Monument Red

The following are articles, affirmative and negative cases, and opposing arguments is for your study of the Lincoln-Douglas resolution that was debated during the 2012-2013 school year in the Stoa speech and debate league. Applications and citations may be outdated, so give attention to checking all hyperlinks before attempting to run in competition.

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Introduction

"I've been thinking Hobbes…"

"On a weekend?"

"Well, it wasn't on purpose."

~Bill Watterson, Calvin & Hobbes

Dear competitors,

Let me officially welcome you to the 2012-13 Lincoln Douglas debate season.

This year’s resolution, while simple and easy to understand, offers untold potential for deep debates on some of the most contentious issues in the world today.

In this edition of Red Book you will find three types of articles, written by some of the best competitors and Alumni in the country, that will help you as you dive into this exciting resolution.

First, you will find Debate Theory articles. Many feel intimidated when they hear the word debate theory. We, as the Red Book team, believe that every debater should be equipped with a good working knowledge of debate theory and how it relates to this resolution.

Second, you will find general, resolutional articles. These articles cover everything from the broad, underlying assumptions of this resolution, to how to write a case within the framework of this resolution.

Third, you will find application specific articles, ranging from international politics, to espionage, to the TSA and the Patriot Act.

Not sure where to start or which case is right for you? Our authors have each written competition ready cases to give you more options. Have a case, but feel stuck at a mediocre level? Feel free to incorporate examples, resolutional analysis points etc. from our Red Book cases into your case.

Each case is accompanied by an opposing brief, so that you get the full picture. Additionally, the articles each link back to a case by the same author. If you find an application you love, chances are good that it is expanded on in an article.

There is something for everyone in this year’s Red Book. Reading through the articles and cases will give you ideas and examples that will help you on your journey to excellence.

May God bless you in your efforts this coming season!

Jon Bateman

Editor

Part I: Resolutional Articles

Applications, Philosophies, and Insights on the 2012-2013 LD Resolution

If a man empties his purse into his head,

no man can take it away from him.

An investment in knowledge

always pays the best interest.

~ Benjamin Franklin

**Morality, Privacy, Justice, and What They Have to do With Each Other**

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Morality, Justice, Privacy, and What They Have To Do With Each Other

by Noah Gray

For many of us, the 2011-12 debate season heralded an unfamiliar phrase: Moral Reprehensibility. According to some debate theories, putting a fellow debater in a position where they must deny biblical truths in order to debate not only unfairly skews the competition, but puts your opponent in a position where their actions have spiritual repercussions. It’s a reasonable stance. But suddenly, our basis for weighing “good” and “bad” principles has been ripped out from under our feet. While most people will accept that things like life, freedom, wisdom, or progress are desirable, under a little scrutiny, they suddenly become very difficult to uphold without a source of universal truth: a reason *why* they’re so great.

So where can we find a source of universal truth? There are two sources: universally valuable principles, and universally true principles. Universally valuable principles might include happiness or wisdom. There’s no support for a claim that happiness or wisdom AREN’T valuable, so as long as you have a judge who is human (which doesn’t seem too much to ask), it will be easy to prove that universally valuable principles are exactly that: valuable. The downside to these universally valuable principles is that they aren’t always universally true. For example, our pursuits of happiness may consequentially harm us or others (alcohol, for example, may make a person happy, but damages them in the process). While it is always good to attain these universally valuable principles, not everything that attains them is good. So, we’ll have to do a little better if we want to find something genuinely valuable. That’s where universally true principles come into play. Universally true principles include morality or justice. In plain English, things like happiness or wisdom are great, but they aren’t perfect. Principles like Justice or Morality are perfect, if you support them correctly. Morality is a touchy subject. On one hand, Stoa is a Christian league, and so using Christian principles to back up a claim seems natural. On the other hand, your opponent is in a Christian league as well, and putting them in a position where they must deny these Christian principles in order to debate is not just unfair, it’s unethical.

So let’s talk about Justice. Justice is defined as “the quality of being just, impartial, or fair”[[1]](#footnote-1). There is not a whole lot we can glean from that definition (or any others I’ve found), other than that Justice is basically not cheating anybody out of anything. A majority of definitions also include the word “lawful.” First, let’s establish what “lawful” means. We Americans are spoiled because we are fortunate to live in a society where the laws are mostly beneficial to us. However, we have to keep in mind that many countries don’t have the benefit of having their laws work for them. So “lawful” in America might be a great thing to uphold, while “lawful” in Soviet Russia might end in a Siberian work camp. So we need an external source for “lawful.” Something that is universal. That source is something called Natural Law. As anybody who has read the works of Richard Maybury (succinct, easy to read, and yet informative—I recommend them) can tell you, Natural Law (or common law) is made up of two pillars: 1. Do all you have said you will do. 2. Do not infringe on other people or their property.[[2]](#footnote-2) So by upholding these two laws, we achieve justice. They are universal, and no one can really make a strong argument that they are a bad thing. Essentially, they are a perfect value IF you can prove that your side of the resolution achieves it. (Side note: morality includes justice, by including guidelines about not infringing on others and living up to commitments. The difference between the two is that morality includes principles such as like respect, sacrifice, and humility, which are great, but not enforced by law, and aren’t necessarily “just”.) [bonus: “tort law” is the name given to things enforced by law.] Morality also includes things like a salvation plan that can potentially lead to a reprehensible position. Basically, morality encompasses justice. Morality will always be just, and justice will always be moral. However, they cannot be used interchangeably.

But, of course, the story doesn’t end there. There are two ways to value justice: 1. Ending injustice. 2. Ensuring that injustice doesn’t happen in the first place. Confused yet? Basically, justice means sticking to the laws (Natural Law), and we can value this either by punishing injustice or by stopping injustice from happening in the first place. It is a case of Consequence vs. Prevention. Consequence here means taking action once injustice happens (for instance, speeding tickets that penalize those who exceed speed limits), and Prevention means taking measures to stop injustice from happening in the first place (perhaps this could be making cars that only go 35 miles an hour—they CAN’T break the speed limit, which will prevent speeding from happening in the first place.) It’s confusing, but once it makes sense, it will be second nature to you. When these terms are used as proper nouns (meaning they’ll be capitalized, for those of us who weren’t overly fond of English), I am referring to them as forms of justice.

One more thought before the avalanche of ideas starts to make sense: any time something is valued, there must be an “actor.” This just means there is a person or entity that is doing the valuing. The resolution doesn’t provide an actor, so it can be interpreted as a government, individuals, society, etc., but it is something to keep in mind.

That is all great, but what does it have to do with privacy? The first way to think about it is that by invading privacy, we can stop injustice from happening. For example, I think we can all agree that the 9-11 bombing of the World Trade Centers was unjust. As a result of this, we have a wonderful new set of laws and regulations about what we can and can’t take onto airplanes. Airports x-ray our luggage (invasive indeed), “pat down” our bodies (invasive and awkward), take away our peanut butter, and even pull people aside for questioning if they look or act suspicious.[[3]](#footnote-3) Basically, there are gross violations of our privacy taking place, but all this is in order to stop injustice from happening. So in order to uphold justice by stopping injustice, privacy must be devalued for the greater good of justice, and we all live ever after, whether we like it or not.

But every coin has two sides. Many would argue that the truest and most reliable form of justice is providing consequence for infringement, not prevention of infringement. For example, rather than invading privacy via metal scanners for the purpose of keeping people from bringing guns into banks (side note, there is actually not a federal law against carrying a gun into a bank without the intent of robbing it, but since banks are privately owned, they institute these regulations), true justice would merely offer a consequence by punishing people who DO bring guns into banks, or, even better, allowing people to bring guns into banks and laying the law down on people who try to use them unjustly. There are many strong arguments to make for this stance:

First, Consequence offers a disincentive. As the saying goes “Guns don’t kill people, dads with pretty daughters do.” The problem isn’t guns in banks; the problem is people using the guns to rob banks. Justice as Consequence gets to the heart of the issue. So while stopping people from bringing guns into banks will end the injustice of bank robbery (or so we hope), offering a consequence ensures that if people freely chose to bring guns into banks, they won’t use them unjustly for fear of the consequence. So Prevention takes away the ability of a person to make a decision, while Consequence allows people to decide, but makes sure they make the right choice.

The second support for justice as Consequence is that justice of this nature improves society through wisdom. After all, a six year-old is not considered wise because his mother won’t let him eat all of his Halloween candy at one sitting. He doesn’t have a choice, so he lacks the ability to make the right choice. But, his mother IS considered wise for not eating all of her sons Halloween candy while he’s sleeping. This is because the mother had a choice (Consequence by the disincentive of stomachaches), she made a wise decision, while the son had no choice (Prevention by the mother’s rules) and was not wise (keep in mind the distinction between “not wise” and “unwise.” “Not wise” simply means that a wise decision wasn’t made, while “unwise” means a decision was made, and it was a bad one.) Obviously, the example isn’t perfect, but it illustrates the point that by allowing people to act as they wish and providing a consequence if they make the wrong decision, people are allowed to be wise.

So with an understanding of the relationship between morality and justice, the two types of justice, and how they relate to privacy, how does this relate to your cases?

Justice applies best to the Negative, so we will start there, and then explain how the Affirmative can turn it. As the Negative (kritiks, resolutional objections, and other atypical cases aside), you will have to assert either that privacy is valued too highly, or that it’s valued just enough. I suggest the former. So why should we value privacy less? To uphold justice. Taking away people’s privacy in airports, for example, ensures that injustice never happens in the first place. This is a strong argument, and can be illustrated by many examples: airport regulations, metal detectors in schools or banks, Google’s filter to keep child pornography from appearing in search results, etc. They all restrict your privacy, but uphold justice. If the Affirmative counters that justice is best as Consequence, rather than Prevention, then ask, “why can’t we have both?” Argue that it should be situational. The strongest examples are the 9-11 attacks on the World Trade Centers[[4]](#footnote-4), the Columbine Massacre[[5]](#footnote-5), and other similar situations. It is difficult to punish the perpetrators if they’re dead, so prevention is the ONLY solution in these instances.

But the Affirmative has a few ways around this argument.

First, argue that justice is better served as Consequence, using the two applications that it offers a disincentive and improves society through wisdom. If the negative holds that we can have both, then argue that Prevention isn’t necessary since Consequence is more effective, and Prevention damages society at an individual level by stifling wisdom. So by valuing Consequence over Prevention, we don’t need to invade privacy in order to uphold justice. The link between justice and the negative case is severed.

Second, argue that many invasions of privacy are, themselves, unjust. For example, the SOPA and PIPA bills proposed an internet firewall that promised to reduce online piracy, but in actuality were an unjust government infringement on people’s privacy and freedoms.[[6]](#footnote-6)-[[7]](#footnote-7) Argue that it is just to respect privacy because taking away privacy is an infringement of justice. Their value supports your side now, weakening it considerably.

Lastly, argue that justice only addresses part of the resolution, making it an imperfect value. It is similar to the second strategy, but different in a few ways. Give examples, specific or not, of when people infringed on privacy and it didn’t prevent injustice. Instances such as your little brother listening in on phone conversations, people opening doors in public restrooms without knocking, or that friend that reads your texts over your shoulder are all examples. All these invade privacy, but in no way ensure that justice is served. Not only have you shown that these invasions are unjust in and of themselves, but you’ve shown that by giving people their privacy, you aren’t sacrificing justice. Your constructive should include a value that is achieved when privacy is respected, and argue that justice applies to instances where privacy can be used unjustly, but doesn’t apply to any other instance of privacy being valued. In these other instances, you should have a value that shows exactly why your little brother shouldn’t be listening in, why people ought to knock before opening stall doors, why your friends shouldn’t read your texts, and why, outside the realm of justice and injustice, privacy is valuable.

So let’s review: First, you de-link justice from invasion of privacy by showing that by Consequence, you can have justice AND privacy. Second, you show how invading privacy can be unjust itself, turning their value against them. Third, you show how the turned value of justice only applies to a part of the resolution. In the end, you will show that when justice isn’t an issue, privacy is valuable through your constructive, you’ll show how privacy is just, and you’ll show how you don’t need to sacrifice privacy to uphold justice. It will get confusing in the mind of the judge, so I suggest a pre-written rebuttal for those of us who aren’t natural-born orators.

Justice is a powerful tool, if wielded correctly. As the Affirmative, use it to explain how it is unjust for the actor to infringe on privacy of individuals (tie it back to natural law), and how by respecting privacy, we’re being just. As the Negative, explain how the actor must infringe on the privacy of individuals to keep them from infringing on each other. The distinction between the two is that in the Affirmative, the actor (define it as best pertains to your case) is the person the value applies to. In essence, we’re using Justice as a standard. IF we are just, we will respect the privacy of others. As the Negative, the actor is valuing one over the other, but to keep other entities from infringing on each other. Basically, the value of Justice is a goal. IF we infringe on privacy, we can protect Justice. Tread lightly on issues you don’t firmly grasp, keep a solid head on your shoulders, and know your theory forward and backwards before you use these concepts in a debate. Do these things, and justice will carry you far.

Finding the Happy Medium

The Relationship Between Governmental and Individual Privacy

by Ashlyn Olson

Background

Privacy is derived from the Latin word “privatus”, which means “separated from the rest, deprived of something, esp. office, participation in the government".[[8]](#footnote-8) While it may be easy to simply skim over this definition, it is important to note the part about government. The original root of the word “privacy” directly correlates to the idea of being essentially “private” from the government. In fact, Aristotle, one of the primary classical philosophers who discussed privacy, conceptualized the idea that there was a distinction between the public sphere (including the government) and the private sphere (the family). In this year’s debate rounds, it is important to analyze the relationship between the individual and government when it comes to the topic of privacy.

Where Does Privacy Come From?

One of the first questions to ask is, “Where does privacy come from?” Privacy is generally not considered to fall under the category of natural rights (which often includes the rights to life, liberty, and property). Instead, privacy has been referred to as a civil right, which is a right that the government “gives” each individual. Some have also contended that it is not a right at all. Under the premise that the government gives its citizens the right to privacy, does the government also have the power to take that right away? Or, if privacy is not a right, why does it matter if it is undervalued? All of these questions are possible venues to explore in this year’s resolution and open up exciting doors for argumentation.

Privacy can also pertain to groups. Because the resolution does not specify whose privacy is being undervalued, it is up to the debaters to determine what the scope of the resolution will include. I believe that both individual and group privacy can be explored, depending on the debate round. The Haifa Center of Law and Technology defines the right to privacy as, “The right to privacy is our right to keep a domain around us, which includes all those things that are part of us, such as our body, home, thoughts, feelings, secrets and identity. The right to privacy gives us the ability to choose which parts in this domain can be accessed by others, and to control the extent, manner and timing of the use of those parts we choose to disclose.”[[9]](#footnote-9)

Applications and Links to the Resolution

Governmental and Individual privacy are not one-sided topics that only apply to either the affirmative or negative side of the resolution. Instead, they can be almost equally debated on either side of the resolution. When brining up applications or arguing against applications in any Lincoln-Douglas debate round, it is important to remember to tie back to your value under the scope of the resolution. Most examples can have pros and cons, so in order to avoid muddy debate rounds, arguments should include more than just “privacy is undervalued” or “no it isn’t.” Look at the underlying principles behind legislation, Supreme Court cases, and historical examples to determine whether privacy was being valued, then examine the consequences of that action to persuade the judge of the impact of your argument.

Individual Privacy

First, how much privacy does an individual have? Is there ever a time where it is justified for government to take away privacy? At the time of this publication, President Obama’s administration may start requiring businesses wanting to engage in a federal contract to disclose executives’ political donations over $5000 to any candidate, independent expenditure, or electioneering communication advertisements.[[10]](#footnote-10) Is this violating the individual’s privacy, or does the government have the right to seek this information as a tool to ensure fair and honest elections? Examples such as this can be used for both sides of the resolution.

On the negative side of the resolution, a case can be made to argue that instead of being undervalued, privacy is overvalued or simply valued enough. Many federal agencies in the United States seek to protect the private information of individuals. According to the International Revenue Service, “The PGLD [Privacy, Governmental Liaison and Disclosure office] organization promotes public confidence through the protection of the taxpayer's personally identifiable information, such as name and Social Security number, and the prevention of threats and vulnerabilities. The organization also ensures Service-wide integrity by proactively providing leadership, policy guidance, direction and awareness for the Service’s privacy program areas. Further, PGLD is responsible for protecting information systems used for tax administration from unauthorized access, disruption and modification.”[[11]](#footnote-11)

In the economic market, the relationship between privacy and government regulation also comes into play. Under the free market, consumers enter into relationships with businesses at their own expense, trusting that business to respect their privacy. But, if the government were to place privacy as a higher value on their agenda, perhaps a more regulated approach would be taken to protect the consumer’s privacy. In this system, the government more heavily regulates businesses to ensure protection of privacy. With this argument, there is a trade-off—you either have more government regulation and often more privacy protection, or less government intervention and perhaps more margin for error.

Indirectly, one person’s privacy can come into conflict with another person’s privacy. One common argument against the Patriot Act is that people who come into casual contact with a suspect could have their privacy compromised, even though they are not a national security threat.[[12]](#footnote-12) While it may seem justified to take away one person or group’s privacy, there may be a broader impact with greater implications and consequences than anticipated.

What is the highest value we are upholding? Sometimes, actions that seem to be taken to protect privacy may actually hurt privacy in the long run. With the increasing use of the internet, cyber security is also a rising issue. In attempts to protect the security and privacy of users, the federal government may actually in some ways limit privacy. The Cyber Intelligence Sharing and Protection Act may be an example of this. Michelle Richardson says, “CISPA [Cyber Intelligence Sharing and Protection Act] goes too far […] Cybersecurity does not have to mean abdication of Americans’ online privacy. As we’ve seen repeatedly, once the government gets expansive national security authorities, there’s no going back.”[[13]](#footnote-13)

Governmental Privacy

On the flip side of the issue, does the government have any privacy from the people? Is there ever a time when it is unfair for the government to keep “secrets” from the public? One of the most relevant Supreme Court cases to this year’s resolution addresses this very question. During the Watergate Scandal, President Nixon was taken to court because of his involvement with the Scandal. United States v. Nixon addressed the issue of privacy as it related to “executive privilege” and whether or not President Nixon could withhold tapes from other branches of government and the public. According to the Chicago-Kent College of Law, “The Court held that neither the doctrine of separation of powers, nor the generalized need for confidentiality of high-level communications, without more, can sustain an absolute, unqualified, presidential privilege. The Court granted that there was a limited executive privilege in areas of military or diplomatic affairs, but gave preference to ‘the fundamental demands of due process of law in the fair administration of justice.’”[[14]](#footnote-14)

Once again, this issue comes back to values, which is a key element of Lincoln-Douglas Value debate. Is justice being held highest? Is security being held highest? Or, is privacy being held highest? In terms of executive privilege, sometimes other values take priority.[[15]](#footnote-15) In this year’s resolution, debaters can argue to look at the resolution within the lenses of their value to determine whether or not privacy is undervalued.

Weak Links

The affirmative has a unique position this year to in some ways set the boundaries of the debate round. Because privacy is such a broad issue that blends both governmental and individual rights together, debaters going negative should be prepared to defend the opposite side of the resolution as it relates to a spectrum of different privacy issues. Ultimately, when examining specific examples like those brought up in this article, it will be beneficial to weigh both what was trying to be accomplished in the example and what actually happened. By practicing this exercise, you may begin to see “weak links” in applications this year to determine what the practical consequences were or are by undervaluing (or overvaluing) privacy.

Privacy: an Undervalued Fact

How to Write a Value/Fact Hybrid Case in This Resolution

by Lincoln Anderson and Luis Garcia

The Concordia Challenge was a big tournament. Excitement and adrenaline coursed through the veins of competitors. Besides the fact that this was the biggest tournament of Stoa's existence, hitting record breaking attendance in several categories, a surprise was tossed into the mix: next year's debate resolutions were to be announced. The votes were in. But then, the surprise really became a surprise when Dr. Van Schalin announced through the microphone that the resolution winner for Lincoln-Douglas debate was, *"Resolved: Privacy is undervalued."*

After first hearing this resolution as the top voted choice in our league, my first reaction was as follows, “Boy, I’m glad that I’m graduating.” I was unhappy to say the least, and not alone in my opinion.

As a usual for me, I was looking at the bad aspects of the resolution, instead of looking at the good. Then, God gave me the opportunity to write for Redbook, which forced me to delve into the resolution, write cases, and analyze exactly what this resolution means. And guess what? I discovered that this topic is pretty dog-gone, interesting. However, the question is, "How do we approach a resolution with such funky wording?" After all, it only has three words, and at first glance, it doesn’t even look like a value resolution but a fact resolution. In this article, we shall look at those three words, “privacy is undervalued,” and see how they affect the flow of case logic this year, and how they have great potential to continue the evolution of Lincoln Douglas debate in the Stoa speech and debate league.

To do this, let's first look at what kind of resolution we have been given. Then, we will see how this hybrid resolution affects case structure. Lastly, I will provide some outlines for your use so that you can build winning cases of your own.

The first issue to deal with is analyzing what kind of resolution we really have.

TRADITION! (The Value Interpretation)

Since we are in value debate, we usually debate value resolutions. A value resolution is defined as: *Statement of value. Involves conflicting moral dilemmas.[[16]](#footnote-16)* (e.g. Apples are better plain than in apple pie.) Whenever there is a value statement like “better or worse” or “this versus that”, you have a value resolution. In a value case, you choose a specific value as a reason to vote for you, a justification for your side.

If I were to affirm the apples resolution, I might say, "I affirm that apples are better than apple pie because they are healthier. Therefore, my value today, or my reason to justify the affirmative position, is human health. As wisely said, an apple a day keeps the doctor away."

If I were negative, I might say, "Apple pie is better because it is tastier, richer in flavor. Therefore, I uphold the value of the excellence of the culinary arts."

However, in each argument we see two things: One, each "case" provides a value (health and tastiness). Second, each focuses on the word *better*, the term that forces an evaluation between the two sides (apples and apple pie). This year the key word is *undervalued* because the prefix “under” is a statement of worth and requires of how good or bad privacy is.

Basically, the way to run this resolution as a value resolution is to affirm or negate the position that privacy needs to be valued higher. Therefore, as the affirmative, you want to argue how privacy should not be undervalued because of your value; as the negative, you want to counter by promoting how privacy should be valued because of your value. This is the way I expect a lot of competitors to run their cases this year. A value approach is also what most judges are used to. But a value interpretation ignores the blatantly fact wording in this resolution. A sole value interpretation seems insufficient.

‘Just the facts ma’am’ (A Fact Interpretation)

Another interpretation of this resolution is arguing that it is a fact resolution. A fact resolution, “*[i]nvolves a dispute about empirical phenomenon.”[[17]](#footnote-17)* In other words, you are debating whether or not a presented fact is true. The fact word in our resolution is *is*. Since the word *is* states a condition of being (the condition is that privacy is undervalued), the debate becomes over whether or not the condition is actually true. For example, if I were to say that the sky is blue, that would be a fact claim. The debate would be over whether or not the sky is actually blue. Furthermore, in a fact case, one uses a fact criterion to prove their point. For example, if I wanted to show that the sky is blue I might use photographs as my fact criterion. Or if I wanted to negate it (and the sun had set) I would use eyesight as a criterion to show that the sky had turned black and that the fact word *is* cannot be upheld since the sky is obviously not blue when it is night.

In our resolution, the debate concerns whether or not privacy *is* actually undervalued. Remember, the fact word in the resolution is *is*. To interpret this resolution as fact, you would run a fact criterion, to show why the resolution *is* or *isn’t* undervalued. I expect a few too-clever-for-their-own-good debaters will try to pull this on you. Yet, there are several problems with interpreting this as a fact resolution.

1) This is values debate, not fact debate after all.

2) Few judges and competitors in our league are familiar with fact debate, so they’ll end up confused like a penguin in Death Valley.

3) If the judge does understand fact debate, it’s likely that he or she will mark you down for trying to be cute.

4) The opponent will feel like you are trolling them.

Regardless of these reasons, it is still legal to run a fact interpretation, and under the right circumstances it could make for an interesting debate round.

Check out the Hybrid

For a while I struggled with writing a case with either interpretation for this resolution. I was worried that I wouldn’t answer the resolution correctly if my case ignored the fact elements or the value purpose to this debate form. I couldn’t figure out for the life of me what I needed to do. This is because I couldn’t see what was right in front of me.

In the words of Robert Downey Jr. as Sherlock Holmes, *“There’s nothing more elusive than an obvious fact.”* The fact I was looking for eluded me until the infamous, Redbook coach Travis Herche pointed out to me, and I quote, *“this is both a fact and a value resolution.”* That statement hit me like a train hits a bus trying to cross the track with the guard posts down. Fortunately for us, that valuable fact (pun intended) no longer eludes us, and we can continue in understanding that we have to interpret this as a value *and* fact resolution.

Before I go on however, I would like to point out that the two other options of running this resolution as a value only or as a fact only are viable too. However, as I have shown, they don’t completely fulfill the obligations of the resolution as well as a value-fact hybrid case will. I would therefore strongly recommend following the below format or at least a reasonable facsimile thereof. That being said, let us push on.

How to Write a Case 101

How do you write a value/fact hybrid case? Well, basically you combine a value and a fact criterion to make it work. You want to have a value to justify your position, like normal, but you will also need to add a fact criterion to help you identify whether or not privacy is valued correctly in the real world. The contentions should reflect this deviation from the normal value case structure. Instead of the basic case structure, which talks about the value in the first contention and the two sides of the resolution in the next two, you have to take a contention or two to talk about your fact criterion. Let’s look at the things you will want to consider in constructing a case this year.

The first thing to pick is your value. You will want a value that can stand on its own. In previous years, people have liked to use criterions as a means to achieve their value or as a limit for their value. This year however, your criterion needs to be a fact criterion, a criterion that measures when you have achieved your side. It’s basically a standard that will be fulfilled if your value is upheld. The thing about a fact criterion is that it’s unable to support your value by achieving it or limiting it. In that light, you will want to choose a ‘stand-alone’ value, a value that can function on its own. Also, don't forget to pick a value that fits a value's true purpose: to justify your side.

The way I always start to build a case is by asking myself to give one word that describes why I support the resolution. That one word almost always develops into my value. The same applies on the negative. Come up with one word for why the resolution should be negated, and develop your value off of that word. Once you come up with a value, you will want to come up with a fact criterion that accompanies your value.

The purpose of the fact criterion is to show the judge whether or not the correct level of privacy is being valued. The fact criterion should not completely deviate from your value however. In fact, it should work within your value system. Your criterion should show the judge what the world looks like when the correct level of privacy is applied under your value, making it similar to a measuring criterion. In clarification, a measuring criterion is used to tell whether or not your value has been upheld or not. This fact criterion should be able to do that *and* show that the level of privacy is correct too. This has several advantages:

1) Having a fact criterion makes it easy to adjust and accommodate on the fly if your opponent brings up a case presenting a fact interpretation.

2) It also acts as a measuring criterion to give your value a bright line. Bright lines are necessary as they help further clear any obscurities or misconceptions your value might imply.

3) With the right fact criterion, your case can be tied to the real world easier, blending a logic to work with both value and fact implications presented in our--hopefully now--beloved resolution.

This may be slightly confusing, so I’ve worked out some case outlines for you to follow in creating your own value/fact hybrid cases. (For fully laid out examples of how these logic structures can be applied, see the affirmative case “FREEDOM!!!” and the negative case “Law, a Just Violation of Privacy.”)

Case Skeletons for Privacy

In selecting a fact criterion, I would suggest thinking of something the world has with your value and that it wouldn’t have without it. Then, develop that thing into your fact criterion similar to the way you developed your value. After you have selected your value and criterion, you’ll need to put together some contentions to support them, or specific arguments to impact your position. On affirmative, three contentions is the ideal number, while on negative two contentions will be adequate in most cases. There are many ways in which you can organize your contentions, but the minimum requirement for a value/fact hybrid case is to dedicate one contention to how privacy relates to your value and one contention to how privacy relates to your criterion. This leaves the third contention for you to do what you want with. You can use it to talk about how awesome your value is, to expound further on how privacy affects your value and or criterion, or why the opposite of your position is unwanted. You can even use it to talk about puppies and baby otters if you want to, but only if you already have one contention for your value and one for your criterion.

On the negative, you’ll be more restricted since you really only want two contentions for time management purposes. Stick with the two contentions: one discussing privacy and your value, and the other about privacy and your criterion. If you so desire to add a third contention, do so cautiously, making sure it does not push the timing of the case over three and half to four minutes. Here are a couple value-fact case frame works for you to construct a case around.

For a three-contention affirmative case, I suggest a structure that looks like this:

**Value:** Your justification for your stance.

**Criterion:** Measuring Stick for what the world would look like with your value.

**Contention 1:** Privacy upholds my value.

**Contention 2:** How Privacy affects my criterion.

**Contention 3:** Privacy helps baby otters for Pete's sake!

For a two-contention negative case I would suggest this:

**Value:** Your justification for your stance.

**Criterion:** Measuring stick for what the world would look like with your value.

**Contention 1:** No, Privacy upholds *my* value.

**Contention 2:** Privacy *not* being valued affects my criterion.

[And if you decide to have a 3rd contention = **Cont. 3:** Who cares about baby otters?]

Overall, this resolution holds great potential. My wish in this article is to take away the cringe some debaters are already feeling for this new resolution. I hope you will discover, as I did, that this is a very interesting resolution. With a properly built value/fact hybrid case, you can have some great rounds to look forward to, debating those three words, “Privacy is Undervalued.”

Burn This Notice: Spies and our Resolution

A History of Espionage and Special Operations as it Relates to Privacy

By Lincoln Anderson and Luis Garcia

“My name is Michael Weston, I used to be a spy.”

Above is the opening line of the USA network show, *Burn Notice*. When it comes to *Burn Notice*, I am something of a fan boy. Part of the reason is because I think special forces and spies are awesome; the other is that I enjoy the intriguing themes found in the show. Whatever the case, I really, really, like Michael Weston.

What on earth does my obsession with spies have to do with this season's new resolution however? Well, the answer is not found in Michael Weston’s classic charger, or in his amazingly cool sunglasses, but rather with the word *privacy*, because privacy is the very thing that spies must violate to get the job done. So let’s do a little intelligence gathering of our own as we look at the history of espionage and how it affects our resolution.

Biblical Espionage

To start, let's go as far back as I can think, to the story of Rahab and the spies. It is a story may are pretty familiar with, and I think it illustrates this resolution well.

In Joshua 2, we find that two spies try to invade the privacy of Jericho. In an effort to protect the privacy of Jericho, the king dispatches guards to hunt down the two spies. As we know, Rahab hid those spies and was later blessed for her efforts. The two spies undervalued the privacy of Jericho to help their country. The king’s desire for privacy led to a desire to commit homicide.

In applications like this, you need to link together your application, your value, and the resolution. For example, at the end of the application in my case I might say something like, "*In order to do what God wanted, the spies had to violate privacy”* This links the application to the value (doing what God wants) and to the resolution. This is a process known as *impacting*.

Now I wouldn’t suggest running an application like this in our league since using the Bible in a round is generally frowned upon. This is because it forces your opponent to argue against the Bible. Regardless, this example does give us a glimpse of how privacy relates to espionage in our resolution.

Fear the Ninjas

Moving forward a few thousand years, we come to Feudal Japan and enter the world of the Samurai, of nobility, and most importantly *the NINJA!* As popular as our society has made ninjas, I’m going to make them sound like the bad guys in this illustration.

Ninjas were spies whose usual job was to gather intelligence, but some ninjas were also skilled as assassins and that is what they were most feared for. They violated privacy in order to kill people. To counter the efforts of the ninjas, Japanese castles were built with gravel walkways and squeaky floors; that way any intruder bent on violating privacy could be stopped.[[18]](#footnote-18), [[19]](#footnote-19)

Armistead Penetration

Continuing in importance, espionage grew in use for both military and political intelligence gathering purposes.

During the revolutionary war, both George Washington and the Marquis de Lafayette recognized the importance of military intelligence. One agent they sent out was a slave named James Armistead. James posed as a runaway slave and became a servant for an officer in the British Army. There he infiltrated the private levels of the British military. The intelligence that he brought back by violating privacy became integral in the battle of Yorktown, the final battle of the revolutionary war.[[20]](#footnote-20) Therefore, we see that Armistead undervalued privacy to help the Americans win the war.

From OSS to CIA

Espionage really began to develop into what we are familiar with today during the 20th century. With the advent of worldwide travel, nations needed to expand their intelligence gathering horizons. The Great Depression, however, put a damper on most countries efforts to expand their intelligence networks. Yet, at the outbreak of WWII, U.S. president Franklin Delano Roosevelt decided that America needed a better intelligence force. He formed the Office of Strategic Services (OSS) which was the precursor to the Central Intelligence Agency (CIA). Although the OSS was later dissolved, it laid down the groundwork for intelligence operations to come; operations that violated privacy for the sake of national security.

The OSS’s actions violated the privacy of Hitler's Germany, but they did so to protect the U.S. and the rest of the world from Hitler’s desires for global domination.

The Private WWIII

After the fall of Nazi Germany, there arose two superpowers: the United States and the U.S.S.R. Naturally, both of the nations were suspicious of one another and made sure to uphold their own privacy. Although the Cold War did not really involve *open* conflict, there was plenty of *private* conflict. Instead of sending their own armies to fight their wars, the two factions sent spies. The CIA waged a covert war against the Komitet gosudarstvennoui bezopasnosti (KGB) with violence at times, and paper work at others, but a war was raging nonetheless.[[21]](#footnote-21)

The difference between this war and previous wars was that it was all done in privacy. Both factions knew full well that open warfare between the US and Russia would bring the world to its knees. Remembering the chaos that was caused by the last two world wars, they knew that a third would devastate both sides. So the United States and the U.S.S.R. decided to attack each other’s privacy instead of each other’s people. This conflict over privacy avoided WWIII.

Modern Warfare

The nuclear technology that was developed during the Cold War changed the face of modern warfare. Gone are the days of epic battles and horrific casualty rates, and come are the days of special-forces, espionage, and isolated military efforts. The assassination of Osama Bin Laden illustrates this. Seal Team Six had to go into Pakistan without alerting the Pakistani government.[[22]](#footnote-22) This was a gross violation of Pakistani privacy, yet in order to deal justice to Osama Bin Laden we had to do it.

Some say that we should not have violated privacy in this way, but if we hadn’t Osama would still be at large today.

Now Put on Some Shades

In conclusion, we’ve seen a brief history of covert operations and how they relate to privacy. We’ve also learned that these operations have to violate privacy to get the job done. Whatever the application however, remember that intelligence is a general’s greatest asset. You, as the general of your army of arguments, need to understand that the better intelligence you have the better you will do. Thus, support your applications with evidence. If you’re facing one of these applications, try and turn them to show how spies trying to violate privacy are a bad thing.

Now put on some shades, your Michael Weston attitude, and make a special operation to spy out the needed intelligence for your case on espionage!

This message will not self-destruct in 10 seconds.

Defining the Resolution

Definitions of Important Terms in the resolution

By Travis Herche

A definitions brief serves two important functions:

1) It makes case creation easy. Instead of mining through a maze of definitions, you can come to this brief and get a very thorough list of options.

2) It gives you options in the round. You can customize your definitions and create new arguments on the fly by choosing the perfect selection from this brief.

This year’s resolution is as simple as they get. It has three key words: *resolved*, *privacy*, and *undervalued*.

Resolved has a normative meaning in academic debate. It means “the affirmative advocacy is as follows.” Using a formal dictionary definition to define resolved is to be discouraged, but a few definitions are included here in case someone runs a crazy argument against you.

Undervalued should usually mean “assigned a level of worth that falls short of its true value.” The understanding of its meaning is linked less to your use of definitions and more to the logic of your case. Again, the use of a dictionary definition should be avoided, and no definitions are provided here.

9 Definitions of Resolved

Collins English Dictionary

Fixed in purpose or intention; determined.[[23]](#footnote-23)

Vocabulary.com

1) explained or answered.

2) determined. [[24]](#footnote-24)

Macmillan Dictionary (American English)

Determined to do something.[[25]](#footnote-25)

Cambridge Advanced Learner's Dictionary & Thesaurus

Determined[[26]](#footnote-26)

Webster's New World College Dictionary, 4th Ed.

Firm and fixed in purpose; determined; resolute.[[27]](#footnote-27)

Wordsmyth English Dictionary-Thesaurus

Being of fixed or determined purpose.[[28]](#footnote-28)

Random House Unabridged Dictionary

Firm in purpose or intent; determined.[[29]](#footnote-29)

[Cambridge Academic Content Dictionary](http://dictionary.cambridge.org/dictionary/american-english/)(American English)

Strongly determined.[[30]](#footnote-30)

37 Definitions of Privacy

American Heritage Dictionary of the English Language

1. 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.

2. The state of being concealed; secrecy.[[31]](#footnote-31)

Collins English Dictionary

1. The condition of being private or withdrawn; seclusion.

2. The condition of being secret; secrecy.

3. Philosophy The condition of being necessarily restricted to a single person.[[32]](#footnote-32)

Vocabulary.com

1. The condition of being concealed or hidden.

2. The quality of being secluded from the presence or view of others.[[33]](#footnote-33)

Macmillan Dictionary (American English)

The freedom to do things without other people watching you or knowing what you are doing.[[34]](#footnote-34)

Century Dictionary and Cyclopedia

1. A state of being private, or in retirement from the company or from the knowledge or observation of others; seclusion.

2. A place of seclusion from company or observation; retreat; solitude; retirement.

3. Joint knowledge; privity.

4. Taciturnity.

5. Secrecy; concealment of what is said or done.

6. A private or personal matter, circumstance, or relation.[[35]](#footnote-35)

Cambridge Advanced Learner's Dictionary & Thesaurus

Someone's right to keep their personal matters and relationships secret; the state of being alone.[[36]](#footnote-36)

GNU Webster’s 1913

1. The state of being in retirement from the company or observation of others; seclusion.

2. A place of seclusion from company or observation; retreat; solitude; retirement.

3. Concealment of what is said or done.

4. A private matter; a secret.[[37]](#footnote-37)

Webster's New World College Dictionary, 4th Ed.

Privacy is the state of being free from public scrutiny or from having your secrets or personal information shared.[[38]](#footnote-38)

Wordsmyth

1. The condition of being removed from the view or presence of other people.

2. Secrecy.

3. The condition of not having one's personal life exposed to public knowledge.[[39]](#footnote-39)

Random House Unabridged Dictionary

1. The state of being private; retirement or seclusion.

2. The state of being free from intrusion or disturbance in one's private life or affairs: the right to privacy.

3. Secrecy.

4. Archaic. A private place.[[40]](#footnote-40)

Collins English-French Dictionary

1. Freedom from interference.

2. Private life.[[41]](#footnote-41)

Dictionary for Library and Information Science

The right of an individual (or group) to keep information about personal and professional life from disclosure, especially to government and commercial enterprises, and to remain free from surveillance except as authorized under provisions of law.[[42]](#footnote-42)

The People's Law Dictionary

The right to be free of unnecessary public scrutiny or to be let alone. Once a person is a "public figure" or involved in newsworthy events, the right to privacy may evaporate.[[43]](#footnote-43)

Merriam-Webster’s Dictionary of Law

1. Freedom from unauthorized intrusion

2. State of being let alone and able to keep certain esp. personal matters to oneself.[[44]](#footnote-44)

BusinessDictionary.com

In general, the right to be free from secret surveillance and to determine whether, when, how, and to whom, one's personal or organizational information is to be revealed. In specific, privacy may be divided into four categories (1) Physical: restriction on others to experience a person or situation through one or more of the human senses; (2) Informational: restriction on searching for or revealing facts that are unknown or unknowable to others; (3) Decisional: restriction on interfering in decisions that are exclusive to an entity; (4) Dispositional: restriction on attempts to know an individual's state of mind.[[45]](#footnote-45)

Burton's Legal Thesaurus, 4th Edition

In Constitutional Law, the right of people to make personal decisions regarding intimate matters; under the Common Law, the right of people to lead their lives in a manner that is reasonably secluded from public scrutiny, whether such scrutiny comes from a neighbor's prying eyes, an investigator's eavesdropping ears, or a news photographer's intrusive camera; and in statutory law, the right of people to be free from unwarranted drug testing and electronic surveillance.[[46]](#footnote-46)

Computer Desktop Encyclopedia

The degree to which an individual can determine which personal information is to be shared with whom and for what purpose.[[47]](#footnote-47)

Free Online Dictionary of Computing

An attribute of a system's security that ensures that only intended or desired people or bodies can read a message or piece of stored data.[[48]](#footnote-48)

Mosby's Medical Dictionary, 8th edition

A culturally specific concept defining the degree of one's personal responsibility to others in regulating behavior that is regarded as intrusive.[[49]](#footnote-49)

McGraw-Hill Concise Dictionary of Modern Medicine

Control over the extent, timing, and circumstances of sharing oneself–physically, behaviorally, or intellectually with others.[[50]](#footnote-50)

Glossary of Agricultural Terms, Programs and Laws

The right to control the disclosure of personal information; often referred to as confidentiality, but more accurately might be called data protection.[[51]](#footnote-51)

Making Privacy Persuasive

by Travis Herche

Privacy is a common concern that is linked to a host of universal themes. You want to make your arguments about privacy as appealing as possible. Let’s explore some of the persuasive impeti you can use in your rounds to do that.

Persuasive impeti are not alternatives to logical cases. Rather, they are the package by which logical cases are delivered in a way the judge can relate to and get excited about. Never use the impeti exactly as written here. You should instead try to subtly communicate it to the judge using carefully-chosen rhetoric. The judge should feel a personal impact and connection with your case as you subtly suggest it.

Strategies will evolve as the year progresses and debaters learn new ways to defeat persuasive cases. This article covers four big themes to give you a starting point.

Please note that this article makes extensive use of educated guessing. This differs from stereotype because it is based on widespread actual traits of certain people. “Dads are dorks” is a stereotype. “Dads are protective of their families” is an educated guess. Not all dads are like that, but there are enough that you can safely guess it of your dad judge in order to create a better experience for him. This article makes guesses about parents, conservatives, liberals, etc. Nine times out of ten, you will find these guesses to be correct. Never assume; everyone is different. But do guess based on typical traits.

Affirmative: Big Brother

*Impetus:* The government is watching at every street corner, constantly looking for ways to violate your privacy. If you’re not careful, he will install cameras in every room of your house, take away your freedom of speech, and then take away the rest of your freedom.

*Good for:* Patriotic cases, fiscal conservatives, social liberals. Many people are already upset about how much government can intrude in your life. Fiscal conservatives are sick of the regulation and taxation; social liberals are sick of rules relating to sexual orientation, etc. Since its inception, the true American dream has been: “Leave me alone.” This is a good generic affirmative core that will resonate with almost everyone.

This impetus has to be non-positive to work because people take freedom for granted. Point to ways that everyday people like the judge are losing their privacy *right now*, rather than talking about how great freedom is - that’s too abstract.

*Counters:* If this is run against you, argue that your opponent is being a fear monger. Point to everything the government does for us. Benevolent Government (like my Trust the Cops case) counters this core by explicitly presenting the government as the good guy. Alternatively, Government Transparency is effective because it steals the anti-government vibe. Michael Tcheau’s negative case is a good example.

Affirmative: Protect Yourself

*Impetus:* The selected scope is sacred and precious and needs to be protected from outsiders. The outsiders are very scary and the only way to feel safe is to support the resolution.

Variants on this core include a focus on individual, family, and national privacy.

*Good for:* Parents. They feel deeply protective of their kids; threats to their safety will automatically resonate. Use visual language, like, “when you close your curtains and lock your door at night,” to help the judge visualize privacy invasions of her own home.

*Counters:* The judge should never feel like she has to choose between voting for you and keeping her family safe. The only safe way to beat this impetus is to show that privacy makes you less safe - my Trust the Cops case is a good example. After all, how can people protect you if they don’t even know you are in trouble?

Negative: Government Transparency

*Impetus:* The government can’t be trusted. It’s up to no good and the only way to keep it in check is to hold it accountable. Whether it is the president, the military, police, or just a general anti-government vibe, we need to show the rulers who is really in charge. Specific topics can range from classified documents to espionage to law enforcement.

*Good for*: Strong conservatives, poor liberals, conspiracy theorists. If you want this case to have broad appeal to conservatives, avoid sounding anti-military. Emphasize the real-world consequences of a big government with no accountability - how the judge’s life is impacted directly. This case speaks to conservatives because they naturally distrust government. It speaks to poor liberals because the government failed them if they are not rich. This impetus probably resonates slightly better than others with young adults (read: alumni) who almost universally have a problem with authority.

*Counters:* You have several options here. First, your case is probably about individual privacy, not government privacy. Dismiss the notion of government privacy as laughable. The negative is trying to dodge the real issue here! Sadly, this requires a definition debate, but the other options are even less appealing. If you have a pro-government affirmative impetus (a feat deserving of congratulations), run that instead. The most obvious option would be a discussion of national privacy against outsiders. Government transparency or national secrets? I choose the one where I *don’t* die in a fiery nuclear Armageddon.

Negative: Benevolent Government

*Impetus:* The government is here to help. It can’t do its job and keep you safe unless it can sometimes adjust your privacy. The stakes are too high to do anything else! Criminals roam the streets ready to attack your family! Don’t let your prideful privacy be your demise.

*Good for:* Liberals, parents. Done correctly, this case should tap into a parent’s protective urges. Government should feel like a big, cuddly teddy bear that loves you and wants to keep you safe. Liberals naturally trust government and generally want it to be bigger, so this impetus is very easy for them to swallow.

*Counters:* Big Brother can counter this impetus; try to avoid letting it devolve into a fear-fest with both sides trying to out-scare the one before. Instead, be the calm one. Your case already showed the consequences of the negative thinking. If you’re hitting this impetus a lot, consider putting a spike into your affirmative case where you warn the judge about it. If you’re running Protect Yourself, just equate government with the other scary people who want to attack the family. Having a specific anti-government application could help.

As the year develops and new cases come out, these persuasive impeti will either become stronger, more nuanced, or obsolete. Always be aware of the response you’re trying to provoke in the judge. Use logical arguments to speak to their emotions and win rounds.

Screening the TSA

Examining the Usefulness of the TSA as an Application of Privacy

by Jon Bateman

When the planes hit the twin towers on September 11, 2001, our nation found itself suddenly at war. In the wake of 9/11, new security measures were put in place to ensure that such a tragedy could never occur again. Perhaps the most famous of these policies is the TSA. This article will give a brief history of the TSA and discuss its usefulness as an application for both affirmative and negative.

The acronym “TSA” stands for Transportation Security Administration. It was established as one of the mandates of the Aviation and Transportation Security Act, which was passed by congress on November 19, 2001.[[52]](#footnote-52) At its inception, the TSA was given three primary mandates. According to the TSA’s website, these mandates were:

* Responsibility for security for all modes of transportation;
* Recruit, assess, hire, train, and deploy Security Officers for 450 commercial airports from Guam to Alaska in 12 months; and,
* Provide 100 percent screening of all checked luggage for explosives by December 31, 2002.[[53]](#footnote-53)

The newly formed TSA met the deadlines set in the second and third mandates and continues fulfill the first mandate. Originally, the TSA was under the jurisdiction of the Department of Transportation. In March of 2003, it was placed under the jurisdiction of the newly created Department of Homeland Security.[[54]](#footnote-54)

With the horror of 9/11 fresh in the American consciousness, it was easy to see the need for increased airport security. However, increased airport security causes decreased passenger privacy. The history of the TSA is the story of an attempt to balance the security needs of a nation against the privacy of the individual. The central question of the policy debate swirling around the TSA is, “How much invasion of privacy is acceptable in the name of transportation security.” As such, the TSA is likely going to be an application used extensively by both the affirmative and negative in this year’s resolution. Rather than give a full history of the TSA, this article will examine the usefulness of TSA as an application for both the affirmative and negative.

You don’t have to look very hard to find statements detailing gross violations of privacy perpetrated by the TSA. Allegations of gender discrimination abound, causing reports like this one: “CBS 11 News dug through more than 500 records of TSA complaints and found a pattern of women who believe that there was nothing random about the way they were selected for extra screening.”[[55]](#footnote-55) Tempers flared as a result of the TSA’s treatment of children. According to the LA Times, “The video [of a six year old girl being patted down by the TSA], shot by the girl’s father and posted on YouTube last week, appears to show a TSA agent putting her fingertips inside the waistband of the girl's pants as part of the procedure.”[[56]](#footnote-56) Perhaps most controversial, is the TSA’s newest piece of security technology: the full-body scanner. According to the TSA, “This technology can detect a wide range of threats to transportation security in a matter of seconds to protect passengers and crews.”[[57]](#footnote-57) According to opponents, like the Davis College Republicans, full body scanners are, “[An] obscene invasion of privacy, and completely worthless.”[[58]](#footnote-58)

Despite this plethora of quotes concerning the TSA, simply reading a quote about the TSA’s violations of privacy will not win you the debate round. The resolution is “Resolved: Privacy is undervalued.” In order to prove your example has weight in the resolution, you must propose what you believe is the proper standard for privacy is, and then prove how your example violates that standard. First, we will examine some standards for privacy that an affirmative speaker can use to show the TSA as an example of the privacy being undervalued.

Affirmative Standard: Constitutional Standard

The first standard that we will examine advocates using constitutional privacy standards as a way of outlining a more clearly defined definition of the proper standard of privacy. There is a complication with this standard. The “right to privacy” is never stated in the constitution. However, the University of Missouri-Kansas City’s Law School explains it this way, “The U.S. Constitution contains no express right to privacy. The Bill of Rights, however, reflects the concern of James Madison and other framers for protecting specific aspects of privacy, such as the privacy of beliefs (1st Amendment), privacy of the home against demands that it be used to house soldiers (3rd Amendment), privacy of the person and possessions as against unreasonable searches (4th amendment), and the fifth amendment’s privilege against self-incrimination, which provides protection for the privacy of personal information.”[[59]](#footnote-59) So while the right to privacy is not explicitly mentioned in the constitution, the rights that are guaranteed imply a right to privacy.

So what does this have to do with the TSA? The 4th amendment guarantees the privacy of a person and their possessions against unreasonable search and seizure. Under this standard, argue that the searches conducted by the TSA constitute as unreasonable search and seizures. Court precedent has decided that in order for police to search a person’s house, they need a warrant. In order for the police to obtain a warrant, they need to prove to the judge that there is a “reasonable” cause for the search. This is because our court system assumes a person is innocent until they are proven guilty. Argue that the TSA however, does not abide by this system. They search everyone, without a warrant. Essentially, this means that the TSA assumes that everyone is guilty until they are proven innocent. Use all these points to prove that the TSA is subverting the constitution, and conducting unreasonable searches.

**Negative Response:** Using the constitutional standard to condemn the TSA poses a serious problem to the Negative debater. In order to defeat this argument, you must de-link it at its core point: that the TSA conducts unreasonable search and seizures. Ask the judge, in the wake of 9-11, are these searches really that unreasonable? Terrorists have proven that they can and will use airplanes as a weapon. In light of this knowledge, it is “reasonable” to search airline passengers to prevent this from occurring again.

Affirmative Standard: Child Molestation

Child abuse and molestation is considered a particularly heinous crime. It has application in arguments regarding the TSA. However, I offer this disclaimer: Despite the potential benefits of this argument, due to the sensitive nature of this subject matter, I urge you to please refrain from using this argument if there are children under the age of 12 in the room.

That being said, let’s look at how child molestation is defined. According to U.S. Legal.com, “The National Center on Child Abuse and Neglect defines child sexual assault as: ‘Contacts or interactions between a child and an adult when the child is being used for sexual stimulation of the perpetrator or another person when the perpetrator or another person is in a position of power or control over the victim.’ Sexual abuse has [also] been defined to include inappropriate physical contact.”[[60]](#footnote-60) But what does this have to do with privacy? The quote stated that sexual abuse includes, “inappropriate physical contact.” I don’t think I have to explain what that means. We even use the term “private parts” to describe the areas that other people aren’t allowed to touch. The privacy of the body itself is an indispensable component of personal privacy.

So what does this have to do with the TSA? Use the argument that when the TSA conducts a full body “pat down” search of a child under the age of 18, it is just that: full body. This means that they are violating the standard of “inappropriate physical contact” between an adult and a child. Wrap the argument up by telling the judge that if we lock people up for inappropriate physical contact with children, why in the world would we allow TSA agents to engage in similar activities?

**Negative Response:** In order to respond to this argument you must stress the fundamental difference between molestation and “pat down” searches. Point out the first half of the definition, which clarifies that molestation occurs when the contact is for the “sexual stimulation of the perpetrator.” Point out that TSA searches are for the purpose of security, not sexual stimulation. Above all, you must win the battle of words by consistently reminding the judge that TSA agents are conducting “routine searches”, not “molesting” children.

As much as we are tempted to think of the TSA as a purely affirmative example, this is not the case. The TSA can be used as an example by the negative team. If you choose to take this path, keep in mind that by doing so, you have to not only prove your point, but also overcome judge bias on the subject. You can do so through the use of the following standards:

Negative Standard: National Security

It is almost impossible to argue that the TSA doesn’t violate privacy. However, that isn’t what the resolution asks the affirmative to prove. It asks the affirmative to prove that privacy is undervalued. As the negative you can prove that the TSA’s violations of privacy are not the result of undervaluing privacy but the result weighing privacy in the balance of other concerns.

The easiest of those concerns to prove is National Security. Argue that while we must value privacy, we must also value national security. In order to have national security, we must forgo a certain level of privacy. The question is, how much? Argue that in light of the events of 9/11 the TSA’s intrusions on privacy are justified in the name of national security. Stress the fact that the TSA has not taken away all our privacy (e.g. they don’t perform strip searches) however, they have properly limited our privacy in response to the threat of terrorism to national security. State that the so called “abuses of privacy” perpetrated by the TSA, such as groping passengers, are actually cases of TSA agents abusing their authority, and violating the official policies of the TSA itself.

**Affirmative response:** In order to defeat this argument, you need to keep slamming the negative team with egregious examples of TSA policies violating people’s privacy. Bring up full body scanners, patting down children, etc. Then make the claim that these actions are justified in the name of national security.

Negative Standard: Personal Security

This argument runs along very similar lines as the national security standard except instead of stating that we must limit our privacy for the safety of the nation, make the argument that we must limit our personal privacy for the purpose of our personal safety. Sell your argument by telling the judge, “As obnoxious as TSA procedures are, I think we can all agree we would rather suffer a few minutes of inconvenience rather than be blown up in the middle of our flight.” In short, argue that we should value privacy at a level that allows the TSA to continue its current actions because it is better than being dead.

**Affirmative Response:** Show the judge that this argument is a very slippery slope. At what point would the TSA cross the line? Is the standard of personal security worth handing over all our privacy for? If not, how much privacy should we hand over? Keep haranguing the Negative speaker with questions like this and their argument will quickly fall in the judge’s mind.

In conclusion, the TSA is a highly relevant application for both sides in this resolution. However, just throwing around quotes about TSA abuses gets you nowhere. You need to articulate a standard for privacy, and then show how the TSA either violates or upholds that standard.

International Accountability

The Case for the United Nations

by Michael Tcheau

On June 26, 1945, the three most powerful men in the world sat down at a table and wrote the following words, “We pledge to save succeeding generations from the scourge of war, to reaffirm faith in fundamental human rights, to establish conditions under which justice … can be maintained, and to promote social progress and better standards of life in larger freedom.” [[61]](#footnote-61)

Would you believe me if I told you that those words are some of the most hated among homeschool circles? For indeed, those words represented a charter born out of war; a charter that has allowed a one-world government to invade other nations; a charter that has allowed for peace and battle alike. On that day, Joseph Stalin, Franklin D. Roosevelt, and Winston Churchill created the United Nations.

When evaluating the topic of privacy, it is imperative to realize the numerous connotations and applications that directly relate to this resolution. Issues of privacy with regard to sovereign entities tend to become an issue in Lincoln Douglas debate. In this article, I hope to inform you about some of the most relevant applications to this resolution as we explore the intent and actions of the United Nations and NATO and how they apply to privacy. We are first going to start by linking the United Nations and NATO to privacy. Then we will take a look at the specific missions of both these organizations. Lastly, we will examine both positive and non-positive implications of these articles. Ready? Set? Go!

Definitions of Important Terms:

**Privacy** – The quality or state of being free from external observation. *(Merriam-Webster’s Dictionary) [[62]](#footnote-62)*

**The United Nations** (UN) – An international organization consisting of delegates from various nations for the purpose of discussing and resolving foreign tension and human rights issues. (*Operational*)

**The North Atlantic Treaty Organization** (NATO) – An international military organization consisting of The US, Canada, and Europe, designed to provide mutual defense for each other. (*Operational*)

**Preemptive strike** – The action of attacking a foreign sovereignty to prevent initial aggression from that nation. (*Random House Dictionary*)[[63]](#footnote-63)

**Accountability** – The quality of being willing to accept responsibility and to give evidence of one’s actions. (*Merriam-Webster’s Dictionary*)[[64]](#footnote-64)

**Weapons of Mass Destruction (WMD’s)** – Any weapon that uses biological, radioactive, or chemical warfare to kill on a large scale. (*Operational*)

Now that we understand exactly what these terms mean, let’s take a look about how these they apply to this resolution.

Linking the UN, NATO, and Privacy

1. Privacy and the United Nations

As I mentioned in the introduction, the United Nations was created in 1945 to ensure that global warfare, on the scale of WWII, would never happen again. In order to ensure this, the UN was given the power to examine other nations’ actions and condemn them in an international meeting. This meant foreign nations must subject themselves to inspection should they wish to join the United Nations and be under its diplomatic protection. In order to join the UN, nations must give up the right to privacy in exchange for additional benefits. This stems two arguments.

a. The United Nations Proves That Privacy is Undervalued.

If countries are so willing to give up privacy in exchange for UN’s diplomatic protection, then this proves that governments undervalue their own privacy. They would value peace or protection above privacy. The affirmative should argue that privacy is undervalued because people are too willing to give it up. Therefore, for the affirmative to win on the UN argument, they must prove: 1. that privacy is the highest principle, and 2. that people do not fully realize its importance.

b. The United Nations Proves That Privacy is Overvalued.

Many nations, such as North Korea, refuse to take UN protection because they resent being subject to the laws and inspection that would come as a result. These nations value privacy over peace and the lives of their citizens. Subsequently, those nations who are in compliance with UN code do not actually undervalue privacy, but rather value it in correct proportion. The negative should argue that privacy is not undervalued because it is not as inherently valuable as something like protecting innocent life.

2. Privacy and NATO

NATO could be considered the military counterpart to the United Nations. While the UN deals strictly with negotiations, NATO deals strictly with warfare and pre-emptive strikes. Although NATO spans only the Northern Hemisphere (except for French Guiana), its military presence has been active all over the world including Somalia. While UN inspection normally is specific to human rights abuses, NATO inspection spans all things military. In order for a nation to sign onto the NATO treaty, they must regularly subject themselves to military inspection. Their missiles must meet certain requirements, and only a few “leader” nations are allowed to possess weapons of mass destruction. To be under NATO military protection, a government must forgo privacy in exchange for national security. This leads us to another value argument:

National Security is Superior to Privacy.

This argument could go two ways. Firstly, the affirmative can (and should) argue that nations who give up privacy for national security undervalue their own privacy and therefore prove the resolution true. Secondly, the negative can (and should) argue that privacy is not undervalued because the lives of a nation’s citizens are superior to privacy and therefore privacy must justly come second to national security.

Now that we have taken a look at how the UN and NATO applies to privacy and this resolution, let’s see how we can use this knowledge when we look at the applications and impacts. Let’s start positive and then switch to non-positive at the end.

Positive Implications and Applications of the UN and NATO

1. Kosovo Crisis

This application can be taken either as a success story or as a failure. For now, let’s assume it was a success. The Kosovo Crisis began in 1998 when civil tensions between Serbian and Albanian natives caused a civil war between the ruling government and a separatist group known as the Kosovo Liberation Army (KLA). As tensions escalated, the world found out very quickly that they had a full-scale genocide on their hands. NATO had repeatedly asked the Kosovo government to release documentation of methods being taken to handle the KLA uprising. In exchange, NATO promised that it would send in support for the government. However, the Kosovo government, instead of complying with the NATO code, refused to reveal the horrid actions that they were taking. The Kosovo government overvalued their privacy, and as a result, thousands of individuals were brutally murdered in an ethnic cleansing. This is where NATO decided that privacy needed to go out of the window if they were to save the individuals being slaughtered by their government. The NATO invasion began on October 13, 1998 with a series of airstrikes on militant bases. Between October and June, NATO forces repeatedly bombed both KLA and the Kosovo Government’s forces to corral them into a peace talk. NATO justly valued the lives of innocent civilians over the privacy of the nation of Kosovo. The result ended genocide. Therefore, overvaluing privacy has an impact of genocide, while sacrificing privacy for the lives of citizens has an impact of potentially saving lives.[[65]](#footnote-65)

2. Operation Iraqi Freedom.

In 2002, the United Nations received intelligence that Iraq was in possession of numerous WMD’s (definition 6), capable of causing massive civilian casualties. The UN Security Council passed Resolution 1441 that mandated that the Iraqi government allow UN inspectors to verify the lack of WMD’s. While President Saddam Hussein should have complied with the request, he overvalued national privacy and refused. The Iraq War began on March 20, 2003 with a full out invasion, spearheaded by a tank assault. The siege of Baghdad subsequently started on April 3, and resulted in the capture of the Iraqi capital, and the fall of Saddam Hussein’s regime.[[66]](#footnote-66) The United Nations never found any WMD’s. This is a perfect example of how overvaluing privacy lead to a war. Had Hussein explained that he had nothing to hide, and allowed the UN to inspect his military, the Iraqi war would never have begun. Yet, some positive results occurred because of it. Saddam Hussein was known as one of the most cruel and tyrannical leaders in the Middle East. He had conducted previous genocides against Kurdish farmers and had previously invaded other nations. The fall of his regime shows how tyranny always loses to the freedom and liberty the United States represents. While the media condemns the actions taken, many of the Iraqi citizens celebrated and praised the American soldiers for their actions of bravery for toppling Saddam Hussein’s regime.

3. Myanmar Liberalization

Another controversial topic in today’s news, Myanmar’s release of political prisoners, shows how the United Nations pressure succeeds. Having taken multiple party opponents captive, the ruling government, under Thein Sein, repeatedly crushed democratic protests and refused to allow liberalization. The United Nations, in 2008, provided the Myanmar government with an ultimatum: if they did not release their political prisoners and allow free elections, heavy economic sanctions would follow. Here, the Myanmar government was faced with this resolution. They could either value their own privacy above their economy, or they could comply with the UN even if it meant giving up some autonomy over their actions. Fortunately, the Myanmar government issued a statement to the world saying that their economy must come before their pride. In early 2012, the government released several diplomats and other prisoners in compliance with United Nations code and US sanctions.[[67]](#footnote-67) Therefore, Myanmar impacts out to prove that the economy is to be valued over privacy.

4. Darfur Conflict

In 2003, Sudan faced a massive civil war based on ethnic tension and land disputes. Two separatist groups known as the Sudanese Liberation Movement and the Justice and Equality Movement launched aggressive military action against the Sudanese Armed forces and the Janjaweed fighters (tribal warriors). The basis of this war began with racial separation between the blacks and Arabs. Arabian warlords consistently persecuted the black population until a response was pushed into effect. The SLM and the JEM, both black controlled, launched an assault against the Arabian controlled Sudanese Armed Forces. Unfortunately, the SLM and JEM were far outnumbered and decimated by the Sudanese Army. The clash led to the displacement of over 450,000 civilians and 461,000 deaths. What began as a civil war, turned into genocide as the hatred for the separatist movement grew even more. In 2006, the United Nations sent a peacekeeping force to Sudan to control the mass violence and chaos. It was necessary for the UN to violate the privacy of the Sudanese government in order to save the lives of individuals. Although the genocide ended, peace in Sudan remains elusive to this day.[[68]](#footnote-68)

5. 2011 Libya Intervention

In 2011, Muammar Ghadaffi (or Gadaffi, or Quadaffi etc.), president of Libya, launched his army against rebel forces who were vying for political change. Ghadaffi’s superior army and funding practically crushed the rebel forces in the first few months of battle. On March 19, the UN initiated Operation Freedom Falcon. This operation started with the heavy bombing of Libyan forces by NATO forces. The US navy focused on striking Ghadaffi’s bases in order to soften up the resistance for the rebels. After seven months of heavy bombing, the Libyan troops were forced back to Tripoli. Ghadaffi himself was captured and killed in a convoy several days later. Without the initiation of NATO intervention, the rebels had no chance of defeating the Libyan army. It was only through the decision to violate a sovereign nation’s privacy through NATO that this reform was made possible.[[69]](#footnote-69)

Non-Positive Implications and Impacts of the UN and NATO

1. Kosovo Conflict (non-positive)

I told you that this application could be turned, so let’s see how to do it. The NATO involvement in the Kosovo crisis caused a number of unexpected problems. The bombing destroyed much of the civilian infrastructure and added more civilian casualties than it prevented. In fact, 1,089 civilians lost their lives in the bombings in comparison to the 1,031 KLA soldiers killed. It can also be argued that instead of stopping the genocide, NATO intervention increased tensions with the US, and escalated racial hatred. According to a BBC article published on June 1, 1999, [[70]](#footnote-70) “The 13th night of air strikes included the first major NATO blunder when an attack on a barracks on the southern mining town of Aleksinac resulted in missiles striking a residential area. Serb TV reported at least five dead and at least another 30 injured when the three missiles fell 600m short of their target. The missiles struck apartments, an emergency centre.”[[71]](#footnote-71) The affirmative ought to argue that the NATO intervention in Kosovo was nothing short of a catastrophe that cost thousands of innocent lives.

2. UNISOM I and II (United Nations Operation in Somalia I and II)

In 1992, amidst a civil war, Somalian general Mohamed Aidid attempted to seize the presidency. Aidid’s methods of controlling his nation were brutal and horrible including massacring hundreds of unarmed villagers, and using militia to destroy food supplies. In order to counter these violations of rights, the United Nations initiated UNISOM I in April of 1992. UNISOM I added 500 troops into Somalia in order to negotiate a cease-fire. According to UN.org, “The following … agreements were concluded and signed at the meeting: (a) General Agreement of 8 January 1993; (b) Agreement on implementing the ceasefire and on modalities of disarmament.”[[72]](#footnote-72) Unfortunately, Aidid played the UN out and preyed on their naïve belief that he would comply. In 1993, when violence once again erupted, the UN was forced to launch UNSOM II. This set of operations and the well-known “Battle of Mogadishu” is made famous in the movie “Black Hawk Down.” UNISOM II was no more successful than UNISOM I. In addition to the needless loss of American lives, UNISOM II failed to disarm or capture Aidid, and left the nation to rot. To this very day, Somalia is in anarchy stricken with famine and bloodshed.

3. UN Resolution 1836 (Declaration of the Rights of a Child)

Perhaps one of the greatest failures of the UN is their stance on parental rights. On December 10, 1959, the UN declared that every child, regardless of how their parents want to raise them, are mandated to possess certain privileges including but not limited to free and mandatory education at a young age, and “play time.”

“The child is entitled to receive education, which shall be free and compulsory, at least in the elementary stages. He shall be given an education which will promote his general culture and enable him, on a basis of equal opportunity, to develop his abilities, his individual judgement, and his sense of moral and social responsibility, and to become a useful member of society. The best interests of the child shall be the guiding principle of those responsible for his education and guidance; that responsibility lies in the first place with his parents. The child shall have full opportunity for play and recreation, which should be directed to the same purposes as education; society and the public authorities shall endeavor to promote the enjoyment of this right.”[[73]](#footnote-73)

While some laws to prevent child-abuse are necessary, the UN would be willing to invade on the privacy of families in order to institute their so called “rights of a child.” Note that many believe the “rights” provided are actually “privileges” and not actually part of the inalienable God given rights of life, liberty, and property. The failure of the UN can be argued that while they may try to protect individuals in foreign nations, they do nothing to preserve the privacy of families.

4. UNSTAMIH (United Nations Stabilizing Mission in Haiti)

In 2004, United Nations forces, led by the Brazilian army, established a military presence in the nation of Haiti to aid stabilization and quell political tension. Haiti, still recovering from the tyrannical reign of dictator Papa Doc, seemed in dire aid of support from the international community. Unfortunately, evidence shows that the United Nations forces have caused more damage than good. According to the Economist, “The UN’s negligent sanitation caused sewage pipes’ flow to flow into a tributary of Haiti’s largest river. The first cholera cases appeared near the base, and the bacteria quickly spread along the river and its network of canals, which Haitians use for bathing, drinking, irrigating crops, and washing clothes.”[[74]](#footnote-74) The cholera strain proceeded to kill hundreds of individuals who used those water sources for every day needs. Even former US President Clinton, the UN’s own special envoy for Haiti, stated “It was the proximate cause of Cholera from the UNSTAMIH strain from waste into the water and into the body of Haitians.”[[75]](#footnote-75) Unfortunately, the complications didn’t end there. UN forces were accused repeatedly of rape and sexual abuse on many civilians and even some cases of murder. The presence of the UN has done little to stabilize Haiti, only to spread disease, hatred, and bloodshed.

Conclusion:

So what was the purpose of reading the past five pages of analysis? It’s to arm you with an arsenal of applications that you can use this upcoming year. It’s to help you understand how giving up international privacy to a third party has many positive as well as many detrimental impacts. Whatever you believe at the end of the day about the UN and NATO, you now have knowledge that most other people will not have. Knowledge is power. This kind of power goes beyond privacy and the LD resolution. It carries out into the workforce, the courtroom, or the White House. So I ask you, to use this knowledge and do what the UN has tried and failed in many cases. Go reaffirm faith in fundamental human rights, establish conditions under which justice can be maintained, and to promote social progress and better standards of life in larger freedom. [[76]](#footnote-76)

Cookies, Cheese, and iPhones

The Online Conflict Between Information and Privacy

by Matthew Erickson

Almost every new invention comes with its share of new problems. Nuclear power is a cheap, clean energy source, but what happens if there is a meltdown? Automobiles revolutionized American life, but also came with the threat of air pollution. Just like any other invention, the internet has come with many drawbacks, a loss of privacy being one of them. Before the internet, information about someone (birth dates, likes and dislikes, their home address etc.) was known to only a few, unless you were a public figure. These days you only need Google and a Facebook account to instantly find a wealth of information about almost anyone.

This leads us to the great conflict: privacy vs. information and convenience. Information and convenience are polar opposites of privacy. Absolute convenience means having everything (including personal data), easily accessible. Absolute privacy means having no personal information accessible without the owner’s explicit permission. The fact is we live in an age that emphasizes information and convenience more than privacy. After all, we call it the “Information Age”. Most people like the convenience modern life has brought with it, but some believe we have lost too much privacy. Who is right? The answer is they probably both are. In some contexts the age of information is very helpful, and allows us to be more educated than we ever could be without tools like Google. In other contexts, the decrease in privacy can be costly, even dangerous.

Let’s face it; most of us love our electronics. Hardly anyone these days does not own a computer, ipod, iphone, mp3 player, cell phone, or any number of other devices. Although there are many things these devices provide, the most prominent one is convenience. Though some feel nostalgia for the days of mail, it is just downright impractical to seal a letter, pay 40 cents for postage (or whatever it is these days, I have a hard time keeping track), driving down to the post office, and then wait days for the letter to reach its destination. Not only is postage far too expensive, sending letters takes more time than a simple e-mail.

But just like any electronic device, e-mail has security flaws snail mail does not, and can even be a privacy risk. A scandal arose with g-mail when an attack from unknown hackers in China almost gained access to dozens of American government officials’ g-mail accounts.[[77]](#footnote-77) It hasn’t been released whether or not the hackers actually got anything, but the possibility is alarming.

The issues inherent with e-mail became obvious when Sarah Palin’s e-mail was hacked, and multiple e-mails were released to the media.[[78]](#footnote-78) Some even thought it would be the next big Watergate scandal. Thankfully for Sarah Palin, there was nothing incriminating on her e-mail, but what if there had been?

Even e-mail, however, is becoming obsolete with the increased popularity of social networking sites like Facebook and Twitter. Social Networking has opened its own Pandora’s Box of privacy problems. Every time you post your information online, regardless of your “privacy settings”, the owners of the site can do whatever they want with your data. Sounds scary? Well, it’s already happening.

In early 2011, Facebook announced a new plan where internet developers could get users’ data, including phone numbers and home addresses, through online apps. If you have Facebook you may have experienced this already. A popup comes on the screen saying “Request for information”. You have two choices. Either hand over all your information, or don’t use the app. Obviously, this isn’t allowing the user much of a choice. Because of the uproar, Facebook backed off allowing apps to request your address and phone number, but apps can still request pretty much everything else.

The privacy threats on social networking sites are not only due to apps. Facebook’s standard settings allow anyone to see everything on your profile. Each user has to individually change their settings.[[79]](#footnote-79) If you don’t, everything is available to the public. This happened to me when I first signed up for Facebook. I entered in my address and my phone number. It wasn’t until a friend of mine alerted me that this information was available to literally everyone on Facebook that I knew enough to change my settings. An even worse problem with default settings came through Google Buzz, a failed attempt by Google to compete with Facebook. Initially, Buzz allowed anyone to view the list of people you are following[[80]](#footnote-80), reportedly to see if they knew any of them they could add to their growing list of friends. This information was public until users specifically changed their settings.

On the other hand, the information on social networks is very convenient. Aside from knowing everything from Joe smashing his toe to the huge plate of meat Matt ate for lunch, things like birthday notifications are very useful. Though some think putting up their birthday is too much of a threat to their privacy, people like me would forget every birthday if it wasn’t for Facebook. Instead of appearing to be a forgetful, thoughtless guy, I can remember almost every birthday without fail. Once again we see a conflict between convenience and information with privacy.

Another privacy concern for some are what are called “cookies”. Cookies are identifying text files stored on your computer that record where you’ve been on the internet. Then, when you go to a page that has nothing to do with your past searches, the website reads the cookies and figures out what kind of things interest you. This way, they can generate ads that will entice you most. Let me explain it this way.

Imagine you are a mouse. You really like cheese. So, you go on Google and search for videos on different kinds of cheese. The cookies track the fact that you searched for cheese, and label you as a cheese lover. Next time when you get on g-mail, a bunch of ads for Swiss and blue cheese show up on the side-bar. Magic? No. Just cookies.

The information stored by these cookies is too much as far as some people are concerned. Most cookies only store information within one site, but some, known as “third party cookies” have the potential to store your e-mail, phone number, and name. Even if you inputted these pieces of information on completely different websites, these cookies have the potential to piece the information together, making a “profile” on different internet users.

On the other hand, life without these “cookies” would be very inconvenient. When you have the internet save your password, the site leaves a cookie on your computer to remember your password. Also, many free sites only exist because of the ads the site sponsors. If it wasn’t for the more effective ads that come with cookies, they wouldn’t make enough money to stay online. Completely getting rid of cookies would be throwing the proverbial baby out with the bathwater.

Even the very convenient Google has its own privacy issues. One of the most frightening potential privacy problems with Google is the street view option on Google maps. I always wondered how they got all the pictures for them, and it turns out they actually have people driving around with cameras that take 360 degree panoramas automatically. Right now, there are Google employees who are driving around taking pictures of streets near you. Many hapless pedestrians have been upset with the invasion on their privacy that comes with being photographed. As you can imagine, some of the pictures taken have been very embarrassing, and have included photos of someone breaking into someone’s house, naked people in their houses, and various other pieces of unwanted publicity.[[81]](#footnote-81) Though Google tries to take such photos down, it is literally impossible for them to examine every single photo uploaded onto Google maps.

The most potentially dangerous area of privacy loss shows an even clearer conflict between information and privacy: online identity theft. Most cases of online identity theft come from purchases made online. If hackers manage to get into the online site, they have access to all the payment information of the site’s customers: credit cards, bank accounts, home addresses, etc. Identity theft can also come through malicious software (aka viruses or malware). When you type in passwords, credit card numbers, bank account numbers, social security numbers etc., the software sends the info on to the identity thief who created the virus.

Last but not least is the scandal over the iPhone 4 and its location tracker. Though most iPhone users don’t know it, there is a file on all iPhone 4s’ that logs your latitude and longitude along with a timestamp. This means that anyone (a jealous spouse with nerd skills, a private investigator, etc.) could figure out where you’ve been and when if they stole your phone.

Even scarier than the possibility of people stealing your phone is Apple using the information or selling the data to a third party. Although Apple has promised not to do so, they actually legally could. As an article from the guardian reports, “Apple can legitimately claim that it has permission to collect the data: near the end of the 15,200-word terms and conditions page for its iTunes program, used to synchronize with iphones, ipods and ipads, is an 86-word paragraph about "location-based services". It says that, "Apple and our partners and licensees may collect, use, and share precise location data, including the real-time geographic location of your Apple computer or device.”[[82]](#footnote-82)

Some say all of this doesn’t matter, since Apple says they won’t use the information. They may be right, yet if Apple isn’t going to use the information, why collect it in the first place?

Though many of these threats to our privacy seem very alarming (something wise affirmative cases should exploit this year), people continue to use the internet. Why? Because in the end we value the convenience and the information the internet brings more than the possible threat of a loss of privacy. The only way we will ever be completely secure is to never use the internet again, and start sending messages via snail mail. While this might rescue the USPS, it probably wouldn’t be worth it. Is it right that we value convenience and information over privacy? The answer to that question is for every debate round to decide.

Conspiracy Theory

Reasons to Look Deeper When Arguing Privacy

By Lauren Blankenship

They’re on to me, so I don’t have much time... After a longtime suspicion and exhaustive investigative research, I have confirmed that Queen Elizabeth II really CAN shape shift into a seven-foot tall reptilian menace. And if you want to live through the night, you’ll get a nice tan and act incapable of opening jam jars—just to prove you don’t have supernatural strength—because Abraham Lincoln, as it turns out, is a time traveling vampire hunter.

Some conspiracy theories can sound pretty absurd. And trust me, you will struggle to maintain your previously robust social life at the weekly science co-op if you give them any credence. But, as a young debater who no doubt wants to be one of those names that ignites terror when postings show up, hear me out. The star of this resolution is privacy. The thing about privacy is, we will never be completely sure what goes on when we value it. In this article, I want to propose a fresh perspective on everything you thought you knew about this quandary. Dig a little deeper into our system than most would dare in this time of political corruption and compromise, and create sound debate out of an otherwise generic and open ended resolution.

The Paradigm Shift

A conspiracy theory can be defined operationally as a belief that some covert but influential organization is responsible for a destructive event. This resolution presents us the opportunity to seriously educate ourselves on and discuss conspiracies because it wants us to talk about things that are happening outside of the public view. But I would like to better detail why you should be talking about them:

1) Academically challenging

From my experience, the relationship most students have with any given resolution is a love/hate one. You’re probably excited for the season ahead (or will be, after reading this book), but many of you still wish some other resolution was chosen. I feel your pain. This may seem like a primitive sort of topic. But that just means that you get to analyze more thoroughly, engage your judge in meaty and thought provoking applications, and generally take your argumentation to a higher level of academic caliber. The application I expound on further in helps aid this goal. You shouldn’t have to spend most of the round contesting definitions or getting into complex theory.

2) Resolutionally clashing

There is no actor in this resolution. It does not tell us who values/undervalues privacy and when. Unlike the last four or more resolutions, there is no direct conflict between privacy and something else. Most debaters will take advantage of this by making their cases so broad and their applications so obscure that direct refutation will be extremely difficult. Bringing in conspiracy theory-like applications helps you avoid this problem, not because you can narrow the resolution to a single area of conflict—economic, political, military, business, media, education, etc.—but because your applications will so strongly impact the future of everyone in the room, it seems silly for your opponent to say it doesn’t matter or shouldn’t be considered in the round. You make debate clear, educational, and impactful for everyone.

3) Persuasively impactful

Lincoln Douglas is the “common man” form of debate. It focuses on rhetoric and persuasion, connecting in a conversational way through history and common sense logic. With so many tournaments relying on the time of community judges, there is no better time to refocus on the unique purpose of the event. There are a lot of problems in this world that you can get someone, with little to no experience in judging debate, to care about: a shattered economy, the dangers of an open border, and mass corruption in our courts of justice. Strike the *root* of these issues in your cases, and you’ve found a way to make them care by impacting to their lives *now.* Those applications about medieval slavery and that one dead guy who made a choice hundreds of years ago in a village that doesn’t exist anymore, won’t be as appealing.

The Application – American Death Camps

To demonstrate how you can use your analysis this season, I’ve dissected a “conspiracy theory” involving the institution of modern concentration camps here in the United States. There’s nothing that quite violates your privacy more than having the most powerful government on earth know everything about you, from your internet searches and movie rentals to your banking history and blood type, for the explicit purpose of efficiently destroying their political opponents.

I am intentionally using few sources to support the lesser discussed subject of the camp’s nature and existence; branching from the investigative journalism under Alex Jones and his publication Prison Planet, whose factual validity and journalistic caliber I have long come to respect.[[83]](#footnote-83) To use the opinions of the mainstream media on this critical issue would be to beg the question. I’m sorry if you’re an avid fan of the New York Times, Washington Post, Wall Street Journal, or Fox News, but every last one of them is a part of the establishment I am here attempting to discredit. Truth is not determined by those reporting it, but it can be discovered by our willingness to search for it without the labels someone else, who happened to have a PhD, slapped on. Instead of constantly giving the benefit of the doubt to the illusions of powerful men, let’s look at the evidence for ourselves and see where it takes us.

Background: The Nature of Habeas Corpus

The Center for Constitutional Rights explains: “Habeas corpus, or the Great Writ, is the legal procedure that keeps the government from holding you indefinitely without showing cause. When you challenge your detention by filing a habeas corpus petition, the executive branch must explain to a neutral judge its justification for holding you. Habeas corpus prevents the king from simply locking up his subjects in secret dungeons and throwing away the key. It has been a pillar of Western law since the signing of the Magna Carta in England in 1215. The Founders of our nation believed habeas corpus was so essential to preserving liberty, justice, and democracy that they enshrined it in the very first article of the United States Constitution.”[[84]](#footnote-84)

Disgustingly, there has been more than one administration in our history that has resorted to the indefinite detention of US citizens as a means of expanding government control. Abraham Lincoln was the first, removing habeas corpus for Confederate sympathizers. Franklin Roosevelt signed an order enabling the forced relocation and prison-like control over thousands of Japanese Americans after the Pearl Harbor bombings. But there are two other, more recent acts that I’d like to focus on.

1) Rex 84

Ronald Regan joined with Congress to pass measures in 1988 to apologize for the treatment of interned Japanese Americans during the Second World War, most of whom were third and fourth generation. The legislation said that the government’s actions were based on, "race prejudice, war hysteria, and a failure of political leadership.”[[85]](#footnote-85) This is incredibly ironic, since Ronald Regan himself laid the foundations of modern American indefinite detention on the same basis. A few years before taking this reconciliatory step, Regan appointed Louis Giuffrida, an associate back from his California days, as the head of the Federal Emergency Management Agency (FEMA), whose specialty was dealing with the suppression of unrest and public dissent. Giuffrida would partner with National Security Council White House Aide Oliver North and George Bush Sr. to solidify FEMA as a means of suppressing “domestic terrorism.” In their eyes, political dissent was equated to a terrorist threat. Based on this philosophy, Rex 84 (Short for “Readiness Exercise”) was passed: a secretive "scenario and drill" developed by the [United States](http://en.wikipedia.org/wiki/United_States) Federal Government to suspend the [United States Constitution](http://en.wikipedia.org/wiki/United_States_Constitution), declare [martial law](http://en.wikipedia.org/wiki/Martial_law), place military commanders in charge of state and local governments, and detain large numbers of [American](http://en.wikipedia.org/wiki/United_States) citizens who are deemed to be "[national security](http://en.wikipedia.org/wiki/National_security) threats", in the event that the President declares a "State of Domestic National Emergency.”[[86]](#footnote-86)

When Rex 84 was written by Lieutenant Colonel [Oliver North](http://en.wikipedia.org/wiki/Oliver_North) and [John Brinkerhoff](http://en.wikipedia.org/wiki/John_Brinkerhoff), the deputy director of "national preparedness" programs for FEMA, they patterned the plan on a 1970 report written by Louis Giuffrida which proposed the detention of up to 21 million "American Negroes", if there was a black militant uprising in the United States (at the time, African Americans were considered a national problem.).[[87]](#footnote-87) Transcripts from the [Iran-Contra](http://en.wikipedia.org/wiki/Iran-Contra) Hearings in 1987 record suspiciously secretive resistance to the questioning of Congressman [Jack Brooks](http://en.wikipedia.org/wiki/Jack_Brooks_(politician)) on the part of [Oliver North](http://en.wikipedia.org/wiki/Oliver_North)'s attorney [Brendan Sullivan](http://en.wikipedia.org/wiki/Brendan_Sullivan) and Senator [Daniel Inouye](http://en.wikipedia.org/wiki/Daniel_Inouye), the Democratic Chair of the joint Senate-House Committee:

“Congressman Brooks: Colonel North, in your work at the National Security Council, were you not assigned, at one time, to work on plans for the continuity of government in the event of a major disaster?

Brendan Sullivan: Mr. Chairman?

Senator Inouye: I believe that question touches upon a highly sensitive and classified area, so may I request that you not touch upon that?

Brooks: I was particularly concerned, Mr. Chairman, because I read in Miami papers, and several others, that there had been a plan developed, by that same agency, a contingency plan in the event of emergency that would suspend the American constitution. And I was deeply concerned about it and wondered if that was an area in which he had worked. I believe that it was and I wanted to get his confirmation.

Inouye: May I most respectfully request that that matter not be touched upon at this stage. If we wish to get into this, I'm certain arrangements can be made for an executive session.”[[88]](#footnote-88)

3) National Defense Authorization Act

The National Defense Authorization Act for Fiscal Year 2012 passed on a 93-7 vote. It declares the entire United States to be a “battleground” upon which an unchecked military can arrest, indefinitely detain, interrogate and even eliminate US citizens…all without evidence or even a trial.[[89]](#footnote-89) President Barack Obama signed the bill in January of 2012 after reaching an agreement on the wording of the most controversial portion of the bill, sections 1031 and 1032. Democratic “Senator Carl Levin has revealed it was the administration itself that lobbied to remove language from the bill that would have protected American citizens from being detained indefinitely without trial. The White House has asserted the right to carry out state-sponsored assassination anywhere in the world without having to provide any evidence or go through any legal process. The administration merely has to state that the target is a terrorist and it doesn’t matter whether they are an American citizen or not.” [[90]](#footnote-90) When Obama signed the bill, it was framed to look like he had no choice, that this was an essential step for national security. In essence, he was promising, “I have power to detain anyone I like: But I won’t!”[[91]](#footnote-91) Yeah right.

The dangerous part of the bill is the lack of clarity on key terms. No one wants to potentially make homegrown terrorist attacks possible, so they vote for the “anti-terror” bill. But the problem is, the bill never tells us what a terrorist is, beyond numerous insinuations that they are concerned about threats to the state. Threats to the state? What if what the state is using its power abusively? What about the people’s voice in government?

The controversial clauses in the NDAA were officially challenged before Congress in the Due Process and Military Detention Amendments Act, brought forth by Republican Justin Amash of Michigan, Democrat Adam Smith of Washington, and many others.[[92]](#footnote-92) The bill was struck down, 238-182, largely thanks to the propaganda spread by non-sympathetic Congressmen through the media, decrying the bill as a ticket for increased terrorist activities on American soil. This has all been said before - The world depends on your willingness to be a responsible citizen, and give up a few excess freedoms for the greater aim of public good. In fact, we don’t care if you’re willing or not- Those of us who have studied history, know that this kind of rhetoric leads to a dangerous place.

The impact of this bill is truly historic. Because, whether this administration acts on its newly acquired powers or not, someone has found a way to pass a bill that grossly contradicts the clearest, most concise and meaningful aspect of our legal code: the American Constitution. The majority of our representatives are willing to support the heart of totalitarianism, in what was once the freest and most prosperous country in the world. Law has been reduced to Play-Dough in the hands of power hungry men who would benefit from our exploitation. What do they care of checks and balances?

FEMA’s Controlling Origins

So, a bill was passed to affirm full assassination powers to the President and remove people from normal society without trial. But how could that actually happen? I previously mentioned Rex 84, the bill that mandated total power to the government, in case of an extreme crisis. FEMA is the agency responsible for enforcing these preparations. According to its website, FEMA “coordinates the federal government's role in preparing for, preventing, mitigating the effects of, responding to, and recovering from all domestic disasters, whether natural or man-made, including acts of terror.”[[93]](#footnote-93) In 2003, they merged with the Department of Homeland Security. They claim to have three objectives: 1) National emergency recovery, 2) Continuity of government, and 3) Combating perceived threats to the existing social and political order. Once again, we see the potential for what George Orwell warned about in his classic, “1984.” Government doublespeak. They say things that they know will sound helpful and good to us, like “continuing government” and “preventing disaster.” But they often mean something entirely different by their words.

Disaster Response Failure

Assuming that the primary goal of FEMA truly is to help the people recover from a national emergency, they have failed that occupation miserably. According to Michael Brown, the former Director of FEMA under President Bush, he was very clear with the White House back in 2004 that over 90% of the victims of Hurricane Katrina were misplaced and in desperate need of basic necessities. When assistance finally arrived days later, local officials declared it to have been “unacceptably slow.” Years after the disaster, thousands still found themselves misplaced and unrecovered. After FEMA’s disgraceful handling of the recovery process, the discovery that they had recklessly distributed checks of taxpayer money to fraudulent recipients, and that they were selling taxpayer funded trailers out of state at top dollar while the victims still needed them, Democratic Representative Joseph Lieberman declared before the Homeland Security Committee, “It is a sick organization and has totally lost the confidence of the people of America.” In Houston Texas, after Hurricane Rita, devastated communities were told by FEMA that they would immediately help relocate people in the millions…even drawing up the plans to do so. What happened? They never came. Republican Joseph Cao stated, “They’re more worried about their own positions in FEMA, their own salaries, than the recovery process down here.”[[94]](#footnote-94)

Government Continuity Is Overrated

So, FEMA gets an F on emergency relief. But what about its second goal: the continuity of government? Going back to Rex 84, we must remember that it was a bill mandating armed forces exercise conducted on behalf of the US federal government to test our military’s ability to detain large numbers of American citizens in case of mass unrest or a national emergency. The military exercise anticipated civil disturbances, major demonstrations and strikes that would threaten to discontinue the political process we have now. This is contradictory to our interests, because the government would only need protection if they weren’t planning on serving us, and they knew we would get mad about it. That’s why they prepared to implement martial law and continue the government, THEIR government, by force. So great, we get continuity of government. But what if that government doesn’t deserve continuing? FEMA’s second standard of success is not necessarily consistent with the Constitutional standard for a healthy government. Their third plank falls by the same token. And yet, this is the agency in which we have our very lives invested. No thanks!

The Camps Arrive

In 2009 we found that the “National Emergency Centers Act mandates the establishment of “national emergency centers” to be located on military installations for the purpose of to providing “temporary housing, medical, and humanitarian assistance to individuals and families dislocated due to an emergency or major disaster,” according to the bill. The legislation also states that the centers will be used to “provide centralized locations to improve the coordination of preparedness, response, and recovery efforts of government, private, and not-for-profit entities and faith-based organizations.” Ominously, the bill also states that the camps can be used to “meet other appropriate needs, as determined by the Secretary of Homeland Security,” an open ended mandate which many fear could mean the forced detention of American citizens in the event of widespread rioting after a national emergency or total economic collapse.

With [active duty military personnel already being stationed inside the U.S. under Northcom](http://www.propagandamatrix.com/articles/january2009/010809_security_force.htm" \t "_blank), partly for purposes of “crowd control,” fears that Americans could be incarcerated in detainment camps are all too real. The camps will double up as “command and control” centers that will also house a “24/7 operations watch center” as well as training facilities for Federal, State, and local first responders. The bill also contains language that will authorize camps to be established within closed or already operating military bases around the country.”[[95]](#footnote-95) FEMA’s crisis political plan involves transferring the states, into 10 predetermined districts based on the organization of these camps. In a 1982 memo by John Brinkerhoff on Rex 84, he specified that when martial law was to be declared in the event of a national crisis (“national crisis” undefined), FEMA would have the power to take control of state and local governments by replacing duly elected officials, in order to relocate African Americans and other “threats” to security into “Citizen Protection Centers,” converted from old prisons.

A leaked U.S. Army document outlining the processes and procedures for Internment and Resettlement Operations indicates that not only are the now infamous FEMA detainment and refugee relocation camps real, but that government, military and private sector organizations are actively taking steps to deal with mass incarcerations when they happen:

The document, prepared for the Department of Defense, contains shocking plans for “political activists” to be pacified by “PSYOP officers” into developing an “appreciation of U.S. policies” while detained in prison camps inside the United States. The document, entitled FM 3-39.40 Internment and Resettlement Operations was originally released on a restricted basis to the DoD in February 2010, but has now been leaked online. The manual outlines policies for processing detainees into internment camps both globally **and inside the United States.** International agencies like the UN and the Red Cross are named as partners in addition to domestic federal agencies including the Department of Homeland Security and FEMA. The document makes it clear that the policies apply “**within U.S. territory**” and involve, “DOD support to U.S. civil authorities for domestic emergencies, and for designated law enforcement and other activities,” including “**man-made disasters, accidents, terrorist attacks and incidents in the U.S. and its territories.**” The manual states, “**These operations may be performed as domestic civil support operations**,” and adds that “The authority to approve resettlement such operations within U.S. territories,” **would require a “special exception”** to The Posse Comitatus Act, which can be obtained via “the President invoking his executive authority.” The document also makes reference to identifying detainees using their “social security number.”[[96]](#footnote-96)

Conservatives, Watch Your Back

What people are chosen to be detained? Why one person, and not another? Chuck Baldwin explains the process in a 2009 article rebutting a report from the Missouri Information Analysis Center (MIAC). MIAC is a "fusion center," combining resources from the federal [Department of Homeland Security](http://en.wikipedia.org/wiki/United_States_Department_of_Homeland_Security) and other agencies, in particular local agencies. It collects intelligence from both the local agencies and the Department of Homeland Security and uses these combined sources to analyze threats and better combat terrorism and other criminal activity.

“By now, readers should be familiar with the MIAC report dated 02/20/09 and titled, "MIAC Strategic Report: The Modern Militia Movement." In this dreadfully malicious and slanderous "law enforcement sensitive" secret police report, Governor Jeremiah (Jay) Nixon; John Britt, Director of the Missouri Department of Public Safety; James Keathley, Colonel, Missouri State Highway Patrol; and Van Godsey, Director of MIAC categorize certain citizens as being potential violence-prone "militia members." I would venture to guess that more than 75% of the entire population of the United States would fit the MIAC's broad definition of someone who would fall into the aforementioned category.

According to the MIAC report, if you oppose any of the following, you could qualify for being profiled as a potential dangerous "militia member":

* The United Nations
* The New World Order
* Gun Control
* The violation of Posse Comitatus
* The Federal Reserve
* The Income Tax
* The Ammunition and Accountability Act
* A possible Constitutional Convention
* The North American Union
* Universal Service Program
* Radio Frequency Identification (RFID)
* Abortion
* Illegal Immigration
* Anyone who has supported a Third Party political candidate (Chuck Baldwin, Ron Paul, and Bob Barr are explicitly mentioned) in any way.

The Feds already monitor virtually every phone call, email, and public speech in the country. How long before these secret police reports will be used as justification to arrest and incarcerate people because of their ideas and opinions, labeling them as a "threat" or as "dangerous" to society?”[[97]](#footnote-97)

Crisis Mentality and the New World Order

Former White House Chief of Staff Rahm Emmanuel commented when Obama’s first stimulus bill was passed, “You never want to let a serious crisis go to waste.”[[98]](#footnote-98) That statement reflects the sad truth driving almost every single policy that our government presumes to have the authority to put forward. Big Government thrives on the creation of crisis, for it is only when the people are convinced that there is a dire need that they will give up their freedom. The problem was, as history worked its course, there were a few who realized that a crisis could be *created* out of a place that had none…and consequentially, so could their profit. It is in their interest to create problems, and make us think that we need them to find solutions.

Just look back to the H1N1 hysteria that exploded back in 2009. As one country after another unloaded millions of doses of unused vaccines, it has been dubbed a complete hoax. The entire fear-based campaign to promote the vaccines has now been exposed as total quackery. As reported on Fox News, Dr. Wolfgang Wodarg, a leading health authority in Europe, says that [drug companies](http://www.naturalnews.com/drug_companies.html), "organized a 'campaign of panic' to put pressure on the World Health Organization (WHO) to declare a [pandemic](http://www.naturalnews.com/pandemic.html). He believes it is 'one of the greatest [medicine](http://www.naturalnews.com/medicine.html) scandals of the century,' and he has called for an inquiry."[[99]](#footnote-99)

Mike Adams of Natural News analyzes: “H1N1 [swine flu](http://www.naturalnews.com/swine_flu.html) was never dangerous, and it never should have been escalated to a level-six pandemic in the first place. It was all a big marketing [scam](http://www.naturalnews.com/scam.html) whose purpose was to simply *sell* [vaccines](http://www.naturalnews.com/vaccines.html). It worked! Big Pharma made out with billions of dollars in profits for a *useless* [*vaccine*](http://www.naturalnews.com/vaccine.html) that is now being dumped by the truck load. These vaccines were, of course, paid for with taxpayer dollars, making the Great Swine Flu Hoax of 2009 nothing more than an elaborate financial scam whose goal was to transfer wealth from the people to the shareholders of Big Pharma.”[[100]](#footnote-100)

In just the fourth quarter of 2009, GlaxoSmithKline shipped $1.4 billion worth of vaccines.[[101]](#footnote-101)

Mike Adams gives a candid look at the vaccine’s effectiveness: “Total swine flu [deaths](http://www.naturalnews.com/deaths.html) for 2009 were far lower than the number of deaths from regular seasonal [flu](http://www.naturalnews.com/flu.html). And yet it turns out that thousands of Americans who died from the swine flu had been previously injected with the vaccines. In fact, according to calculations derived from official CDC estimates, thousands of vaccinated Americans died from swine flu anyway. The vaccines, it seems, don't really work after all. You're just as safe doing nothing. Actually, getting the vaccine may *harm* your health. Outspoken Dr. Wodarg even says that the full extent of the damage from the insufficiently-tested vaccines may not be known for years. ‘The vaccine developed by Novartis was produced in a bioreactor from cancerous cells, a technique that had never been used until now,’ he says. Just what we need, huh? Cancer cells being injected into the population as part of a vaccine campaign.”[[102]](#footnote-102)

“They” have successfully used the media and medical establishment to deceive us before. Why wouldn’t they do it again? It obviously wouldn’t take all that much for the people to be persuaded to leave their homes and normal lives to enter into a prison-like government detention center. There would only have to be some threat on the outside that they could say they were keeping us safe from.

Conclusion

When I fly, I opt out of the TSA scan. When someone tells me I can’t criticize the failed policy of the President, I let them know that I absolutely can. When some well-meaning “conservative” tells me that the government would never unjustly incarcerate or murder dissident citizens, I tell them that they will, only because we’ve given them that power. But when someone asks me if I think it will be stopped, I can’t really answer them. Because it depends on the education and organization of millions of people whom I will never meet. I’ve chosen to give you an overview of what I consider to be one of the most resolutionally debatable “conspiracy theories” out there. Privacy is under attack in many areas of life. You may choose to talk about the government’s destructive intrusion in the private sector of the economy, or any number of topics. I simply hope I have inspired you to look at the resolution in the most impactful and beneficial way possible, with informational horizons expanded. And maybe, just maybe, we’ll subvert the schemes of the coming police state and reptilian Queen alike.

Don’t tread on me.

Right to Privacy

A Constitutional Journey from ‘Meyer’ to ‘Roe’

By Chase Harrington

What do homeschooling and abortion have in common? Interestingly, they share the same precedential genealogy that today has created the nebulous and frequently abused right to privacy. Meyer v. Nebraska (as we will examine in a moment) established the right of parents to make decisions regarding their children’s education, a precedent that later developed through Griswold and others that gave rise to the infamous Roe v. Wade decision in 1973. While abortion law is no longer based on the right to privacy tenets set forth in Roe[[103]](#footnote-103), the concept is still going to be a focal point in the years to come for many more issues such as same-sex marriage. In this way, the current Lincoln Douglass resolution is very timely, and asks debaters the same questions the Supreme Court has been wrestling with for almost a century: What is the nature of privacy? What concrete rights does it protect? When is it being valued properly?

Regardless of your future career path, if you are fascinated by old legal tomes, or if you find they are less interesting then watching paint dry, I firmly believe that every Christian ought to understand this constitutional issue which will frame the social issues debate in our country for the next century. More immediately, I also believe that the constitutional law angle of the resolution offers great utility and every ambitious debater should thoroughly understand how privacy has been undervalued and overvalued by past court eras. Before we begin, refresh your memory of two key portions of the Bill of Rights:

Fourth Amendment: “The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no Warrants shall issue, but upon probable cause, supported by Oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized.”[[104]](#footnote-104)

Ninth Amendment: “The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.”[[105]](#footnote-105)

These two amendments have been construed into a full-fledged right to privacy from government intrusion. Exactly how this was done will be explained below.

Meyer v. Nebraska

262 U.S. 390 (1923)

Dispute: Nebraska outlawed teaching foreign languages to children in public schools until high school. Likely influenced by World War I, the state contended that foreign languages may, “inculcate in [children] the ideas and sentiments foreign to the best interests of this country.”[[106]](#footnote-106) Robert Meyer, a teacher at Zion Parochial school was caught unlawfully teaching German to 10 year-old boy Raymond Parpart and was convicted for violating the law. Case was appealed to the Supreme Court.

Holdings: On a 7-2 decision, the court found that the state does not have a compelling interest to violate parental rights regarding education.

Significance: Justice McReynolds found that, “While this court has not attempted to define with exactness the liberty thus guaranteed, the term has received much consideration and some of the included things have been definitely stated. Without doubt, it denotes not merely freedom from bodily restraint but also the right of the individual to contract, to engage in any of the common occupations of life, to acquire useful knowledge, to marry, establish a home and bring up children, to worship God according to the dictates of his own conscience, and generally to enjoy those privileges long recognized at common law as essential to the orderly pursuit of happiness by free men.”[[107]](#footnote-107)

This was among the first court cases to recognize rights not explicitly stated in the constitution. It was relied on to defend both parental rights regarding education (especially homeschooling, notably in Runyon v. McCrary), and it was also was later interpreted to have created a private sphere for the family protected from state interference, as in Griswold v. Connecticut. However, just two years later this case was used to again protect families from compulsory attendance at state schools as we read next.

Pierce v. Society of the Sisters of the Holy Names of Jesus & Mary

268 U.S. 510 (1925)

Dispute: Oregon passed a law in 1926 which, “requires every parent…of a child between 8 and 16 years to send him ‘to a public school for the period of time a public shall be held during the current year.’”[[108]](#footnote-108) The Sisters of the Holy Names sued the governor of Oregon Walter Pierce on the grounds that the law violated first amendment rights regarding free exercise of religion and also that the law infringed fourteenth amendment provisions protecting contracts the society made with other families.

Holdings: Relying on the doctrine put forth in Meyer, the court ruled unanimously that the Oregon law was an unconstitutional interference into the liberty of families.

Significance: The court stated, “Under the doctrine of Meyer v. Nebraska, we think it entirely plain that the Act…unreasonably interferes with the liberty of parents and guardians to direct the upbringing and education of children under their control…The fundamental theory of liberty…excludes and general power of the state to standardize its children…The child is not a mere creature of the state.”[[109]](#footnote-109)

Like in Meyer, this decision broadened the scope of rights protected by the spirit, though not exactly the letter, of the constitution. Over the next half of the 20th century, these liberties would be continually broadened to include the right to marry, marital privacy, and most famously abortion.

Griswold v. Connecticut

381 U.S. 479 (1965)

Dispute: Executive director of Planned Parenthood in Connecticut (Griswold) was arrested for giving contraception to married couples in violation of a Connecticut law forbidding the use or distribution of any device or drug “for the purpose of preventing conception.”[[110]](#footnote-110)

Holding: In a 7-2 decision, the Supreme Court found the law unconstitutional on the grounds that it infringed on marital privacy.

Significance: This decision builds off of the previous decisions and the 9th amendment by advancing two ideas: 1) Implicated rights must still be protected. 2) Privacy in marriage is such a right that is repulsed by state laws prohibiting contraception. Read what Justice Douglas stated in the majority decision. “The association of people is not mentioned in the Constitution nor in the Bill of Rights. The right to educate a child in a school of the parents' choice - whether public or private or parochial - is also not mentioned. Nor is the right to study any particular subject or any foreign language. Yet the First Amendment has been construed to include certain of those rights…By Pierce v. Society of Sisters, supra, the right to educate one's children as one chooses is made applicable to the States by the force of the First and Fourteenth Amendments. By Meyer v. Nebraska, supra, the same dignity is given the right to study the German language in a private school. In other words, the State may not, consistently with the spirit of the First Amendment, contract the spectrum of available knowledge…The foregoing cases suggest that specific guarantees in the Bill of Rights have penumbras [rights by implication], formed by emanations from those guarantees that help give them life and substance…The present case, then, concerns a relationship lying within the zone of privacy created by several fundamental constitutional guarantees. And it concerns a law which, in forbidding the use of contraceptives rather than regulating their manufacture or sale, seeks to achieve its goals by means having a maximum destructive impact upon that relationship…Would we allow the police to search the sacred precincts of marital bedrooms for telltale signs of the use of contraceptives? The very idea is repulsive to the notions of privacy surrounding the marriage relationship.”[[111]](#footnote-111) (Emphasis added)

Justice Hugo Black, the famous proponent of the texualist constitutional approach (no law means no law[[112]](#footnote-112)) dissented in this decision and argued that there is no constitutional right to privacy whatsoever. His thoughts are vital to debating the resolution. He declared, “I do not to any extent whatever base my view that this Connecticut law is constitutional on a belief that the law is wise or that its policy is a good one…There is no single one of the graphic and eloquent strictures and criticisms fired at the policy of this Connecticut law…to which I cannot subscribe - except their conclusion that the evil qualities they see in the law make it unconstitutional. The Court talks about a constitutional "right of privacy" as though there is some constitutional provision or provisions forbidding any law ever to be passed which might abridge the "privacy" of individuals. But there is not. There are, of course, guarantees in certain specific constitutional provisions which are designed in part to protect privacy at certain times and places with respect to certain activities. Such, for example, is the Fourth Amendment's guarantee against ‘unreasonable searches and seizures’… I like my privacy as well as the next one, but I am nevertheless compelled to admit that government has a right to invade it unless prohibited by some specific constitutional provision. For these reasons I cannot agree with the Court's judgment and the reasons it gives for holding this Connecticut law unconstitutional.”[[113]](#footnote-113) (Emphasis added).

I include those two long sections of legal parlance to impress upon you this: as a Lincoln Douglas debater, you will need to decide if implicated rights ought to be protected if you are going to assess whether or not privacy is overvalued. In researching this, Justice Black is going to be an essential in your arsenal.

Roe v. Wade

410 U.S. 113 (1973)

Dispute: A single and pregnant woman Norma McCorvey[[114]](#footnote-114) (anonymously referred to as Roe) filed a lawsuit against a Texas law prohibiting abortion.

Holdings: In a 7-2 ruling, the court ruled in favor of Roe and found that abortion is a woman’s fundamental right on privacy grounds. They however did deviate from the district court’s reasoning, claiming the “right of privacy, whether it be founded in the Fourteenth Amendment's concept of personal liberty and restrictions upon state action, as we feel it is, or, as the district court determined, in the Ninth Amendment's reservation of rights to the people, is broad enough to encompass a woman's decision whether or not to terminate her pregnancy.”[[115]](#footnote-115)

Significance: This case heavily referenced the previously discussed cases and cemented the privacy doctrine in American jurisprudence. They held that, “The Constitution does not explicitly mention any right of privacy. In a line of decisions…the Court has recognized that a right of personal privacy, or a guarantee of certain areas or zones of privacy, does exist under the Constitution. They also make it clear that the right has some extension to activities relating to marriage, Loving v. Virginia, (1967); procreation, Skinner v. Oklahoma, (1942)…family relationships, Prince v. Massachusetts, (1944); and child rearing and education, Pierce v. Society of Sisters, (1925), Meyer v. Nebraska, supra…We, therefore, conclude that the right of personal privacy includes the abortion decision…We need not resolve the difficult question of when life begins. When those trained in the respective disciplines of medicine, philosophy, and theology are unable to arrive at any consensus, the judiciary, at this point in the development of man's knowledge, is not in a position to speculate as to the answer.”[[116]](#footnote-116) (case numbering removed)

While that is incredibly abbreviated (the full decision is close to 30 pages), it encloses many of the main principles from the decision. The first is that the line of cases from Meyer to Roe built up the concept of an implied right to privacy that covered a variety of family issues, ranging from education to procreation (Regarding procreation, see Skinner v. Oklahoma). The elevation of this implied protection to compel now a fundamental right akin to speech or religion is particularly troubling. Furthermore, while the justices, to their credit, acknowledged the difficulty in making this decision without overstepping their power, they nevertheless created a precedent written like a piece of legislation. This is most clearly seen when they offer a trimester system governing state laws pertaining to abortion. Specifically, the court decided that during the first trimester, no state regulation could survive strict scrutiny (the test applied to all fundamental rights). However, during the second trimester, state laws have more leeway and in the third trimester, abortion can be totally regulated, even banned in all cases except when the mother’s life is in danger. The arbitrary distinction between trimesters aside, it is ludicrous to rule that a fundamental right exists, which over time becomes progressively less fundamental until it is not even a right at all.[[117]](#footnote-117)

I say this not to get on my personal pro-life soapbox, but to suggest that when the court uses nebulous terms extracted from the law, the result is frequently the imposition of will, rather than judgment. Thus, as a foundation, privacy is very dangerous to democracy. As Justice Rehnquist noted in his dissent, “I have difficulty in concluding, as the Court does, that the right of "privacy" is involved in this case. Texas, by the statute here challenged, bars the performance of a medical abortion by a licensed physician on a plaintiff such as Roe. A transaction resulting in an operation such as this is not "private" in the ordinary usage of that word. Nor is the "privacy" that the Court finds here even a distant relative of the freedom from searches and seizures protected by the Fourth Amendment to the Constitution, which the Court has referred to as embodying a right to privacy.[[118]](#footnote-118)

Privacy is certainly an important consideration for government, but its extent, priority, and implementation are still debated. I, along with Justice Rehnquist most likely, would agree that privacy has implicated rights that must be protected (parental rights for instance) but it is certainly not a justification for liberty from inconvenient laws or biological processes when those laws protect the potential personhood of another human.

In closing, perhaps no other legal phrase evokes as much controversy – praise from some and admonition from others – as does the alleged right to privacy. For the Lincoln Douglass debater, my words in parting are this: Understand concretely what privacy means. Decide if you want to establish a textualist approach (a la’ Hugo Black) or a more progressive approach (Meyer, Roe). Understand how this debate is quickly being used in new avenues, and most importantly, use this knowledge in your real life to defend democracy from the imposition of will from a far off bench on Capitol Hill.

Nothing to Hide and Everything to Protect

How to Apply the Patriot Act

By Elizabeth Ertle

For obvious reasons, the Patriot Act is going to be a major application for this resolution. It is an issue that is still being discussed and debated in public spheres today, and thus it is both a particularly relevant example and a potentially hazardous one. It will become apparent that many of the judges feel strongly about the example: probably on both sides of the issues. Because of the unpredictability of how it will be perceived by judges, it is essential that debaters be able to effectively mitigate and turn the example, no matter their role in the debate round. In order to do that, it is necessary to possess a thorough knowledge of what the Patriot Act is, what it does, and the nuances of how it can be used to support both sides of this year’s resolution.

What the Patriot Act Does

The Uniting and Strengthening America by Providing Appropriate Tools Required to Intercept and Obstruct Terrorism Act of 2001, better known as the Patriot Act, was passed on October 26, 2001, just over six weeks after the attacks of September 11, 2001. The legislation had sweeping majorities in both the House and the Senate, with a 357-66 vote in the House and a 98-1 vote in the Senate. The bill allowed for measures that were intended to improve national security in the wake of the panic spurred by the terrorism. Many of these measures were undeniably innocuous, such as providing funding for the FBI and remanding discrimination that had been occurring against Arab and Muslim Americans. Many of the other provisions of the bill, however, proved to be problematic because of the apparent threat that they posed to civil liberties, particularly privacy. The legislation was split into ten different titles that dealt primarily with advanced surveillance and intelligence sharing methods, protecting the border, and strengthening criminal law dealing with terrorism.[[119]](#footnote-119)

More recent focus on the Patriot Act has been prompted by the reauthorization of sunset provisions in February 2010. Despite attempts to implement additional measures that would safeguard privacy, three major elements of the original legislation passed, unchanged from their original form. The elements that President Obama approved to stay in effect were:

1. Authorization of roving wire-taps, which allow the FBI to monitor an individual on multiple phones,
2. Allowing the FBI to seize business records and similar effects to be seized without a suspects’ knowledge, and
3. Allowing for “lone wolf” provisions that allow law enforcement to investigate non-United States citizens working individually on a terrorist plot.[[120]](#footnote-120)

Each of these elements of the bill have gone under significant scrutiny as to how they affect civil liberties, and more specifically how they affect privacy. As the legislation continues to garner public approval, a discussion of whether or not it violates the interests of the individual is both timely and complex.

How Does the Patriot Act Effect Privacy?

When any new intelligence method exercising increased surveillance and information gathering is employed, there will undoubtedly be questions about whether or not the loss of privacy is worth the increase in security. The Patriot Act is most assuredly not an exception to this rule. While the provisions of the “lone wolf” elements of the bill have not been as seriously criticized as a danger to privacy, both of the other reauthorized elements of the Patriot Act have come under attack as affronts to privacy.

The first issue, that of roving wiretaps, is a generally accepted security measure in today’s culture. Because of the availability of cell phones and the ease with which terrorists can switch phones, the measure makes strategic sense.[[121]](#footnote-121) The way the Patriot Act implements that policy, however, lacks the appropriate safeguards to honor an individual’s privacy. Unlike other types of warrants discussed in the Patriot Act, a warrant obtained that uses a roving wiretap does not require that the individual being investigated be particularly named in the warrant. Thus, the concern of the wiretap being used as a “general warrant” that has virtually unlimited application worries advocates of civil liberties.[[122]](#footnote-122)

More feared than the reauthorization of roving wiretaps, however, is the allowances made for the FBI to seize information without a suspect being made aware of what has been investigated. The portion of the Patriot Act most often criticized for this fault is Section 215:

“One of the most odious provisions of the Patriot Act is known as Section 215. That provision empowers FBI agents to demand things from people in terrorism-related investigations…. In truth, the act creates a façade of judicial review. Here is the pertinent language: "Upon an application made pursuant to this section, the judge shall enter" the order. That was crafty. Instead of enacting a law that says whenever an FBI agent wants to demand something from someone, he can do so as long as he is following leads in a terrorism investigation, the Patriot Act accomplishes the same end indirectly. The FBI can now use boilerplate forms and submit them to federal magistrates, who "shall" approve the applications. The judicial check is not there…. The FBI can use Section 215 to obtain personal belongings — anything, really — directly from a person's home.”[[123]](#footnote-123)

Bypassing conventional means of obtaining a warrant through Section 215—all while failing to inform the terror suspect—has continued to elicit outrage from privacy-conscious citizens and advocacy groups.

A final issue with the Patriot Act’s treatment of privacy was not addressed in the sunset provisions and, because it did not have to be reauthorized, remains in place today: the law’s expansion of the use of national security letters. This investigatory measure allows law enforcement to require information be turned over without probable cause; the only thing that is necessary is that law enforcement deem the information to be relevant to the current investigation. With limited accountability in place, the letters are both commonly used and often misapplied: “In 2008, the FBI issued 24,744 letters involving the records of 7,225 people. Not surprisingly, there have been abuses. In 2007, after an investigation of four FBI offices, the Justice Department's inspector general found irregularities in 22% of documents related to the issuance of national security letters.”[[124]](#footnote-124)

When used in tandem with Section 215 of the legislation, the national security letters possess one other feature that makes them a threat to civil liberties: they contain a “gag provision” that criminalizes the discussion of the letters. Thus, if a third party is issued a letter that requires them to forfeit information, they cannot openly protest the decision that was made. Relief may be obtained solely through a closed hearing in federal District Court.

Despite the potential danger of the provisions, however, supporters of the Patriot Act assert that the legislation has not been exploited to violate privacy:

“There is no abuse of the Patriot Act. None. The Justice Department's inspector general (who is required by the Patriot Act to examine the use of the act and report any abuse twice a year) has reported that there have been no instances in which the Patriot Act has been invoked to infringe on civil rights or civil liberties. Others agree. For example, at a Judiciary Committee hearing on the Patriot Act, Democratic Sen. Dianne Feinstein of California said: "I have never had a single abuse of the Patriot Act reported to me. My staff ... asked [the ACLU] for instances of actual abuses. They ... said they had none."”[[125]](#footnote-125)

Supporters of the bill take up a careful balance when addressing the issues of privacy involved in the bill; rather than asserting that the measures taken are not a threat to privacy, they point out that the danger of those threats have not been realized. Because the bill has been used legitimately thus far, they assert, there is little to fear from improper application.

Conflicting Paradigms: Privacy versus Security

In the discussion about the Patriot Act, there’s clearly an element of balance that has to be considered. While opponents of the Patriot Act challenge its efficacy, proponents are able to point to tangible results that the legislation has had on combatting terrorism:

“Information-sharing facilitated by the Patriot Act, for example, was critical to the successful dismantling of terror cells in Portland, Ore., Lackawanna, N.Y., and Virginia. Likewise, the information-sharing provisions contained in the act assisted the prosecution in San Diego of those involved with an al-Qaida drugs-for-weapons plot involving Stinger anti-aircraft missiles….We cannot, of course, say that the Patriot Act alone can stop terrorism. But every time we successfully use the new tools at our disposal to thwart a terrorist organization, that's a victory.”[[126]](#footnote-126)

The more access law enforcement has to information, the more they will be able to use that information to apprehend criminals, prevent terrorist attacks, and effectively prosecute illicit activities. That is an undeniable reality. A similarly undeniable reality, however, is that as the government gets more access to this information, the less the affairs of individuals will remain private. The pull between these two concepts is understandable; the question is where the balance ought to be struck. Neither absolute privacy nor absolute security is possible or desirable, and this is the ultimate relevance of the Patriot Act to this year’s resolution. The Patriot Act merely highlights a conflict that is inevitable in issues of public policy.

Because of this balance, the Patriot Act is not a “winning” application for either side of the resolution. Some will think that its provisions for national security make the sacrifice of privacy worth it, while other will assert that the legislation is merely proof of the government overstepping its bounds. Either side has grounds to assert that the Patriot Act better illustrates their position. In order to make those arguments effectively, however, a thorough understanding of what exactly the legislation is and how it is used is essential.

Section 2: Cases

Digging Deeper with Key Concepts Transformed into Solid, Usable Cases

Debating LD in This Year’s Resolution

Part II: Affirmative

In making a speech one must study three points:

first, the means of producing persuasion;

second, the language;

third the proper arrangement

of the various parts of the speech.

~ Aristotle

**Tweeting Your Life Away**

By Travis Herche

**Liberty’s Blockade on the Road to Serfdom**

By Lauren Blankenship

**Back to the Basics**

By Noah Gray

**Freedom!!!**

By Lincoln Anderson and Luis Garcia

**Three levels of Privacy violations**

By Jon Bateman

Tweeting Your Life Away

A Value-Centric Affirmative Case

by Travis Herche

The information age has brought us a host of wonderful technologies. You can carry your phone in your pocket; use it to snap a photo; upload it to Facebook, and within seconds it’s visible all over the world. Technology like that was unimaginable even fifty years ago. It has made our lives richer and more connected, but it has also created a world of hidden dangers and risks. Most people don’t care enough about what they are putting online, or what the consequences will be if the wrong person gets ahold of it. That is why I am **Resolved: that Privacy is undervalued.**

To clarify, I would like to point out that **Privacy** is defined by Merriam-Webster’s Online Dictionary as, “The quality or state of being apart from company or observation.”[[127]](#footnote-127) Let me summarize: privacy means being alone or, most importantly, unobserved.

I will now prove my case with a value and contention. Each will have a few sub-points. I will then conclude with an application.

**Value: Information Security.** Information Security is operationally defined as “the protection of sensitive knowledge and data from unauthorized use.” Information Security serves as the perfect value for the round for two reasons:

**Value Link 1: Purpose of Privacy.** The only way to know whether or not Privacy is being undervalued is to know its correct value. Information Security is the answer. As long as Privacy is preserving Information Security, it is appropriate.

**Value Link 2: Core Moral Concept.** Information Security is not a new idea. It is a basic notion that lies at the heart of morality. It is inseparable from the concept of human dignity: the idea that humans should be treated with a high degree of respect because they have souls.

If Information Security is being protected, the resolution is false. If Information Security is not being protected, privacy is being undervalued and the resolution is true.

I will now offer one structured contention proving that privacy is undervalued.

Contention: Information Security is Disregarded

In the information age more than any other, Information Security is both maliciously and voluntarily violated to uphold lesser values. Their major perpetrators can be identified in the following four sub-points.

*A) Identity Thieves.* Identity Theft is the direct result of privacy being undervalued by “cyber-crooks”, who would rather get rich by draining your bank account than respect basic moral principles. Identity theft has been the top consumer complaint to the Federal Trade Commission for more than a decade. With the amount of unprotected sensitive information only increasing, the crime wave of undervalued privacy shows no signs of slowing down.[[128]](#footnote-128)

*B) Unwitting Victims.* Many people don’t take the threat of privacy loss seriously. They use simple passwords and never change them. They disable firewalls. They don’t know how to operate security software. They don’t protect their PIN or Social Security numbers. The result is a constant loss of critical information. In fact, 75% of all Information Security loss is enabled by human error. Jim Hurley of the IT Policy Compliance Group said: “Failing to protect IT security and regulatory audit data is like a bank giving away the combination to the vault.”[[129]](#footnote-129)

*C) Social Media Users.* Even with growing internet threats, many people are deliberately posting sensitive information about themselves on social media sites like Facebook and Twitter. What seems like a harmless way to connect to friends is a goldmine to those who would invade your privacy, with information like full names, birthdays, phone numbers, photos and names of children, home addresses, and information indicating when the user is away from home. A recent study suggests that more than half of American social network users post information that can make them vulnerable to attack.[[130]](#footnote-130) That is clear evidence that privacy is undervalued, not just by criminals, but by average social media users.

*D) Developers & Hackers.* Those who create information-related products often cut corners when it comes to privacy. Others deliberately intrude. The popular Windows operating system is usually released with hundreds or even thousands of security flaws, prompting updates as they are discovered the hard way. In 2008, Symantec reported that the number of computer viruses in circulation had passed a million.[[131]](#footnote-131) Even one of these viruses can be devastating. The 2004 MyDoom virus caused over $38 billion in damage.[[132]](#footnote-132) The failures of software developers to release safer products and the success of hackers are proof that privacy is undervalued.

Application: iPhone.

Nothing represents the information age like the iPhone. This handheld, easy-to-use device makes information more available than ever before. Many of the changes heralded by the iPhone were positive. The devaluation of privacy is not. The iPhone makes personal details more available to identity thieves. It gives the illusion of safety to mobile internet users. It enables constant posting of geotagged photos and sensitive information from anywhere. And it has a store that sells unsecured apps by the billion. Perhaps worst of all, Apple devices now secretly record the user’s location. If you own an iPhone, every step you’ve taken with it can be mapped out.[[133]](#footnote-133)

Thanks in large part to the iPhone, many people’s most intimate details people are now available to anyone with a little tech savvy. And information criminals are taking advantage of it. Before smart phones, privacy crimes were fairly rare. Now, an American reports that their identity has been stolen every two minutes.[[134]](#footnote-134)

Privacy is not the only thing that matters, but it is important, and in modern society, it is tragically undervalued. Identity Thieves, Unwitting Victims, Social Media Users, Developers and Hackers all undermine information security in unique but critical ways. The loss of privacy doesn’t just mean embarrassing photos or money lost. It means your family’s basic safety is being eroded one post at a time. And it means that a core notion surrounding the dignity of the human soul is under attack. It doesn’t have to be this way. Privacy can be correctly valued. But today, it is not; and that’s why I want you to vote for the resolution.

Negative Brief against Aff Case “Tweeting Your Privacy Away”

by Travis Herche

This definition of privacy is dangerous. If you can replace it with one suggesting that voluntarily giving away information does not mean privacy loss, you are in a stronger position. For instance, you should be able to easily delink sub-point C by saying that nobody is forced to use Facebook; point to the billions of people who don’t even have an account.

Don’t let the value stand; it’s thoroughly biased in favor of the affirmative. Linking your negative contentions to it is almost impossible. Your value can easily be represented as being more important. Here are some suggested reasons to prefer your value:

*Higher good.* Information Security can’t compare to the importance of your value.

*True Standard.* The resolution asks us to compare the value of privacy to an external standard. Information Security is a subset of privacy, making it useless as a value.

Arguments related to hackers and identity thieves can be countered by pointing to the lucrative information security industry, which is growing every year. There are thousands of people who work full-time to preserve privacy. The affirmative is only showing select pieces of the complete picture. Surely companies like Symantec, Safety Web, and TRUSTe are proof that privacy is valued highly in modern society.

This case has a persuasive impetus that is designed to be very appealing to parent judges, who are likely to already be wary about how much information about their children is available online. You need to claim a position as the voice of concerned parents. There are many ways to do this depending on your case; a good generic approach is to talk about the benefits of connectivity, like GPS tracking in phones helping parents and police find missing children quickly.

Remind the judge you are not against privacy, but this case is just fear mongering and anti-technology. Openness is a good thing, and privacy is still valued by anyone who doesn’t want to put their information online.

Now let’s focus on your value.

Liberty’s Blockade on the Road to Serfdom

A Value-Centric Affirmative Case

by Lauren Blamkenship

Introduction

“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.”[[135]](#footnote-135) 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: Privacy is undervalued**.

Definitions

The resolution can be defined simply:

Privacy: “The state of being free from unsanctioned intrusion.”[[136]](#footnote-136)

Undervalued: “To assign too low a value to; underestimate.”[[137]](#footnote-137)

Value Analysis

We now need a value, or standard that gives us a way to determine if privacy is undervalued or not. 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.”[[138]](#footnote-138)

Value Link One – 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.”[[139]](#footnote-139) When governments fail this sacred duty, even if they lead us to believe it is for the “loftier aim” of the common good, we find ourselves closer to oppressive servitude.

Value Link Two – 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.”[[140]](#footnote-140)

Value Link Three – Government Frames Privacy

Civilization has been shaped by individuals willing to resist collective tyranny, and in the grand scheme of the social order, our moral quandary of privacy can best be understood in looking at how this is true in a governmental context. In this round, I must demonstrate that undervaluing privacy leads to the injury of Liberty, and if my opponent cannot refute this claim, a ballot in the Affirmative is warranted.

Contention One – Public Intrusion Harms

Public intrusion harms Liberty because it gives civic cronies power to manipulate our freedoms in pursuit of arbitrary goals. Everyone is a potential criminal, and it is the aim of Big Brother to protect us from everyone else. All the while, distracting us from their own criminal lust for control. George Washington proclaimed, “ We see the destructive impacts of a government that undervalues privacy in three applications.

A – Medical Conscience Protection

For centuries, medical honor was characterized by a respect for life. The Hippocratic Oath states:“I will neither give a deadly drug to anybody who asks for it…Similarly I will not give to a woman an abortive remedy.”[[141]](#footnote-141) In spring of 2011, President Obama overturned protections giving health-care workers a right to refuse to take part in procedures that violate their religious beliefs. The Family Research Council reported, “The administration made it clear that when it comes to abortion drugs, they don’t believe in giving health care workers a choice…The Department of Health and Human Services (HHS) made good on its threat to force the health care industry to dole out drugs that end a human life.”[[142]](#footnote-142) By disregarding a medical practitioner’s privacy, their Liberty as professionals to perform their duties within conscience has been crushed.

B – Union Card Check

More than ever, workers’ unions stir controversy though their egregious influence in American industry. Union-financed Democrats have long pushed regulations that face, “tough criticism from workers who say they give unions the green light to use aggressive tactics to get them to sign up.”[[143]](#footnote-143) When card check is enforced, it allows unions to use discriminatory means to pressure non-union workers. Look at the Dana Corporation Auto Parts plant in small town Indiana. “Employees say, the forced [implementation of card check] has turned friend into foe, causing some employees to be physically threatened by coworkers who had wanted the union. ‘I have my reasons for the way that I voted. That's nobody else's business, and had it not been for the card check, nobody would know if I was for or against,’ said employee Beverly Musolf.” Union card checks make private political choices public, and undermine the Liberties of non-union workers.

C – Landlord’s Property Rights

Academic Ludwig von Mises contended, “If history could teach us anything, it would be that private property is inextricably linked with civilization.”[[144]](#footnote-144) If Mises was accurate, we are surely witnessing the collapse of civilization today. The fragile condition of landlord’s rights in the US is proof of this. Paul and Louise Desilets are Massachusetts landlords and devout Catholics. "Allowing fornication to occur on property I own places my eternal soul at risk," says Paul ... He has put himself at legal risk by refusing to rent an apartment to an unmarried couple. Paul says he simply exercised his constitutionally guaranteed freedom to practice his religion when he refused to rent to [them].”[[145]](#footnote-145) These long and expensive lawsuits intrude on the privacy and Liberty of property owners like Paul and Louise.

Closing

We may now find ourselves dangerously far down the Road to Serfdom…but with a respect for privacy, we can take a detour.

Negative Brief against Aff Case “Liberty’s Blockade on the Road to Serfdom”

By Lauren Blankenship

I would strongly advise that you accept the Affirmative value and prepare a counter case to show how your side better upholds it. No one wants to hear you ramble on about how Jeffersonian Liberty could potentially become anarchist and necessitates greater government intrusion (unless your judge is a PhD student at UC Berkeley). That being said, there are two elements you need to attack: the value analysis and the applications. I’ve structured the arguments for you and underlined the key parts of the evidence, so you can use this as-is in round if desired.

Assumptions in Value Analysis:

1) The Public Does not Value Liberty

Turn: We Value Liberty

Warrant: The American people recognize that bigger government means less liberty, and we aren’t satisfied with that exchange.

Support: Negative view of overreaching government

CNN Backed American City and County Surveys Concluded: “The numbers are awful for the federal government. Only 33 percent of Americans surveyed gave a favorable rating to the federal government, with nearly twice as many, 62 percent, reporting an unfavorable view. That is the lowest positive rating for the federal government in 15 years. By contrast, 61 percent of people in the survey have a favorable opinion about their local government, and 52 percent feel favorably about state government. The results reflect a widening gap between people’s attitude about government.”[[146]](#footnote-146)

Impact: Publicity helps maintain Liberty through transparency in government and accountability to the people.

2) Alternative to Privacy is Immoral

Turn: Publicity maintains Liberty

Warrant: A system of openness is necessary to keep things pure and people accountable. Respecting privacy and hoping for Liberty and Justice to result is like keeping your food in a dark, wet place and expecting it not to mold.

Support: Publicity prevents child abuse

Brad Heath, USA Today, 12/16/11: “Laws that could punish doctors, teachers and other adults for keeping silent when they suspect a child has been abused have gone largely unenforced over the past decade. An examination of police and court records from across the USA found that a combination of infrequent enforcement and small penalties means adults often have little to fear from concealing abuse. States' mandatory abuse-reporting laws are getting new scrutiny in the aftermath of a sexual abuse scandal at Penn State University, where longtime assistant football coach Jerry Sandusky is accused of having molested 10 boys over 15 years. He has pleaded not guilty. Two Penn State officials are charged with failing to report the abuse to police.”[[147]](#footnote-147)

Impact: Privacy undermines Liberty through secrecy and cover-ups to give the illusion of functionality.

3) Privacy is Inherently Good

Turn: Privacy is a mere amoral tool

Warrant: What makes privacy or publicity valuable depends entirely on what is being made private or public, and the consequences of those actions.

Support: The logic here is simple. A criminal tries to keep his actions private, so does a freedom fighter. A government accountability agency like WikiLeaks can publicize information that causes evil officials to be brought to justice, or a celebrity gossip columnist can use publicity to destroy someone’s career through lies.

Impact: The affirmative cannot claim the moral high ground, because neither side is inherently good. We must weigh the benefits caused by either vehicle.

Application Responses:

Medical Conscience –

Turn: Privacy harms Liberty. Abortion is legal because the privacy of mothers was valued. Yet, it harms the Liberty of the unborn.

Support: Roe v. Wade, January 22nd, 1973

"The right of privacy, whether it be founded in the Fourteenth Amendment's concept of personal liberty and restrictions upon state action, as we feel it is, or, as the district court determined, in the Ninth Amendment's reservation of rights to the people, is broad enough to encompass a woman's decision whether or not to terminate her pregnancy."[[148]](#footnote-148)

Union Card Check –

Turn: Privacy harms Liberty. Unions leaders’ ability to keep their finances secret empowers corruption and harms the Liberty of the workers.

Support: Union transparency is often unenforced. James Sherk, National Review: “Power often tempts people to misuse their authority. Financial transparency laws keep those temptations in check. The government requires [businesses](http://www.nationalreview.com/corner/281896/union-transparency-rules-relaxed-james-sherk), pension funds, and non-profits to file financial transparency forms to keep them honest. These laws also cover unions. Congress passed the Labor-[Management](http://www.nationalreview.com/corner/281896/union-transparency-rules-relaxed-james-sherk) Reporting and Disclosure Act (LMRDA) in 1959 after investigations exposed massive corruption tied to organized crime within the Teamsters and Longshoremen unions. Congress believed that allowing union members to see how their union spent their money would discourage self-dealing. Now union officers do not have to report how much union leave they receive, or how much money they get from a trust. Union stewards will not have to disclose potential conflicts of interest at all. Sunlight might disinfect, but Obama has decided to keep workers in the dark.”[[149]](#footnote-149)

Landlord Rights –

Turn: Publicity protects Liberty

Potential tenants aren’t harming anyone’s rights by engaging in the behavior of their choice in the privacy of their bedroom. If a property owner refuses them service because of these private choices, it is the fact that the Liberty of the couple has been harmed that motivates them to sue in court and pursue Justice.

Impact: Publicity better alternative in protecting Liberty.

Back to the Basics

A Value-Centric Affirmative Case

By Noah Gray

“America is a Nation with a mission - and that mission comes from our most basic beliefs. […] Our aim is a democratic peace - a peace founded upon the dignity and rights of every man and woman.”[[150]](#footnote-150) The words of George Bush paint us the picture of a paramount value; an idea that is basic to our beliefs; a principle on which peace is founded; a mission for America and for all society. What is this paramount value? This value is Human Dignity. Because I agree that human dignity is the highest value, and because I know that human dignity cannot be achieved without valuing privacy, I will affirm the resolution that “privacy is undervalued” by upholding a value of **Human Dignity**. Before we dive in, I’ll define some key terms in today’s debate:

First, **Privacy** will be defined as “[Freedom from] intrusion upon a person's seclusion or solitude, or into his private affairs.” –William Prosser[[151]](#footnote-151)

**Human Dignity** will be defined as “Something that is inherently a person’s […] inalienable right that deserves to be protected by Government and promoted by the community.” –Pope Pius[[152]](#footnote-152)

**Justice** will be defined as “The administering of deserved punishment or reward.” –Dictionary.com[[153]](#footnote-153)

**Liberty** will be defined as “Freedom from unjust government control.” –Operationally defined.

**Intimacy**will be defined as “An act or [expression](http://dictionary.reference.com/browse/expression) serving as a token of familiarity, affection, or the like.” –Dictionary.com[[154]](#footnote-154)

The value of Human Dignity is linked to the resolution in several ways, which we’ll call value links:

Value link 1: Human Dignity provides a weighing mechanism.

Even by definition, Human Dignity is valuable. We must uphold whichever side of the resolution best leads to Human Dignity, so in this way, Human Dignity gives us a way to measure which side of the resolution ought to be upheld.

Value link 2: Human Dignity provides conflict.

Only one side of the resolution can lead to Human Dignity. Through my criterion and 3 contentions, I’ll show you how valuing privacy higher will lead to Human Dignity, whereas any other stance on the resolution fails to achieve Human Dignity.

Value link 3: Human Dignity satisfies the resolution.

The resolution doesn’t merely claim that privacy ought to be valued, but rather that it ought to be valued more. If anything is inhibiting Human Dignity, the highest value, then it ought to be removed. The inherency, or problem being solved by the resolution, is evident. A brief look at society tells us that undervaluing privacy undermines things like liberty, justice, and intimacy in the real world. So we can see that privacy is undervalued because there are times when it ought to be valued to create Human Dignity, but yet it is being undervalued in these circumstances. Therefore, the affirmative position satisfies the resolution by establishing a problem with how privacy is valued, and showing how placing a higher value on privacy will lead to Human Dignity, the highest value.

My criterion in today’s debate is **Inherently Valuable Principles**. By respecting privacy, we uphold these foundational principles such as justice, liberty, and intimacy, and when we achieve these principles, we achieve human dignity.

Contention 1: Valuing Privacy Upholds Justice

In 1948, fresh off the heels of World War II, the United Nations realized that something had to be done to preserve society’s integrity. They drafted the Universal Declaration of Human Rights, a list of principles they believed to be foundational to society and inherent to every human being. In Article 12, the Declaration states, “No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honour and reputation. Everyone has the right to the protection of the law against such interference or attacks.”[[155]](#footnote-155) Valuing privacy isn’t merely virtuous, it is necessarily just. Under the social contract, our government, and all just governments, have a responsibility to protect privacy. In order to uphold justice, privacy ought to be valued.

Contention 2: Valuing Privacy Upholds Liberty

Wherever we turn, we find that actions are always based on underlying principles. One of these universal principles is liberty. As a country, our government was founded on the idea that liberty is paramount and is an inherent right possessed by every human being. As individuals, we feel a rightful entitlement to our liberty, and as part of valuing liberty, we ought to respect the liberty of others.Liberty contains many parts: freedom of speech, economic freedom, freedom of religion, the list goes on. But one of the key elements to liberty is freedom from intrusion into private aspects of life. Included in the universal right to liberty is the right to privacy. We cannot value liberty without valuing privacy, so in order to uphold this intrinsically valuable principle and achieve human dignity, privacy must be valued.

Contention 3: Valuing privacy allows intimacy

What about man is more important than their relationships with others? And what relationship has any value without intimacy? Intimacy is the glue that binds us together, that makes our society whole, and that unifies mankind. Of all the principles of human dignity, intimacy is one of the most important, and the most foundational to society. Where does this intimacy come from? Well, the dictionary definition tells us that intimacy is a token of affection. Intimacy is created by sharing private aspects of life with others. Sharing personal matters is what separates somebody important from the rest of the world. But if privacy were devalued, how could intimacy ever exist? If the private areas of life were made public, what would there be to share with others? What would there be to set a truly important relationship apart from a casual acquaintance? That is why privacy is so vital to intimacy. Privacy allows us to regulate who can know private information about is; privacy is the currency that allows us to invest in relationships. If privacy is undervalued, then intimacy cannot be achieved.

Judge, you’re asked to make a difficult decision today, but allow me to simplify it: Human Dignity is the most important value that we could ever achieve. If privacy is *ever* infringed upon in such a way that it inhibits Human Dignity, then privacy ought to be more highly valued. In the real world, privacy IS infringed on in ways that it inhibit justice, liberty, intimacy, and other intrinsically valuable principles that make up human dignity. Do you want your Human Dignity to be stripped away from you by devaluing privacy? Vote today for privacy, vote for justice, vote for liberty, vote for intimacy, and vote for Human Dignity.

Affirmative Addendum for “Back to the Basics”

By Noah Gray

1. Definitions

- “Human Dignity,” “justice,” “liberty,” and “intimacy” are YOUR words and you’re allowed to define them however you want to. The Negative can’t redefine words specific to your case and outside the resolution, or else, in essence, they would be changing your arguments.

- Watch out for bunny-trail or “trick” definitions of “undervalued.” Keep a few reliable dictionary definitions with you and whip them out if the Negative tries to redefine it. It is a value debate, so all definitions of “undervalued” should be something along the lines of “giving a lower value than ought to be given.” (Operationally defined)

-William Prosser’s seemingly simple definition of “privacy”[[156]](#footnote-156) has many key elements that preempt against many Negative arguments. DO NOT let the Negative redefine if they leave out ANY of these elements:

A. It encompasses the two interpretations of privacy

1. Control over personal information (necessary to the justice argument)

2. Control over personal decisions (necessary to the liberty argument)

B. It is freedom from *intrusion*, allowing others to possess information about you as long as it is with your consent, which is necessary to the intimacy argument.

C. It pertains to people’s *factual* private affairs. It is not infringement on privacy unless it is factual and non-consensual (this isn’t essential to the case, but it will preempt against any tricky negative stances)

Turns:

Objection 1: Illegitimate source. Who is William Prosser and why should we prefer his definition?

Defense: Prosser was a philosopher who took into account the problems of miss-defining privacy (see “elements” above). His definition encompasses definitions by the Supreme Court[[157]](#footnote-157), Edward Bloustein[[158]](#footnote-158), William Parent[[159]](#footnote-159), Alan Westin[[160]](#footnote-160), Dictionary.com[[161]](#footnote-161), Mirriam-Webster’s online dictionary[[162]](#footnote-162), and the principles outlined in the Bill of Rights.[[163]](#footnote-163) (The Constitution and Bill of Rights do NOT contain the word “privacy”, but they do uphold the principles of this definition.)

Objection 2: The Supreme Court (and other sources) defines privacy a little differently, don’t they? “Control over information about oneself.”[[164]](#footnote-164) Why add to it?

Defense: This definition covers the aspect of privacy the government must respect (the Supreme Court is, after all, a branch of the government). However, the resolution isn’t limited to the government, nor should the definition be. Prosser’s definition encompasses this aspect, but also allows for all applications of privacy.

2. Value

Turns:

Objection 1: Human Dignity is a Christian principle and is unfit for use in a debate focused on broader principles.

Defense: It’s rooted in Christian ideologies, but is a universal truth that applies to all aspects of life. It’s merely the inherent rights of human beings, moral or amoral.

Objection 2: Human Dignity isn’t as important as, say, a counter-value of Life.

Defense: Life is an aspect of Human Dignity. Essentially: no impact. The issue here isn’t a value clash, but rather a battle of which side best achieves both values.

Objection 3: Human Dignity isn’t universal. What about when privacy doesn’t lead to Human Dignity?

Defense 1: No value is universal, including your opponent’s, so the argument is non-unique. Human Dignity is the greatest good, so if valuing privacy will lead to it, then the burden of proof of the Affirmative is fulfilled.

Objection 4: Devaluing privacy will lead to Human Dignity. (This is the big one) Examples: Warranted searches and seizures, Google’s anti-child pornography filter, metal detectors in public places, etc.

Defense 1: Valuing privacy CREATES Human Dignity. Interfering with private aspects of life PROTECTS Human Dignity. Devaluing privacy will never achieve Human Dignity, only seem to keep it from being infringed upon. The Affirmative stance is the only one capable of achieving Human Dignity.

Defense 2: The social contract means that we chose to give up some freedoms, making it consensual. Some may argue that not every person individually chooses to be placed under the social contract, but it comes with the territory: as long as you’re getting protection, you must give up some privacy. Basically, as long as the intrusion protects you (or others in the community) then it is part of the social contract, consensual, and therefore not a true devaluation of privacy. No impact!

Defense 3: Wrongful invasions of privacy include things like spying, theft, evesdropping, etc., but the coherence theory of privacy tells us that these principles are wrong in their own right and are distinct from privacy.[[165]](#footnote-165) (watch out, the distinctive theory of privacy says otherwise. Do a little research; it will pay off.) So restricting privacy will NOT fix these issues, because they are associated with—but separate from—privacy. Basically, for any restriction to be legitimate, it must have one of two things: consent (see: Value Objection 4 Defense 2) or effectiveness. Devaluing privacy is never effective, but rather devaluing the real issues (spying, theft, evesdroping, etc.) is what is effective, so the only two options are consent (no impact; social contract) or wrongful devaluation (no impact). Cha-ching!

3. Contention 1

Turns:

Objection 1: Devaluing privacy ensures justice.

Defense: Inherency. See: Value Objection 4, Defense 3.

Objection 2: Appeal to authority. Does the Universal Declaration of Human Rights determine what is “just” or “unjust”?

Defense 1: Natural Law (or “Common Law”) agrees. 1. Do all you have agreed to do, and 2. Do not infringe on other people or their property.[[166]](#footnote-166) Devaluing privacy breaks rule 2, and due to the social contract, if the government fails to protect the privacy they are sworn to protect, they break rule 1.

Defense 2: It is not true merely because they said it, but it’s being upheld because we agree with their authors that it is valuable.

4. Contention 2

Turns:

Objection 1: Can’t privacy infringe on Liberty? Example: Columbine Massacre.

Defense: It is either consensual (not truly devaluing privacy) or is ineffective (privacy doesn't need to be devalued). Either way, there is no impact. See: Value Objection 4, Defenses 2 and 3

Objection 2: You can’t use privacy and liberty interchangeably.

Defense: Privacy is an aspect of liberty. Liberty is incomplete without privacy, so privacy is needed to fulfill liberty, and liberty is needed to fulfill Human Dignity because it is an Inherently Valuable Principle.

5. Contention 3

Turns:

Objection: Intimacy can be created in other ways. Examples: shared experiences, other tokens of affection such as gifts, statements of affection, etc.

Defense 1: These “other ways” are encompassed by privacy. Experiences (past, present, or future), gifts, and sentiments are all aspects of personal life that ought to be shared willingly.

Defense 2: Sharing personal aspects of life doesn’t have to be the ONLY way to achieve privacy for the Affirmative to prove this point. It is only the burden of proof of the Affirmative to show that privacy allows intimacy, regardless of the exclusivity of the argument.

6. Odds and Ends

Turns:

Objection 1: George Bush? Doesn’t he have a rightfully earned reputation for saying dumb things?

Defense: See: Contention 1 Objection 2 Defense 3.

Objection 2: Why remove the phrase “God-given” from Pope Pius’ definition?[[167]](#footnote-167)

Defense: Moral reprehensibility. It’s our purpose to discuss beliefs we believe are universally true, regardless of religious foundations. While I do believe Human Dignity is God-given, it is not the basis for the Affirmative’s arguments, and so was omitted to avoid misinterpretation or a morally reprehensible situation.

Objection 3: The case states that the inherency of the resolution is evident, but provides no support.

Defense: This one’s easy. Pick one personal example to establish the inherency. Better yet, ask your opponent if his privacy has ever been infringed upon wrongfully. They will, of course, be forced to answer yes. If they say “no,” then merely provide an example of your own and in doing so, you will make the Negative look foolish.

Objection 4: The Criterion of Inherently Valuable Principles is essentially the same as Human Dignity, isn’t it?

Defense: The criterion leads directly to the value, as it should. The criterion sums up the contentions and connects them to the value. It is merely for further explanation and clarification.

Negative Brief against Aff Case “Back to the Basics”

by Noah Gray

The strength of the entire case rests on one unsaid argument: devaluing privacy won't accomplish anything, valuing it the only viable option. In the addendum "Stick To Your Guns," the argument is explained in some detail, but the gist of it is that for a measure that seems to restrict privacy to be "good," it has to be either consensual or effective. The idea is that all effective means are consensual, and all consensual means aren't truly devaluations of "privacy," by definition. The idea is further stretched to say that by living in America, you're willingly giving your consent to have your privacy taken away by the American government because of the social contract. This is a nice idea in theory, but in practicality, it won't fly in most judges’ minds. And fortunately or unfortunately, in debate the judge's mind is the only arena that matters.

So how to kill the case? First, point out that EVERYONE is under a social contract of some type. Indeed everyone living in a country with a government is under a "social contract", willingly or unwillingly. So then the question is: can a government ever invade on privacy? By the Affirmative's logic, the government can basically do no wrong regarding privacy, simply because people are living in the government and thereby giving up their right to privacy willingly, making their intrusions consensual, and not intrusions at all, by definition. But under even a little scrutiny, it's clear that governments CAN abuse people's privacy, regardless of a social contract. Examples such as airport security will resonate well in the judges mind (for deeper analysis on the topic read Jon Bateman’s article “Scanning the TSA”), leaving them with the distinct feeling that governments CAN, indeed, infringe on privacy. Historical examples will roll in by the bucket full. The logic of the Affirmative could be carried to an extreme to say that government phone-taps and monitoring aren't infringements on privacy, because by the act of living in a government, we're giving the government our permission to tap our phones. This logic is the weakest link of the Affirmative case. By pointing out that we're all under the social contract, you are pointing out that the grounds the Affirmative's established don't really make any room for debate: how can we argue if privacy ought to be valued or devalued if it's impossible to devalue it? It's a mire of an argument. (Note: The social contract only applies to government, as does most of the "Back To The Basics" affirmative case, implicitly. For arguments against individuals, see the next paragraph.)

Another flaw in the case is that it ignores the benefits of devaluing privacy. Once again, the judge’s mind is the only arena that counts, and the argument elaborated on in "Stick To Your Guns" that states that devaluing privacy is ineffective isn't going to be popular among judges. Use some examples--let's look at airport security. On one hand, by offering a disincentive to those wanting to bring weapons onto an airplane, we can stop hijacking from occurring without devaluing privacy... in theory. But what about suicide bombers? How are we going to punish them? Sometimes invading privacy is the only way to save lives. And what cost can you put on a life? Is a human life really not worth the wages of security guards and the minor inconvenience of being searched before entering an airplane? Is life so worthless that we can't be troubled to walk through a metal detector to protect it? Privacy is valuable, but how much more valuable are the things we can protect by infringing upon it?

Neither side needs to say privacy ought to be more or less highly valued across the board--privacy doesn't ALWAYS have to be valued higher or ALWAYS valued less. You merely need to prove that it needs to be devalued. It's a tricky resolution at best, but if you can show that devaluing privacy is of greater benefit than valuing it, then you'll have it in the bag. Invading privacy allows us to implement justice and protect liberty, making the affirmative's arguments weak. The affirmative holds that privacy is respected out of justice and is an exercise of liberty, what use is that if we can't implement justice or secure liberty? The only "bulletproof" argument of the affirmative is that privacy allows intimacy, but what is more valuable: sharing your life with someone, or having a life to share? I suggest a strong value. The Affirmative can't be disproven, only overpowered. Allow the affirmative's advantages, but show how the advantages of the negative stance are much higher. Accepting arguments is a risky tactic, but it's the strongest plan of attack. Good luck!

Freedom!!!

A Value-Centric Affirmative Case

By Lincoln Anderson and Luis Garcia

When actor Mel Gibson charged on a horse in a kilt, the most dramatic scene in *Braveheart* began. On this epic ride, he yelled and exclaimed one famous and sought after words, “Freedom!” Freedom is of utmost importance, and patriotism upholds the reality of its needed preservation including the issue of privacy. Therefore, I stand **Resolved: “Privacy is undervalued.”**

Today, I will uphold this resolution by showing why privacy should be valued and not undervalued. First, let’s begin with some **definitions**:

- **Privacy** - Webster’s 1828 Dictionary

“*Secrecy; concealment of what is said or done.*”[[168]](#footnote-168)

- **Undervalued** - Webster’s 1828 Dictionary

“*Estimated at less than the real worth*”[[169]](#footnote-169)

Value-Criterion:

The value I will be championing today is **Patriotism**. Patriotism is defined as, “The passion which aims to serve one’s country, either in defending it from invasion, or protecting its rights and maintaining its laws and institutions in vigor and purity.”[[170]](#footnote-170) Patriotism is the strength to defending our freedom, as the criterion I will be measuring Patriotism with is the **preservation of freedom**. According to Frederic Bastiat, freedom is, “…to make full use of [one’s] faculties, so long as [one] does not harm other persons while doing so[.]”[[171]](#footnote-171) With this established, I will prove the affirmative position in three contentions:

Contention 1: Upholding Patriotism Values Privacy

**A) Medieval Switzerland** –Switzerland, the land of chocolates and banking, also has a great desire for privacy. Such privacy does not only encompass their famous banks, but their autonomy in everything they do. The Swiss’ foreign policy of Isolationism keeps them private from the world. The Swiss have valued this policy since its establishment in the medieval ages. In January of 1386, an Austrian army tried to violate Switzerland’s privacy by invading them. The Austrian soldiers were well trained and equipped, yet the tide turned for the Swiss. Some say it was due to the courageous Arnold von Winkelried, who is said to have charged into a row of Austrian pikemen, yelling “make way for freedom,” sacrificing his life to give his countrymen an opening to defeat the Austrians.[[172]](#footnote-172) Others say the story is a myth. But none can doubt the patriotic hearts of the victorious Swiss protecting their privacy and their freedom.

**B) Alger Hiss** – As the Cold War raged, Communist infiltration was a constant threat to America. Tensions spiked when internal security became compromised at the statement that Communist spies potentially infiltrated our government. Richard Nixon claimed that Alger Hiss was a Soviet spy that illegally passed on confidential documents. Although mocked for his claims, Nixon did convict Hiss for violating the private levels of our government. By Nixon’s patriotic efforts, this threat of our domestic security and privacy ceased.

Contention 2: Undervaluing Privacy Hinders Freedom

**A) SOPA and PIPA** - The recent anti-piracy SOPA and PIPA bills gained plenty of resistance. It was a good intentioned attempt to stop internet thievery, but Forbes comments, “*Initially, the...question of the day is: ‘What’s so bad about trying to protect movies and music from being pirated?’ ... [T]he simple answer is: ‘Nothing at all.’ But upon further examination, the next and ultimately most important question is: ’To what lengths will they (studios and the record labels) go to accomplish their goals?’...If passed, SOPA and/or PIPA will give the Justice Department the ability to shut down almost any blog or website at will…*”[[173]](#footnote-173) Forbes goes on to mention how the bills would’ve failed anyway, cost millions of jobs, and harmed innovation. This brewing violation of liberty was thankfully shot down in valuing privacy.

**B) CIA Declassification Efforts –** Sincethe 1966 Freedom of Information Act, government agencies have had less privacy for what where classified documents. However, this is difficult for agencies like the CIA who handle the secrets of our nations and others. According to a CIA press release, *“we must take care not to violate the confidence of any foreign government who chooses to work with us, the goal of our declassification program is to identify and release as much of the information as we can, as soon as we can, without harm to our national security interests.”*[[174]](#footnote-174) Gingerly, the CIA still seeks and preserves privacy through this bill so as to not compromise international security or hinder freedom.

Contention 3: Privacy Secures and Advances Freedom

**A) Area 51** - Enshrouded in mysteries and conspiracies, Area 51 is another great example of why privacy should be valued. This secret base has been used to create military advancements that have helped aid America’s wars abroad. For example, the Lockheed A-12, a reconnaissance aircraft that preceded the famous SR-71 Blackbird, was developed in Area 51 and used to photograph Surface to Air Missile sites aiding the Vietnam War. This shows how our military research must be protected, or it can be stunted by enemy nations abusing such information to be used against our country.

**B) Israel vs. Iran** – Having warred for centuries, the Israel-Iran conflict has come to a climax with Iran’s race for nuclear weapons. Recent news suggests an occurring covert war with unexplained explosions, killed nuclear scientists, and destructive computer viruses. Concerning an explosion in November 2011, the L.A. Times writes, “*experts believe that the explosion, the most destructive of at least two dozen unexplained blasts in the last two years, was part of a covert effort by the U.S., Israel, and others to disable Iran’s nuclear and missile programs. The goal, the experts say, is to derail what those nations fear is Iran’s quest for nuclear weapons...*”[[175]](#footnote-175) Without secrecy, covert operations can be stifled and go awry. In stopping Jihad Iran from building catastrophic weaponry, the Mossad and CIA value privacy as they secure their people and advance their freedom and patriotic spirits.

Closing:

In conclusion, freedom is what the world seeks. Patriotism is the strength in this pursuit. If we undervalue privacy, the consequences are detrimental and unwanted at the individual, domestic, national, and international scopes. But if we value privacy, we can preserve and exclaim that one sought after word with Mel Gibson in *Braveheart*: “Freedom.”

Negative Brief against AFF case “Freedom!!!”

By Lincoln Anderson and Luis Garcia

Packed with applications to subtly spread the opponent, this case's effectiveness will hinge on your time management. Below we will provide a point by point rebuttal. You can pick and choose what are the strongest points of the case to attack in saving time, but be careful. The affirmative can come up and show how you dropped the arguments and impact his point to persuade judge. We would highly recommend making sure your negative case is in the 3 minute to 3 and half minute time bracket to give yourself enough time to address as much of the affirmative case as possible.

Value:

Patriotism is presented with a pretty solid definition. But two points, particularly the first can be brought up as good refutation:

**1) Patriotism can be self-conflicting.** In the affirmative's own example of the Israel-Iran conflict, we find patriotism conflicting. Israel's patriotism is clashing with Iran's patriotism as both war in seeking their own nation's interests. Therefore, patriotism can be clearly seen to be self-conflicting.

**2) Patriotism can be falsely used.** Although we have great examples of free nations that hold to patriotism, Multiple examples out-number these few. Patriotism can stomp out freedom as seen in non-free, but patriotic governments that hold to communistic or dictator governments, such as North Korea, Nazi Germany, Pakistan, Ancient Rome, Iran, etc. Therefore, patriotism can be taken to abusive lengths clouding out freedom.

Criterion:

The definition for freedom is self-limiting, which makes it hard to counter. But one point can be presented:

**1) How do we know when a society is free?** How do we know? What is the bright-line? The affirmative does not clearly specify. Freedom can be given to citizens in varying degrees, but what is the standard that classifies a nation upholding freedom? Especially since all nations present restrictions to some degree. My opponent stated his criterion is the way we know when his side is upheld, but how can we know that his side is upheld if we don’t even know when his criterion is upheld?

Contention 1: Upholding patriotism values privacy.

**A) Medieval Switzerland** – Privacy is not necessarily the main point of the Swiss and Austrian war. The Swiss were more concerned about their national security. The conflict thus was concerning the security and protection of their people, making this not applicable to the round.

**B) Alger Hiss** – Technically, Hiss's privacy was violated in the investigation of whether or not he was really a Soviet spy. Therefore, the US had to undervalue privacy in the protection of its domestic security.

Contention 2: Undervaluing privacy hinders freedom.

**A) SOPA and PIPA** - Although we have a clear example of freedom being hindered, privacy is not necessarily involved. Anything on the Internet is no longer private as the World Wide Web is a public domain. Anyone has access to it. Therefore, there is not a devaluing or valuing privacy since privacy is not even a part of the equation in the first place.

**B) CIA Declassification Efforts –** Recognize the bill mentioned and what effect it had on the CIA. The 1966 Freedom of Information Act proves the negative's position. It undervalued the CIA's privacy to aid and promoted the public's right to know what the CIA is doing with taxpayer dollars.

Contention 3: Privacy secures and advances freedom.

**A) Area 51** - To counter this off-the-wall application, you have to know more about it. The best way to counter is to show how America used Area 51 in a manner that violated privacy during the Cold War. As Russia and the US competed in military technology, the US stole and smuggled one of the Soviet's top jet aircrafts to compare and test. This testing was used to see if Russia truly had an advantage. In order to get this military information, the US violated Russia's privacy using Area 51 to gain this intelligence, therefore nullifying this application.

**B) Israel vs. Iran** – Besides the above value conflict point, another avenue to rebut this example is Stuxnet. Stuxnet was a mysterious computer virus that was used in this conflict in 2010. Although its maker was unidentified, analysts believe American and Israeli technicians were its creator, as the virus's one target was a specific computer system located in Iran's nuclear facility. The virus was used to damage the nuclear facilities' production systems and was successful, causing one of the mysterious explosions. However, this virus had to travel and violate the privacy of the computers' it infected in order to hit its target.[[176]](#footnote-176) Therefore, privacy was undervalued in Israel's national security's interests.

Three Levels of Privacy Violations

A Whole Resolutional Case

By Jon Bateman

Around the world, privacy is violated every day, at every level of society. It is because I believe that these violations are not random events but rather due to an underlying lack of respect for privacy that I stand **Resolved: Privacy is undervalued.**

Before we dive into the subject of privacy however, we need to define what privacy is:

**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.*”[[177]](#footnote-177) American Heritage Dictionary of the English Language

Before presenting my three contentions I would like to make a few points about the resolution itself.

Resolutional Analysis 1: No Resolutional Actor

Even a cursory glance at the resolution presents a dilemma. The resolution states, “Resolved: Privacy is undervalued.” But the question the resolution does not answer is, “Who is undervaluing privacy.” However, in order to debate the subject, we must know who or what is acting on the resolution. There are three main interactions that violate privacy in this year’s resolution: The government’s respect for its people’s privacy, interpersonal privacy, and intrapersonal privacy. These leads to resolutional analysis point two.

Resolutional Analysis 2: Affirmative Burden

The resolution is a blanket statement. Either privacy is undervalued, or it isn’t. In order to prove my case, I must prove that privacy is undervalued. However, there are thousands of cases of privacy being undervalued every day. In order to provide clarity in today’s round, I will focus on the three main interactions that violate privacy that I outlined in my first resolutional analysis point. An affirmative ballot is justified if I can prove that privacy is undervalued in all three of these interactions. This will prove that as a general statement, privacy is undervalued.

Contention 1: Government Undervalues Privacy

The first interaction I would like to look at is the Government’s respect for its people’s privacy. I would like to look at two applications

Application 1: The TSA

In the wake of 9/11, our government drastically expanded its infringement on our privacy. The Transportation Security Administration, commonly known as the TSA has grown increasingly bold in its egregious violations of privacy. Every day stories surface or TSA agents performing, invasive, privacy violating, full-body searches on innocent passengers. Young children, the elderly, and everyone in between can be pulled aside by the TSA for “additional screening” without any rational justification. This flies directly in the face of U.S. constitutional standards that outlaw unreasonable search and seizure. Nor is the TSA the extent of the U.S. government’s undervaluing of our privacy. The patriot act, warrantless searches and arrests, and additional, non-constitutionally required, census questions about race, income etc., all show just how little our government values privacy.

Application 2: Burka laws

Unfortunately, the U.S. Government is not the only government that undervalues privacy. In France, the government has flagrantly violated the privacy of thousands of Muslim women by outlawing the traditional Burka, a full body covering garment. The French government claimed that it was in the interest of national security, but Burkas present no actual, legitimate threat. This is just another sad case of a government undervaluing its people’s privacy.

Contention 2: People Undervalue Other People’s Privacy

The second privacy violating interaction that is rampant in our culture is the undervaluing of privacy in interpersonal privacy. Put simply, people do not respect the privacy of others. Nowhere is this more apparent than in the case of celebrities and tabloids. By definition, celebrities are public figures and thus have less privacy. However, that does not mean that they must submit to the constant privacy violations of tabloid media. Nor does this problem end with the paparazzi. Think about it. The Paparazzi exist because they are employed by tabloids. But why do tabloids exist? Tabloids exist because the American people buy millions of tabloid magazines. This tells us that the typical American consumer has little, to no regard for the privacy of celebrities. The fact that Americans seem to care more about Justin Beiber’s latest hairdo than they do about national issues is a sad testament to how undervalued privacy is in interpersonal relationships.

Contention 3: People Undervalue Their Own Privacy

The final privacy violating interaction that I present to you today is that of intrapersonal privacy. Put simply, People do not value their own privacy. The most stunning example of this is the internet and social networking. Every day people post updates on Facebook, Twitter, and countless other sites that is damaging to their own privacy. Full names, birthdates, even social security numbers are put on the internet for all to see. It is clear that these people are undervaluing their own privacy because they are knowingly putting themselves at risk of identity theft. I think we can all agree that the proper standard for valuing privacy in this case is keeping information that could lead to an identity theft private. Despite this common sense conjecture, people still post these compromising details. This shows that we as Americans individually undervalue our own personal privacy.

In light of these three contentions, we can categorically say that privacy is undervalued across the board. Governments around the world undervalue their people’s privacy through actions like the TSA and France’s Anti-Burka laws. People undervalue each other’s privacy, as evidenced by the pervasiveness of tabloid media. Finally, people undervalue their own privacy by posting sensitive information on facebook etc. Are there specific people or situations who sufficiently value privacy? Yes. But as a general statement, the examples given in the past five minutes prove irrefutably that privacy is indeed undervalued. It is for this reason that I urge an affirmative ballot.

Affirmative Addendum for “Three Levels of Privacy Violations”

By Jon Bateman

By just glancing at this case, it is obvious that it is a very atypical LD case. There is no value, no criterion; there are no specific facts and figures, in short there is nothing specific about this case. That is because this case is meant to be a general framework. It is called a whole resolutional case for a reason. It takes the resolution in a big bear hug and claims it is true as a general rule across the board. This will be very persuasive to community judges but odd to other debaters and parent judges. In order to win with this case, you need to prove and defend a few key points.

First, you must be able to defend why you don’t have a value. The reasoning is actually fairly simple. It is a fact resolution. If the resolution was, “Resolved: Privacy ought to be more highly valued” then the affirmative would need a value to show why we should value privacy higher. However, this resolution merely asks the affirmative to prove that privacy is undervalued. As such, you can run a value to clarify your position if you would like, but it is not absolutely necessary to the case. If the negative team presses you for a value, state that your value is upholding the resolution. The resolution is factual, therefore your case is factual.

Second, you must prove your two resolutional analysis points. The first one isn’t hard. It is easy to prove that the resolution doesn’t specify an actor. The second one is more complex though. It is imperative that you prove that an affirmative ballot is justified if you can prove privacy is undervalued in the three areas your case focuses on. Any negative worth their salt will contest this issue. When the negative presses you on this subject, challenge the negative to come up with any form of privacy violation that isn’t covered under the three levels that you discussed. Most won’t be able to. If a negative does find an area that doesn’t fit under this three tiered structure, then think on your feet and show examples of how privacy is undervalued in that context as well

Third, you must defend your applications, and bring up new applications for every argument you present. Because this case does not depend upon a value, your applications are all you have to sell this case to your judge. Bring up as many applications of privacy being violated as you can. In the face of so much clear evidence of privacy violation, the judge will be persuaded that privacy is indeed undervalued.

Negative Brief against Aff Case “Three Levels of Privacy Violations”

by Jon Bateman

I will go through this case point by point.

Definitions:

There is only one definition and it really isn’t worth contesting. In fact, it works in your advantage not to contest it.

Resolutional analysis 1:

Accept this framework. It is fairly self-evident that the resolution doesn’t have a specified actor.

Resolutional analysis 2:

You must contest this point. This is the central point of the whole case. Start by pointing out that if we want to look at the resolution as a simple, overarching, statement of fact, it can’t be a “general statement” it must be categorically true or false. As such, according to the standard set forth by the affirmative team, the affirmative team must prove that in every instance of every level of privacy (governmental, interpersonal and intrapersonal) privacy is undervalued. From here you can argue one of two things, but not both at the same time.

1. You can agree with this interpretation and then go on to prove that there are instances where privacy is correctly valued, and thus the affirmative’s categorical statement is false.
2. You can decry this definition as flawed. Point out that it ignores values. It never considers what the proper value of privacy is, in the context of other values. Use this argument to then spring board into your case, and talk about your value, and how your value informs the resolution.

Contention 1

If you chose the first response to Resolutional Analysis 2, then simply bring up as many applications of the government correctly valuing privacy as you would like. Things like Warrants, Miranda rights, etc. Then claim that this disproves the categorical claim made by the affirmative.

If you chose the second response to Resolutional Analysis 2, then focus on the two applications of the TSA and Burka bans. Under the Affirmative’s own definition of privacy, it is only a violation of privacy if it is an “unsanctioned intrusion”. Then point out that neither of these actions are unsanctioned. No one forces you to fly. If you choose to fly then you choose to submit to TSA inspection. Similarly, the people of France voted to restrict their own right to wear clothing that covers the face. If you choose to live in France, and vote in French elections, you, in effect, chose to forgo this level of privacy.

Contention 2

If you chose the first response to Resolutional Analysis 2, then show examples of people valuing other people’s privacy. There is an abundance of examples of this. Most people don’t walk up to other people’s houses and peer in their windows etc.

If you chose the second response to Resolutional Analysis 2, then point out that paparazzi who cross the line and hack into celebrities’ email accounts, or sneak onto their private property are justly punished by our court system. Thus, although paparazzi may not value privacy, our system as a whole values privacy (this argument ties in very well if you run justice as a value.

Contention 3

If you chose the first response to Resolutional Analysis 2, then appeal to the judges’ belief in humanity’s common sense. Point out that while some people may be foolish enough to post their social security number on facebook, most are not. Point out that this affirmative is making a sweeping generalization.

If you chose the second response to Resolutional Analysis 2, then return once again to the definition of privacy. Point out that if violating privacy means “unsanctioned intrusion” then, intrapersonal privacy can never be violated because you can never “intrude without sanction” upon your own privacy. The very definition of privacy disproves this contention.

Part III: Negative

“The more we disagree,

the more chance there is that

at least one of us is right.”

~ Unknown

**The Illusion of Privacy**

By Michael Tcheau

**What Have you got to Hide?**

By Matthew Erickson

**Law: A Just Invasion of Privacy**

By Lincoln Anderson and Luis Garcia

**National Security over Privacy**

By Ashlyn Olson

**Trust the Cops**

By Travis Herche

**The Case for the Patriot Act**

By Elizabeth Ertle

The Illusion of Privacy

A Value Centric Case

by Michael Tcheau

Ancient Chinese general Sun Tzu once said, “All war is deception.” The first stage of war is for a government to lose accountability. Without accountability, actions have no repercussions. Without repercussions, everything is fair game. When everything is fair game, there’s nothing to stop a government from harming its citizens. It is because I believe that accountability is necessary for government systems that I stand resolved: privacy is not undervalued.

*(Merriam-Webster’s Dictionary)* Privacy – The quality or state of being free from external observation.[[178]](#footnote-178)

Resolutional Analysis 1: No specified actor.

The resolution does not specify the entity to which privacy relates. Therefore, privacy in this resolution could refer to a number of specific actors. The most obvious of these is government. Since the resolution needs to be proven as a general rule, we must look at large scale instances of conflict. Government accountability and privacy provides the greatest factor that we can look at because government consists of and rules over individuals. Only with this interpretation can the affirmative prove the resolution true.

As the negative, I will champion the **counter-value of** **Sanctity of Life**, defined operationally as “an ethical code that protects individuals from arbitrary and malicious threats on their God given lives or livelihood.”Sanctity of Life protects the individual because it provides a standard that prevents individuals from harming others, and government from harming its citizens. Imagine if there was no deterrent to harming another’s life. Society would crumble into chaos. Philosopher Emma Goldman once stated, “The ultimate end of all . . . social change is to establish the sanctity of human life, the dignity of man, the right of every human being to liberty and well-being.”[[179]](#footnote-179) For this reason, a standard to protect sanctity of Life is needed.

This standard can be provided in my criterion of Governmental Transparency, operationally defined as “the system in which international and domestic government is subject to scrutiny by other sovereignties or a board peers.” Governmental transparency provides a system of accountability. Even though this would infringe on a nation or state’s privacy, it is absolutely necessary to prevent government from abusing its citizens.

Contention 1: Governmental Transparency Infringes on Privacy

Governmental transparency infringes on privacy because it sacrifices secrecy for accountability. Throughout the world, the prioritization of a transparent government has protected sanctity of life, even if it restricts the privacy of a sovereign. The creation of the United Nations in 1945 is a clear example of this. The UN established a security council of powerful countries who have the right to view the actions and documentation of foreign governments if they suspect human rights abuse. The members of the Security Council are subject to each other’s inspection for the same reasons. This infringes on the privacy of a sovereign government, but it is necessary to make sure that governments are not abusing their citizens and violating sanctity of life.[[180]](#footnote-180)

Contention 2: Privacy Harms Governmental Transparency

Overvaluing privacy harms governmental transparency by providing no method of accountability in the actions of a government. Consider the example of the Kosovo conflict. In 1991, the Serbian controlled government refused to show their questionable documentation of police activity to NATO. After denying continuous requests to allow NATO agents to examine their actions, the Kosovo government launched a full-scale assault in retaliation to a new organization known as the Kosovo Liberation Army. The crisis escalated into a genocide in which over 138,000 people of ethnic and cultural minorities were killed. The Kosovo government overvalued their privacy by not allowing NATO to keep the peace by establishing governmental transparency.[[181]](#footnote-181)

It is because international accountability is necessary for the individual to be safeguarded from his government that this resolution is false. Sun Tzu was right when he said that all war is deception. The first lie is to assume that privacy will protect its people.

Affirmative Brief Against Negative Case “The Illusion of Privacy”

by Michael Tcheau

This case has a lot of assumptions. Let’s see how to murder it kindly through turning arguments.

1. The value.

a. The Turn

Sanctity of life can be easily turned. Violations of government sovereignty have led to tragedy in the past. Read up about the applications of Kosovo and Haiti in the article I provided. In harming privacy, sanctity of life in these nations was violated.

b. What Is Sanctity of Life?

The definition of Sanctity of Life provides a flawed standard for what violations of life or livelihood actually would be. The negative case assumes that “arbitrary, malicious, or coercive” threats are determined by international government. Yet, the affirmative can easily twist this and say that privacy and freedom are superior standards of unlawful deprivation of life rather than international accountability.

c. Would allow for no government

Every government infringes coercively at least sometimes on someone’s livelihood. Take for example taxes or mandatory insurance on cars. The individual’s livelihood is always going to be restricted. Therefore, in order to have “sanctity of life”, as defined in my case, the abolition of government would be required. The problem is, without a government to rule over society, individuals would harm each other’s rights. Therefore, regardless of which path we take, it is impossible to ever attain the definition, “sanctity of life.”

2. The criterion

a. Mission Impossible

Under the standard of governmental transparency, governments essentially can take no action without scrutiny. This links into massive national security issues. Imagine if the US government were required to submit its defense documentation to inspection. Espionage, border patrols, and naval movement could all be compromised because other nations would now know what the US is doing, and why.

b. Escalated Wars

When massive alliances are formed under a system of one-world government, tensions between the system, and those who oppose it, will rise. This happened in WWII; the Axis and Allied powers fought against each other, and because nations either belonged to the Axis system or the Allied system, they were locked into a world war. While governmental transparency may lower the risk of small wars, it does nothing to prevent world wars.

3. The contentions

a. Contention 1

Use the article about the UN and NATO to prove that the United Nations, through a system of governmental transparency, has done far more damage than good to this world. Your response should be tagged as a turn.

b. Contention 2.

Once again, use the non-positive application of Kosovo to prove that NATO intervention caused massive civilian casualties and did nothing to halt genocide, but only increased racial tensions.

What Have you got to Hide?

A Means-Criterion Case

by Matthew Erickson

If you had a choice between your life and your house, which would you choose? Though there are certainly some crazies that would be desperately trying to rescue their grandmother’s silver from the cabinet while their house burnt down around them, all sane people regard their security as the most important thing. It is because I believe that security is even more important than privacy that I stand opposed to the resolution, and instead argue that privacy is overvalued.

For clarity, I would like to present the following definitions:

**Privacy: “**the condition of being private or withdrawn; seclusion, the condition of being secret**”** (Collins English Dictionary[[182]](#footnote-182))

**Value: “**to regard or esteem highly” (Dictionary.com[[183]](#footnote-183))

The value I will be seeking to uphold is **Security**, which is defined by Dictionary.com as “freedom from danger, risk, etc.; safety.[[184]](#footnote-184)” Security is of paramount importance to each individual, and thus, should be the paramount value of any society.

My criterion is that of **Information**. Though we often think of police or weapons as being the primary component of our personal safety, knowing enemies and threats is even more important. As my contentions will show, Security is the most important value, and over valuing privacy harms security by making it hard to gather important information.

Contention 1: Security is the Highest Value

Security, the protection of our lives, is the most important value and is the reason government exists. Though there are certainly many things we value, all of them, even our freedom, are less important than protecting the security of ourselves and the people around us. An example of this was seen during The National Draft in World War II. Even here in the United States, the land of the free, the freedom of many soldiers was not as important as our security. Why? Because nothing is more important than the protection of life that comes with security.

Contention 2: Information is Necessary to Ensure Security

If you’ve ever seen a mystery movie or TV crime series, there is always a critical piece of information that the main character uses to solve the crime. It’s the same with real life law enforcement. To keep us secure, government officials need to be able to collect information on suspects to solve a case. That’s why we have entire departments like the CIA dedicated to collecting information on enemies and criminals.

Example: Osama bin Laden

The United States, using undercover operatives and satellites, spent years spying on people in Afghanistan and Pakistan, robbing them of their privacy, to find information on bin Laden. In the end, the information collected led to the discovery of his hiding place and brought one of history’s most feared killers to justice. If it wasn’t for the information our government collects, thousands of evil men like Osama Bin Laden would never be captured, leading to a less secure world.

Contention 3: Over Valuing Privacy Hinders Vital Information

This is because privacy is essentially the right to stop information from becoming known to others. While a certain level of this is certainly nice, privacy laws value privacy at the expense of collecting information vital to protecting safety.

Example: The Virginia Tech Massacre

The shooter,[Seung Hui Cho](http://topics.nytimes.com/top/reference/timestopics/people/c/cho_seunghui/index.html?inline=nyt-per)**,** was mentally ill. However, because of privacy laws, information of his mental illness was not shared by his high school or his doctor with the police or with Virginia Tech. As an article by the associated press states “As a result (of privacy laws), information that could be used to get troubled students counseling or prevent them from buying handguns never makes it to the appropriate agency.”[[185]](#footnote-185) Because privacy was so highly valued, information on his dangerous condition was not learned of until after he had been allowed to purchase firearms and subsequently killed 32 students and faculty.

In conclusion, a world where we valued privacy more would not be a safe place. Without necessary limitations on people’s privacy, we would be unable to prevent tragedies like the Virginia Tech Massacre from happening. Worse yet, without the information that comes from surveillance, evil men like Bin Laden would forever escape justice, making every law abiding citizen less secure. If you agree that our security is paramount in importance, I urge you to join me in negating this resolution.

Affirmative Brief against Negative Case “What Have you got to Hide?”

by Matthew Erickson

Value and Criterion: Security and Information

It’s hard to say that security is a bad thing, but if you have a strong value, you can point out how security is merely a means to allow other values to exist. By itself however, it is worthless. For example, poor people are “secure”, at least in the national security sense, but don’t have enough of some other value like wealth.

Secondly, privacy and security are very closely linked. When people lose their privacy, things like identity theft or even stalking result. There are countless examples of how privacy helps us stay secure, especially financially.

As for the criterion of information, this is really where the critique on privacy starts. Showing the importance of information is antithetical to privacy, the right to STOP information from getting out. Your best bet here is to show how information can also harm security (cross apply identity theft). Does having our personal information available to everyone and their dog really make us more secure? Probably not.

Contention 1

Cross apply arguments from the value. Privacy makes us more secure.

Contention 2

Cross apply arguments from the criterion. More information doesn’t always equal more safety or security.

Contention 3

Though Virginia Tech was a terrible incident, there is no proof that if police had known of his condition that anything would have been prevented. In fact, some have argued that [Seung Hui](http://topics.nytimes.com/top/reference/timestopics/people/c/cho_seunghui/index.html?inline=nyt-per) Cho’s rampage had nothing to do with his mental disorder, since his form of autism actually would make such outbursts less likely, not more. People with autism try to shy away from the spotlight, and aren’t the type to kill just to get attention.

Law: A Just Violation of Privacy

A Means-Criterion Case

by Lincoln Anderson and Luis Garcia

Imagine: a child has been kidnapped. The mother is devastated. The police find a lead to the perpetrator and surround the house where the criminal is hiding. The officers’ blood boils with disgust. But right when they breach, something happens. b*Privacy is violated*. This example clearly illustrates the need to undervalue privacy in order to pursue justice. Therefore, I negate the resolution.

**Definitions:** (only use if needed)

- Privacy - Webster’s 1828 Dictionary

*“Secrecy; concealment of what is said or done.”[[186]](#footnote-186)*

- Undervalued - Webster’s 1828 Dictionary

*“Estimated at less than the real worth”[[187]](#footnote-187)*

Value:

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…”[[188]](#footnote-188) 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, whether by investigating a corrupt politician or police frisking a suspected shoplifter. Privacy must be undervalued when it directly harms justice.

Criterion:

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:”[[189]](#footnote-189)* In an ordered society, justice is upheld. This shall be proven in the following contentions:

Contention 1: Privacy impedes Justice.

**A) Search and Seizure** – In the constitution, privacy protects people from search and seizure, but circumstances like the kidnapping in our introduction show how privacy should be undervalued for justice. Instances of warrant-less 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.[[190]](#footnote-190) If it weren’t for privacy violations like these, police might be unable to help people like our kidnapped child to defend justice.

**B) Watergate** – On June 17 1972, seven members of President Richard Nixon’s reelection committee were caught in illegal actions. In an effort to protect himself, President Nixon sought to maintain secrecy. In the following months, Nixon abused his executive power in many ways because he valued privacy for his actions. This impeded justice and threw the government into disorder. Today, the Watergate scandal has left Nixon scarred as one of the most despised presidents in American History.

Contention 2: To uphold order, privacy must be undervalued.

**A) Pilot Drug Tests** - For safe aviation, pilots must fulfill certain obligations. Specifically, pilots need to be drug free. According to the Federal Aviation Administration, this mandate was put into law through, “[t]*he Omnibus Transportation Employee Testing Act of 1991.*”[[191]](#footnote-191) The Secretary of Transportation stresses the importance of this enforcement, saying, “*Safety is our number one priority at the U.S. Department of Transportation...*[A] *cornerstone of our safety policy is ensuring that transportation...operators...are 100 percent drug- and alcohol-free. We want – and we insist upon – safety-conscious employees at all times...*”[[192]](#footnote-192) Through these tests, privacy is undervalued to ensure justice and orderly travel.

**B) Foiled Terrorism Attacks** – Since 9/11, the US has increased counter-terrorism operations. One arrest was of Dhiren Barot in August 2004. The Heritage Foundation reports how Barot led a group that was “*plotting to attack* [multiple institutions]*...A...police raid on Barot’s house in Pakistan yielded a number of incriminating files on a laptop computer, including instructions for building car bombs.*” If the police did not violate the privacy of Barot, these attacks could have mutilated justice and order.

Therefore, when a direct harm hinders the order and justice of society, privacy should be undervalued.

Affirmative Brief against Negative Case “Law: A Just Violation of Privacy”

by Lincoln Anderson and Luis Garcia

We built this negative under a strong thesis, but even so, every case has its weaknesses. Here we will go point by point to give you a solid rebuttal to this negative case.

Value:

There are three points to hit justice on:

**1) Justice is Relative.** Laws change over time. Gay marriage, for example, was ruled unjust by the state of California according to law, but then the courts decided that it should be just according to law. Therefore, what is considered just today can be considered unjust tomorrow and what is considered unjust today can be considered just tomorrow.

**2) Justice is Subjective.** All countries have different ideas on what is just, which is proven through the differences in their laws globally. Every other major country in the world, for example, has accepted the United Nations Treaty on the Rights of the Child, but here in the U.S. we have not. Why? Because we feel it’s unjust even though other countries differ. My opponent has provided us with a value that can vary from person to person, nation to nation, so how can we use justice as our measuring tool when the world can’t agree on what it actually is?

**3) Justice is Self-Conflicting**. The definition states that justice is giving everyone their due according to the “*practical conformity to the laws and to principles of rectitude in the dealings of men with each other*.”[[193]](#footnote-193) However, law and the principles of rectitude can actually conflict. For instance, the United Arab Emirates hold justice only to their citizens, but not to foreigners present in the country. Foreigners can be abused and deprived of their rights according the universal principle of the golden rule, “Do unto others what you wish for them to do you.” Therefore, within this definition, justice can be self-conflicting.

Criterion:

Order is good thing to pursue, but it has its flaws:

**1) Order can be Abused.** In the classic literature piece *Animal Farm*, George Orwell pictures the Russian Revolution. A part of this allegory shows how the leader pigs motivated the other animals with a good goal of living in a country upholding everyone’s needs and wishes. But while doing so, the leadership secretly brewed a different agenda. Behind the backs of the other animals, the pigs took full control creating what they defined as order—which was that all animals were equal but some are more equal than others, which in this case was the pigs.

**2) Correct Order Defined by Who?** In the definition, it says Order is “*a state in which everything is in its correct or appropriate place:”[[194]](#footnote-194)* But this fails to say who defines when society is in a correct or appropriate place. Is it the people? Is it the government? Or is it an outside observer? This can radically change and differ, leaving us with not a clear understand of when order is present in a nation.

Contention 1: Privacy Impedes Justice

**A) Search and Seizure** –Search and seizure can be abused. This can be an example of the first argument for order. Hence, in Canada, their constitution specifically provides the right “to be secure against unreasonable search or seizure.”[[195]](#footnote-195)

**B) Watergate** – Why is the Watergate scandal titled the *Watergate* scandal? Well, it’s because those members of Nixon’s reelection committee who broke into the Watergate building violated the privacy of the Democratic Party. That’s right. The whole thing started because privacy was undervalued by Nixon’s cronies.

Contention 2: To Uphold Order, Privacy Must be Undervalued

**A) Pilot Drug Tests** - A good point to present is that the pilots consent to this test. They don’t have to be employed as a pilot. But if they do, they need to consent to the requirements and standards of the company. Moreover, this pilot’s information is not publicly posted on the Internet. It is still confined in the company, which shows a valuing of privacy.

**B) Foiled Terrorism Attacks** – A quantitative argument will pose a strong point to counter this application. In perspective, more privacy is valued in these operations than privacy being undervalued. If the CIA wishes to eradicate a terrorist ring, they need to value privacy. If privacy is not valued, their work will quickly disintegrate.

National Security Over Privacy

A Value-Centric Affirmative Case

by Ashlyn Olson

“Distrust and caution are the parents of security.”[[196]](#footnote-196) It is because I agree with Benjamin Franklin that transparency is key to security, that I stand **Resolved: Privacy is not undervalued.**

For the purpose of clarification in this debate round, I provide the following definitions:

**Privacy** is defined by *Collins English Dictionary* as, “The condition of being secret; secrecy.” [[197]](#footnote-197)

**Undervalued** is defined by the *Random House Dictionary* as, “to value below the real worth; put too low a value on.”[[198]](#footnote-198)

**Overvalued** is defined by the Merriam-Webster Dictionary as, “to assign an excessive or fictitious value to.”[[199]](#footnote-199)

The **value** I choose to uphold today is that of National Security. National Security is defined by the Random House Dictionary as, “A collective term for the defense and foreign relations of a country, protection of the interests of a country.”[[200]](#footnote-200)

Before I move on to my contentions, I would like to make an observation.

Observation 1) Resolutional Analysis

**A) Burden:** As the negative in today’s debate round, I am asked to prove the resolution false: that privacy is not undervalued. If I can show you that privacy is in fact overvalued, then a negative ballot is warranted.

**B) Resolutional Scope:** One of the areas where privacy is often discussed is in the relationship between the people and the government. In order to provide clarity in today’s debate round, I have chosen to specifically look in my case at how privacy is not undervalued on a national level.

Contention 1—National Security is Important

National security ensures that a nation is safe from foreign attacks. But even beyond having a strong military and world presence, national security protects the interests of a nation. In order for other values of to be upheld, National Security needs to be respected and upheld. The American Journalism Review says that the Government has a duty to “uphold national security.”[[201]](#footnote-201)

Contention 2—The Government’s job is to Protect National Security

While it is important to keep government limited, it is also crucial to prevent a state of anarchy where there is no government interference. In such a state, people may have privacy upheld, but there would be lack of national security and accountability. Part of a functioning society includes transparency to ensure that there is a working relationship between the government and the people. People and the government are less likely to intentionally make poor decisions if they know that the other will have access to any incriminating information. Background checks can violate privacy, but are useful for protecting businesses, the government, and the nation as a whole.[[202]](#footnote-202) But, increasing regulations on background checks in order to preserve privacy may hurt the security of our country.[[203]](#footnote-203) Privacy is overvalued, which poses a threat to the government’s job of upholding National Security.

Contention 3—National Security and Privacy Conflict

When our government makes decisions, they base those decisions on values. Too often, our government focuses on upholding privacy rather than National Security. However, we can look to the example of the Supreme Court case United States vs. Nixon to see the importance of the government making decisions based on National Security instead of privacy.

During the Watergate Scandal, President Nixon was taken to court because of his involvement with the Scandal. United States vs. Nixon addressed the issue of privacy as it related to “executive privilege” and whether or not President Nixon could withhold tapes from other branches of government and the public. According to the Chicago-Kent College of Law, “The Court held that neither the doctrine of separation of powers, nor the generalized need for confidentiality of high-level communications, without more, can sustain an absolute, unqualified, presidential privilege. The Court granted that there was a limited executive privilege in areas of military or diplomatic affairs, but gave preference to ‘the fundamental demands of due process of law in the fair administration of justice.’”[[204]](#footnote-204) History as shown us that executive privilege in regards to withholding information from the public is a dangerous slippery slope that can hurt the interest of a nation, therefore hurting National Security. As American Philosopher George Santayana once said, “Those who refuse to learn from history are doomed to repeat it.”[[205]](#footnote-205) Because of these lessons, when privacy and national security conflict, national security ought to be valued higher.

In conclusion, because National Security is vital to a nation and upholding privacy too highly can hurt National Security, I continue to stand resolved that privacy is not undervalued.

Affirmative Brief against Negative Case “National Security Over Privacy”

by Ashlyn Olson

This is a very basic negative case that provides the groundwork for expanding on the general premises outlined in the observation and contentions. To effectively run this case as the Negative, I suggest reading up on background information behind the analysis and examples (looking at the links in the footnotes is a great way to do this). As the affirmative arguing against this case, here are some potential weaknesses you can point out and arguments you can make.

**Resolutional Analysis**—As the affirmative, you essentially set the parameters for the debate round. While it is fine for the negative to choose to focus on one aspect of the debate round in their case, you may choose to challenge their scope and argue that more needs to be examined to decide the debate round.

Value of National Security and Contention 1:

1) Vague

Whose interests are we protecting? The definition of National Security does not clarify whether it is protecting the interests of the government or of the people.

2) Self-Conflicting

The interests of one nation can conflict with another nation. The bombings of Hiroshima and Nagasaki arguably carried out the United States’ interests, but they conflicted with Japan’s interests.

Contention 2:

This may be the crux of the negative case. If you can show how your value (or even privacy in general) ought to be held higher than National Security or if you break the link between privacy being overvalued and threatened National Security, then you have broken the thesis of the case.

1) The Government has higher priorities

The Government may have higher priorities then National Security, and you can show how your value is higher.

2) Privacy needs to be valued higher to protect National Security

There may be times when the government needs to uphold privacy in order to maintain national security. Sometimes it might be dangerous for the general public to know of secret investigations or attacks.

Contention 3:

Nixon v. United States is an interesting example because it actually shows how privacy was not respected. While the Supreme Court’s ruling is generally accepted, from a fact point of view, this example may show how privacy is actually undervalued.

Trust the Cops

A Value-Centric Negative Case

by Travis Herche

In 2005, an Algerian Al-Quaeda cell known as the Salafist Group for Preaching and Combat devised a massive terror plot intended to outdo the horrors of September 11. Major coordinated attacks on ships, railways, and sports stadiums were in development. Had they succeeded, thousands of people would have died and the entire world would have been left reeling. And had privacy been upheld, that's exactly what would have happened.[[206]](#footnote-206) Fortunately, it was not. Lives were saved, and the message was clear: the resolution couldn't be less true.

**Value: Justice.** Faustino Ballve wrote: “The aim of justice is, as the Romans used to say, to give each his due, and in order for each to be given what is his, it is necessary that it already belong to him; to "give", in this sense, means to protect the right of possession.”[[207]](#footnote-207) This deep definition of justice goes beyond the right to property. It describes the sanctity of every person. You possess more than just your car or your house; you also possess your body, family, and soul. Justice means protecting you and everything you possess.

Justice is the best value for the round for two reasons:

*(Note: Run Reasons to Prefer your opponent's value. Here are two generic options:)*

**Reason to Prefer 1: Inherent Good.** Justice is a core idea that exists on a high moral level. It transcends governments; it even transcends mortality. To disregard justice is to attack the foundations of the universe.

**Reason to Prefer** **2: Describes Conflict.** The resolution asks us whether privacy is over- or undervalued. But it doesn’t give you a way to make that decision. Privacy concerns are all a subset of Justice - so the question you should ask yourself at the end of this round is: “Is privacy upheld in a just manner? In the context of justice, do we not uphold privacy enough, or do we uphold it too much?”

Contention: Privacy Restrains Justice.

Margaret Cuneen once said: “There is nothing admirable about helping the guilty escape justice.”[[208]](#footnote-208) But that's exactly what privacy does every day. It creates an insulating barrier between police and criminals. Technology that would make law enforcement highly effective at keeping you and your family safe exists right now. Tragically, it is prohibited by privacy laws.

The debate over privacy cannot be fully understood until we look at the real-world consequences of bad ideas. That's where my application comes in.

Application: Italy VS. United States

The Salafist Group for Preaching and Combat was right on track to launch a series of major attacks that would have cast the horror of 9/11 into a shadow. Soon before launch, three leaders of the cell met just south of Naples, Italy. Fortunately, Italian police knew better than to let privacy endanger justice. In Italy, wire taps are a common crime-prevention tool used to keep tabs on suspicious people. Italian authorities approve more than 100,000 wiretaps per year[[209]](#footnote-209), empowering police to maximum effectiveness in the pursuit of justice. When police overheard three Algerians putting the finishing touches on their conspiracy, they promptly arrested them. The plot was foiled and thousands of lives were saved.[[210]](#footnote-210)

Unfortunately, no other democratic nation follows Italy's lead. Countries like the United States overvalue privacy by heavily restricting the use of wiretaps.[[211]](#footnote-211) The consequences speak for themselves: the violent crime rate in America is three times higher than that in Italy.[[212]](#footnote-212)

The defenders of privacy - like my opponent - love waxing eloquently about the philosophical ramifications of privacy. But they're not willing to face the cold reality that thousands of people died last year because privacy was overvalued. If American police were as effective as Italian police, at least 8500 innocent lives could have been spared.[[213]](#footnote-213)

*(Conclusion)*

Privacy is all good and well right up until enough people to fill 200 school buses are murdered because the police have no way to stop it. We can't afford to keep living in a dream world while innocents die. I hope you'll agree with me that this resolution is false.

Negative Addendum for “Trust the Cops”

by Travis Herche

Run reasons to prefer your value to your opponent’s immediately after you present your value. The two value links included here are a good start (just call them RTPs instead), but as the negative you should never be glued to your script. Pay close attention to the affirmative value and think of 1-3 solid reasons yours is better.

In 2011, there were 12,996 murders in the US. Assuming a crime rate comparable to Italy, that number would have been less than 4000. Based on these numbers and the fact that Italy’s police are practically defined by a lack of respect for privacy, we can deduce that last sentence in the application.

This case only works because of its boldness. Don’t be shy about supporting wiretaps and privacy invasions. The stakes are too high to concern yourself with such silly notions! If you try to water down or soften your position, you will be crushed by your opponent. Stay aggressive. Use phrases like “Your do not have a God-given right to plan a terrorist attack under the noses of police.”

Affirmative Brief against Negative Case “Trust the Cops”

by Travis Herche

This case is built around the application. Don’t get tangled up in it. Instead, focus on the values or argue that your case outweighs the one example given there.

The Negative says 100,000 wiretaps are authorized and they only have three terrorists to show for it? That’s a pretty bad success rate. The US catches that many per DAY - and that’s just on the Canadian border!

The application can also be attacked with alternate causality. Consider the dozens of other factors that can impact the crime rate besides the use of wire taps - like gun control, wealth distribution, economic climate, security, and police practices not related to privacy.

Italy is a dystopian police state, where citizens live in constant fear of the government. That’s not worth a few extra arrests per year.

Most importantly, push the stakes of your own case. Privacy is so important that the negative case just doesn’t matter. It is completely overshadowed.

The Case for the Patriot Act

A Value-Centric Negative Case

by Elizabeth Ertle

One of the best-known pieces of legislation that came out of the September 11 attacks, the Patriot Act, forced Americans to reconsider what role we want privacy to play in our lives, and how much of it we were willing to compromise in order to have security. Having gone through several reauthorizations, it has remained on the mind of many, and through continued analysis, it has been clear that the legislation has been successful. Because an individual’s privacy must sometimes be relinquished to provide for the security of a society as a whole, I negate the resolution, asserting that privacy is not undervalued.

Definitions

**Privacy**—The freedom to do things without other people watching you or knowing what you are doing.[[214]](#footnote-214)

**Undervalue**—To consider someone or something as less valuable or important than they really are.[[215]](#footnote-215)

Value

My value in today’s round is that of **national security,** which is defined as “the protection or the safety of a country’s secrets and its citizens.”[[216]](#footnote-216) In order for privacy—or any civil liberty—to have any value at all, citizens have to first be protected from outside threats. It’s essential to the existence of any individual rights that the individual be able to safely exercise those rights.

Criterion

My criterion, or the way that my value can be attained, is **strategic intelligence,** which is defined as “intelligence that is required for forming policy and military plans at national and international levels.”[[217]](#footnote-217) In order for a country to be able to protect its citizens, it needs to have the information to do so. Without the necessary knowledge, ensuring national security is a hopeless endeavor.

Contention 1: National Security Should Be Valued Above Privacy

We can all agree that privacy is an important thing, and that it ought to be respected and valued. However, it is not enough to merely value privacy; individuals have to be in safe environments where their privacy actually will mean something and can be maintained. Daniel J. Solove, associate professor at George Washington University Law School writes on the relationship between privacy and security: “Security, too, is not merely a societal interest; it is essential for individual autonomy as well. Autonomy and dignity are often on both sides of the balance…”[[218]](#footnote-218) In order to maximally respect an individual’s privacy, their security must first be ensured.

Contention 2: Strategic Intelligence is Essential to National Security

In order for those responsible for ensuring the safety of a country to do so effectively, it is clear that they have to use strategic intelligence, and that this strategic intelligence will sometimes be garnered at the price of some amount of privacy.

The Patriot Act perfectly illustrates this need. After September 11, 2001, it became evident that those in our intelligence communities were suffering from an inability to obtain and share the necessary information to counter the dangers that terrorism posed to our country. Because of this need, the Patriot Act was passed, which allowed law enforcement to better use their resources to gather the knowledge they needed more effectively. [[219]](#footnote-219) While the Patriot Act does compromise privacy in some ways, it does not do so egregiously or without justification. As former deputy assistant secretary for policy in the Department of Homeland Security, Paul Rosenzweig writes,

“Government's obligation is a dual one: to provide security against violence and to preserve civil liberty. This is not a zero-sum game. We can achieve both goals if we empower government to do sensible things while exercising oversight to prevent any real abuses of authority. The Patriot Act, with its reasonable extension of authority to allow the government to act effectively with appropriate oversight rules, meets this goal.”[[220]](#footnote-220)

As can be demonstrated through the successes of the Patriot Act, strategic intelligence is essential to ensuring national security.

Contention 3: Privacy is not Undervalued

While privacy is important, it cannot trump national security. If we were to attempt to give it a hierarchical place above national security, then privacy itself would be endangered. While a balance must be struck between privacy and the strategic intelligence necessary to ensure national security, national security must come first. As can be demonstrated through the example of the Patriot Act, however, this can be done in a way that does appropriately value privacy.

In conclusion, privacy is an important thing, but without national security coming first, there is no way to have assurance of any privacy at all. While there is a balance in this paradigm, privacy is neither senselessly violated nor inappropriately undervalued. Rather, it is appropriately preserved in a system that ensures its continued safety.

Affirmative Brief against Negative Case “The Case for the Patriot Act”

by Elizabeth Ertle

Value/Contention 1

While national security may be important to preserving our civil liberties, national security becomes meaningless without our civil liberties. Neither absolute national security nor absolute privacy is a possibility, and so we have to look at it as a sliding scale. We all are familiar with the Benjamin Franklin quote “Those who would give up essential liberty to purchase a little temporary safety deserve neither liberty nor safety.” This is a particularly applicable situation for this idea.

Further, while national security may sometimes take precedence in practice over privacy, its value is strictly instrumental. National security does not have the intrinsic value that privacy does. What this actually should mean is that privacy is the more important element. National security is nothing more than a means to secure privacy; its value is dependent on the value of privacy.

Contention 2/Criterion

While strategic intelligence is a part of national security, there is far more to a country’s safety than law enforcement to just having the proper information. On the contrary, privacy is actually an essential part of preserving national security. If the government can’t maintain privacy, for example, there is no way to keep secrets that are interests of national security. We have to look no further than the recent Wikileaks scandal to see how much interest a government will take in preserving its own privacy as a matter of national security.

The question of whether or not the Patriot Act is actually a good example of the government violating privacy is certainly one worth asking. While it may improve our security to some small degree, many would actually assert that the violations to privacy are both gratuitous and unjustified.

Contention 3

This argument is premised on the idea that, since privacy must sometimes cede to national security, it is not undervalued. Just because one thing is less important than another does not automatically mean that it shouldn’t be valued more. Even if national security ought to be valued before privacy, that does not negate the resolution’s assertion that privacy is undervalued.

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