Signed, Sealed, and Delivered
Affirmative Case by Thomas Sargent



The day before NITOC, my brother got married.

In the early hours of the day, a couple who happen to be friends of mine were having a cheerful dispute over whether they should take a valuable item-filled cooler with them or leave it at the location. After the banter for a few minutes, they turned to me and remarked on the fact that I was in speech and debate. They asked me what to do in such a scenario. I was delighted. I took the next few minutes to explain what a value was. The conversation led to the discussion of two desirable and comparable values: cooler safety and cooler convenience.

Just before that day, it had dawned on me that I hadn’t been running values correctly for a long time. I realized that a value is applied to measure two GOOD things. On countless occasions, I had seen numerous people (myself not excluded) run a resolution as if it’s a pick-and-choose opportunity. In other words, my side is always good. Their side is always bad.

But that’s not how resolutions work.

You’d be hard-pressed to find a willing volunteer who will proudly proclaim, “Hey, convenience is always good and great! Safety is awful, and it kills millions of people. We should never vote for safety.” No one should do that.

So why do we?

Truth-seeking and privacy are two different, but very good things. You can’t say “DESTROY PRIVACY” and think the judge will vote for you. LD is all about finding truth. In truth, both subjects of the resolution are valuable and meaningful. To make sure you don’t fall into this trap, have a great awakening and realize that a value is not really one-sided. Compare these two statements:

1. Truth-seeking gets justice. Privacy NEVER gets justice.
2. Truth-seeking is better at getting justice than privacy.

I’m prone to agree with the second one. That’s what this case is about.

You take the value of justice and run a simple but powerful thesis: in the long run, stopping criminals is more important than a temporary privacy violation. In other words, you’re not saying that privacy never is just. Instead, when they conflict, truth-seeking is more just. That makes sense.

To drive home that point, you use an impact calculus. With truth-seeking on one end of the scale, you protect victims, solve crimes, arrest and serve justice to criminals, neutralize terrorists, and preserve the lives of people everywhere. With privacy, critical evidence can be destroyed. Criminals can get away. Crimes may never be discovered. The process of finding factuality is much more difficult. Yes, it’s way better to serve justice than to vote neg.

As far as applications go, I’m writing this before any other articles have been turned in. We haven’t yet done a ton of analysis, so I expect the application pool to grow throughout the year and you may decide to change them up. However, these should be fine to start you off and get you thinking.

Remember to stay organized and persuasive (or in idiom terms, have everything signed, sealed, and delivered. Hey, that’s the title of this case). Make your thesis a priority. Most of all, have fun!

And God bless you.

Signed, Sealed and Delivered

Social justice spokesman Martin Luther King Jr. noted that *“The moral arc of the universe bends at the elbow of justice.”* Years after these words were uttered, their impact still remains. In a world that is growing increasingly progressive, we cannot deny the invaluable significance of just law. I believe that just law is worth protecting. For that reason, I am resolved: *Criminal procedure should value truth seeking over individual privacy.*

Let’s establish the grounds for this debate with some essential definitions.

According to the Legal Information Institute, “**criminal procedure** deals with the set of rules governing the series of proceedings through which the government enforces substantive criminal law.”[[1]](#footnote-1) (emphasis added)

Merriam Webster’s dictionary defines **truth** as “the body of real things, events, and facts”[[2]](#footnote-2)

Oxford dictionaries define **privacy** as “A state in which one is not observed or disturbed by other people.”[[3]](#footnote-3)

Now that we have confirmed what the resolution is talking about, let’s look at how we can know if it is true or false.

# Value: Justice

Business Dictionary defines justice as “Fairness in protection of rights and punishment of wrongs.”[[4]](#footnote-4) Justice measure this resolution because it is the pinnacle of criminal procedure. Every action taken to solve crimes and catch criminals is ultimately to serve God-given moral justice. We ought to use Justice to measure the round because:

## Reason to prefer: Robust measure

Justice subsumes everything in criminal procedure. Courts, the police, security officers, lawyers, search warrants, and a plethora of other procedural items or branches – they all exist to fulfill and protect the laws of justice. To measure this resolution in its entirety, we need a compelling value. Justice subsumes all else in criminal procedure, and that’s why it out to be used.

# Contention One: Prioritizing privacy hinders justice

Now don’t get me wrong: privacy is an essential right that we ought to protect. However, when the time is running out, and justice is on the line, privacy shouldn’t be prioritized over truth. It can be used to hide criminals, destroy evidence, and let lawbreakers go free.

## Application: *Mapp v. Ohio*

In 1957, the Cleveland police officers received a tip-off that a bombing suspect might have been at the house of Dollree Mapp, an employee in illegal gambling rackets. When the police obtained a search warrant, they investigated her apartment. They found a collection of sensitive books and pictures and illicit betting slips/belongings. She was arrested and convicted of “…knowingly having had in her possession and under her control certain lewd and lascivious books, pictures, and photographs in violation of § 2905.34 of Ohio's Revised Code.”*[[5]](#footnote-5)*

Mapp, however, successfully reversed her conviction when she appealed to the Supreme Court. She openly displayed her 4th amendment rights, arguing that the police had no probable cause for suspecting that she owned illegal and inappropriate belongings. The evidence, she said, was therefore also unlawful and unacceptable. As a result, the court ruled 6-3 in favor of Mapp.

Unfortunately, Mapp was let off the hook for committing a terrible crime, just because the police didn’t know she committed it at first, pointing it out later, which violated a small section of the Fourth Amendment.

Is that the way we want our criminal procedure to operate? Fundamental moral law and common sense would say no. The negative side would say yes.

Thankfully, there’s a better way.

# Contention Two: Prioritizing truth protects justice

Now, to be fair, there is a legitimate concern in affirming this resolution. People don’t like the idea of their privacy being violated, by any means. Internet monitoring, police investigations, search warrants – these things tend to make people uncomfortable. But in the scope of this resolution, remember two significant things.

1. *No crime can be solved without truth.* Terrorists cannot be caught if we don’t know where they are. Victims cannot be saved if we are ignorant about their location. Crimes remain unsolved without an understanding of truth. In short, justice remains absent if truth remains absent.
2. *Any privacy violation in this resolution is temporary.* If the police conduct a search on a criminal’s home, they usually find enough material to solve a case and ensure justice. If they make a mistake, it’s almost always a temporary one. In the long run, a typical violation of privacy to a criminal is invaluable to truth. A typical violation of privacy to an innocent citizen is short-term and far outweighed by the benefits of truth.

Truth-seeking and privacy don’t always come into conflict, as the 4th amendment generally secures the privacy of an individual. Police don’t always have to break down doors to find evidence. However, there are times where they do. And in those urgent circumstances, we ought to affirm the resolution.

## Application: *Utah v. Strieff*

In 2006, the Utah police investigated Edward Strieff, with a warrant for a major traffic violation. Upon a search incident for his arrest, they uncovered illegal drug-related belongings and methamphetamine. After the case went to trial, prosecutors admitted that although obtaining the evidence was legally questionable, it stood against Strieff and proved his involvement with unlawful drug possession.

When the case reached the Supreme Court, it was decided on a 5-3 vote against Strieff. The Court realized that although the police did not have probable cause to suspect the drugs, their search was justified because it contained a warrant for a traffic violation (so it wasn’t a random investigation) and the evidence remained condemning as to a terrible crime.[[6]](#footnote-6)

The principle shown in this application is one that we should abide by. Police should prioritize truth in an instance of a crime. If they violate the privacy of a criminal, they can stop a crime. And if by accident, they violate the privacy of a citizen, it’s only a momentary mistake. This leads me to my third and final contention.

# Contention Three: Impact far outweighs

The negative team is likely going to get up here and try to prove to you that protecting a little bit of short-term privacy is better than catching criminals, preventing murders, and seeking priceless truth. In the end, remember that criminal procedure should always protect what is most impactful during a felony. In that vein, let’s compare the two sides of the resolution:

On affirmative, you are voting for the long-term benefits of mankind. Sure, the police might temporarily breach a person’s privacy, but in the end, they almost always find truth to a crime. Without truth seeking, we cannot protect possible victims. We cannot catch deadly criminals. And we most certainly cannot have a police force, the FBI, a working court system, or any other administrator of justice. That’s because truth is essential to making wise, just decisions. And in the long run, privacy is still protected. A violation of privacy to a criminal is necessary. A violation of privacy to an innocent citizen is only short-term and sometimes still necessary.

On the negative, you are voting for a small amount of extra privacy at the expense of truth. Even though my side allows for an average person to enjoy privacy more than 99% of the time, my opponent will likely claim that a miniscule amount of extra privacy is more valuable that saving lives, stopping terrorists, and maintaining a healthy justice system. Upholding this mindset is treacherously dangerous, not just for our law and order, but for our very lives.

Are the benefits of truth seeking worth the small cost? Absolutely. If you think so, please say yes to this resolution.

Thank you.

Opposing This Case

Don’t waste time debating the value. If you must, run a criterion to specify it. However, if you attack justice, all that does is take “value-able” time away from the most critical issue: whether the affirmative achieves it or not.

When talking about *Mapp v. Ohio*, remember that the impact of the Supreme Court’s decision is a good one. If the police didn’t need probable cause for something, they could ransack everyone’s home at will until they found evidence. That’s a terrible idea. Also, *Utah v. Strieff* should probably be outweighed. You should see if you can run something more impactful than just a guy owning illegal drugs.

There’s two points in contention two that you can address specifically, should you desire.

1. *No crime can be solved without truth ­–* As a negative, you can concede the fact that truth is relevant and necessary. But that doesn’t mean we can do whatever we want to achieve it. This argument is the equivalent of: “We can murder these bank tellers to steal money! Money is necessary! You can’t buy anything without it!” That’s exceedingly one-sided. Sure, no crime can be solved without truth. But no truth should ever be achieved immorally.
2. *Any privacy violation in this resolution is temporary –* This is a very generalized statement. It’s quite debatable. Some investigations have literally taken *years* to finish. There’s no set-in-stone investigation duration. Plus, who cares? Can we say that murder is okay because the pain is only temporary? Can we say that stealing is justified because it’s only a temporary loss in the grand scheme of things? Once again, challenge this assumption.

Finally, your case will need to outline the devastating impact that affirmatives have on privacy. This argument, of course, will depend on your thesis. But regardless, you should take down the link between truth-seeking and criminal catching. Seeking truth doesn’t mean we’ll find it. It also doesn’t in any way guarantee happiness for all in the end. Also, you as a negative are not advocating a little bit of extra privacy. Your side is one of our most essential rights, which can make a difference between a reliable justice system and a weak one. Don’t let the aff tell you otherwise.

1. Staff, LII. “Criminal Procedure.” *LII / Legal Information Institute*, 12 July 2016, www.law.cornell.edu/wex/criminal\_procedure. [↑](#footnote-ref-1)
2. www.merriam-webster.com/dictionary/truth. [↑](#footnote-ref-2)
3. https://en.oxforddictionaries.com/definition/privacy [↑](#footnote-ref-3)
4. http://www.businessdictionary.com/definition/justice.html [↑](#footnote-ref-4)
5. “Mapp v. Ohio, 367 U.S. 643 (1961).” Justia Law, supreme.justia.com/cases/federal/us/367/643/case.html. [↑](#footnote-ref-5)
6. "Utah v. Strieff." Oyez, 26 Jun. 2018, www.oyez.org/cases/2015/14-1373. [↑](#footnote-ref-6)