Law Unto Themselves
Negative Case by Thomas Sargent



It’s an average Saturday morning.

You’re sleeping in, listening to Peer Gynt *Morning Mood,* and finally fantasizing about the day off you’re going to get. Just when you thought it couldn’t get any better, your peaceful bliss is destroyed by the pounding of police officers on your door. They demand entrance and violently break into your home, zooming around, looking in every nook and cranny (or every crook and nanny) for something – anything to use as evidence against you.

Upon further inquiry, you discover that the police don’t have a search warrant, a warrant for your arrest, or probable cause of criminal activity. But before you protest, they uncover a hidden secret: a jar of jelly with traces of peanut butter. That’s right. You used the same utensil for both the peanut butter and the jelly.

Shame on you, they say.

This scenario is not uncommon (albeit lacking the PB&J) in criminal history. Police attempt to ransack sacred domiciles (and PEOPLE) in hope of finding truth. Often, however, they use truth seeking as an excuse to illegally violate privacy. When people ignore the rules and interpret law according to their own standards, it’s called “law unto themselves.” You as the negative will refute this mindset.

Let’s start with the value. Your value is individual rights and your defense is that without individual rights, justice cannot exist. This is especially useful if the affirmative runs justice with a heavy impact, saying, “well, everything relies on justice!” Rejoice if they run this argument. Point out that justice relies on a solid protection of rights. Governments become tyrannical when they forget their duty. Take North Korea for example. They have their own sect of law and order. Their government, however, literally controls the privacy of the citizens. Making a joke about Kim Jung Un will end you up in jail. Rights are destroyed left and right in their criminal procedure. We don’t want that. Rights are the foundation for justice – after all, moral law heavily employs the protection of rights.

So do you, for that matter.

There’s one contention, split up into two subpoints. You’ll reinforce the thesis that police cannot do whatever they want just to seek truth. This point is explained through two main areas of conflict: the 4th amendment and the exclusionary rule. If you don’t know the 4th amendment, it essentially guarantees privacy against unreasonable searches and seizures. The exclusionary rule takes it a step further – making sure that we can’t obtain evidence illegally, using it in court.

If application one makes you uncomfortable, find another. Even if you do, remember when you’re talking about crimes or searches that could potentially get messy, don’t *ever* go into more detail than needed. Here, I simply use the phrase, “intrusive search.” That’s all I need to communicate the message. In STOA, our goal is to glorify God, build skills, and seek truth. Keep that in mind. Application two is more lighthearted. With both of them, don’t forget to communicate the thesis.

A few last notes. #1. This case packs a lot of information, which could potentially make it too long. It’s four pages, designed to give ideas for your case. However, four pages is quite a bit to cover. Make sure to time yourself and cut as necessary. #2. Impact, impact, impact. Constantly remind your judges of your thesis. Your case should be the most important issue in the round. Don’t throw it under the bus in the attempt to tear the affirmative case apart. #3. Be aggressive with the value. You’ve got to mean it. Do not try to half-heartedly sneak it in. Fight on your grounds, have fun, and God bless.

Law Unto Themselves

In Harper Lee’s gripping novel, To Kill A Mockingbird, Southern lawyer Atticus Finch states, "You never really understand a person until you consider things from his point of view - until you climb into his skin and walk around in it."[[1]](#footnote-1) The reason this famous declaration rings true is that it sounds profound to protect truth – until you realize how badly you destroy God-given privacy in the process. In and of itself, truth-seeking is not a bad thing. However, it’s not a question of *if* we should seek reality but *how* we seek it. I believe that it’s unacceptable to illegally violate our constitutional rights for the sake of the affirmative’s case. For that reason, I reject this resolution.

# Value: Individual Rights

Rights are essential to existence. And every society must have a viable governing body that protects their rights. Without such an organization, they cannot expect proper protection of life, liberty, property, privacy, and a host of other entitlements. So, it’s evident that nations need to secure rights. But what defines good protection of rights? To answer this question, we can look to the Declaration of Independence which says:

“that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.—That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, —That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.” (US 1776)

Why should we use individual rights to measure the round? My reason to prefer will explain why.

## Reason to Prefer: Protects Justice

Justice is an elephant in the room when it comes to this resolution. Obviously, every branch of criminal procedure should seek to do what is just. But without protection of rights, you cannot be just. A government that destroys rights destroys legitimacy. The entire foundation of justice relies on a reliable system that consistently secures rights.

So, just to recap, when rights are protected, justice is protected as well.

Now let’s move on to the heart of my case. We’ll look at how the affirmative side destroys Constitutional rights and how the negative side protects them in the following contention, or main point.

# Contention: Negating the resolution protects rights

Typically, criminal procedure operates in three distinct forms: the investigation, the pre-trial, and the trial. A number of operations take place in these stages, but most of them don’t address the actual conflict of this resolution. I, however, will - with two sub-points.

## Sub-Point A: Violation of the 4th Amendment

The constitutional 4th amendment guarantees that:

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. (US Const., amend. IV)

The Judicial Learning Center says that:

“The purpose of the 4th Amendment is to protect people from being abused by a powerful government.  There are strict rules that government agents must follow to search you and seize evidence.”*[[2]](#footnote-2)*

Those strict rules can be initiated by our 4th amendment rights. According to Find Law, the 4th amendment applies in the following situations, namely if:

* “An individual is stopped for police questioning while walking down the street.
* “An individual is pulled over for a minor traffic infraction, and the police officer searches the vehicle's trunk.
* “An individual is arrested.
* “Police officers enter an individual's house to place him or her under arrest.
* “Police officers enter an individual's apartment to search for evidence of crime.
* “Police officers enter a corporation's place of business to search for evidence of crime.
* “Police officers confiscate an individual's vehicle or personal property and place it under police control.”[[3]](#footnote-3)

Conclusively, the protection of individual privacy is everywhere. A police officer cannot investigate or search without a warrant for search or arrest, as well as probable cause to believe that a person has committed a crime. To see this sub-point in action, let’s look at a real-world example.

## Application: Safford Unified School District v. Redding

## Savana Redding was a 13-year-old girl accused of lending another student Ibuprofen pills at school (which went against school policy). However, after a string of events involving two other students, the school officials wanted to discover if she had any other illegal pills. So, they committed an extremely intrusive search of her belongings and person.

## When the case reached the Supreme Court, they agreed with the local courts, deciding that there was no probable cause to suspect that Savana had drugs and there was no reason to conduct a personal search as a result. They recognized that the officials had indeed violated Savana’s 4th amendment rights.

## The Supreme Court’s decision is a wise one. Truth-seeking does not in any way mean that law enforcement officers can explicitly violate rights, specifically privacy guaranteed by the 4th amendment. This concept doesn’t just apply to pre-trial, however.

## Sub-Point B: The exclusionary rule

The exclusionary rule essentially says that you cannot use evidence in a trial if that evidence is obtained illegally. In other words, if the police deliberately violate a person’s 4th amendment rights to get evidence, that evidence should be discarded from a trial. While to some, this might seem unnecessary and a hindrance to truth, it is justifiable.

Police should obtain evidence, but not illegally. Doing so runs a consequentialist police force, where they say, “It’s okay to destroy rights as long as we solve the case in the end.” That mindset is similar to cheating on a math test because you want to get an A. Police should not have free reign over their operations. The exclusionary rule confirms that they can’t.

An excellent example of the exclusionary rule in action is my second application:

## Application: Weeks v. United States

This was a court case that happened in 1914, which marked the beginning of the exclusionary rule. True, it was a while ago, but the principles of this case still apply to this resolution.

In this example, the police took the hidden key of Freemont Weeks and used it to break into his home. Even though they didn’t have a search warrant, they ransacked his place and confiscated books, papers, and other belongings. They attempted to use this evidence in court to support the idea that Freemont was sending lottery tickets through the mail. [[4]](#footnote-4)

According to Oyez, from Cornell Law School and the Legal Information Institute:

In a unanimous decision, the Court held that the seizure of items from Weeks' residence directly violated his constitutional rights. The Court also held that the government's refusal to return Weeks' possessions violated the Fourth Amendment. To allow private documents to be seized and then held as evidence against citizens would have meant that the protection of the Fourth Amendment declaring the right to be secure against such searches and seizures would be of no value whatsoever.[[5]](#footnote-5)

Once again, the Supreme Court argued an excellent point. If the police should be allowed the ability to illegally seize evidence in the name of truth, there’s no point in having God-given 4th amendment rights. That means that every day we live, we have no protection from unreasonable searches and no privacy whatsoever.

The affirmative side paints a picture of a utopian world – where truth is protected, and criminals are caught in a way that serves justice and benefits humanity. However, my case shows you the rest of the story. A society where you turn around and see the police breaking down your door without a warrant or probable cause is terrible, but it’s what the affirmative advocates. There are many ways to find the truth.

Destroying rights is not one of them.

Thank you.

Opposing This Case

You shouldn’t let the negative get away with destroying your impact. Make sure you run an impact calculus. Aff: I catch criminals, find victims, serve justice, etc. Neg: I give you a day or two of extra privacy. At that point, look big picture. Don’t get stuck debating in the trees.

As far as the value goes, you have several options. You could prove that your value is preferable for whatever reason. Or, you could accept theirs and say that a better way of upholding rights is catching criminals. After all, aren’t criminals the ones who destroy rights the most in criminal procedure? Every theft, kidnapping, or murder is always a violation of natural rights (including privacy). The best way to solve for this issue is to seek truth and arrest criminals. How? By affirming the resolution.

The applications of this case are incredibly exclusive to the negative. Once again, outweigh the negative by bringing up examples like Mapp v. Ohio, where a criminal got off the hook just because the police didn’t realize she owned evidence of a crime. In fact, here’s a fun cross-ex to try:

*You: Is it okay to murder?*

*Doomed opponent: No.*

*You: So, we shouldn’t let murderers go free?*

*Doomed opponent: No.*

*You: Here’s a common scenario that I want your opinion on. You’re a policeman who realizes that your next-door neighbor is hiding stolen cash. You obtain a warrant and break in, only to find an innocent civilian is lying dead on the ground. All the evidence points to your neighbor. Would you press charges for murder or not?*

*Now really doomed opponent: Uh oh.*

If they say no, you go right back to the leading question.

*You: So, we* ***should*** *let murderers go free?*

Now their credibility is fried. If they say yes, you’ve defeated their main premise. A crime is a crime, regardless of if you knew beforehand whether it was happening or not.

In summary, the best thing that you can do when confronted with this case is to run an impact calculus. Sure, we should generally protect privacy. But when there’s a terrorist on the loose or innocent lives at stake, it’s worth it to sacrifice a bit of temporary privacy.

1. Lee, Harper. To Kill a Mockingbird. New York :Harper Perennial Modern Classics, 2006. Print. [↑](#footnote-ref-1)
2. “Your 4th Amendment Rights.” The Judicial Learning Center, judiciallearningcenter.org/your-4th-amendment-rights/. [↑](#footnote-ref-2)
3. “Search and Seizure and the Fourth Amendment.” Findlaw, criminal.findlaw.com/criminal-rights/search-and-seizure-and-the-fourth-amendment.html. [↑](#footnote-ref-3)
4. “Weeks v. United States, 232 U.S. 383 (1914).” Justia Law, supreme.justia.com/cases/federal/us/232/383/case.html. [↑](#footnote-ref-4)
5. "Weeks v. United States." Oyez, 25 Jun. 2018, www.oyez.org/cases/1900-1940/232us383. [↑](#footnote-ref-5)