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1NC Shell

A.) Obama has given authority over infrastructure to the states now

Katz 2/16

(Bruce, Vice President and Director, Metropolitan Policy Program, February 16, 2012, “Remaking Federalism to Remake the American Economy”, http://www.brookings.edu/research/papers/2012/02/16-federalism-katz)

On the programmatic front, President Obama has worked to enable states and localities to tackle structural challenges in integrated ways. The administration’s Sustainable Communities Initiative—a partnership among the Department of Transportation, Department of Housing and Urban Development (HUD) and Environmental Protection Agency (EPA)— has, for example, given cities and metropolitan areas resources, information and tools to make sharper connections between housing, transportation and environmental resources. On regulatory matters,President Obama has used federal actions to set a “floor rather than a ceiling” on a range of consumer protection, clean energy and environmental matters. This has left room for the states to innovate on auto emission standards in California, for example, and to seek redress for mortgage abuses through the States Attorney Generals. To date, President Obama’s approach to economic restructuring has tended toward the more permissive, enabling end of the federalist spectrum.

B.) Federal usurpation of power undermines state’s authority

Bybee 2k

(Jay, Harvard Journal of Law & Public Policy, 2000, “The Tenth Amendment among the shadows: on reading the constitution in Plato's Cave”, http://findarticles.com/p/articles/mi\_go2782/is\_2\_23/ai\_n28790797/pg\_5)

The new term actually gives us a new perspective on the enumerated powers. No power granted to Congress - think of the Commerce Clause - may be so construed as to preempt entirely the states' power over the people. I employ the phrase "power over the people" for two reasons. First, this phrase emphasizes that the reserved powers of the states must somehow reflect general sovereign powers, which are powers over people. The "States qua States" cases preserve the states' power over some people - those who are state employees. A state that may resist commandeering so as to retain only the power to exist in name possesses no meaningful powers. Second, I refer to the states' power over "people" because the Court has overlooked "the people" in its arguments over the Tenth Amendment, and "the people's" rights are also reserved. The Tenth Amendment expresses a triangular relationship among the federal government, state governments, and the people. Although the context for Tenth Amendment litigation has involved disputes between states and the federal government, residual state authority also inures to the benefit of "the people." In any contest between Congress and the states, a decision that favors expanded federal powers necessarily disfavors the states and the people. When Justice Souter wrote in Alden that "the commerce power is no longer thought to be circumscribed," he meant, implicitly, that the people have reserved no powers over commerce or anything affecting it.

C.) Federalism solves war in the US and abroad

Calabresi 95

(Steven G., Assistant Prof – Northwestern U., Michigan Law Review, p. 762)

Small state federalism is a big part of what keeps the peace in countries like the United States and Switzerland. It is a big part of the reason why we do not have a Bosnia or a Northern Ireland or a Basque country or a Chechnya or a Corsica or a Quebec problem. American federalism in the end is not a trivial matter or a quaint historical anachronism. American-style federalism is a thriving and vital institutional arrangement - partly planned by the Framers, partly the accident of history - and it prevents violence and war. It prevents religious warfare, it prevents secessionist warfare, and it prevents racial warfare. It is part of the reason why democratic majoritarianism in the United States has not produced violence or secession for 130 years, unlike the situation for example, in England, France, Germany, Russia, Czechoslovakia, Yugoslavia, Cyprus, or Spain. There is nothing in the U.S. Constitution that is more important or that has done more to promote peace, prosperity, and freedom than the federal structure of that great document. There is nothing in the U.S. Constitution that should absorb more completely the attention of the U.S. Supreme Court.

Uniqueness Extensions:

State authority on transportation is growing now – federal assistance is at an all-time low

Russell 2011

Nicholas, Russell. "Six Ideas for Fixing the Nation's Infrastructure Problems." *Governing -the States and Localities*. N.p., June 2011. Web. 30 June 2012. <http://www.governing.com/topics/transportation-infrastructure/six-ideas-for-fixing-the-nations-infrastructure-problems.html>.

States pay for about two-thirds of surface transportation spending. With less money available from the feds, their portion may need to grow -- an increasingly familiar storyline in all areas of funding right now. Given that dynamic, states and localities are asking for more flexibility on how they can spend federal dollars and are endorsing plans that would allow the federal government to leverage the limited funds that are available. One idea that has received bipartisan support is a plan known ass America Fast Forward. It’s a proposal to expand a federal program of the Transportation Infrastructure Finance and Innovation Act (TIFIA) that provides low-interest loans for transportation projects. The proposal’s biggest cheerleader is Los Angeles Mayor Antonio Villaraigosa. In 2008, Angelinos approved a sales-tax hike for a set of highway and transit projects; but rather than funneling that revenue into new projects outright, Villaraigosa’s goal is to use the money to pay debt on a federal transportation loan. An upfront loan would allow the city to complete its projects rapidly while using the proceeds of its 30-year sales-tax hike to pay it back over time. Currently TIFIA isn’t big enough to accommodate such large-scale plans, which is why Los Angeles has backed a national push to expand the program from $122 million annually to $375 million, and to raise its cap from 33 percent of project costs to 49 percent. “It’s an idea that’s different from a grant program,” says L.A. Deputy Mayor for Transportation Jaime de la Vega. “We’re coming to the table with money and saying we need a partnership. It’s not a handout.” State leaders are also backing a plan to reduce the number of federal highway programs from 55 to five, in an effort to gain greater flexibility in how the dollars are spent. That would help clear up what some people see as troublesome inconsistencies in how funds are meted out. For example, federal aid can be used for preventive maintenance of highways, but routine maintenance is considered a state responsibility. Rhode Island Transportation Director Michael Lewis recently testified before Congress that his state has to take on debt just to get the required match to receive transportation funds, when that money could have been used to perform maintenance. “Now is not the time to tie our hands and limit the use of transportation dollars and assets,” Lewis told Congress. Other options that would grant more power to states have been gaining traction in D.C., including creating an infrastructure bank, expanding public-private partnerships and allowing tolling on interstate highways (an idea LaHood has said he’s open to). However, flexibility can be a double-edged sword, cautions Leslie Wollack, program director for infrastructure and sustainability at the National League of Cities. “If flexibility means a state doesn’t want to spend any [of its own] money on transportation enhancement or transit or to collaborate on what’s going on at the local level, then we see that as a problem.”

The issue of federalism is being decided now – it’s a key time to project state power

**Smith 2012**

Smith, Kevin B. "Chapter 2. Federalism: The Power Plan." *Federalism: The Power Plan*. CQ Press and Publications, 2012. Web. 30 June 2012. <http://college.cqpress.com/sites/govstateandlocal/Home/chapter2.aspx>.

In an attempt to address the disadvantages of federalism, the nature of the relationship between the states and the federal government has experienced many changes. While federalism provides states and local government an opportunity to experiment with public policy, there has been disagreement over how much policymaking authority the states should have. These disagreements have spawned different eras of federalism. The 1930s saw the emergence of a more cooperative relationship between the states and the federal government, whereas the 1960s and 1970s saw an increase in the financial dependence of the states on the federal government. The relationship is further complicated by the fact that the U.S. Constitution fails to explicitly address the powers of state governments. States are now less financially dependent on the federal government, and they have more policy discretion and autonomy, but debates continue over what policy responsibilities lay with each level of government. This has led to renewed arguments over the role of both states and the federal government in the provision of basic public services.

Link – Transportation

**Empirically, states have control over transportation and domestic issues. The plan is a form of coercive federalism in which the federal government does not consult with the states.**

Scheppach 6

[Raymond C. Ph.D. Executive Director, National Governors Association. Will the 2008 election improve state-federal relations?; The next president faces a crucial choice in how he'll get along - not just with foreign governments - but with leaders at home in the 50 states. Stateline.org. July 9 Lexis AD 07/05/09] JL

Federalism scholars often point to two recent periods in which federalism was defined very differently. Between 1980 and 1996, there was "cooperative" federalism, an era ushered in by the Reagan administration and marked by a genuine partnership between states and the federal government. President Reagan engaged in discussions and negotiations with the nation's governors over a huge swap proposed for domestic programs in which the federal government would take responsibility for all Medicaid and states would take responsibility for transportation and other domestic issues. Although this dialogue did not lead to any major legislative changes, both sides embraced a real federal-state partnership. Cooperative federalism continued through the early years of the Clinton administration, which saw passage of the Unfunded Mandates Reform Act in 1995, and welfare reform in 1996. Both the Republicans in Congress and the Democratic president worked cooperatively with governors to enact these two bills. Welfare reform not only turned an individual entitlement program into a block grant, but it also gave states substantial authority to tailor the program to the needs of their citizens. From the mid-1990s through the present, we have been in a period of "coercive federalism," where the federal government more often just tells the states what to do. It does not ask for advice or enter into serious negotiation with the states.

Link Extensions:

**Federalism is on the brink now – the plan gives the federal government unprecedented power**

Shaw 4/5

(Publisher of Sun Advocate. Shaw, Rishard. "States Need More Power, Feds Less." *Sun Advocate*. N.p., 5 Apr. 2012. Web. 27 June 2012. <http://www.sunad.com/index.php?tier=1>.3)

Senator Mike Lee visited Price on Tuesday morning and had a town meeting with business and political leaders in the area.

And based on his comments, it is obvious he feels the Federal government has over-reached itself in too many areas of people's lives. Lee, who is known as a Constitutionalist, posed those views to about 30 people in the Price City council chambers. He told stories about his family and his time in Washington D.C. He also offered some solutions for the country/s woes on everything from the economy to Social Security to energy. He also largely talked about the bureaucracy that he says Washington D. C. has become."The government is on autopilot," he stated."We have people making laws that aren't elected. Government regulations did number 160,000 pages of material, and just recently they introduced another 82,000 pages. Right now the American people pay $1.75 trillion because of those regulations." Lee said the federal government needs to provide some things, such as national defense, regulate the relations between states and some national laws, but that they should leave most everything else up to the states themselves. He said that he is introducing legislation that will cause government regulations to sunset at some point without a vote of Congress, so regulations won't be so overwhelming and onerous. 'Tyranny of expertise' "We are staring at the tyranny of expertise," he said. "These people who run the government use that to make new rules and restrict lifestyles. Where I come from that's called tyranny." Lee also made comments on a number of things that the audience asked about. - Carbon County Commissioner Mike Milovich asked him about news reports that he supported Sanpete County in their bid to get the Gooseberry Narrows Dam built. Lee said he had studied the situation some but wouldn't "take a public position on it until it got teed up before Congress." - Lee defended the use of coal for generating power. "I've benefited every day of my life from coal," he said. "There are lot of people that don't like coal (in Washington D.C.). They are going to continue to regulate it in degrees until they are rid of it." - Lee complimented the Utah State Legislature for passing the bill that is intended to take back all the federal land that he and others maintain should have been granted to Utah right after statehood. Too much public land "We'd all be nervous if one person owned even five percent of the land in the state because they would control so much of what could be done economically," he said. "East of Colorado the federal government only owns about 15 percent of the land. West of there the percentage is 50 percent and in Utah it is two thirds of the land. That makes it a lot more complicated. It's like having another sovereign government within the state. They can say you can't tax them. If you want to use the land for something it can take five to 10 years for them to do studies and resource management plans. And if they don't like what you want to do when all is said and done they can turn it off anyway. Win, lose or draw on this bill, we need to start a national discussion on this issue. If the East wants the land to remain fallow or to have it unused to make them feel all warm and fuzzy about it, that's fine. But then let them pay for it." - When asked by Price Mayor Joe Piccolo about the possibility of turning the Carbon Power Plant (that appears to be subject to being closed in the next decade) into some kind of power generation research facility, Lee said he thought that was worth pursuing and he would like to stay in the loop on those developments. - Carbon County Chamber of Commerce Director Ann Evans asked about health insurance and commented on how it is so hard for someone to get insurance after they have had cancer (even after five years of being clean) without some kind of government plan to aid them. Lee said that he was confident that the national health plan that was before the Supreme Court this past week would be struck down and that the national government shouldn't have anything to do with it anyway. "Let the states handle it," he said. "A national plan takes into account the health and health risks of people all over the country, when the truth is that the health of people around the nation is different from place to place," he said. "A national plan blurs the lines and everyone is looked at the same way. There are a number of things that can be done including insurance exchanges where insurance can be purchased on the open market and the state will subsidize it." He went on to say that the states should handle health care because they do all the licensing of doctors, insurance companies, etc. He stated that the average cost of health care used by an individual in Utah is $3,700 per year while in Washington D.C. it is $8,000 per year. - Price City Councilman Wayne Clausing asked Lee about Social Security and what he thinks should be done to keep it solvent. Lee said that Social Security would have been alright if Congress had not been borrowing from the trust fund for years. He said what is owed to that trust fund is part of the national debt and it will just get worse. He is proposing legislation that will not affect anyone with the benefits they should be getting that are beyond 55 at the time the bill becomes law. The new law would then adjust the retirement age a month or two every year for 20 years to help make the system solvent. He also says within that bill are provisions so that the wealthy would not get full Social Security payments. - Carbon County Commissioner Jae Potter also asked Lee about getting environmentalists off the backs of local governments and businesses. Commissioner John Jones also brought up the fact that environmental groups can file lawsuits, and get support from the government for funding them. Lee said that the Equal Access to Justice Act should stop being funded (the act allows for individuals or groups to sue the government while getting payment for the legal fees they might incur). He said it unbalances justice."This is not a Democratic or a Republican issue," he stated. "If government puts its thumb on one side of the scales of justice it unbalances that scale." - Carbon County Economic Director Delynn Fielding asked Lee about the national debt and what could be done about it. "Well there is a painful way to solve it and a more painful way," he said. "The less painful way is for Congress to pass a Balanced Budget Amendment that will keep them from borrowing money in the future. The more painful way is for us to keep going the way we are and then we will have no choices. If something isn't done in the next five to 10 years we will have to slash, burn and cut everything."

Lee also made comments about Congress as a whole and concerning their inability to avoid gridlock and to work together. "We have a lot of people in Congress who if they can't get what they want, then they don't want anything."

Link Extensions:

The state’s roles in key decisions are critical to federalism

McKinstry 2007

(Robert B., Dernbach, John C. and Peterson, Thomas D., Federal Climate Change Legislation as if the States Matter. Section of Natural Resources Law, Forthcoming; Widener Law School Legal Studies Research Paper No. 08-04. Available at SSRN: http://ssrn.com/abstract=1031552)

The growing prospect of comprehensive national climate change legislation raises many important questions about the role of state efforts in a national climate change program. This article identifies the key state/federal issues that should be addressed in any comprehensive national comprehensive climate change legislation. It also provides recommendations for resolving these issues. In addition to a cap-and-trade program and uniform national standards for some sectors, federal climate change legislation should adopt and modify the State Implementation Plan model in the Clean Air Act. That is, states should be given responsibility through State Implementation Plans to achieve specified emissions reductions, including those from electricity demand reduction.

States currently hold the vast majority of authority over infrastructure

Katz 2/16

(Bruce, Vice President and Director, Metropolitan Policy Program, February 16, 2012, “Remaking Federalism to Remake the American Economy”, http://www.brookings.edu/research/papers/2012/02/16-federalism-katz)

Our federal republic diffuses power among different layers of government and across disparate sectors of society. States are the key constitutional partners, because they have broad powers over such market-shaping policy areas as infrastructure, innovation, energy, education and skills training.

Federal intervention kills federalism

Shanske 11

(Darien, UC Hastings College of the Law, October 19, 2011, “How Less Can Be More: Using the Federal Income Tax to Stabilize State and Local Finance”, http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=1946614)

Yet there are still deeper issues to be considered. First, the federal financing subsidy undermines truly competitive federalism because the central government is putting its thumb on the scale in favor of certain activities - specifically, borrowing. Furthermore, this subsidy allows sub-national governments to avoid internalizing the full cost of their borrowing because the borrowing is subsidized by the national government, and so this subsidy is particularly suspect.

Federal subsidies kill interstate competition

McGinnis & Somin 04

(John and Ilya, Northwestern Law School, 2004, “Federalism Vs. States' Rights: a Defense of Judicial Review in a Federal System”, http://www.questia.com/PM.qst?a=o&d=5036470143)

Federal subsidies to the states undermine interstate competition in two major ways. First, to the extent that horizontal competition is motivated by a desire to increase state tax revenue by attracting migrants or preventing emigration, the existence of an alternative source of revenue necessarily diminishes state incentives to compete. In addition to serving as a substitute source of state revenue, federal grants can sometimes undermine interstate competition more directly by enabling the states to establish a cartel by acceding to a common federal grant condition. The federal government in this scenario acts as the cartel manager, punishing defecting states by withdrawing their funding. For example, states seeking to avoid tax competition can create a cartel by the adoption of a federal policy that denies grants to states with tax rates below a certain level. The federal government can often crush vertical competition simply by paying the states not to compete with it. Federal grants to states are a particularly effective tool for restricting competition because, unlike in the case of preemptive mandates, state governments are actually likely to support them due to their desire to acquire additional federal funds. Finally, federal grants to state governments can undermine diversity by attaching conditions that force dissenting states to conform to the preferences of the majority. Both liberal and conservative interest groups can use such conditions to impose their preferences on recalcitrant minority states

Internal Link – Zero sum

Federal exercise of power reduces state power

Yoo 97

(John, law professor, 1997, SOUTHERN CALIFORNIA LAW REVIEW, p. 1352)

It is important to note that Justice Kennedy did not differentiate between laws that regulated states qua states and those that regulated private parties in areas that might be thought to lie within state power. Following Chief Justice Rehnquist's majority opinion, Justice Kennedy's concurrence treated the exercise of any federal power as a diminution of the power of the states and hence a reduction of state sovereignty

Expansion of federal power reduces states’ rights

Lee ‘96

(Rex, Former Solicitor General, Brigham Young U. Law Review, p. 369)

Thus, though the state circle of power is larger than that of the federal government, federal power is supreme and preempts state power within the area covered by the smaller circle. If the circle of federal power is expanded, as shown by the broken line, the nonpreempted portion of the state’s power circle – and therefore the effective area in which the states may govern – is correspondingly diminished.

Growth in federal power and usurpation of jurisdiction undermines state power

Harvard Journal of Law and Public Policy ‘2K

Spring, p. 565-6

The new term actually gives us a new perspective on the enumerated powers. No power granted to Congress - think of the Commerce Clause - may be so construed as to preempt entirely the states' power over the people. I employ the phrase "power over the people" for two reasons. First, this phrase emphasizes that the reserved powers of the states must somehow reflect general sovereign powers, which are powers over people. The "States qua States" cases preserve the states' power over some people - those who are state employees. A state that may resist commandeering so as to retain only the power to exist in name possesses no meaningful powers. Second, I refer to the states' power over "people" because the Court has overlooked "the people" in its arguments over the Tenth Amendment, and "the people's" rights are also reserved. The Tenth Amendment expresses a triangular relationship among the federal government, state governments, and the people. Although the context for Tenth Amendment litigation has involved disputes between states and the federal government, residual state authority also inures to the benefit of "the people." In any contest between Congress and the states, a decision that favors expanded federal powers necessarily disfavors the states and the people. When Justice Souter wrote in Alden that "the commerce power is no longer thought to be circumscribed," he meant, implicitly, that the people have reserved no powers over commerce or anything affecting it.

Internal Link – Modeling

U.S. constitutional federalism is modeled internationally

Calebresi ‘95

[Stephen, Associate Professor, Northwestern University School of Law. B.A. 1980, J.D. 1983, Yale, “Reflections on United States v. Lopez: "A GOVERNMENT OF LIMITED AND ENUMERATED POWERS": IN DEFENSE OF UNITED STATES v. LOPEZ,” 94 Mich. L. Rev. 752, Michigan Law Review, December, 1995, p. 759-60]

At the same time, U.S.-style constitutional federalism has become the order of the day in an extraordinarily large number of  very important countries, some of which once might have been thought of as pure nation-states. Thus, the Federal Republic of Germany, the Republic of Austria, the Russian Federation, Spain, India, and Nigeria all have decentralized power by adopting constitutions that are significantly more federalist than the ones they replaced. Many other nations that had been influenced long ago by American federalism have chosen to retain and formalize their federal structures. Thus, the federalist constitutions of Australia, Canada, Brazil, Argentina, and Mexico, for example, all are basically alive and well today. As one surveys the world in 1995, American-style federalism of some kind or another is everywhere triumphant, while the forces of nationalism, although still dangerous, seem to be contained or in retreat. The few remaining highly centralized democratic nation-states like Great Britain, France, and Italy all face serious secessionist or devolutionary crises. Other highly centralized nation-states, like China, also seem ripe for a federalist, as well as a democratic, change. Even many existing federal and confederal entities seem to face serious pressure to devolve power further than they have done so far: thus, Russia, Spain, Canada, and Belgium all have very serious devolutionary or secessionist movements of some kind. Indeed, secessionist pressure has been so great that some federal structures recently have collapsed under its weight, as has happened in Czechoslovakia, Yugoslavia, and the former Soviet Union. All of this still could be threatened, of course, by a resurgence of nationalism in Russia or elsewhere, but the long-term antinationalist trend seems fairly secure. There is no serious intellectual support for nationalism anywhere in the world today, whereas everywhere people seem interested in exploring new transnational and devolutionary federal forms. The democratic revolution that was launched in Philadelphia in 1776 has won, and now it seems that democrats everywhere join Madison in "cherishing the spirit and supporting the character of federalists."

The U.S. is a global federalist model

Mallat ‘03

(Chilibi, PhD – U London, Case Western Reserve Journal of International Law, Winter, p. 21

Laurence Tribe, in *Constitutional Choices,* summarized what he calls the underlying political ideas of the American system into a list of six categories: representative republicanism, federalism, separation of powers, equality before the law, individual autonomy and procedural fairness. America has shared many of these traits with other democracies for a long time, but two constitutional features stand out on a world level as typically American -- federalism and the Supreme Court. The American people deserve credit for both inventions which brought new dimensions to democracy and the rule of law for the rest of the planet. Perhaps America does not know it, but the world has been a consistently better place wherever her two home-grown intellectual products have found anchor.

Each Infraction matters

Small decisions are the greatest threat to federalism

Lebow ‘97(Cynthia C., Associate Dir – RAND, U. Tennessee Law Review, Spring, n162

If Congress may do this, presumably it has the power to pre-empt state-court rules of civil procedure and judicial review in classes of cases found to affect commerce. This would be the type of gradual encroachment hypothesized by Professor Tribe: "Of course, no one expects Congress to obliterate the states, at least in one fell swoop. If there is any danger, it lies in the tyranny of small decisions in the prospect that Congress will nibble away at state sovereignty, bit by bit, until someday essentially nothing is left but a gutted shell."

Impact Extensions:

Federalism reduces conflict and keeps the overburdened federal government’s power checked

Nivola 2005

(Nivola, Pietro S. "Why Federalism Matters." *Brookings*. N.p., Oct. 2005. Web. 29 June 2012. http://www.brookings.edu/research/papers/2005/10/governance-nivola)

"What do we want from federalism?" asked the late Martin Diamond in a famous essay written thirty years ago. His answer was that federalism— a political system permitting a large measure of regional self-rule—presumably gives the rulers and the ruled a "school of their citizenship," "a preserver of their liberties," and "a vehicle for flexible response to their problems." These features, broadly construed, are said to reduce conflict between diverse communities, even as a federated polity affords inter-jurisdictional competition that encourages innovations and constrains the overall growth of government. Whatever else it is supposed to do, however, a federal system should offer government a division of labor. Perhaps the first to fully appreciate that benefit was Alexis de Tocqueville. He admired the decentralized regime of the United States because, among other virtues, it enabled its national government to focus on primary public obligations ("a small number of objects," he stressed, "sufficiently prominent to attract its attention"), leaving what he called society's countless "secondary affairs" to lower levels of administration. Such a system, in other words, could help the central government keep its priorities straight. Federalism's several supposed advantages are weighed in this first of two Brookings Policy Briefs. A subsequent one will delve more deeply into the facet of particular interest to de Tocqueville: a sound allocation of competences among levels of government. For arguably, it is this matter above all that warrants renewed emphasis today, because America's central government with its vast global security responsibilities is overburdened.

Federalism ensures unity –without federalism Belgium, France and Italy would have been partitioned

Nivola 2005
(Nivola, Pietro S. "Why Federalism Matters." Brookings. N.p., Oct. 2005. Web. 29 June 2012. <http://www.brookings.edu/research/papers/2005/10/governance-nivola)

Ensuring Unity;Sometimes nations face a stark choice: allow regions to federate and govern themselves, or risk national dissolution. Clear examples where federalism is the answer exist. Belgium would probably be a partitioned state now if Flanders had not been granted extensive self-government. If under Italy's constitution, Sardinia, a large and relatively remote Italian island, had not been granted significant autonomy, it might well have harbored a violent separatist movement—like the one plaguing a neighboring island, Corsica, a rebellious province of unitary France.

American federalism is the model for all other federalism.

Dr. Hueglin, 06

 (Thomas, Professor of Political Science at Wilfrid Laurier University, “Comparative Fefderalism: A systematic Inquiry,” 2006, http://www.tamilnation.org/conflictresolution/federalism/comparativefederalism.htm#The%20American%20Model)

For obvious reasons, on the one hand, American federalism is the model of all federal models. As we shall see in chapter 3, federalist ideas and concepts had been developed well before the American invention of federalism as a modern form of government. But it was this invention nevertheless which gave the world a simple and practical blueprint to be followed in theory as well as in practice. On the other hand, and for just as obvious reasons, American federalism has remained an exceptional case. To treat it as the main model and principal yardstick, and to judge, as countless textbooks have done, all other federations as variations which either fulfill or fall short of the criteria established by the American model, bears the danger of shortchanging the significance of the other models in their own right.

War/Democracy

The best and most studies conclude that federalism solves conflict and spurs democratization.

The Weekly Telegraph, **28 January 2004, http://www.nepalnews.com.np/contents/englishweekly/telegraph/2004/jan/jan28/national.htm**

Cross-national studies covering over 100 countries have shown that federalism minimizes violent conflicts whereas unitary structures are more apt to exacerbate ethnic conflicts. Frank S. Cohen (1997) analyzed ethnic conflicts and inter-governmental organizations over **nine 5-year –periods** (1945-1948 and 1985-1989) among **223 ethnic groups in 100 countries**. He found that federalism generates increases in the incidence of protests (low-level ethnic conflicts) but stifles the development of rebellions (high-level conflicts). Increased access to institutional power provided by federalism leads to more low-level conflicts because local groups mobilize at the regional level to make demands on the regional governments. The perceptions that conflicts occur in federal structure is not entirely incorrect. But the conflicts are low-level and manageable ones. Often, these are desirable conflicts because they are expressions of disadvantaged groups and people for equality and justice, and part of a process that consolidates democracy. In addition, they also let off steam so that the protests do not turn into rebellions. As the demands at the regional levels are addressed, frustrations do not build up. It checks abrupt and severe outburst. That is why high levels of conflicts are found less in federal countries. On the other hand, Cohen found high levels of conflicts in unitary structures and centralized politics. According to Cohen (1997:624):

Federalism moderates politics by expanding the opportunity for victory. The increase in opportunities for political gain comes from the fragmentation/dispersion of policy-making power… the compartmentalizing character of federalism also assures cultural distinctiveness by offering dissatisfied ethnic minorities proximity to public affairs. Such close contact provides a feeling of both control and security that an ethnic group gains regarding its own affairs. In general, such institutional proximity expands the opportunities for political participation, socialization, and consequently,. democratic consolidation Saidmeman, Lanoue, Campenini, and Stanton’s (2002: 118) findings also support Cohen’s analysis that federalism influences peace and violent dissent differently. They used Minority at Risk Phase III dataset and investigated **1264** ethnic groups. According to Saideman et al. (2002:118-120):

Federalism reduces the level of ethnic violence. In a federal structure, groups at the local level can influence many of the issues that matter dearly to them- education, law enforcement, and the like. Moreover, federal arrangements reduce the chances that any group will realize its greatest nightmare: having its culture, political and educational institutions destroyed by a hostile national majority. These **broad empirical studies** support the earlier claims of Lijphart, Gurr, and Horowitz that power sharing and autonomy granting institutions can foster peaceful accommodation and prevent violent conflicts among different groups in culturally plural societies. Lijphart (1977:88), in his award winning book Democracy in Plural Societies, argues that "Clear boundaries between the segments of a plural society have the advantage of limiting mutual contacts and consequently of limiting the chances of ever-present potential antagonisms to erupt into actual hostility". This is not to argue for isolated or closed polities, which is almost impossible in a progressively globalizing world. The case is that when quite distinct and self-differentiating cultures come into contact, antagonism between them may increase. Compared to federal structure, unitary structure may bring distinct cultural groups into intense contact more rapidly because more group members may stay within their regions of traditional settlements under federal arrangements whereas unitary structure may foster population movement. Federalism reduces conflicts because it provides autonomy to groups. Disputants within federal structures or any mechanisms that provide autonomy are better able to work out agreements on more specific issues that surface repeatedly in the programs of communal movement (Gurr 1993:298-299). Autonomy agreements have helped dampen rebellions by Basques in Spain, the Moros in the Philippines, the Miskitos in Nicaragua, the people of Bangladesh’s Chittagong Hill Tracts and the affairs of Ethiopia, among others (Gurr 1993:3190) The Indian experiences are also illustrative. Ghosh (1998) argues that India state manged many its violent ethnic conflicts by creating new states (Such as Andhra Pradesh, Gujurat, Punjab, Harayana, Arunachal Pradesh, Goa, Himachal Pradesh, Meghalaya, Mizoram and Nagaland) and autonomous councils (Such as Darjeeling Gorkha Hill Council, Bodoland Autonomous Council, and Jharkhand Area autonomous Council, Leh Autonomous Hill Development Council). The basic idea, according to Ghosh (1998:61), was to devolve powers to make the ethnic/linguistic groups feel that their identity was being respected by the state. By providing autonomy, federalism also undermines militant appeals. Because effective autonomy provides resources and institutions through which groups can make significant progress toward their objectives, many ethnic activities and supporters of ethnic movements are engaged through such arrangements. Thus it builds long-term support for peaceful solutions and undermines appeals to militant action (Gurr 1993:303). Policies of regional devolution in France, Spain and Italy, on the other hand, demonstrate that establishing self-managing autonomous regions can be politically and economically less burdensome for central states than keeping resistant peoples in line by force: autonomy arrangements have transformed destructive conflicts in these societies into positive interregional competition".

War

Federalism stops global wars

Norman Ornstein, resident scholar in social and political processes at American Enterprise Institute, Jan-Feb 1992, The American Enterprise, v3 n1 p20(5)

No word in political theory more con­sistently causes eyes to glaze over than “federalism.” Yet no concept is more critical to solving many major political crises in the world right now. The former Soviet Union, Yugoslavia, Eastern and Western Europe, South Africa, Turkey, the Middle East, and Canada are suffer­ing from problems that could be solved, if solutions are possible, by instituting creative forms of federalism. Federalism is not a sexy concept like “democracy” or “freedom”; it describes a more mundane mechanism that bal­ances the need for a central and coordi­nating authority at the level of a nation-state with a degree of state and local autonomy, while also protecting minority interests, preserving ethnic and regional identification and sensibilities, and allow­ing as much self-government as possible. Federalism starts with governing struc­tures put in place by formal, constitu­tional arrangements, but beyond that it is a partnership that requires trust. Trust can’t be forged overnight by formal ar­rangements, but bad arrangements can exacerbate hostilities and tensions. Good ones can be the basis for building trust. Why is federalism so important now? There are political reasons: the breakup of the old world order has re­leased resentments and tensions that had been suppressed for decades or even cen­turies. Ethnic pride and self-identifica­ tion are surging in many places around the globe. Add to this the easy availabil­ity of weapons, and you have a potent mixture for discontent, instability, and violence. There are also economic con­siderations: simply breaking up existing nation-states into separate entities can­not work when economies are inter­linked in complex ways. And there are humane factors, too. No provinces or territories are ethnically pure. Creating an independent Quebec, Croatia, or Kazakhstan would be uplifting for French Quebecois, Croats, and Kazakhs but terrifying for the large numbers of minorities who reside in these same territories. The only way to begin to craft solu­tions, then, is to create structures that preserve necessary economic links while providing economic independence, to create political autonomy while preserv­ing freedom of movement and individual rights, and to respect ethnic identity while protecting minority rights. Each country has unique problems that require different kinds of federal structures, which can range from a federation that is tightly controlled at the center to a con­federation having autonomous units and a loose central authority. The United States pioneered feder­alism in its Union and its Constitution. Its invention of a federation that bal­anced power between a vigorous national government and its numerous states was every bit as significant an innovation as its instituting a separation of powers was in governance—and defining the federal-state relationship was far more difficult to work out at the Constitutional Con­vention in 1787. The U.S. federalist structure was, obviously, not sufficient by itself to elimi­nate the economic and social disparities between the North and the South. De­spite the federal guarantees built into the Constitution, the divisive questions of states’ rights dominated political conflict from the beginning and resulted ulti­mately in the Civil War. But the federal system did keep conflict from boiling over into disaster for 75 years, and it has enabled the United States to keep its union together without constitutional cri­sis or major bloodshed for the 125 years since the conclusion of the War Between the States. It has also enabled us to me­liorate problems of regional and ethnic discontent. The American form of federalism fits the American culture and historical experience—it is not directly transfer­able to other societies. But if ever there was a time to apply the lessons that can be drawn from the U.S. experience or to create new federal approaches, this is it. What is striking is the present number of countries and regions where deep-seated problems could respond to a new focus on federalism.

War - Calabresi

Federalism lays the foundation for multilateral organizations that contribute to peace around the world.

Steven G. **Calabresi**, Associate Professor, Northwestern University School of Law. B.A. 1980, J.D. 1983, Yale, December, 19**95**, Michigan Law Review, 94 Mich. L. Rev. 752

The fifty years since then have seen the birth of the United Nations, the North Atlantic Treaty Organization (NATO), the European Union, the European Convention on Human Rights, the British Commonwealth, the Confederation of Independent States (CIS), the GATT, the NAFTA, and countless other transnational "federal" entities of varying degrees of importance. [24](http://www.lexis.com/research/%22%20%5Cl%20%22n24%22%20%5Ct%20%22_self) Many of these were openly inspired by the success story of American federalism, which, for example, led many Europeans to want to build a Common Market that could become a "United States of Europe." While many of these new democratic transnational entities are very weak, they nonetheless have developed important powers: they have helped to keep the peace, and in some instances, as with the European Union, they show real potential for some day attaining essentially all the attributes of sovereignty commonly associated with a federal nation-state, like the United States. The growth and success of transnational confederal forms since 1945 is truly astonishing and rightly is viewed by many - either with alarm or with hope - as holding out the eventual prospect of a future global federal government or at least the prospect of several continental-sized federal governments.

Federalism decreases the number of countries in competition and thus war.

Steven G. **Calabresi**, Associate Professor, Northwestern University School of Law. B.A. 1980, J.D. 1983, Yale, December, 19**95**, Michigan Law Review, 94 Mich. L. Rev. 752

A first and obvious advantage is that consolidation reduces the threat of war. Because war usually occurs when two or more states compete for land or other resources, a reduction in the number of states also will reduce the likelihood of war. This result is especially true if the reduction in the number of states eliminates land boundaries between states that are hard to police, generate friction and border disputes, and that may require large standing armies to defend. In a brilliant article, Professor Akhil Amar has noted the importance of this point to both to the Framers of our Constitution and to President Abraham Lincoln. [52](http://www.lexis.com/research/%22%20%5Cl%20%22n52%22%20%5Ct%20%22_self) Professor Amar shows that they believed a Union of States was essential in North America because otherwise the existence of land boundaries would lead here - as it had in Europe - to the creation of standing armies and ultimately to war. [53](http://www.lexis.com/research/%22%20%5Cl%20%22n53%22%20%5Ct%20%22_self) The Framers accepted the old British notion that it was Britain's island situation that had kept her free of war and, importantly, free of a standing army that could be used to oppress the liberties of the people in a way that the British navy never could.

Democracy

US leadership on federalism is essential to democracy worldwide

David Broder, Washington Post, June 24**,** 20**01**

Even more persistent were the questions about the role the United States would play, under this new administration, in supporting democratic movements around the world. It is sobering to be reminded how often, during the long decades of the Cold War, this country backed (and in some cases, created) undemocratic regimes, simply because we thought military rulers and other autocrats were more reliable allies against communism. The week of the Salzburg Seminar coincided with President Bush's first tour of Europe. He was a target of jokes and ridicule for many of the fellows as the week began. But the coverage of his meetings and, especially, his major address in Poland on his vision of Europe's future and America's role in it, earned him grudging respect, even though it remains uncertain how high a priority human rights and promotion of democracy will have in the Bush foreign policy. Another great lesson for an American reporter is that the struggle to maintain the legitimacy of representative government in the eyes of the public is a worldwide battle. Election turnouts are dropping in almost all the established democracies, so much so that seminar participants seriously discussed the advisability of compulsory voting, before most of them rejected it as smacking too much of authoritarian regimes. Political parties -- which most of us have regarded as essential agents of democracy -- are in decline everywhere. They are viewed by more and more of the national publics as being tied to special interests or locked in increasingly irrelevant or petty rivalries -- anything but effective instruments for tackling current challenges. One large but unresolved question throughout the week: Can you organize and sustain representative government without strong parties? The single most impressive visitor to the seminar was Vaira Vike-Freiberga, the president of Latvia, a woman of Thatcherite determination when it comes to pressing for her country's admission to NATO, but a democrat who has gone through exile four times in her quest for freedom. She is a member of no party, chosen unanimously by a parliament of eight parties, and bolstered by her popular support. But how many such leaders are there? Meantime, even as democracy is tested everywhere from Venezuela to Romania to the Philippines, a new and perhaps tougher accountability examination awaits in the supranational organizations. The European Union has operated so far with a strong council, where each nation has a veto, and a weak parliament, with majority rule. But with its membership seemingly certain to expand, the age-old dilemma of democracy -- majority rule vs. minority and individual rights -- is bound to come to the fore. The principle of federalism will be vital to its success. And, once again, the United States has important lessons to teach. But only if we can keep democracy strong and vital in our own country.

Global democratic consolidation is essential to prevent many scenarios for war and extinction.

Carnegie Commission on Preventing Deadly Conflict, October 1995, “Promoting Democracy in the 1990’s,” http://www.carnegie.org//sub/pubs/deadly/dia95\_01.html, accessed on 12/11/99

OTHER THREATS This hardly exhausts the lists of threats to our security and well-being in the coming years and decades. In the former Yugoslavia nationalist aggression tears at the stability of Europe and could easily spread. The flow of illegal drugs intensifies through increasingly powerful international crime syndicates that have made common cause with authoritarian regimes and have utterly corrupted the institutions of tenuous, democratic ones. Nuclear, chemical, and biological weapons continue to proliferate. The very source of life on Earth, the global ecosystem, appears increasingly endangered. Most of these new and unconventional threats to security are associated with or aggravated by the weakness or absence of democracy, with its provisions for legality, accountability, popular sovereignty, and openness. LESSONS OF THE TWENTIETH CENTURY The experience of this century offers important lessons. Countries that govern themselves in a truly democratic fashion do not go to war with one another. They do not aggress against their neighbors to aggrandize themselves or glorify their leaders. Democratic governments do not ethnically "cleanse" their own populations, and they are much less likely to face ethnic insurgency. Democracies do not sponsor terrorism against one another. They do not build weapons of mass destruction to use on or to threaten one another. Democratic countries form more reliable, open, and enduring trading partnerships. In the long run they offer better and more stable climates for investment. They are more environmentally responsible because they must answer to their own citizens, who organize to protest the destruction of their environments. They are better bets to honor international treaties since they value legal obligations and because their openness makes it much more difficult to breach agreements in secret. Precisely because, within their own borders, they respect competition, civil liberties, property rights, and the rule of law, democracies are the only reliable foundation on which a new world order of international security and prosperity can be built.

Hegemony

Federalism is key to sustainable US hegemony

Gaddis, professor of history at Yale, **2001** (Hoover Digest, No. 4, John Lewis, http://www-hoover.stanford.edu/publications/digest/014/gaddis.html)

So we’re back to my paraphrase of Dean Acheson: the United States retains an empire, has lost a role, but must find one again. It needs to do so by means that are truly *conservative*, by which I mean sustainable over a long period of time. That, in turn, will require proceeding within the traditions of *federalism*: the recognition that disparities of power do not necessarily correlate with disparities in wisdom; that the first obligation of those who have disproportionate power is to respect the interests of those who lack it. That, in turn, suggests that the only way to maintain an empire these days is to run it democratically, in such a way as to combine leadership with listening.

Even Americans do not normally associate that latter quality with themselves. And yet the ability to listen turned out to be one of our most effective weapons in winning the Cold War. The single greatest threat to the preservation of American hegemony in the twenty-first century, it seems to me, comes not from our external adversaries, whoever they may turn out to be, but rather from our own loss of proficiency in a skill that ought to seem familiar enough to us. It is that of maintaining a "decent respect to the opinions of (sic)kind."

That leadership prevents global nuclear exchange

Zalmay Khalilzad, RAND, The Washington Quarterly, Spring 1995

Under the third option, the United States would seek to retain global leadership and to preclude the rise of a global rival or a return to multipolarity for the indefinite future. On balance, this is the best long-term guiding principle and vision. Such a vision is desirable not as an end in itself, but because a world in which the United States exercises leadership would have tremendous advantages. First, the global environment would be more open and more receptive to American values -- democracy, free markets, and the rule of law. Second, such a world would have a better chance of dealing cooperatively with the world's major problems, such as nuclear proliferation, threats of regional hegemony by renegade states, and low-level conflicts. Finally, U.S. leadership would help preclude the rise of another hostile global rival, enabling the United States and the world to avoid another global cold or hot war and all the attendant dangers, including a global nuclear exchange. U.S. leadership would therefore be more conducive to global stability than a bipolar or a multipolar balance of power system.

Hegemony

US leadership is preserved by the balance of federalism

Alice Rivlin, Brookings Institution, Reviving the American Dream: The Economy, The States, and the Federal Government, 1992, p. np

The inexorably rising frequency and complexity of U.S. interaction with the rest of the world add to the stress on federal decisionmaking processes and underline the need for making those processes simpler and more effective. If the United States is to be an effective world leader, it cannot afford a cumbersome national government overlapping responsibilities between the federal government and the states, and confusion over which level is in charge of specific domestic government functions. As the world shrinks, international concerns will continue threatening to crowd out domestic policy on the federal agenda. Paradoxically, however, effective domestic policy is now more crucial than ever precisely because it is essential to U.S. leadership in world affairs. Unless we have a strong productive economy, a healthy, well-educated population, and a responsive democratic government, we will not be among the major shapers of the future of this interdependent world. If the American standard of living is falling behind that of other countries and its government structure is paralyzed, the United States will find its credibility in world councils eroding. International considerations provide additional rationale, if more were needed, for the United States to have a strong effective domestic policy. One answer to this paradox is to rediscover the strengths of our federal system, the division of labor between the states and the national government. Washington not only has too much to do, it has taken on domestic responsibilities that would be handled better by the states. Revitalizing the economy may depend on restoring a cleaner division of responsibility between the states and the national government.

Federalism is key to preventing isolation and assuring US global power

Alice Rivlin, Brookings Institution, Reviving the American Dream: The Economy, The States, and the Federal Government, 1992, p. 10-11

There are at least four reasons to think that reraising the fundamental questions of federalism— which level of Government should do what and where the revenues should come from—would help in meeting these challenges. The first reason is that dramatic changes in the world are radically altering the tasks facing national governments. Rapid advances in the technology or transportation, communications, and weaponry have shrunk distances and intertwined the United States with the rest of the world, intimately and irreversibly. Goods. services, money, and people are flowing easily across oceans and borders. So are economic, political, and environmental problems. Global interdependence requires international cooperation to solve common problems and some delegation of sovereignty to supranational authorities. The Gulf war and growing nuclear capacity in developing nations leave no doubt that stronger international controls are needed on sophisticated weapons. The rapidly thinning ozone layer dramatizes the stake that all nations have in controlling harmful atmospheric emissions. Despite its political appeal, isolationism is no longer a viable option. If the United States is to protect its own citizens and help shape a more habitable world, it must take an active part in international partnerships focused on everything from chemical weapons to acid rain to narcotics traffic. These partnerships are already demanding increasing attention from both the executive and legislative branches of the federal government. Global interdependence creates a paradox for the U.S. government. On the one hand, since both the president and Congress will be spending greater time and energy on international affairs. Domestic policy will get less attention in Washington. At the same time, global interdependence makes domestic policy more important than ever. The United States needs rising productivity, a skilled labor force, and modern physical capital, both public and private, if it is to generate the improved standard of living necessary not only to foster domestic well-being, but also to play an effective role in international partnerships. The added complexity of Washington’s international role strengthens the case for sorting out domestic responsibilities more clearly. Washington cannot do everything and should not try. The states should take responsibility.

Human Rights Promotion

Federalism solves human rights promotion

Danish Ministry of Foreign Affairs, 2001 (March 28, Evaluation of Danish Support to Promotion of Human Rights and Democratisation, http://www.um.dk/danida/evalueringsrapporter/1999-11/1999-11-1/6.3.asp)

For instance, when HR&D assistance is extended at the regime level, care should be taken to institute some form of constitutionalism within a unitary state which can give protection for minorities and guarantee their human rights as citizens of the same polity as the majority. Various arrangements of federalism could also be contemplated to accommodate ethnic, religious or cultural diversity. There is a host of electoral systems which in various ways are amenable to minority protection. In addition, many types of HR&D activities (civic education is one example) could be geared specifically to eradicating hegemonic notions and disdain for those not in the good books of the sitting government with a view to creating an inclusive, tolerant political culture.

Those capabilities are badly needed, both in order to be helpful to local partner institutions, and to develop an intelligent defence against potential accusations that aid to such countries in the name of democratisation and human rights promotion is a waste of effort and money. Such a criticism could become more pronounced if Danida's HR&D support were not to register the same level of approval in recipient countries as it has to date. Thus, we draw attention to this challenge on the assumption that it is better to begin accepting and meeting it early than being caught unawares later. A preparedness of this nature would not only be relevant as a precautionary measure, it would also be applicable in post-conflict situations where state formations have already disintegrated or been badly damaged due to failure in dealing with groups pitted against each other in situations where one group's gain was perceived to be the other's loss.

Federalism is key to the continued progression of human rights.

Steven G. **Calabresi**, Associate Professor, Northwestern University School of Law. B.A. 1980, J.D. 1983, Yale, December, 19**95**, Michigan Law Review, 94 Mich. L. Rev. 752

Sixth and finally, [56](http://www.lexis.com/research/%22%20%5Cl%20%22n56%22%20%5Ct%20%22_self) an advantage to international federation is that it may facilitate the protection of individual human rights. For reasons Madison explained in the Federalist Ten, [57](http://www.lexis.com/research/%22%20%5Cl%20%22n57%22%20%5Ct%20%22_self) large governmental structures may be more sensitive than smaller governmental structures to the problems of abuse of individual and minority rights. [58](http://www.lexis.com/research/%22%20%5Cl%20%22n58%22%20%5Ct%20%22_self) Remote federal legislatures or courts, like the U.S. Congress and Supreme Court, sometimes can protect important individual rights when national or local entities might be unable to do so. [59](http://www.lexis.com/research/%22%20%5Cl%20%22n59%22%20%5Ct%20%22_self) As I have explained elsewhere, this argument remains a persuasive part of the case for augmented federal powers. [60](http://www.lexis.com/research/%22%20%5Cl%20%22n60%22%20%5Ct%20%22_self)

Free trade

Federalism is key to free trade.

Steven G. **Calabresi**, Associate Professor, Northwestern University School of Law. B.A. 1980, J.D. 1983, Yale, December, 19**95**, Michigan Law Review, 94 Mich. L. Rev. 752

A fourth and vital advantage to international federations is that they can promote the free movement of goods and labor both among the components of the federation by reducing internal transaction costs and internationally by providing a unified front that reduces the costs of collective action when bargaining with other federations and nations. This reduces the barriers to an enormous range of utility-maximizing transactions thereby producing an enormous increase in social wealth. Many federations have been formed in part for this reason, including the United States, the European Union, and the British Commonwealth, as well as all the trade-specific "federations" like the GATT and NAFTA.

Free trade is key to avert nuclear annihilation

Copley News Service 99

[Dec 1, LN]

For decades, many children in America and other countries went to bed fearing annihilation by nuclear war. The specter of nuclear winter freezing the life out of planet Earth seemed very real. Activists protesting the World Trade Organization's meeting in Seattle apparently have forgotten that threat. The truth is that nations join together in groups like the WTO not just to further their own prosperity, but also to forestall conflict with other nations. In a way, our planet has traded in the threat of a worldwide nuclear war for the benefit of cooperative global economics. Some Seattle protesters clearly fancy themselves to be in the mold of nuclear disarmament or anti-Vietnam War protesters of decades past. But they're not. They're special-interest activists, whether the cause is environmental, labor or paranoia about global government. Actually, most of the demonstrators in Seattle are very much unlike yesterday's peace activists, such as Beatle John Lennon or philosopher Bertrand Russell, the father of the nuclear disarmament movement, both of whom urged people and nations to work together rather than strive against each other. These and other war protesters would probably approve of 135 WTO nations sitting down peacefully to discuss economic issues that in the past might have been settled by bullets and bombs. As long as nations are trading peacefully, and their economies are built on exports to other countries, they have a major disincentive to wage war. That's why bringing China, a budding superpower, into the WTO is so important. As exports to the United States and the rest of the world feed Chinese prosperity, and that prosperity increases demand for the goods we produce, the threat of hostility diminishes. Many anti-trade protesters in Seattle claim that only multinational corporations benefit from global trade, and that it's the everyday wage earners who get hurt. That's just plain wrong. First of all, it's not the military-industrial complex benefiting. It's U.S. companies that make high-tech goods. And those companies provide a growing number of jobs for Americans. In San Diego, many people have good jobs at Qualcomm, Solar Turbines and other companies for whom overseas markets are essential. In Seattle, many of the 100,000 people who work at Boeing would lose their livelihoods without world trade. Foreign trade today accounts for 30 percent of our gross domestic product. That's a lot of jobs for everyday workers. Growing global prosperity has helped counter the specter of nuclear winter. Nations of the world are learning to live and work together, like the singers of anti-war songs once imagined. Those who care about world peace shouldn't be protesting world trade. They should be celebrating it.

\*AFF

Non-unique – federalism dead

Over the past 30 years the federal government has been preempting states powers.

Nivola, 00

(Pietro, Senior Fellow of the Brookings Institute, June 2000, http://www.brookings.edu/papers/2000/06governance\_nivola.aspx)

In 1908 Woodrow Wilson observed that the proper relationship between the national government and the states "is the cardinal question of our constitutional system." The question would not be settled by "one generation," he added, but would preoccupy "every successive stage of our political and economic development."

The latest round of this interminable debate centers on the propensity of federal authorities to preempt state powers. Articulate critics have entered the fray—not least Senator Fred D. Thompson, Republican from Tennessee, who has floated a Federalism Accountability Act to curb a profusion of preemptions. But what, precisely, are preemptions? Are they a problem? Why have they increased in the past thirty years? And how might answers to these questions help decide the merits of proposed reforms such as Senator Thompson's?

Growing federal role in transportation policy now

Dilgerm 11

Robert Jay Dilgerm, Senior Specialist in American National Government at the Congressional Research Service, January 10, 2011, “Federalism Issues in Surface Transportation Policy: Past and Present,” <http://www.fas.org/sgp/crs/misc/R40431.pdf>

American federalism, which shapes the roles, responsibilities, and interactions among and between the federal government, the states, and local governments, is continuously evolving, adapting to changes in American society and American political institutions. **The nature of federalism relationships in surface transportation policy has also evolved over time, with the federal government’s role becoming increasingly influential, especially since the Federal-Aid to Highway Act** of 1956 **which authorized the interstate highway system**. **In recent years, state and local government officials, through their public interest groups** (especially the National Governors Association, National Conference of State Legislatures, National Association of Counties, National League of Cities, U.S. Conference of Mayors, and American Association of State Highway and Transportation Officials) **have lobbied for increased federal assistance for surface transportation grants and increased flexibility in the use of those funds.**

No link – Supremacy Clause

Under the supremacy clause, federal law is preeminent

Chermerinsky 4

Erwin Chemerinsky, law professor, DUKE, BROOKLYN LAW REVIEW, Summer 2004, pp. 1316-7

Article VI of the Constitution contains the Supremacy Clause, which provides that the Constitution, and laws and treaties made pursuant to it, are the supreme law of the land**. When a state law conflicts with federal law, the federal law controls and the state law bows under the principle of federal supremacy. As the Supreme Court declared: "Under the Supremacy Clause, from which our pre-emption doctrine is derived, any state law, however clearly within a State's acknowledged power, which interferes with or is contrary to federal law, must yield**." In Gade v. National Solid Waste Management Association, the Court summarized the tests for preemption: Pre-emption may be either expressed or implied, and is compelled whether Congress' command is explicitly stated in the statute's language or implicitly contained in its structure and purpose. Absent explicit pre-emptive language, we have recognized at least two types of implied pre-emption: field pre-emption, where the scheme of federal regulation is so pervasive as to make reasonable the inference that Congress left no room for the States to supplement it, and conflict pre-emption, where compliance with both federal and state regulations is a physical impossibility, or where state law stands as an obstacle to the accomplishment and execution of the full purposes and objectives of Congress

US Federalism NOT Modeled

Countries are no longer modeling American-style federalism – they are modeling different sources

**Newsweek, 2005** [“Dream On, America” January 31, Pg. l/n]

So it is elsewhere. After American planes and bombs freed the country, Kosovo opted for a European constitution. Drafting a post-apartheid constitution, South Africa **rejected American-style federalism** in favor of a German model, which leaders deemed appropriate for the social-welfare state they hoped to construct. Now fledgling African democracies look to South Africa as their inspiration, says John Stremlau, a former U.S. State Department official who currently heads the international relations department at the University of Witwatersrand in Johannesburg: "We can't rely on the Americans." The new democracies are looking for a constitution written in modern times and reflecting their progressive concerns about racial and social equality, he explains. "To borrow Lincoln's phrase, South Africa is now Africa's 'last great hope'."

Much in American law and society troubles the world these days. Nearly all countries reject the United States' right to bear arms as a quirky and dangerous anachronism. They abhor the death penalty and demand broader privacy protections. Above all, once most foreign systems reach a reasonable level of affluence, they follow the Europeans in treating the provision of adequate social welfare is a basic right. All this, says Bruce Ackerman at Yale University Law School, contributes to the growing sense that American law, once the world standard, has become "provincial." The United States' refusal to apply the Geneva Conventions to certain terrorist suspects, to ratify global human-rights treaties such as the innocuous Convention on the Rights of the Child or to endorse the International Criminal Court (coupled with the abuses at Abu Ghraib and Guantanamo) only reinforces the conviction that America's Constitution and legal system are **out** **of step with the rest of the world.**

No one models US federalism

Stepan 99

Alfred Stepan, Wallace Sayre Professor of Government at Columbia University, 1999, Federalism and Democracy, Journal of Democracy 10.4 (1999) 19-34

The U.S. model of federalism, in terms of the analytical categories developed in this article, is "coming-together" in its origin, "constitutionally symmetrical" in its structure, and "*demos-*constraining" in its political consequences. Despite the prestige of this U.S. model of federalism, it would seem to hold greater historical interest than contemporary attraction for other democracies.

Since the emergence of nation-states on the world stage in the after-math of the French Revolution, ***no* sovereign democratic nation-states** have ever "come together" in an enduring federation. Three largely unitary states, however (Belgium, Spain, and India) have constructed "holding-together" federations. In contrast to the United States, these federations are constitutionally asymmetrical and more "*demos-*enabling" than **[End Page 32]** "*demos*-constraining." Should the United Kingdom ever become a federation, it would also be "holding-together" in origin. Since it is extremely unlikely that Wales, Scotland, or Northern Ireland would have the same number of seats as England in the upper chamber of the new federation, or that the new upper chamber of the federation would be nearly equal in power to the lower chamber, the new federation would not be "*demos-*constraining" as I have defined that term. Finally, it would obviously defeat the purpose of such a new federation if it were constitutionally symmetrical. A U.K. federation, then, would not follow the U.S. model.

The fact that since the French Revolution no fully independent nation-states have come together to pool their sovereignty in a new and more powerful polity constructed in the form of a federation would seem to have implications for the future evolution of the European Union. The European Union is composed of independent states, most of which are nation-states. These states are indeed increasingly becoming "functionally federal." Were there to be a prolonged recession (or a depression), however, and were some EU member states to experience very high unemployment rates in comparison to others, member states could vote to dismantle some of the economic federal structures of the federation that were perceived as being "politically dysfunctional." Unlike most classic federations, such as the United States, the European Union will most likely continue to be marked by the presumption of freedom of exit.

Finally, many of the new federations that could emerge from the currently nondemocratic parts of the world would probably be territorially based, multilingual, and multinational. For the reasons spelled out in this article, very few, if any, such polities would attempt to consolidate democracy using the U.S. model of "coming-together," "*demos-*constraining," symmetrical federalism. [7](http://muse.jhu.edu/journals/journal_of_democracy/v010/10.4stepan.html%22%20%5Cl%20%22FOOT7)

US Federalism NOT Modeled

No modeling

Gevork Ter-Gabrielian, ‘99

Department of Political Science Bowling Green State University, Strategies in Ethnic Conflict, August 19**99**, Fourth World Journal http://www.cwis.org/fwj/41/fworld.html

Accommodation, if it is possible to achieve in a form of federation or consociation, is a solution. However, the cases of accommodation are rare, and there is no guarantee that accommodation in a society divided by ethnic conflict will result in a long-lasting peace. Moreover, state elites are reluctant to consider accommodation as an option because they believe that a federative arrangement would give ethnic groups an even more legitimate opportunity to break away. This happened in Czechoslovakia. Before 1992, it was only nominally federation. In the 1992 Constitution, it was re-named Czecho-Slovakia, and the federation comprised of two equal republics was constituted. Inless than a year Slovakia seceded. This was the only case of indeed peaceful ('velvet') divorce in the post-Soviet space. All other post-Soviet states, except for Russia and Romania, rather than enhancing the status of their ethnic groups have nominally discarded even the existing political autonomies (in the best case substituting them by a vague cultural autonomy), which, in turn, has become a cause for ethnic conflict escalation (Naumkin, 1994). If states are not liberal by their ideology, if they are not economically secure and politically well-established democracies, they tend to reject the option of accommodation to the demands of ethnic groups.

NO Secession

International norms are developing against secession and ethnic conflict

Gurr, professor of political science @ U. of Maryland, 2000 [Ted, Foreign Affairs, lexis]

IN NOVEMBER 1999, Indonesia's new president, Abdurrahman Wahid, promised in both Jakarta and Washington to hold a referendum on autonomy in the secessionist province of Aceh. His government reportedly started negotiating with representatives of the Free Aceh movement -- something flatly unthinkable under Wahid's autocratic predecessor, Suharto. Wahid's actions are hardly isolated. Indeed, they bespeak a new global strategy to contain ethnic conflict. Its essential principles are that threats to divide a country should be managed by the devolution of state power and that communal fighting about access to the state's power and resources should be restrained by recognizing group rights and sharing power. The conventional wisdom, of course, is that tribal and nationalist fighting is still rising frighteningly. But in fact, the rash of ethnic warfare peaked in the early 1990s -- countered, in most regions, by the application of these principles. The brutality of the conflicts in Kosovo, East Timor, and Rwanda -- and the messiness of the international responses to them -- **obscures the larger shift from confrontation toward accommodation**. But the trends are there: a sharp decline in new ethnic wars, the settlement of many old ones, and proactive efforts by states and international organizations to recognize group rights and channel ethnic disputes into conventional politics. In Kosovo and East Timor, intervention was chosen only after other means failed. The fact that the United States, NATO, the United Nations, and Australia intervened was itself a testament to the underlying premise that managing ethnic conflict has become an international responsibility. **Evidence about the shift toward accommodation comes from tracking some 300 politically active ethnic and religious groups over half a century**. n1 The eruption of ethnic warfare in the early 1990s was the culmination of a long-term general trend that began in the 1950s and peaked shortly after the end of the Cold War. The breakup of the Soviet Union and Yugoslavia opened the door to new ethnic and national claims, and about a dozen new ethnic wars erupted in the erstwhile Soviet empire between 1988 and 1992. In the southern hemisphere, more than two dozen ethnic wars began or resumed in roughly the same period, most of them not directly related to the end of the Cold War. By mid-decade, a strategic shift was under way. Over the course of the 1990s, the number of ethnic groups using violent tactics fell modestly (from 115 to 95). But a more important indicator was the balance between escalation and de-escalation: of the 59 armed ethnic conflicts under way in early 1999, 23 were de-escalating, 29 had no short-term trend, and only 7 were escalating -- including Kosovo. By the late 1990s, the most common strategy among ethnic groups was not armed conflict but prosaic politics. Another way of tracking the trends is by timing when new episodes of ethnic and political conflict start. Two-thirds of all new campaigns of protest and rebellion since 1985 began between 1989 and 1993; few have started since. The decline in new protest movements foreshadows a continued decline in armed conflict. Recent history shows that ten years of nonviolent political action generally precede the start of a new ethnic rebellion. Since the number of new ethnically based protest campaigns has declined -- from a global average of ten per year in the late 1980s to four per year since 1995 -- the pool of potential future rebellions is shrinking.

CURRENT CONFLICTS WON’T SPILLOVER

Gurr**,** professor of political science @ U. of Maryland, 2000 [Ted, Foreign Affairs, lexis]

A third perspective on the overall trends comes from examining wars of self-determination, such as those in Aceh, Sri Lanka, southern Sudan, and Nagorno-Karabakh. Their protagonists claim the right to their own communally based zones or demand unification with their ethnic kindred across state borders. These wars are among the most deadly and protracted of all ethnic conflicts, and their spillovers have posed the greatest regional security threats of the post -- Cold War decade. But they also are being contained. Between 1993 and the beginning of 2000, the number of wars of self-determination has been halved. During the 1990s, 16 separatist wars were settled by negotiated peace agreements, and 10 others were checked by cease-fires and ongoing negotiations. Fewer separatist wars are being fought today -- 18 by my count -- than at any time since the early 1970s. This steep decline puts the Kosovo rebellion in perspective. The bombings and ambushes by the Kosovo Liberation Army in late 1997 started the only new ethnic war in Europe since 1994.

**NO** Secession

EVEN AUTHORITARIAN GOVERNMENTS ARE DISCRIMINATING LESS – SELF-D IS ON THE WANE

Gurr**,** professor of political science @ U. of Maryland, 2000 [Ted, Foreign Affairs, lexis]

Less visible than the shift toward settling separatist wars is a parallel trend toward accommodating ethnic demands that have not yet escalated into armed conflict. Leaders of ethnic movements appeal to minorities' resentment about rights denied -- political participation, autonomy, and cultural recognition. In the 1990s, separatists almost always justified such claims by invoking international norms. But minority groups are doing better these days, so such appeals now sometimes fall on deaf ears. Discrimination eased for more than a third of the groups monitored by the Minorities at Risk Project between 1990 and 1998, mainly because governments formally recognized and guaranteed their political and cultural rights. The new democracies of Europe, Asia, and Latin America were especially likely to protect and promote minority rights. Even authoritarian governments were not immune to this trend, especially in Asia. Vietnam and Indonesia both lifted some restrictions on their Chinese minorities, although for reasons that had more to do with improving relations with mainland China and maintaining access to Chinese capital than any newfound fealty to group rights. Still, the overall trend is unmistakable: ethnic conflict is on the wane.

THE WORLD IS MOVING TOWARD STABILITY—CONFLICTS ARE ENDING

**Guehenno,** UN under-secretary general for Peacekeeping, **4/19/2004** [Jean Marie, http://www.globalpolicy.org/security/peacekpg/general/2004/0419strengthen.htm]

Recent headlines notwithstanding, fewer people are being killed by war than at almost any time in the past century. Some 25,000 were killed in armed conflict in 2002, barely one tenth the number killed each year during the 1990s. Even Sept. 11, and wars in Afghanistan and Iraq, have not reversed the decline. There are two basic reasons for this decline in war deaths: Fewer wars are starting and, even more important, many old wars are ending. This is particularly true in Africa. Wars in Angola, Congo and Sudan - in which some 7 million people have died - are over, or soon may be. Sierra Leone, recently home to the limb-hacking rebels, is stable. Neighboring Liberia seems to be moving in the same direction. Nor is the trend limited to Africa. Europe and East Asia, which lost some 60 million people in the wars of the last century, are almost entirely at peace. Even the smouldering Balkans, after the recent violence in Kosovo, is more stable now. India and Pakistan are talking about a resolution of their differences. On April 24, the Annan plan for Cyprus will be put to a referendum in both parts of the divided island.

--AND—GOVERNMENTS WILL LEARN THAT ACCOMODATION IS CHEAPER THAN GENOCIDE

**Gurr,** professor of political science @ U. of Maryland, **2000** [Ted, Foreign Affairs, lexis]

Some authoritarian leaders have also recognized that negotiations can end protracted conflicts. In the mid-1990s the junta that rules Burma concluded cease-fire agreements and offered concessions that checked protracted separatist rebellions by the Kachin and Mon peoples of northern Burma, although similar efforts failed to end resistance by the more numerous Shans and Karens who live in the south and east of the country.
In most recent wars of self-determination, fighting usually began with demands for complete independence and ended with negotiated or de facto autonomy within the state. There are many reasons why most ethnic nationalist leaders are willing to settle for 50 cents (or less) on the dollar, but it usually comes down to being strategically and politically overmatched. Nationalists willing to continue fighting for total independence, like the rebel leaders in Chechnya and East Timor, are rare. Central governments, on the other hand, tend increasingly to conclude that it is cheaper to negotiate regional and cultural autonomy and redistribute some funds than it is to fight endless insurgencies -- especially when other states and international organizations are encouraging them to negotiate. The Turkish government's obdurate resistance to organized Kurdish political participation has become an anachronism; even Saddam Hussein is more open to cooperation with (some) Kurdish groups than Turkish nationalists are.

Federalism Bad: Laundry List

Federalism leads to ineffective responses to disease outbreaks, terrorist attacks, and natural disaster

**Griffin, 07**

(Stephen M., Professor in Constitutional Law, Tulane School St. Johns Journal of Legal Commentary Spring- “Symposium: Federalism Past, Federalism Future: A Constitutional Law Symposium: Stop Federalism Before It Kills Again: Reflections On Hurricane Katrina, 2007)

And so it is still the case that when natural disasters strike, the divided power of the federal structure presents a coordination problem. The kind of coordination that had to occur to avoid the Katrina disaster requires long-term planning before the event. The American constitutional system makes taking intergovernmental action difficult and complex. The process of coordinating governments can take years. In many ways, the government was just at the beginning of that process at the time of Katrina, [n48](http://www.lexisnexis.com.proxy.lib.umich.edu/us/lnacademic/frame.do?tokenKey=rsh-20.623515.1689064805&target=results_DocumentContent&reloadEntirePage=true&rand=1215280977638&returnToKey=20_T4099813154&parent=docview" \l "n48#n48) although we are now four years distant from the terrorist attacks of September 11, 2001 that set the latest round of disaster coordination in motion. Suppose, however, that we don't have the luxury of taking the time to satisfy every official with a veto. This is the key point of tension between what contemporary governance demands and what the Constitution permits. The kind of limited change that occurred in 1927 can take us only so far. What Hurricane Katrina showed was that even after decades of experience with natural disasters, the federal and state governments were still uncoordinated and unprepared. The reasons they were unprepared go to the heart of the constitutional order. Unless we learn some lessons, Katrina will happen again. It may be a massive earthquake, an influenza pandemic, a terrorist attack, or even another hurricane, but the same ill-coordinated response will indeed happen again unless some attention is paid to the constitutional and institutional lessons of Katrina. We need to "stop federalism" before it kills again. That is, we need to stop our customary thinking about what federalism requires in order to prevent another horrific loss of life and property.

Federalism Bad: Environment

Federalism sacrifices environmental protectiveness

Buzbee, Professor of Law at Emory, 2006

(William. “CONTEXTUAL ENVIRONMENTAL FEDERALISM” http://www.law.nyu.edu/journals/envtllaw/issues/vol14/1/v14\_n1\_buzbee.pdf)

The “contextual environmental federalism” analysis that I call for stands in contrast to many other scholars’ approaches to environmental federalism. In articulating how environmental regulation should be designed, an array of modes of argument and forms of proof are commonly used to support particular preferred mixes of federal, state and local roles. Much of this debate over environmental federalism seeks to resolve these issues through:• constitutional argument, • semi-historical normative arguments,• historical examples, • empirical data, or • theoretical analysis. The question typically boils down to whether federal environmental regulation, or sometimes federal environmental primacy, is appropriate or necessary. These various approaches reach a few somewhat predictable conclusions. While few argue that the federal environmental role is unconstitutional, one common strain among scholars and policymakers is the idea that, due either to constitutional presumptions or the diversity of circumstances among the states, the regulatory norm should be a limited federal role unless some compelling alternative rationale justifies federal leadership. Sometimes these arguments rely on a mix of theory and anecdotally based empiricism,3 but more often this is offered as an argument from first principles. No federal role is called for, unless a compelling justification is found.4

This argument is often rooted in what is sometimes referred to as the “matching principle” or “subsidiarity” conceptions. Under this logic, matching the level of government most commensurate with the regulatory ill is the best way to ensure the correct amount and form of regulation. Typically, people espousing this position emphasize the geographical dimensions of an environmental ill to argue that it counsels for a primary state or local regulatory role.5 As I explored in a recent work on the implications of the “regulatory commons,” and will discuss more fully below, this literature in the environmental area makes fundamental conceptual errors in failing to consider the several dimensions in which regulatory challenges and effective regulatory responses exist.6

Others see the federal government, at least since 1970 and the explosion of federal environmental legislation, as the most innovative and primary protector of the environment and are wary of federal surrender of that role.7 As with arguments for state and local primacy, proponents of federal environmental leadership also utilize theoretical political-economy arguments in support of a substantial, often primary, federal role. They note several reasons to be wary of significant or primary state environmental standard setting. They point to race-to-the-bottom risks, where jurisdictions competing for business and jobs and eager to keep taxes low will be tempted to sacrifice softer environmental concerns for the more immediate, tangible, monetary benefits of under-regulation.8 Even where two competing states share a preference for a clean and safe environment, interstate competition may lead both to sacrifice environmental protectiveness.Professor Engel’s work provides a powerful empirical and theoretical refutation of Dean Revesz’s contention that although interjurisdictional competition for business may sacrifice environmental protection, it will nevertheless enhance social welfare.9

**Critics of any reflexive allocation of regulatory power to states also point out that many environmental risks far outstrip any state or local government’s reach.10 This problem of scale links to the argument that economies of scale inherent in gathering environmental data and deriving effective pollution control techniques justify the current level of federal involvement.11 Furthermore, it has been argued that since larger units of government are less susceptible to regulatory surrender, the interest group dynamics and skewed resources at play in environmental regulation require federal level control.12 Some make the modest and less controversial point that if one desires a cleaner environment, then one may prefer a leading federal role because that is the level of government where environmental advocates have been most successful over the last thirty years of the environmental movement.**

Federalism Bad: Corruption

Federalism harbors corruption.

CAPS Blog, 09

(“The Rise and Fall of California,” 01 July 2009, http://caps.fool.com/Blogs/ViewPost.aspx?bpid=221445&t=01001094457128408726)

You might say that Californian politicians will eventually come to their senses and find a way to balance their budget.  That might be overestimating the capacity of Californian pols to do good, however.  You see, one of my constant critiques of American Federalism is that it's broken at this point.  Not completely so, but it's drifted so far from the Founders' original intent that it bears little resemblance to the system established in 1789.

Federalism works alright for New Hampshire.  And Vermont.  And Maine.  And maybe some other small states.  It's a complete failure when applied to Goliath states like California, however.  The problem is that democracy just doesn't work on a massive scale.  It never has and it probably never will.  James Madison understood this.  He repeatedly brought up this issue in *The Federalist Papers*.   The entire idea behind Madison's American system (i.e. "Federalism") was that political power would be decentralized into managable districts (we call them "states").

The problem is that when you take a massive "district" that is probably larger than France and includes over 10 million people; all of whom are governed by about a hundred legislators and a Governor, then you are asking for corruption.

California's politicians are corrupt.  They are not there to serve the interests of the voters.  They are there for special interests.  Part of pandering to special interests, however, includes pandering to the voters.  What I'm suggesting is that California politicians are constantly on a quest to give away more things will promising lesser and lesser taxes.

Federalism Bad—Nigeria

Nigeria models US federalism – empirically proven

**Defense & Foreign Affairs' Strategic Policy, 2005** (“Oil as Troubled Waters,” June 2005, lexis)

By contrast, he notes: "The most exemplary practice of federalism is to be found in the United States of America where the people of the constituent states maintain a near 100 percent control over their resources and pay taxes to sustain the central government."
In the United States, the **federalist** thinking remains strong, and the US Senate remains the focus of the protection of states' rights within the federation. That principle also was emplaced in, for example, Australia and **Nigeria,** but in both those central parliamentary systems, the senates and senators have largely forgotten that their mandate is to uphold the rights of the states within the system. Similarly, in Britain, the House of Lords was established largely to protect the rights of the land; the dispersed rural identities of the counties. In Britain, too, that role has been forgotten, as the massive centralization in London has literally abandoned the traditional rights of the less-densely-populated rural areas.

Federalism in Nigeria leads to militarism

All Africa Global, 04

(Chuks Okocha, “Why True Federalism Failed in Nigeria,” 20 October 2004, http://www.lexisnexis.com/us/lnacademic/results/docview/docview.do?docLinkInd=true&risb=21\_T6901118997&format=GNBFI&sort=RELEVANCE&startDocNo=1&resultsUrlKey=29\_T6901120300&cisb=22\_T6901118999&treeMax=true&treeWidth=0&csi=227171&docNo=2)

Military misadventure into the Nigeria's body polity has been blamed for the failure of true federalism in the country. Eminent scholar and Pan-Africanist, Professor Ali Mazrui, has said. Mazrui, who delivered a special lecture "Mega-Nigeria from Lugard to Gowon: Between Exceptionalism and Typicality," yesterday in Abuja to mark the 70th birthday anniversary of former Head of State, General Yakubu Gowon (rtd), said "Nigeria is almost the only African country which has consistently tried to maintain a federal system of government similar to the United States. It is true that federalism and military rule make very strange bedfellows. Nigerian federalism has been distorted by militarism." The guest lecturer explained that "federalism in USA is alive and well. Federalism in Nigeria is alive, but not well. Nigeria's exceptional need for federalism is partly because of the enlargementof the scale initiated by the amalgamation of 1914." He eulogised Gowon for inventing what he called true federalism, saying "Gowon abolished the original sub regions, he invented new federalism." Mazrui described Nigeria as a bundle of contradictions as a nation under military rule, yet sponsors democracy in other countries.

Federalism bad – Economy

Federalism destroys the economy

**Business Line**, November 29, **2000**, P. R. Brahmananda

I have raised these issues primarily as there seems to be no clear view as to what is the postulate governing our polity. As an economist, I think it is clear that economic interests are homogenous across the country for large groups in different geographical areas. Homogeneity of economic interest permits different groups to have divergent cultural and other interests. If purely economic interests govern the people by and large, then considerations of homogeneity in that respect will imply equal opportunities for all in the nation. But to make the latter effective, we need common laws concerning employment, education, ownership of property, mobility of labour, etc., We are a long way from this arrangement. It seems the Constitution makers in the US did not think at that time of a social contract among potentially homogenous groups of people in different geographical areas, homogenous in terms of political, economic and social interests. Now that the US has effectively established equality of opportunity etc., in the above respects for all people in different areas, it seems the electoral college system has outlived its utility. But, in the case of India, we are not yet clear as to what is the basic postulate underlying our polity. Economics generally seeks to maximise the efficiency possibilities. That requires maximum scope for mobility of labour, capital, finance, etc. There can only be two types of classes, in course of time, one the rich and the other not so rich. Other classifications such as language, caste, religion etc., are not necessarily required for efficient economic performance. Hence, a society which deems economic problems as fundamental should emphasise the general homogeneity of interest. The federal principle as such does not operate in the economic sphere within a large nation. The discussion in the US should also be of relevance in India. Is federalism obsolete if people have similar economic and related political interests? Some people may argue that federalism is necessary from a distribution angle. But, my point is that if so, it must reconcile itself with the requirement of maximum economic efficiency which alone can help everyone to be more better off than otherwise. If those who are disadvantaged have a greater chance of becoming better off in a non-federal economic and related political arrangements, it would be cruel to the masses to insist on federal arrangements which make the disadvantaged more disadvantaged.

Federalism undermines the world economy.

John **Kincaid**, Robert B. & Helen S. Meyner Professor of Government and Public Service; Director of the Meyner Center for the Study of State and Local Government, Lafayette College, Easton, PA; Editor of Publius: The Journal of Federalism; former Executive Director of the U.S. Advisory Commission on Intergovernmental Relations, Summer, 19**95**, Rutgers Law Journal, 26 Rutgers L. J. 913

The resurgence of the states has also triggered negative responses among economic conservatives and corporate internationalists who maintain that the nation's competitive position in the global economy is retarded by the complexities and trade barriers created by fifty regulatory regimes. In their view, capital should be free to move to its highest and most efficient uses. Yet, while the federal government deregulated economic sectors under Carter, Reagan, and Bush, the resurgent states escalated regulation. Perceiving lax enforcement of federal anti-trust and consumer-protection laws during the 1980s, for example, many states strengthened their comparable laws, and paralleling the new judicial federalism, many state attorneys general enforced and litigated consumer rights more vigorously. n77 In part, this was a partisan response. The attorney general is elected in 43 states, and in 1989, for instance, 62 percent of the attorneys general were Democrats. Of the six largest states, five (California, Florida, Illinois, New York, and Texas) had a Democratic attorney general.   n78 California's Proposition 65 on food labeling, moreover, elicited
 [\*931]  defenses of states' rights from surprising quarters, such as Jane Fonda and Tom Hayden. Consequently, as some industry lobbyists have put it, business would rather be regulated by one 500-pound gorilla in Washington, D.C. than by fifty monkeys on steroids

A2: Rights/Majority Tyranny Bad

Federalism destroys individual rights and democracy

**CRUSTO**, Associate Professor, Loyola University New Orleans , **2000**

[MITCHELL, 16 Ga. St. U.L. Rev. 517, SPRING]

The essence of the federalism paradox is that the Court's new pro-state government orientation purports to protect state governments from an overbearing central government; but, ironically, it does not purport to protect the people from overbearing state governments. The federalism paradox refers to the inevitable tension between majority rule and protection of minority and individual rights. Federalism that promotes states' rights arguably promotes democracy, which is by definition majority rule. However, majority rule can lead to oppression of minority interests and individual rights. Many of those rights are constitutionally protected. Hence, federalism encroaches upon constitutionally-protected rights.

Increasing state power destroys rights

**CRUSTO**, Associate Professor, Loyola University New Orleans , **2000**

[MITCHELL, 16 Ga. St. U.L. Rev. 517, SPRING]

Federalism has a dark side, an unexpected internal contradiction; this Article refers to this apparent contradiction as the "federalism paradox." In essence, while the Court's "new" pro-state-government federalism doctrine purports to protect state governmental power from an overreaching federal government, it does not, ironically, purport to protect the people from an overbearing state government. The federalism paradox refers to the inevitable tension between majority rule and the protection of minority and individual rights at the local level. Federalism that promotes states' rights arguably promotes democracy, which, by definition, is majority rule. Majority rule can lead to oppression of minority interests and individual rights, many of which need constitutional protection. Hence, the Court's "new" federalism may encroach upon constitutionally-protected individual and minority rights.

Qualified sources conclude our way

**CRUSTO**, Associate Professor, Loyola University New Orleans , **2000**

[MITCHELL, 16 Ga. St. U.L. Rev. 517, SPRING]

Critiquing the Court's new federalism doctrine, one celebrated liberal constitutional scholar, Harvard law professor Laurence Tribe, raises concerns that the Supreme Court's "new" federalism unduly victimizes the oppressed. 77 Another noted liberal constitutional scholar, Georgetown professor Mark Tushnet, identified the importance of a federal system that preserves or enhances value- pluralism over one that merely administers power. 78 Hence, many important constitutional scholars recognize that the federalism paradox must be addressed in order to develop an effective federalism doctrine, one that does not derogate individual and minority rights.

Demo Promo Bad

International modeling of US federalism is part of US democracy promotion strategy

Sisk, Senior research Ass Graduate School of Int’l Studies, U Denver, No date

[http://216.239.39.104/search?q=cache:dZsvAfmHPbYJ:www.gppi.net/cms/public/80f9847bf9a4a0752843a63abb83b1c3sisk%2520gpp%25202000.pdf+%22the+international+democracy+promotion+network%22&hl=en

Increasingly, the international democracy promotion network is turning its attention to decentralization and the democratization of local governance as a complement to its ongoing work at national-level democracy promotion. Why have existing and new global policy networks begun to emphasize local democracy? As scholars Caroline Andrew and Michael Goldsmith write (1998: 109): In the evolving modern state, with its variety of institutional forms and practices (governance), and in an ever-interdependent world, the time is right for a reconsideration of the role which local democracy, elected local government, and representatives might play. [Continues…] Many states see democracy promotion (especially in their immediate regions) as an interest based in national security and economic opportunity, whereas others see it in terms of lofty internationalist aims. Whatever the motive, when gross human rights violations occur, or when endemic poverty and deprivation exist, democracy's decline can yield negative externalities for the international community in terms of conflict and war, anarchic social conditions, economic disarray, and state failure. This has led to the emergence of international and regional norms on a "right to democracy." The democracy promotion network exists in pursuit of the realization of this aim and to implement the new norms in practice.3Within this democracy promotion network, new emphasis is being placed on promoting innovation to improve the quality and depth of democracy in local governance. The emphasis on local governance finds its origins in the globalized contexts in which municipal decision-making occurs and the incomplete nature of many "third wave" transitions. Globalization, or interdependencies across national boundaries, has expanded dramatically in recent years. So, too, has urbanization -- the movement of people from the countryside to towns and cities. Both new opportunities and unforeseen problems arise from rapid urbanization in this new global environment.

Democracy promotion leads to war and internal chaos, producing the very dangers the initiatives were designed to prevent-link turns their federalism key to stability arguments

**Wiarda**, foreign policy and political science, U Mass @ Amherst, **1997**

[Cracks in the Consensus, pg. 86]

A particularly worrisome aspect at present is that in the name of democracy and with the best of intentions, U.S. enthusiasms for democracy could inadvertently destabilize a number of countries that are the last countries we should want to see unstable. Mexico and Russia come quickly to mind, but there are others as well. Democratization, it must be remembered, is not always a peaceful, clean, and antiseptic process (witness Bosnia), but may instead involve wrenching transformations, profound disruptions, and frequent bloodshed. The danger is that old institutions and ways of doing things could be destroyed before new ones have been consolidated, producing a vacuum and paving the way for disintegration and chaos—the very dangers U.S. policy and its democracy initiatives were designed to prevent.

Federalism Fails

Federalism fails to deliver on its promises of flexibility and liberty.

Nivola, 05

(Pietro, Senior Fellow at the Brookings Institution, October 2005, http://www.brookings.edu/papers/2005/10governance\_nivola.aspx)

"What do we want from federalism?" asked the late Martin Diamond in a famous essay written thirty years ago. His answer was that federalism— a political system permitting a large measure of regional self-rule—presumably gives the rulers and the ruled a "school of their citizenship," "a preserver of their liberties," and "a vehicle for flexible response to their problems." These features, broadly construed, are said to reduce conflict between diverse communities, even as a federated polity affords inter-jurisdictional competition that encourages innovations and constrains the overall growth of government.

Alas, as Professor Diamond and just about anyone else who has studied the subject would readily acknowledge, the promise and practice of federalism are frequently at odds. A federal republic does not always train citizens and their elected officials better than does a unitary democratic state. Nor are federations always better at preserving liberties, managing conflicts, innovating, or curbing "big" government.

Federalism Fails

Federalism empirically has caused war and racism.

Nivola, 05

(Pietro, Senior Fellow at the Brookings Institution, October 2005, http://www.brookings.edu/papers/2005/10governance\_nivola.aspx)

Where truly profound regional linguistic, religious, or cultural differences persist, however, federating is by no means a guarantee of national harmony. Canada, Spain, and the former Yugoslavia are wellknown cases of federations that either periodically faced secessionist movements (Quebec), or have had to struggle with them continually (the Basques), or collapsed in barbarous civil wars (the Balkans). Iraq seems headed for the same fate. The Sunni minority there is resisting a draft constitution that would grant regional autonomy not only to the Kurds in the north but to Shiite sectarians in the oil-rich south. So far, proposed federalism for Iraq is proving to be a recipe for disaccord, not accommodation.

In much of America's own history, federalism did not ease this country's sectional tensions. On the contrary, a long sequence of compromises with the southern states in the first half of the nineteenth century failed to prevent the Civil War. Then, through the first half of the twentieth century, additional concessions to states' rights did little to dismantle the South's repulsive institution of racial apartheid. Southern separatism was subdued by a military defeat, not diplomatic give-and-take, and only further assertions of central power—starting with the Supreme Court's school desegregation decision in 1954—began altering the region's corrosive racial policies.

If we fast-forward to present day America, the thesis that federalism is what holds the country together seems no less questionable, though for a different reason. For all the hype about the country's "culture wars," the fact is that socially and culturally, the contemporary United States has become a remarkably integrated society, particularly when compared to other large nations such as India, Indonesia, and Nigeria, or even some smaller European states. Thanks largely to massive interregional migrations, economic dynamism, and ease of assimilation, contrasts between America's deep South and the rest of the country seem minor today compared to, say, the continuing cultural chasm between the north and south of Italy. In America, where examples of religiously or ethnically distinct jurisdictions are mild ones, like Utah and Hawaii, it seems hard to argue that the nation's fifty states represent keen territorial diversity, and that they are the secret to this country's cohesion. Put more generally, the sub-national entities of an increasingly mobile and assimilative society such as ours tend to demand less independence than they once did, and how much of it they get may not make as much difference for national unity.