Public Safety  
Affirmative Case By Drew Magness



Crime is scary. Nobody wants to think about the fact that plenty of people around them could be murderers, thieves, or tax evaders! But the truth is, there are plenty of guilty people who run free because our government doesn’t do everything it can to find the truth. This case harnesses that fear.

Your value is a buffer. If negative tries to run some abstract ideology such as protection of rights or justice, your response is simple: Subjective. The strength in public safety is that it’s objective and clear. Judges know what they’re voting for when they vote affirmative. Show how the esoteric ideologies of the negative are subjective. Who decides the just punishment for robbing a bank? 10 years in jail? 15? Those ideas are inherently subjective. Public Safety isn’t. That being said, if a team runs one of those values, you might be better off accepting the value. Both strategies are acceptable. Ask yourself, can my applications still apply to their value? If the answer is yes, then accept the value and move on to more important arguments.

The contentions are the core of the case. You need to make the judge scared of criminals hiding behind the veil of individual privacy. Make it look dangerous. In contrast, show the judge that officers of the law want to protect you through DNA testing and search warrants. Individual privacy wouldn’t let them do so.

Public Safety

In July 1996, Damon Thibodeaux was convicted of the murder of his 14-year-old step cousin. But there was one minor hiccup. He didn’t do it. After 15 years on death row, Damon was set free. According to the Washington Post,

“New DNA testing conducted on clothing worn by Thibodeaux on the night of the killing and virtually every other piece of evidence established no links to the crime. A DNA profile was obtained from a tiny sample of blood on a piece of wire used to strangle the victim. It didn’t match Thibodeaux.”

That DNA evidence was always there. But due to privacy concerns about mandatory DNA testing, the truth is hidden from us and innocent citizens like Damon are put in chains. Even more horrifying, the man who murdered that 14-year-old girl still walks the streets.

It’s because you deserve a criminal justice system that prioritizes your safety that I stand resolved, criminal procedure should value truth seeking over individual privacy.

# Definitions:

Criminal Procedure is defined by Cornell Law School as “the set of rules governing the series of proceedings through which the government enforces substantive [criminal law](http://law.cornell.edu/wex/criminal_law).”[[1]](#footnote-1) It’s the rules involved with enforcing the law.

Truth-seeking and individual privacy are fairly easily understood concepts, so let’s jump to the real question. How do we decide between the two? To answer that question, I provide you with a test through my value.

# Value – Public Safety

This means we vote affirmative if putting truth-seeking before privacy makes the public safer and vote negative if it harms our safety. I have one reason to utilize this value.

## Reason to Use – Objective Foundation of Government

There is not a single government in the world that fails to protect its citizens and is considered successful. Imagine if tomorrow, we discovered that our government failed to prevent a Russian missile from striking New York City. There would be uncontrollable rioting.

In the criminal justice system, we all recognize that if our procedures let guilty men run the streets and fail to keep us safe, they should be altered. We don’t put a murderer in jail for a minimum of 25 years because we believe that exact number balances an invisible eternal scale, we do so because we don’t want him to murder again. We want to be safe.

So now that we know how to measure the resolution, let’s prioritize. I have two contentions.

# Contention 1 – Truth-Seeking Ensures Safety

When law enforcement does everything it can to ascertain the truth, you and I are safer. Let’s see how in my application.

## Application 1 – Search Warrants

Individual privacy says that criminals can keep anyone from going onto their property and prove their wrongdoing. Most civilized criminal justice systems have recognized this idea as a barrier to public safety and removed it for the sake of truth-seeking.

In America, we allow officers of the law to violate the privacy of suspected criminals upon obtaining probable cause of a crime. The very act of obtaining probable cause is an act of truth-seeking. When we allow search warrants, we’re saying that the right to privacy should be suspended in order to find the truth. We require probable cause because we’re ensuring that this action will actually help us seek the truth. And it works. Max Minzer, Assistant Professor at the Benjamin N. Cardozo School of Law wrote in the Texas Law Review,

“Searches pursuant to warrants issued on a probable cause standard recover evidence at very high rates, usually exceeding 80%. By contrast, warrantless searches, even when officers allege they have probable cause, succeed at far lower rates, recovering evidence as infrequently as 12% of the time.”[[2]](#footnote-2)

Without search warrants, law enforcement offers would be crippled in their ability to keep you safe. We’d be unable to stop criminals from viciously breaking the law again and again. Truth-seeking allows our police officers to stop the bad guys. Yet, privacy lets them walk free as we’ll see in contention 2.

# Contention 2 – Individual Privacy Endangers Safety

It may sound weird to say privacy endangers us. After all, isn’t privacy a constitutional right? I want to make my position clear. Privacy is a good thing. However, all good things have limits. Privacy should be limited when it is obstructing the truth and allowing criminals to get away with their destructive actions.

The only way for officers of the law to keep you and I safe is for them to be able to accurately discern the facts of a situation. Convict the guilty; protect the innocent. Unlimited privacy prevents the truth from coming out and endangers our lives. Let’s see a prime example of this in the second application.

## Application 2 – DNA Testing of Criminals

Nothing is scarier than knowing that guilty offenders run free. People who have murdered, assaulted, raped, and robbed citizens are still out there and we don’t know who they are.

It doesn’t have to be this way. Your government places individual privacy on such a pedestal that it’s unwilling to allow police officers to easily determine innocence and guilt. According to the Washington Post in 2012,

Samuel Gross, an author of a report by the recently created [National Registry of Exonerations](http://www.law.umich.edu/special/exoneration/Pages/about.aspx) at the University of Michigan, calculated that based on the proven rate of exonerations among death-row prisoners in the past two decades, U.S. courts appear to have an error rate in capital cases of between 2.5 percent and 4 percent. In June, researchers examining biological evidence from hundreds of Virginia rape convictions between 1973 and 1987 determined that new DNA testing appeared to exonerate convicted defendants in 8 percent to 15 percent of cases. Applied against the approximately 140,000 prisoners on death row or serving life sentences in the United States, the findings suggest that many thousands of innocent individuals could be in prison for crimes they didn’t commit.[[3]](#footnote-3)

Thousands of innocent men and women ripped from their families and thrown behind bars and thousands of guilty criminals left to run through the streets.

Yet, there’s a simple solution that policymakers have considered. Before a final conviction, mandate DNA testing when applicable; seek the truth. +If this had been done for Damon, he wouldn’t have been thrown in jail. We could find the truth and protect our people. But privacy fanatics said no. Here’s what the ACLU had to say,

“However, the practice of government DNA collection, storage, and analysis raises clear and obvious privacy and due process concerns that only become exacerbated as the government broadens the net it casts to gather samples.”[[4]](#footnote-4)

Privacy stands between us and keeping innocent people like Damon out of prison, between us and murderers walking the streets, between us and discovering the truth.

Damon deserves better than procedures that blatantly throw the truth aside. But it’s not just innocent people like Damon who deserve better, it’s you. You deserve a government that cares about your safety and works to find the truth and protect you.

Opposing This Case

There are two methods to opposing this case.

1. Attack the value.

You could argue that public safety is a really dangerous way to decide whether or not an action is justified. After all, if we really cared about public safety, we would let police officers search all of our homes, seek the truth about our actions, to ensure that we catch every single criminal.

Yet, none of us want to live in that Orwellian nightmare.

The utilitarian view of public safety can lead to a lot of horrible problems. It’s easily corrupted and used for evil. A more intrinsic value like justice or human rights couldn’t be corrupted. Show how your value has more inherent moral worth, making it a more accurate and helpful view of the resolution. If you’re able to do that, the applications lose their impact. They’re using the wrong test to determine the resolution, so you can move on to yours which answer the question of the resolution correctly.

1. Attack the case on its face.

It’s fairly easy to argue that search warrants exist to PROTECT individual privacy, not to undermine it. After all, before search warrants were enshrined in law, police officers could go into anyone’s house to seek the truth. We created warrants because we wanted to protect individual privacy against truth-seeking.

For DNA testing, you can easily outweigh. The amount of people who would be exonerated through DNA testing is minimal. Use an application on your side that reaches further.

Either way you choose will work. Just don’t choose both. That’s a waste of your time. Pick a strategy and stick to it!

1. Cornell Law School Legal Information Institute, Last edited in July 2016, “Criminal Procedure” <https://www.law.cornell.edu/wex/criminal_procedure> [↑](#footnote-ref-1)
2. Max Minzer, Assistant Professor at the Benjamin N. Cardozo School of Law, Texas Law Review, January 2009, “Putting Probability back in Probable Cause” <http://digitalrepository.unm.edu/cgi/viewcontent.cgi?article=1480&context=law_facultyscholarship>  [↑](#footnote-ref-2)
3. Douglas Blackmon, September 28 2012, “Louisiana death-row inmate Damon Thibodeaux exonerated with DNA evidence”, Washington Post, “Douglas Blackmon is a Pulitzer Prize winning author and journalist who is the current Director of Public Programs at the American Forum.” <https://www.washingtonpost.com/national/louisiana-death-row-inmate-damon-thibodeaux-is-exonerated-with-dna-evidence/2012/09/28/26e30012-0997-11e2-afff-d6c7f20a83bf_story.html?noredirect=on&utm_term=.aaa98c11ba9a> [↑](#footnote-ref-3)
4. Bill Farrar, Director of Public Policy and Communications, ACLU of Virginia, January 8th 2018, “Proposal to Expand Mandatory DNA Collection in Virginia Raises Serious Privacy and Due Process Concerns”

   <https://www.aclu.org/blog/privacy-technology/medical-and-genetic-privacy/proposal-expand-mandatory-dna-collection> [↑](#footnote-ref-4)