some are considering ditching the Transportation Security Administration and using a private security company. "For us it has worked. One advantage (is) more flexibility to move around staff, but to be honest, we've never had any TSA screeners to compare it to," said Ian Redhead, deputy director at Kansas City International Airport.[[6]](#footnote-6)

Darrell Issa’s solution hasn’t yet been taken seriously on Capitol Hill, but you have the opportunity to take this seriously today, Judge. While others may doubt this solution, you can vote negative, uphold private property rights, and return the value of privacy to its rightful place.

Affirmative Brief

I like this case a lot, but as I conclude writing it, I see a few holes that I have to admit.

1. Resolution. The affirmative could get dicey with the definitions in my case. Consider how I extrapolate “privacy” from the wording of the resolution, “private property rights.” It can be accused of being a rhetorical slip or a clever deception. An affirmative could weigh their definitions as superior to mine and accuse me of expanding the topicality of the resolution.

2. Policy. As the publisher of Monument Publishing, I straddle the fence between policy and value debate. The Affirmative could make the claim that this case is actually a policy case recommending a change in government policy (the privatization of the TSA). This case type (called a “progressive” case) is accepted in the NSDA, but doesn’t “fly” well with some Stoa coaches.

3. Value Clash. This case is very close to a balanced negative. I even considered running it as one when I was neck-deep in research. The affirmative could attack this as a weak point and claim the negative doesn’t understand the affirmative’s desire for *all* public needs, including private property rights. Whatever your value as an affirmative debater, weigh it against the negative and push the negative on its heels.

4. Application. Issa’s solution of privatized TSA has been highly criticized in the media. It wouldn’t take much for affirmatives to come up with all sorts of credible criticism. Here’s one from CNN:

The notion of privatizing airline security — in the middle of a security challenge that is being addressed by the government — is a solution in search of a problem. The issue isn't whether private sector employees could get the job done; maybe they could. But shifting mid-stream is surely going to impact airline travel in ways we can't imagine (for example, who trains these employees and who certifies that they are qualified?) and only solves one of a multitude of challenges that has led to the increased wait time. It also will undermine the important public union rights that are an integral part of why people become first responders. <http://www.cnn.com/2016/05/18/opinions/privatize-airport-security-a-bad-idea-opinion-kayyem/index.html?eref=mrss_igoogle_cnn>

Also consider how I weave in *Pre-Suasion*. I speak to the judge and involve him or her in the decision of the round. The affirmative can do the same! Appeal to the judge to protect society’s need from an irresponsible negative case. This technique I believe is a winning one (in fact, the author has a ton of statistical proof that says it is), but the technique isn’t specific. You can win with it just as good as your opponent.

1. Clark, Lorren. “Definition of Want vs. Need.” Learning to Give. <https://www.learningtogive.org/resources/definition-want-vs-need> [↑](#footnote-ref-1)
2. Dictionary.com <http://www.dictionary.com/browse/private-property> [↑](#footnote-ref-2)
3. The American Heritage Dictionary of the English Language. <https://ahdictionary.com/word/search.html?q=privacy> [↑](#footnote-ref-3)
4. Justin Fishel, Pierre Thomas, Mike Levine and Jack Date. “EXCLUSIVE: Undercover DHS Tests Find Security Failures at US Airports.” ABC News, June 1, 2015. <http://abcnews.go.com/US/exclusive-undercover-dhs-tests-find-widespread-security-failures/story?id=31434881> [↑](#footnote-ref-4)
5. Darrell Issa. “A Simple Solution to the TSA Breakdown.” CNN.com, May 26, 2016. <http://www.cnn.com/2016/05/24/opinions/privatize-the-tsa-darrell-issa/> [↑](#footnote-ref-5)
6. Caroline Connolly. “Airports Consider Ditching TSA for Private Security.” NBC 5 Dallas-Fort Worth, May 17, 2016. <http://www.nbcdfw.com/news/local/Airports-Consider-Ditching-TSA-for-Private-Security-379875291.html#ixzz4NHDxr2NO> [↑](#footnote-ref-6)