# 1NC

## 1

### OFF

#### Dewey’s pragmatist philosophy discounts the materiality of racism and legitimizes institutional violence- he also personally endorsed exclusionary viewpoints – this is perpetuated by every tag in the framework and citing Dewey

**Jones 12:** John Wesley Jones. John Dewey and Cultural Racism. University of Illinois, 2012. [https://www.ideals.illinois.edu/bitstream/handle/2142/42217/John\_Jones.pdf?sequence=1](about:blank). RW

In this section I will discuss more about Dewey’s failure to meaningfully deal with the subject of race, and what implication that failure might have had for his educational theory and for American culture. It is not true to say that Dewey did not have anything at all to say about race and racism; however, the analysis he did offer was scant and weak in some crucial areas. In regards to race, this inability to adequately theorize the phenomenon itself was probably Dewey’s greatest fault. Dewey was without a doubt, if not the most famous intellectual, then one of the most famous intellectuals in the United States in the early part of the 20th century. Had he actually dealt with the issue of race and racism in a more forceful and proactive manner, then a space could have been opened for others to discuss the issue seriously. Of course, we cannot be sure that others would have followed his lead, but it might be safe to guess that other intellectuals would have had to at least counter his claims publicly if they disagreed with him. As outlined in the previous section, Dewey was among the first intellectuals to reject scientific racism and biological theories of racial difference; however, without resorting to biological race, Dewey drew upon theories of cultural development and evolution which allowed him to make some distinctions between different groups of people; distinctions which in many ways corresponded to those made by scientific and biological racists. Dewey was a post-Boasian intellectual who relied on the concept of culture to explain differences in human behavior. Yet, it is this very notion of culture which in some ways became the new mechanism by which individuals could be differentiated into “races”. In some ways “culture”, as a set of behaviors and modes of thought, simply took the place of biological race, it did not replace it is terms of its utility in making distinctions about what type of education is suitable for different populations. This is why the lack of a robust analysis of race by Dewey is so critical. While it is true that race, conceived biologically, is a pseudo-scientific fiction, race still exists as a social phenomenon. Race as a social reality impacts the lives of everyone in a racist society in very real ways; some might benefit from a particular racial system, while others are punished. Race behaves very much like the anthropological concept of the fetish; however, instead of a society attributing great power to an object, the power resides in a concept which is represented physically by a constellation of different phenotypic, and sometimes behavioral, characteristics. To an outsider, a crucifix or a small wooden doll or talisman may be just an object, but such objects hold great importance for the individuals who are members of the societies that revere them. It would be a mistake on the part of an anthropologist to disregard such objects when studying a foreign culture, simply because he thinks that the fact that an inanimate object cannot hold such power should be self-evident to anyone. Likewise, when studying American or any other racist society, the taboo or fetish of race should not be disregarded simply because it may have become obvious that the concept of race has no biological or “real” basis. Dewey and other scholars like him had reached the conclusion, correctly, that race has no biological or scientific basis and is a social construct, and therefore, much like a non-believer who looks on in bemusement as a Christian reveres a crucifix, decided that anyone who believed that such an object actually holds power is acting irrationally. Likewise, any attempts at describing how the crucifix has power and what the effect of that power is would also be irrational and fruitless because the line of inquiry is based on the mistaken belief in the nonexistent power of the ordinary object. Therefore, Dewey neglected to deeply theorize race, because an in-depth analysis of an unscientific phenomenon would itself be an unscientific endeavor. However, to forego an inquiry into the power of the object or belief as it affects believers would require that one ignore the very power of the belief to condition the behaviors of those who adhere to it. Moreover, in the very denial of the existence of race, one must admit that there exists something called race which exists in a sense, yet is not “real”. This situation is much like that described by Quine, regarding the Platonic riddle of nonbeing. In order for one to make the claim that “x does not exist”, one has to first posit (implicitly) the “x” one wishes to argue does not exist. The question is then, if race does not exist, why are we able to talk about it and why do so many people behave as if it does? The important task of any individual who wishes to comment on race is to not first of all to determine whether the phenomenon of race has any verifiable biological or physical basis so that if such a basis is found to be lacking then further inquiry into the problem can be stopped. Rather, the proper task is to try to understand the practical and actual effects that the concept has. This would be the pragmatic way to pursue the issue of race, in the true sense of pragmatic inquiry following from Pierce’s formulation of the pragmatic maxim. Focusing too much on the metaphysical or ontological “reality” of race will lead one to the conclusion that race does not exist, yet in doing so one will ignore the very real practical and social consequences of the phenomenon, which are very significant and tangibly negative for many people. If one wishes to ameliorate or eliminate those consequences, the question of the being of race is not as important as how the problem can be solved. Of course, it is important to understand that in Dewey’s time the question of race really was a scientific one for most scholars. The challenge at that time was to overcome the naturalistic fallacy of the scientific racists, the idea that if Blacks and other races could be proven to be somehow inferior to Europeans then this was justification for their subordinate position in society. At the time, for Dewey to throw his support behind the position claiming the irrationality of the question of the biological reality of race was a victory in itself. This could have very well been one reason why Dewey did not theorize race; maybe he could see no further need for analysis because up until that time, the whole of the question of race seemed to consist of the question of its biological or scientific reality. However, Dewey did realize the importance of the social and political aspects of race, and he addressed those questions a few times, although he did not so much theorize their importance as he explained it. I think that Dewey’s belief in recapitulation theory and cultural evolution combined with a rather superficial and inadequate understanding of race led him to ignore the most brutal racially motivated violence and to support exclusionary and racist policies. Also, I wish to argue that Dewey’s gradualist approach to addressing racism would never have succeeded in solving the race question in the United States. This is because Dewey ignores the entrenched nature of racism and also fails to understand the many ways in which racism can be modified in responses to changes in the society at large. As Margonis notes in his article, the results of a database search of all of Dewey’s published work returned few, if any, references to racism, lynching, discrimination, etc... (26). Dewey did, however, produce at least two relatively major documents outlining his thoughts on race, both created during the latter part of his career. The first is the essay “Racial Prejudice and Friction” (1922) and the second is his “Address to the National Association for the Advancement of Colored People” from 1932. Both of these documents deal more with political and economic issues, and Dewey does not really deal with the issues of pedagogy, curriculum, and education in them. However, these documents are important for showing some of Dewey’s ideas about race in the later stage of his career, and by examining them we can gain an understanding of what relation these thoughts might have to his ideas about pedagogy and curriculum. The essay “Racial Prejudice and Friction” might be Dewey’s strongest effort to give a concise analysis of race24. However, the essay does not offer as much of an analysis of race and racism as it does an analysis of the geopolitical and economic situation that existed at the time of its writing. Upon a close reading of the essay, I was struck by how little Dewey said about race and how much he said about nationalism and other topics. While not unrelated to a discussion of race, it seems to me that this essay was prompted more by the events of the First World War and of the tense global political situation that existed in the interbellum years.

Implications:

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#### 1] controls the form of argumentation – every arg you make is skewed because you justified them with flawed rhetoric

#### 2] prevents debaters from engaging in your arguments – if you’re arguments justify these things, they may be sensitive to debaters who identify with those groups and prevent them from effectively engaging.

#### 3] reps shape reality because we only understand arguments through how they’re conveyed, just like you won’t vote on an argument you don’t understand.

## 2

### OFF

#### Interpretation – Debaters must read everything that they want to be relevant in the round. To clarify, all analytics and definitions must be read in order for it to be relevant on the flow in round.

#### Violation – they don’t

* Graphs violate
* Spec that isn’t read violates
* Windings violates

#### Standards:

#### 1~ Infinite Abuse – their model of debate justifies putting any number of things in the doc that they no longer have to read ranging anywhere from preempts to plan texts to aprioris. Kills fairness since I don’t know how these arguments affect the round until I’ve already conceded them. Outweighs A~ it’s structural abuse that can’t be compensated via better debating B~ accessibility – people with cognitive or motor disabilities can struggle with a prioris especially hidden ones

#### 2~ Time Skew – I have to respond to arguments that take them no time to make if I want to go for T or a disad that doesn’t link under your definition. Outweighs A~ it’s structural abuse because it requires me to fulfil a burden that they don’t have to B~ magnitude – it’s infinite abuse because it’s zero time for them – the time loss is proportion is definitionally infinite C~ it’s a resolvable time skew whereas other skews like the 1ar are ingrained D~ reversibility – 1nc is our first and only chance to generate offense so we need to maximize our chances

#### 3~ Fair version – read it aloud or extempt a version of the graph. It’s not infinitely regressive – A~ we only defend this norm not every specification B~ lay debaters do it – that flips reasonability and means err negative because it’s a predictable norm

#### Fairness – debate is a competitive activity that requires fairness for objective evaluation. Outweighs because it’s the only intrinsic part of debate – all other rules can be debated over but rely on some conception of fairness to be justified.

#### Drop the debater – a~ deter future abuse and b~ set better norms for debate.

#### Competing interps – ~a~ reasonability is arbitrary and encourages judge intervention since there’s no clear norm, ~b~ it creates a race to the top where we create the best possible norms for debate.

#### No RVIs – a~ illogical, you don’t win for proving that you meet the burden of being fair, logic outweighs since it’s a prerequisite for evaluating any other argument, b~ RVIs incentivize baiting theory and prepping it out which leads to maximally abusive practices

#### 1NC Spec first - 1] They started the chain of abuse and forced me down this strategy 2] We have more speeches to norm over it 3] It was introduced first so it comes lexically prior.

#### Neg abuse outweighs Aff abuse – 1] Infinite prep time before round to frontline 2] 2AR judge psychology 3] 1st and last speech 4] Infinite perms and uplayering in the 1AR.

#### Reasonability on 1AR shells – 1AR theory is very aff-biased because the 2AR gets to line-by-line every 2NR standard with new answers that never get responded to

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#### No new 1ar theory paradigm issues- A] New 1ar paradigms moot any 1NC theoretical offense B] introducing them in the aff allows for them to be more rigorously tested

## 3

### OFF

#### The WTO has been seen as ineffective but has the opportunity to bounce back with strong international buy in

Ngozi Okonjo-Iweala, 20, Reviving the WTO, https://www.brookings.edu/opinions/reviving-the-wto/, Brookings, Ngozi Okonjo-Iweala is a nonresident distinguished fellow with the Africa Growth Initiative in the Global Economy and Development program at Brookings. She is an economist and international development expert with over 30 years of experience.

The World Trade Organization is in the news mostly for the wrong reasons nowadays. Many people regard it as an ineffective policeman of an outdated rulebook that is unsuited for the challenges of the twenty-first-century global economy. And WTO members generally agree that the organization urgently needs reforming in order to remain relevant. Recent months have brought further challenges. The WTO’s appellate body, which adjudicates trade disputes among member countries, effectively [ceased functioning](https://www.project-syndicate.org/commentary/world-trade-organization-revive-appellate-body-by-shang-jin-wei-and-xinding-yu-2019-12) last December amid disagreements regarding the appointment of new judges to the panel. And in May 2020, Director-General Roberto Azevêdo [announced](https://www.nytimes.com/2020/05/14/business/wto-chief-roberto-azevedo.html) that he would step down at the end of August, a year before his current term was due to end. Whoever Azevêdo’s successor is will face a major challenge. Since its establishment in 1995, the WTO has failed to conclude a single trade-negotiation round of global trade talks, thus missing an opportunity to deliver mutual benefits for its members. The Doha Development Round, which began in November 2001, was supposed to be concluded by January 2005. Fifteen years later, WTO members are still debating whether the Doha process should continue. Some think it has been overtaken by events, while others want to pursue further negotiations. The WTO has so far delivered disappointingly few other notable agreements as well, apart from the [Trade Facilitation Agreement](https://www.wto.org/english/tratop_e/tradfa_e/tradfa_e.htm), which entered into force in February 2017, and the 2015 [decision](https://www.wto.org/english/thewto_e/minist_e/mc10_e/briefing_notes_e/brief_agriculture_e.htm) to eliminate all forms of agricultural export subsidies. Meanwhile, some of its members have worked together on a raft of much broader regional trade deals that cover pressing issues such as the digital economy, investment, competition, the environment, and climate change. The Doha Development Round, which was intended to modernize the WTO’s rulebook, covers very few of these topics. And even some of the organization’s existing rules can easily be circumvented, thereby upsetting the balance of rights and obligations among members. During the current COVID-19 crisis, for example, some countries have imposed questionable export controls on medical supplies and food products in order to mitigate shortages. But despite these challenges, the WTO has not been a “failure.” Rather, it has built upon the successes of its predecessor, the General Agreement on Tariffs and Trade, which entered into force in 1948. The rules-based multilateral trading system that began with GATT has contributed immensely to global economic growth over the last seven decades, by reducing average tariffs and steadily eliminating non-tariff barriers. As a result, living standards have improved in most countries. Moreover, rules-based global trade has helped to underpin peace and security, because trading partners are more likely to resolve differences through negotiations than through armed conflict. Nonetheless, WTO members today recognize the need to reboot the organization for the 21st century. Developed countries believe that they have shouldered the burden of trade liberalization for far too long, and that developing countries should shoulder more obligations if they are in a position to do so. Least-developed and low-income developing countries, meanwhile, say that WTO rules are hampering their efforts to grow and modernize their economies. Over the last two decades, international trade has become a bogeyman for critics who blame it for the economic woes some countries face. But trade is not a zero-sum game: Rights and obligations can be balanced, as the evolution of global and regional trading rules since 1948 has shown. The question facing the WTO and its members now, therefore, is how to make progress and reach mutually beneficial agreements. All members should participate in this endeavor, because that is the only way the organization can regain its credibility and carry out its rule-making function. New negotiations must therefore take account of members’ varying levels of economic development, and aim—as ever—to reach fair and equitable agreements. Other crucial priorities for the WTO include enhanced transparency, in the form of timely notifications of countries’ trade measures, and an effective dispute-settlement system that commands the confidence of all members. A moribund WTO does not serve any country’s interest. An effective, rules-based international trade system is a public good, and failure to revive it will undermine governments’ efforts to pull the global economy out of the recession caused by the COVID-19 pandemic. The WTO has an irreplaceable role to play in transforming countries’ economic prospects and the lives of people around the world. Although the current crisis has brought the organization’s deteriorating health into sharp focus, its further decline is not inevitable. In a world economy already imperiled by COVID-19, we must now apply the antidote—members’ political will, determination, and flexibility—needed to revive it.

#### Intellectual property rights cannot be discriminated on the basis of field, or place of invention

WTO <https://www.wto.org/english/docs_e/legal_e/27-trips_04c_e.htm>, Article 27.1, Section 5 on patents, World trade Organization, WTO, Part II — Standards concerning the availability, scope and use of Intellectual Property Rights

Subject to the provisions of paragraphs 2 and 3, patents shall be available for any inventions, whether products or processes, in all fields of technology, provided that they are new, involve an inventive step and are capable of industrial application. [(5)](https://www.wto.org/english/docs_e/legal_e/27-trips_04c_e.htm#fnt-5) Subject to paragraph 4 of Article 65, paragraph 8 of Article 70 and paragraph 3 of this Article, patents shall be available and patent rights enjoyable without discrimination as to the place of invention, the field of technology and whether products are imported or locally produced.

#### The WTO’s appellate body no longer exists to mediate disputes, without immediate buy in by states, and no mechanism to make disobedient states obey, the system collapses

Horton, 08/3, Lessons from Trump’s assault on the World Trade Organization, https://www.chathamhouse.org/2021/08/lessons-trumps-assault-world-trade-organization, Chatham House – International Affairs Think Tank, Communications Manager; Project Lead, Common Futures Conversations

The WTO is unique amongst international institutions because it has a powerful enforcement mechanism – the dispute settlement system. However, the fundamental vulnerability is that if powerful states like the US and others won’t participate in the system and be bound by its rules, they quickly risk becoming irrelevant. And that’s the situation we’re in right now with the appellate body crisis, where, without a functioning mechanism to ensure that WTO rules are enforced, the entire system of global trade rules risk collapsing. Ironically, the United States has been the leader of the liberal trading order for the past 70 years, but since Trump, it has become its leading saboteur.

#### A major country operating outside WTO consensus wrecks global trade norms

Bacchus 20 [James Bacchus, member of the Herbert A. Stiefel Center for Trade Policy Studies, the Distinguished University Professor of Global Affairs and director of the Center for Global Economic and Environmental Opportunity at the University of Central Florida, 12-16-2020, "An Unnecessary Proposal: A WTO Waiver of Intellectual Property Rights for COVID-19 Vaccines," Cato Institute, [https://www.cato.org/free-trade-bulletin/unnecessary-proposal-wto-waiver-intellectual-property-rights-covid-19-vaccines]/Kankee](https://www.cato.org/free-trade-bulletin/unnecessary-proposal-wto-waiver-intellectual-property-rights-covid-19-vaccines%5d/Kankee)

In a sign of their increasing frustration with global efforts to ensure that all people everywhere will have access to COVID-19 vaccines, several developing countries have asked other members of the World Trade Organization (WTO) to join them in a sweeping waiver of the intellectual property (IP) rights relating to those vaccines. Their waiver request raises anew the recurring debate within the WTO over the right balance between the protection of IP rights and access in poorer countries to urgently needed medicines. But the last thing the WTO needs is another debate over perceived trade obstacles to public health. Unless WTO members reach a consensus, the multilateral trading system may be further complicated by a delay like that in resolving the two‐​decades‐​old dispute between developed and developing countries over the compulsory licensing and generic distribution of HIV/AIDS drugs. A new and contentious “North‐​South” political struggle definitely would not be in the interest of the developed countries, the developing countries, the pharmaceutical companies, or the WTO. Certainly it would not be in the interest of the victims and potential victims of COVID-19. Background In early October 2020, India and South Africa asked the members of the WTO to waive protections in WTO rules for patents, copyrights, industrial designs, and undisclosed information (trade secrets) in relation to the “prevention, containment or treatment of COVID-19 … until widespread vaccination is in place globally, and the majority of the world’s population has developed immunity.”1 India and South Africa want to give all WTO members freedom to refuse to grant or enforce patents and other IP rights relating to COVID-19 vaccines, drugs, diagnostics, and other technologies for the duration of the pandemic. In requesting the waiver, India and South Africa have argued that “an effective response to the COVID-19 pandemic requires rapid access to affordable medical products including diagnostic kits, medical masks, other personal protective equipment and ventilators, as well as vaccines and medicines for the prevention and treatment of patients in dire need.” They have said that “as new diagnostics, therapeutics and vaccines for COVID-19 are developed, there are significant concerns, how these will be made available promptly, in sufficient quantities and at affordable prices to meet global demand.”2 Later in October, the members of the WTO failed to muster the required consensus to move forward with the proposed waiver. The European Union, the United States, the United Kingdom, and other developed countries opposed the waiver request.3 One WTO delegate, from the United Kingdom, described it as “an extreme measure to address an unproven problem.”4 A spokesperson for the European Union explained, “There is no evidence that intellectual property rights are a genuine barrier for accessibility of COVID‐​19‐​related medicines and technologies.”5 In the absence of a consensus, WTO members have decided to postpone further discussion of the proposed waiver until early 2021. Balancing IP Rights and Access to Medicines Not New to WTO This waiver controversy comes nearly two decades after the end of the long battle in the multilateral trading system over access to HIV/AIDS drugs. At the height of the HIV/AIDS crisis at the turn of the century, numerous countries, including especially those from sub‐​Saharan Africa, could not afford the high‐​priced HIV/AIDS drugs patented by pharmaceutical companies in developed countries. Having spent billions of dollars on developing the drugs, the patent holders resisted lowering their prices. The credibility of the companies, the countries that supported them, and the WTO itself were all damaged by an extended controversy over whether patent rights should take precedence over providing affordable medicines for people afflicted by a lethal disease. Article 8 of the WTO Agreement on the Trade‐​Related Aspects of Intellectual Property Rights (the TRIPS Agreement) provides that WTO members “may, in formulating or amending their laws and regulations, adopt measures necessary to protect public health … provided that such measures are consistent with the provisions of this Agreement.” In similar vein, Article 7 of the TRIPS Agreement provides that the “protection and enforcement of intellectual property rights” shall be “in a manner conducive to social and economic welfare.”6 It can be maintained that these two WTO IP rules are significantly capacious to include any reasonable health measures that a WTO member may take during a health emergency, such as a pandemic. Yet there was doubt among the members during the HIV/AIDS crisis about the precise reach of these provisions. As Jennifer Hillman of the Council on Foreign Relations observed, ordinarily the “inherent tension between the protection of intellectual property and the need to make and distribute affordable medicines” is “resolved through licensing, which allows a patent holder to permit others to make or trade the protected product—usually at a price and with some supervision from the patent holder to ensure control.”7 But, in public health emergencies, it may be impossible to obtain a license. In such cases, “compulsory licenses” can be issued to local manufacturers, authorizing them to make patented products or use patented processes even though they do not have the permission of the patent holders.8

#### Independently kill sdeliberation = not consequence its impossible

## Case

### UV

#### NC theory first - 1] They started the chain of abuse and forced me down this strategy 2] We have more speeches to norm over it 3] It was introduced first so it comes lexically prior.

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### Contention

#### Reducing protections of IP leads to theft and the free riding of ideas.

Van Dyke 18 [Raymond Van Dyke, Technology and Intellectual Property Attorney and Patent Practitioner, 7-17-2018, accessed on 8-8-2021, IPWatchdog, "The Categorical Imperative for Innovation and Patenting", https://www.ipwatchdog.com/2018/07/17/categorical-imperative-innovation-patenting/id=99178/] //D.Ying recut Lex VM

As we shall see, applying Kantian logic entails first acknowledging some basic principles; that the people have a right to express themselves, that that expression (the fruits of their labor) has value and is theirs (unless consent is given otherwise), and that government is obligated to protect people and their property. Thus, an inventor or creator has a right in their own creation, which cannot be taken from them without their consent. So, employing this canon, a proposed Categorical Imperative (CI) is the following Statement: creators should be protected against the unlawful taking of their creation by others. Applying this Statement to everyone, i.e., does the Statement hold water if everyone does this, leads to a yes determination. Whether a child, a book or a prototype, creations of all sorts should be protected, and this CI stands. This result also dovetails with the purpose of government: to protect the people and their possessions by providing laws to that effect, whether for the protection of tangible or intangible things. However, a contrary proposal can be postulated: everyone should be able to use the creations of another without charge. Can this Statement rise to the level of a CI? This proposal, upon analysis would also lead to chaos. Hollywood, for example, unable to protect their films, television shows or any content, would either be out of business or have robust encryption and other trade secret protections, which would seriously undermine content distribution and consumer enjoyment. Likewise, inventors, unable to license or sell their innovations or make any money to cover R&D, would not bother to invent or also resort to strong trade secret. Why even create? This approach thus undermines and greatly hinders the distribution of ideas in a free society, which is contrary to the paradigm of the U.S. patent and copyright systems, which promotes dissemination. By allowing freeriding, innovation and creativity would be thwarted (or at least not encouraged) and trade secret protection would become the mainstay for society with the heightened distrust. Also, allowing the free taking of ideas, content and valuable data, i.e., the fruits of individual intellectual endeavor, would disrupt capitalism in a radical way. The resulting more secretive approach in support of the above free-riding Statement would be akin to a Communist environment where the State owned everything and the citizen owned nothing, i.e., the people “consented” to this. It is, accordingly, manifestly clear that no reasonable and supportable Categorical Imperative can be made for the unwarranted theft of property, whether tangible or intangible, apart from legitimate exigencies. On the positive front, there is a Categorical Imperative that creators should be encouraged to create, which is imminently reasonable and supportable. Likewise, the statement set forth in the Constitution that Congress should pass laws “To promote the Progress of Science and useful Arts, by securing for limited Times to Authors and Inventors the exclusive Right to their respective Writings and Discoveries” is supportive, as a Categorical Imperative, for the many reasons elucidated two centuries ago by Madison and others, and endorsed by George Washington, Thomas Jefferson, and later by Abraham Lincoln. A Categorical Imperative, universality, however, may be a stretch outside of the United States since other cultures may not treasure the progress of science and the useful arts and freedoms that we Americans do. Nonetheless, it is certainly a supportable proposition in the United States, and even a Categorical Imperative that we must do it!