Negative Case: Justice and Order

Imagine: a terrorist plot is suspected by government intelligence. A bombing is about to take in the next day that may kill thousands of innocent lives. Just a little more intelligence is needed to confirm the suspicion and lead to the foiling of the terrorist plot, but it would require a search some private emails stored on a server at a local ISP. The information is kept from investigators and the terror plot continues, sacrificing national security for the sake of individual privacy.

This cannot be a desired scenario. That’s why I negate the resolution: *Resolved: When in conflict, the right to individual privacy is NOT more important than national security.*

## Definitions:

* Privacy - Webster’s 1828 Dictionary: “Secrecy; concealment of what is said or done.”[[1]](#footnote-2)
* National Security - Webster’s 1828 Dictionary: “a collective term for the defense and foreign relations of a country, protection of the interests of a country”[[2]](#footnote-3)

# Value: Justice

As the negative today, I contend that **Justice** is the best value to measure our resolution. Justice is defined as,

“The virtue which consists in giving to everyone what is his due; practical conformity to the laws and to principles of rectitude in the dealings of men with each other…”[[3]](#footnote-4)

Let’s consider two value observations:

## Observation 1) Justice is valuable

Humans like fairness. We like getting what we rightly earn. Justice ensures that each will receive what is due, whether just compensation or just punishment.

## Observation 2) Privacy must be undervalued to uphold Justice

It’s necessary to violate privacy to uphold justice, like intelligence investigators needing to investigate a possible terror cell. Privacy must be undervalued when it directly harms justice.

# Criterion: Order

To know exactly when justice is upheld, I present the criterion of **Order**. Order is, “*a state in which everything is in its correct or appropriate place:”[[4]](#footnote-5)* In an ordered society, justice is upheld. This shall be proven in the following contentions:

# Contention 1: Privacy impedes Justice.

In the constitution, privacy protects people from warrantless search and seizure, but circumstances like the terror cell in the introduction show how privacy should not be valued over justice. Instances of warrantless searches that violate privacy, according to experts Glenn C. Smith and Patricia Fusco, include when someone has been arrested, when time is of the essence, and others.[[5]](#footnote-6)

If it weren’t for privacy violations like these, intelligence officers may not be able to foil the plots of terrorists and help ensure justice.

# Contention 2: To uphold order, national security must be upheld over privacy.

The example in the introduction is not a fantasy. A man in Oregon was convicted of attempting to use a weapon of mass destruction in 2010. Thankfully, an FBI sting kept a fake bomb from detonating by using NSA intelligence from a warrantless surveillance program. Attorneys of Mohamed Osman Mohamud are certainly not invoking national security, but *individual privacy* as a reason to keep this terrorist from justice. As reported by the Washington Post:

Mohamed Osman Mohamud, 22, was found guilty of attempting to use a weapon of mass destruction after he was caught in an FBI sting operation trying to detonate what turned out to be a fake bomb at a Christmas tree lighting ceremony in 2010. His attorneys have argued that he was entrapped — a bluster-filled college student who was conned — while the government has said he was a genuine jihadist who could have made contact with real terrorists.[[6]](#footnote-7)

Since 9/11, the US has increased counter-terrorism operations, and they have kept America safe by valuing national security over individual privacy when the two come into conflict. Keeping these values in place has been good for our country.

Therefore, when a direct harm hinders the order and justice of society, national security should be valued above that of individual privacy.

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*This case was originally written by Lincoln Anderson and Luis Garcia, adapted by Chris Jeub.*

1. “Privacy.” *Noah Webster’s 1828 Dictionary*. Web. 26 Apr. 2012. <http://www.1828-dictionary.com/d/word/privacy>. [↑](#footnote-ref-2)
2. “National Security.” Dictionary.com's 21st Century Lexicon. December 2015. http:// [www.1828-dictionary.com/d/word/undervalued](http://www.1828-dictionary.com/d/word/undervalued). [↑](#footnote-ref-3)
3. “Justice.” *Noah Webster’s 1828 Dictionary*. Web. 26 Apr. 2012. <http://www.1828-dictionary.com/d/word/justice>. [↑](#footnote-ref-4)
4. “Order (order).” *Definition for Order*. Web. 30 Apr. 2012. <http://oxforddictionaries.com/definition/order?view=uk>. [↑](#footnote-ref-5)
5. Smith, Glenn C., and Patricia Fusco. *Constitutional Law for Dummies*. Hoboken, NJ: John Wiley & Sons, 2012. Print. [↑](#footnote-ref-6)
6. Ellen Nakashima. “Man convicted in terrorism case seeks evidence from warrantless NSA surveillance.” The Washington Post, January 13, 2014. <https://www.washingtonpost.com/world/national-security/man-convicted-in-terror-case-challenges-warrantless-spying/2014/01/13/af7da5de-7cba-11e3-95c6-0a7aa80874bc_story.html> [↑](#footnote-ref-7)