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### NC – Evergreening CP

#### CP TEXT: The member nations of the World Trade Organization ought to reduce intellectual property protections for medicines by increasing penalties for patent abuse and evergreening fraud in the pharmaceutical industry.

#### **Evergreening links to politics and collapses innovation, BUT the downsides are empirically debunked media hype – shifting enforcement for existing patent law solves abuse without harming pharma**

Madigan & O'Connor 19 [Kevin Madigan joined CPIP in January of 2016. As Deputy Director, Kevin works closely with CPIP scholars in their research and promotion of comprehensive intellectual property law and policy. Before joining CPIP, Kevin worked as an intellectual property Research Associate at Finnegan Henderson Farabow Garrett & Dunner and also interned at the Recording Industry Association of America. Sean O’Connor, noted innovation law scholar, is a Professor of Law and Faculty Director of the Center for Intellectual Property x Innovation Policy (C-IP2) at George Mason University, Antonin Scalia Law School. "“No Combination Drug Patents Act” Stalls, but Threats to Innovation Remain." https://cip2.gmu.edu/2019/06/27/no-combination-drug-patents-act-stalls-but-threats-to-innovation-remain/]

This week, the Senate Judiciary Committee was to mark up a bill limiting patent eligibility for combination drug patents—new forms, uses, and administrations of FDA approved medicines. While the impetus was to curb so-called “evergreening” of drug patents, the effect would have been to stifle life-saving therapeutic innovations. Though the “No Combination Drug Patents Act”—reportedly to be introduced by Senator Lindsey Graham (R-SC)—was wisely withdrawn at the last minute, it’s likely not the last time that such a misconceived legislative effort will be introduced.

An Exaggerated Response to a Disputed Theory

The bill would have established a presumption of obviousness for drug or biologic patent applications whose invention was a new: dosing regimen, method of delivery, method of treatment, or formulation. While there was a rebuttal provision where the claim covered a new treatment for a new indication or “increase[d] . . . efficacy,” the latter was almost certain to introduce years of uncertainty and litigation. Further, the bill would have covered a broader class than true combination drug patents, in which one active ingredient is combined with another or with a non-drug.

Like many recent legislative efforts, the amendment sought to address a perceived lack of affordability of prescription drugs. After praising the America Invents Act of 2011 and subsequent Supreme Court rulings for strengthening the US patent system, the bill claimed that rising drug prices have outpaced “spending on research and development with respect to those drugs.” In addition to applauding Supreme Court decisions that have injected unquestionable uncertainty into patentable subject matter standards, the amendment went on to blame high drug prices on continually overstated issues related to advanced drug patents.

According to critics, combination drug patents have granted drug makers unearned and extended protection over existing drugs or biological products. But, quite simply, when properly issued by the USPTO under existing patentability standards, these are new patents for new products or processes.

Combination patents have been maligned as anticompetitive, resulting in a “thicket” of patents that impedes innovation through transaction costs and other inefficiencies. Unfortunately, notwithstanding a lack of empirical evidence validating the harm of follow-on innovation patents, patent thicket rhetoric is now being echoed by the media, the academy, courts, and policy makers in a fraught attempt to fix drug pricing.

Reports (see here, here, here, and here) from leading antitrust experts and intellectual property scholars have detailed the value of incremental innovation and challenged the notion that patent thickets are a true threat to competition and innovation. These studies have exposed patent thicket claims—much like the “troll” narrative that for years infected patent law debates—as an empty strawman theory, the repetition of which has led to undue confidence in its accuracy. The reality is that what critics point to as problematic cases of combination patents are in fact infrequent outliers, strategically highlighted to discount evidence of the value of new and innovative drug uses and administrations.

#### CP solves the aff while fostering innovation – directly comparative to the aff

Holman 20 [Christopher, Professor of Law, University of Missouri-Kansas City School of Law. “Congress Should Decline Ill-Advised Legislative Proposals Aimed at Evergreening of Pharmaceutical Patent Protection” p. 29-30 https://papers.ssrn.com/sol3/papers.cfm?abstract\_id=3593954]

Senator Thom Tillis, in his opening remarks prepared for one of the Senate’s hearings on drug pricing and intellectual property, expressed his concern that “[some members of Congress are] trying to take a sledgehammer to a problem that needs a fine tuned and highly efficient scalpel[, and that] by just focusing on patent protections, and the number of patent protections available to a single product, [Congress] may be doing more harm than good to our nation’s innovation economy.”112 Instead, he would support legislation that will “promote innovation and competition, allow the United States to continue to be the leader in medical and pharmaceutical research, and will ultimately lower drug prices for consumers.”113 It is important to bear in mind that the reason there has been such an uproar over the price of drugs is that these drugs provide huge benefits for society, far exceeding most other patentable innovation, and were it not for the patent incentive, it is very unlikely these products would have been made available to patients in the first place. In his testimony prepared for the same Senate hearing, Professor Olson reminded the Judiciary Committee that “even studies casting doubt on patent law’s efficacy generally tend to find that in the area of pharmaceuticals, patent law has a large, positive effect on social welfare by providing incentive for significant levels of drug development that otherwise simply would not occur.”114 By ~~impairing~~ impeding the ability of pharmaceutical companies to obtain patents on their inventions, the legislation discussed in this Article could discourage the investment necessary to bring the next generation of pharmaceutical innovation to patients. If pharmaceutical companies are deemed to be misusing patents to the detriment of patients and third-party payers, then it is that misuse of patents that should be targeted by legislation, not the patents themselves. For example, if the allegations regarding product hopping are true, and doctors are prescribing and patients using far more expensive follow-on products that provide little if any benefit to the patient, then that is a problem with the market that should be addressed, rather than denying patent protection for truly worthwhile product improvements. If pharmaceutical companies are using anticompetitive means to coerce patients and doctors into switching drugs, then antitrust laws can provide the remedy, as discussed above.115 Likewise, if the sheer number of patents that could be infringed by a single generic or biosimilar product exceeds the litigation capacity of any company attempting to bring such a product to market, then courts have it within their means to require the patent owner to limit infringement litigation to some reasonable number of patents and patent claims, and Congress could pass legislation that would encourage courts to do so, if such a reform is deemed necessary. By targeting misuse of patents by pharmaceutical companies, rather than pharmaceutical patents per se, it should be possible to address any valid concerns with the way pharmaceutical companies are using the patent system, while maintaining adequate incentives for the next generation of innovation.

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### NC – K

#### Settler fear of extinction is ideological mystification which disavows America’s genocidal past through the promise of redemption. No longer is settlerism solely reliant upon destroying the past but projecting themselves even further into the future in the name of humanity itself. However, this humanity remains firmly committed to indigenous erasure and the consolidation of masculine, western subjectivity

Dalley 16

(Hamish Dalley received his Ph.D. from the Australian National University in 2013, and is now an Assistant Professor of English at Daemen College, Amherst, New York, where he is responsible for teaching in World and Postcolonial Literatures., (2016): The deaths of settler colonialism: extinction as a metaphor of decolonization in contemporary settler literature, Settler Colonial Studies, DOI: 10.1080/2201473X.2016.1238160, JKS)

Settlers love to contemplate the possibility of their own extinction; to read many contemporary literary representations of settler colonialism is to find settlers strangely satisfied in dreaming of ends that never come. This tendency is widely prevalent in English-language representations of settler colonialism produced since the 1980s: the possibility of an ending – the likelihood that the settler race will one day die out – is a common theme in literary and pop culture considerations of colonialism’s future. Yet it has barely been remarked how surprising it is that this theme is so present. For settlers, of all people, to obsessively ruminate on their own finitude is counterintuitive, for few modern social for- mations have been more resistant to change than settler colonialism. With a few excep- tions (French Algeria being the largest), the settler societies established in the last 300 years in the Americas, Australasia, and Southern Africa have all retained the basic features that define them as settler states – namely, the structural privileging of settlers at the expense of indigenous peoples, and the normalization of whiteness as the marker of pol- itical agency and rights – and they have done so notwithstanding the sustained resistance¶ that has been mounted whenever such an order has been built. Settlers think all the time that they might one day end, even though (perhaps because) that ending seems unlikely ever to happen. The significance of this paradox for settler-colonial literature is the subject of this article.¶ Considering the problem of futurity offers a useful foil to traditional analyses of settler- colonial narrative, which typically examine settlers’ attitudes towards history in order to highlight a constitutive anxiety about the past – about origins. Settler colonialism, the argument goes, has a problem with historical narration that arises from a contradiction in its founding mythology. In Stephen Turner’s formulation, the settler subject is by definition one who comes from elsewhere but who strives to make this place home. The settlement narrative must explain how this gap – which is at once geographical, historical, and existential – has been bridged, and the settler transformed from outsider into indigene. Yet the transformation must remain constitutively incomplete, because the desire to be at home necessarily invokes the spectre of the native, whose existence (which cannot be disavowed completely because it is needed to define the settler’s difference, superior- ity, and hence claim to the land) inscribes the settler’s foreignness, thus reinstating the gap between settler and colony that the narrative was meant to efface.1 Settler-colonial narrative is thus shaped around its need to erase and evoke the native, to make the indigene both invisible and present in a contradictory pattern that prevents settlers from ever moving on from the moment of colonization.2 As evidence of this constitutive contradiction, critics have identified in settler-colonial discourse symptoms of psychic distress such as disavowal, inversion, and repression.3 Indeed, the frozen temporality of settler-colonial narrative, fixated on the moment of the frontier, recalls nothing so much as Freud’s description of the ‘repetition compulsion’ attending trauma.4 As Lorenzo Veracini puts it, because:¶ ‘settler society’ can thus be seen as a fantasy where a perception of a constant struggle is juxtaposed against an ideal of ‘peace’ that can never be reached, settler projects embrace and reject violence at the same time. The settler colonial situation is thus a circumstance where the tension between contradictory impulses produces long-lasting psychic conflicts and a number of associated psychopathologies.5¶ Current scholarship has thus focused primarily on settler-colonial narrative’s view of the past, asking how such a contradictory and troubled relationship to history might affect present-day ideological formations. Critics have rarely considered what such narratological tensions might produce when the settler gaze is turned to the future. Few social formations are more stubbornly resistant to change than settlement, suggesting that a future beyond settler colonialism might be simply unthinkable. Veracini, indeed, suggests that settler-colonial narrative can never contemplate an ending: that settler decolonization is inconceivable because settlers lack the metaphorical tools to imagine their own demise.6 This article outlines why I partly disagree with that view. I argue that the narratological paradox that defines settler-colonial narrative does make the future a problematic object of contemplation. But that does not make settler decolonization unthinkable per se; as I will show, settlers do often try to imagine their demise – but they do so in a way that reasserts the paradoxes of their founding ideology, with the result that the radical potentiality of decolonization is undone even as it is invoked.¶ I argue that, notwithstanding Veracini’s analysis, there is a metaphor via which the end of settler colonialism unspools – the quasi-biological concept of extinction, which, when deployed as a narrative trope, offers settlers a chance to consider and disavow their demise, just as they consider and then disavow the violence of their origins. This article traces the importance of the trope of extinction for contemporary settler-colonial litera- ture, with a focus on South Africa, Canada, and Australia. It explores variations in how the death of settler colonialism is conceptualized, drawing a distinction between his- torio-civilizational narratives of the rise and fall of empires, and a species-oriented notion of extinction that draws force from public anxiety about climate change – an invocation that adds another level of ambivalence by drawing on ‘rational’ fears for the future (because climate change may well render the planet uninhabitable to humans) in order to narrativize a form of social death that, strictly speaking, belongs to a different order of knowledge altogether. As such, my analysis is intended to draw the attention of settler- colonial studies toward futurity and the ambivalence of settler paranoia, while highlighting a potential point of cross-fertilization between settler-colonial and eco-critical approaches to contemporary literature.¶ That ‘extinction’ should be a key word in the settler-colonial lexicon is no surprise. In Patrick Wolfe’s phrase,7 settler colonialism is predicated on a ‘logic of elimination’ that tends towards the extermination – by one means or another – of indigenous peoples.8 This logic is apparent in archetypal settler narratives like James Fenimore Cooper’s The Last of the Mohicans (1826), a historical novel whose very title blends the melancholia and triumph that demarcate settlers’ affective responses to the supposed inevitability of indigenous extinction. Concepts like ‘stadial development’ – by which societies progress through stages, progressively eliminating earlier social forms – and ‘fatal impact’ – which names the biological inevitability of strong peoples supplanting weak – all contribute to the notion that settler colonialism is a kind of ‘ecological process’ that necessitates the extinction of inferior races. What is surprising, though, is how often the trope of extinction also appears with reference to settlers themselves; it makes sense for settlers to narrate how their presence entails others’ destruction, but it is less clear why their attempts to imagine futures should presume extinction to be their own logical end as well.¶ The idea appears repeatedly in English-language literary treatments of settler colonial- ism. Consider, for instance, the following rumination on the future of South African settler society, from Olive Schreiner’s 1883 Story of an African Farm:¶ It was one of them, one of those wild old Bushmen, that painted those pictures there. He did not know why he painted but he wanted to make something, so he made these. [...] Now the Boers have shot them all, so that we never see a yellow face peeping out among the stones. [...] And the wild bucks have gone, and those days, and we are here. But we will be gone soon, and only the stones will lie on, looking at everything like they look now.10¶ In this example, the narrating settler character, Waldo, recognizes prior indigenous inha- bitation but his knowledge comes freighted with an expected sense of biological super- iority, made apparent by his description of the ‘Bushman’s’ ‘yellow face’, and lack of mental self-awareness. What is not clear is why Waldo’s contemplation of colonial geno- cide should turn immediately to the assumption that a similar fate awaits his people as well. A similar presumption of racial vulnerability permeates other late nineteenth- century novels from the imperial metropole, such as Dracula and War of the Worlds,¶ which are plotted around the prospect of invasions that would see the extinction of British imperialism, and, in the process, the human species.¶ Such anxieties draw energy from a pattern of settler defensiveness that can be observed across numerous settler-colonial contexts. Marilyn Lake’s and Henry Reynold’s account of the emergence of transnational ‘whiteness’ highlights the paradoxical fact that while white male settlers have been arguably the most privileged class in history, they have routinely perceived themselves to be ‘under siege’, threatened with destruction to the extent that their very identity of ‘whiteness was born in the apprehension of immi- nent loss’.11 The fear of looming annihilation serves a powerful ideological function in settler communities, working to foster racial solidarity, suppress dissent, and legitimate violence against indigenous populations who, by any objective measure, are far more at risk of extermination than the settlers who fear them. Ann Curthoys and Dirk Moses have traced this pattern in Australia and Israel-Palestine, respectively.12 This scholarship suggests that narratives of settler extinction are acts of ideological mystification, obscuring the brutal inequalities of the frontier behind a mask of white vulnerability – an argument with which I sympathize. However, this article shows how there is more to settler-colonial extinction narratives than bad faith. I argue that we need a more nuanced understanding of how they encode a specifically settler-colonial framework for imagining the future, one that has implications for how we understand contemporary literatures from settler societies, and which allows us to see extinction as a genuine, if flawed, attempt to envisage social change.¶ In the remainder of this paper I consider extinction’s function as a metaphor of decolonization. I use this phrase to invoke, without completely endorsing, Tuck and Yang’s argu- ment that to treat decolonization figuratively, as I argue extinction narratives do, is necessarily to preclude radical change, creating opportunities for settler ‘moves to innocence’ that re-legitimate racial inequality.13 The counterview to this pessimistic perspec- tive is offered by Veracini, who suggests that progressive change to settler-colonial relationships will only happen if narratives can be found that make decolonization think- able.14 This article enters the debate between these two perspectives by asking what it means for settler writers to imagine the future via the trope of extinction. Does extinction offer a meaningful way to think about ending settler colonialism, or does it re-activate settler-colonial patterns of thought that allow exclusionary social structures to persist?¶ I explore this question with reference to examples of contemporary literary treatments of extinction from select English-speaking settler-colonial contexts: South Africa, Australia, and Canada.15 The next section of this article traces key elements of extinction narrative in a range of settler-colonial texts, while the section that follows offers a detailed reading of one of the best examples of a sustained literary exploration of human finitude, Margaret Atwood’s Maddaddam trilogy (2003–2013). I advance four specific arguments. First, extinc- tion narratives take at least two forms depending on whether the ‘end’ of settler society is framed primarily in historical-civilizational terms or in a stronger, biological sense; the key question is whether the ‘thing’ that is going extinct is a society or a species. Second, biologically oriented extinction narratives rely on a more or less conscious slippage between ‘the settler’ and ‘the human’. Third, this slippage is ideologically ambivalent: on the one hand, it contains a radical charge that invokes environmentalist discourse and climate-change anxiety to imagine social forms that re-write settler-colonial dynamics; on the other, it replicates a core aspect of imperialist ideology by normalizing whiteness as¶ equivalent to humanity. Fourth, these ideological effects are mediated by gender, insofar as extinction narratives invoke issues of biological reproduction, community protection, and violence that function to differentiate and reify masculine and feminine roles in the putative de-colonial future. Overall, my central claim is that extinction is a core trope through which settler futurity emerges, one with crucial narrative and ideological effects that shape much of the contemporary literature emerging from white colonial settings.

#### The AFF’s appeal to the law is an abstraction which necessarily devalues indigenous ways of life through the production of a binary of order/disorder, which propagates Western imperialism

Nunn 97 [Kenneth B., Professor of Law at the University of Florida College of Law, “Law as a Eurocentric Enterprise,” *Law and Inequality* 15 (Spring 1997): 323-370, Lexis] // myost

Dichotomous reasoning is a trait of Eurocentricity. n138 Not only are the usual dichotomies found within the law, n139 but the law itself is one half of a larger dichotomy. Law is set in opposition to "custom," which is then deemed inferior n140 since it is produced by habit and not reason. n141 Although European societies have their customs, they are thought to be superior to non-European societies, which do not have law, at least not in the European sense of the word. The absence of law in non-Western societies implies the absence of reason. While Western "law" is for the civilized, non-Western "custom" is for "savages" and "brutes." n142 Thus, dichotomy is central to the mythology of modern law. To quote Peter Fitzpatrick: Modern law emerges, in a negative exaltation, as universal in opposition to the particular, as unified in opposition to the diverse, as omnicompetent in contrast to the incompetent, and as controlling of what has to be controlled ... Law is imbued with this negative transcendence in its own myth of origin where it is imperiously set against certain "others" who concentrate the qualities it opposes. n143 The hierarchical structuring n144 of the law is readily apparent. Hierarchy is inherent in the very notion of positive law, which views law as a command from a superior to its inferiors. n145 But both positive and natural law n146 have order as their first principle. n147 In the Eurocentric mind, law is equal to order. n148 Consequently, law takes on a transcendent quality - it exists outside of and within the hierarchy it establishes. n149 There can be no order outside of the law, and law's order is imposed from the top down. Analytic reasoning n150 and extreme rational thought is also a key part of the law. This can be seen in the way in which court decisions are rendered in the form of some seemingly neutral test. n151 For example, in Shaw v. Reno, n152 the Supreme Court upheld the challenge of a white voter to North Carolina's legislative redistricting plan on the grounds that the plan violated his equal protection rights. n153 The Court held that the majority Black electoral district was a constitutionally impermissible classification on the basis of race by applying a three-part test. n154 The Court asked whether the state's concentration of a dispersed minority population in a single district disregarded traditional districting principles including: (1) "compactness," (2) "contiguity" and (3) "respect for political subdivisions." n155 In Shaw, it was the Court's reference to an abstracted and allegedly neutral test that enabled it to pick its way through the thickets of racial politics and determine that the North Carolina legislature's attempt to increase African American political representation was presumptively unconstitutional. The Court, in an opinion by Justice O'Connor, stated, "We emphasize that these criteria are important not because they are constitutionally required - they are not - but because they are objective factors that may serve to defeat a claim that a district has been gerrymandered on racial lines." n156 Here the Court privileges objectivity, as such, over subjectivity. The Court, however, fails to establish any connection between the objective nature of the factors it has chosen and the capability of those factors to illuminate whether a district has been gerrymandered on racial grounds. n157 It seems the Court would have accomplished more if it had simply asked the central question posed in the case: "What role did race play in the decision to create this district?" But such a straightforward approach would not be recognizable as "legal." The objectification n158 of the law is evident in the way that it is possible to talk about the law as an active force or separate and autonomous entity in Western societies. This gives rise to the mistaken belief that there is no law in non-Western societies. n159 In fact there is law, it is simply not objectified to the degree one finds in the West. In African societies the law is understood as part of the seamless web that binds the community together. n160 It is inconceivable to think of the law as an object, separate and distinct from custom, culture and morality. n161 Eurocentricity, however, insists on "the elevation of "the objects' in a sense encompassing not just a separate material thing but also a distinct constellation of action, such as law." n162 Consequently, to legalize is to objectify. From there it is a short step to abstraction. n163 Human cooperation, for example, is objectified in the law of contract. Once objectified, the legal document – the contract – becomes the reality. The contract takes significance over the social relationships it supposedly represents. n164 It replaces those relationships in the eyes of the court and becomes the sole or primary basis for the disposition of the case. n165 Although there is some room for the "intent of the parties" in contractual interpretation, its influence is limited to mediating between the language on the face of the contract and the underlying rules of contract. n166 Another example of the prevalence of abstraction within the law may be found in the wide-spread use of such concepts as "consideration" n167 in contracts or "reasonable doubt" n168 in criminal law. The common law itself is an abstraction. It results from the restatement of Anglo-Saxon customs in the opinions of English courts. Once so recorded, what was formerly custom is transformed into a "transcendent entity" - positive law - "operating and elaborated in officially contained systems which are incompatible with custom, although ... some custom-like modalities, survive." n169 So, instead of referring directly to custom, common law jurists refer to something derived from it, an abstraction of it. As law relies on abstraction, it also privileges complexity. Complexity and abstraction go hand in hand. n170 The transformation of English custom into the common law required a new professional class to navigate its complexity. n171 Indeed, "it was the extraordinary technicality of the common law that provided lawyers with their claim to expertise and served, by its very artificiality, to distinguish legal reasoning from the "common-sense" reason of the general populace." n172 Anyone who has ever looked at a law treatise cannot help but be impressed with the complexity of European-centered law. There are sections upon sections in any of the great multi-volumes works, such as Wigmore's Evidence. n173 This complexity is the direct result of the Eurocentric desire to abstract, to rationalize and to objectify. Finally, Eurocentric law is despiritualized and secular. n174 In fact, European positive law was impossible to conceptualize until God had been banished from the material world. n175 The creation of the Eurocentric concept of law was itself a process of desacralization. n176 God was no longer necessary to legitimate post-Enlighten-ment law: Enlightenment replaces God with nature. In terms of the origin myths of modern science, the deific obstacle to humanity's progress in knowledge is eliminated, constraining superstition gives way to incandescent truth, man unaided at last dares to know, and so on. n177

#### Settlement is not an event, but a structuring ontological logic of elimination constantly manifest in everyday reiteration of the very modes of spatial inhabitance and subjective modes of being – distinct from racial violences

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(Mark, ‘Settler Common Sense: Queerness and Everyday Colonialism in the American Renaissance,’ pp. 7-10)

If nineteenth-century American literary studies tends to focus on the ways Indians enter the narrative frame and the kinds of meanings and associa- tions they bear, recent attempts to theorize settler colonialism have sought to shift attention from its effects on Indigenous subjects to its implications for nonnative political attachments, forms of inhabitance, and modes of being, illuminating and tracking the pervasive operation of settlement as a system. In Settler Colonialism and the Transformation of Anthropology, Patrick Wolfe argues, “Settler colonies were (are) premised on the elimination of native societies. The split tensing reflects a determinate feature of settler colonization. The colonizers come to stay—invasion is a structure not an event” (2).6 He suggests that a “logic of elimination” drives settler governance and sociality, describing “the settler-colonial will” as “a historical force that ultimately derives from the primal drive to expansion that is generally glossed as capitalism” (167), and in “Settler Colonialism and the Elimination of the Native,” he observes that “elimination is an organizing principle of settler-colonial society rather than a one-off (and superceded) occurrence” (388). Rather than being superseded after an initial moment/ period of conquest, colonization persists since “the logic of elimination marks a return whereby the native repressed continues to structure settler- colonial society” (390). In Aileen Moreton-Robinson’s work, whiteness func- tions as the central way of understanding the domination and displacement of Indigenous peoples by nonnatives.7 In “Writing Off Indigenous Sover- eignty,” she argues, “As a regime of power, patriarchal white sovereignty operates ideologically, materially and discursively to reproduce and main- tain its investment in the nation as a white possession” (88), and in “Writ- ing Off Treaties,” she suggests, “At an ontological level the structure of subjective possession occurs through the imposition of one’s will-to-be on the thing which is perceived to lack will, thus it is open to being possessed,” such that “possession . . . forms part of the ontological structure of white subjectivity” (83–84). For Jodi Byrd, the deployment of Indianness as a mobile figure works as the principal mode of U.S. settler colonialism. She observes that “colonization and racialization . . . have often been conflated,” in ways that “tend to be sited along the axis of inclusion/exclusion” and that “misdirect and cloud attention from the underlying structures of settler colonialism” (xxiii, xvii). She argues that settlement works through the translation of indigeneity as Indianness, casting place-based political collec- tivities as (racialized) populations subject to U.S. jurisdiction and manage- ment: “the Indian is left nowhere and everywhere within the ontological premises through which U.S. empire orients, imagines, and critiques itself ”; “ideas of Indians and Indianness have served as the ontological ground through which U.S. settler colonialism enacts itself ” (xix).

#### The alternative is an ethic of incommensurability – a refusal of any combination of the settler mentality. This is a rubric and role of the ballot for evaluating the rhetorical frames offered in the debate.

Tuck and Yang ‘12

(State University of New York at New Paltz; University of California, San Diego) 12

(Eve and K. Wayne, Decolonization is not a metaphor, Decolonization: Indigeneity, Education & Society Vol. 1, No. 1, 2012, pp. 1-40)

An ethic of incommensurability, which guides moves that unsettle innocence, stands in contrast ¶ to aims of reconciliation, which motivate settler moves to innocence. Reconciliation is about ¶ rescuing settler normalcy, about rescuing a settler future. Reconciliation is concerned with questions of what will decolonization look like? What will happen after abolition? What will be the consequences of decolonization for the settler? Incommensurability acknowledges that these questions need not, and perhaps cannot, be answered in order for decolonization to exist as a framework. We want to say, first, that decolonization is not obliged to answer those questions - decolonization is not accountable to settlers, or settler futurity. Decolonization is accountable to Indigenous sovereignty and futurity. Still, we acknowledge the questions of those wary ¶ participants in Occupy Oakland and other settlers who want to know what decolonization will ¶ require of them. The answers are not fully in view and can’t be as long as decolonization ¶ remains punctuated by metaphor. The answers will not emerge from friendly understanding, and ¶ indeed require a dangerous understanding of uncommonality that un-coalesces coalition politics -¶ moves that may feel very unfriendly. But we will find out the answers as we get there, “in the exact measure that we can discern the movements which give [decolonization] historical form ¶ and content” (Fanon, 1963, p. 36).¶ To fully enact an ethic of incommensurability means relinquishing settler futurity, ¶ abandoning the hope that settlers may one day be commensurable to Native peoples. It means ¶ removing the asterisks, periods, commas, apostrophes, the whereas’s, buts, and conditional ¶ clauses that punctuate decolonization and underwrite settler innocence. The Native futures, the ¶ lives to be lived once the settler nation is gone - these are the unwritten possibilities made ¶ possible by an ethic of incommensurability.¶ when you take away the punctuation¶ he says of¶ lines lifted from the documents about¶ military-occupied land¶ its acreage and location¶ you take away its finality¶ opening the possibility of other futures¶ -Craig Santos Perez, Chamoru scholar and poet ¶ (as quoted by Voeltz, 2012)¶ Decolonization offers a different perspective to human and civil rights based approaches to ¶ justice, an unsettling one, rather than a complementary one. Decolonization is not an “and”. It is ¶ an elsewhere.

## OFF

### NC – DA

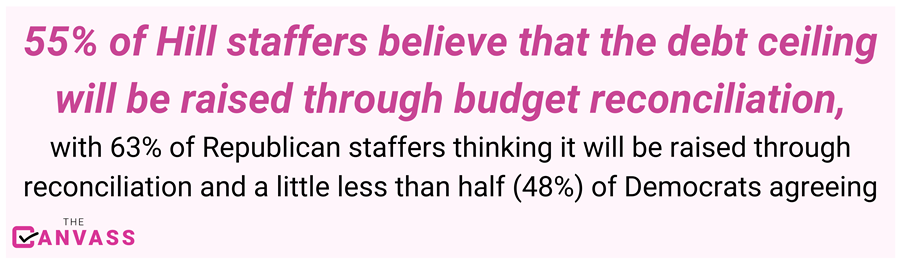
#### Debt limit and government funding will pass now—everything else is delayed

BRESNAHAN 9/15 [JOHN BRESNAHAN, ANNA PALMER AND JAKE SHERMAN, Punchbowl News Legislataive Outlook 9/15, https://email.punchbowl.news/t/ViewEmailArchive/t/E48C6AF0C3714E452540EF23F30FEDED/C67FD2F38AC4859C/]

As we’ve been writing for you in Punchbowl News AM, we’re in the middle of the busiest legislative period in years. September has a stunning number of fiscal and legislative deadlines. The biggest of these, of course, is the end of the fiscal year on Sept. 30. This issue has become caught up in the debt-limit debate as Democrats plan to attach a debt-limit increase to a short-term funding bill. Republicans have vowed to oppose this move, raising the risk for the two sides to blunder into a government shutdown or debt crisis.

Suddenly, the Democrats’ $3.5 trillion reconciliation package and the $1 trillion bipartisan Senate infrastructure bill -- long the top priority in D.C. -- are taking a back seat to the meat and potatoes of governing. It now seems at least somewhat likely that the “Build Back Better” agenda -- made up of infrastructure and social safety net measures proposed by President Joe Biden -- could be delayed until later this fall.

One theory among Democrats is that Republicans will cave -- if not initially, then after a brief government shutdown or debt default scare during which the Democrats win the political argument that the GOP is an irresponsible partner in governing. Good luck getting someone to say that on the record, but it’s the reality we hear privately in the Capitol.



#### Medical IP takes time, energy, and political capital away from domestic legislation – big pharma and EU allies

Bhadrakumar 5/9 M K Bhadrakumar is a former Indian diplomat. "Biden’s talk of vaccine IP waiver is political theater." Asia Times, May 9, 2021, asiatimes.com/2021/05/bidens-talk-of-vaccine-ip-waiver-is-political-theater.

On the other hand, Biden, whose political life of half a century was largely spent in the US Congress, is well aware of the awesome clout of the pharmaceutical companies in American politics. From that lobby’s perspective, the patent waiver “amounts to the expropriation of the property of the pharmaceutical companies whose innovation and financial investments made the development of Covid-19 vaccines possible in the first place,” as a senior scholar at the Johns Hopkins Center for Health Security puts it. The US pharmaceutical industry and congressional Republicans have already gone on the offensive blasting Biden’s announcement, saying it undermines incentives for American innovation. Besides, the argument goes, even with the patent waiver, vaccine manufacturing is a complex process and is not like simply flipping a switch. Senator Richard Burr, the top Republican on the US Senate Health Committee, denounced Biden’s decision. “Intellectual property protections are part of the reason we have these life-saving products,” he said. “Stripping these protections only ensures we won’t have the vaccines or treatments we need when the next pandemic occurs.” The Republican senators backed by Republican Study Committee chairman Jim Banks propose to introduce legislation to block the move. Clearly, Biden would rather spend his political capital on getting the necessary legislation through Congress to advance his domestic reform agenda rather than spend time and energy to take on the pharmaceutical industry to burnish his image as a good Samaritan on the world stage. Conceivably, Biden could be counting on the “text-based negotiations” at the WTO dragging on for months, if not years, without reaching anywhere. The US support for the waiver could even be a tactic to persuade pharmaceutical firms to back less drastic steps like sharing technology and expanding joint ventures to boost global production quickly. So far Covid-19 vaccines have been distributed primarily to the wealthy countries that developed them, while the pandemic sweeps through poorer ones such as India, and the real goal is, after all, expanded vaccine distribution. Biden is well aware that there will be huge opposition to the TRIPS waiver from the United States’ European allies as well. The British press has reported that the UK has been in closed-door talks at the World Trade Organization in recent months along with the likes of Australia, Canada, Japan, Norway, Singapore, the European Union and the US, who all opposed the idea.

#### Agenda change has a cascading effect

Joly 19, [Jeroen Joly is a Doctor Assistant at Universiteit Gent, Punctuated equilibrium theory and foreign policy, The research for this chapter was financially supported by the French Ministry of the Armed Forces, Directorate General for International Relations and Strategy (DGRIS), https://www.researchgate.net/profile/Jeroen\_Joly/publication/331073786\_Punctuated\_equilibrium\_theory\_and\_foreign\_policy/links/5c66ec3092851c1c9de446f2/Punctuated-equilibrium-theory-and-foreign-policy.pdf]

Further Theorization of Existing Concepts

Finally, agenda-setting scholars have continued to improve our understanding of some mechanisms and key concepts of PET. Several agenda-setting studies, for example, examined how friction and cascading contribute to the typical pattern of policy punctuations. Cascading is best understood as a self-reinforcing process of positive feedback whereby attention from one actor generates attention from another actor, which, again, draws even more attention from the initial actor, overthrowing the existing friction mechanisms (Jones and Baumgartner 2005; Walgrave and Vliegenthart 2010). Looking at mass media and parliament, Walgrave and Vliegenthart (2010) found friction and cascading to operate independently from each other to create punctuations, and showed under which conditions these mechanisms are more likely to occur.

The notion of cascading closely relates to the wider agenda-setting literature examining how attention from one actor influences that of another. We know, for example, that political parties heavily influence each other regarding the issues they focus on in parliament (Vliegenthart et al. 2011). Several studies have also confirmed the mutual influence between news media, parliament and government influence in the issues they focus on (for a comprehensive review of the literature on the media’s influence on parliament and government, see Van Aelst and Walgrave (2016) and Walgrave et al. (2006)), also for foreign policy issues (Edwards and Wood 1999; Wood and Peake 1998).

#### Debt default is the easiest way to wreck the US economy—ruins the US dollar and financial reputation

Egan 9/8 [Matt Egan is an award-winning reporter at CNN, covering business, the economy and financial markets across CNN's television and digital platforms, "'Financial Armageddon.' What's at stake if the debt limit isn't raised", 9/8/21, <https://www.cnn.com/2021/09/08/business/debt-ceiling-default-explained/index.html>]

The easiest way to spark a financial crisis and wreck the US economy would be to allow the federal government to default on its debt. It would be an epic, unforced error — and millions of Americans would pay the price.

And yet that unlikely situation is once again being contemplated. If Congress doesn't raise the limit on federal borrowing the federal government will most likely run out of cash and extraordinary measures next month, Treasury Secretary Janet Yellen warned lawmakers on Wednesday.

In short, a default would be an economic cataclysm. Interest rates would spike, the stock market would crater, retirement accounts would take a beating, the value of the US dollar would erode and the financial reputation of the world's only superpower would be tarnished.

"It would be financial Armageddon," Mark Zandi, chief economist at Moody's Analytics, told CNN. "It's complete craziness to even contemplate the idea of not paying our debt on time."

But it's a crazy world.

Lawmakers in Washington are again playing chicken with America's creditworthiness. And the path to raising the debt ceiling is not clear.

Even though Congress has in the past raised the debt ceiling with a bipartisan vote, Senate Minority Leader Mitch McConnell vowed in July that Republicans will not vote to raise the debt ceiling.

JPMorgan Chase (JPM) CEO Jamie Dimon urged lawmakers not to even think about going down this path again. During a hearing in May, Dimon said an actual default "could cause an immediate, literally cascading catastrophe of unbelievable proportions and damage America for 100 years."

'Irreparable damage'

In her letter to Congress, Yellen said history shows that waiting "until the last minute" to suspend or increase the debt limit "can cause serious harm" to business and consumer confidence, raise borrowing costs for taxpayers and hurt America's credit rating.

"A delay that calls into question the federal government's ability to meet all its obligations would likely cause irreparable damage to the U.S. economy and global financial markets," Yellen wrote.

A US default would undermine the bedrock of the modern global financial system.

"We pay our debt. That's what distinguishes the United States from almost every other country on the planet," Zandi of Moody's said.

Because of America's long track record of paying its debt, it's very cheap for Washington to borrow. But a default would force ratings companies to downgrade US debt and shatter that borrowing advantage. Markets plunged in 2011 when that debt ceiling standoff caused Standard & Poor's to downgrade America's credit rating.

Higher borrowing costs would make it much harder for Washington to borrow to pay for infrastructure, the climate crisis or to fight future recessions. And refinancing America's nearly $29 trillion mountain of existing debt would become that much more expensive. Interest expenses, which totaled $345 billion in fiscal 2020, would quickly rival what Washington spends on defense.

#### Extinction

Joshua Zoffer 20, Investor at Cove Hill Partners, Fellow at New America, JD Candidate at Yale University Law School, AB from Harvard University, “To End Forever War, Keep the Dollar Globally Dominant”, The New Republic, 2/3/2020, https://newrepublic.com/article/156417/end-forever-war-keep-dollar-globally-dominant

In early 2016, Obama Treasury Secretary Jack Lew cautioned that the dollar’s dominance as a global currency rested, in part, on the U.S. government’s reluctance to fully weaponize it. If foreign markets and governments “feel that we will deploy sanctions without sufficient justification or for inappropriate reasons,” he warned, “we should not be surprised if they look for ways to avoid doing business in the United States or in U.S. dollars.” Lew’s case stemmed from the more fundamental view that the dollar’s international role is “a source of tremendous strength for our economy, a benefit for U.S. companies and a driver of U.S. global leadership”—in other words, a role worth keeping. This view is emblematic of American financial governance since the Second World War. U.S. economic analysts, especially at the Treasury, have jealously guarded the dollar’s role and the many benefits it offers: the ability to run large deficits at low cost and disproportionate influence over the structure of the global economy, among others. Yet in their recent article in The New Republic, David Adler and Daniel Bessner argue the U.S. should abandon these advantages. In their view, the dollar’s role has encouraged American militarism and should be relinquished to curb such behavior. Dollar hegemony is not without cost, but to renounce it would be a profound mistake. Adler and Bessner’s view neglects the sizable economic benefits the dollar’s role confers on the U.S., as well as its possible use as an antidote to military adventurism. It ignores the enormous good that can be done with deficit spending, much of which has gone to the American military but could instead fund progressive programs. And it elides the inability of the U.S. and its global trading partners to shift away from dollar dominance without creating worldwide financial distress. Adler and Bessner are right that the U.S. has misused its privilege, but Washington should not abandon it; rather, American leaders should seek to transform it. Generations of American policymakers have been right to protect the dollar’s key currency role for economic reasons. Most notably, dollar hegemony affords the U.S. the ability to run large and prolonged budget and balance-of-payments deficits. The dollar represents 62 percent of allocated foreign exchange reserves, is used to invoice and settle roughly half of world trade, and accounts for 42 percent of global payments. Because governments, banks, and businesses worldwide need lots of dollars, the world market always stands ready to absorb new U.S.-dollar-denominated debt without charging higher interest rates. Adler and Bessner correctly point out that the rest of the world considers the dollar’s role as the world’s reserve currency to be an “exorbitant privilege,” a term coined in the 1960s by then French Finance Minister Valéry Giscard D’Estaing. The ability to spend beyond its means has enabled the U.S. to fund its impressive military might, whether one views that power as the fountainhead of Pax Americana or the source of illegitimate military adventurism. But these economic benefits go beyond just deficits. The demand for dollars also pushes up the dollar’s value against other currencies, enhancing American purchasing power and offering consumers access to imports on the cheap. The dollar’s role also means American firms rarely need to do business in foreign currencies, reducing transaction costs and exchange-rate risks. More broadly, America’s central economic role gives it outsize influence at crucial moments. At the height of the financial crisis that began in 2008, the Federal Reserve was able to inject vital liquidity into the global financial system by selectively offering dollar swap lines to trusted foreign central banks. Dollar hegemony enabled the U.S. to act swiftly, effectively, and on its own terms. In addition, the dollar’s role offers a potent alternative to kinetic military action as a means of pursuing foreign policy objectives. The dollar’s broad use means access to dollar liquidity—which in turn requires access to the U.S. financial system—is essential for foreign governments and businesses. For foreign banks, especially, being cut off from dollar access is essentially a death sentence. That makes sanctions that do so a powerful tool in the international arena. In 2005, for example, the U.S. used the dollar to strike a devastating blow against North Korea without firing a single shot or even formally enacting sanctions. Using authority provided by Section 311 of the Patriot Act, the Department of the Treasury crippled Banco Delta Asia, a bank accused of facilitating illegal activity by the North Korean government, by merely threatening to cut off its access to the American financial system. Deposit outflows began within days; within weeks the bank was placed under government administration to avoid a full collapse. Pyongyang was hit hard, as other banks ceased their business with it to avoid meeting the same fate. Similarly, though the Trump administration has worked hard to undo it, the Joint Comprehensive Plan of Action with Iran to limit the development of nuclear weapons was made possible, in part, by painful dollar sanctions that brought Iran to the table. Far from being a proximate cause of military conflict, the dollar’s central global role has often been used to contain adversaries without military intervention. Still, skeptics are right to point out that the dollar’s role has indirectly funded American interventionism and that dollar sanctions have been overused, provoking the ire of American allies. But these facts suggest we should use our dollar power to forge a more progressive U.S. order, not abandon the advantage altogether. America’s exorbitant privilege need not fund warships and missiles: The same low-interest borrowing could be used to fund a new universal health care system, expand access to higher education, or pursue any number of large-scale social policy objectives, including financing global public goods that no other country or consortium of countries is prepared to fund, such as climate change mitigation.

## Case

### NC – AT 1AR Theory [:10]

#### They get 1AR theory but it’s not DTD- incentivizes reading 10 friv shells since they can win on any of them- AND, 1AR time advantage on 1AR theory since they get 2 speeches and 7 min, abuse is self-imposed b/c they could always better develop the shell in the 1ar; proportional- reading theory cancels out the abuse; and no reason short speech means drop the debater- just get more efficient or don’t read theory.

### 1NC – Innovation Turn

#### Vague standards for new patents are unenforceable and explode costs – the link alone turns case because the plan is unenforceable

Madigan & O'Connor 19 [Kevin Madigan joined CPIP in January of 2016. As Deputy Director, Kevin works closely with CPIP scholars in their research and promotion of comprehensive intellectual property law and policy. Before joining CPIP, Kevin worked as an intellectual property Research Associate at Finnegan Henderson Farabow Garrett & Dunner and also interned at the Recording Industry Association of America. Sean O’Connor, noted innovation law scholar, is a Professor of Law and Faculty Director of the Center for Intellectual Property x Innovation Policy (C-IP2) at George Mason University, Antonin Scalia Law School. "“No Combination Drug Patents Act” Stalls, but Threats to Innovation Remain." https://cip2.gmu.edu/2019/06/27/no-combination-drug-patents-act-stalls-but-threats-to-innovation-remain/]

While the amendment provided for a rebuttal to the presumption of obviousness, the language was ambiguous and likely to render the patent system even more unreliable than it already is. The proposed statute said that an applicant may rebut the presumption of obviousness if the covered claimed invention “results in a statistically significant increase in the efficacy of the drug or biological product that the covered claimed invention contains or uses.” It is unclear what would qualify as “statistically significant,” and proving this vague standard would be nearly impossible.

In order to show a “statistically significant increase in efficacy,” long and costly head-to-head clinical trials would be necessary. To be clear, this is not a standard required by the FDA for new drug approval, let alone patentability.

#### Eliminating evergreening ends the pharmaceutical industry – incremental developments are key to global breakthroughs on emerging pathogens

Madigan & O'Connor 19 [Kevin Madigan joined CPIP in January of 2016. As Deputy Director, Kevin works closely with CPIP scholars in their research and promotion of comprehensive intellectual property law and policy. Before joining CPIP, Kevin worked as an intellectual property Research Associate at Finnegan Henderson Farabow Garrett & Dunner and also interned at the Recording Industry Association of America. Sean O’Connor, noted innovation law scholar, is a Professor of Law and Faculty Director of the Center for Intellectual Property x Innovation Policy (C-IP2) at George Mason University, Antonin Scalia Law School. "“No Combination Drug Patents Act” Stalls, but Threats to Innovation Remain." https://cip2.gmu.edu/2019/06/27/no-combination-drug-patents-act-stalls-but-threats-to-innovation-remain/]

Like most forms of innovation, the development of medicines and therapeutics is a process by which one builds and improves upon previous discoveries and breakthroughs. Sometimes those improvements are major advancements, but often they are incremental steps forward. In the pharmaceutical field, incremental or follow-on innovation frequently results in new therapeutic uses for existing drugs, which address serious challenges related to adverse effects, delivery systems, and dosing schedules. While they might not sound like medical breakthroughs on par with the discovery of penicillin, these advancements in the administration and use of pharmaceuticals improve public health and save lives.

Additionally, follow-on innovations are—and should remain—subject to the same patentability standards as any other technologies. Patents reward advancements that are novel, useful, and nonobvious, and our patent system has long recognized that patent claims are to be presumed patentable and nonobvious. The Graham amendment would have turned this established standard on its head, creating a separate and ill-defined hurdle for certain advancements in medicine.

The benefits of incremental innovation to public health and patients cannot be overstated. New formulations of malaria drugs, dosing regimens and delivery systems for AIDS patients, more efficient administrations of insulin for the treatment of diabetes, and developments in the treatment of cognitive heart disease have all been possible because of incremental innovation.

Imposing unjustified restrictions on the patentability of advancements like these would be disastrous for drug development, as the incentives that come with patent protection would be all but eliminated. Without the assurance that their innovative labor would be supported by intellectual property protection, pioneering drug developers would shift resources away from improving drug formulations and uses. The development of more effective treatments of some of the most devastating diseases would stall, as innovators would be unable to commercialize their products, recoup losses, or fund future research and development.

As critics continue to target myopically the patent system for a broader issue of drug prices in the American health care system, it’s likely not the last time that language like this will be proposed. In order to avoid the implementation of such ill-conceived standards into our patent laws, understanding what’s at stake is critical. The future of medical innovation depends on it.

#### It tips the entire industry into insolvency

Globerman & Lybecker 14 [Steven Globerman is Resident Scholar and Addington Chair in Measurement at the Fraser Institute as well as Professor Emeritus at Western Washington University. Kristina M.L. Acri, née Lybecker – Chair of the Department of Economics and Business, Colorado College. "The Benefits of Incremental Innovation FOCUS ON THE PHARMACEUTICAL INDUSTRY The Benefits of Incremental Innovation FOCUS ON THE PHARMACEUTICAL INDUSTRY." https://www.fraserinstitute.org/sites/default/files/benefits-of-incremental-innovation.pdf]

Incremental innovation is a financial necessity for high-tech industries such as biotechnology and pharmaceuticals. Given the paucity and unpredictability of radical innovation, incremental advances sustain the industry financially, for no mature industry can do so from income derived from breakthrough innovation alone. As described by Wertheimer, Levy, and O’Connor, “[t]he pharmaceutical industry must generate revenue based predominantly on incremental innovations, which characterize the majority of products and contribute the majority of revenue” (Wertheimer, Levy, and O’Connor, 2001: 108–109). Evidence of the prevalence of breakthrough relative to incremental innovations is shown in figure 2.2 below. Over the entire period, products based on incremental innovations outnumber breakthrough products. In addition, it is essential to recognize the importance of risk management. Any technology portfolio will comprise projects of differing risk levels. In the case of the pharmaceutical industry, incremental innovation projects are an essential—and significant—component of this portfolio. The incremental innovation projects will be characterized by lower risk and a greater probability of reaching the market (Wertheimer, Levy, and O’Connor, 2001: 110).

#### Weakening IP encourages imitation, not innovation – it removes the financial incentive to invent

Globerman & Lybecker 14 [Steven Globerman is Resident Scholar and Addington Chair in Measurement at the Fraser Institute as well as Professor Emeritus at Western Washington University. Kristina M.L. Acri, née Lybecker – Chair of the Department of Economics and Business, Colorado College. "The Benefits of Incremental Innovation FOCUS ON THE PHARMACEUTICAL INDUSTRY The Benefits of Incremental Innovation FOCUS ON THE PHARMACEUTICAL INDUSTRY." https://www.fraserinstitute.org/sites/default/files/benefits-of-incremental-innovation.pdf]

Finally, protecting innovation fosters economic growth and development, and that includes incremental innovation. A growing body of empirical evidence demonstrates that increasingly robust intellectual property protections, in combination with other policies, increase economic development, foreign direct investment (FDI), and innovation.5 A 2006 report from the United Nations Industrial Development Organization (UNIDO) studied the role of intellectual property rights in advanced nations in technology transfer and economic growth, concluding that protecting innovation creates benefits for countries at all levels of development. For developing countries, strengthening intellectual property rights encourages growth. For middle-income countries, evidence indicates that domestic innovation and diffusion of technology can lead to growth and that strengthening IPRs can encourage industries to shift from imitation to innovation. For advanced economies, stronger IPRs increase innovation and raise growth (Falvy, Foster, and Memedovic, 2006). Moreover, enforcing intellectual property rights and protecting innovation also drives research on cures. This is true of the diseases of both industrialized and developing nations. A recent study by Kyle and McGahan (2012) finds evidence of more research on diseases in nations with TRIPS-compliant IP provisions, as their patent provisions were put into place and implemented, than on diseases prevalent in non-TRIPS-compliant nations, controlling for the level of economic development and other factors.6

### 1NC – AT: Disease

#### Disease doesn’t cause extinction

Adalja 16 [Amesh Adalja is an infectious-disease physician at the University of Pittsburgh. Why Hasn't Disease Wiped out the Human Race? June 17, 2016. https://www.theatlantic.com/health/archive/2016/06/infectious-diseases-extinction/487514/]

But when people ask me if I’m worried about infectious diseases, they’re often not asking about the threat to human lives; they’re asking about the threat to human life. With each outbreak of a headline-grabbing emerging infectious disease comes a fear of extinction itself. The fear envisions a large proportion of humans succumbing to infection, leaving no survivors or so few that the species can’t be sustained.

I’m not afraid of this apocalyptic scenario, but I do understand the impulse. Worry about the end is a quintessentially human trait. Thankfully, so is our resilience.

For most of mankind’s history, infectious diseases were the existential threat to humanity—and for good reason. They were quite successful at killing people: The 6th century’s Plague of Justinian knocked out an estimated 17 percent of the world’s population; the 14th century Black Death decimated a third of Europe; the 1918 influenza pandemic killed 5 percent of the world; malaria is estimated to have killed half of all humans who have ever lived.

Any yet, of course, humanity continued to flourish. Our species’ recent explosion in lifespan is almost exclusively the result of the control of infectious diseases through sanitation, vaccination, and antimicrobial therapies. Only in the modern era, in which many infectious diseases have been tamed in the industrial world, do people have the luxury of death from cancer, heart disease, or stroke in the 8th decade of life. Childhoods are free from watching siblings and friends die from outbreaks of typhoid, scarlet fever, smallpox, measles, and the like.

So what would it take for a disease to wipe out humanity now?

In Michael Crichton’s The Andromeda Strain, the canonical book in the disease-outbreak genre, an alien microbe threatens the human race with extinction, and humanity’s best minds are marshaled to combat the enemy organism. Fortunately, outside of fiction, there’s no reason to expect alien pathogens to wage war on the human race any time soon, and my analysis suggests that any real-life domestic microbe reaching an extinction level of threat probably is just as unlikely.

Any apocalyptic pathogen would need to possess a very special combination of two attributes. First, it would have to be so unfamiliar that no existing therapy or vaccine could be applied to it. Second, it would need to have a high and surreptitious transmissibility before symptoms occur. The first is essential because any microbe from a known class of pathogens would, by definition, have family members that could serve as models for containment and countermeasures. The second would allow the hypothetical disease to spread without being detected by even the most astute clinicians.

The three infectious diseases most likely to be considered extinction-level threats in the world today—influenza, HIV, and Ebola—don’t meet these two requirements. Influenza, for instance, despite its well-established ability to kill on a large scale, its contagiousness, and its unrivaled ability to shift and drift away from our vaccines, is still what I would call a “known unknown.” While there are many mysteries about how new flu strains emerge, from at least the time of Hippocrates, humans have been attuned to its risk. And in the modern era, a full-fledged industry of influenza preparedness exists, with effective vaccine strategies and antiviral therapies.

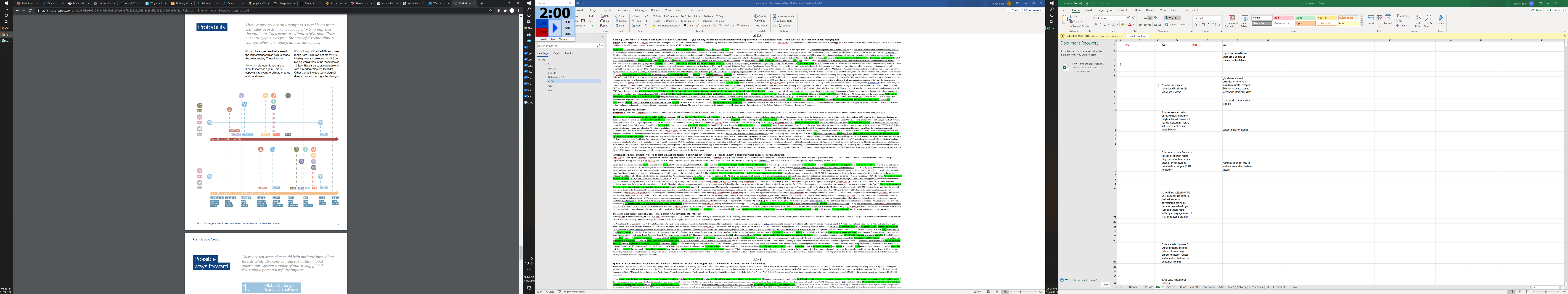
HIV, which has killed 39 million people over several decades, is similarly limited due to several factors. Most importantly, HIV’s dependency on blood and body fluid for transmission (similar to Ebola) requires intimate human-to-human contact, which limits contagion. Highly potent antiviral therapy allows most people to live normally with the disease, and a substantial group of the population has genetic mutations that render them impervious to infection in the first place. Lastly, simple prevention strategies such as needle exchange for injection drug users and barrier contraceptives—when available—can curtail transmission risk.

Ebola, for many of the same reasons as HIV as well as several others, also falls short of the mark. This is especially due to the fact that it spreads almost exclusively through people with easily recognizable symptoms, plus the taming of its once unfathomable 90 percent mortality rate by simple supportive care.

Beyond those three, every other known disease falls short of what seems required to wipe out humans—which is, of course, why we’re still here. And it’s not that diseases are ineffective. On the contrary, diseases’ failure to knock us out is a testament to just how resilient humans are. Part of our evolutionary heritage is our immune system, one of the most complex on the planet, even without the benefit of vaccines or the helping hand of antimicrobial drugs. This system, when viewed at a species level, can adapt to almost any enemy imaginable. Coupled to genetic variations amongst humans—which open up the possibility for a range of advantages, from imperviousness to infection to a tendency for mild symptoms—this adaptability ensures that almost any infectious disease onslaught will leave a large proportion of the population alive to rebuild, in contrast to the fictional Hollywood versions.

#### Impact ev admits nuclear war has higher probability of extinction – we’ll insert a chart (the light purple is pandemics, the yellow is nukes).

1NC Dennis Pamlin & Stuart Armstrong 15, Dennis Pamlin, Executive Project Manager Global Risks, Global Challenges Foundation, and Stuart Armstrong, James Martin Research Fellow, Future of Humanity Institute, Oxford Martin School, University of Oxford, February 2015, “Global Challenges: 12 Risks that threaten human civilization: The case for a new risk category,” Global Challenges Foundation, p.30-93, https://api.globalchallenges.org/static/wp-content/uploads/12-Risks-with-infinite-impact.pdf



### 1NC AT: ABR – No Impact

#### No impact to antibiotic resistance.

Sepkowitz 13 [Kent Sepkowitz (Professor of Medicine @ Weill Cornell Medical School, head of Memorial Sloan Ketterings’s infection control program), “Why I’m Not Worried About Dying From a Superbug, and You Shouldn’t Be, Either,” 3-8-13, <http://www.thedailybeast.com-/articles/2013/03/08/why-i-m-not-worried-about-dying-from-a-superbug-and-you-shouldn-t-be-either.html>]

There’s a scary new superbug showing up in hospitals, resistant to all but one aging antibiotic. But Dr. Kent Sepkowitz says your chances of infection are microscopic, and shouldn’t keep you from getting care you need. Pity the poor public-health official: in the midst of an epidemic, he must adopt a soothing avuncular tone of near-boredom, a “we’ve seen this, not to worry” sort of yawn to calm people who otherwise seem ready to run screaming into the streets. But on the other hand, in this day of sequestered public-health funding, he has to raise a major ruckus about some other problem that might happen, swearing that the earth may end soon if we don’t wake up now and face the music. The cavalcade of past get-ready-for-the-big-one hits includes drug-resistant TB, avian flu, swine flu, and drug-resistant gonorrhea among others, each introduced with shrill press releases and snapshots of grim faces peering through microscopes. It is no surprise, therefore, to see the CDC roll out the heavy artillery this week by proclaiming the dangers of the latest superbug. This one is ugly for sure, a resistant-to-almost-everything bacteria that preys on the hospitalized patient. Called carbapenem-resistant Enterobacteriaceae, or CRE, to denote the class of antibiotics (carbapenems) to which it is resistant, and the group of bacterial organisms—Enterobacteriaceae, bacteria that reside in the gut—to which it belongs, CRE is being seen increasingly in hospitals across the U.S. Unheard of before 2001, CRE now is in 181 (4.6 percent) U.S. acute-care hospitals, affecting hundreds of patients. In August 2012, the NIH Clinical Center had a widely reported outbreak from a CRE that killed six of 18 patients, the mortality rate seen in most series. The CDC and other public-health officials are particularly alarmed by this latest wrinkle because the carbapenem class was the last thoroughly modern group of antibiotics with predictable activity against gut bacteria. With the carbapenem hegemony now wobbling, the next (and last) antibiotic is an oldie from the 1960s, pulled from the market then because of concerns about toxicity, but now being used in many hospitals and ICUs to treat CRE infection. If and when CRE becomes resistant to this old-timer, the cupboard is truly bare. This sort of progressive resistance to antibiotics is standard operating procedure for bacteria exposed to high doses of potent antibiotics over time; resistance can and must occur according to the most basic principle of evolution: survival of the fittest. If a billion bacteria are exposed to an antibiotic and just one bacterium, because of a chance mutation, is resistant to the antibiotic while the other near-billion are not, that single organism will survive while the others will die off. The resistant organism will then have the run of the place with enough nutrition to support the billion now-absented brethren, allowing the resistant clone to take root and get in position to spread. We have been here before of course: methicillin-resistant Staphylococcus aureus (MRSA) played through the hospitals and the headlines (and even the National Football League) last decade, alarming the public and spurring new regulations to contain it as well as the application of money, sort of, to develop new weapons. Perhaps because of all the hubbub, MRSA now seems almost quaint and surely not a headline-screaming scourge: mostly contained, a nuisance, a problem, but being dealt with at the right place by the right people. In other words, it has assumed its proper proportion in the world of threats and dangers. The same likely will happen with CRE. More cases will occur, hospitals will make the necessary adjustments suggested by the CDC, specialists will learn their way around the diseases, and eventually the threat and the excitement around it will flatten out. And then the next red-hot development on some other front will emerge rendering the acronym to oblivion. The problem though is this: the mix of steady CDC concern about a real issue that requires attention, a world with infinite capacity for both news and “news,” and a perverse public enjoyment of being frightened has succeeded in little other than scaring the crap out of people who might need medical care. Indeed, hospitals seem to occupy the same imagined place as the Overlook Hotel, the cavernous inn Jack Nicholson prowled in The Shining—the last place on earth a sane person would go. Health care in general and hospitals specifically are viewed these days by just about everyone as a veritable killing field, the place where the two inevitabilities—death and taxes—meet daily as people are fleeced then killed.

### 1NC – I/D – Warming

#### Warming doesn’t trigger extinction

* peer-reviewed journal shows IPCC exaggeration
* history proves resilience
* no extinction- warming under Paris goals
* rock breaking strategy could offset warming

IBD 18 [Investors Business Daily, Citing Study from Peer reviewed journal by Lewis and Curry, “Here's One Global Warming Study Nobody Wants You To See”, 4/25/18, https://www.investors.com/politics/editorials/global-warming-computer-models-co2-emissions/]

Settled Science: A new study published in a peer-reviewed journal finds that climate models exaggerate the global warming from CO2 emissions by as much as 45%. If these findings hold true, it's huge news. No wonder the mainstream press is ignoring it.

In the study, authors Nic Lewis and Judith Curry looked at actual temperature records and compared them with climate change computer models. What they found is that the planet has shown itself to be far less sensitive to increases in CO2 than the climate models say. As a result, they say, the planet will warm less than the models predict, even if we continue pumping CO2 into the atmosphere.

As Lewis explains: "Our results imply that, for any future emissions scenario, future warming is likely to be substantially lower than the central computer model-simulated level projected by the (United Nations Intergovernmental Panel on Climate Change), and highly unlikely to exceed that level.

How much lower? Lewis and Curry say that their findings show temperature increases will be 30%-45% lower than the climate models say. If they are right, then there's little to worry about, even if we don't drastically reduce CO2 emissions.

The planet will warm from human activity, but not nearly enough to cause the sort of end-of-the-world calamities we keep hearing about. In fact, the resulting warming would be below the target set at the Paris agreement.

This would be tremendously good news.

The fact that the Lewis and Curry study appears in the peer-reviewed American Meteorological Society's Journal of Climate lends credibility to their findings. This is the same journal, after all, that recently published widely covered studies saying the Sahara has been growing and the climate boundary in central U.S. has shifted 140 miles to the east because of global warming.

The Lewis and Curry findings come after another study, published in the prestigious journal Nature, that found the long-held view that a doubling of CO2 would boost global temperatures as much as 4.5 degrees Celsius was wrong**.** The most temperatures would likely climb is 3.4 degrees.

It also follows a study published in Science, which found that rocks contain vast amounts of nitrogen that plants could use to grow and absorb more CO2, potentially offsetting at least some of the effects of CO2 emissions and reducing future temperature increases.

### 1NC – AT: Science Diplomacy

#### Science diplomacy fails

David **Dickson**, Director, SciDev, “The Limits of Science Diplomacy,” Science and Development Network, 6—4—**09**, <http://www.scidev.net/en/editorials/the-limits-of-science-diplomacy.html>

Only so much science can do Recently, the Obama administration has given this field a new push, in its desire to pursue "soft diplomacy" in regions such as the Middle East. Scientific agreements have been at the forefront of the administration's activities in countries such as Iraq and Pakistan. But — as emerged from a meeting entitled New Frontiers in Science Diplomacy, held in London this week (1–2 June) — using science for diplomatic purposes is not as straightforward as it seems. Some scientific collaboration clearly demonstrates what countries can achieve by working together. For example, a new synchrotron under construction in Jordan is rapidly becoming a symbol of the potential for teamwork in the Middle East. But whether scientific cooperation can become a precursor for political collaboration is less evident. For example, despite hopes that the Middle East synchrotron would help bring peace to the region, several countries have been reluctant to support it until the Palestine problem is resolved. Indeed, one speaker at the London meeting (organised by the UK's Royal Society and the American Association for the Advancement of Science) even suggested that the changes scientific innovations bring inevitably lead to turbulence and upheaval. In such a context, viewing science as a driver for peace may be wishful thinking. Conflicting ethos Perhaps the most contentious area discussed at the meeting was how science diplomacy can frame developed countries' efforts to help build scientific capacity in the developing world. There is little to quarrel with in collaborative efforts that are put forward with a genuine desire for partnership. Indeed, partnership — whether between individuals, institutions or countries — is the new buzzword in the "science for development" community. But true partnership requires transparent relations between partners who are prepared to meet as equals. And that goes against diplomats' implicit role: to promote and defend their own countries' interests. John Beddington, the British government's chief scientific adviser, may have been a bit harsh when he told the meeting that a diplomat is someone who is "sent abroad to lie for his country". But he touched a raw nerve. Worlds apart yet co-dependent The truth is that science and politics make an uneasy alliance. Both need the other. Politicians need science to achieve their goals, whether social, economic or — unfortunately — military; scientists need political support to fund their research. But they also occupy different universes. Politics is, at root, about exercising power by one means or another. Science is — or should be — about pursuing robust knowledge that can be put to useful purposes. A strategy for promoting science diplomacy that respects these differences deserves support. Particularly so if it focuses on ways to leverage political and financial backing for science's more humanitarian goals, such as tackling climate change or reducing world poverty. But a commitment to science diplomacy that ignores the differences — acting for example as if science can substitute politics (or perhaps more worryingly, vice versa), is dangerous. The Obama administration's commitment to "soft power" is already faltering. It faces challenges ranging from North Korea's nuclear weapons test to domestic opposition to limits on oil consumption. A taste of reality may be no bad thing.

### 1NC – AT: Bioterror

#### No impact---attacks will be small, no dispersion, and countermeasures solve

Filippa Lentzos 14, PhD from London School of Economics and Social Science, Senior Research Fellow in the Department of Social Science, Health and Medicine at King’s College London, Catherine Jefferson, researcher in the Department of Social Science, Health, and Medicine at King’s College London, DPhil from the University of Sussex, former senior policy advisor for international security at the Royal Society, and Dr. Claire Marris, Senior Research Fellow in the Department of Social Science, Health and Medicine at King's College London, “The myths (and realities) of synthetic bioweapons,” 9/18/2014, http://thebulletin.org/myths-and-realities-synthetic-bioweapons7626

The bioterror WMD myth. Those who have overemphasized the bioterrorism threat typically portray it as an imminent concern, with emphasis placed on high-consequence, mass-casualty attacks, performed with weapons of mass destruction (WMD). This is a myth with two dimensions.¶ The first involves the identities of terrorists and what their intentions are. The assumption is that terrorists would seek to produce mass-casualty weapons and pursue capabilities on the scale of 20th century, state-level bioweapons programs. Most leading biological disarmament and non-proliferation experts believe that the risk of a small-scale bioterrorism attack is very real and present. But they consider the risk of sophisticated large-scale bioterrorism attacks to be quite small. This judgment is backed up by historical evidence. The three confirmed attempts to use biological agents against humans in terrorist attacks in the past were small-scale, low-casualty events aimed at causing panic and disruption rather than excessive death tolls. ¶ The second dimension involves capabilities and the level of skills and resources available to terrorists. The implicit assumption is that producing a pathogenic organism equates to producing a weapon of mass destruction. It does not. Considerable knowledge and resources are necessary for the processes of scaling up, storage, and dissemination. These processes present significant technical and logistical barriers.¶ Even if a biological weapon were disseminated successfully, the outcome of an attack would be affected by factors like the health of the people who are exposed and the speed and manner with which public health authorities and medical professionals detect and respond to the resulting outbreak. A prompt response with effective medical countermeasures, such as antibodies and vaccination, can significantly blunt the impact of an attack.