I affirm the resolved: The United States ought to extend to noncitizens accused of terrorism the same due process protections it grants to citizens. To clarify, I offer the following definitions.

Ought is used to indicate a desirable or expected state. (New Oxford American Dictionary)

To accuse is to claim that (someone) has done something. (NOA Dictionary)

Terrorism is the use of violence and intimidation in the pursuit of political aims. (NOA Dictionary)

Due process is an established course for judicial proceedings or other governmental activities designed to safeguard the legal rights of the individual. (American Heritage Dictionary of the English Language.

My value is justice, defined as giving each his due. Justice is the value for this round because we are referring to the procedures of the US justice system, a system created solely to give each his due, and because we are trying to give citizens and noncitizens their due as well.

My criterion is protecting individual rights. Protecting individual rights is just because it gives one what he or she is due, as rights protect what a person deserves.

My first contention is that the United States current practices put them in the untenable position of denying rights.

Subcontention A. The US currently provides rights solely on basis of citizenship.

Hoffman writes:

**The Military Order of November 13, 2001**—Detention, Treatment and Trial of Certain Non-Citizens in the War Against Terror, **authorizes the detention and trial of "terrorists" and uses a broad definition of "individuals subject to this order."**26 Thus, **US authorities may take any person in the** **[End Page 941]** **world they believe fits this broad definition and transport them to the "human rights free zone" in Guantanamo. There the US is not subject to judicial oversight by domestic**27 **or international authorities, and the detainees can be treated in any manner until they are tried, released, or held in these conditions indefinitely.**

**The Military Order applies only to noncitizens, leading to a stark double standard between the treatment of US citizens accused of being involved in terrorist activity and noncitizens, who are not entitled to the panoply of rights accused US "terrorists" will receive.**28 **There is no reason to believe that US citizens may not also engage in terrorist activity. Indeed, before September 11, the worst terrorist act on US soil was committed in Oklahoma City by US citizen Timothy McVeigh. The idea that noncitizens are not entitled to international fair trial standards because they are unworthy "terrorists" is at odds with international antidiscrimination and fair trial norms as well as the presumption of innocence.**

**Trials before the military commissions, established pursuant to the November 2001 order, will not comply with essential international fair trial safeguards or guarantees of an independent judiciary. Indeed, the proceedings appear to be no different from military tribunals the international community has criticized in many other settings as a violation of international human rights standards.**

Hoffman, Paul. "Human Rights and Terrorism." Human Rights Quarterly 26.4 (2004): 932-955. *Project MUSE*. Web. 1 Sep. 2012. (2004)

Since rights are given on basis of being human, with holding them from terrorist suspects would be immoral and defy the whole idea of rights, whether they were a citizen or not. By providing noncitizens accused of terrorism with due process, equalizing them before the law, we respect their humanity and protect individual rights. Not providing due process and treating terrorist suspects inhumanely can put the nation in danger as it gives an incentive for terrorist attacks and recruitment. Discrimination on basis of being a noncitizen accused of terrorism not only dehumanizes but is a slippery slope. It can lead to discriminating against citizens, because as stated above, some citizens have committed terrorist acts as well. If we don’t provide due process, we support an unjustified double standard, we threaten national security, and we are one step closer to with holding the rights of citizens which would corrupt our justice system and not protect individual rights.

Sub contention B. The US is not keeping in line of the ideals of the UN's Universal Declaration of Human Rights

According to the UN’s Universal Declaration of Human Rights (1948)

**Everyone is entitled to all the rights and freedoms set forth in this Declaration, with- out distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status. Furthermore, no distinction shall be made on the basis of the political, jurisdictional or international status of the country or territory to which a person belongs, whether it be independent, trust, non-self-governing or under any other limitation of sovereignty.**

AND

**All are equal before the law and are entitled without any discrimination to equal protection of the law. All are entitled to equal protection against any discrimination in violation of this Declaration and against any incitement to such discrimination.**

The United States signed and collaborated on this document, and so the US supports the ideas written. It therefore agrees with the ideas of universal human rights and everyone appearing in equal protection in front of the law. Not giving noncitizens the same due process protections would go against the idea of equal protection and universal human rights, ergo not keeping with the set ideal of justice and each his due.

My second contention is that due process protections check rights abuse by the government.

Stewart and Sunstein 1 states:

**Public Programs and Private Rights**

Richard B. Stewart and Cass R. Sunstein

*Harvard Law Review* , Vol. 95, No. 6 (Apr., 1982), pp. 1193-1322

**Between I885 and I940, the federal courts created rights of defense to enable individuals and regulated firms to prevent agencies from imposing controls not authorized by statute.**202 **Courts repeatedly held that due process requires a hearing and judicial review** when administrators impose taxes or assess- ments,203fix prices,204or regulate business activity in other ways.205 **The right of defense was originally founded on a stable system of common law liberty** and property rights. In the original conception of the Republic, **the independent judiciary was to protect these rights against political factions bent on the exploitation of government power for parochial ends**.206 **Administrative intrusions on common law rights were regarded as presumptively illegitimate and required explicit legislative authorization.**

So rights like due process were originally formed as a defense system.

**Stewart and Sunstein 2 furthers:**

**Public Programs and Private Rights**

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**By creating private rights of defense, the traditional model of administrative law curbs official bias or arbitrariness in the enforcement process and thus promotes impartial treatment. At the same time, the system limits the power of government, maintains a well-ordered sphere of private liberty, and pre- serves the system of market exchange. These are the classic functions of the rule of law.**

The governmental power monopoly can lead to exploitation if unchecked and because it has the ability to create the laws that govern our society and is the backbone, it is very powerful, much more powerful than the single individual. Rights are the individual’s safeguard and therefore must be valued, or they have no purpose. Since the government has such disproportional power, checks are needed to protect the individual and Due process protections are one of these checks. Without due process protections, the individuals rights could be infringed, namely of fair trial and due process and our justice system becomes corrupt and inefficient. By not providing due process, we do not check governmental power, we do not preserve our justice system, and we do not protect individual rights.

Contention 3. Potential state of US after denying due process rights

The denial of due process rights, no matter how popular the demand may be, follows the pattern of acts that take away due process protections, grant immunity to officials, and lead into a state of lawlessness all for the fight to reduce terrorism.

**The story of Uruguay is particularly instructive. Before 1974, it was one of the few longstanding, stable constitutional democracies of Latin America. In 1967 it adopted a new and stronger constitution. That document incorporated impeccable rule of law and human rights principles. But then Uruguay suffered a serious economic downturn which threatened its welfare laws. At the same time, it had to grapple with a challenge from a** small, determined **band of terrorists known as the Tupamaros. The Tupamaros resorted to indiscriminate acts of violence and cruelty that shook Uruguayan society. The citizens, and especially the military, began to demand solutions.** Coups had occurred in Brazil in 1964, in the Dominican Republic in 1965, and in Chile in 1973. In Uruguay, in 1974, the military, police, and their supporters struck.

**After the coup,** one by one, **the constitutional guarantees in Uruguay were dismantled. More than 5,000 civilians in a country of fewer than three million inhabitants were incarcerated for very long prison terms for having committed “political offenses.”** Other detainees were kept incommunicado.For a time **habeas corpus was withdrawn. Immunity was granted to officials for an increasingly broad range of illegal acts. The country that had been known as the “Switzerland of Latin America” entered a period of escalating lawlessness. At first, the strong governmental tactics had much support in the general population because of fear of the Tupamaros. However, unaccountable power eventually bred oppression.** True, the Tupamaros were defeated. But **it took twelve years and an enormous struggle to return Uruguay to constitutionalism.** Even then, **amnesties were imposed for the military, police, and other officials. A deep scar was left on the body politic.**

Kirby, M. D. (Michael Donald), 1939- Indiana Journal of Global Legal Studies, Volume 12, Issue 1, Winter

2005, pp. 313-344 (Article) Published by Indiana University Press DOI: 10.1353/gls.2005.0004

Denying due process protections would lead to the collapse of the American society.

This card gives a real life example of how if due process is not provided, the government becomes weak and insufficient. This links directly back to idea of needing governmental checks and the need to protect human rights through due process. Without a government, there is no mechanism with which to serve and preserve justice or protect individual rights.