Debate: Privacy vs. National Security
‘Philosophy and Technology’ (PHIL 150) students: Friday, 3/24
‘Freedom’ (PHIL 100) students: Friday, 4/14

The Question

In 2013, it came to our attention that the U.S. government has been spying on its own citizens. Controversy began when Edward Snowden leaked huge numbers of confidential government documents which revealed the government’s actions. According to those documents, here are just a few of the things that the NSA and CIA have been doing:

It was revealed that the NSA was harvesting millions of email and instant messaging contact lists, searching email content, tracking and mapping the location of cell phones, undermining attempts at encryption … and that the agency was using cookies to "piggyback" on the same tools used by internet advertisers "to pinpoint targets for government hacking and to bolster surveillance." The NSA was shown to be "secretly" tapping into Yahoo and Google data centers to collect information from "hundreds of millions" of account holders worldwide by tapping undersea cables … The NSA, the U.S. CIA and GCHQ spied on users of Second Life and World of Warcraft by creating make-believe characters as a way to "hide in plain sight." … NSA agents spied on their "love interests." … The NSA was also shown to be tracking the online sexual activity of people they termed "radicalizers," in order to discredit them. (Wikipedia, 2014 – note that this entry has now been deleted; for another list of activities, see here)

The Freedom Restoration Act was passed in 2015, which curtailed the government’s ability to invade the privacy to some extent, but still permitted large-scale data collection.

According to the Declaration of Independence, the purpose of government is “to secure these rights” of “life, liberty, and the pursuit of happiness” for its citizens. Many see government data collection as an infringement on our freedom to conduct our lives in privacy. There is also the additional worry that government monitoring is a source of discrimination in the form of racial profiling. However, here we have a conundrum: What if, in order to secure one right, the government must infringe upon another?

Many perceive this issue as a question of whether or not it is permissible for the government to infringe upon the liberty of its citizens (in the form of invading their privacy) in order to secure or better protect other liberties, such as life and the pursuit of happiness (in the form of safety).

For instance, when Apple refused in early 2016 to comply with the FBI’s request to develop decryption tools for iPhones, claiming in an open letter to their customers that doing so would seriously jeopardize the privacy of every iPhone user, the government’s reply was that Apple’s compliance was a matter of national security (which presumably took precedence over worries about privacy). If invading the privacy of its citizens would help the government to discover, say, terrorist cells, then such an invasion of privacy would serve to better protect the people (and thus better secure our lives and happiness).

Furthermore, surely not all rights are absolute. The right to freedom of religion should be infringed upon if one of my religious rituals involves human sacrifice. The right to freedom of speech should be infringed upon if I try to exercise it via a hate speech, or to incite a violent riot.

But, how should we weigh the liberties of privacy and safety against one another? Should the right to privacy be infringed upon if doing so could make us safer?
Your Task

Question: Is it permissible for the government to invade our privacy in the name of national security?

You have been divided into two groups. One group will argue that the answer to the above questions is “yes” (this group will argue *in favor of* the invasion of privacy). The other group will argue that the answer is “no” (this group will argue *against* the invasion of privacy).

Getting Started

Now that you have met your teammates, I encourage you to continue to email one another, exchange phone numbers, arrange to meet, etc.

You may want to do a bit of research before you begin, in order to familiarize yourself with some of the common reasons that each side gives in defense of their position.

What To Do

*Opening statement:* Please elect one or more spokespersons from your group to give an opening statement of 3-5 minutes. During this opening statement, you will present some argument or reasons for believing that your group has the correct answer to the questions above.

*Response statement:* After both teams give their opening statements, each group will be given a couple of minutes to brainstorm quietly, to agree on what your group will say in response to your opponents. Please elect one or more spokespersons from your group to give a 3 minute response statement. During this response statement, you will provide some reason or justification for believing that what the opposing group has just said is mistaken.

*Open discussion:* At the end, the two teams will be allowed some time to discuss the issue with one another informally, before I open discussion to the entire class for Q&A.

Format

<table>
<thead>
<tr>
<th>Event</th>
<th>Time Allotment</th>
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</thead>
<tbody>
<tr>
<td>Team “NO” opening statement</td>
<td>3-5 minutes</td>
</tr>
<tr>
<td>Team “YES” opening statement</td>
<td>3-5 minutes</td>
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<tr>
<td>Team “NO” brainstorm session</td>
<td>2 minutes</td>
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<tr>
<td>Team “NO” response statement</td>
<td>2-3 minutes</td>
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<tr>
<td>Team “YES” brainstorm session</td>
<td>2 minutes</td>
</tr>
<tr>
<td>Team “YES” response statement</td>
<td>2-3 minutes</td>
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<tr>
<td>Informal open discussion between teams</td>
<td>5 minutes</td>
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Grading

This assignment is worth 10% of your grade. Half of this grade will be assigned by myself based on the performance of your team during the class debate. The other half of this grade will be based on peer assessment. You will be graded by the other members of your team in an anonymous survey following the debate. Here are some things I'll be looking for:

- Are the arguments that you present clear, carefully stated, and persuasive?
- Do you handle questions, criticisms, etc., clearly, carefully, and persuasively?
- Is it apparent that your team has put some careful thought and consideration into this issue?
- Do you function well as a team? (e.g., avoid contradicting, bickering with, or talking over your own teammates)