# 1n

## 1

#### In 1951, white doctors cultured infinitely self-replicating cells from a black woman dying of cancer named Henrietta Lacks. Since then, medical companies have used her cells to generate billions of dollars of revenue without any compensation to her family. The current state of intellectual property protection gives them no recourse.

Christina Bostick, founder and managing director of Bostick Law Firm, and Kai Ryssdal, American radio journalist and the host of Marketplace, Who owns Henrietta Lacks’ cells?, Jul 9, 2018, <https://www.marketplace.org/2018/07/09/who-owns-henrietta-lacks-disembodied-cells/> //BA PB Brackets in original card

You’ve probably heard the story of Henrietta Lacks’ cells, which spawned more than 17,000 patents, a bestselling book and a made-for-TV movie starring Oprah. The cancer cells were harvested from Lacks’ cervix without her consent in 1951. According to Johns Hopkins, where doctors took the cells, the resulting “immortal” cell line, known as HeLa, has contributed to medical breakthroughs from research on the effects of zero gravity in outer space and the development of the polio vaccine, to the study of leukemia and the AIDS virus. Conspicuously missing from some of the stories about the legacy of Lacks’ cells, however, is the story of what has happened to her descendants. Many of them, including Lacks’ grandsons, haven’t seen any compensation or recognition as their grandmother’s cells rack up accolades and scientific discoveries. Now, they’re working with Christina Bostick, founder and managing director of Bostick Law Firm, who is trying to change the way we think about the cells’ autonomy by helping the cells sue for their own rights. She calls it creative litigation, and Marketplace host Kai Ryssdal discussed with her how it raises questions about what constitutes life. The following is an edited transcript of their conversation. Kai Ryssdal: Why does this case matter to you? Christina Bostick: You know, I am concerned about the exploitation of disenfranchised people in this country and how the law functions to disempower them from having a voice and from pursuing any concerns about their case. That’s not the way America’s supposed to work. You’re supposed to be able to utilize the legal system to find justice. And so, this was sort of right up my alley. It kind of just came to me that I should reach out to Ron Lacks, who is the grandson of Henrietta Lacks and see if there was anything I could do to help. Ryssdal: We should say here, because it’s important: you, on behalf of the family, don’t seek ownership of these cells and this cell line but rather guardianship … explain that to me. Bostick: Yes, there is some legal background that says you can’t really own a cell or something that has been disposed of from your body. So I think it’s more of an uphill battle to look at ownership of the cells or to try and patent a cell. And so a guardianship of the cell really says that the cell owns itself, that the cell has rights. This is a question that’s really unique: is a cell, in it of itself, life? Ryssdal: Not to get cold blooded about this, but there’s millions — probably billions — of dollars in patents and intellectual property and all kinds of things that have come from this cell line. Bostick: That’s right. There are many steps to this process, this is a big case. It’s very technical, very medical and scientific, and so some of those scientific aspects of things are going to have to be dealt with by experts. But my main concern is how do we get this case into court. Because so far, it hasn’t had a day in court. Right? And that’s primarily because there’s this thing called statute of limitations in the law, so you only get somewhere between one and maybe 10 years, depending on what the claim is, to file a lawsuit. Ryssdal: If you prevail, and this goes the way you hope it goes for your clients, what does that look like? Bostick: Well, right now, like I said, we are pursuing a guardianship petition. So the first step is, how can I get the cells themselves to pursue a claim? Then the next step is to sue Johns Hopkins in particular. Ryssdal: Which is where Henrietta Lacks went in 1950-ish, right? To get this original treatment from which this cell line was derived. Bostick: That’s exactly right. When her cells were taken and studied, the communications back and forth between her, the treatments … all of those things need to be legally investigated. And so the next step is sort of going through what we call the discovery process to figure out what information is out there and if there are any other litigants that we need to pursue. Ryssdal: Hopkins, we should say, denies culpability here. Bostick: Yes, that is my understanding. [They say] that the statute of limitations has run, there should be no ability to file a claim against them and that they did not take out a patent, which they weren’t legally authorized to do on the cells so they haven’t reaped a benefit. I think that that’s a little black and white and whether or not there has been a profit here is something that needs some investigating.

#### Thus the Counterplan: The United States and all other WTO member nations ought to reduce intellectual property protections for medicines in all cases except for Henrietta Lacks’ cells. Instead, they should give Henrietta Lacks’ family intellectual property rights over the use of her cells. It competes, cells can’t be owned in the status qou so we strengthen protections, and cells count as medicine for the purpose of the debate.

U.S. National Library of Medicine, Doctor of medicine profession (MD), No Date, <https://medlineplus.gov/ency/article/001936.htm> //BA PB

The practice of medicine includes the diagnosis, treatment, correction, advisement, or prescription for any human disease, ailment, injury, infirmity, deformity, pain, or other condition, physical or mental, real or imaginary.

#### The counterplan prevents pharmaceutical companies from unjustly profiting off of black life, and provides retributive justice for Henrietta’s family, that weighs under util because the CP stops additional suffering.

Donna M. Owens, Award-winning digital, print and broadcast journalist, Family of Henrietta Lacks Plans to Sue Pharmaceutical Companies They Say Profited from Her Cancer Cells, AUGUST 5, 2021, <https://www.essence.com/news/henrietta-lacks-family-retains-ben-crump/> //BA PB

“The American pharmaceutical community has a shameful history of profiting off research at the expense of Black people without their knowledge, consent, or benefit, leading to mass profits for pharmaceutical companies from our illnesses and our very bodies,” said Crump. “There is no clearer example of this than Henrietta Lacks and the seemingly endless manipulation of her genetic material.” Born in Virginia, Lacks was a farmer who’d migrated to Maryland. The wife and mother of five was treated for cervical cancer at The Johns Hopkins Hospital in Baltimore, dying of the disease in 1951 at age 31. Prior to her death, a sample of Lacks’s cancer cells retrieved during a biopsy were sent to the lab of a cancer researcher. Those cells, now commonly known as HeLa (using her initials), were discovered to have an amazing property not seen before: while other cells would perish, Lacks’s cells survived and would double. Because they could be grown continuously in laboratory conditions, HeLa cells have since been used for medical and other research. Breakthroughs range from development of the polio vaccine, to treatments for cancer, HIV/AIDS, Parkinson’s disease, and in vitro fertilization. Lacks’s cells have also been used in cosmetics testing, and they were even sent to space to study the impact of zero gravity. More recently, they have reportedly been used in COVID-19 research. Yet Crump contends, “the pharmaceutical companies have been unjustly enriched by this unethical taking of her cells, while Henrietta Lacks’s family has never been afforded any equity.” Billions of dollars have been made, he said. Seeger added that Lacks’s cells have been “monetized by big pharmaceutical companies for decades…these companies have profited from the ill-gotten genetic material of Mrs. Lacks, taken without her permission. It’s simply not right and we intend to hold them accountable.” Speaking at last week’s press conference, Kim Lacks called what happened to her grandmother a “theft.” Lacks’s story garnered national and international attention following the 2010 publication of “The Immortal Life of Henrietta Lacks,” by author and journalist Rebecca Skloot. The award-winning nonfiction book became a bestseller and later an Emmy-nominated HBO film starring Oprah Winfrey as daughter Deborah Lacks, and Renee Elise Goldsberry as Henrietta Lacks. Crump told ESSENCE in an interview that he and his legal team are “researching all aspects of getting equity and relief for the descendants of Henrietta Lacks.” A lawsuit is expected to be filed on October 4, the anniversary of her death. He said hundreds of pharmaceutical companies as well as others could potentially be sued. ESSENCE contacted Johns Hopkins for comment and was directed by a spokeswoman to a website. It states that Johns Hopkins “has never sold or profited from the discovery or distribution of HeLa cells and does not own the rights to the HeLa cell line.” The website further notes that in the 1950s, when Lacks was hospitalized, there were no established practices for informing or obtaining consent from patients when retrieving cell or tissue samples for research purposes, nor were there any regulations on the use of patients’ cells in research. “It was common practice at Hopkins for extra samples to be collected from cervical cancer patients during biopsies to be used for research purposes, regardless of race or socio-economic status.” The Lacks case influenced an update to the Common Rule, an ethical standard for informed patient consent in the medical community. It requires doctors to inform patients if any aspect of their medical case will be used for research and to assign them a code number to establish anonymity. Crump, who has represented the families of George Floyd, Breonna Taylor, and others in lawsuits related to fatal policing, said he believes the Lacks case ties into larger issues revolving around race. “We have to make America respect the value of Black life.”

## 2

#### The ROB is truth testing, prefer

#### 1. Logic: Debate is fundamentally a game with rules, which requires the better competitor to win. Every other ROB is just a reason why there are other ways to play the game but are not consistent enough with the purpose of the game to vote on, just like you don't win a basketball game for shooting the most 3s.

#### 2. Isomorphism: ROBs that aren't phrased as binaries maximize leeway for interpretation as to who is winning offense. Scalar framing mechanisms necessitate that the judge has to intervene to see who is closest at solving a problem. Truth testing solves since it's solely a question of if something is true or false, there isn't a closest estimate.

#### 3. text: five dictionaries define negate as to deny the truth of[[1]](#footnote-1). Text comes first – a) Controls the internal link to predictability and prep which is key for clash and substantive education b) Key to jurisdiction since the judge can only endorse what is within their burden c) Even if another role of the ballot is better for debate, that is not a reason it ought to be the role of the ballot, just a reason we ought to discuss it.

## 3

#### Prefer on neg definition choice – the aff should have defined ought in the 1ac because it was in the rez so it’s predictable contestation, by not doing so they have forfeited their right to read a new definition – kills 1NC strategy since I premised my engagement on a lack of your definition. Also, better since it focuses on real world instances rather than recycling old frameworks and evaluate after the 1N so we both have one speech which is key to reciprocity.

#### Negate:

#### [Negate –

#### 1] Merriam Webster defines ‘member’ as: “a body part or organ[[2]](#footnote-2)”

#### but an organ can’t have obligations

#### 2] of[[3]](#footnote-3) is to “expressing an age” but the rez doesn’t delineate a length of time

#### 3] the[[4]](#footnote-4) is “denoting a disease or affliction” but the WTO isn’t a disease

#### 4] to[[5]](#footnote-5) is to “expressing motion in the direction of (a particular location)” but the rez doesn’t have a location

#### 5] reduce[[6]](#footnote-6) is to “(of a person) lose weight, typically by dieting” but IP doesn’t have a body to lose weight.

#### 6] for[[7]](#footnote-7) is “in place of” but medicines aren’t replacing IP.

#### 7] medicine[[8]](#footnote-8) is “(especially among some North American Indian peoples) a spell, charm, or fetish believed to have healing, protective, or other power” but you can’t have IP for a spell.

#### [8] In order to say I want to fix x problem, you must say that you want x problem to exist, since it requires the problem exist to solve, which makes any moral attempt inherently immoral.

#### [9] To go anywhere, you must go halfway first, and then you must go half of the remaining distance ad infinitum – thus, motion is impossible because it necessitates traversing an infinite number of spaces in finite time and theory is paradoxical since it uses arguments to justify being unable to make arguments

#### [10] In order to find the answer to a question, you must ask if there is an answer, otherwise asking the question is pointless, but that requires asking whether or not there’s an answer to that question and so forth ad infinitum – this means the quest for knowledge fails and the acquisition of truth is impossible – negate since we can’t ensure resolutional truth value.

#### Permissibility and presumption negate

#### [1] ought implies an obligation but permissibility is a lack of one which means the neg met their burden of disproving an obligation

#### [2] there are infinite ways to prove a statement false which means it’s more likely to be false than true

#### [3] safety – It’s ethically safer to presume the squo since we know what the squo is, but we can’t know whether the aff will be good or not if ethics are incoherent

## Case

#### Reject 1AR Theory They have 7-6 time skew They have two speeches on theory and I have one which is def irreciporcal Its not inf abuse because I only have 7 mins If you don’t buy that, Reasonability on 1AR shells – 1AR theory is crazy aff-biased because the 2AR gets to line-by-line every 2NR standard with new answers that never get responded to– reasonability checks 2AR sandbagging by preventing crazy abusive 1NCs while still giving the 2N a chance. DTA on 1AR shells - They can blow up a blippy 20 second shell to 3 min of the 2AR while I have to split my time and can’t preempt 2AR spin which necessitates judge intervention and means 1AR theory is irresolvable so you shouldn’t stake the round on it. No new 1ar theory paradigm issues- A~ the 1NC has already occurred with current paradigm issues in mind so new 1ar paradigms moot any theoretical offense B~ introducing them in the aff allows for them to be more rigorously tested which o/w’s on time frame since we can set higher quality norms.

1. [http://dictionary.reference.com/browse/negate, http://www.merriam-webster.com/dictionary/negate, http://www.thefreedictionary.com/negate, http://www.vocabulary.com/dictionary/negate, http://www.oxforddictionaries.com/definition/english/negate] [↑](#footnote-ref-1)
2. https://www.merriam-webster.com/dictionary/member [↑](#footnote-ref-2)
3. https://www.google.com/search?q=of+definition&rlz=1C1CHBF\_enUS877US877&oq=of+definition&aqs=chrome.0.69i59j69i61l3.1473j0j7&sourceid=chrome&ie=UTF-8 [↑](#footnote-ref-3)
4. https://www.google.com/search?q=the+definition&rlz=1C1CHBF\_enUS877US877&oq=the+definition&aqs=chrome..69i57j69i64j69i61j69i60l2.1976j0j7&sourceid=chrome&ie=UTF-8 [↑](#footnote-ref-4)
5. https://www.google.com/search?q=to+definition&rlz=1C1CHBF\_enUS877US877&oq=to+definition&aqs=chrome..69i57j69i60l3.1415j0j7&sourceid=chrome&ie=UTF-8 [↑](#footnote-ref-5)
6. https://www.google.com/search?q=reduce+definition&rlz=1C1CHBF\_enUS877US877&sxsrf=AOaemvI3lZsbmnXg5WHeL4m6rYGn8Vf6Aw%3A1630610232638&ei=OCMxYbCaJpO0tQb6wpGoCA&oq=reduce+definition&gs\_lcp=Cgdnd3Mtd2l6EAMyCQgjECcQRhD5ATIECAAQQzIECAAQQzIFCAAQgAQyBQgAEIAEMgUIABCABDIFCAAQgAQyBQgAEIAEMgUIABCABDIFCAAQgAQ6BwgAEEcQsAM6BwgAELADEEM6BwgjEOoCECc6BAgjECc6BQgAEJECOhEILhCABBCxAxCDARDHARDRAzoKCAAQsQMQgwEQQzoHCAAQsQMQQzoICAAQgAQQsQM6CAgAELEDEIMBOgoIABCABBCHAhAUSgQIQRgAUMLMBFjS3QRgnt8EaAJwAngDgAG2A4gB-heSAQozLjExLjEuMi4xmAEAoAEBsAEKyAEKwAEB&sclient=gws-wiz&ved=0ahUKEwiwlru9gOHyAhUTWs0KHXphBIUQ4dUDCA8&uact=5 [↑](#footnote-ref-6)
7. https://www.merriam-webster.com/dictionary/for#:~:text=English%20Language%20Learners%20Definition%20of,meant%20to%20be%20used%20with [↑](#footnote-ref-7)
8. https://www.google.com/search?q=medicine+definition&rlz=1C1CHBF\_enUS877US877&oq=medicine+definition&aqs=chrome.0.69i59.2986j0j7&sourceid=chrome&ie=UTF-8 [↑](#footnote-ref-8)