

A Sample Affirmative LD Case

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Note: This case is not intended for round use. If you wish to use it, finding real evidence may be a good idea.

A criminal is a criminal is a criminal. Dividing our justice system by age is based on repressive notions of age. Because of this, I stand in firm affirmation of the resolution: Violent juvenile criminals ought to be treated as adults in the criminal justice system.

Observation I: Definitions

Violent-acting in a manner rooted in severe negative emotions Juvenile-not fully grown Criminal Justice System-the entire path of convicted criminals, from arrest to courtroom to punishment

Observation II: Debate parameters

The affirmative must provide a firm basis for recognizing violent juvenile criminals as adults. Conversely, the negative has the burden of showing why juvenile criminals should not be seen as adults.

Observation III: Value and Criterion

The supreme value for this debate is that of justice. Because justice systems are supposed to be centered upon principles of justice (Derrida), justice is the perfect value for deciding whether or not a principle should be accepted by the justice system. The criterion for measuring justice should be that of equality before the law. Unless individuals are perceived as equal, they shall not be given justice. Separate cannot be equal.

I shall further uphold this value and criterion throughout my contentions.

Contention I: The juvenile criminal justice system denies important rights to individuals.

Individuals that enter the juvenile criminal justice system in the United States are often denied important rights, including right to a trial by jury (as well as the right to be judged by their peers), and other rights that I cannot recall right now. These rights, enumerated in the constitution as rights bestowed to the people of the United States (not just those of majority age, or those of voting citizens, but the people), are denied to minors within the juvenile justice system. Failing to extend these rights to all people of the United States not only fails to uphold a principle of equality before the law, but it denies the words of the founders of this nation. If we are to accept that a young individual is still a person, than we must accept that said young individual has the right to be treated as an adult within our criminal justice system.

Contention II: Protection of juveniles is no excuse for oppressing them.

A. Up until fairly recent times, discrimination against women was kept legal under the guise of "benign classification." Because the law felt that women were, at times, better off because of their status as the lesser sex, sexual discrimination was allowed to continue. Since then, the Supreme Court has learned that any benefits that they were perceiving were only contributing to the oppression of women, and were harmful in the end, not beneficial.

John Marshall Law Review, fall 1998, p. 200-201.

In the beginning, the chief challenge was forcing the Supreme Court to understand that the law's preferential treatment of women was ultimately harmful and oppressive - not beneficial. Originally, special treatment of women by the law, known as benign classification, was thought to favor and protect women. In order to make the justices connect protection with oppression, Ginsburg had to awaken them to the reality that the labels they sought to perpetuate were outdated stereotypes, far from the reality of 1970's women, and that these stereotypes became self-fulfilling prophesies.

B. Just as the Supreme Court rejected benign classifications of women that hurt women, you must reject benign classifications of juveniles that separate them from society under the guise of preferential treatment. The treatment merely masks oppression against juveniles that is far too prevalent throughout our society.

Contention III: A just, egalitarian society would view all individuals equally in a justice system.

Clearly, if a justice system is trying to remain just to the juveniles, the core of this topic, it will seek to remove the benign classification from the juveniles that the minors currently receive. This treatment in the end only perpetuates harmful stereotypes of juveniles and further oppression of the individuals. To that end, the 5th and 14th Amendments, which forbid the federal and state governments, respectively, from denying citizens the equal protection of the law, clearly demonstrate a Constitutional basis for including juvenile offenders in the adult system. The adult system better protects the rights, because it doesn't pretend to be on the side of the criminal. Only such an environment is truly equitable, and truly just.

(from http://www.ihigh.com/forensics/debate/curriculum/ld_sampleac.html)