Affirmative Case: Liberty (Not Surfdom)

“It is one of the saddest spectacles of our time to see a great democratic movement support a policy which must lead to the destruction of democracy and which can benefit only a minority of the masses who support it. Yet it is this support from the Left for the tendencies toward government monopoly, which make them so irresistible and the prospects of the future so dark.”[[1]](#footnote-2)

The Nobel Winning Economist Friedrich von Hayek here describes “The Road to Serfdom”: that process of excess regulation that incrementally contorts a free society to a tyrannical dictatorship. It is because privacy is indispensable in our fight to limit governmental erosion of Liberty and take a detour off the Road to Serfdom, that I would urge you to stand *Resolved: When in conflict, the right to individual privacy is more important than national security.*

# Definitions

Let’s begin by addressing the definitions of today’s terms:

1. Privacy: “the state of being free from unwanted or undue intrusion or disturbance in one's private life or affairs.”
2. National Security: “a collective term for the defense and foreign relations of a country.”
3. Conflict: “incompatibility or interference, as of one idea, desire, event, or activity with another.”[[2]](#footnote-3)

# Value: Liberty

We now need a value, or standard that gives us a way to determine if individual privacy should be valued above national security. This value is Liberty, which is defined by Thomas Jefferson as “Unobstructed action according to our will within limits drawn around us by the equal rights of others.”[[3]](#footnote-4)

## Value Link 1: Highest Objective of Government

The success of governments has historically been defined by their regard for the Liberty of their people. This isn’t surprising, since government was created for the purpose of protecting our rights. As the French Philosopher Frederic Bastiat profoundly observed,

“Life, liberty, and property do not exist because men have made laws. On the contrary, it was the fact that life, liberty, and property existed beforehand that caused men to make laws in the first place.”[[4]](#footnote-5)

When governments fail this sacred duty, even if they lead us to believe it is for the “loftier aim” of the national security, we find ourselves closer to oppressive servitude.

## Value Link 2: Privacy is Liberty’s Core

The bold 20th century philosopher Ayn Rand proposed that man is to be valued because he is man, not because any group of other men declares him to be valuable. This idea of an individual’s sovereignty over himself forms her vision of privacy:

“Civilization is the progress toward a society of privacy. The savage's whole existence is public, ruled by the laws of his tribe. Civilization is the process of setting man free from men.”[[5]](#footnote-6)

Public intrusion harms Liberty because it gives government the power to manipulate our freedoms in pursuit of national security. Everyone is a potential criminal, and it is the aim of Big Brother to protect us from outside harms. All the while, distracting us from their own criminal lust for control. We see the destructive impacts of a government that abuses privacy in three contentions concerning airport security, and how the desire to negate this resolution is leading to tyrannical abuses of privacy that Hayek, Bastiat and Rand all warned us of.

# Contention 1: Airport Security

A most direct violation of privacy is seen in the intrusive practices of the TSA in airports. For the sake of airport security, parents must have their toddlers searched, the crippled are forced to be removed from their wheelchairs, and everyone is subject to nude scans of their bodies.

Privacy experts have been complaining of this for years, and even the Supreme Court has weighed in. Though they have declared airport scanning to be necessary to detect explosives or firearms, they do not negate the resolution and throw away all privacy rights:

“Although the constitutionality of airport screening searches is not dependent on consent, the scope of such searches is not limitless. A particular airport security screening search is constitutionally reasonable provided that it “is no more extensive nor intensive than necessary, in the light of current technology, to detect the presence of weapons or explosives [ ][and] that it is confined in good faith to that purpose.”[[6]](#footnote-7)

The Supreme Court may have had trust in the “good faith” of the American government to honor the conflict between individual privacy and national security in 2007 when this decision was made, but the recent attempt to violate privacy in response to the Syrian refugee crises show how we must now affirm privacy.

# Contention 2: No Privacy in the No-Fly List

The tragedy of the San Bernardino shooting is no laughing matter. Two Islamic extremists radicalized from a recent trip to Saudi Arabia brought their Jihad radicalism to America, claiming the lives of fourteen innocent victims, and their intentions were to cause much more harm. Though neither of the evil perpetrators were on the TSA’s no-fly list, a popular political response has been to use the no-fly list to limit gun ownership.

The no-fly list is a secret list controlled by the government where any official may indiscriminately put anyone they want on it. As House Speaker Paul Ryan stated in response to the President’s address that hinted at the solution, “A mid-level bureaucrat can put anybody on a no-fly list with no due process rights.”[[7]](#footnote-8)

Regardless of what you feel about how gun control as a solvency to mass shootings is beside the point. The idea that you could very well may be put on this list without any due process is a direct violation of individual privacy. It might be added that the no-fly list is riddled with ridiculous abuses, senators and little children ending up on the list for no apparent reason, all for the sake of national security:

While the criteria for adding individuals to the list remains murky, one thing is for sure: it's still a lot easier to get on the list than get off it. Even in clear cases of mistaken identity or clerical blundering, a name can linger in the system for years.[[8]](#footnote-9)

Judge, don’t go the way of the negative in this debate round.

# Contention 3: Valuing Security Over Privacy Leads to Serfdom

National security may be a popular political talking point right now, but we must not negate the value of Liberty for the sake of it. We must defend ourselves, but we must not sacrifice our liberties in the pursuit of our national defense. Remember Friedrich von Hayek’s words:

“It is one of the saddest spectacles of our time to see a great democratic movement support a policy which must lead to the destruction of democracy and which can benefit only a minority of the masses who support it. Yet it is this support from the Left for the tendencies toward government monopoly, which make them so irresistible and the prospects of the future so dark.”[[9]](#footnote-10)

Do not allow our value of Liberty to be trampled on. It is a Road to Serfdom, and path to tyrannical dictatorship. Affirm this resolution and defend the right to individual privacy.

1. "The Road to Serfdom Quotes." *By Friedrich A. Von Hayek*. Good Reads, accessed 12/14/15. <http://www.goodreads.com/work/quotes/217623-the-road-to-serfdom-fiftieth-anniversary-edition>. [↑](#footnote-ref-2)
2. All definitions taken from Dictionary.com: <http://dictionary.reference.com> [↑](#footnote-ref-3)
3. "Thomas Jefferson Liberty." *BrainyQuote*. Xplore. <http://www.brainyquote.com/quotes/quotes/t/thomasjeff136362.html>. [↑](#footnote-ref-4)
4. "Frederic Bastiat." *Frederic Bastiat Quotes (Author of The Law)*. Good Reads, accessed 12/14/15. <http://www.goodreads.com/author/quotes/89275.Fr_d_ric_Bastiat>. [↑](#footnote-ref-5)
5. "Privacy." *BrainyQuote*. Xplore. <http://www.brainyquote.com/quotes/keywords/privacy_4.html>. [↑](#footnote-ref-6)
6. United States Court of Appeals,Ninth Circuit. UNITED STATES of America, Plaintiff-Appellee, v. Daniel Kuualoha AUKAI, Defendant-Appellant. No. 04-10226. Decided: August 10, 2007. <http://caselaw.findlaw.com/us-9th-circuit/1265662.html> [↑](#footnote-ref-7)
7. Eric Bradner. “Sen. Kelly Ayotte signals shift toward gun ban for no-fly list members.” CNN, December 8, 2015. <http://www.cnn.com/2015/12/08/politics/ayotte-gun-no-fly-list-ban/> [↑](#footnote-ref-8)
8. Gregory Krieg. “No-fly nightmares: The program's most embarrassing mistakes.” CNN, December 7, 2015.

   <http://www.cnn.com/2015/12/07/politics/no-fly-mistakes-cat-stevens-ted-kennedy-john-lewis/> [↑](#footnote-ref-9)
9. "The Road to Serfdom Quotes." *By Friedrich A. Von Hayek*. Good Reads, accessed 12/14/15. <http://www.goodreads.com/work/quotes/217623-the-road-to-serfdom-fiftieth-anniversary-edition>. [↑](#footnote-ref-10)