## 1

#### Interpretation: “medicines” is a generic bare plural. The aff may not defend that member nations of the World Trade Organization ought to reduce intellectual property protections for a medicine or subset of medicines.

Nebel 19. [Jake Nebel is an assistant professor of philosophy at the University of Southern California and executive director of Victory Briefs. He writes a lot of this stuff lol – duh.] “Genericity on the Standardized Tests Resolution.” Vbriefly. August 12, 2019. <https://www.vbriefly.com/2019/08/12/genericity-on-the-standardized-tests-resolution/?fbclid=IwAR0hUkKdDzHWrNeqEVI7m59pwsnmqLl490n4uRLQTe7bWmWDO_avWCNzi14> TG

Both distinctions are important. Generic resolutions can’t be affirmed by specifying particular instances. But, since generics tolerate exceptions, plan-inclusive counterplans (PICs) do not negate generic resolutions.

Bare plurals are typically used to express generic generalizations. But there are two important things to keep in mind. First, generic generalizations are also often expressed via other means (e.g., definite singulars, indefinite singulars, and bare singulars). Second, and more importantly for present purposes, bare plurals can also be used to express existential generalizations. For example, “Birds are singing outside my window” is true just in case there are some birds singing outside my window; it doesn’t require birds in general to be singing outside my window.

So, what about “colleges and universities,” “standardized tests,” and “undergraduate admissions decisions”? Are they generic or existential bare plurals? On other topics I have taken great pains to point out that their bare plurals are generic—because, well, they are. On this topic, though, I think the answer is a bit more nuanced. Let’s see why.

“Colleges and universities” is a generic bare plural. I don’t think this claim should require any argument, when you think about it, but here are a few reasons.

First, ask yourself, honestly, whether the following speech sounds good to you: “Eight colleges and universities—namely, those in the Ivy League—ought not consider standardized tests in undergraduate admissions decisions. Maybe other colleges and universities ought to consider them, but not the Ivies. Therefore, in the United States, colleges and universities ought not consider standardized tests in undergraduate admissions decisions.” That is obviously not a valid argument: the conclusion does not follow. Anyone who sincerely believes that it is valid argument is, to be charitable, deeply confused. But the inference above would be good if “colleges and universities” in the resolution were existential. By way of contrast: “Eight birds are singing outside my window. Maybe lots of birds aren’t singing outside my window, but eight birds are. Therefore, birds are singing outside my window.” Since the bare plural “birds” in the conclusion gets an existential reading, the conclusion follows from the premise that eight birds are singing outside my window: “eight” entails “some.” If the resolution were existential with respect to “colleges and universities,” then the Ivy League argument above would be a valid inference. Since it’s not a valid inference, “colleges and universities” must be a generic bare plural.

Second, “colleges and universities” fails the [upward-entailment test](https://plato.stanford.edu/entries/generics/#IsolGeneInte) for existential uses of bare plurals. Consider the sentence, “Lima beans are on my plate.” This sentence expresses an existential statement that is true just in case there are some lima beans on my plate. One test of this is that it entails the more general sentence, “Beans are on my plate.” Now consider the sentence, “Colleges and universities ought not consider the SAT.” (To isolate “colleges and universities,” I’ve eliminated the other bare plurals in the resolution; it cannot plausibly be generic in the isolated case but existential in the resolution.) This sentence does not entail the more general statement that educational institutions ought not consider the SAT. This shows that “colleges and universities” is generic, because it fails the upward-entailment test for existential bare plurals.

Third, “colleges and universities” fails the adverb of quantification test for existential bare plurals. Consider the sentence, “Dogs are barking outside my window.” This sentence expresses an existential statement that is true just in case there are some dogs barking outside my window. One test of this appeals to the drastic change of meaning caused by inserting any adverb of quantification (e.g., always, sometimes, generally, often, seldom, never, ever). You cannot add any such adverb into the sentence without drastically changing its meaning. To apply this test to the resolution, let’s again isolate the bare plural subject: “Colleges and universities ought not consider the SAT.” Adding generally (“Colleges and universitiesz generally ought not consider the SAT”) or ever (“Colleges and universities ought not ever consider the SAT”) result in comparatively minor changes of meaning. (Note that this test doesn’t require there to be no change of meaning and doesn’t have to work for every adverb of quantification.) This strongly suggests what we already know: that “colleges and universities” is generic rather than existential in the resolution.

#### It applies to “medicines” – 1] upward entailment test – “member nations of the World Trade Organization ought to reduce intellectual property protections for medicines” doesn’t entail that member nations of the WTO ought to reduce IPP for drugs because it doesn’t prove that marijuana protections should be reduced 2] adverb test – adding “always” to the res doesn’t substantially change its meaning because reduce is permanent.

#### Violation: They spec cannabis

#### Standards:

#### [1] precision – the counter-interp justifies them arbitrarily doing away with random words in the resolution which decks negative ground and preparation because the aff is no longer bounded by the resolution.

#### [2] Limits and ground – their model allows affs to defend anything from Covid vaccines to HIV drugs to Insulin— there's no universal DA since each has different functions and political implications — that explodes neg prep and leads to random medicine of the week affs which makes cutting stable neg links impossible — limits key to reciprocal engagement since they create a caselist for neg prep and it takes out ground like DAs to certain medicines which are some of the few neg generics when affs spec medicines.

#### [3] TVA solves – you could’ve read your plan as an advantage under a whole res advocacy. No prep to a plan aff would just incentivize cheaty pics which are net worse.

#### Fairness – debate is a competitive activity that requires fairness for objective evaluation. Edcuation – terminal imapct of debate

#### 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

## 2

#### Interp: Debaters must disclose round reports on the 2020-21 NDCA LD wiki for every round they have debated this season. Round reports disclose which positions (AC, NC, K, T, Theory, etc.) were read/gone for in every speech.

#### Violation: screenshot in the doc – they only have one round from grapevine and they do not disclose 1ars or 2ars.

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#### Standards:

#### 1] Level Playing Field – big schools can go around and scout and collect flows but independents are left in the dark so round reports are key to prep- they give you an idea of overall what layers debaters like going for so you can best prepare your strategy when you hit them. Accessibility first and independent voter – it’s an impact multiplier

#### 2] Strategy Education – round reports help novices understand the context in which positions are read by good debaters and help with brainstorming potential 1NCs vs affs – helps compensate for kids who can’t afford coaches to prep out affs.

## 3

#### Bipartisan infrastructure bill passing now but PC is needed – there is no margin for error.

Kapur et al 9/8 [Sahil, Frank Thorp, and Leigh Ann Caldwell; 9/8/21; Sahil Kapur is a national political reporter for NBC News, Frank Thorp V is a producer and off-air reporter covering Congress for NBC News, managing coverage of the Senate, Leigh Ann Caldwell is an NBC News correspondent; “*Democrats plow 'full speed ahead' on sweeping Biden budget, despite tensions*,” <https://www.nbcnews.com/politics/congress/democrats-plow-full-speed-ahead-sweeping-biden-budget-despite-tensions-n1278722>] Justin

WASHINGTON — The top two Democrats said they’re pushing forward with President Joe Biden’s sweeping safety net expansion, as House committees circulate legislative text with hearings scheduled Thursday to start advancing major sections of the bill. “We're moving full speed ahead,” Senate Majority Leader Chuck Schumer told reporters on a call Wednesday. The New York Democrat effectively cast aside calls by Sen. Joe Manchin, D-W.Va., for a “strategic pause” in the process of crafting the bill, as he voiced concerns about inflation and debt in a recent op-ed for the Wall Street Journal. Schumer is navigating demands by Manchin, as well as Sen. Kyrsten Sinema, D-Ariz., to reduce the price tag that Democrats set at a maximum of $3.5 trillion in the budget resolution. “There are some in my caucus who believe $3.5 trillion is too much; there are some in my caucus who believe it's too little,” Schumer said. “We're going to work very hard to have unity, because without unity, we're not going to get anything.” Speaker Nancy Pelosi said Wednesday the House is moving forward at the $3.5 trillion level. But she left open the possibility of a lower final price tag before the bill becomes law, while promising that “we will get the job done” with “a great bill” that honors Biden’s vision. “We will have our negotiations,” Pelosi, D-Calif., said, when asked by NBC News if the House could pass a bill at a lower amount. “I don’t know what the number will be. We are marking at 3.5 [trillion]. ... We will pay for more than half, maybe all of the legislation.” The remarks by Schumer and Pelosi point to a complicated balancing act, facing a broad range of opinions from centrist lawmakers skeptical of the price tag to progressives who believe $3.5 trillion should be the minimum. Democratic leaders are also juggling an aggressive timeline by seeking to ready the bill by Sept. 27 — the self-imposed House deadline to vote on the separate infrastructure bill — to ensure progressives will support the latter. They are betting Manchin can ultimately be won over on the substance of the package. Lawmakers and committees are keeping options open in case the price tag needs to be cut: For instance, they’ve privately discussed setting some provisions to expire sooner. Manchin has been somewhat vague in his demands. He has not specified what price tag he would support or what provisions of the emerging bill he wants to cut. His office did not have a comment when asked those questions Wednesday. In June, he said on ABC's "This Week" that he wants to “make sure we pay for” the bill. A source close to Manchin said he is a big proponent of targeting benefits on the basis of income and capping them so the money reaches people who need it the most — principles he believes are critical for Democrats' proposals on community college subsidies and on home-based care provisions for the disabled and elderly. Manchin also has issues with the climate change proposals in the legislation, the source said. As chairman of the Senate Energy and Natural Resources Committee, Manchin has major influence over the climate provisions. His committee was instructed to write legislation costing $198 billion for a clean electricity payment program, consumer rebates to weatherize and electrify homes, the creation of financing for domestic manufacturing of clean energy and auto supply chain technologies and climate research. “He’s not opposed to the overall bill,” the source said. “He’s going to shape the bill to what he feels is closer to the needs. People shouldn’t read into it more than that.” Senate Budget Chair Bernie Sanders, I-Vt., has said if the safety net package does not pass, the $550 billion bipartisan infrastructure package — which Manchin co-wrote — will fail as well. He told reporters the $3.5 trillion level was too low. “To my mind, this bill, that $3.5 trillion, is already the result of a major, major compromise,” Sanders said. “And at the very least, this bill should contain $3.5 trillion.” Pelosi said slashing the cost would require making difficult policy choices. “We have to talk about: What does it take? Where would you cut?” she asked. “Child care? Family medical leave paid for? Universal pre-K? Home health care?” On Thursday, the House committees on ways and means and education and labor will hold hearings on major portions of the bill they released this week. That includes 12 weeks' paid family and medical leave for all workers; expanding Medicare to cover dental, vision and hearing benefits; universal pre-K for 3- and 4-year-olds; and two years' tuition-free community college. Republicans are unified against the effort, leaving Democrats to pass the bill alone under narrow majorities. The package can bypass a Senate filibuster. Senate Minority Leader Mitch McConnell, R-Ky., said Wednesday that he hopes Manchin and Sinema “will dig in their heels” against some of the tax increases Democrats are eyeing to finance the package. “It comes down to — in the Senate — to two people,” he said. “Either one of them could kill the whole bill. I don't expect that to happen,” he said. “Either one of them could make dramatic changes in it — that could happen. Or either one of them could basically make a few cosmetic changes and throw in the towel.”

**Cannabis legislation costs Biden floortime and kills bipartisanship.**

**Roberts '21** (Chris Roberts; Chris Roberts is an award-winning investigative reporter with bylines in VICE, The Daily Beast, The Guardian, The Verge, Curbed, Forbes, SF Weekly, and others; 2-7-2021; "On Marijuana Reform, Joe Biden Will Disappoint You"; https://whowhatwhy.org/opinion/on-marijuana-reform-joe-biden-will-disappoint-you/, WhoWhatWhy, accessed 9-6-2021; JPark)

Democrats control the White House and, for now, both houses of Congress. This should be good for weed since, after all, the Democrats’ official platform calls for decriminalization. And it was Republican obstructionism that kept cannabis policy reform — including the Senate version of the MORE Act, the federal decriminalization bill that passed the House in December — reliably bottled up in Washington. This analysis neatly forgets the president’s inconvenient history as one of the chief architects of the war on drugs that filled America’s prisons. And this also assumes that Biden, or other top Democrats, will spend limited **political capital on cannabis**, when getting even coronavirus relief through Congress, let alone censuring a member who liked social media posts advocating murdering her opponents, aren’t sure things. “We’re not going to see Biden or the White House pushing for the MORE Act, or de-scheduling marijuana,” John Hudak, a scholar at the Brookings Institution think tank, told the Verge. Even thinking about what Biden would do hinges on whether he is presented with a bill he likes. And getting that far will require Republicans — not just a couple, but 10 — in the Senate. Recall that accomplishing most anything in the United States Senate requires 60 votes, not a simple majority. Biden is struggling to find 10 Republican senators willing to meet him halfway on coronavirus relief. Who are the 10 Republicans willing to hop on the Democratic bandwagon for an issue that’s still a front in the culture war? Tellingly, the cannabis lobbyists and executives gushing to Politico did not have this answer handy. And what about the Democrats? The MORE Act passed, but only after top leadership canceled a September vote because they were worried cannabis reform would be a bad look ahead of the November election — an election in which weed won a clean sweep, with voters approving legalization by wide margins in Arizona, New Jersey, Montana, and South Dakota. Voters like legalization, but Congress should not realistically be expected to spend too much time debating the needs of the cannabis industry, even after a record year of cannabis sales, when it can’t deliver $1,400 checks to impoverished Americans. “Look at the Democrats helping pot dealers while you suffer in silence,” is a line that the Democratic leadership will fall all over itself to avoid hearing during the 2022 midterms. And it shows.

#### Infrastructure secures the grid against worsening and increasing cyberattacks.

Carney 21 [Chris; 8/6/21; Senior policy advisor at Nossaman LLC, former US Representative, former professor of political science at Penn State University; "*The US Senate Infrastructure Bill: Securing Our Electrical Grid Through P3s and Grants*," JDSupra, <https://www.jdsupra.com/legalnews/the-us-senate-infrastructure-bill-4989100/>] Justin

As we begin to better understand the main components of the Infrastructure Investment and Jobs Act that the US Senate is working to pass this week, it is clear that public-private partnerships ("P3s") are a favored funding mechanism of lawmakers to help offset high costs associated with major infrastructure projects in communities. And while past infrastructure bills have used P3s for more conventional projects, the current bill also calls for P3s to help pay for protecting the US electric grid from cyberattacks. Responding to the increasing number of cyberattacks on our nation’s infrastructure, and given the fragile physical condition of our electrical grid, the Senate included provisions to help state, local and tribal entities harden electrical grids for which they are responsible. Section 40121, Enhancing Grid Security Through Public-Private Partnerships, calls for not only physical protections of electrical grids, but also for enhancing cyber-resilience. This section seeks to encourage the various federal, state and local regulatory authorities, as well as industry participants to engage in a program that audits and assesses the physical security and cybersecurity of utilities, conducts threat assessments to identify and mitigate vulnerabilities, and provides cybersecurity training to utilities. Further, the section calls for strengthening supply chain security, protecting “defense critical” electrical infrastructure and buttressing against a constant barrage of cyberattacks on the grid. In determining the nature of the partnership arrangement, the size of the utility and the area served will be considered, with priority going to utilities with fewer available resources. Section 40122 compliments the previous section as it seeks to incentivize testing of cybersecurity products meant to be used in the energy sector, including SCADA systems, and to find ways to mitigate any vulnerabilities identified by the testing. Intended as a voluntary program, utilities would be offered technical assistance and databases of vulnerabilities and best practices would be created. Section 40123 incentivizes investment in advanced cybersecurity technology to strengthen the security and resiliency of grid systems through rate adjustments that would be studied and approved by the Secretary of Energy and other relevant Commissions, Councils and Associations. Lastly, Section 40124, a long sought-after package of cybersecurity grants for state, local and tribal entities is included in the bill. This section adds language that would enable state, local and tribal bodies to apply for funds to upgrade aging computer equipment and software, particularly related to utilities, as they face growing threats of ransomware, denial of service and other cyberattacks. However, under Section 40126, cybersecurity grants may be tied to meeting various security standards established by the Secretary of Homeland Security, and/or submission of a cybersecurity plan by a grant applicant that shows “maturity” in understanding the cyber threat they face and a sophisticated approach to utilizing the grant. While the final outcome of the Infrastructure Investment and Jobs Act may still be weeks or months away, inclusion of these provisions not only demonstrates a positive step forward for the application of federal P3s and grants generally, they also show that Congress recognizes the seriousness of the cyber threats our electrical grids face. Hopefully, through judicious application of both public-private partnerships and grants, the nation can quickly secure its infrastructure from cyberattacks.

#### Cyberattacks on the grid spiral to all-out nuclear conflict.

Klare 19 [Michael; November 2019; Professor emeritus of peace and world security studies at Hampshire College; “*Cyber Battles, Nuclear Outcomes? Dangerous New Pathways to Escalation*,” Arms Control Association, <https://www.armscontrol.org/act/2019-11/features/cyber-battles-nuclear-outcomes-dangerous-new-pathways-escalation>] Justin

Yet another pathway to escalation could arise from a cascading series of cyberstrikes and counterstrikes against vital national infrastructure rather than on military targets. All major powers, along with Iran and North Korea, have developed and deployed cyberweapons designed to disrupt and destroy major elements of an adversary’s key economic systems, such as power grids, financial systems, and transportation networks. As noted, Russia has infiltrated the U.S. electrical grid, and it is widely believed that the United States has done the same in Russia.12 The Pentagon has also devised a plan known as “Nitro Zeus,” intended to immobilize the entire Iranian economy and so force it to capitulate to U.S. demands or, if that approach failed, to pave the way for a crippling air and missile attack.13 The danger here is that economic attacks of this sort, if undertaken during a period of tension and crisis, could lead to an escalating series of tit-for-tat attacks against ever more vital elements of an adversary’s critical infrastructure, producing widespread chaos and harm and eventually leading one side to initiate kinetic attacks on critical military targets, risking the slippery slope to nuclear conflict. For example, a Russian cyberattack on the U.S. power grid could trigger U.S. attacks on Russian energy and financial systems, causing widespread disorder in both countries and generating an impulse for even more devastating attacks. At some point, such attacks “could lead to major conflict and possibly nuclear war.”14

## 4

### Framework:

#### The meta-ethic is procedural moral realism.

#### This entails that moral facts stem from procedures while substantive realism holds that moral truths exist independently of that in the empirical world. Prefer procedural realism –

#### [1] Collapses – the only way to verify whether something is a moral fact is by using procedures to warrant it.

#### [2] Uncertainty – our experiences are inaccessible to others which allows people to say they don’t experience the same, however a priori principles are universally applied to all agents.

#### [3] Is/Ought Gap – we can only perceive what is, not what ought to be. It’s impossible to derive an ought statement from descriptive facts about the world, necessitating a priori premises.

#### Regress – I can keep asking “why should I follow this” which results in skep since obligations are predicated on ignorantly accepting rules. Only reason solves since asking “why reason?” requires reason which is self-justified.

#### That means we must universally will maxims— any non-universalizable norm justifies someone’s ability to impede on your ends.

#### Thus, the standard is consistency with the categorical imperative.

#### Prefer –

#### [1] Performativity—freedom is the key to the process of justification of arguments. Willing that we should abide by their ethical theory presupposes that we own ourselves in the first place.

#### [2] All other frameworks collapse—non-Kantian theories source obligations in extrinsically good objects, but that presupposes the goodness of the rational will.

### Offense

#### 1] Intellectual property is an inalienable personal right of economic use

**Pozzo 6** Pozzo, Riccardo. “Immanuel Kant on Intellectual Property.” Trans/Form/Ação, vol. 29, no. 2, 2006, pp. 11–18., doi:10.1590/s0101-31732006000200002. SJ//DA recut Cookie JX

Corpus mysticum, opus mysticum, propriété incorporelle, proprietà letteraria, geistiges Eigentum. All these terms mean **intellectual property, the existence of which is intuitively clear because of the unbreakable bond that ties the work to its creator.** The book belongs to whomever has written it, the picture to whomever has painted it, the sculpture to whomever has sculpted it; and this independently from the number of exemplars of the book or of the work of art in their passages from owner to owner. The initial bond cannot change and it ensures the author authority on the work. Kant writes in section 31/II of the Metaphysics of Morals: “Why does unauthorized publishing, which strikes one even at first glance as unjust, still have an appearance of being rightful? Because on the one hand a book is a corporeal artifact (opus mechanicum) that can be reproduced (by someone in legitimate possession of a copy of it), so that there is a right to a thing with regard to it. On the other hand a book is also a mere discourse of the publisher to the public, which the publisher may not repeat publicly without having a mandate from the author to do so (praestatio operae), and this is a right against a person. The error consists in mistaking one of these rights for the other” (Kant, 1902, t.6, p.290). The corpus mysticum, **the work considered as an immaterial good, remains property of the author on behalf of the original right of its creation. The corpus mechanicum consists of the exemplars of the book or of the work of art. It becomes the property of whoever has bought the material object in which the work has been reproduced or expressed.** Seneca points out in De beneficiis (VII, 6) the difference between owning a thing and owning its use. He tells us that the bookseller Dorus had the habit of calling Cicero’s books his own, while there are people who claim books their own because they have written them and other people that do the same because they have bought them. Seneca concludes that the books can be correctly said to belong to both, for it is true they belong to both, but in a different way **The peculiarity of intellectual property consists thus first in being indeed a property, but property of an action; and second in being indeed inalienable, but also transferable in commission and license to a publisher. The bond the author has on his work confers him a moral right that is indeed a personal right. It is also a right to exploit economically his work in all possible ways, a right of economic use, which is a patrimonial right. Kant and Fichte argued that moral right and the right of economic use are strictly connected, and that the offense to one implies inevitably offense to the other.** In eighteenth-century Germany, the free use came into discussion among the presuppositions of a democratic renewal of state and society. In his Supplement to the Consideration of Publishing and Its Rights, Reimarus asked writers “instead of writing for the aristocracy, to write for the tiers état of the reader’s world.” (Reimarus, 1791b, p.595). **He saluted with enthusiasm the claim of disenfranchising from the monopoly of English publishers expressed in the American Act for the Encouragement of Learning of May 31, 1790. Kant, however, was firm in embracing intellectual property. Referring himself to Roman Law, he asked for its legislative formulation not only as patrimonial right, but also as a personal right.** In Of the Illegitimity of Pirate Publishing, he considered the moral faculties related to **intellectual property as an “inalienable right (ius personalissimum) always himself to speak through anyone else, the right, that is, that no one may deliver the same speech to the public other than in his (the author’s) name”** (Kant, 1902, t.8, p.85). Fichte went farther in the Demonstration of the Illegitimity of Pirate Publishing. **He saw intellectual property as a part of his metaphysical construction of intellectual activity, which was based on the principle that thoughts “are not transmitted hand to hand, they are not paid with shining cash, neither are they transmitted to us if we take home the book that contains them and put it into our library.** In order to make those thoughts our own an action is still missing: we must read the book, meditate – provided it is not completely trivial – on its content, consider it under different aspects and eventually accept it within our connections of ideas” (Fichte, 1964, t.I/1, p.411). At the center of the discussion was the practice of reprinting books in a pirate edition after having them reset word after words after an exemplar of the original edition. Given Germany’s division in a myriad of small states, the imperial privilege was ineffective against pirate publishing. Kant and Fichte spoke for the acceptance of the right to defend the work of an author by the usurpations of others so that he may receive a patrimonial advantage from those who utilize the work acquiring new knowledge and/or an aesthetic experience. In particular, Fichte declared the absolute primacy of the moral faculties within the corpus mysticum. He divided the latter into a formal and a material part. “This intellectual element must be divided anew into what is material, the content of the book, the thoughts it presents; and the form of these thoughts, the manner in which, the connection in which, the formulations and the words by means of which the book presents them” (Fichte, 1964, t.I/1, p.411). Fichte’s underlining the author’s exclusive right to the intellectual content of his book – “the appropriation of which through another is physically impossible” (ibid.) – brought him to the extreme of prohibiting any form of copy that is not meant for personal use. In Publishing Considered anew, Reimarus considered on the contrary copyright in its patrimonial aspects as a limitation to free trade: “What would not happen were a universal protection against pirate publishing guaranteed? Monopoly and safer sales certainly do not procure convenient price; on the contrary, they are at the origin of great abuses. The only condition for convenient price is free-trade, and one cannot help noticing that upon the appearance of a private edition, publishers are forced to substantially lower the price of a book” (Reimarus, 1791a, pp.402-3). Reimarus admitted of being unable to argue in terms of justice. Justice was of no bearing, he said, for whom, like himself, considered undemonstrated the author’s permanent property of his work (herein supported by the legislative vacuum of those years). What mattered, he said, was equity. In sum, Reimarus anticipated today’s stance on free use by referring to the principle that public interest on knowledge ought to prevail on the author’s interest and to balance the copyright. Moreover, Reimarus extended his argument beyond the realm of literary production to embrace, among others, the today vital issue of pharmaceutical production on patented receipts. “Let us suppose that at some place a detailed description for the preparation of a good medicine or of any other useful thing be published, why may not somebody who lives in places that are far away from that one copy it to use it for his own profit and but must instead ask the original publisher for the issue of each exemplar?” (Reimarus, 1791b, t.2, pp.584). To sum up, Reimarus’s stance does not seem respondent to rule of law. For in all dubious case the general rule ought to prevail, fighting intellectual property with anti-monopolistic arguments in favor of free trade brings with itself consequences that are not tranquilizing also for the ones that are expected to apply the law. **By resetting literary texts, one could obviously expurgate some errors. More frequently, however, some were added, given the exclusively commercial objectives of the reprints. The valid principle was, thus, that reprints were less precise than original editions, but they were much cheaper for the simple reason that the pirate publisher had a merely moral obligation against the author and the original publisher. In fact, he was not held to pay any honorarium to the author upon handling over the manuscript, nor to paying him royalties, nor to pay anything to the original publisher. The** only expense in charge of the pirate publisher was buying the exemplar of the original edition out of which he was to make, as we say today, a free use.

## 5

#### Interpretation: debaters may not misdisclose the affirmative. To clarify, lying during disclosing the affirmative is bad.

#### Violation: they said closest to r5 aff with changes. Here’s the briteline for changes – if the advantage’s story is the same, but you can change the warrants – anything else is a new advantage and completely arbitrary. Their 1ac from round 5 is cartels and warming, but their aff this round is warming – err neg on the violation – they should’ve said it’s a new impact scenario but they chose to say it was a similar advantage with changes.

#### Graphical user interface, text, application Description automatically generatedGraphical user interface, text, application, chat or text message Description automatically generated

[1] lying

[2] engagement

## Case

### Adv

#### CDC and FDA say cannabis is not a medicine

CDC 18 Center for Disease Control, 3/7/18, Is marijuana medicine? https://www.cdc.gov/marijuana/faqs/is-marijuana-medicine.html/SJKS

The marijuana plant has chemicals that may help symptoms for some health problems. More and more states are making it legal to use the plant as medicine for certain conditions. But there isn’t enough research to show that the whole plant works to treat or cure these conditions. Also, the [U.S. Food and Drug Administration (FDA)External](https://www.fda.gov/NewsEvents/PublicHealthFocus/ucm421163.htm) has not recognized or approved the marijuana plant as medicine. Because marijuana is often smoked, it can damage your lungs and cardiovascular system (e.g., heart and blood vessels). These and other damaging effects on the brain and body could make marijuana more harmful than helpful as a medicine. Another problem with marijuana as a medicine is that the ingredients aren’t exactly the same from plant to plant. There’s no way to know what kind and how much of a chemical you’re getting. Two medicines have been made as pills from a chemical that’s like THC, one of the chemicals found in the marijuana plant that makes people feel “high.” These two medicines can treat nausea if you have cancer and make you hungry if you have AIDS and don’t feel like eating. But the chemical used to make these medicines affects the brain also, so it can do things to your body other than just working as medicine. Another marijuana chemical that scientists are studying, called cannabidiol (CBD), doesn’t make you high because it acts on different parts of the nervous system than THC Scientists think this chemical might help children who have a lot of seizures (when your body starts twitching and jerking uncontrollably) that can’t be controlled with other medicines. Some studies have started to see whether it can help.

#### Vote neg on presumption – they don’t affirm the topic

#### They have zero evidence that monopolies make cannabis inaccessible to opioid users. Even if there are fewer strains, there’s no reason those strains can’t be used for opioid addiction. Also, no reason why innovation is key.

#### Companies will just obtain a patent in a different sector- especially true for non-medicine cannabis

Thomas 15 [John R; Visiting Scholar, CRS; “Tailoring the Patent System for Specific Industries, Congressional Research Service,” CRS; 2015; <https://crsreports.congress.gov/product/pdf/R/R43264/7>] Justin

In view of the concerns noted above, commentators have gone so far to say that “it has become increasingly difficult to believe that a one-size-fits-all approach to patent law can survive.”75 To the extent the current patent system creates a blanket set of rules that apply comparably to distinct industries, it likely over-encourages innovation in some contexts and under-incentivizes it in others.76 Further, some observers have asserted that the need of firms to identify and access the patented inventions of others may differ among industries.77 As a result, the case can be made that distinct industrial, technological, and market characteristics that exist across the breadth of the U.S. economy compel industry-specific patent statutes. However, others have questioned the wisdom and practicality of such line-drawing.78 The following concerns, among others, have been identified:

• Over its long history, the U.S. patent system has flexibly adapted to new technologies such as biotechnology and computer software. Legislative adoption of technology-specific categories may leave unanticipated, cutting-edge technologies outside the patent system.79

• Defining a specific industry or category of technologies may prove to be a contested proposition.

80 • Over time, new industries may emerge and old industries may consolidate. The dynamic nature of the U.S. economy suggests greater need for legislative oversight within a differentiated patent regime.

81 • Even if an industry or technology remains relatively stable, the innovation environment within it might change. For example, technological or scientific advances might open new possibilities for research and development within hidebound industries—but also increase expense and risk for those firms.

82 • Distinct patent rights among industries or technologies may lead to strategic behavior on behalf of patent applicants. For example, a computer program that controls a fuel injector within an automobile could possibly be identified as either an automobile-related or a computer-related invention.

83 •The legislative effort to enact sector-specific patent laws may provide an opportunity for politically savvy firms to exert more lobbying and political power, at the possible expense of less sophisticated firms.

#### Federal prohibition on cannabis means patents are not enforceable.

McNichol 19 William McNichol (teaches Intellectual Property as well as Cannabis Law courses at Rutgers Law School. He is a patent attorney, a member of the New York and Washington bars, and a former partner at Reed Smith LLP )6/7/19, Courts are Unlikely to Enforce Cannabis Patents, <https://globalcannabiscompliance.bakermckenzie.com/2019/06/07/courts-are-unlikely-to-enforce-cannabis-patents/> SJKS

Owners of Cannabis patents will face different problems in court. Federal courts will not resolve disputes concerning the fruits of illegal activity, nor will they enforce rights or agreements in furtherance of a crime. As early as 1886 in *Higgins et al. v. McCrea*, 116 U.S. 671, the Supreme Court held that a court will not aid a party who founds his action on acts which are “illegal, criminal, and void … [in] a court whose duty it is to give effect to the law which the party admits he intended to violate.” The *Higgins* decision relied on earlier English decisions, including *The Highwayman’s Case*, where two highwaymen committed a series of robberies and one sued the other, claiming that he had been cheated out of his share of the proceeds. The Court refused to consider the suit, turned the highwaymen over to the sheriff, and fined their lawyers for bringing a suit “both scandalous and impertinent.” *Higgins* also relied upon *Holman v. Johnson* (1775), 1 Cowp. 341, where Lord Mansfield wrote that “If, from the plaintiff’s own stating or otherwise, the cause of action appears to arise *ex turpi causa*,or the transgression of a positive law of this country, there the court says that he has no right to be assisted. It is upon that ground the court goes; not for the sake of the defendant, but because they will not lend their aid to such a plaintiff.” This refusal to adjudicate disputes founded in illegality remains a robust feature of American jurisprudence. In 1961 the Supreme Court held in *U.S. v. Mississippi Valley Generating Co*., 364 U.S. 520 (1961), that a contract made in violation of a criminal conflict of interest statute would not be enforced. In 1966, the Supreme Court held in *U.S. v. Acme Process Equipment Co*., 385 U.S. 138 (1966), *reh. den*. 385 U.S. 1032, that a contract made in violation of the criminal provisions of the Anti-Kickback Act would not be enforced. In 2001 in *Formby-Denson v. Dept. of the Army*, 247 F.3d 1366 (Fed. Cir 2001), the Federal Circuit (which has exclusive appellate jurisdiction over patent cases) refused to enforce a settlement agreement that would have required the parties to conceal criminal acts from law enforcement, which would itself be a crime. The distribution and sale of Cannabis products are crimes under Federal law, notwithstanding repeal by states of their own Cannabis laws. *Gonzales v. Raich*, 545 U.S. 1 (2005). The plaintiff in a patent infringement action will be asking a Federal court to enforce the plaintiff’s exclusive right to commit certain crimes

#### CANNABIS DRIVES WARMING

Science Daily 21 Science Daily (website launched in 1995 that aggregates press releases and publishes lightly edited press releases about science) 3/8/21, Insatiable demand for cannabis has created a giant carbon footprint, Science Daily, <https://www.sciencedaily.com/releases/2021/03/210308111919.htm>

It's no secret that the United States' $13 billion cannabis industry is big business. Less obvious to many is the environmental toll this booming business is taking, in the form of greenhouse gas emissions from commercial, mostly indoor production. A new study by Colorado State University researchers provides the most detailed accounting to date of the industry's carbon footprint, a sum around which there is only limited understanding. What is clear, though, is that consumer demand for cannabis is insatiable and shows no signs of stopping as more states sign on to legalization. The study, published in *Nature Sustainability,* was led by graduate student Hailey Summers, whose advisor, Jason Quinn, is an associate professor in the Department of Mechanical Engineering. Summers, Quinn and Evan Sproul, a research scientist in mechanical engineering, performed a life-cycle assessment of indoor cannabis operations across the U.S., analyzing the energy and materials required to grow the product, and tallying corresponding greenhouse gas emissions. They found that greenhouse gas emissions from cannabis production are largely attributed to electricity production and natural gas consumption from indoor environmental controls, high-intensity grow lights, and supplies of carbon dioxide for accelerated plant growth. "We knew the emissions were going to be large, but because they hadn't been fully quantified previously, we identified this as a big research opportunity space," Summers said. "We just wanted to run with it." The CSU group's efforts update previous work by Lawrence Berkeley National Laboratory researchers, which quantified small-scale grow operations in California and predated the cascade of state-by-state legalization since Colorado was first to legalize in 2012. To date, 36 states have legalized medical use of cannabis, and 15 have legalized recreational use. **Mapping variable emissions** The CSU team surmised there would be substantial variability in emissions depending on where the product was being grown, due to climate as well as electric grid emissions. Their recently published work captures the potential cross-country spread of large commercial warehouses for growing cannabis, and it models emissions for several high-growth locations around the country. Their results include a map that shows relative emissions anywhere in the U.S., as defined as emissions per kilogram of cannabis flower. They've also developed a GIS map that allows users to enter a county name and find local emissions estimates. Their research shows that U.S. indoor cannabis cultivation results in life-cycle greenhouse gas emissions of between 2,283 and 5,184 kilograms of carbon dioxide per kilogram of dried flower. Compare that to emissions from electricity use in outdoor and greenhouse cannabis growth, which is 22.7 and 326.6 kilograms of carbon dioxide, respectively, according to the New Frontier Data 2018 Cannabis Energy Report. Those outdoor and greenhouse numbers only consider electricity, while the CSU researchers' estimate is more comprehensive, but the comparison still highlights the enormously larger footprint of indoor grow operations. The researchers were surprised to find that heating, ventilation and air conditioning systems held the largest energy demand, with numbers fluctuating depending on the local climate -- whether in Florida, which requires excessive dehumidifying, or Colorado, where heating is more important. The high energy consumption of cannabis is due in part to how the product is regulated, Quinn said. In Colorado, many grow operations are required to be in close proximity to retail storefronts, and this has caused an explosion of energy-hungry indoor warehouses in urban areas like Denver. According to a report from the Denver Department of Public Health and Environment, electricity use from cannabis cultivation and other products grew from 1% to 4% of Denver's total electricity consumption between 2013 and 2018. The team is seeking more funding for continuing their modeling work, with hopes of extending it to a comparison between indoor and potential outdoor growth operations. Ultimately, they would like to help the industry tackle environmental concerns while legal cannabis is still relatively new in the U.S. "We would like to try and improve environmental impacts before they have become built into the way of doing business," Sproul said.