Providing Justice  
Affirmative Case by Landon Hassoldt



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# PROVIDING JUSTICE

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# Resolutional Analysis 1: U.S. System

1. Familiar Ground—Both of us will know more about the U.S. than any other country.
2. Fair System—It is the arguably the fairest Justice System in the world. For instance, one can start at one level of court, then appeal to a higher court all the way to the SCOTUS.
3. Inherent Bias—We as U.S. citizens will look at whether something was right or wrong from that perspective; we have a bias.

# Resolutional Analysis 2: Procedure ≠ Law

1. The resolution refers to criminal procedure, not criminal law. There is a difference between the two; the procedure refers to how the government enforces criminal law.
2. Now, to ensure we all are thinking the same things when we refer to terms in the resolution, I will present the following definitions:

# Definitions

1. “Criminal Procedure”— “These are the methods of the law that apply to the apprehension, trial and punishment of the accused.”— Black’s Law Dictionary
2. “Truth-Seeking” — “To search for or try to obtain the actual fact or facts about a matter.”— Cambridge Dictionary, Compound ‘Truth,’ and ‘Seeking.’
3. “Privacy”— “The right that determines the nonintervention of secret surveillance and the protection of an individual’s information.”— Black’s Law Dictionary

# Value: Justice

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## Criterion: Locke’s Social Contract Theory

We know that Justice is paramount through the criterion, “Locke’s Social Contract Theory.” When we examine this, we see two things. First, we give up some rights to preserve others. Secondly, Locke’s Social Contract demands that a government be fair, and I would agree. That’s Justice. Yet, it’s impossible to be fair, if the facts are unknown. This is the Affirmative philosophy: that Pursuing Truth is Pursuing Justice. This is why we ought to support the resolution. [[1]](#footnote-1)

# Contention I: Privacy Hinders Justice

Without the proper information, we cannot accurately convict, or even assess crimes. We can see this in:

## App1: San Bernardino Shooting

After committing a shooting which left 14 dead and 21 injured, Syed Farook and his wife, Tashfeen Malik were killed in a standoff with law enforcement. In the midst of the aftermath, the FBI asked Apple to open up Farook’s iPhone. The company refused to cooperate, and the case went to court, where a magistrate told Apple to comply. The company continued to refuse citing ‘privacy concerns’ as the chief reason why they wouldn’t create software to open the locked device. After a while, with no cooperation from Apple, the FBI was able to access the information on the phone through a third party. With this information, the FBI was able to confirm that this shooting was and would not be correlated with any terrorist organizations.[[2]](#footnote-2) If the phone were to remain locked, we might still be waiting for another terrorist attack. Impact 1: Valuing Privacy Prevented Case Closure. Impact 2: Truth—Seeking Ensured Proper Guilt.

# Contention II: Truth-Seeking Upholds Justice

Without facts, convictions have a higher potential of being inaccurate; and, there’s a higher risk of endangering citizens. If we had stopped at asking Apple, we wouldn’t know whether there were more attacks planned. Thankfully, the decision here was Truth—Seeking should be valued over Individual Privacy. We see more proof in:

## App 2: Herring V. U.S.

Bennie Herring was arrested when he was found with methamphetamine and a gun in his vehicle. However, the search warrant they used in the case had expired five months earlier, due to a clerical error. upon Herring’s petition to the supreme court, they ruled that the evidence could be used to convict Herring, even though the search warrant was technically, ‘invalid,’ even though the use of the warrant was considered a violation of the fourth amendment. [[3]](#footnote-3) [[4]](#footnote-4)This shows us that the supreme court believed that Truth—Seeking should be valued above Individual—Privacy. **Impact:** Justice Upheld Through Truth—Seeking

## Alternate App: U.S. V. Leon

Based on information obtained from anonymous informants, law enforcement obtained and utilized a search warrant allowing the search of three residences and some automobiles. Alberto Leon was arrested based on contraband found in the search; large quantities of drugs and other items. Leon petitioned the supreme court to withhold the evidence based on the claim that there was no ‘probable cause’ in the investigation. The ruling was that they were acting under a warrant, and therefore the search was valid; even though it technically violated the fourth amendment.[[5]](#footnote-5) [[6]](#footnote-6)This is another instance where the supreme court recognized the resolution as true: Criminal Procedure Should value Truth—Seeking over Individual—Privacy. **Impact:** Seeking Truth Administered Justice.

This instance involved a concept now known as the Good Faith Exception, where evidence can be used as long as the officers involved were acting in ‘good faith.’ This concept shows the resolution is true. If the FBI hadn’t been able to uncover the plots in the San Bernardino shooting, some might still be living in fear of future attacks. Without the Good Faith Exception, criminals who were obviously guilty would’ve been set free. This shouldn’t be allowed. If you agree with these decisions, then agree with the resolution. Pursuing Truth is Pursuing Justice. Because of this fact, you can confidently affirm the resolution.

1. 1Tuckness, Alex, "Locke's Political Philosophy", The Stanford Encyclopedia of Philosophy (Summer 2018 Edition), Edward N. Zalta (ed.), https://plato.stanford.edu/archives/sum2018/entries/locke-political/ [↑](#footnote-ref-1)
2. Perez, Evan, et al. “Sources: San Bernardino Phone Data Aids Probe.” CNN, Cable News Network, 20 Apr. 2016, www.cnn.com/2016/04/19/politics/san-bernadino-iphone-data/index.html [↑](#footnote-ref-2)
3. Oyez. “Herring v. United States." Oyez, 25 Feb. 2019, www.oyez.org/cases/2008/07-513 [↑](#footnote-ref-3)
4. Legal Information Institute. “HERRING v. UNITED STATES.” LII / Legal Information Institute, Legal Information Institute, 14 Jan. 2009, www.law.cornell.edu/supct/html/07-513.ZS.html [↑](#footnote-ref-4)
5. 6Oyez. "United States v. Leon." Oyez, 25 Feb. 2019, www.oyez.org/cases/1983/82-1771 [↑](#footnote-ref-5)
6. 7Legal Information Institute. “United States v. Leon.” LII / Legal Information Institute, Legal Information Institute, 5 July, 1984, www.law.cornell.edu/supremecourt/text/468/897 [↑](#footnote-ref-6)