# 1nc meadows dubs

## 1

#### Interpretation: “medicines” is a generic bare plural. The aff may not specify 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 – “the member nations of the WTO ought to reduce intellectual property protections for medicines” doesn’t entail that member nations of the WTO ought to reduce intellectual property protections for drugs bc cocaine and meth bc they don’t have IPRs.

[2] adverb test -- “member nations of the WTO usually ought to reduce IPPs for medicines” doesn’t substantially change the meaning of the res.

#### Outweighs their evidence – it tells us what to do with indefinite singulars, whereas theirs assumes indefinite singulars can only mean one thing.

#### Violation: They specify \_\_\_\_\_\_\_\_.

#### 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. Independent voter for jurisdiction – the judge doesn’t have the jurisdiction to vote aff if there wasn’t a legitimate aff.

#### [2] Limits and ground – they can spec any combinations of medicines including music, vaccines, aspirin, future medicines and many more and allowing any permutation of them explodes my prep burden – I have to prep against thousands of affs individually which massively skews engagement as you have infinite prep time to frontline your one aff whereas I won’t be prepared for yours – it wrecks neg prep since there’s marginal differences in the advantage but it takes out ground like [innovation da, heg da, econ da] which are some of the few neg generics when affs spec medicines.

#### [3] tva – just read your aff as an advantage under a whole adv, solves all ur offense since I can read normal means evidence

#### Fairness – debate is a competitive activity that requires fairness for objective evaluation. o/w 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

## 2

#### Indigeneity connotates a state of non-ontology allowing for the construction of the human that legitimizes its self into a history of elimination, jettisoned from or assimilated into the national body to cohere settler temporality

Belcourt 16. Billy-Ray Belcourt is from the Driftpile Cree Nation. He is a 2016 Rhodes Scholar and is reading for an M.St. in Women’s Studies at the University of Oxford. He was named by CBC Books as one of six Indigenous writers to watch, and his poetry has been published or is forthcoming in Assaracus: A Journal of Gay Poetry, Red Rising Magazine, SAD Mag, mâmawi-âcimowak, PRISM International, and The Malahat Review. ("A POLTERGEIST MANIFESTO," 2016, *Feral Feminism*) vikas recut aaditg

Admittedly, the feral is a precarious space from which to theorize, sullied with an injurability bound up in the work of liberal humanism as such, an enterprise that weaponizes a set of moral barometers to distribute ferality unevenly to differently citizened and raced bodies—ones that are too close for comfort and must be pushed outside arm’s reach. Perhaps ferality traverses a semantic line of flight commensurate­ with that of savagery, barbarism, and lawlessness, concreting into one history of elimination: that is, a history of eliminating recalcitrant indigeneities incompatible within a supposedly hygienic social. The word savage comes from the Latin salvaticus, an alteration of silvaticus, meaning “wild,” literally “of the woods.” Of persons, it means “reckless, ungovernable” (“Savage”). In the space-time of settler states, savagery temporarily stands in for those subjectivities tethered to a supposedly waning form of indigeneity, one that came from the woods and, because of this, had to be jettisoned from or assimilated into the national body. Here is Audra Simpson on the history of Indian “lawlessness”: Its genealogy extends back to the earliest moments of recorded encounter, when Indians appeared to have no law, to be without order, and thus, to be in the colonizer’s most generous articulation of differentiation, in need of the trappings of civilization. “Law” may be one instrument of civilization, as a regulating technique of power that develops through the work upon a political body and a territory. (2014, 144) According to Simpson, the recognition of Indigenous peoples as lawless rendered them governable, motivating the settler state (here, Canada) to curate and thus contain atrophied indigeneities—and, consequently, their sovereignties, lands, and politics—within the borders of federal law (2014, 144-45). Similarly, in The Transit of Empire Jodi Byrd traces the epistemological gimmicks through which the concept of “Indianness” came to align with “the savage other” (2011, 27). For her, this alignment provided the “rationale for imperial domination” and continues to stalk philosophy’s patterns of thinking (ibid.). Simpson, writing about the Mohawks of Kahnawake, argues that “a fear of lawlessness” continues to haunt the colonial imaginary, thereby diminishing “Indigenous rights to trade and to act as sovereigns in their own territories” (2014, 145). We might take the following lyrics from the popular Disney film Pocahontas as an example of the ways indigeneity circulates as a feral signifier in colonial economies of meaning-making: [Ratcliffe] What can you expect From filthy little heathens? Their whole disgusting race is like a curse Their skin’s a hellish red They’re only good when dead They’re vermin, as I said And worse [English settlers] They’re savages! Savages! Barely even human. (Gabriel and Goldberg 1995) Savagery connotes a state of non-ontology: Indigenous peoples are forced to cling to a barely extant humanity and coterminously collapse into a putatively wretched form of animality. Savagery is lethal, and its Indian becomes the prehistoric alibi through which the human is constituted as such. Indigenous peoples have therefore labored to explain away this savagery, reifying whitened rubrics for proper citizenship and crafting a genre of life tangible within the scenes of living through that are constitutive of settler colonialism as such. These scenes, however, are dead set on destroying the remnants of that savagery, converting their casualties into morally compatible subjects deserving of rights and life in a multicultural state that stokes the liberal fantasy of life after racial trauma at the expense of decolonial flourishing itself. This paper is therefore interested in the subjectivities and forms of sociality that savagery destroys when applied from without, and the political work of appropriating that savagery in the name of decolonization. Ours is a form of indigeneity that hints at a fundamental pollutability that both confirms and threatens forms of ontology tethered to a taxonomized humanity built in that foundational episode of subjection of which Simpson speaks. I am suggesting that savagery always-already references an otherworld of sorts: there are forms of life abandoned outside modernity’s episteme whose expressivities surge with affects anomalous within the topography of settler colonialism. This paper is not a historicist or nostalgic attachment to a pre-savage indigeneity resurrected from a past somehow unscathed by the violence that left us in the thick of things in the first place. Instead, I emphasize the potentiality of ferality as a politics in a world bent on our destruction—a world that eliminates indigeneities too radical to collapse into a collective sensorium, training us to a live in an ordinary that the settler state needs to persist as such, one that only some will survive. This world incentivizes our collusion with a multicultural state instantiated through a myth of belonging that actively disavows difference in the name of that very difference. We are repeatedly hurried into a kind of waning sociality, the content and form of which appear both too familiar and not familiar enough. In short, we are habitually left scavenging for ways to go on without knowing what it is we want. Let’s consider Jack Halberstam’s thoughts on “the wild”: It is a tricky word to use but it is a concept that we cannot live without if we are to combat the conventional modes of rule that have synced social norms to economic practices and have created a world order where every form of disturbance is quickly folded back into quiet, where every ripple is quickly smoothed over, where every instance of eruption has been tamped down and turned into new evidence of the rightness of the status quo. (2013, 126) Where Halberstam finds disturbance, I find indigeneity-cum-disturbance par excellence. Halberstam’s “wild” evokes a potentiality laboured in the here and now and “an alternative to how we want to think about being” in and outside an authoritarian state (2013, 126-27). Perhaps the wild risks the decolonial, a geography of life-building that dreams up tomorrows whose referents are the fractured indigeneities struggling to survive a historical present built on our suffering. Ferality is a stepping stone to a future grounded in Indigenous peoples’ legal and political orders. This paper does not traffic in teleologies of the anarchic or lawless as they emerge in Western thought; instead, it refuses settler sovereignty and calls for forms of collective Indigenous life that are attuned to queerness’s wretched histories and future-making potentialities. Indigeneity is an ante-ontology of sorts: it is prior to and therefore disruptive of ontology. Indigeneity makes manifest residues or pockets of times, worlds, and subjectivities that warp both common sense and philosophy into falsities that fall short of completely explaining what is going on. Indigenous life is truncated in the biopolitical category of Savage in order to make our attachments to ourselves assimilable inside settler colonialism’s national sensorium. Settler colonialism purges excessive forms of indigeneity that trouble its rubrics for sensing out the human and the nonhuman. In other words, settler colonialism works up modes of being-in-the-world that narrate themselves as the only options we have. What would it mean, then, to persist in the space of savagery, exhausting the present and holding out for futures that are not obsessed with the proper boundary between human and nonhuman life? This paper now turns to the present, asking: what happens when indigeneity collides with queerness inside the reserve, and how might a feral theory make sense of that collision? Deadly Presents “I went through a really hard time… I was beaten; more than once. I was choked” (Klassen 2014). These were the words of Tyler-Alan Jacobs, a two-spirit man from the Squamish Nation, capturing at once the terror of queer life on the reserve and the hardening of time into a thing that slows down bodies and pushes them outside its securitized geographies. Jacobs had grown up with his attackers, attackers who were energized by the pronouncement of queerness—how it insisted on being noticed, how it insisted on being. When the dust settled, “his right eye [had] dislodged and the side of his faced [had] caved in” (ibid.). Settler colonialism is fundamentally affective: it takes hold of the body, makes it perspire, and wears it out. It converts flesh into pliable automations and people into grim reapers who must choose which lives are worth keeping in the world. It can turn a person into a murderer in a matter of seconds; it is an epistemic rupturing of our attachments to life, to each other, and to ourselves. It is as if settler colonialism were simultaneously a rescue and military operation, a holy war of sorts tasked with exorcising the spectre of queer indigeneity and its putative infectivity. I rehearse this case because it allows me to risk qualifying the reserve as a geography saturated with heteronormativity’s socialities. This is a strategic interdiction that destroys supposedly degenerative queer affect worlds, untangling some bodies and not others from the future. I don’t have the statistics to substantiate these claims, but there is an archive of heartbreak and loss that is easy to come by if you ask the right people. Indeed, what would such statistics tell us that we don’t already know? What would the biopolitical work of data collection do to a knowledge-making project that thinks outside the big worlds of Statistics and Demography and, instead, inside the smaller, more precarious worlds created in the wake of gossip? I worry about ethnographic projects that seek to account for things and theory in the material in order to map the coordinates of an aberration to anchor it and its voyeurs in the theatres of the academy. The desire to attach to a body is too easily energized by a biological reading of gender that repudiates the very subjects it seeks so desperately to know and to study. What about the body? I have been asked this question, again and again. A feral theory is something of a call to arms: abolish this sort of ethnography and turn to those emergent methodologies that might better make sense of the affects and life-forms that are just now coming into focus and have been destroyed or made invisible in the name of research itself. Queer indigeneity, to borrow Fred Moten’s description of blackness, might “come most clearly into relief, by way of its negation” (2014). Perhaps decolonization needs to be a sort of séance: an attempt to communicate with the dead, a collective rising-up from the reserve’s necropolis, a feral becoming-undead. Boyd and Thrush’s Phantom Past, Indigenous Presence thinks indigeneity and its shaky histories vis-à-vis the language of haunting, where haunting is an endurant facet of “the experience of colonialism” (Bodinger de Uriarte 2012, 303). But, for me, ghostliness is differentially distributed: some more than others will be wrenched into the domain of the dead and forced to will their own ontologies into the now. Perhaps the universalist notion that haunting is a metonym for indigeneity repudiates the very life-forms that it claims to include: those who are differently queered and gendered, and, because of this, haunt waywardly and in ways that cannot be easily predicted (Ahmed 2015). This paper thus takes an imaginative turn and proceeds with something of an incantation to summon the figure of the queer Indigenous poltergeist—the feral monster in the horror story of decolonization. Queer Indigenous poltergeists do not linger inaudibly in the background; we are beside ourselves with anger, we make loud noises and throw objects around because we are demanding retribution for homicide, unloved love, and cold shoulders. We do not reconcile; we escape the reserve, pillage and mangle the settler-colonial episteme. Our arrival is both uneventful and apocalyptic, a point of departure and an entry point for an ontology that corresponds with a future that has yet to come. Sometimes all we have is the promise of the future. For the queer Indigenous poltergeist, resurrection is its own form of decolonial love. The poltergeist is an ontological anomaly: a fusion of human, object, and ghost, a “creature of social reality” and a “creature of fiction” (Haraway 1991, 149). From the German poltern meaning “[to] make noise, [to] rattle” and Geist or “ghost,” it literally means “noisy ghost,” speaking into existence an anti-subjectivity that emerges in the aftermath of death or murder (“Poltergeist”). It is the subject of Tobe Hooper’s 1982 film Poltergeist, which tells a story of “a haunting based on revenge” (Tuck and Ree 2013, 652). The film’s haunting is a wronging premised on an initial wrong: the eponymous poltergeist materializes when a mansion is constructed on a cemetery—a disturbing of spirits, if you will. José Esteban Muñoz argues that “The double ontology of ghosts and ghostliness, the manner in which ghosts exist inside and out and traverse categorical distinctions, seems especially useful for… queer criticism” (2009, 46). In this paper, the poltergeist names the form which indigeneity takes when it brings queer matter into its folds. In other words, this essay evokes haunting as a metaphor to hint at the ways in which queerness was murderously absorbed into the past and prematurely expected to stay there as an effect of colonialism’s drive to eliminate all traces of sexualities and genders that wandered astray. The poltergeist conceptualizes the work of queer indigeneity in the present insofar as it does not presuppose the mysterious intentions of the ghost—an otherworldly force that is bad, good, and undetectable all at once. Instead, the poltergeist is melancholic in its grief, but also pissed off. It refuses to remain in the spiritual, a space cheapened in relation to the staunch materiality of the real, and one that, though housing our conditions of possibility, cannot contain all of us. We protest forms of cruel nostalgia that tether ghosts to a discarded past within which queer Indigenous life once flourished because we know that we will never get it back and that most of us likely never experienced it in the first place. We long for that kind of love, but we know it is hard to come by. I turn to the poltergeist because I don’t have anywhere else to go. Help me, I could say. But I won’t. Queer indigeneity, then, is neither here nor there, neither dead nor alive but, to use Judith Butler’s language, interminably spectral (2006, 33). We are ghosts that haunt the reserve in the event of resurrection. According to Indigenous and Northern Affairs Canada, a reserve is a “tract of land, the legal title to which is held by the Crown, set apart for the use and benefit of an Indian band” (“Terminology”). The “reserve system” is part of the dispossessory ethos through which the settler state reifies land as the sign of sovereignty itself, and thus effects the political death of indigeneity, decomposing it into nothingness, into contaminated dirt. Reserves are the products of imaginations gone wild; they are ruins that bear “the physical imprint of the supernatural” on arid land, on decaying trailers arranged like weathered tombstones (Tuck and Ree 2013, 653). They are borderlands that connote simultaneous possession and dispossession: they represent the collision between settler sovereignty (insofar as the Crown holds the legal title to the land) and indigeneity (pointing to a genre of life that is distinctly Indigenous). Reserves were—some might say they still are—zones of death that regulated and regulate the movements of Indigenous bodies, quarantining their putatively contaminated flesh outside modern life in order to preserve settler-colonial futurities. It is as if the reserve were a site of complete atrophy, where indigeneity is supposed to waste away or degenerate, where queerness has already bled out. Look at the blood on your hands! The queer Indigenous poltergeist, however, foregrounds what I call a “reserve consciousness” —an awareness of the deathliness of the reserve. A reserve consciousness might be a kind of critical phenomenology that, to use Lisa Guenther’s description of this sort of insurgent knowledge project, pulls up “traces of what is not quite or no longer there—that which has been rubbed out or consigned to invisibility” (2015): here, the so-called on-reserve Indian. It might be about becoming a frictive surface; by rubbing up against things and resisting motion between objects, we might become unstuck. Queer Indigenous poltergeists are what Sara Ahmed calls “blockage points”: where communication stops because we cannot get through (2011, 68). That is, queer indigeneity connotes an ethical impasse, a dead end that presents us with two options: exorcism or resurrection. If settler colonialism is topological, if it persists despite elastic deformations such as stretching and twisting, wear and tear, we might have to make friction to survive. I turn to the reserve because it is a geography of affect, one in which the heaviness of atmospheres crushes some bodies to death and in which some must bear the weight of settler colonialism more than others. The violence done to us has wrenched us outside the physical world and into the supernatural. Some of us are spirits—open wounds that refuse to heal because our blood might be the one thing that cannot be stolen. Does resistance always feel like resistance, or does it sometimes feel like bleeding out (Berlant 2011)? Feral Socialities I must leave the beaten path and go where we are not. Queerness, according to Muñoz, is not yet here; it is an ideality that “we may never touch,” that propels us onward (2009, 1). Likewise, Halberstam suggests that the presentness of queerness signals a kind of emerging ontology. He argues that failure “is something that queers do and have always done exceptionally well in contrast to the grim scenarios of success” that structure “a heteronormative, capitalist society” (2011, 2-3). For Muñoz, queer failure is about “doing something that is missing in straight time’s always already flawed temporal mapping practice” (2009, 174). We know, however, that this isn’t the entire story. Whereas Muñoz’s queer past morphs into the here and now of homonormativity’s carceral tempos, indigeneity’s queernesses are saturated with the trauma of colonialism’s becoming-structure. Queer death doubles as the settler state’s condition of possibility. Pre-contact queer indigeneities had been absorbed into colonialism’s death grip; however, this making-dead was also a making-undead in the enduring of ghosts (Derrida 1994, 310). If haunting, according to Tuck and Ree, “lies precisely in its refusal to stop,” then the queer Indigenous poltergeist fails to have died by way of time travel (2013, 642). Queer indigeneity might be a kind of “feral sociality”: we are in a wild state after escaping colonial captivity and domestication. When the state evicts you, you might have to become feral to endure. To be feral is to linger in the back alleys of the settler state. It is a refusal of settler statecraft, a strategic failing to approximate the metrics of colonial citizenship, a giving up on the ethical future that reconciliation supposedly promises. As an aside, I suspect that the settler state’s reconciliatory ethos is always-already a domesticating project: it contains Indigenous suffering within the spectacularized theatre of the Truth and Reconciliation Commission, building a post-Residential School temporality in which Indigenous peoples have been repaired through monetary reparations and storytelling. In the melodrama of reconciliation, the settler state wins its centuries-long war against Indian lawlessness by healing Indigenous peoples of the trauma that blocked them from becoming properly emotive citizens. Queer indigeneity, however, escapes discursive and affective concealment and therefore the category of the human itself, disturbing the binary clash between the living and nonliving by way of its un-humanity, a kind of “dead living” whereby flesh is animated through death. Perhaps we must become feral to imagine other space-times, to imagine other kinds of queerness. If settler colonialism incentivizes our collusion with the humanist enterprise of multiculturalism (and it does), what would it mean to refuse humanity and actualize other subject formations? In other words, how do the un-living live? Here, I want to propose the concept of “Indian time” to theorize the temporality and liminality of queer indigeneity as it festers in the slippage between near-death and the refusal to die. Indian time colloquially describes the regularity with which Indigenous peoples arrive late or are behind schedule. I appropriate this idiom to argue that the presentness of queer indigeneity is prefigured by an escape from and bringing forward of the past as well as a taking residence in the future. To be queer and Indigenous might mean to live outside time, to fall out of that form of affective life. Indian time thus nullifies the normative temporality of settler colonialism in which death is the telos of the human and being-in-death is an ontological fallacy. It connotes the conversion of queer indigeneity into non-living matter, into ephemera lurking in the shadows of the present, waiting, watching, and conspiring. Where Jasbir Puar argues that all things under the rubric of queer are always-already calculated into the state’s biopolitical mathematic, queer indigeneity cannot be held captive because it cannot be seen—we are still emerging in the social while simultaneously altering its substance (2012). If decolonization is, according to Tuck and K. Wayne Yang’s reading of Frantz Fanon, an “unclean break from a colonial condition,” perhaps the queer Indigenous poltergeist is feral enough to will a decolonial world into a future that hails rather than expels its ghosts (2012, 20). The queer Indigenous poltergeist might have nothing else to lose.

#### The aff’s analysis of health overlooks structures of white supremacy and settler colonialism dictating healtb conditions for indigenous people which turns the case.

Kashyap 20 [Monika Batra Kashyap is a Visiting Assistant Professor at Seattle University School of Law, Ronald A. Peterson Law Clinic. J.D., University of California Berkeley School of Law. November 2020 California Law Review “U.S. Settler Colonialism, White Supremacy, and the Racially Disparate Impacts of COVID-19” <https://www.californialawreview.org/settler-colonialism-white-supremacy-covid-19/>] //aaditg

A settler colonialism framework recognizes that the United States is a present-day settler colonial society whose laws, institutions, and systems of governance continue to enact an ongoing “structure of invasion” that persists to this day.[5][5] ... Scholars across multiple disciplines have turned towards using a settler colonialism framework in their analyses to broaden understandings of how systems of subordination are structured in the United States.[6][6] ... A framework of settler colonialism understands that the three foundational processes upon which the United States was built—Indigenous elimination, anti-Black racism, and immigrant exploitation—are ongoing processes that continue to shape present-day systemic inequities.[7][7] In other words, a settler colonialism framework acknowledges the endurance of three ongoing “strategies of colonization” that continue to maintain settler colonialism’s structure of invasion: 1) strategies of elimination targeting Indigenous peoples; 2) strategies of subjugation targeting Black people (anti-Black racism); and 3) strategies of exploitation and exclusion targeting immigrants of color.[8][8] ... Moreover, a settler colonialism framework acknowledges that the ongoing strategies of colonization continue to be fueled, enabled and bolstered by an elaborate set of racial logics that Andrea Smith describes as the “logics of White supremacy.”[9][9] ... Smith argues that White supremacy in the U.S. context is enacted through three primary interrelated logics: 1) the view of Indigenous people as necessarily disappearing;[10][10] ... 2) the view of Black people as enslavable;[11][11] ... and 3) the view of immigrants of color as inferior and permanent “threats to the empire” who must either be exploited or excluded.[12][12] ... While the manifestations of these White supremacist logics may change over time, “they remain as persistently present today as they were five hundred years ago.”[13][13] This Essay will connect the persistent strategies, logics, and identities created by settler colonialism to the disparate health impacts of COVID-19 in Indigenous, Black, and immigrant of color communities in the United States. By offering a framework that uncovers the root causes of ongoing patterns of systemic oppression, this Essay hopes to inspire reform efforts that seek to alter such patterns by advancing reform efforts that are grounded in truth, justice, and reconciliation. I. Strategies of Indigenous Elimination: The Impacts of COVID-19 on Indigenous Communities Settler colonialism has eliminated Indigenous peoples in the United States through a host of strategies meant to obtain and maintain territorial control of the settler state.[14][14] As historian Patrick Wolfe explains, settler colonialism “requires the elimination of the owners of that territory, but not in any particular way.”[15][15] Elimination strategies employed by settler colonialism include genocidal violence, biological warfare through the introduction of infectious diseases, forced removal and relocation, confinement to reservations, child abduction, religious conversion, forced resocialization in residential boarding schools, and intricate biological and cultural assimilation programs that strip Indigenous people of their culture and replace it with settler culture.[16][16] White supremacist logics support the idea that Indigenous people are “nonhuman wild savages unsuited for civilization” who must therefore be eliminated, rendered expendable, or made invisible in order to justify dispossessing them of their lands.[17][17] ... These logics continue to underpin the removal of Indigenous people from settler spaces in both literal and conceptual ways.[18][18] ... For example, despite the fact that Indigenous peoples are killed in police encounters at a higher rate than any other racial or ethnic group, these deaths rarely gain the national spotlight, and are instead rendered invisible.[19][19] ... Moreover, contemporary popular narratives that designate European settlers as the “founding fathers” and refer to the United States as a “nation of immigrants” erase the existence of Indigenous peoples and render them invisible.[20][20] ... Another significant way in which settler colonialism’s ongoing strategy of Indigenous elimination manifests today is through devastating health disparities in Indigenous communities, which result in higher death rates for Indigenous peoples.[21][21] ... Important medical research implicates settler colonialism in contributing to poor health outcomes and high mortality rates in Indigenous communities in the United States.[22][22] ... This research highlights the devastating health impacts resulting from the brutal dispossession of traditional lands, the forced relocation to unproductive and polluted lands contaminated by heavy metals and industrial waste, the introduction of infectious settler diseases, and the introduction of harmful substances such as tobacco and alcohol.[23][23] ... This research also affirms a report previously published by the World Health Organization finding that Indigenous health is significantly affected by factors related to loss of language and connection to the land, environmental deprivation, and spiritual, emotional, and mental disconnectedness resulting from the loss of Indigenous traditions, culture, and identity.[24][24] ... The research concludes that these “oppressive factors” caused by colonialism perpetuate “severe inequalities in Indigenous health status, unsatisfactory disease and vital statistics, impaired emotional and social wellbeing, and poor prospects for future generations.”[25][25] Indigenous Health Part 1, supra note 22, at 66. The devastating health impacts resulting from settler colonialism’s strategy of Indigenous elimination have led to disproportionately high rates of pre-existing health conditions such as asthma, diabetes, hypertension and heart disease[26][26] ... that put Indigenous peoples at a higher risk of death by COVID-19.[27][27] ... And historical and structural inequities in federal funding—such as lack of support for municipal plumbing systems—have further exacerbated the health disparities that put Indigenous peoples at higher-risk in the COVID-19 crisis.[28][28] ... For example, 40 percent of Navajo households do not have access to running water, making it difficult to comply with handwashing recommendations.[29][29] ... As a result, Indigenous communities who were previously decimated by the imposition of settler diseases such as measles, whooping cough, small-pox, influenza, and tuberculosis continue to be eliminated by health disparities that make them disproportionately vulnerable to a new disease: COVID-19.[30][30] ... Today, Indigenous peoples in the United States are dying 3.2 times the rate of White people as a result of COVID-19.[31][31]

#### The alternative is refusal – a political depression that recognizes reconciliation will never be enough and creates harmful optimism to the political. Instead, embrace an affective pessimism that grounds alternative futures. The question is not whether Native people want the world, but if the world wants Native people

Belcourt 2016 (Billy-ray Belcourt is from the Driftpile Cree Nation. He is a 2016 Rhodes Scholar and is reading for an M.St. in Women's Studies at the University of Oxford. He was named by CBC Books as one of six Indigenous writers to watch,Political Depression in a Time of Reconciliation, Jan 15, 2016, <http://activehistory.ca/2016/01/political-depression-in-a-time-of-reconciliation/)//NotJacob//recut> anop

It’s tough: knowing that you might not get the world you want and the world that wants you back, that your bones might never stop feeling achy and fragile from the wear and tear of mere existence, from the hard labour of getting through the day. Ours are bodies that have been depleted by time, that have been wrenched into a world they can’t properly bend or squirm into because our flesh is paradoxically both too much and not enough for it. In the wake of both eventful and slowed kinds of premature death, what does it mean that the state wants so eagerly to move Indigenous bodies, to touch them, so to speak? Reconciliation is an affective mess: it throws together and condenses histories of trauma and their shaky bodies and feelings into a neatly bordered desire; a desire to let go, to move on, to turn to the future with open arms, as it were. Reconciliation is stubbornly ambivalent in its potentiality, an object of desire that we’re not entirely certain how to acquire or substantiate, but one that the state – reified through the bodies of politicians, Indigenous or otherwise – is telling us we need. In fact, Justice Murray Sinclair noted that the launch of the Truth and Reconciliation Commission’s final report on December 15, 2015, puts us at the “threshold of a new era in this country.”[1] I am interested in how life might be lived willfully and badly in the face of governmental forms of redress when many of us are stretched thin, how reconciliation, though instantiating a noticeable shift in the national affective atmosphere,[2] doesn’t actually remake the substance of the social or the political such that we’re still tethered to scenes of living that can’t sustain us. What I am trying to get at is: reconciliation works insofar as it is a way of looking forward to being in this world, at the expense of more radical projects like decolonization that want to experiment with different strategies for survival.[3] This way of doing things isn’t working and, because of that, optimism is hard to come by. According to cultural theorist Ann Cvetkovich, political depression emerges from the realization “that customary forms of political response, including direct action and critical analysis, are no longer working either to change the world or to make us feel better.”[4] It is the pestering sense that whatever you do, it won’t be enough; that things will continue uninterrupted, teasing you because something different is all you’ve wanted from the start. To be politically depressed is to worry about the temporal reach of neoliberal projects like reconciliation, to question their orientation toward the future because the present requires all of your energy in order to feel like anything but dying. Political depression is of a piece with a dispossessory enterprise that remakes the topography of the ordinary such that the labour of maintaining one’s life becomes too hard to keep up. We have to wait for the then and there in the here and now; how do we preserve ourselves until then? As Leanne Simpson points out, reconciliation has been reparative for some survivors, encouraging them to tell their stories, to keep going, so to speak.[5] But, what of the gendered and racialized technologies of violence that created our scenes of living, scenes we’ve been forced to think are of our own choosing? Optimism for the work of reconciliation disappeared in the face of multiple crises: of Missing and Murdered Indigenous Women and Girls, of HIV infection rates, of mass incarceration, of diabetes, of suicide. Reconciliation, at once a heuristic and a form of statecraft, fakes a political that doesn’t actually exist as such, one that not only presupposes that we – Indigenous peoples, that is – are willing to stay attached to it, but that we are already folded into it, that we’ve already consented to it. What does it mean, for example, to consent to a nation-to-nation relationship if there are no other options to choose from? Reconciliation wants so badly to be a keyword of sorts, to contain so much inside its semantic confines, to be “wide-reaching in its explanatory power.”[6] I’m not surprised things have started to leak all over the place. Decolonization might need something of an affective turn: I think there are ways of being attuned to our bodies such that we can gauge if our visceral responses are trained or not, parasitic or not. In short: what do our tears signal, what do his – Justin Trudeau’s – signal? We cry because pain holds our world together. I don’t want pain to hold our world together anymore. Perhaps admitting we are politically depressed is one of the most important things we could do in this day and age. When survival becomes radical and death becomes part and parcel of the ordinary itself, political depression might be our only point of departure. But, political depression is also about dreaming up alternatives that can sustain your attachments to life. Cvetkovich reminds us that we need “other affective tools for transformation” because hope and blind allegiance have failed too many of us too often.[7] I am interested in the generative work of pessimism, how being fed up propels us onward, and keeps us grounded in the now, such that we can make it to the future, even if that’s just tomorrow. As Kim TallBear put it, we’ve been living in a post-apocalyptic world (in its ecological ruins and in the face of its crisis-making politics) for quite some time,[8] one that exhausts our bodies to the point of depression and death and one that slowly removes us from the non-normative or the astray.[9] We are stuck in the thick of things, left clinging to an impasse without an exit strategy. We might need reconciliation today, but Indigenous peoples need a more capacious world-building project for tomorrow, one that can bear all of us and the sovereignties built into our breathing. We should not be asked: do you want the world today? Instead, we should be asking: does the world want us?

## 3

#### The United States should implement a universal healthcare system including free insulin.

#### Implementing a UHC system gets insulin to the uninsured

Goozner PhD 20

Merril Goozner (PhD and literally wrote the book on overpriced drugs, called “The 800$ pill), Winter 2020, "Insulin Should Be Free. Yes, Free.," Democracy Journal, <https://democracyjournal.org/magazine/55/insulin-should-be-free-yes-free/> // AW

Later in the year, on the eve of the second Democratic Party debate, Senator Bernie Sanders, who has made Medicare-for-All his signature policy proposal, took a busload of diabetics to Canada to purchase insulin that is one-tenth the United States price. **Sanders’s single-payer system would go beyond negotiating lower prices** as is done in Canada and other industrialized nations. **It would completely eliminate the copays and deductibles that stand in the way of many patients**—including some who are well-insured—getting the medications they need. That our health-care system fails to provide essential medicines to people who face immediate death or injury without them is morally outrageous. The pricing and access policies of profit-seeking drug companies also make that failure quite literally a human rights violation. Those companies—and the government that fails to control them—are flagrantly ignoring the World Health Organization’s constitution, which calls “the highest attainable standard of health a fundamental right of every human being.” The document, which the United States signed in 1946, also says that “understanding health as a human right creates a legal obligation on states to ensure access to timely, acceptable, and affordable health care of appropriate quality.”

## 4

#### Biden PC is key to getting Manchin & Sinema on board – continued negotiations tentatively get their votes – it’s try or die for Tuesday’s vote

Edmondson & Cochrane 10/24 [Catie Edmondson is a reporter in the Washington bureau of The New York Times, covering Congress, Emily Cochrane is a correspondent based in Washington. She has covered Congress since late 2018, focusing on the annual debate over government funding and economic legislation, ranging from emergency pandemic relief to infrastructure, “Biden Meets With Manchin and Schumer as Democrats Race to Finish Social Policy Bill”, 10-24-2021, New York Times, https://www.nytimes.com/2021/10/24/us/politics/biden-manchin-schumer-spending-bill.html]//pranav

WASHINGTON — President Biden huddled with key Democrats on Sunday to iron out crucial spending and tax provisions as they raced to wrap up their expansive social safety net legislation before his appearance at a U.N. climate summit next week. Speaker Nancy Pelosi of California said Democrats were close to completing the bill, displaying confidence that the negotiations over issues like paid leave, tax increases and Medicare benefits that have bedeviled the party for months would soon end. “We have 90 percent of the bill agreed to and written. We just have some of the last decisions to be made,” Ms. Pelosi said on CNN’s “State of the Union,” adding that she hoped to pass an infrastructure bill that had already cleared the Senate and have a deal in hand on the social policy bill by the end of the week. “We’re pretty much there now.” Her comments came as Mr. Biden met with Senators Chuck Schumer of New York, the majority leader, and Joe Manchin III of West Virginia, one of the critical centrist holdouts on the budget bill. The White House called the breakfast at Mr. Biden’s Wilmington home a “productive discussion.” For weeks, intraparty divisions over the scope and size of their marquee domestic policy plan have delayed an agreement on how to trim the initial $3.5 trillion blueprint Democrats passed this year. In order to bypass united Republican opposition and pass the final bill, Democrats are using an arcane budget process known as reconciliation, which shields fiscal legislation from a filibuster but would require every Senate Democrat to unite behind the plan in the evenly divided chamber. The party’s margins in the House are not much more forgiving. Facing opposition over the $3.5 trillion price tag, White House and party leaders are coalescing around a cost of up to $2 trillion over 10 years. They have spent days negotiating primarily with Mr. Manchin and Senator Kyrsten Sinema, Democrat of Arizona and another centrist holdout. House Democratic leaders hope to advance both a compromise reconciliation package and the $1 trillion bipartisan infrastructure package. Liberals have so far balked at voting on the bipartisan deal until the more expansive domestic policy package — which is expected to address climate change, public education and health care — is agreed upon. But Democrats are facing a new sense of urgency to finish the legislation before Mr. Biden’s trip to a major United Nations climate change conference, where he hopes to point to the bill as proof that the United States is serious about leading the effort to fight global warming. “The president looked us in the eye, and he said: ‘I need this before I go and represent the United States in Glasgow. American prestige is on the line,’” Representative Ro Khanna, a California Democrat who met with Mr. Biden last week at the White House, said on “Fox News Sunday.” Democrats are also increasingly eager to deliver the bipartisan legislation to Mr. Biden’s desk before elections for governor in Virginia and New Jersey on Nov. 2, to show voters the party is making good on its promise to deliver sweeping social change. And a number of transportation programs will lapse at the end of the month without congressional action on either a stopgap extension or passage of the infrastructure bill, leading to possible furloughs.

#### Big Pharma hates the plan – empirics – err neg our ev literally cites their press releases

PhRMA ’21 [The Pharmaceutical Research and Manufacturers of America (PhRMA) represents the country’s leading innovative biopharmaceutical research companies, which are devoted to discovering and developing medicines that enable patients to live longer, healthier and more productive lives. Since 2000, PhRMA member companies have invested nearly $1 trillion in the search for new treatments and cures, including an estimated $83 billion in 2019 alone, “PhRMA Statement on WTO TRIPS Intellectual Property Waiver”, 05-05-2021, https://www.phrma.org/coronavirus/phrma-statement-on-wto-trips-intellectual-property-waiver]//pranav

WASHINGTON, D.C. (May 5, 2021) – Pharmaceutical Research and Manufacturers of America (PhRMA) president and CEO Stephen J. Ubl made the following statement after the United States Trade Representative expressed support for a proposal to waive patent protections for COVID-19 medicines: “In the midst of a deadly pandemic, the Biden Administration has taken an unprecedented step that will undermine our global response to the pandemic and compromise safety. This decision will sow confusion between public and private partners, further weaken already strained supply chains and foster the proliferation of counterfeit vaccines. “This change in longstanding American policy will not save lives. It also flies in the face of President Biden’s stated policy of building up American infrastructure and creating jobs by handing over American innovations to countries looking to undermine our leadership in biomedical discovery. This decision does nothing to address the real challenges to getting more shots in arms, including last-mile distribution and limited availability of raw materials. These are the real challenges we face that this empty promise ignores. “In the past few days alone, we’ve seen more American vaccine exports, increased production targets from manufacturers, new commitments to COVAX and unprecedented aid for India during its devastating COVID-19 surge. Biopharmaceutical manufacturers are fully committed to providing global access to COVID-19 vaccines, and they are collaborating at a scale that was previously unimaginable, including more than 200 manufacturing and other partnerships to date. The biopharmaceutical industry shares the goal to get as many people vaccinated as quickly as possible, and we hope we can all re-focus on that shared objective.”

#### They lash out against infra and use COVID clout to kill it – they have public support, and a win now postpones reform indefinitely which turns case

Fuchs et al. 09/02 [Hailey Fuchsattended Yale University and was an inaugural Bradlee Fellow for The Washington Post, where she reported on national politics**,** Alice Ollstein is a health care reporter for POLITICO Pro, covering the Capitol Hill beat. Prior to joining POLITICO, she covered federal policy and politics for Talking Points Memo, Megan Wilson is a health care and influence reporter at POLITICO, “Drug industry banks on its Covid clout to halt Dems’ push on prices”, 09-02-2021, https://www.politico.com/news/2021/09/02/drug-prices-democrats-lobbying-508127]//pranav

As Democrats prepare a massive overhaul of prescription drug policy, major pharmaceutical companies are mounting a lobbying campaign against it, arguing that the effort could undermine a Covid fight likely to last far longer than originally expected. In meetings with lawmakers, lobbyists for the pharmaceutical industry have issued warnings about the reconciliation package now moving through both chambers of Congress that is set to include language allowing Medicare to negotiate the price of some drugs, which could generate billions of dollars in savings. In those conversations, K Street insiders say, lobbyists have explicitly mentioned that the fight against the coronavirus will almost certainly extend beyond the current surge of the Delta variant. And they’re arguing that now isn’t the time to hit the industry with new regulations or taxes, particularly in light of its successful efforts to swiftly develop vaccines for the virus. “For years, politicians have been saying that the federal government can interfere in the price of medicines and patients won’t suffer any harm,” said Brian Newell, a spokesperson for the Pharmaceutical Research and Manufacturers of America, or PhRMA, in a statement. “But in countries where this already happens, people experience fewer choices and less access to prescription medicines. Patients know if something sounds too good to be true, then it usually is.” The escalating warnings from the pharmaceutical industry are part of what is expected to be one of the more dramatic and expensive lobbying fights in recent memory, and a heightened repeat of the industry’s pushback to actions by former President Donald Trump to target drug prices. The proposal now under consideration in Democrats’ reconciliation package could save the federal government hundreds of billions of dollars by leveraging its ability to purchase prescription drugs, according to a report from the Congressional Budget Office. Without those funds, Democrats won’t be able to pay for the rest of the health care agenda they’ve promised to voters, including expansions of Medicare, Medicaid and Obamacare. But the plan has political power as more than a revenue raiser. Party leaders — from President Joe Biden to Senate Budget Chair Bernie Sanders (I-Vt.) — are touting it as one of the most important components of the $3.5 trillion package, with the potential to lower out-of-pocket health spending for tens if not hundreds of millions of people. Outside advocates have also zeroed in on it as the most consequential policy fight on the horizon. “This is the best chance that we have seen in a couple of decades to enact meaningful reforms to drug pricing policy in the United States that will lower the prices of prescription drugs, and it’s very clear that the drug companies are going all out to stop it,” said David Mitchell, founder of Patients for Affordable Drugs. “This is Armageddon for pharma.” Progressive Democrats and their outside allies believe they’re closer than they’ve been in decades to imposing some price controls, and worry that failure to do so this year will delay progress indefinitely given the possibility of the party losing one or more chambers of Congress in the 2022 midterms. In April, the House passed a fairly aggressive version — H.R. 3 (117) — though a handful of moderate Democrats friendly to the industry have threatened to block it when it comes back to the floor for a vote later this fall. Leadership has largely shrugged off this threat, banking on the fact that the most vulnerable frontline Democrats are vocally in favor of the policy, while most of the dissenters sit in safe blue districts. The Senate is designing its own version, outlined by Sen. Ron Wyden (D-Ore.) in June, as a middle ground between HR3 and the more narrow, bipartisan bill he and Sen. Chuck Grassley (R-Iowa) put forward last Congress. A senior Senate Democratic aide confirmed to POLITICO that the bill is nearly complete and that they’re in the process of shopping it around to undecided senators to make sure it has enough support to move forward in the 50-50 upper chamber. “It makes sense to get buy-in before releasing it rather than releasing it with fingers crossed and then tweaking it once members complain,” the aide said. But the reform push is coming at a time when the pharmaceutical industry is working hand-in-hand with government officials to combat the pandemic and enjoying a boost in public opinion as a result, even as drug costs continue to rise. The companies claim that fundamental changes to their bottom line — in addition to the Medicare provision, the reconciliation bill will likely raise corporate tax rate significantly, as high as 28 percent (a jump of 7 percentage points) — will threaten its current investments in research and development at a historically critical juncture. With the final draft of the bill expected in the coming weeks, the Pharmaceutical Research and Manufacturers of America, the lobbying arm of the pharmaceutical industry, is taking its case public. The group has recently spent at least seven figures on ads pressuring Congress not to change Medicare drug policy.

#### Specifically, they flip Sinema – she’s in their pocket

Perez & Sirota 10/08 [Andrew Perez - Senior editor and reporter at The Daily Poster covering money and influence, David Sirota - Journalist. Denverite. Founder of The Daily Poster. Editor at Large of Jacobin. Columnist at The Guardian, ““They Pick The One””, https://www.dailyposter.com/they-pick-the-one/]//pranav

“The pharmaceutical lobby is very savvy,” Democratic Rep. Ro Khanna, D-Calif., said earlier this week during a Daily Poster live chat. “They pick the one or two people they need to block things, on the relevant committees or at the relevant time." “It may differ from congress to congress,” explained Khanna, who is a member of the Congressional Progressive Caucus. “We try to get 90-95 percent [of the caucus]. They are focused not on 90 percent, but the blockers.” In the current Congress, Big Pharma appears to have zeroed in on Sen. Kyrsten Sinema, D-Ariz., as one of their lead obstructionists to help kill or gut Democrats’ drug pricing plan. In the 2020 election cycle, pharmaceutical political action committees suddenly funneled more money to her than they did the whole six years she served in the U.S. House. Pharmaceutical companies can charge up to four times as much in the United States for name-brand pharmaceuticals than in other countries, in part because Congress barred Medicare from using its bulk purchasing power to negotiate lower drug prices. President Joe Biden and most Democrats support lifting that prohibition in their reconciliation legislation, a move that would save hundreds of billions of dollars — but Sinema has emerged as the party’s most prominent opponent to the plan. Her heel turn on drug pricing is a dramatic shift. A one-time progressive activist, Sinema campaigned on lowering drug prices in her 2018 Senate race, and she was still calling on Congress to address rising drug costs as recently as last year, boasting on her Senate website that she was fighting to “ensure life-saving drugs” would be more affordable. But it’s clear now the pharmaceutical industry has been courting Sinema for some time. Indeed, in March 2021, as pharmaceutical PAC money was flooding into her campaign coffers, drug lobbyists were already bragging to Beltway reporters that they may have found their lead blocker in Sinema.

#### Infra’s k2 stopping existential climate change – warming is incremental and every change in temperature is vital

Higgins 8/16 [Trevor, Senior Director, Domestic Climate and Energy, “Budget Reconciliation Is the Key to Stopping Climate Change”, 08-16-2021, https://www.americanprogress.org/issues/green/news/2021/08/16/502681/budget-reconciliation-key-stopping-climate-change/]//pranav

The United States is suffering acutely from the chaotic changes in climate that scientists now directly attribute to the burning of fossil fuels and other human activity. The drought, fires, extreme heat, and floods that have already killed hundreds this summer across the continent and around the world are a tragedy—and a warning of worsening instability yet to come. However, this week, the Senate initiated an extraordinary legislative response that would set the world on a different path. Enacting the full scope of President Joe Biden’s Build Back Better agenda would put the American economy to work leading a global transition to clean energy and stabilizing the climate. A look at what’s coming next through the budget reconciliation process reveals a ray of hope that is easy to miss amid the fitful negotiations of recent months: At long last, Congress is on the verge of major legislation that would build a more equitable, just, and inclusive clean energy economy. This is our shot to stop climate change. Building a clean energy future must start now Until the global economy stops polluting the air and instead starts to draw down the emissions of years past, the world will continue to heat up, blundering past perilous tipping points that threaten irreversible and catastrophic consequences. Stemming the extent of warming at 1.5 degrees Celsius rather 2 degrees or worse will reduce the risk of crossing such tipping points or otherwise exceeding the adaptive capacity of human society. Every degree matters. Stabilizing global warming at 1.5 degrees Celsius starts with cutting annual greenhouse gas emissions in the United States to half of peak levels by 2030. This isn’t about temporary offsets or incremental gains in efficiency—it’s about the rapid adoption of scalable solutions that will work throughout the world to eliminate global net emissions by 2050 and sustain net-negative emissions thereafter. Building this better future will tackle climate change, deliver on environmental justice, and create good jobs. It will give us a shot to stop the planet from continuously warming. It will alleviate the concentrated burdens of fossil fuel pollution, which are concentrated in systemically disadvantaged, often majority Black and brown communities. It will empower American workers to compete in the global clean energy economy of the 21st century. There is no time to lose in the work of building a clean energy future.

## Case

### Framing

Cx proves impact o/w under their offense is probable and not a black swan

Extinction inevitable is nonsense – a) long long time away proves warming happens before means we’re all dead b) non-uniques aff means it’s pointless to do if everyone

At best only arg is predictions impossible – err neg they have to read defense to our scenario

Standard min mat. Viol – subsumes their framing mech but allows other stuff

### Advantage

#### They can’t solve – the problem is expensive developmental costs – ONLY patents solve

Jenna Gallegos & Jean Peccoud 18, 9-13-2018, "After a century, insulin is still expensive – could DIYers change that?," Conversation, https://theconversation.com/after-a-century-insulin-is-still-expensive-could-diyers-change-that-99822]//pranav

Insulin is a biologic drug, which means it’s produced by a living organism, not a chemical reaction. This process, called biomanufacturing, is more inconsistent than chemical synthesis of non-biologic drugs like aspirin. Making reliable biologic drugs is a little like winemaking. Even though the winemaker carefully follows a well-established process, minute differences will affect the final product. It’s always wine, but some vintages are better than others and tasting the wine is the only way to evaluate the final product. So if a new company wants to make insulin, that insulin has to be tested on patients in expensive clinical trials. Bringing a biologic drug to market can cost as much as $250 million. No company can afford that lump if it can’t file for a patent to recoup the investments. That’s why there’s only one “generic” insulin available so far. It’s made by a company that was already a major player in the insulin market, and it’s only 15 percent cheaper than the patented version. By comparison, most non-biologic generic drugs cost 80 percent less than the original.

#### They’re wrong about patents keeping insulin expensive, BUT pharma loves patents – proves the link

Jenna Gallegos & Jean Peccoud 18, 9-13-2018, "After a century, insulin is still expensive – could DIYers change that?," Conversation, https://theconversation.com/after-a-century-insulin-is-still-expensive-could-diyers-change-that-99822]//pranav

Discovering and developing drugs is expensive. Patents help drug companies recoup the costs from their investments by granting them a monopoly for a limited time. Once the patent expires, competing companies can begin producing generics: off-brand versions of a patented drug. This healthy competition drives prices down. So why, with the original patent long-expired, is there still no affordable generic insulin? The insulin for purchase today is not the same insulin used to treat diabetic patients nearly 100 years ago. That insulin came primarily from animals. Today, insulin is brewed up by microbes that have been genetically engineered with the gene for human insulin. And insulin is seldom injected with an old-fashioned syringe and needle anymore. Now there are insulin pens, pumps, test strips and other devices that improve the quality of life for diabetic patients. Pharmaceutical companies have also modified the chemical formula to produce faster-acting or longer-lasting insulins. With each of these inventions came a new patent. But the benefits of these “improved” insulins are debatable, and there’s nothing preventing competing companies from selling older, long off-patent versions of insulin. So what’s the holdup?

#### Patents are the single effective preventative measure against counterfeit medicine, removal would explode the counterfeit drug market hurting diabetes prevention globally

Konski 08

Antoinette Konski, 2008, “Ip Strategies to combat distribution of counterfeit drugs”, Foley and Lardner LLP, [https://www.foley.com/-/media/files/insights/publications/2008/04/ip-strategies-to-combat-distribution-of-counterfei/files/ip-strategies-to-combat-distribution-of-counterfei/fileattachment/combatcounterfeitdrugs\_a-konski.pdf //](https://www.foley.com/-/media/files/insights/publications/2008/04/ip-strategies-to-combat-distribution-of-counterfei/files/ip-strategies-to-combat-distribution-of-counterfei/fileattachment/combatcounterfeitdrugs_a-konski.pdf%20//) AW

A number of international government initiatives have been established to combat the growing problem of counterfeits. The World Health Organization (WHO) and the U.S. Food and Drug Administration have specific programs to make it more difficult to manufacture and distribute counterfeit pharmaceuticals.7 Criminal actions by governmental entities also help impede counterfeiting and can provide a powerful deterrent. For example, on August 31, 2007, Johnson & Johnson, Inc. announced that a Shanghi Court fined and sentenced Su Zhiyong, Chinese business man, to 3 ½ years in prison for selling approximately 1 million counterfeit OneTouch™ test trips. The counterfeit strips were found in 35 U.S. States, Canada, Greece, India, Pakistan, the Philippines, Saudi Arabia and Turkey.8 Such governmental efforts reduce the public health threat of counterfeit drugs but will not provide economic redress to those whose products are being copied. Enforcement of privately held intellectual property rights can however, address economic harm while at the same time, remove the copies from the market. Proactive procurement of intellectual property is the first step toward seeking private redress for economic harm. Patents, trademarks and copyrights, collectively referred to as intellectual property (IP), vary in scope, duration, geographical reach, as well as the investment of time and money required to obtain and enforce.9 It is useful at the outset for businesses to assess which form of IP protection is appropriate for a product and anticipate how illicit copying of their products and/or packaging may occur. Important considerations in this initial assessment include the type of product, the nature of the likely copying, the geographical scope of intended distribution and the duration of the exclusivity period needed to protect against copiers.10 Patents A patent allows the patentee to exclude third parties from making, using, importing, selling, or offering for sale patented products or methods of manufacture or use for a finite period of time, typically no more than 20 years from the date of initial patent filing. Patent protection must be obtained on a country-by-country basis. It is used to prevent others, for that geographical area and without the consent of the patent holder, from manufacturing and/or selling exact and close copies of the patented technology. Pharmaceutical patents are usually considered the first line of defense in protecting intellectual capital because patents can prevent others from manufacturing, using, selling and/or importing products that have the same or equivalent active ingredient or formulation. However, as compared to other intellectual property, patent rights are expensive to enforce and a final, enforceable judgment may only be obtained years after a lawsuit is filed. Patent holders must prove in civil litigation that the alleged copier is making or selling a product that is described in the patent. This requires a detailed review of the patent document and correspondence between the patent applicant and the patent office. Frequently, technical experts are retained to opine on technical terminology and the meaning of phrases or terms during this phase of the lawsuit. Only after this initial review is the alleged infringing technology compared to the property right defined during the initial phase of the proceeding. Thus, the patent can only prevent others from manufacturing, using, selling or importing products that are exact or close copies of the patented technology. Rarely, however, are counterfeit medicines close copies of the original. For example, counterfeit medicines often do not contain the same, or perhaps the same amount of the genuine, patented formulation. Therefore, a patent will not prevent the making or selling of a look-alike counterfeit drug that does not contain the same or similar active compound or formulation. In addition, a patent is granted to an “innovator” and therefore manufacturers of generic drugs, frequently manufactured after drugs have gone off-patent, cannot use patents to prevent distribution of counterfeited generics. 9 Under appropriate circumstances, misappropriation of trade secrets can provide economic redress. For a general discussion of trade secret protection, and its comparison to other forms of intellectual property, see Medd and Konski, Workplace Programs to Protect Trade Secrets, Nature Biotechnology (2003) Vol. 21:201-203. 10 Id. ©2008 Foley & Lardner LLP 4 Copyrights Copyrights prevent others from copying and claiming authorship of original works. Copyright protection is granted to original works of authorship that have been fixed in a tangible form of expression. Works of authorship include literary, musical, dramatic, pictorial, graphic, sculptural, cinematic, and architectural works. Titles, names, and short phrases are generally not copyrightable. Ownership of a copyright is secured from the time of creation and the work need not ever be published. Similar to patent protection, copyright protection is available on a countryby-country basis and requires a registration process to enforce the right against third parties. In terms of the use of copyrights to secure protection from counterfeiters, copyrights on package inserts may be useful but is of limited effectiveness in preventing the counterfeit from reaching the public or providing redress for economic harm. Trademarks Because trademarks seek to prevent exactly what counterfeiters seek to obtain, i.e. the economic benefit and investment in product integrity of the manufacturer, a strong trademark is the most valuable type of intellectual property that can be used to combat counterfeiting. Similar to patents, trademarks are enforceable on a country-by-country basis, and therefore trademark protection must be obtained in each country where the product is made or distributed.11 However, in contrast to patents, trademarks are not limited to a finite period of time but can extend as long as the trademark is used in commerce in connection with the product. Trademarks are used to identify the source of goods or services. Words, names, numbers, symbols, devices, designs, sounds, and colors that function as brands to distinguish the source of goods and their packaging may be registered as trademarks. The colors of pills as well as their shape may be trademarked. In contrast to patents, a trademark cannot be obtained on the process of making the product or medicine and does not protect the innovation of the underlying product. However, trademarks are available to generic manufacturers who identify their products with a unique logo or other identifying mark or property. Misappropriated trademarks mislead consumers by copying the unique name, logo, product packaging, shape and/or color used by the manufacturer on the genuine product or packaging, thus confusing consumers as to the actual source, and quality, of the product. Therefore, all unique aspects of the product and packaging should be considered as worthy of trademark protection and the company’s trademark should be applied as frequently as possible, e.g., on the pill itself, on both inner and outer packaging, etc. All modifications of the label, such as the product logo or other unique identifying descriptive marks should be protected in the language of the country where the product is to be sold. 11 Unlike patents, some countries recognize a trademark right without a formal application and review process, although other procedural requirements typically must be met in such cases as demonstrating proof of sale of the product within the relevant jurisdiction. ©2008 Foley & Lardner LLP 5 As compared to patents, obtaining and enforcing trademark rights are typically less costly, and a final enforceable judgment is usually obtained faster than in a patent infringement action. Indeed, evaluation of whether a trademark is likely to be infringed can be limited to a visual inspection rather than a complicated analysis of the patented technology. Most significantly, however, in many countries trademark owners can have the counterfeit goods and accompanying documents, and even sometimes manufacturing equipment immediately seized at the outset of the lawsuit. Such powerful preliminary remedies are generally not available in patent lawsuits and can lead to swift resolution of the action. Conclusion The rise of counterfeit medicines is a threat to public health and the economic investment made by innovators and generic manufacturers in the pharmaceutical industry. All manufactures of medicines can limit their economic harm by proactively assessing their product and available intellectual property options and anticipating counterfeit designs and products. After this initial assessment, appropriate intellectual property protection can be pursued in the relevant markets and countries. Although patents and to a lesser extent copyrights can be useful in combating counterfeiting and addressing economic harm, a strong trademark is the strongest intellectual property tool for combating counterfeiting.