## Supreme Court AC

### A is the Plan Text

#### The United States Congress passes a reform of the Criminal Justice System that makes truth seeking more important than attorney-client privilege by abolishing the privilege.

### B is the Solvency

#### After passage by Congress, the Supreme Court would strike down the abolishment as unconstitutional:

#### First, a lack of attorney-client privilege violates the Sixth Amendment, which guarantees clients the effective assistance of counsel, for two reasons:

#### A. Denial of the privilege deprives the client of a partisan advocate.

Dashjian, Michael B. Dashjian, People v. Meredith: The Attorney-Client Privilege and the Criminal Defendant's Constitutional Rights, 70 Cal. L. Rev. 1048 (1982). <http://scholarship.law.berkeley.edu/californialawreview/vol70/iss4/10>. MG

If a state denied a criminal defendant the attorney-client privilege, the

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re- quired to divulge his client's confidences to the prosecution.' 7

#### B. Denial of the privilege also hinders attorney investigations.

Dashjian 2, Michael B. Dashjian, People v. Meredith: The Attorney-Client Privilege and the Criminal Defendant's Constitutional Rights, 70 Cal. L. Rev. 1048 (1982). <http://scholarship.law.berkeley.edu/californialawreview/vol70/iss4/10>. MG

The denial of the attorney-client privilege would also violate the client's sixth

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to investigate the case, would deny the client effective assistance of counsel.

#### Second, a lack of attorney-client privilege violates the Fifth Amendment.

Dashjian 3, Michael B. Dashjian, People v. Meredith: The Attorney-Client Privilege and the Criminal Defendant's Constitutional Rights, 70 Cal. L. Rev. 1048 (1982). http://scholarship.law.berkeley.edu/californialawreview/vol70/iss4/10. MG

The fifth amendment provides that "[n]o person. ..

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self-in- crimination. This is compulsion violating the fifth amendment.

### Advantage 1 is Deference

#### Judicial deference to the executive and Congress is high now—four reasons

Virelli, 13 (L J, Associate Professor of Law, Stetson University College of Law, March 26, "Judicial Deference to Congress and the Separation of Powers", www.uiowa.edu/~ilr/bulletin/ILRB\_98\_Virelli.pdf)

In his article Deference Determinations and Stealth Constitutional Decision Making, Professor Eric Berger

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procedures employed by the political branches in the case at hand.7

#### Overturning law on unconstitutional grounds checks deference and reaffirms the legitimacy of the Supreme Court.

Rosenfeld 04, (Professor of Constitutional Law, Constitutional Adjudication in Europe and the United States: Paradoxes and Contrast International Journal of Constitutional Law Volume 2, Number 2, October 650-1 TC)

In theory at least, common law adjudication need not involve repudiation of precedents,

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constitutional adjudicator seems more delicate and precarious than that of her continental counterpart.

#### Enforcing controversial decisions builds legitimacy.

Law 09, (David S. Law, Professor of Law and Political Science – Washington University, “A Theory of Judicial Power and Judicial Review”, Georgetown Law Journal, March, 97 Geo. L.J. 723, Lexis)

Part IV of this Article discusses a counterintuitive implication of a coordination-based account

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Brown v. Board of Education 27 and Cooper v. Aaron. 28

#### Two internal links from deference:

#### First is US militarism—

#### A strong judiciary is key to check executive abuses – deference spills over to affect conduct of war

Blank and Guiora 10 (Laurie R. is the Director of Emory Law's International Humanitarian Law Clinic, Amos N. is a Professor of Law at the University of Utah's SJ Quinney College of Law, Judicial Abdication in Times of War: Lessons Not Yet Learned, Jurist, 13 September 2010, http://jurist.org/forum/2010/09/judicial-abdication-in-times-of-war-lessons-not-yet-learned.php)

"The Constitution entrusts the President - not the Judiciary - with the conduct of

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the court is abdicating its role in enforcing our domestic and international obligations.

#### That causes extinction

Kellman, Barry Kellman, Prof – Depaul, December 1989 (Duke Law Journal, p. 1597-1602)

In this era of thermonuclear weapons, America must uphold its historical commitment to be

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recognizable in a millennium ushered in under the mushroom cloud of thermonuclear holocaust.

#### Second is Democracy—

#### Judicial activism is a model for constitutional democracy

Horowitz 06, (Donald L. Horowitz, Journal of Democracy Writer, “Constitutional Courts: A Primer For Decision Makers”, 2006, muse.jhu.edu.floyd.lib.umn.edu/journals/journal\_of\_democracy/v017/17.4horowitz.html)

Judicial review is a growing institution. Originating in the United States two centuries ago

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2001), and Spain (1992), is the constitutional-court model.

#### Democracy prevents nuclear warfare, ecosystem collapse, and extinction

Diamond 95 (Larry, a professor, lecturer, adviser, and author on foreign policy, foreign aid, and democracy, “Promoting Democracy in the 1990s: Actors and instruments, issues and imperatives : a report to the Carnegie Commission on Preventing Deadly Conflict”, December 1995, http://wwics.si.edu/subsites/ccpdc/pubs/di/di.htm)

This hardly exhausts the lists of threats to our security and well-being in

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with its provisions for legality, accountability, popular sovereignty, and openness.

### Underview: Util

#### The epistemic question about how we derive ethical truths is necessary to determine what those truths are. I defend a pragmatic conception of truth, that knowledge is said to be “true” when it has practical value.

James, Pragmatism: A New Name for Some Old Ways of Thinking - William James 1907. Print

The importance to human life of having true beliefs about matters of fact is a

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value, unless they had been useful from the outset in this way.

#### This view of truth is necessary for morality to guide action

James 2, Pragmatism: A New Name for Some Old Ways of Thinking - William James 1907. Print

Take, for instance, yonder object on the wall. You and I consider

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that we omit it, and are usually justified by all that happens.

#### The pragmatic theory of truth applied to ethics implies util. To prove the resolution true as a general principle, we have to show its general usefulness or practical value to us as a true statement. Util is the only theory of ethics that stems from taking into account the general pragmatic implications of our beliefs. No other philosophy meets the generality and practicality requirements of pragmatism. And, we view pain as bad and pleasure as good.

Nagel, Thomas Nagel, The View From Nowhere, HUP, 1986: 156-168.

I shall defend the unsurprising claim that sensory pleasure is good and pain bad,

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they are not back[ed] up by any further reasons.

Thus, since pain hurts everyone, it would be pragmatic and in our interest to minimize it. This also serves as a justification that people act based on util.

#### Further prefer util since the resolution is a question between two policies, so we should use the moral theory that is best for policymaking, which is util.

Woller, (Gary, Economics Professor at BYU, “Policy Currents,” June, http://apsapolicysection.org/vol7\_2/72.pdf ) Showers

Moreover, virtually all public policies entail some redistribution of economic or political resources,

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offs implied by their polices are somehow to the overall advantage of society.

#### As long as we’re ethically uncertain, prevent extinction to preserve moral deliberation.

Bostrom, Nick. “Existential Risk as the Most Important Task for Humanity.” Global Policy (2012) http://www.existential-risk.org/concept.html

These reflections on moral uncertainty suggest[s] an alternative, complementary way of

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to increase the probability that the future will contain a lot of value.