



LD Nationals 2014 Neg Analysis

This year's LD Nationals topic is **Resolved: The United States ought to prioritize the pursuit of national security objectives above the digital privacy of its citizens**. Today, we're going to discuss some options for building your Nationals-caliber neg case!

We'll start out with an investigation of some key terms. If you have already read the aff analysis, you can safely skip to page 4.

If you've made it this far, I'm sure you're experienced in debating "**prioritize**," so I won't waste much space discussing it here. As a reminder, though, "prioritize" does not mean the two imperatives are wholly mutually-exclusive, or that national security is always bad. Instead, you just need to win that digital privacy is of greater importance, when the two are compared. Or, you can argue that the two are *equally important*, and thus national security should not be "prioritized."

National security is the next important phrase in the resolution. There is no universally agreed-upon or legal definition of national security, but chances are you have a good intuitive idea of what it means. If you're interested in providing a specific interpretation, [Wikipedia](#) offers links to a range of definitions. You can select the one that best suits your individual case.

From a strategic standpoint, we should note that the phrasing of this resolution does not mandate that the affirmative win *that any particular national security initiative(s) achieve(s) solvency*. The resolution says "the PURSUIT of" national security objectives should be prioritized over digital privacy. So, the aff is



only responsible for defending that national security is a more pressing objective than digital privacy, not that *any specific policy is actually successful* at achieving national security. The success or failure of a particular program is irrelevant to the *fundamental question of which objective ought to be prioritized*. Winning that digital surveillance *in general* fails to achieve its objectives will benefit you as defense to aff impacts, but winning that *one particular program* is flawed will not help you much at all. This may become very strategically important in some of your debates.

Digital privacy is another phrase from the resolution that lacks any universal definition. However, it generally means privacy in electronic communications, particularly those that pertain to personal identity. You may want to familiarize yourself with [general privacy rights in the United States](#) and apply this understanding to digital technologies. Because of the connotations of “digital,” you should plan on the core of this topic involving discussions of the internet, smart phones, [cloud computing](#), data surveillance, etc.

The phrasing of this resolution refers to “digital privacy OF ITS CITIZENS,” with “its” referring to “the United States.” Additionally, the clash between digital privacy and national security implies a government perspective, since governments are the actors who must concern themselves with national security. When we consider these two factors together, we can see that we are discussing *American programs that affect Americans* (as opposed to USFG surveillance targeting foreign actors). Although this isn’t explicitly required by the resolution, most debates will probably focus on American government efforts, although the actions of domestic corporations may also become somewhat relevant.

At this point, you’re probably inferring that many debates will involve discussions of the **NSA, its PRISM program, FISC, etc.** Although this resolution is really written to invite conceptual discussions of the clash between privacy and security, these relevant, material examples will still certainly play into many of your rounds. It would thus be helpful to familiarize yourself with background information on these topics.



You are encouraged to do more thorough research, but here are a few highlights of what you need to understand:

- The Obama administration claims [PRISM](#) cannot be used to monitor domestic targets without a warrant.
- The stated goal of this program is not to monitor domestic communications. However, the NSA [is permitted](#) to keep American communications where they intersect with foreign targets, if they contain intelligence material or evidence of a crime, or if they are encrypted.
- The two bullets above, together, establish that while the NSA is NOT authorized to conduct warrantless surveillance on an American citizen residing inside the United States. However, they ARE authorized to keep and use any data created by an American citizen residing inside the United States that is “swept up” during their surveillance operation targeting a foreign target. So, for example, if you make a phone call to a foreign citizen subject to NSA surveillance, the metadata related to that call may be investigated by the NSA.
- The data collected is referred to as “metadata” because, according to the NSA, it does not trawl data for the *contents* of the communications, but rather looks at factors like who is being contacted, the number/frequency of communications, etc. So, it concerns itself with *who* someone talks to, *when*, and *how often*, rather than *what they say*.
- The NSA stores this metadata (for 5 years, according to popular understanding) and can obtain a warrant to use it for an investigation. It receives these warrants from a secretive federal court called [FISC](#) (also sometimes called FISA Court).
- Knowledge of these programs became public when documents were leaked by former contractor Edward Snowden and published by journalist Glenn Greenwald. Release of new information is ongoing, and Greenwald says [we have not yet received the most shocking news](#). He expects this release will come in June or July of 2014, so keep your eyes on the news as you prep for Nationals.

You may also find this [timeline of United States surveillance programs](#) helpful.



However, although these US government programs are heavily tied-up in popular discussions of digital privacy versus security, remember that this resolution is fundamentally asking you to debate about *principles*, not the mechanics of specific programs.

To reiterate, you will gain traction against affirmative impacts by establishing that digital surveillance *in general* is ineffective at promoting national security (because, obviously, digital surveillance is the only kind of national security policy that clashes with digital privacy). You will not, however, get very far by indicting specific programs. Again, principles, not policy. The aff only needs to win that the concept of security outweighs the concept of privacy. Your job as the negative is to prove the opposite: that privacy outweighs security.

On this core question of **liberty versus security**, much has been written. Indeed, this is one of the most pervasive policy problems confronted by Americans since the birth of the Republic. So, you should have no trouble finding vast amounts of high-quality cards. I will not provide you with any of these generic liberty/security cards here, because you probably already have them. Below, however, I will give you some cards that address this issue specifically from the context of American digital surveillance.



Here is **evidence** arguing that preferring security to privacy undermines the foundation of American values and the Bill of Rights. It goes on to argue that digital surveillance is ineffective and actually counter-productive to catching the “bad guys,” because you do not catch terrorists by profiling non-terrorists:

(Bob Barr, former Georgia House rep, US attorney, CIA official, current chair for freedom and privacy at the American Conservative Union, The Economist, Debate on Privacy & Security, Opposition Opening Remarks, http://www.economist.com/debate/days/view/131#con_statement_anchor, February 5 2008)

Ayn Rand, a 20th-century philosopher, correctly understood the central importance of privacy to the underpinnings of freedom. As she noted through the words of Howard Roark, the protagonist in her 1943 novel, "The Fountainhead": "[c]ivilization is the progress toward a society of privacy ... [c]ivilization is the process of setting man free from men". While Ms Rand wrote in the middle of the 20th century, and the authors of the US Bill of Rights (most importantly, James Madison) penned their treatises in the late 18th century, the notion that privacy is an essential ingredient of freedom also clearly undergirds the work product of their genius.

Absent an acceptance of the view that individuals possess an inherent, inalienable right to their own views and to have their own tangible and intangible possessions remain free from government intrusion, there would be no reason to even incorporate a Bill of Rights in the American constitution. What meaning would the First Amendment's guarantee of religious, political or expressive beliefs have, unless understood first to be based on the principle that individuals have a right to their private opinions and views? Would there be a purpose to have incorporated a guarantee of the "right to keep and bear arms" as in the Second Amendment, unless first accepting the notion that one is entitled to the privacy of something worthy of protection by exercising that right to keep and bear arms? And what value would be gained by incorporating the Fourth Amendment's guarantee of the sanctity of one's person, "houses, papers, and effects against unreasonable searches and seizures", if not predicated first on the principle that there exists such a thing as privatepossessions?

The centrality of the right to privacy as a cornerstone not only of modern-day Western societies, but of civilisation itself, is precisely why the ongoing erosion of this fundamental right — a process



that has accelerated greatly since the events of September 11th 2001 — is so disturbing and should be resisted strongly.

Many of those who favour sacrificing privacy for security, including the current political leadership in Washington, DC and in London, posit at least two premises in support of their views. First, that the new paradigm our countries face in the form of 21st-century terrorism, is so different from and more dangerous than anything that could have been contemplated by the 18th-century drafters of the Bill of Rights, that the notions of individual privacy incorporated therein are no longer relevant. Second, that even if such notions are important, the limitations necessarily being placed on the exercise of one's personal right to privacy by government policies designed to thwart post-9/11 acts of terrorism, are temporary and will be restored once these current adversaries are defeated; in the same way limitations on privacy in earlier wars were later restored.

Acts of terrorism in recent years have resulted in significant casualties—the September 11th 2001 hijackings, the Madrid train bombing of 2004 and the British transport bombing in 2005, for example—and steps must be taken to prevent their recurrence. However, to make the rhetorical jump from that reasonable proposition to the position that modern-day terrorists present such a novel and not heretofore contemplated threat to our way of life that the structure that our governments designed to protect privacy as a foundation of freedom must give way, makes no sense and is unsupported by history.

For example, when the privacy-based provisions in the Bill of Rights were crafted, debated, and adopted by the US in the years immediately after the fledgling country won its independence, the country faced security threats far more dire than those posed our countries nowadays by practitioners of terrorism. Yet in the face of very real threats to the survival of this new country by the world's then most powerful nation, the drafters of the Bill of Rights incorporated therein very explicit and real limitations on the power of government to invade individuals' privacy.

Some might take solace in the siren argument of a George W. Bush that whatever encroachments on our privacy are necessary in order to meet the challenges posed by terrorists should be acceptable because they are temporary—like the encroachments suffered in earlier crises including the American civil war, or the first or second world wars. However, to accept such an argument in the face of how Mr Bush and the architects of his current strategy describe the present situation, is foolhardy. To these purveyors of government power, the "global war on terror" in which we are enmeshed is indefinite and encompasses the entire globe—every country, every city and town, every neighbourhood. In this universe, every person—neighbour, co-worker, fellow passenger — is and will remain a potential terrorist. Thus, the situation in which we find ourselves as described by the very same leaders seeking to take away our privacy, is unlimited in every parameter—time, geography and population.



The temporary becomes permanent.

One might still be willing to accept some erosion of privacy, if such were proven to make us safer in fact. However, to buy into this notion, one has to be willing to suspend common sense, and accept the matrix that you find the "bad guys" by profiling the "good guys". In other words, you'll find terrorists by compiling more and more information on more and more non-terrorists; that is, citizens generally.

The reality is, you will find terrorists, if at all, by gathering good intelligence, and by adhering to sound intelligence and law enforcement techniques.

Every moment, every euro expended gathering intelligence on law-abiding persons, or spent limiting the freedom of law-abiding citizens, is a resource not focused on the real, legitimate task of government. Eroding the citizenry's privacy—which undermines and diminishes our very way of life—is not only bad policy, it is counter-productive.

Here is more **evidence** arguing that privacy is the foundational right to all others. Without it, we find ourselves on a slippery slope to tyranny:

(Bob Barr, former Georgia House rep, US attorney, CIA official, current chair for freedom and privacy at the American Conservative Union, The Economist, Debate on Privacy & Security, Opposition Closing Remarks,

http://www.economist.com/debate/days/view/133#con_statement_anchor, February 13 2008)

Mr Livingstone premises the entire structure of his arguments on the principle that the first and most important duty of the government is to protect its citizens. If one accepts this premise, then it becomes quite easy to be lulled into accepting the notion that privacy must give way to measures the government deems necessary in its effort to provide security for the people. If security trumps all else, then, of course individual privacy must fall; and fall gladly in Mr Livingstone's world.

The fact of the matter is, however, the primary, or first duty of the government is not to provide security for the citizenry; it is to serve as guardian of the rights guaranteed the citizens under the founding documents and principles of the nation. Certainly, the government has a



responsibility to provide security measures for the citizenry, but that is a subsidiary duty of the prime duty to guarantee the rights of the people. Were it otherwise—were it as Mr Livingstone posits—then it becomes easy and quite acceptable for the government to decide that security necessitates listening in to private conversations at will, reading people's mail at will, preventing individual law-abiding citizens from travelling, and all those other intrusions to which we have been subjected since 9/11, simply because the government believes people generally are safer if certain people do not travel or communicate privately. And, most importantly, it matters not if such measures violate other rights, such as the right to privacy, because they are inferior rights. I reject this proposition just as, I am confident, America's founding fathers would.

The 21st-century world is a dangerous place; I grant Mr Livingstone that premise. But so was the 18th-century world; the time in which the principles on which the US was founded were crafted and enacted in a Constitution and Bill of Rights. To my opponent, these what he labels concepts (easier to denigrate than calling them what they are, rights), including the right to privacy, must give way to new threats because the "framework of old laws and attitudes" are, well, outmoded. Such situational interpretation of fundamental rights has been a convenient tool of despotic governments in all ages. The dangers evident in this model were understood and rejected by the Framers. If it were otherwise, then they would have incorporated into the Bill of Rights, for example, language making clear that rights such as the right to be free from government intrusion absent probable cause that a crime was being or had been committed, could be unilaterally suspended or denied by the government whenever it decided the security required it. This is simply not the case, and using fear of terrorist actions to do what the Constitution prohibits is dangerous and it is wrong; it is also unnecessary.

The rights guaranteed in the Bill of Rights are not ephemeral, abstract rights, the category to which Mr Livingstone relegates them. He even denigrates freedom to such status, and thereby lays the groundwork for his later effort to justify diminishing it in order to provide security. Security, which in my opponent's words is seen in the "orderly and smoothly functioning" of society, has long been the tool whereby governments force the citizenry into doing their will. Doing whatever is necessary to make the trains run on time will always appeal to a large segment of the population; but this does not mean that allowing the government to do so by taking away fundamental rights is acceptable or just.

Part and parcel of Mr Livingstone's approach is the notion that the government is entitled to pre-emptively protect citizens or the security interests thereof, a "preventative" paradigm, as he calls it. Just as governments such as the current administration in Washington, DC believe pre-emptive invasions are a legitimate tool of foreign policy, pre-emptive intrusions into the liberty of citizens domestically can be justified simply on the grounds that doing so accomplishes certain desired security objectives. The government is simply pre-emptively fulfilling what Mr Livingstone views as its fundamental and overarching responsibility to provide security. As appealing as this notion might be, it cannot be squared with limitations on government power in Bill of Rights, especially the Fourth Amendment; unless, of course, one has bought into the idea that offering a sense of safety to the citizenry is the single most important function of the government and everything else must fall in its path.

Mr Livingstone himself ultimately falls into the trap set by his faulty premise. As noted previously, in his rebuttal he concludes that the right to privacy must give way to security measures designed to make society run smoothly and to eradicate any sense of fear. My opponent then further reminds us that in accepting this principle the reader should keep in mind that "the tyrant always comes in the guise of the protector". This statement makes the case against the very premise of the debate topic before us, perhaps more vividly than arguments using words of my own choosing. The government that presents itself as the protector is always the one that becomes (or already is) the tyrant. I thank my opponent for providing in summary the very reason we should fear—and never accept—the principle



that the government be allowed to take away our fundamental right to privacy simply to make us feel safer.

The above card establishes the impact of **tyranny/erosion of all rights**, because the premise that security outweighs individual liberty justifies all of the worst abuses imaginable. Obviously, this speaks directly to the question of the resolution, and directly refutes the proposition that security ought to be prioritized. This card also suggests that the primary duty of a legitimate government is to protect its citizens' rights, which you may like to employ in your value/criterion structure.

As you have probably inferred, the majority of affs on this topic will discuss the risk of terrorism, as this is the major threat that digital surveillance is intended to prevent. So, it would be strategic for you to prepare some **defense to terrorism impacts**. The above cards already contain the warrant that surveillance is ineffective and counter-productive. You may also want to pull some terrorism defense cards (such as "terrorists can't get WMDs," "terrorism doesn't cause war," etc) from the impact defense files available on the [Open Evidence Project](#).

Here is **evidence** that says terrorism is a tiny risk, and treating it as an enormous or highly probable impact is illogical:

(Scott Barinato, executive editor of CSO (security studies magazine) writing about security, privacy & risk, [The Economist, Debate on Privacy & Security, Featured Guest Remarks](#), <http://www.economist.com/debate/days/view/178>, February 11 2008)

Benjamin Franklin famously remarked, "Those who would give up essential Liberty, to purchase a little temporary Safety deserve neither Liberty nor Safety."¹ Today, that sentiment is scoffed at as an antediluvian relic of a simpler time. Old Ben never had to worry about jihads and WMDs.

Maybe so, but then again, why are you worrying about jihads and WMDs? Michael Rothschild, a University of Wisconsin Business School Professor Emeritus argues eloquently in a November 2001 paper² that we have been deceived, or have deceived



ourselves, about the true nature and relevance of the terrorist risk. "Our leaders and media have not done a good job of discussing the risks that citizens need to consider when making choices in their daily lives."

Rothschild conjures a horrible hypothetical scenario to prove his point: If terrorists were able to hijack and crash one full plane per week, and you travelled by plane once a month, the likelihood of dying in a terrorist-driven plane crash is still minuscule: 540,000 to 1. Even if that dreadful scenario would come to pass—and it won't ever—you would be ten times more likely to die from a hornet, wasp or bee sting than from terrorism.

And yet terrorism is the driving argument behind modern efforts to cede personal privacy. It is a shockingly inapt justification, akin to suggesting that we abandon San Francisco all together because, some day, there might be an earthquake. The response is disproportionate.

It is also, frankly, inefficient. One does not find a needle any faster by putting all the hay in the stack. Intelligence agents, law enforcement, these groups have already pared down the haystacks through intelligence-gathering. Whatever privacy-invasive technologies they need to hone in on known and suspected bad guys, they already possess. Of course, they need a warrant to invade the privacy of bad guys and that is the crux of this push to remove our essential right to privacy. It will make their jobs easier to not have to wait for warrants or deal with courts reviewing the necessity of those warrants.

But warrants are not capricious bureaucracy. They are checks that exist for a reason, to balance the abuse of power that is inevitable if one allows unfettered access to personal data without warrants. Mr Livingstone or others who believe that an erosion of privacy is necessary to ensure security might counter that if you have nothing to hide, why do you care if someone can access your personal information?

That is a common argument, but it is beyond speciousness and it demonstrates a callous disregard for the true definition of privacy. Privacy is not the right to conceal information about oneself. It is the right of a law-abiding citizen to choose what they wish to conceal or reveal. It is a subtle but important distinction often lost in the hysteria surrounding terrorism.



Again, the above card also supports the idea that surveillance policies are counter-productive because they give a “needle-in-haystack” situation a “bigger haystack.” It also contains another useful warrant: that **methods that do not hurt privacy solve better.**

Here is more **evidence** on that point, including the argument that digital surveillance actually *trades-off* with superior methods. This is offense against the aff, because it allows you to win that protecting privacy is actually *also better for security*:

(Bob Sullivan, award-winning journalist, NBC News, “Privacy vs. security: 'False choice' poisons debate on NSA leaks,” <http://www.nbcnews.com/business/consumer/privacy-vs-security-false-choice-poisons-debate-nsa-leaks-f6C10536226>, July 6 2013)

"You can't have 100 percent security and also have 100 percent privacy," President Obama said on June 7, in his principal public statement in the issue, suggesting there is some dial which forces government officials to pick one over the other.

It's a false choice, say many security experts.

Liberty vs. control

"I've never liked the idea of security vs. privacy, because no one feels more secure in a surveillance state," said Bruce Schneier, security expert and author of *Beyond Fear: Thinking Sensibly About Security in an Insecure World*. "There's plenty of examples of security that doesn't infringe on privacy. They are all around. Door locks. Fences ... Firewalls. People are forgetting that quite a lot of security doesn't affect privacy. The real dichotomy is liberty vs. control."

Dan Solove, a privacy law expert at George Washington University Law School, said the privacy vs. security framing has interfered with what could be a healthy national debate about using high-tech tools to fight terror.

"You have pollsters and pundits and (National Intelligence Director James) Clapper saying, 'Do you want us to catch the terrorists or do you want privacy?' But that's a false choice. It's like asking, 'Do you want the police to exist or not?'" he said. "We already have



the most invasive investigative techniques permissible with the right oversight. With probable cause you can search my home. ... People want limitations and transparency, so they can make a choice about how much surveillance (they) are willing to tolerate."

By creating an either/or tension between privacy and security, government officials have invented a heavy weapon to wield against those who raise civil liberties concerns, he said. It's easy to cast the choice in stark terms: Who wouldn't trade a little personal data to save even one American life?

'A bigger haystack'

An honest, open examination of surveillance programs might show the choice is not so simple, says Ashkan Soltani, an independent security researcher.

"The government feels like they need all this information in order to do its job, that there can't be security without them having access to everything. Well, that's a lazy or shortsighted way of seeing things," he says. "The idea I reject is that you need to violate everyone's privacy rather than be better at your job of identifying specific (targets)."

Casting such wide nets is also ineffective, he argues. Collecting mountains and mountains of data simply means that when the time comes to find that proverbial needle in a haystack, you've simply created a bigger haystack.

"Law enforcement is being sold bill of goods that the more data you get, the better your security is. We find that is not true," Soltani said.

Collecting data is a hard habit to break, as many U.S. corporations have discovered after years of expensive data breaches. The NSA's data hoard may be useful in future investigations, helping agents in the future in unpredictable ways, some argue. Schneier doesn't buy it.

"The NSA has this fetish for data, and will get it any way they can, and get as much as they can," he said. "But old ladies who hoard newspapers say the same thing, that someday, this might be useful."

Even worse, an overreliance on Big Data surveillance will shift focus from other security techniques that are both less invasive and potentially more effective, like old-fashioned "spycraft," Soltani says.



Inside the above evidence, you will also find the claim that **privacy and security are not a zero-sum game**. In other words, it is a false dichotomy to suggest that one must be prioritized over the other. Since this resolution demands that the aff win that the U.S. ought to *prioritize* security, winning that the two can easily coexist is a reason to vote negative.

Here is more **evidence** on this:

(Donald Kerr, Principal Deputy Director of United States National Intelligence, The Economist, Debate on Privacy & Security, Featured Guest Remarks, <http://www.economist.com/debate/days/view/180>, February 14 2008)

I do not agree with the argument that says in order to have more security, you need to have less privacy. To use a general example, the US government needs your personal information to issue social security cards, review applications for federally-backed school loans and process tax returns. These are necessary security precautions to make sure you are who you say you are, and protective measures such as those put in place by the Privacy Act and other statutes, regulations and policies provide safeguards to make sure that information stays private.

In my life and in my work, I start with the belief that you need to have both safety and privacy, and that when we try to make it an either/or proposition, we are making a mistake. Some people probably have a hard time believing that, though, given my day job. Movies like "The Bourne Identity" and "Enemy of the State" have given us in the intelligence community a terrible reputation. There are so many misconceptions about what we can do, both technically and legally. Our abilities and intentions are always exceeded by people's fears.

Another way to undermine affirmative offense is to chip away at the concept of "national security" itself. For example, you can argue that the aff should not get to weigh their impacts as though trading away privacy results in some kind of paradise of absolute security. If you think about it critically at all, that makes no sense. Of course, even with the best digital surveillance program possible, threats will continue to exist and be fairly unpredictable.



Here is **evidence**:

(Bob Barr, former Georgia House rep, US attorney, CIA official, current chair for freedom and privacy at the American Conservative Union, The Economist, Debate on Privacy & Security, Opposition Rebuttal Remarks, http://www.economist.com/debate/days/view/132#con_statement_anchor, February 8 2008)

Security has become the holy grail of this nascent 21st century. Like the knights of yore searching in vain for that ephemeral object, those in today's world seeking the comfort of security will be doomed to disappointment. The question of achieving security is, in a fundamental respect, a specious one, for absolute security can never be had, and temporary or partial security is achievable only at a price to be traded off against liberty.

As a former US president, Dwight Eisenhower, observed in 1949, "If all that Americans want is security, they can go to prison. They'll have enough to eat, a bed and a roof over their heads." Granted, Mr Eisenhower spoke then of the threat of a dictatorial government imposing its will on the American people; but the point is as relevant when discussing the threats posed by radical regimes and non-state actors today as when applied to a more traditional adversary, like the former Soviet Union.

The US and the UK are both great powers, with impressive histories emphasising individual rights and limitations on government power. Both have withstood serious challenges to their societies, and have managed to meet those challenges while maintaining the essential freedoms that over the centuries have made the countries great; that is, until now. I continue to reject the notion that we must open up our lives in their full private details in order for our governments to protect us, my friend Neil Livingstone's eloquent arguments to the contrary notwithstanding.

If you'd like, you can also take this line of reasoning a step further, and suggest that the concept of national security is flawed, because **adversarial relationships are self-fulfilling prophecies**. The basic premise here is that our quest for national security ironically *is the cause of threats*, because we behave aggressively towards others, causing them to behave aggressively towards us in return. You can argue, for example, that terrorist cells recruit new members by exploiting resistance to abusive American techniques, such as digital spying, drone strikes, etc. This turns the affirmative's offense.



Here is **evidence**:

(Robert Jay Lifton, Visiting Professor of Psychiatry at Harvard Medical School, Superpower Syndrome: America's Apocalyptic Confrontation With The World, p. 115-116, 2003)

The amorphousness of the war on terrorism carries with it a paranoid edge, the suspicion that terrorists and their supporters are everywhere and must be preemptively attacked lest they emerge and attack us. Since such a war is limitless and infinite—extending from the farthest reaches of Indonesia or Afghanistan to Hamburg, Germany, or New York City, and from immediate combat to battles that continue into the unending future—it inevitably becomes associated with a degree of megalomania as well. As the planet's greatest military power replaces the complex world with its own imagined stripped-down us-versus-them version of it, our distorted national self becomes the world. Despite the Bush administration's constant invocation of the theme of "security," the war on terrorism has created the very opposite—a sense of fear and insecurity among Americans, which is then mobilized in support of further aggressive plans in the extension of the larger "war." What results is a vicious circle that engenders what we seek to destroy: our excessive response to Islamist attacks creating ever more terrorists and, sooner or later, more terrorist attacks, which will in turn lead to an escalation of the war on terrorism, and so on. The projected "victory" becomes a form of aggressive longing, of sustained illusion, of an unending "Fourth World War" and a mythic cleansing of terrorists, of evil, of our own fear. The American military apocalyptic can then be said to partner with and act in concert with the Islamist apocalyptic.

More **evidence**:

(Ronnie Lipschutz, Director of Adlai Stevenson Program on Global Security, "On Security" p.10, 1995)

Security is, to put Waever's argument in other words, a socially constructed concept: It has a specific meaning only within a specific social context.¹⁸ It emerges and changes as a result of discourses and discursive actions intended to reproduce historical structures and subjects within states and among them.¹⁹ To be sure, policymakers define security on the basis of a set of assumptions regarding vital interests, plausible enemies, and possible scenarios, all of which grow, to a not-insignificant extent, out of the specific historical and social context of a particular country and some understanding of what is "out there."²⁰ But, while



these interests, enemies, and scenarios have a material existence and, presumably, a real import for state security, they cannot be regarded simply as having some sort of “objective” reality independent of these constructions.²¹ That security is a socially constructed does not mean that there are not to be found real, material conditions that help to create particular interpretations of threats, or that such conditions are irrelevant to either the creation or undermining the assumptions underlying security policy. Enemies, in part, “create” each other, via the projections of their worst fears onto the other; in this respect, their relationship is intersubjective. To the extent that they act on these projections, threats to each other acquire a material character. In other words, nuclear-tipped ICBMs are not mere figments of our imagination, but their targeting is a function of what we imagine the possessors of other missiles might do to us with theirs.²²

And, here is another piece of **evidence** that suggests that our obsession with national security forecloses on our ability to create constructive political responses to problems, and results in state tyranny:

(Mark Neocleous, Professor of the Critique of Political Economy at Brunel University, Critique of Security, p. 185-186, 2008)

The only way out of such a dilemma, to escape the fetish, is perhaps to eschew the logic of security altogether – to reject it as so ideologically loaded in favour of the state that any real political thought other than the authoritarian and reactionary should be pressed to give it up. That is clearly something that can not be achieved within the limits of bourgeois thought and thus could never even begin to be imagined by the security intellectual. It is also something that the constant iteration of the refrain ‘this is an insecure world’ and reiteration of one fear, anxiety and insecurity after another will also make it hard to do. But it is something that the critique of security suggests we may have to consider if we want a political way out of the impasse of security.This impasse exists because security has now become so all-encompassing that it marginalises all else, most notably the constructive conflicts, debates and discussions that animate political life. The constant prioritising of a mythical security as a political end – as the political end – constitutes a rejection of politics in any meaningful sense of the term. That is, as a mode of action in which differences can be articulated, in which the conflicts and struggles that arise from such differences can be fought for and negotiated, in which people might come to believe that another world is possible – that they might transform the world and in turn be transformed. Security politics simply removes this; worse, it removes it while purportedly addressing it. In so doing it suppresses all issues of power and turns political questions into debates about the



most efficient way to achieve 'security', despite the fact that we are never quite told – never could be told – what might count as having achieved it. Security politics is, in this sense, an anti-politics, dominating political discourse in much the same manner as the security state tries to dominate human beings, reinforcing security fetishism and the monopolistic character of security on the political imagination. We therefore need to get beyond security politics, not add yet more 'sectors' to it in a way that simply expands the scope of the state and legitimises state intervention in yet more and more areas of our lives. Simon Dalby reports a personal communication with Michael Williams, co-editor of the important text *Critical Security Studies*, in which the latter asks: if you take away security, what do you put in the hole that's left behind? But I'm inclined to agree with Dalby: maybe there is no hole.¹⁴² The mistake has been to think that there is a hole and that this hole needs to be filled with a new vision or revision of security in which it is re-mapped or civilised or gendered or humanised or expanded or whatever. All of these ultimately remain within the statist political imaginary, and consequently end up re-affirming the state as the terrain of modern politics, the grounds of security. The real task is not to fill the supposed hole with yet another vision of security, but to fight for an alternative political language which takes us beyond the narrow horizon of bourgeois security and which therefore does not constantly throw us into the arms of the state. That's the point of critical politics: to develop a new political language more adequate to the kind of society we want. Thus while much of what I have said here has been of a negative order, part of the tradition of critical theory is that the negative may be as significant as the positive in setting thought on new paths. For if security really is the supreme concept of bourgeois society and the fundamental thematic of liberalism, then to keep harping on about insecurity and to keep demanding 'more security' (while meekly hoping that this increased security doesn't damage our liberty) is to *blind ourselves* to the possibility of building real alternatives to the authoritarian tendencies in contemporary politics. To *situate ourselves against security politics* would allow us to circumvent the debilitating effect achieved through the constant securitising of social and political issues, debilitating in the sense that 'security' helps consolidate the power of the existing forms of social domination and justifies the short-circuiting of even the most democratic forms. It would also allow us to forge *another kind of politics* centred on a different conception of the good. We need a new way of thinking and talking about social being and politics that moves us beyond security. This would perhaps be emancipatory in the true sense of the word. What this might mean, precisely, must be open to debate. But it certainly requires recognising that security is an illusion that has forgotten it is an illusion; it requires recognising that security is not the same as solidarity; it requires accepting that insecurity is part of the human condition, and thus giving up the search for the certainty of security and instead learning to tolerate the uncertainties, ambiguities and 'insecurities' that come with being human; it requires accepting that 'securitizing' an issue does not mean dealing with it politically, but bracketing it out and handing it to the state; it requires us to be brave enough to return the gift.

Finally, a tricky argument: **evaluating this debate by the measure of preventing loss of life is impossible and paradoxical**, because if we truly valued lives more than freedom, we would not send thousands of soldiers to die (and kill foreign civilians as collateral damage) in the name of freedom. Since our



response to terrorism is to deploy the military, we must conclude that liberty, values, and “way of life” must be prioritized over some loss of life. If you want to make this argument, you must couple it with the claims that: (1) terrorism will not cause human extinction and (2) prioritizing security over privacy puts all freedoms at risk. You will find cards to support both of those claims above.

Here is **evidence** spelling out why life does not outweigh freedom:

(Robin Koerner, publisher of watchingamerica.com, “Privacy vs. Security: A False Dichotomy,” Huffington Post, http://www.huffingtonpost.com/robin-koerner/privacy-vs-security-a-fal_b_4698157.html, April 4 2014)

There is really only one argument in support of mass surveillance by the State: Increased security can be bought with reduced privacy.

That claim begs the question: "How much liberty buys how much security?"

It is almost impossible to imagine how two completely different abstractions - security and liberty - could be compared, when idiomatically, we can't even compare apples and oranges. We should be very uneasy that an entire political age has been built on just that comparison.

But, since our leaders insist on making it, and it is the only one they ever make for extinguishing our civil rights, and in particular our privacy, let's run with it ...

To the defenders of the surveillance state, security means "saving American lives". That is why Feinstein and her ilk justify governmental surveillance with statements like, "the NSA's bulk collection of metadata might have prevented 9/11".

That only makes sense as a justification if the mass violation of privacy is of less value than 2996 innocent American lives. Of course, it's not just our privacy that has been sacrificed: our freedom of speech and our right to due process have been sacrificed by the same laws, and with the same justification, that paved the way to systematic and secret violation of privacy. So what the likes of Feinstein are really saying is that the American way of life has less value than 2996 innocent lives.



Moreover, most of the same people in government who advocate sacrificing the American way of life (liberty) to save American lives (security) support the sacrificing of American lives to save the American way of life.

This inconsistency goes beyond the moral: it verges on the mathematical.

To date, the American government has, in the War of on Terror, sacrificed nearly 7000 American lives and somewhere between a hundred thousand and a million non-American lives to protect (we are told) the American way of life, which includes our privacy.

Our way of life, of which our privacy is an important part, cannot simultaneously be worth fewer than the 2996 American lives lost on 9/11 and more than the approximately 7000 American service personnel and hundreds of thousands of innocents we have killed abroad.

Assuming Feinstein and friends are not being deliberately disingenuous, what she must really mean is that the surveillance state, and the War on Terror of which it is a part, would not just have saved 3000 Americans on 9-11, but that they are saving more American lives than - (a) all the Americans we have lost through fighting "the War on Terror", plus (b) the non-American lives taken by our actions (presumably and somewhat sickeningly weighted by some factor that makes each one worth less than a "saved American"), plus (c) whatever value we might give to the American way of life, which includes our privacy (measured, for mathematical consistency) in terms of a number of lives.

Indeed, precisely this ability to quantify is assumed when Obama tells us of the need to "balance" or "weigh up" our security against our liberty.

Since no one is arguing that killing innocent foreigners makes us any safer, but our government has killed huge numbers of them, it is apparent that the more closely an innocent non-American life is valued to an innocent American one, the more American lives must be saved by the sacrifice of liberty to reach this so-called balance between liberty and security.

Our leaders keep getting away with this nonsense because, as far as I know, not one politician or journalist has yet asked two obvious questions on which this entire trade-off of security and liberty depends. 1) How many American lives is the American way of life worth, and 2) how many innocent non-American lives have the same value as an innocent American life?

There is only one pair of answers that is mathematically and morally consistent with the Bush/Obama/Feinstein case for eliminating basic civil rights, such as privacy, as part of the War on Terror: the value of a non-American life must be de minimus, and the value of American liberty must be approximately zero.

Either the math is wrong. Or the morality is wrong. Or both.



So much for the variables. What about the logical inconsistency: if liberty must be sacrificed to save American lives, how can sacrificing lives for liberty possibly be justified? If there are mathematical numbers that can resolve that paradox, let's have them.

Denis Diderot, one of the most famous thinkers of the Enlightenment, rightly remarked, "In order to shake a hypothesis, it is sometimes not necessary to do anything more than push it as far as it will go."

An internally inconsistent hypothesis doesn't need to be set up against a competing one to be shown to be false. It simply collapses under the weight of its own contradiction when examined closely. So let's push the buy-security-with-liberty hypothesis as far as it will go.

One last thing: as you've probably already figured out, this topic is extremely similar to the November 2013 Public Forum topic. Although they demand slightly different focuses, you may still find our guides to the NSA surveillance PF resolution helpful. Check them out: [pro](#) and [con](#).

Of course, this guide is only a brief introduction to strategizing on this topic. You are strongly encouraged to pursue your own ideas, do your own research, and get creative! By no means should you feel confined to what is written here.

Now, go prep those awesome neg cases. Don't forget to thank Debate Central in your acceptance speech when you win Nationals! ;)

As always, you can email completed cases to Rachel.Stevens@NCPA.org for a free case critique. You can also join the discussion in the comments below. Good luck!