Innocent Until Proven Guilty
Negative Case by Steven Errico



I don't know about you, but I can never seem to act like myself when someone is looking over my shoulder. I put on a face when I know someone’s taking my picture. I slow waaaaay down in my car when I know there’s a police officer. The knowledge that I’m being watched changes everything about the way I act. I feel less free to be myself when I’m being closely observed.

Therein lies my take on the resolution. The valuing of truth-seeking over privacy is an impedance to our autonomy (my value). The reason we as humans value our privacy so highly is that it is what makes us free. And to deny us our privacy is to treat us as though we were not free. This is why I believe we need to truly return to the mindset of Innocent Until PROVEN Guilty (my criterion). We will examine the impacts of both sides of the resolution from the perspective of our autonomy.

The support for my negative stance stems from the revelations made by whistleblower Edward Snowden in 2013 regarding the National Security Agency’s dragnet spying on innocent Americans. We will examine the long-term impact of the truth-seeking of the government on our autonomy as people.

My main goal with this case is to take a step back and look at the principles that we see in action in the resolution. Everybody has a moral code and things that they value. My purpose here is to take stock of the resolution and how both sides interact with the values that we’ve held since the inception of our nation.

As always, remember to keep things simple. This case is pretty idealistic and argues more from principle than from application. If you can tie everything back to the importance of our right to autonomy, you’ll thrive with this case.

Innocent Until Proven Guilty

How would you feel if you were falsely accused of stealing $300? You’d probably be upset, maybe even indignant. What about if you were treated as though you were part of a terrorist organization or a nationwide conspiracy? Sounds ridiculous and far-fetched right? The problem is that’s exactly how you’re being treated right now…and you may not even realize it. It’s because I cannot stand for the innocent being treated as guilty that I stand opposed to the resolution.

# Definitions

According to the US Legal Dictionary, **Criminal Procedure** is, “the laws and rules governing the mechanisms under which crimes are investigated, prosecuted, adjudicated, and punished.”[[1]](#footnote-1) This essentially covers the whole process of enforcing the law.

Merriam Webster defines **Privacy** as, “freedom from unauthorized intrusion.”[[2]](#footnote-2)

# Value: Autonomy

What we mean here is not only freedom, but also the right of the people to govern themselves without interference.

## Reason to Prefer: Foundational

This country was founded on the idea that people have the ability and the right to govern themselves properly without being kept on a leash.

# Criterion: Innocent Until Proven Guilty

This is also sometimes known as the “Presumption of Innocence” in legal terms. People should be treated as though they were innocent until it can be proven otherwise beyond reasonable doubt. Criminal procedure must operate under this mindset if it is to protect the autonomy of the citizens.

# Contention One: Truth-Seeking First Destroys Autonomy

This is where we really start to get to the real-world impacts. Siding with the resolution has some pretty scary results when it comes to our autonomy as people, and this is exactly what we see going on right now.

## Application: Warrantless Spying

Looking at the landscape of the intelligence community today will give us a pretty good idea of how detrimental this mindset is. The Guardian said in 2013,

“The American Civil Liberties Union called for the NSA's program, first revealed by the Guardian in June, to be ended, arguing that it breached the first and fourth amendments as well as exceeding the authority Congress gave to the government through the Patriot Act. ‘This kind of dragnet surveillance is precisely what the fourth amendment was meant to prohibit,’ ACLU deputy legal director Jameel Jaffer, said before the hearing. ‘The constitution does not permit the NSA to place hundreds of millions of innocent people under permanent surveillance because of the possibility that information about some tiny subset of them will become useful to an investigation in the future.’”

It goes on to say later in the article,

“According to the Snowden documents, the NSA receives massive amounts of ‘metadata’ from the company including the numbers of both parties on a call, call duration, unique identifiers, and time of call. The contents of the conversation itself are not covered. ACLU’s lawsuit argues that the government’s blanket seizure of its phone records compromises its ability to work with clients, journalists, advocacy partners, whistleblowers, and others.”[[3]](#footnote-3)

IMPACT: This kind of mass data collection is a prime example of privacy being valued lower than truth-seeking. These secret courts are authorizing this spying left and right without ever proving the guilt of those being spied on. Millions of innocent Americans are consistently being treated as though they were guilty, even though they are not, and their autonomy is being compromised.

# Contention Two: Privacy First Protects Autonomy

It’s my stance as the negative that privacy and being safe from outside interference are essential to autonomy. An article from The Guardian expounded on this idea when it said,

“Imagine, for example, that you have a condition that compels you to say out loud every thought that comes into your head, whether you like it or not. Your most basic information – your thoughts – are no longer private; and in an obvious sense, you seem a less than autonomous agent. You are at the mercy of your condition; your decision to speak is not your own; your autonomy has been overruled. Now imagine that using mind-meld technology, I read your innermost thoughts without your knowledge. Here too I am diminishing your autonomy, but in a very different way. Like the doctor who decides to operate without consulting the patient, I’m diminishing your autonomy by undermining it. I’m making your decision to share or not to share information with me completely moot. I’ve already made that decision for you. These are imaginary examples, but they point to a connection between privacy and autonomy that is often missed in contemporary debates. When the NSA hoovers up and stores citizens’ data, even incidentally, the worry is not merely ‘instrumental’. It isn’t just about what might happen to the data. Of course, we should be worried about that: it might be used improperly to exploit or manipulate us. But there is also a more insidious harm here, more insidious precisely because it is not visible. Systematic invasions of privacy are undermining our autonomy in precisely the same way in which the mind-meld case does. The government is not forcing us to decide. But it is undermining our autonomy nonetheless, by making certain decisions – decisions about what to reveal to others – moot.”[[4]](#footnote-4)

IMPACT: The truth-seeking of the government is actively violating our right to be autonomous by taking decisions about our information, that are rightfully ours to make, out of our hands, and in the process treats us as though we were guilty.

It is often said that the mere observation of a situation or phenomenon changes its outcome. We see right now in the real world that criminal procedure does indeed value truth-seeking over our privacy. This very observation of our everyday lives changes the outcome. Our autonomy is being compromised because, no matter who we are or what we’ve done, we’re kept under close watch as though we’re a threat. It’s time to rethink and refocus. Privacy must be valued higher if we are to remain free.

Thank you.

Opposing This Case

Your main strategy for opposing this case is simple: FOCUS ON THE REAL-WORLD IMPACT!

This case deals primarily with the philosophy of what our rights are and the impacts on principle if we violate them. The best way to oppose this is to point out the results of acting on these ideas. It’s incredibly important to have principles that we follow, but we must look at how acting on them will change what the world looks like. In other words, ***ideas have consequences***.

A key question that you can use to challenge the affirmative is as follows: *Can freedom be protected if law enforcement doesn’t have the information it needs to bring criminals to justice?* – An emphasis on privacy may protect individuals’ right to their autonomy, but will this negatively impact them in other areas if it hinders the enforcement of the law?

If you can keep it simple and concrete and drill home the real-world impact of both sides of the resolution, you’ll do well against this case. Focus on how it affects the judge, and you will convince them.

1. <https://definitions.uslegal.com/c/criminal-procedure/> [↑](#footnote-ref-1)
2. <https://www.merriam-webster.com/dictionary/privacy> [↑](#footnote-ref-2)
3. Rushe, D. (2013, November 22). NSA bulk data collection violates constitutional rights, ACLU argues. Retrieved July 30, 2018, from <https://www.theguardian.com/world/2013/nov/22/nsa-bulk-data-collection-constitutional-rights-aclu> [↑](#footnote-ref-3)
4. Lynch, M. P. (2015, May 07). The philosophy of privacy: Why surveillance reduces us to objects. Retrieved July 30, 2018, from <https://www.theguardian.com/technology/2015/may/07/surveillance-privacy-philosophy-data-internet-things> [↑](#footnote-ref-4)