Justice
Affirmative Case by Jascha Ely-Halliwill



Guess what? Yup! It’s another Justice affirmative case for LD.

That’s ok though, truly is the best value this year for the resolution. Allowing us to weigh action and intent of our beloved Criminal Procedure.

This case is special because the definitions are operationally defined. Reason being is because of this season I’ve seen that flexible, understandable, and reasonable definitions have helped me a lot in rounds attain the judge’s understanding.

The value of justice is defined on a general basis. Keep in mind that if you are upholding this value of justice, that means you are punishing the guilty and protecting the innocent. If you are only upholding one side of that value, you are not upholding the value.

The Resolution Analysis helps you deter and throw away examples that claim that truth-seeking is always on the watch and surveying everything. Uphold this, and you can toss out applications that claim that truth-seeking is evil!

The applications are rather relevant and topical as all three parties, Criminal Procedure, truth-seeking, and individual privacy are all present

Remember that this is a case meant to uphold the resolution at a powerful and impactful level! Good luck, and God bless!

(P.S while reading this at a normal pace, I finished the case in 5:45 approximately)

Justice

Dallas Police Chief David O. Brown once said “As a cop, dealing in probabilities could cost me my life. But dealing in possibilities could save it.” it is because safety and justice are fundamental for our beloved society is why I stand resolved…

Criminal procedure should value truth-seeking over individual privacy

Now, let’s go into some definitions.

# Definitions:

## Criminal Procedure - is operationally defined as…. “The set of rules governing the series of proceedings through which the government enforces criminal law”

## Truth-Seeking - is the operationally defined as “Is a collection of actions and procedure aimed at coming to know the truth”

## Individual Privacy - is operationally defined as “the right or privilege to personally control access to their information or property”

# Resolutional Analysis: Intentional Truth-Seeking.

To search for the truth means to have an intention that isn’t pointless. And in the case of this resolution, it means to discover whether or not a crime has been committed. And not trying to prevent a crime.

For example, if I went into my opponent’s house just to say “Hi” but it turns out they have a giant bomb in their living room just sitting there. That wouldn’t be truth-seeking that would just be an unintentional discovery.

# Value: Justice

Justice is operationally defined as “punishing the guilty and protecting the innocent”

## Reason to prefer value: Purpose of Criminal Procedure

Criminal Procedure was designed to stop criminals and protect innocent people. And what is the principle that criminal procedure uses? Well that’s justice. Whoever punishes that guilty and protects the innocent should earn your ballot at the end of the day.

# Contention 1: Individual Privacy hurts Justice

You can see this through my first application.

## Application 1: Brett Kavanaugh

Most of us are familiar with the Supreme Court justice nomination of Brett Kavanaugh in July, 2018.

After a sexual assault allegation in September, Kavanaugh was thrown into a slow and tedious procedure in order to confirm him.

There was very little evidence to convict him of a crime, but accusers pressed on. However, in late September, Kavanaugh had another investigative hearing in front of the Senate Judiciary Committee.

In doing so, Judge Kavanaugh made a noble and honorable decision. To withhold nothing, to expose everything about his life, all of his private information regarding his life ranging from his childhood to his personal activities.[[1]](#footnote-1)

He was willing to lay down and sacrifice his individual privacy in order to expose and reveal the truth. And in doing do, he was freed from the allegations, and he was confirmed on the Supreme Court.

And although someone may say he gave consent to this information, I would say that the action of not withholding information and his willingness speaks for this resolution itself.

Justice was served because Judge Kavanaugh knew that truth was more important privacy.

# Contention 2: Truth-seeking supports Justice

The very act alone of trying to make sure that justice is clear is enough to advocate for the investigation of a crime. This is seen in.

## Application 2: Danielle Van Dam

Police officers have arguably the toughest jobs in America.

Often, they get put in situations like this resolutions. Do they value a person’s privacy? Or stopping a brutal murderer with the truth?

This is seen especially in the case of Danielle van Dam…

Seven-year-old Danielle Van Dam was kidnapped in the dead of night by her neighbor, 49-year-old David Westerfield, in February 2002.[[2]](#footnote-2)

Westerfield abducted the young girl and murdered her. And then dumped her body in an alley where her body was found a couple days later….

Her parents were devastatingly heartbroken over the disappearance, but no significant evidence pointed to any suspects.

However, a detective on the case, based on a wild hunch, marched up to Westerfield’s door and lied; telling him that all the houses were being investigated, and she would like to see his.

Upon this investigation, she found evidence of Danielle’s abduction, accused Westerfield of the crime, and he was eventually found guilty. Sometime later, Westerfield confessed to the murder.

Now some would say that Westerfield consented to the investigation, but one must understand that his consent was violated because of the real intentional investigation for Danielle’s murder.

In conclusion. Criminal Procedure can either leave justice alone while protecting privacy, or Criminal Procedure can solve problems, protect innocent people, punish those who hurt people by searching for the truth.

Opposing This Case

Opposing this case is pretty simple, the definitions our operationally defined, so it does not help this case’s formational credibility.

Good way to attack this case is by simply bringing up a definition for individual privacy that emphasizes the idea of “freedom from intrusion” Just attack the affirmative philosophically by using this definition strictly as a boundary for criminal procedure. If criminal procedure violates this definition of individual privacy in an unjust manner, then it’s no reason to vote for truth seeking.

With both of the applications you can just point out that the subject’s individual privacy in both of these examples contain the idea of consent. When consent is given an expectation for privacy no longer exist (to a degree).

Focus on making truth seeking look extreme and as bad as the affirmative doesn’t want it to look. The way you can truly expose this case, is by showing and revealing truth seeking for what it actually is when it is valued over individual privacy.

This case is meant to win the judge emotionally and impact fully. But if you can bring up statistics or empirical proof to show that when truth seeking is valued higher than individual privacy that it brings numerical disaster, then you have a higher chance of beating this case.

1. Breuninger, Kevin. “Brett Kavanaugh Provides High School Calendar to Judiciary Committee before Hearing with Accuser.” CNBC, CNBC, 26 Sept. 2018, [www.cnbc.com/2018/09/26/brett-kavanaugh-provides-high-school-calendar-to-judiciary-committee.html](http://www.cnbc.com/2018/09/26/brett-kavanaugh-provides-high-school-calendar-to-judiciary-committee.html). [↑](#footnote-ref-1)
2. Dickey, Fred. “How Detective Mo Parga Pinpointed Danielle Nicole Van Dam's Killer.” Sandiegouniontribune.com, 9 May 2017, [www.sandiegouniontribune.com/news/columnists/sd-me-dickey-column-0501-story.html](http://www.sandiegouniontribune.com/news/columnists/sd-me-dickey-column-0501-story.html). [↑](#footnote-ref-2)