# NC

## 1

#### Interp – The aff debater may not read arguments that result in a win for them independent of whether they are winning offense back to a specific framework. This does not include arguments that link to fairness or education. To clarify, no a prioris.

#### Violation – they do.

#### Prefer:

#### 1] Strat skew – each a priori is another route to the ballot and another way to moot my offense – I have to win each a priori and another piece of offense which is definitionally irreciprocal

#### 2] Clash – the strategy of reading a prioris lets them hide as many as possible in the ac/nc and then extend whatever gets dropped since they’re all super short and blippy – even when I engage with some, they’ll just go for others

#### Fairness and education are voters – debate’s a game that needs rules to evaluate it and education gives us portable skills for life like research and thinking.

#### Drop the debater – a) they have a 7-6 rebuttal advantage with 3min to make weighing args I can’t respond to, b) it deters future abuse and sets a positive norm.

#### Use competing interps – a) reasonability invites arbitrary judge intervention since we don’t know your bs meter, b) collapses to competing interps – we justify 2 brightlines under an offense defense paradigm just like 2 interps.

#### No RVI’s – a) illogical – you shouldn’t win for being fair – it’s a litmus test for engaging in substance, b) norming – I can’t concede the counterinterp if I realize I’m wrong which forces me to argue for bad norms, c) forces you to split your 2AR so you can’t collapse and misconstrue the 2NR, which checks back the chilling effect, d) topic ed – prevents 1AR blipstorm scripts and allows us to get back to substance after resolving theory

#### NC theory comes first – any neg abuse is a response to aff abuse

## 2

#### Interp – Neither debater may read an argument that precludes the other debater from even engaging.

#### Violation – “negating affirms” and “vote aff because it’s easy”

#### Prefer:

#### 1] Strat skew

#### 2] Clash

#### D] Voter:

## 3

#### 1] Their refusal to allow contestation of spikes when extended in the NR recreates ableism – people with learning disabilities might miss a spike and lose.

**Thompson:** Marshall Thompson [debater at Whitman and coach of Harrison HS. Big fan of Wittgenstein, Winnie the Pooh and all around great guy]. “Musings on Debate.” NSD, PDT, VBI.

First, I think that **evaluating who is the better debater via** who **dropped spikes** **excludes** lots of specific **individuals**, especially those **with learning disabilities**. I have both moderate dyslexia and extreme dysgraphia.  Despite debating for four years with a lot of success **I was never able to deal with spikes. I could not ‘mind-sweep’ because my flow was not clear enough to find the arguments I needed**, and I was simply too slow a reader to be able to reread through the relevant parts of a case during prep-time.I was very lucky, my junior year (which was the first year I really competed on the national circuit) spikes were remarkably uncommon. Looking back it was in many ways the low-point for spike. They started to be used some my senior year but not anything like the extent they are used today. I am entirely confident, however, in saying that **if spikes had** had **anywhere near the same prevalence** when **I** started doing ‘circuit’ debate as they do now, I—with the specific ways that dyslexia/dysgraphia has affected me—**would never have bothered to try to debate national circuit LD** (I don’t intend to imply this is the same for anyone who has dyslexia or dysgraphia, the particular ways that learning disabilities manifest is often difficult to track). Now, the mere fact that I would have been prevented from succeeding in the activity and possibly from being able to enjoyably compete is not an argument. I never would have been able to succeed at calligraphy, but I would hardly claim we should therefore not make the calligraphy club about handwriting. Instead, what I am suggesting is that **the values that debate cares about** and should be assessing **are not questions of handwriting or notation**. We expect notation instrumentally to avoid intervention, but it is not one of the ends of debate in itself. **Thus, if there is a viable principle upon which we can decrease this strategic dimension of spikes but maintain non-intervention I think we should do so**. I was ‘good’ at philosophy, ‘good’ at argument generation, ‘good’ at research, ‘good’ at casing, ‘great’ at framework comparison etc. It seems to me that as long as I can flow well enough to easily follow a non-tricky aff it was proper that my learning disabilities not be an obstacle to my success. (One other thing to note, while I was a ‘framework debater’ who could never have been good at spikes because of my learning disability I have never met a ‘tricky debater’ who could not have succeeded in debate without tricks simply in virtue of their intelligence and technical proficiency; that is perhaps another reason to favor my account.) Second, **spikes add in a greater dimension of randomness** to the round. If they are seen then they are ‘caught’ then they don’t really help you win, if they are not they do. **Against most debaters one can ‘reliably’ beat them or will ‘reliably’ lose to them. With cases with lots of spike** however, **one might generally beat them and** then **once just miss a spike and it is all over.** If the round were to have happened at a different time then the spike might have been caught. This ‘luck’ dimension strikes me as at least giving reason to think it does not track with what we want when assessing who did the better debating.

#### Speech docs don’t solve – a) just means that YOU have it written down, but when you’re actually speaking in a debate round doesn’t mean that the opponent will catch all of them b) no way to verify that you’re reading EVERY spike or that every spike is on the doc

#### 2] THE K IS THE BEST OF BOTH WORLDS -- you get to have spikes, but I get to contest the violation and implications in the NR

**Thompson:** Marshall Thompson [debater at Whitman and coach of Harrison HS. Big fan of Wittgenstein, Winnie the Pooh and all around great guy]. “Musings on Debate.” NSD, PDT, VBI.

Some of you who read this will already be aware that I do not like spikes. However, it is useful to try and clarify what exactly it is about spikes that I find so troublesome. I recognize that the 1AR is a very short and difficult speech to give. To that end, it often makes sense to sacrifice some time in the AC to save time in the 1AR if you know an argument is likely going to matter. I am all for this practice I think preemptively placing argument in your aff case is great, because it is faster to extend an argument than make an argument and so you save 1AR time by extending from your case. In contrast, often spikes are used in the hopes that the negative will not answer the argument in the NC speech and that then the argument will get the full force of a ‘conceded argument.’ Here the idea is often ‘this spike is really not good enough to win if contested, however the implication is really good for me so let’s put it in the aff where it is more likely to be missed and thus ‘conceded.’ That practice I do not like at all. Therefore, **I am all for the use of ‘spikes’ to save 1AR time but not to avoid having to defend the arguments that you make.** Luckily I think **there is a simple solution to this problem**. Simply **label** **a certain set of your arguments preemptive** for time saving use in the 1AR, **and then acknowledge that the negative has no expectation to answer these until they are extended**. Why? What are the reasons for such a practice? It seems that it would obviously decrease the strategic function of some of the arguments in your case, so why would you set it up that way? Well, because **it’s a good idea of course**, here are my reasons:

#### That’s a voting issue – ableism in debate comes first

#### 1] Ableism is a tactic of oppression that permeates all forms of discrimination - categorization based on normative biological standards justifies every form of discrimination and violence.

**Siebers:** Siebers, Tobin [Professor of Literary and Cultural Criticism @ University of Michigan], “The Aesthetics of Human Disqualification”. October 2009.

Oppression is the systematic victimization of one group by another. It is a form of intergroup violence. That oppression involves “groups,” and not “individuals,” means that it concerns identities, and this means, furthermore, that oppression always focuses on how the body appears, both on how it appears as a public and physical presence and on its specific and various appearances. **Oppression is justified most often by the attribution of natural inferiority-what some call “in-built” or “biological” inferiority**. Natural inferiority is always somatic, focusing on the mental and physical features of the group, and it figures as disability. **The prototype of biological inferiority is disability**. **The representation of inferiority always comes back to the appearance of the body and the way the body makes other bodies feel**. This is why the study of oppression requires an understanding of aesthetics-not only because oppression uses aesthetic judgments for its violence but also because the signposts of how oppression works are visible in the history of art, where aesthetic judgments about the creation and appreciation of bodies are openly discussed. One additional thought must be noted before I treat some analytic examples from the historical record. First, despite my statement that disability now serves as the master trope of human disqualification, it is not a matter of reducing other minority identities to disability identity. Rather, it is a matter of understanding the work done by disability in oppressive systems. In disability oppression, the physical and mental properties of the body are socially constructed as disqualifying defects, but this specific type of social construction happens to be integral at the present moment to the symbolic requirements of oppression in general. In every oppressive system of our day, I want to claim, **the oppressed identity is represented in some way as disabled, and although it is hard to understand, the same process obtains when disability is the oppressed identity. “Racism” disqualifies on the basis of race, providing justification for the inferiority of certain skin colors, bloodlines, and physical features. “Sexism” disqualifies on the basis of sex/gender as a direct representation of mental and physical inferiority.** “Classism” disqualifies on the basis of family lineage and socioeconomic power as proof of inferior genealogical status. “**Ableism” disqualifies on the basis of mental and physical differences, first selecting and then stigmatizing them as disabilities**. **The oppressive system occults in each case the fact that the disqualified identity is socially constructed**, a mere convention, representing signs of incompetence, weakness, or inferiority as undeniable facts of nature. As racism, sexism, and classism fall away slowly as justifications for human inferiority-and the critiques of these prejudices prove powerful examples of how to fight oppression-the prejudice against disability remains in full force, providing seemingly credible reasons for the belief in human inferiority and the oppressive systems built upon it. This usage will continue, I expect, until we reach a historical moment when we know as much about the social construction of disability as we now know about the social construction of race, class, gender, and sexuality. **Disability represents at this moment in time the final frontier of justifiable human inferiority.**

#### 2] Discussion of ablesim in debate contexts is key because of the invisibility fostered by the community

**Hendrickson:** Hendrickson, Ed [VBI Staffer and coach. Also former Meadows debater] “Depression and an Invisible Community” *Victory Briefs.* September 2013.

**The trouble with depression is that it can be made invisible so easily by those afflicted. When asked, “how was your day?” the depressed person need only say “fine” to immediately dismiss any suspicion** that, in fact, their day was not fine. **This is made especially easy in debate room chatter**, where words like depressed and exhausted and dead and beat are all tossed together in a mélange of pseudo-psychiatric self-evaluations. Here, the depressed person can blend in. For me, blending in was an effort to avoid detection—to go under the radar of nosy friends and adversaries and teachers so that I might avoid the public humiliation of being labeled a downer or a loser. Culturally, we treat mental disorders like they’re something to be ashamed of. Worse still, the word itself, depression, has been cheapened by overuse, where everything from a losing record to a lay judge is depressing. Stuck in the language, I lost sight of whether I was actually depressed or not—whether I was sad all the time only because debate was emotionally demanding or whether I had developed a legitimate disorder.  I have since confirmed that I am not alone in this regard. I couldn’t tell you whether debaters have a particular depressive streak or not (this, however, would be a very interesting bit of research, perhaps for some time in the future), but my purpose here is not statistical; I’m only speaking to my personal experience. I’ve met many debaters who are struggling with or have struggled with serious depression, though countless others remain unfamiliar to me, I’m sure. Some are undiagnosed or refusing treatment, while others are self-diagnosed and self-medicating (through counterproductive mediums like alcohol), and others still are receiving medication and struggling. They’ve experienced a range of reactions, from familial exile to warm embraces to moments of quiet solitude—some are lucky, others not. **Sources of anxiety and stress are just as varied: some are the survivors of abuse, some are struggling with their gender identity, some can’t see themselves getting out of bed tomorrow**, some never feel smart enough, some can’t begin to see themselves as pretty, and some still don’t have a reason—they just know that something is missing. Some are suicidal; some are not. I would also like to make note of the fact that, **although I’ve been speaking strictly of depression, many of the same conditions of silence exist for those who suffer from other**, legitimate psychological **disorders**. Depression has been my experience, so I’m speaking to it specifically, but I know people who regularly struggle with dissociative disorders, anxiety, OCD, ADD, ADHD, among others. I’m sure there are more still who I will never know. The problem I wish to address here, to be absolutely clear, is the twofold problem of silence: there are those who remain silent about their depression, and there are those who refuse to acknowledge the invisibility of their peers, and thereby participate in its continuity. **What’s important to recognize is not that depressed people exist, because to most people, especially in a liberal and open community like debate, that’s just a fact of life; rather, we should direct our attention to the pervasive unconsciousness to the emotional and psychological well being of other people.** We need to be good to one another in a way that transcends phatic conversation in the hallways, and we need to have at the forefront of our minds the idea that the subjects of our conversations (be it online on a blog, in a post-round rant about and RFD, or in an actual debate) are very real, often vulnerable people. Anyone could be depressed. **The moral of the story is not ‘be nice,’ but instead ‘be aware.’** Consciousness begins with openness and dialogue. This can be hard, most definitely, and I’ll be the first to admit that I’m not always available myself, and I know for a fact that an activity like debate can be trying for a lot of people, physically, mentally, and emotionally. Of course, that’s when our awareness is needed the most. When it’s quiet is when it’s important to listen.

## Case

#### Evergreening cannot be defined, thus inadequate for policy

Erika Lietzan, 20,”The Evergreening Myth”, CATO Institute, Professor Lietzan focuses her scholarship and teaching primarily in the areas of health law and policy, administrative law, and intellectual property.  She is a prolific scholar, with more than 40 published book chapters and articles in legal and scientific journals.  Some of her recent scholarship has focused on the history of and broader sociocultural context for expanded access (compassionate use) policies for unapproved medicines in the United States and France, the costs and benefits of regulating medical product innovation that emerges from academic medical settings, and plausible pathways forward for cannabis-derived medical and non-medical products., Fall/2020, [https://www.cato.org/regulation/fall-2020/evergreening-myth //](https://www.cato.org/regulation/fall-2020/evergreening-myth%20//) TK

The term “evergreening” is a metaphor, meant to remind audiences of evergreen trees, which have green foliage year‐​round. It implies that something has been extended, and users of the metaphor view this extension as improper or undesirable. When offering descriptions and examples of evergreening, they focus on drug companies continuing to innovate after first introducing a new molecule, and on the broader marketplace for medicines after subsequent innovations have been introduced to the market. But proponents are frustratingly inconsistent and unclear about what, exactly, has been “extended” in these situations. A close look at the regulatory landscape in which continuing pharmaceutical innovation occurs shows that arguments for reform are grounded in myths, such as the myth that pharmaceutical companies continuing to innovate somehow “extend” their patents.