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# 1NC

**Federalism is strong now – despite claims that Obama has destroyed it – all of his policies have actually given the states increased power in an important form of federalism**

Gillian E. Metzger, Professor of Law at Columbia University - Law School, July 20, 2011, “Federalism Under Obama” William & Mary Law Review, Vol. 53, November 2011, Columbia Public Law Research Paper No. 11-277, http://papers.ssrn.com/sol3/papers.cfm?abstract\_id=1892292

This article, prepared for a symposium at the William and Mary Law School on Constitutional Transformations to be published this fall in the William and Mary Law Review, analyzes the status of federalism under the Obama Administration. **At first glance, federalism would seem to have fared poorly under the Obama Administration**, given that the Administration’s signature achievements to date involve substantial expansions of the federal government’s role. But a careful examination of major measures such as health insurance and financial regulation reform, the stimulus, and preemption initiatives demonstrates that **the story of federalism’s fate under the Obama Administration is not so simple**. To be sure, these measures entail some preemption and new, sometimes substantial, state burdens. But each also has brought with it significant regulatory and financial opportunities for the states. Rather than assertions of federal power at the expense of the states, the central dynamic evident under the Obama Administration to date is a move towards more active government, at both the national and state level. States are given significant room to shape their participation in the new federal initiatives, as well as enhanced regulatory authority and expanded resources to do so. States that are eager to play a greater regulatory role and support the new federal policies therefore have much to gain. But states that choose to stay on the sidelines face the prospect of direct federal intervention or loss of access to substantial federal funds, and their ability to pursue their preferred regulatory (or deregulatory) strategies may be curtailed. Put differently, federalism under the Obama Administration is federalism in service of progressive policy, not a general devolution of power and resources to the states – **but it can be an important form of federalism nonetheless.** Equally significant, the experience so far under the Obama Administration highlights the central importance of the administrative sphere to modern day federalism. Moreover, a particularly interesting feature of the Obama Administration initiatives is their use of administrative structures that not only deeply embed the states in federal program implementation, but also give the states a role in setting the content of federal regulatory standards and even overseeing federal agency performance.

**Transportation is a state issue – attempts to institute federal control over it – like the plan – kill federalism**

Samuel **Staley**, Research Fellow at the Reason Foundation which produces respected public policy research on a variety of issues and publishes the critically-acclaimed Reason magazine., 4/21/**09**, “A National Housing-Transportation Attack on Federalism?” http://reason.org/news/printer/a-national-housing-transportat

Ron is appropriately skeptical in his Backgrounder titled: "President Obama's New Plan to Decide Where Americans Live and How They Travel." This initiative, the the "high level task force" the secretaries created, is really a thinly disguised federal attack on single family detached housing and automobile use. In other words, it's federal anti-sprawl policy, Obama style. Observes Ron,

Recognizing that their anti-growth strategies have failed to deter the millions of American families that still flock to the burbs, Smart Growth advocates have now enlisted the federal government in their war against the suburbs, and the HUD-DOT part­nership is the beginning of that effort. Although there is no shortage of detailed information from many sources (including HUD) on housing costs for every state, metropolitan area, and municipality in America, Smart Growth advocates contend that these readily available data are incorrect because they overlook the many "hidden costs" of suburban lifestyles, an assertion that relies on unsubstantiated allegations of greater infrastructure costs, environ­mental degradation, and the high cost of auto­mobile operation.

To save Americans from these alleged higher liv­ing costs, the Smart Growth and New Urbanist movements want Americans to move into higher-density developments--such as townhouses and high-rise apartment buildings--which, the anti-suburbanists contend, can be better served by pub­lic transportation (hence the commitment to "trans­portation choice," a process whereby commuters are bribed or coerced into an inconvenient mode of transportation that most would not choose on their own)--thereby freeing the hapless American people from relying on their automobiles. Other key bene­fits illuminated in this fable are the preservation of land, reduced carbon footprints, greater social interaction through forced proximity, and a higher aesthetic standard in community and housing design as government planners and politicians assume greater responsibility for artistic choices.

A more troubling aspect of this policy, in my view, is what it likely says about Federalism--the Constitutional principal of separation of powers and responsibilities between state and federal governments. Transportation--even highway planning and spending decisions--housing, and land use policy are traditionally the perview of state governments. Cities, in fact, are creatures of state government.

The new housing-transportation "partnership" program, however, signals a renewed effort to circumvent state governments and undermine local autonomy by strong arming county, regional, and local governments into planning to achieve federal goals. As Ron notes, the U.S. Environmental Protection Agency did this to Atlanta under the guise of meeting air quality goals in the late 1990s. The new federal policies will be implemented through funding incentives, but this is little more than a technical legal dodge around very narrow interpretations of Federalism. Policymakers in HUD, DOT, EPA, and the White House know full well that local governments can't resist the lure of federal dollars. That's how we got 55 mph speed limits among other things. The incentives accept federal goals and targest for cities and transportation policy will be especially strong now that state and local governments are cash strapped as revenues fall during the recession.

**And federalism is key to establish bonds that create free trade**

**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]

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.

# Uniqueness – Federalism High Now

**Federalism is high now – Obama’s stance on gay marriage proves**

Jacob **Sullum**, writer for Reason News, **5/24**/12, “How Long Can Obama Continue Supporting a Federalist Approach to Gay Marriage?” http://reason.com/blog/2012/05/24/how-long-can-obama-continue-supporting-a

The Washington Post asks whether President Obama, having announced his support for legal recognition of gay marriages, will take the additional step of arguing that such recognition is constitutionally required. Two weeks ago, when Obama, in an interview with ABC News, explicitly endorsed gay marriage for the first time since 1996, he immediately added:

Part of my hesitation on this has also been I didn't want to nationalize the issue. There's a tendency when I weigh in to think suddenly it becomes political and it becomes polarized.

And what you're seeing is, I think, states working through this issue—in fits and starts, all across the country. Different communities are arriving at different conclusions, at different times. And I think that's a healthy process and a healthy debate. And I continue to believe that this is an issue that is gonna be worked out at the local level, because historically, this has not been a federal issue, what's recognized as a marriage.

# Uniqueness – Progressive Federalism High Now

**The Obama administration follows progressive federalism – which is high now**

Andrew **Cline**, editorial page editor of the New Hampshire Union Leader, 7/13/**10**, “Obama's Crazy Quilt Federalism” http://spectator.org/archives/2010/07/13/obamas-crazy-quilt-federalism/

A little more than a week after Obama was sworn in as president, the New York Times had a story declaring that the new president had a new view of federalism. Dubbed "progressive federalism," this new view asserted that Washington should not enforce its regulatory authority in all areas, but should treat its authority as "a floor and not a ceiling."

That is, Washington should set tough regulatory standards, then let states pass even more stringent regulations that the left is unable to get through Congress. The selective approach is designed to replace uniformity with ad-hoc approval of liberal policies and disapproval of non-liberal ones. That is exactly what the Obama administration is doing.

# Uniqueness – Federalism Okay Now

**Under Obama, the states and federal government both have more power, but states have a lot of flexibility even under federal regulations**

**SDS**, Constitutional Law Professor Blog, 8/1/**11**, “Federalism Under Obama” http://lawprofessors.typepad.com/conlaw/2011/08/federalism-under-obama.html

Metzger argues that federalism under President Obama is more complicated than it may appear. Analyzing the federalism features several programs in detail--including federal health care reform, the Dodd-Frank financial reform act, the Recovery Act, and Race to the Top--and the administration's preemption guidelines and practices, Metzger argues that President Obama's federalism has these characteristics:

A more active government, at both federal and state levels. President Obama's federalism does not mean a more robust federal government at the expense of the states; instead, it means enhanced roles for both federal and state governments. Metzger argues that "[s]tates are given significant room to shape their participation in the new federal initiatives, as well as enhanced regulatory authority and expanded resources to do so." But state participation is "in service of progressive policy, not a general devolution of power," and states that elect not to participate face the prospect of a federal government regulating directly (and thus losing their ability to pursue their preferred policies).

The Administrative Sphere is Central to Modern Day Federalism. Metzger argues that administrative agencies, not Congress and the courts, are playing an increasingly important role--indeed, a central role--in shaping federalism. This is a theme that Metzger also explores in her earlier piece, Administrative Law as the New Federalism.

States as Players. Metzger argues that states and state officials have a broad ability to effect policies under the Obama Administration's signature programs--that "structural mechanisms . . . give state officials a direct role in federal administrative decisionmaking and potentially limit agencies' abilities to prevent state involvement."

# Uniqueness – Federalism High Now – Federal Preemption Low

**Obama has ensured that federal preemption is very limited now**

Robert A. **Schapiro**, Professor of Law and Emory Law & Author of Polyphonic Federalism: Toward the Protection of Fundamental Rights, 6/10/**09**, “Springtime for Federalism.” American Constitution Society, http://www.acslaw.org/node/13556 AD 07/08/09

It has been a good spring for federalism. In recent years, the doctrine of preemption has stood as a prime enemy of federalism and an obstacle to state efforts to promote health, safety and environmental protection. For that reason, President Barack Obama's May 20 memorandum limiting federal assertions of preemption comes as welcome news. That memo, along with an important Supreme Court decision in March, signals a turn away from an aggressive policy of administrative agency preemption and recognition of the value of concurrent state and federal regulatory initiatives. The basic principle of preemption, that state laws cannot interfere with the operation of the federal government, is an important and uncontroversial feature of our constitutional system. However, over the past 25 years, preemption has become a weapon to defeat state regulations aimed at improving health and safety, as well as state tort suits seeking to compensate victims of malfeasance. Back in 1992, the United States Supreme Court issued a fractured opinion in the Cipollone case, holding that federal regulation of cigarette labeling preempted some state tort actions against tobacco companies. In the succeeding years, the Supreme Court has found that law suits relating to seat belts, medical devices and other products must be tossed out because of federal regulation in the area. Some assertions of preemption have succeeded. Others have failed. The judicial doctrine has not been clear. In this confusing area, the position of the President and his administration has proved significant. The administration of President George W. Bush frequently urged courts to find state suits preempted based on the theory that they posed obstacles to agency regulations. Courts would often listen. In addition to filing legal briefs, federal agencies added preemption provisions to regulatory preambles. This practice wrote the preemptive language into the Federal Register, without the need for the more formal review process normally associated with the promulgation of regulations. Commentators labeled the practice, "silent tort reform," as it had the effect of barring various state law personal injury actions without the need for explicit congressional legislation. The new memorandum from the Obama administration should spell the end to this kind of stealth preemption. The memo declares that regulatory preambles should not include preemptive statements, unless the underlying regulation contains a preemption provision. The memo further urges caution in promulgating regulations with preemptive language. Finally, the memo orders a review of preemptive statements issued by agencies within the past 10 years. Preemption will remain an essential component of our federal system, but the memo seeks to ensure that preemption provisions reflect a transparent and participatory administrative process.

# Uniqueness – Federalism High – Obama

**Federalism will be strong under Obama – this is the only predictive card talking about federalism in general instead of just a single policy**

**NYT**, 1/29/**09**, “Obama Seems to Be Open to a Broader Role for States” http://www.nytimes.com/2009/01/30/us/politics/30federal.html

The Obama administration seems to be open to a movement known as “progressive federalism,” in which governors and activist state attorneys general have been trying to lead the way on environmental initiatives, consumer protection and other issues, several constitutional experts say.

A recent decision by President Obama that could open the way for California and other states to set their own limits on greenhouse gases from cars and trucks represents a shift in the delicate and often acrimonious relationship between the federal government and the states, legal experts say, possibly signaling a new view of federalism.

“I think it’s quite significant,” said Samuel Issacharoff, a professor of constitutional law at New York University law school. “It shows the Obama administration’s more benign view of government intervention,” Professor Issacharoff said, and “may indicate a spirit of cooperative federalism” in which Washington will look to the states for new ideas and even a measure of guidance.

Tom Miller, the attorney general of Iowa, who met with the transition team in December to discuss federalism and other issues, said he believed the Obama administration would “usher in a new era in federal-state relations.” Members of the new administration, Mr. Miller said, “are open to what we’re talking about, what we’re thinking.” They also appreciate, he said, the fact that state attorneys general often achieve a level of bipartisan cooperation when they band together to pursue lawsuits.

The general trend under previous administrations had favored federal pre-emption, the belief that the best law comes from Washington, a concept still favored by business leaders.

William L. Kovacs, a vice president for environmental and regulatory issues at the United States Chamber of Commerce, said free-for-all federalism was bad for business and would lead to a “patchwork of laws impacting a troubled industry.” Detroit, Mr. Kovacs said, would have to produce different cars for different parts of the country, and the environmental protection agency would grow tremendously to meet the new regulatory burden.

Many liberal thinkers skeptical of states’ rights and state actions since the days of segregation have begun to see that the states, to use Justice Louis Brandeis’s words from the 1930s, can “serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country.”

Professor Issacharoff said states were often quicker than Washington to spot a problem when it emerged, and so “it may be the states that have the best initial take on it, and try different regulatory methods until we fasten on a single national solution.”

States have taken up the challenge of consumer protection, addressing issues like predatory lending well before the federal government took action, and often achieving reforms by suing the federal government to force it to enforce its laws and through legal settlements with industry. In October, 11 states reached an $8.4 billion settlement with Countrywide Financial in which it agreed to modify home loans to help people at risk of foreclosure. And in 2006, 49 states and the District of Columbia reached a $325 million settlement with the Ameriquest Mortgage company to change its policies.

Attorneys general also pressured major universities to adopt a code of conduct regarding their relationships with student lending companies. Eliot Spitzer, the former New York attorney general, achieved a settlement with the pharmaceutical company GlaxoSmithKline in 2004 in which it agreed to release more information about the risks to patients that had come out in clinical trials.

The Obama administration, then, is embracing a states’ rights movement that a liberal could love. “The pro-regulatory folks realized in the last eight years that the old line on federal power being the only good power wasn’t correct,” said William Marshall, a law professor at the University of North Carolina who was deputy White House counsel in the Clinton administration and a former solicitor general of Ohio.

“It doesn’t mean you abandon the federal regulatory process — you don’t, of course,” Mr. Marshall said. “But you treat it as a floor and not a ceiling.”

# Uniqueness – Federalism High – Obama

## ****Obama’s policies have promoted federalism****

**John Dinanand Shama Gamkhar May 14th, 2009 (Dinan is a professor of political science at Wake Forest, Gamkhar is a professor of public affairs at the University of Texas at Austin) “**The **State** of American **Federalism** 2008–2009: The Presidential Election, the Economic Downturn, and the Consequences for **Federalism” Published in Publius: The Journal of Federalism” page online: http://publius.oxfordjournals.org/cgi/content/full/pjp012 Accessed July 9, 2009.**

In the early months of his presidency, Obama took a number ofopportunities to revisit Bush administration positions regardingexpansion of federal authority, preemption of **state** policy experimentation,and fiscal support for **state**s, and the outlines of Obama's positionsare starting to emerge. First, Obama has permitted greater **state**policy experimentation in several areas, including auto emissionsstandards and children's health programs. Second, Obama hasbeen much more responsive to **state** fiscal interests, as evidencedmost clearly by his support for a massive stimulus package containingsignificant **state** aid. Third, and as discussed in the next partof this essay, Obama has put federal power and resources inthe service of a different set of policy goals, particularlyregarding energy conservation and environmental protection. Obama reversed Bush administration policy in such a way as toexpand **state** discretion in several areas. In January 2009, hedirected the EPA to begin the process of reversing a December2007 denial of a Clean Air Act waiver to California (Schwartz2009), and in February 2009, he signed a CHIP (formerly SCHIP)reauthorization measure that Bush vetoed twice in an earlierform in 2007. The Children's Health Insurance Program ReauthorizationAct of 2009 (CHIPRA) went even further than the earlier vetoedbills in granting discretion to **state**s to insure legal immigrantsimmediately rather than waiting five years. Moreover, upon signingthe law, Obama directed the Centers for Medicare and MedicaidServices (CMS) to withdraw an August 2007 Bush administrationdirective preventing **state**s from using federal CHIP funds tocover children in families making above 250 percent of the FederalPoverty Level (FPL). The Obama memo restored **state**s’ abilityto cover children above this income level, although federalmatching funds will be reduced for **state**s choosing for the firsttime to cover children in families above 300 percent of FPL(Center for Children and Families 2009). In another departurefrom Bush administration policy, in March 2009 Attorney GeneralEric Holder announced that the Drug Enforcement Administrationwould discontinue raids on medical marijuana

# Uniqueness – A2: Federalism Low – Stimulus/Health Care

**The stimulus and health care bills were not examples of extreme federal power – they gave a lot of flexibility to the states and still upheld federalism**

Peter **Harkness**, founder and publisher emeritus of GOVERNING and now serves as a co-writer of the Potomac Chronicle column and launched GOVERNING in 1987 after serving as editor and deputy publisher of the Congressional Quarterly news service, January 20**12**, “What Brand of Federalism Is Next?” http://www.governing.com/columns/potomac-chronicle/gov-col-what-brand-of-federalism-is-next.html

But there was a difference: Collaboration and sensitivity to state prerogatives was built into the mix. In an analysis in the publication Publius by political scientists Paul Posner and Tim Conlan of George Mason University, the authors noted that “the most significant feature of Obama’s approach to intergovernmental relations thus far may be his hybrid model of federal policy innovation and leadership, which mixes money, mandates and flexibility in new and distinctive ways.” Under this “nuanced federalism,” plenty of carrots are mixed in with the sticks. Even with the health-care reform plan, they noted, progressive states were allowed to exceed minimum federal standards and conservative ones could avoid participating in almost any facet of the system, using the feds as a backstop.

By most accounts, both from the federal officials who ran it and the state and local officials they worked with, the massive Recovery Act stimulus effort was an extraordinarily successful collaboration between all three levels of government. States enjoyed unusual flexibility in how they spent much of the billions in funding the act provided, and Washington was able to rely on a state and local infrastructure to get the cash out the door fast.

# Uniqueness – A2: Federalism Low in Transportation

**Federal policy is decreasing now for transportation**

Ken **Orski**, editor and publisher of Innovation NewsBriefs an influential and widely read transportation newsletter and has worked professionally in the field of transportation for close to 40 years and served as Associate Administrator of the Urban Mass Transportation Administration under President Nixon and President Ford and after leaving government founded a transportation consultancy counseling corporate clients and agencies in federal state and local government and has served on numerous state and federal transportation advisory bodies including most recently the Blue Ribbon Panel of the congressionally-chartered National Surface Transportation Policy and Revenue Commission and is a magna cum laude graduate of Harvard College and holds a J.D. degree from Harvard Law School, **5/24**/12, “The Days of Multi-Year Bills May be Over” http://transportation.nationaljournal.com/2012/05/not-waiting-for-the-feds.php#2213240

The federal-aid transportation program will surely continue but there is a growing sense among the lawmakers on Capitol Hill that Congress may be forced to abandon the practice of multi-year authorizations. The prevailing fiscal and political environment makes it difficult if not impossible to raise hundreds of billions of discretionary dollars in a single legislative package.

At current levels of spending, a five-year authorization would require approximately $270 billion, but highway trust fund revenue and interest over the same time frame is projected to generate only $195 billion (CBO estimate)--- leaving an unfunded shortfall of $75 billion. For a six-year bill, the unfunded shortfall would reach $90 billion. Where would that money come from (short of using the kind of accounting gimmickry that the Senate has been accused of doing in its MAP-21 bill )?

Hence, short-term bills (annual or bi-annual) requring only relatively modest amonts of offsets or general fund supplements may become the acceptred practice instead. The fact that the Senate has barely scraped up enough funds for a two-year bill while the House has been unable to come up with any plausible funding for its five-year bill, suggests that the days of multi-year transportation authorizations may indeed be over.

# Uniqueness – A2: Federalism Low in Transportation

**Federalism is increasing in transportation now**

Emil **Frankel**, Director of Transportation Policy for the Bipartisan Policy Center in Washington DC and served as Acting Commissioner of the Connecticut Department of Transportation and was Assistant Secretary for Transportation Policy of the U.S. Department of Transportation from 2002 to 2005 playing a key role in the coordination and development of the Administration's proposal to reauthorize the Federal highway transit and highway safety programs and also provided policy leadership in such areas as intermodal freight transportation, reform of the Nation's intercity passenger rail system, transportation project financing, and the application of information technologies to transportation systems operations and was Commissioner of the Connecticut Department of Transportation from 1991 to 1995, **5/22**/12, “Defining and Allocating Roles” http://transportation.nationaljournal.com/2012/05/not-waiting-for-the-feds.php#2211941

Whatever the outcome of the current Congressional process on authoriziing federal surface transportation programs, the longer-term trend is clear: the federal share of transportation investment is, at best, stagnating and, at worst, declining. These circumstances reverse a trend of half a century or more of growing federal surface transportation funding. It is evident that a greater portion of this funding and investment burden will now fall on states and localities.

# Link/Turns Case – Transportation

**Power of transportation investment should be given to solely the states – federal policy is inefficient and doesn’t take into account the details of each individual state’s situation. Giving states the power now is key to federalism.**

Patrick **McGuigan**, senior editor for The City Sentinel and is also editor at CapitolBeatOK and is a member of The National Press Club the Society of Professional Journalists (SPJ) and the Tulsa Press Club and has executive branch experience from his work at the Oklahoma Department of Labor including as Deputy Commissioner of Labor and has won journalism awards from SPJ the Associated Press the Amy Foundation and other professional organizations, and is the editor of seven books and the author of two including "The Politics of Direct Democracy: Case Studies in Popular Decision Making,"7/29/**11**, “Transportation Federalism -- and flexibility -- proposed in new bill from Coburn, Lankford” http://capitolbeatok.com/reports/transportation-federalism-and-flexibility-proposed-in-new-bill-from-coburn-lankford

In his statement, sent to CapitolBeatOK, Sen. Coburn said, “Washington’s addiction to spending has bankrupted the Highway Trust Fund. For years, lower-priority projects like earmarks have crowded out important priorities in our states, such as repairing crumbling roads and bridges.

“Instead of burdening states and micromanaging local transportation decisions from Washington, states like Oklahoma should be free to choose how their transportation dollars are spent. I have no doubt that Oklahoma’s Transportation Director Gary Ridley will do a much better job deciding how Oklahoma’s transportation dollars are spent than bureaucrats and politicians in Washington.”

Lankford applauded Coburn's leadership in the matter, observing, “This has been one of my top priorities since coming to Congress, and I’m happy to join Senator Coburn in this effort. This bill is a giant step for states by increasing transportation flexibility while improving efficiency.

“By allowing states to opt-out of the federal bureaucracy, they will be able to take more control of their own resources. It will free Oklahoma to keep our own federal gas taxes and to fund new projects at our own discretion.”

Joel Kintsel, executive vice president at OCPA, told CapitolBeatOK, "I am so proud of the leadership shown by Senator Coburn and Congressman Lankford. Hopefully, **this is the beginning of a broader effort by Congress to return to federalism** and withdraw from areas of activity rightfully belonging to the States.”

Sen. McCain, the 2008 Republican nominee for president, said, “As a Federalist, I have long advocated that states should retain the right to keep the revenue from gas taxes paid by drivers in their own state. This bill would allow for this to happen and prevent Arizonans from returning their hard earned money to Washington. Arizonans have always received 95 cents or less for every dollar they pay federal gas taxes. This continues to be unacceptable, and for that reason I am a proud supported of the State Highway Flexibility Act.”

Sen. Vitter asserted, “It’s very apparent how badly Congress can mismanage tax dollars, especially the Highway Trust fund which has needed to be bailed out three times since 2008. The states know their transportation needs better than Congress, so let’s put them in the driver’s seat to manage their own gas tax.”

Hatch contended, “The federal government’s one-size-fits all transportation policies and mandates are wasting billions of taxpayer dollars and causing inexcusable delays in the construction of highways, bridges and roads in Utah and across the nation.

Sen. Cornyn said the Lone Star State can manage public transportation spending just fine, and the bill, “will provide Texas more flexibility to make transportation decisions locally and encourage innovative solutions to addressing our transportation infrastructure needs.

Kintsel, whose areas of focus for OCPA include constitutional and other legal policy issues, said, “Federalism is an indispensable check and balance between the States and the federal government and remains an important feature of our constitutional system. Unless it is a power expressly reserved by the Constitution to the federal government, Congress should not attempt to control the decisions of individual states. The more local decision making is eroded by an overbearing national government, the less freedom and ingenuity survives in states and local communities. In this instance, Oklahoma leaders will know how to use these transportation dollars far more efficiently than anyone outside of Oklahoma.

“The Oklahoma Council of Public Affairs applauds this move towards more federalism and is presently crafting a proposal to pursue federalism on a much larger scale. Under OCPA’s concept, federal dollars used for activities constitutionally reserved to the States will be returned to Oklahoma because the people, through their representatives in the Oklahoma Legislature, will know much better how to allocate resources within the State of Oklahoma.”

# Link/CP Solves/Turns Case – Transportation

**Transportation is a state issue – now is the key time to recognize this and allow states to act on something that is legitimately within their power – anything else kills federalism and is an inefficient transportation policy that won’t solve case**

Daniel **Horowitz**, Deputy Political Director at The Madison Projectand Contributing Editor and Legislative Writer at Red State and Editor at Red Meat Conservative with a degree in finance and political science, **1/19**/12, “Devolve Transportation Spending to States” http://www.redstate.com/dhorowitz3/2012/01/19/devolve-transportation-spending-to-states/

One of the numerous legislative deadlines that Congress will be forced to confront this session is the expiration of the 8th short-term extension of the 2005 surface transportation authorization law (SAFETEA-LU). With federal transportation spending growing beyond its revenue source, an imbalance between donor and recipient states, inefficient and superfluous construction projects popping up all over the country, and burdensome mass transit mandates on states, it is time to inject some federalism into transportation spending.

Throughout the presidential campaign, many of the candidates have expressed broad views of state’s rights, while decrying the expansion of the federal government. In doing so, some of the candidates have expressed the conviction that states have the right to implement tyranny or pick winners and losers, as long as the federal government stays out of it. Romneycare and state subsidies for green energy are good examples. The reality is that states don’t have rights; they certainly don’t have the power to impose tyranny on citizens by forcing them to buy health insurance or regulating the water in their toilet bowels – to name a few. They do, however, reserve powers under our federalist system of governance to implement legitimate functions of government. **A quintessential example of such a legitimate power is control over transportation and infrastructure spending.**

The Highway Trust Fund was established in 1956 to fund the Interstate Highway System (IHS). The fund, which is administered by the DOT’s Federal Highway Administration, has been purveyed by the federal gasoline tax, which now stands at 18.4 cents per gallon (24.4 for diesel fuel). Beginning in 1983, Congress began siphoning off some of the gas tax revenue for the great liberal sacred cow; the urban mass transit system. Today, mass transit receives $10.2 billion in annual appropriations, accounting for a whopping 20% of transportation spending. Additionally, the DOT mandates that states use as much as 10% of their funding for all sorts of local pork projects, such as bike paths and roadside flowers.

As a result of the inefficiencies and wasteful mandates of our top-down approach to transportation spending, trust fund outlays have exceeded its revenue source by an average of $12 billion per year, even though the IHS – the catalyst for the gasoline tax – has been completed for 20 years. In 2008, the phantom trust fund was bailed out with $35 billion in general revenue, and has been running a deficit for the past few years. Congress has not passed a 6-year reauthorization bill since 2005, relying on a slew of short-term extensions, the last of which is scheduled to expire on March 31.

Short-term funding is no way to plan for long-term infrastructure projects. In their alacrity to gobble up the short-term money before it runs out, state and local governments tend to use the funds on small time and indivisible projects, such as incessant road repaving, instead of better planned long-term projects.

It’s time for a long-term solution, one which will inject much-needed federalism and free-market solutions into our inefficient and expensive transportation policy.

It is time to abolish the Highway Trust Fund and its accompanying federal gasoline tax. Twenty years after the completion of the IHS, we must devolve all transportation authority to the states, with the exception of projects that are national in scope. Each state should be responsible for its own projects, including maintenance for its share of the IHS. Free of the burden of shouldering special interest pork projects of other states, each state would levy its own state gas tax to purvey its own transportation needs. If a state wants a robust mass transit system or pervasive bike lanes, let the residents of that state decide whether they want to pay for it. That is true federalism in action.

The most prudent legislation that would transition responsibility for transportation spending back to the states is Rep. Scott Garrett’s STATE Act (HR 1737). Under this legislation, all states would have the option to opt out of the federal transportation system and keep 16.4 cents of their federal gasoline tax contribution. States would have the ability to use that money to raise their state gasoline tax and direct those funds more efficiently for their own needs. States would be free to use the funds for vital needs, instead of incessant repaving projects that are engendered by short-term federal stimulus grants, and which cause unnecessary traffic juggernauts. States could then experiment with new innovations and free-market solutions that open up infrastructure projects to the private sector. The Tenth Amendment is not just a flag-waving principle; it works in the real world.

It takes a lot of impudence on the part of the President to blame Republicans for crumbling infrastructure. It is his support for a failed central government system that is stifling the requisite innovations that are needed to deal with state and local problems.

**There is no issue that is more appropriate for state solutions than transportation spending**. Every Republican member should co-sponsor the STATE ACT so we can put an end to three decades of flushing transportation down the toilet. Also, with the news that Rick Perry will head up Newt Gingrich’s Tenth Amendment initiatives, **this might be a good time to advocate for federalist solutions in transportation and infrastructure.** When Obama starts ascribing blame for our “crumbling infrastructure” during his State of the Union Address, Perry and Gingrich should use their megaphone to pin the blame on the donkey’s stranglehold over the transportation needs of states.

# Link – Rail Transit

**Historically, rail transit has been left under the states’ power**

Elana **Schor**, D.C. Streets, 8/10/**09**, “The Peculiar Federalism of Transit Safety: No National Standards Exist” http://dc.streetsblog.org/2009/08/10/the-peculiar-federalism-of-transit-safety-no-national-standards-exist/

The recent crash of two D.C. Metro trains has laid bare a glaring lack of authority at the obscure local committee that is supposed to ensure transit riders' safety, as the Washington Post reported today. But the problem is bigger than the nation's capital: The Federal Transit Administration (FTA) has not issued broad safety rules for rail transit, leaving the issue in the hands of state oversight agencies.

With only two months until the authorization for the federal gas tax expires, most other proposals will only further entrench the power of the federal government. Call your members of Congress and ask them to co-sponsor Scott Garrett’s HR 1737 and stand for bold conservative solutions.

# Link/CP Solves – High Speed Rail

**Allowing federal policy on high speed rails is bad for federalism – the counterplan resolves this by having states act instead**

Tad **DeHaven**, a budget analyst on federal and state budget issues for the Cato Institute and previously was a deputy director of the Indiana Office of Management and Budget and also worked as a budget policy advisor to Senators Jeff Sessions (R-AL) and Tom Coburn (R-OK) and in 2010, he was named to Florida Governor Rick Scott's Economic Advisory Council and his articles have been published in the Washington Post Washington Times New York Post Wall Street Journal Online National Review and Politico.com, 11/26/**10**, “High-Speed Federalism Fight” http://www.cato-at-liberty.org/high-speed-federalism-fight/

LaHood said that states rejecting federal HSR subsidies won’t be able to reroute the money to other uses, such as roads. Instead, LaHood said the rejected money will redistributed “in a professional way in places where the money can be well spent” — i.e., other states. And sure enough, other governors were quick to belly up to the Department of Transportation’s bar in order to grab Ohio and Wisconsin’s share.

From the Columbus-Dispatch:

New York Gov.-elect Andrew Cuomo has said he would be happy to take Ohio’s money. Last week, California Democratic Sens. Barbara Boxer and Dianne Feinstein wrote LaHood saying that California stands ready to take some, too, noting that several states that elected GOP governors this month have said they no longer want to use the rail money for that purpose.

“It has come to our attention that several states plan to cancel their high-speed rail projects. We ask that you withdraw the federal grants to these states and award the funds to states that have made a strong financial commitment to these very important infrastructure projects,” Boxer and Feinstein said in their letter to LaHood.

This is a textbook example of why the Department of Transportation should be eliminated and responsibility for transportation infrastructure returned to state and local governments. If California wishes to pursue a high-speed rail boondoggle, it should do so with its own state taxpayers’ money. Instead, Ohio and Wisconsin taxpayers now face the prospect of being taxed to fund high-speed rail projects in other states.

# Link/CP Solves – High Speed Rail

**High speed rail and transportation infrastructure is a state issue – leaving it up to the federal government is bad for federalism**

Tad **DeHaven**, a budget analyst on federal and state budget issues for the Cato Institute and previously was a deputy director of the Indiana Office of Management and Budget and also worked as a budget policy advisor to Senators Jeff Sessions (R-AL) and Tom Coburn (R-OK) and in 2010, he was named to Florida Governor Rick Scott's Economic Advisory Council and his articles have been published in the Washington Post Washington Times New York Post Wall Street Journal Online National Review and Politico.com5/19/**11**, “Federal Gas Taxes and Federalism” http://www.downsizinggovernment.org/federal-gas-taxes-and-federalism

Last week I discussed the Obama administration’s decision to redistribute federal high-speed rail money rejected by Florida Gov. Rick Scott. I noted that “Florida taxpayers were spared their state’s share of maintaining the line, but they’re still going to be forced to help foot the bill for passenger-rail projects in other states.” My underlying point was that the states should be allowed to make their own transportation decisions with their own money.

Two Michigan state policymakers — both Republican — want to send the same message to Washington. State representatives Paul Opsommer and Tom McMillin have introduced resolutions that call on the federal government to allow the states to keep the federal gasoline taxes that they send to Washington. (Opsommer’s resolution would have to pass both state chambers, whereas McMillin’s resolution would only need to pass in the Michigan House.)

Michigan would no longer send its money to Washington so that it can be washed through Congress and the federal bureaucracy and sent back to Michigan (and the other states) with costly federal strings attached. Instead, highway financing and control would be left to the states. As a Cato essay on federal highway funding argues, re-empowering the states is clearly preferable to the current top-down approach:

With the devolution of highway financing and control to the states, successful innovations in one state would be copied in other states. And without federal subsidies, state governments would have stronger incentives to ensure that funds were spent efficiently. An additional advantage is that highway financing would be more transparent without the complex federal trust fund. Citizens could better understand how their transportation dollars were being spent.

The time is ripe for repeal of the current central planning approach to highway financing. Given more autonomy, state governments and the private sector would have the power and flexibility to meet the huge challenges ahead that America faces in highway infrastructure.

Some people, particularly those with an interest in the current convoluted arrangement, argue that it’s necessary for the enlightened beings in Washington to provide us with a national “vision” or “plan.” But the redirection of Florida’s high-speed rail allotment to other states shows that decision-making in Washington usually has more to do with politics than economics.

Conspicuously left out of the Obama administration’s re-spreading of high-speed cheese was Wisconsin, which tried to grab some of the Florida money for an intercity rail line that connects the state to Chicago. Reason’s Sam Staley points out that Wisconsin Gov. Scott Walker also said “no thanks” to the administration’s high-speed rail money. Staley says “the snubbing of the State of Wisconsin smells a lot like political payback,” and links to a piece from a Milwaukee Journal-Sentinel columnist who doesn’t have any doubts.

If either or both of the Michigan resolutions pass, Congress can simply choose to ignore the message. Hopefully, more states will take a cue from Michigan, which could make it harder for the folks in Washington to simply look the other way. Regardless, Opsommer and McMillan deserve a round of applause for trying to score one for fiscal federalism.

# Link/CP Solves – Highways

**Highways should be a state issue and all power should be given back to the states**

Dan **Mitchell**, a top expert on fiscal policy issues such as tax reform, the economic impact of government spending, and supply-side tax policy and prior to joining Cato was a senior fellow with The Heritage Foundation and an economist for Senator Bob Packwood and the Senate Finance Committee and also served on the 1988 Bush/Quayle transition team and was Director of Tax and Budget Policy for Citizens for a Sound Economy and his articles can be found in such publications as the Wall Street Journal New York Times Investor's Business Daily and Washington Times and holds bachelor's and master's degrees in economics from the University of Georgia and a Ph.D. in economics from George Mason University, 1/6/**11**, “Time to Shut Down the Department of Transportation and Take a Small Step to Restoring Federalism” http://danieljmitchell.wordpress.com/2011/01/06/time-to-shut-down-the-department-of-transportation-and-take-a-small-step-to-restoring-federalism/

Republicans have been spouting lots of good rhetoric, but what really matters is shrinking the burden of government. One very attractive option is federalism. There are things that perhaps should be done by government, but there is absolutely no reason why they require a remote, expensive, one-size-fits-all, redistributionist, unconstitutional bureaucracy in Washington.

Writing for Real Clear Markets, Diana Furchtgott-Roth of the Hudson Institute uses highway funding as an example of how we can get much better results if Washington butts out and lets states make their own decisions. She doesn’t take this argument to its logical conclusion and urge the dismantling of the Department of Transportation, but I’ll unabashedly take that extra step. Don’t just shut it down. Bury it in a lead-lined coffin, cover it with six feet of concrete, and then add a foot of salt to make sure it doesn’t somehow spring back to life.

By ceasing to authorize expenditures from the Highway Trust Fund, and ending the 18-cent federal gasoline tax, Congress could let the trust fund expire and turn highway spending authority back to the states-along with the ability to levy the fuel tax for their own coffers. Such devolution of responsibility to states would release them from expensive federal laws and regulations associated with current highway spending, such as environmental laws that add years to project construction (remember “shovel-ready” road projects?). Nor would states be bound by Davis-Bacon prevailing-wage requirements and Project Labor Agreements, which require the use of costly union labor on construction projects. …Removing federal restrictions would expand states’ opportunities to raise revenue by imposing highway tolls, which could ease traffic congestion by varying prices depending on when traffic is heavy or light. Such toll roads in southern California have eased congestion and raised revenue for the state. Each state would be able to fund and build the roads it wants, using a combination of taxes, bond issues, tolls, and public-private partnerships.

# Link/CP Solves – Highways/Now = Key Time

**Now is the key time to re-establish federalism by devolving power over highways to the states**

Diana **Furchtgott-Roth**, a senior fellow at the Manhattan Institute and a contributing editor of RealClearMarkets.com and a monthly columnist for Tax Notes and was previously a senior fellow at the Hudson Institute where she directed the Center for Employment Policy with her areas of expertise including employment, taxation, education, pensions, unionization, and immigration and from 2003 to 2005 was chief economist of the U.S. Department of Labor and from 2001 to 2002 served as chief of staff of President' George W. Bush's Council of Economic Advisers and served as deputy executive director of the Domestic Policy Council and associate director of the Office of Policy Planning in the White House under President George H.W. Bush from 1991 to 1993 and she was an economist on the staff of President Reagan’s Council of Economic Advisers from 1986 to 1987, 1/6/**11**, “A Challenge for the New Congress” http://www.realclearmarkets.com/articles/2011/01/06/highway\_trust\_fund\_a\_challenge\_for\_the\_new\_congress\_98821.html

WASHINGTON-The new 112th Congress, searching for ways to make government more efficient and reduce spending, has a golden opportunity to narrow the scope of the federal government.

By ceasing to authorize expenditures from the Highway Trust Fund, and ending the 18-cent federal gasoline tax, Congress could let the trust fund expire and turn highway spending authority back to the states-along with the ability to levy the fuel tax for their own coffers.

Such devolution of responsibility to states would release them from expensive federal laws and regulations associated with current highway spending, such as environmental laws that add years to project construction (remember "shovel-ready" road projects?). Nor would states be bound by Davis-Bacon prevailing-wage requirements and Project Labor Agreements, which require the use of costly union labor on construction projects.

With the end of federal fuel taxes, some states would substitute their own, and would be free to dedicate the additional revenue to highways or other purposes, such as education, environmental protection, public pensions, income or sales tax reduction and so on.

Removing federal restrictions would expand states' opportunities to raise revenue by imposing highway tolls, which could ease traffic congestion by varying prices depending on when traffic is heavy or light. Such toll roads in southern California have eased congestion and raised revenue for the state.

Each state would be able to fund and build the roads it wants, using a combination of taxes, bond issues, tolls, and public-private partnerships.

The federal Highway Trust Fund was set up in 1956 so that road users would pay for the new, continent-spanning network of roadways we know as the interstate highway system. The tax then was 3 cents a gallon. Congress has raised it in steps to 18 cents for gasoline and 24 cents for diesel, with some earmarked for special purposes, such as mass transit.

Back in 1956, the enabling legislation contemplated that the interstate highway system would be completed in 1972, at which point the fund would be terminated. Devolving the fund to states would be in keeping with that congressional intent.

The Highway Trust Fund is projected to have revenues of approximately $34 billion in 2011, according to the Congressional Budget Office. In 2008, the latest year available, data from the Federal Highway Administration show that $31 billion was paid into the Fund, and $41 billion was allocated from general revenues and interest.

Since the fund's inception in 1956, it has collected $674 billion and allocated $757 billion-the difference of $83 billion appropriated by a series of Congresses tempted to spend more transportation funds. Reflecting this tendency, a June 2010 Government Accountability Office study was entitled "Nearly All States Received More Funding Than They Contributed in Highway Taxes Since 2005."

The current system of funding formulas favors some states over others. In 2008, states in Northeast, the Pacific Northwest, the Rocky Mountains, the Dakotas and Minnesota did particularly well. The Midwest, the South, California, Arizona, and Texas were not as lucky, with Texas getting the least from the system.

Devolving the Highway Trust Fund to the states would likely result in a decline in federal spending, with its attendant earmarks and Washington lobbying-a process the 112th Congress tells voters it wants to end-and potential cuts in the Transportation Department payroll. In addition, states would not be forced to fund mass transit.

One alleged disadvantage of devolving the fund to the states is the possibility of disparate maintenance from state to state. North Dakota drivers might arrive at the Minnesota border and find their way slowed because Minnesota has skimped on maintenance. But that disadvantage already exists today, with some states spending more on maintenance than others.

Others claim that certain states with particular geographic and demographic characteristics might need a grant from the federal government at least initially to maintain their highway network. Again, that argument is belied by the reality of today. Mississippi is the poorest state in the Union and receives less than average from the Federal Highway Trust Fund. If Mississippi and its roads can muddle through with less than average payments, other states can also manage.

Another disadvantage is that the federal government might end the fuel tax, devolve the fund to states, and then reimpose the tax for general revenues, as is the case in Europe. Now, the proceeds of the federal fuel tax are limited to transportation. Since the fuel tax raises about $1.7 billion for each penny charged, it might be hard for politicians to resist reimposing it.

For the fund to terminate, no new spending could be authorized under the fund. It would still take as much as four years for existing projects already initiated under the fund to be completed, but the fund would gradually decline and reach zero at the end of that time.

Greg Cohen, president and CEO of the American Highway Users Alliance, explained to me in a phone conversation, "Highway projects are typically multi-year endeavors. As such, when federal money is committed for a state highway project, the funds are spent over several years."

Charging for roads, and deciding where they should go, should be the responsibility of state or private providers. The interstate highway system is complete, and the technology for pricing roads without stopping vehicles is readily available. The Highway Trust Fund and the federal fuel tax have outlived their usefulness, and the 112th Congress should wind them down.

# Internal Link – Transportion = Key Issue for Federalism

**Transportation is a key area in which federalism can be established**

**Heritage Foundation**, 8/17/**10**, “Solutions for America: Re-embracing Federalism” http://www.heritage.org/research/reports/2010/08/re-embracing-federalism

THE SOLUTIONS:

Changing the Dynamic. The best path toward achieving the goal of decentralizing government power starts with practical but significant reforms that will change the dynamic in key policy matters. There are several areas that in recent decades have become federal government concerns but are better dealt with at the state and local levels of government. Five areas are especially ripe for this kind of reform.

Health Care. A centralized approach to health care cannot possibly produce a system that will work efficiently everywhere in the United States, given the country’s diversity and also the complexity of health care. The federal government should instead create the conditions for states to take the lead in discovering the best ways to achieve affordable health care for their citizens. To do this the federal government must end the bias in the tax code against individuals who purchase health coverage on their own, in order to help foster market innovation. It must promote interstate commerce in health insurance. And it should provide states with waivers from the statutes governing such programs as Medicaid and Medicare—not just the regulations—to spur state experimentation.

Education. We must restore the preeminent role of the states in establishing the education priorities that are best suited to their own citizens’ needs. States should have the freedom to opt out of federal education programs and assume full responsibility, free of stifling federal mandates, to direct their education funding and policy. States should be able to consolidate federal funding and direct it to any educational purpose that is lawful under state statute. In exchange for freedom from federal mandates, states should provide increased transparency about performance standards and be able to show results in terms of student achievement over time.

Transportation. States should control and establish the priorities for their highway and other transportation-related programs rather than be beholden to the one-size-fits-all, lobbyist-driven mandates now entrenched in federal law. This includes control of their share of federal money allocated to them from the highway trust fund. States that want to opt out of the federal highway program altogether and retain all of the federal fuel tax revenues raised within the state should be able to do so.

# Impact Ext – Free Trade – Internal

**Federalism is key to establish bonds that create free trade**

**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]

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.

# Impact Ext – Free Trade – Internal

**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.

# Impact – Nigeria

**Nigeria models US federalism**

**Natufe**, Ph.D., **01**
[O. Igho “Framework For Renewed Federalism in Nigeria” http://www.ngex.com/personalities/voices/natufe020801.htm]

The United States and Canada remain the models of federalism. Other successful federations, for instance, Australia, Germany, India, and Malaysia have built on the U.S. and Canadian examples. What is the state of federalism in Nigeria? The argument in favour of the status quo in Nigeria is based primarily on the Constitution of the Federal Republic of Nigeria 1999. This constitution, supposedly a federal constitution, is in reality a unitary document that structures the country into obsequious administrative units that are referred to as states. Besides the name of the document, its core is defined in strict unitary terms. In contrast to the 1963 Republican Constitution, the 1999 variant is reflective of the military doctrine that inspired its drafting. It is highly unlikely that the military, a unitary command-based institution will produce a federal constitution. The basic tenets of military political orientation hinder its capability to design a federal polity. Furthermore, given his military training, it is obvious that President Obasanjo does not possess the dispositions nor the coordinating skills required of federalists. Thus, in political and economic terms, Nigeria is administered as a unitary polity. As will be demonstrated later in this paper, an examination of selected jurisdictional questions in the 1999 Constitution clearly underlines the command-centralizing powers of the central government vis-a-vis the states. This tendency subordinates the states to the central government, a contradiction of the key fundamental premise of federalism. As any perceptive scholar of Nigerian federalism will know, Nigeria was on its way to emulating the United States' example in its 1963 Republican Constitution, until the military aborted the democratic process on January 15, 1966.

**The lack of federalism in Nigeria is killing stability there**

Emmanuel **Edukugho**, All Africa News, **5/26**/12, “Nigeria: Democracy in Difficult Gestation Period” http://allafrica.com/stories/201205270234.html

Our experience of democracy since return to civil rule seemed not follow the cherished dogma that democracy is the belief (practically) in freedom and equality between people or a system of government based on such belief in which political power is either held by truly elected representatives or directly by the people themselves.

Most of our leaders claim to be democrats, (that is people who believe in democracy), but in actual fact, they are autocrats, behaving like military despots in civilian garb. This is the unfortunate spectacle of the democracy that we now have in the country. Rule of law is not there; now replaced by arbitrariness**, true federalism** handed down by the founding fathers **has been heavily compromised by unitarianism**, over bloated executive system that accommodates all kinds of political opportunists, and a bicameral legislature (House of Representatives and Senate) that is superfluous, inefficient and highly expensive to run.

Nigeria is believed to be running one of the most costly democracies in the world with the system consuming about three-quarter of the national budget, leaving a meagre one-quarter for economic, social and infrastructural development. Under this type of democracy, driven by highly corrupt, unpatriotic, selfish and incompetent political office holders, the country is reeling under massive unemployment, insecurity, decayed infrastructure, poverty, hunger, deficient healthcare delivery, high infant and maternal fatality rate, lack of adequate power supply, high crime rate, no potable drinking water, broken down education system, disorganised transportation, lack of affordable housing, bad roads, a corrupt judiciary that can't become the last hope of the citizenry in getting justice.

Many negative factors are rearing their ugly heads that could truncate our nation's fledgling democracy and for which the political leadership is not willing to confront. Insecurity, corruption, poverty, unemployment are some of the most striking.

**Instability in Nigeria causes oil price shocks**

**Casa**, Nationalist Member of the European Parliament, January 9, 20**08**

[David, “Voice of concern” http://www.independent.com.mt/news.asp?newsitemid=62972]

 The political instability that is being witnessed by the whole world these days, is indirectly affecting, the whole world. Financial trading companies are putting the blaming these conflicts on the new record high oil prices. The $100 per barrel price may be affected by the ongoing violence in Nigeria, concern about political instability in Kenya and Pakistan, the oil inventory expectations and the cold weather that has affected the whole world.

**Major oil shocks will plunge the world into nuclear war.**

**Lauria 08**

(Joe - New York-based investigative journalist. A freelance member of the Sunday Times of London Insight team, he has also worked on investigations for the Boston Globe and Bloomberg News., The Huffington Post, April 14, “The Coming War with Iran: It’s About the Oil, Stupid,” http://www.commondreams.org/archive/2008/04/14/8282/)

The Saudis would not mind seeing the Iranian regime go. But the Saudis may also be on the list. The US may have to destabilize and control Saudi Arabia some day too. The Wall Street Journal a few years ago revealed that in the 1970s under Nixon, Kissinger had plans drawn up for the US invasion and occupation of the Saudi oil fields. Those plans can be dusted off. The American oil wars are being launched out of weakness, not strength. The American economy is teetering and without control of the remaining oil it will collapse. There will be massive chaos in any case, when only enough oil remains for the American elite and whomever they choose to share it with. That will leave an oil-starved China and India, both with nuclear weapons, with no alternative but to bow to America or go to war. It’s not about greed any more. It’s about survival. Because the leadership of this country was initially too greedy to switch from oil to solar, wind, geothermal and other renewable alternatives, it may now be too late. Had the hundreds of billions of dollars poured into the invasion and occupation of Iraq been put into alternative energy the world might have had a fighting chance. Now that is far from certain. What is certain is that these wars are not about democracy. They are not about WMD. The coming one will not even be about Iran’s nuclear weapons project. It’s about the oil, stupid.

# Impact – Nigeria – Ext – Nigeria Models

**Nigeria models US federalism – empirically proven**

**Defense & Foreign Affairs' Strategic Policy,** 20**05**

(“Oil as Troubled Waters” GRC June) 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.

# Impact – Nigeria – Ext – Nigeria Models

**American federalism is modeled in Nigeria**

**Ejobowah,** Department of Global Studies, 20**03
[**John Boye, “The New Political Economy of Federal Preservation: Insights from the Nigerian Federal Practice”, http://www.queensu.ca/politics/rgonemc/EjobowahFederalismPaper2.pdf]

Finally, the new political economy implicitly argues for a uniform federal system, contrary to established knowledge about the varieties that exist in the world (Watts 2001).

Federations in Western Europe and the Canadian one have their distinctive national qualities and they rank among the wealthiest economies. Yet, in the new political economy, the requirements for federal preservation—freedom of subnational governments to make domestic economic policies, hard budget constraints, structural separation of national power, and juridical rules—translate into the American model that is presidential and in which transfer payments or equalization grants are little or non existent. Indeed, McKinnon (1997) is direct when he compares the efficiency and prosperity of the formerly depressed American South with the poor regions of Canada, Italy, and Germany that are depended on intergovernmental transfers. Similarly, Ferejohn, Bednar, and Eskeridge (1997) present the American system as the most robust and resilient of the three cases they studied.8 But as Kincaid (2001) has argued, it is difficult to present firm conclusions on the advantages and disadvantages of a particular model given the varieties that exist today.

# Impact – Nigeria – Ext – Federalism Key to Stability

**Nigerian federalism solves state collapse**

**Africa News** August 6, 20**06**

(“Poverty Eradication Through True Federalism” This Day) Lexis

If we must eradicate poverty from our land, we must return money, power and responsibility to the states as was the position before the military era. The current quest for power and influence at the centre in Nigeria will become unattractive and the Nigerian state will be saved from disintegration and wastage. What is business of the Federal Government's in the management of educational institutions in Nigeria? Once we have an educational policy in Nigeria, with the appropriate enactments of the National Assembly, the resources for education should be channeled to the states and the responsibilities of the Federal Government should only be limited to monitoring and compliance. Today, there are so many federal institutions and multitude of bureaucrats being paid from the national treasury. Which should not be. One begins to wonder what magic a bureaucrat in Abuja can do better, than the governor of a state in educating the citizens of their states.A change in the current direction will greatly help in developing our communities for good. There are other areas of federal control that in a true federalism should not be the pre-occupation of a federal government like housing, agriculture, road maintenance, health, sports and other social responsibilities of government. These can be better handled by the states. In fact, all social responsibilities in a true federalism should be the primary responsibility of the states. This is why I strongly belief that the military enacted 1999 constitution is a total aberration to the Nigeria people. A new constitution is urgently required.We need to realize that we cannot reduce or eradicate poverty in Nigeria except we devolve power and resources to the states. The current concentration of power, money and resources at the centre is the primary reason for the level of poverty we see everyday in our various communities.

# Impact – Nigeria – Ext – Stability Key to No Oil Shocks

**Instability in Nigeria creates the perception that the oil supply is shrinking – this increases the oil prices – an independent oil analyst Williams concludes**

**Republican Herald**, January 7, 20**08**

[David Falchek, “Availability proves issue for crude oil” http://www.republicanherald.com/site/news.cfm?newsid=19174200&BRD=2626&PAG=461&dept\_id=532624&rfi=6]

When you fill up your tank, you aren’t just paying for gasoline. You also are paying for greed and fear in the global petroleum market.With continued instability in the Middle East and in oil-producing countries of Africa, oil supplies could be easily disrupted at any time. That produces what oil traders call a “risk premium,” an extra price tacked on to the barrel price of oil futures. In fact, violence in Nigeria helped give crude oil its final push over $100 a barrel Wednesday. Bands of armed men invaded Port Harcourt, the center of Nigeria’s oil industry, attacking two police stations and raiding the lobby of a major hotel. **When political disruptions seem to threaten stability in oil-producing counties, buyers rush to get their orders in before a potential supply crunch or price spike. That drives up the price of oil immediately, even if nothing terrible actually happens overseas.** The price of fear. No one can say for sure how much of oil’s record run to $100 a barrel is due to market speculation. But where there’s risk, there’s speculation, said James L. Williams, an independent oil analyst from WRTG Economics. In his view, oil prices aren’t climbing because our demand exceeds supply. There is still more oil than needed that sits in tapped wells ready to be pumped, but the cushion of excess capacity is thin and shrinking. During the oil glut in the 1990s there were 6 million barrels per day of excess capacity, more than enough to keep oil flowing should there be supply disruptions. Today, excess capacity is only 1.7 million barrels. “When you only have 1 or 2 million barrels around, it’s what you can’t do that adds to the price,” Williams said. “We can’t replace Nigerian production if it goes offline. If there’s a revolution in Venezuela, we don’t have enough to make up for it. We can’t make up Iran, either.” All those “what ifs” lead to fear. That fragile balance, where production barely meets the world’s demands, sent oil prices up, Williams said. He calculates that about $30 per barrel of “supply/risk premium” is built into today’s record prices.

# Impact – Nigeria – Ext – Stability Key to No Oil Shocks

**The perception of political instability in Nigeria triggers shocks**

**Washington Post,** July 14, 2006

[Steven Mufson, “A Price Inflamed By Fear, Up to a Third of Oil’s Stunning Ascent Traces to Psychology” http://www.washingtonpost.com/wp-dyn/content/article/2006/07/13/AR2006071301686\_2.html]

Add this to the costs of political instability and violence around the world: The price of crude oil hit a record yesterday, topping $76 a barrel. **Oil prices rose as fighting spread** in Lebanon, the standoff continued over Iran's nuclear program and **a Nigerian newspaper reported that explosions had rocked two pipelines in the West African nation. Although supplies of oil were virtually unaffected, traders and analysts said anxiety about political violence and tension around the world had once again driven up the "political premium" for oil**.

# Impact – Russia – Civil War

**Russia models US federalism
Berezovisky, 2K**—Boris Berezovskiy, 2000, State Duma Deputy, ?Kommersant, May 31? in BBC Summary of World Broadcasts, 6/5, l/n

Many proponents of a territorial principle looked to the United States as a model of successful federalism. Gavril Popov (at that time mayor of Moscow), for example, was one of several leading "reformers" who proposed a system of territorial federalism in Russia that adheredto a United States type model. He called for the creation of 10-15 large-scale regions and for the abolition of Russia's ethno-federal hierarchy. In order to provide for the right of national self-determination, Popov also proposed the formation of Councils of National Communities at both the regional and the federal levels for organizing policies on non-Russian language education and the "development" of non-Russian cultures, for example.(16) Another advocate of a Lander-basedmodel of Russian federalism was the nationalities minister, Sergei Shakray, who supported the creation of a dozen administrative units. His "February Thesis" in 1993 proposed an eleven-point nationalities policy which stressed the importance of tackling national questions outside of the federal structure of the Russian state.(17) Another, butless tolerant, view of territorial restructuring was also provided by the leader of the "Liberal Democratic" party, Vladimir Zhirinovsky,who proposed abolishing all the republics and national-formations in1991.(18)

**Russian federalism is key to prevent Russian civil war.**

Yuri **Krasan**, Director of Social Programmes, the Foundation for Social and Economic Reform, 19**94**, Federalism and the New World Order, p. 67

Even the idea that regional separatism will save Russia has recently been expressed. It has been suggested that, given the likelihood of a collapse of federal structures, it would be possible to preserve a sound social element only at the regional level, which could become the foundation for a renewal of Russia itself. Whatever the positive motives may be in support of regionalization, such an approach undermines the foundation of Russian federalism—the very basis of Russian statehood. Its implementation would turn Russia into a con-glomerate of peculiar independent principalities without any guarantees that they would again merge into a single federative organism rather than drifting even further apart, joining different geopolitical centres. Within the current confrontational political environment in Russia, without an agreement on a federal structure, Russian territory will become an arena of hostility and struggle, sterile soil for the development of modern democracy. Given Rus­sia’s nuclear military capability, this instability has serious implications for the global community. The shaping of a stable Russian Federation is, thus, a cornerstone for the success of democratization in post-totalitarian Russian society and for Rus­sia’s transformation into a responsible and influential member of the world community. At the same time, the development of the Russian Federation is unthinkable outside the context of society’s democratic reformation. Stability is only possible through improvements in the democratic process and insti­tutions, including a reform of the federal system that provides for an ef­fective distribution of powers between the centre and the rest of the fed­eration.

**And, Russian civil war leads to nuclear war with the US**

Steven R. David, Professor of Political Science at Johns Hopkins University, Foreign Affairs Jan 1999

Should Russia succumb to internal war, the consequences for the United States and Europe will be severe. A major power like Russia -- even though in decline -- does not suffer civil war quietly or alone. An embattled Russian Federation might provoke opportunistic attacks from enemies such as China. Massive flows of refugees would pour into central and western Europe. Armed struggles in Russia could easily spill into its neighbors. Damage from the fighting, particularly attacks on nuclear plants, would poison the environment of much of Europe and Asia. Within Russia, the consequences would be even worse. Just as the sheer brutality of the last Russian civil war laid the basis for the privations of Soviet communism, a second civil war might produce another horrific regime. Most alarming is the real possibility that the violent disintegration of Russia could lead to loss of control over its nuclear arsenal. No nuclear state has ever fallen victim to civil war, but even without a clear precedent the grim consequences can be foreseen. Russia retains some 20,000 nuclear weapons and the raw material for tens of thousands more, in scores of sites scattered throughout the country. So far, the government has managed to prevent the loss of any weapons or much material. If war erupts, however, Moscow's already weak grip on nuclear sites will slacken, making weapons and supplies available to a wide range of anti-American groups and states. Such dispersal of nuclear weapons represents the greatest physical threat America now faces. And it is hard to think of anything that would increase this threat more than the chaos that would follow a Russian civil war.

# Impact – Russia – Democracy

**Russia models US federalism
Berezovisky, 2K**—Boris Berezovskiy, 2000, State Duma Deputy, ?Kommersant, May 31? in BBC Summary of World Broadcasts, 6/5, l/n

Many proponents of a territorial principle looked to the United States as a model of successful federalism. Gavril Popov (at that time mayor of Moscow), for example, was one of several leading "reformers" who proposed a system of territorial federalism in Russia that adheredto a United States type model. He called for the creation of 10-15 large-scale regions and for the abolition of Russia's ethno-federal hierarchy. In order to provide for the right of national self-determination, Popov also proposed the formation of Councils of National Communities at both the regional and the federal levels for organizing policies on non-Russian language education and the "development" of non-Russian cultures, for example.(16) Another advocate of a Lander-basedmodel of Russian federalism was the nationalities minister, Sergei Shakray, who supported the creation of a dozen administrative units. His "February Thesis" in 1993 proposed an eleven-point nationalities policy which stressed the importance of tackling national questions outside of the federal structure of the Russian state.(17) Another, butless tolerant, view of territorial restructuring was also provided by the leader of the "Liberal Democratic" party, Vladimir Zhirinovsky,who proposed abolishing all the republics and national-formations in1991.(18)

**Federalism is vital to Russian democratization.**

Clifford Kupchan, deputy coordinator of U.S. assistance to the New Independent States at the U.S. Department of State. The Washington Quarterly 23.2 (2000) 67-77. “Devolution Drives Russian Reform.”

Taken together, these four trends promote democracy by institutionalizing the expression of regional interests and checks on central power. Structural checks impede the rebirth of authoritarianism and leave the political arena open for a variety of pluralist interests to grow. Given the weakness of the central government, it will be a very long time before any Russian president will be able to reverse these gains. Moreover, since devolution has been a primary agent in weakening the authoritarian state, it has helped create and protect "political space" in Russia. Basic freedoms essential to democracy, and unheard of in the Soviet Union only eight years ago, are now virtually taken for granted. Examples include ready access to the Internet, unrestricted contacts with foreigners, freedom to travel, freedom of artistic expression, and increased--if incomplete--freedom of religion. Many Russian universities, including those in the regions, are centers of creative and spontaneous thought. 3 Since devolution checks central power, and since the center is currently and is likely to continue to be very weak, this political space will be very difficult to take away.

**Without democratization the risk of a Russian accidental launch greatly increases.**

James M. Goldgeier, scholar in foreign policy and international relations at the Library of Congress. AND, Michael McFaul, professor of political science at Stanford University. 10/1/05. Policy Review. “What to do about Russia.”

Today, Russian state weakness itself also threatens American national security. U.S. policymakers must worry about the possibility of nuclear technologies and weapons being stolen or sold on the world black market. The Russian state's inability to construct an effective early-warning radar system increases the likelihood of an accidental ballistic missile launch in response to faulty information. Russia's inability to defend its borders in the Caucasus has opened a new front on the global war on terror.

**That sparks a global nuclear war and billions of casualties.**

**PR Newswire**, 4/29/**98**. “NEJM Study Warns of Increasing Risk of Accidental Nuclear Attack; Over 6.8 Million Immediate U.S. Deaths Possible.”

An 'accidental' nuclear attack would create a public health disaster of an unprecedented scale, according to more than 70 articles and speeches on the subject, cited by the authors and written by leading nuclear war experts, public health officials, international peace organizations, and legislators. Furthermore, retired General Lee Butler, Commander from 1991-1994 of all U.S. Strategic Forces under former Chairman of the Joint Chiefs of Staff, General Colin Powell, has warned that from his experience in many "war games" it is plausible that such an attack could provoke a nuclear counterattack that could trigger full-scale nuclear war with billions of casualties worldwide. The authors describe the immediate effects of an "accidental" launch from a single Russian submarine that would kill at least six to eight million people in firestorms in eight major U.S. cities. With hospitals destroyed and medical personnel killed, and with major communications and transportation networks disrupted, the delivery of emergency care would be all but impossible, according to Forrow and his colleagues.

# Impact – Russia – Ext – Russia Models

**Russians model US federalism**Boris **Berezovskiy, 2000**, State Duma Deputy, ?Kommersant, May 31? in BBC Summary of World Broadcasts, 6/5, l/n

In the context of world experience of federalism, the current Russian state system corresponds more to the North American and European models, which are based on decentralization of power and have proved their worth in ensuring political stability. The proposed legislation will put Russia in the category of the Latin American model of federalism, which is characterized by excessive centralization and brings with it instability and a great likelihood of nondemocratic forms of government.

# Impact – Russia – Ext – Russia Models

**Russia and India Model United States Federalism**

Steven G. **Calabresi**, Law Professor, Northwestern**,** 19**95** (MICHIGAN LAW REVIEW, December, 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.

# Impact – Turns Case

**A lack of federalism leads to inefficient federal policies – means aff can’t solve**

Chris **Edwards**, the director of tax policy studies at Cato and editor of [www.DownsizingGovernment.org](http://www.DownsizingGovernment.org) and is a top expert on federal and state tax and budget issues and before joining Cato, Edwards was a senior economist on the congressional Joint Economic Committee and a manager with PricewaterhouseCoopers and an economist with the Tax Foundation and has testified to Congress on fiscal issues many times, and his articles on tax and budget policies have appeared in the Washington Post Wall Street Journal and other major newspapers and holds a B.A. and M.A. in economics, and he was a member of the Fiscal Future Commission of the National Academy of Sciences., February 20**09**, “Fiscal Federalism” http://www.downsizinggovernment.org/fiscal-federalism

Aid allocation is haphazard. The theorists favoring federal grants assume that aid can be rationally distributed to those activities and states with the greatest needs. But in the real world, the aid system has never worked that way. A 1940 article in Congressional Quarterly lamented: "The grants-in-aid system in the United States has developed in a haphazard fashion. Particular services have been singled out for subsidy at the behest of pressure groups, and little attention has been given to national and state interests as a whole."10 A June 1981 report by the Advisory Commission on Intergovernmental Relations concluded, "Regarding national purpose, the record indicates that federal grant-in-aid programs have never reflected any consistent or coherent interpretation of national needs."11

Today, for example, states receive varying amounts of highway funding for each dollar of gasoline taxes sent to Washington. While some congested and fast-growing states that need new highways lose out, some slow-growing states get "highways to nowhere" because they have skilled politicians representing them. A major highway law in 2005 included 6,371 "earmarks" directing spending to particular projects that were chosen by individual politicians, not by transportation experts based on merit.

Even if a program could be operated in a rational way, outside of politics, the states can often nullify the policy choices of federal officials. The Department of Education's $15 billion Title I program, for example, is supposed to target aid to the poorest school districts. But evidence indicates that state and local governments use Title I funds to displace their own funding of poor schools, thus making poor schools no further ahead than without federal aid. In such cases, there is no reason to federalize an activity to begin with, even if one believes in the theory behind federal aid.

# Impact – Democracy

**US leadership on federalism is essential to democracy worldwide**

David Broder, Washington Post, June 24, 2001, “Lessons On Freedom.”

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.

**And democracy prevents extinction.**

**Carnegie Commission on Preventing Deadly Conflict,** October 19**95,** “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.

# Impact – Tyranny

**Federalism is key to checking unbalanced power in the government, preventing tyranny.**

Steven G. **Calabresi**, Associate Professor, Northwestern University School of Law, December 19**95**; Michigan Law Review, "A government of limited and enumerated powers,"

Second, there is another important advantage to American federalism. With two levels of government, the citizenry, to some extent, can play each level off against the other with concomitant reductions in the agency costs of government. History teaches that government agency costs, even in a democracy, can become quite high. It is thus no accident that Americans have thought from the time of the founding onward that liberty would be preserved by having two levels of government that could serve as checks on one another. [n98](http://libproxy.nau.edu:3418/us/lnacademic/frame.do?tokenKey=rsh-20.45518.53194681865&target=results_DocumentContent&reloadEntirePage=true&rand=1216220328369&returnToKey=20_T4174134935&parent=docview#n98) We have seen already that national government cannot be expected to process all dispersed social knowledge as if it were omniscient. Similarly, it cannot be expected to exercise total governmental power as if it were benign. "Power corrupts and ab-  [\*786]  solute power corrupts absolutely." [n99](http://libproxy.nau.edu:3418/us/lnacademic/frame.do?tokenKey=rsh-20.45518.53194681865&target=results_DocumentContent&reloadEntirePage=true&rand=1216220328369&returnToKey=20_T4174134935&parent=docview#n99) A national government unchecked by state power would be more rife with agency costs and more oppressive than the national government we have. The existence of the states as constitutionally indissoluble entities provides a vital bulwark from which citizens can organize against tyranny. As Andrzej Rapaczynski brilliantly has shown, the existence of state governments helps citizens solve the collective action problem of organizing against tyranny. [n100](http://libproxy.nau.edu:3418/us/lnacademic/frame.do?tokenKey=rsh-20.45518.53194681865&target=results_DocumentContent&reloadEntirePage=true&rand=1216220328369&returnToKey=20_T4174134935&parent=docview#n100) The states do help preserve freedom because they can rally citizens to the cause of freedom, helping to overcome the free rider problems that otherwise might cause national usurpations to go unchallenged by the "silent" majority of unorganized citizens. [n101](http://libproxy.nau.edu:3418/us/lnacademic/frame.do?tokenKey=rsh-20.45518.53194681865&target=results_DocumentContent&reloadEntirePage=true&rand=1216220328369&returnToKey=20_T4174134935&parent=docview#n101) Conversely, the national government can organize a "silent" majority of citizens against state oppression - as it did in 1861 or 1964 - more effectively than could a loose confederation, military alliance, or free trade association. Constitutionally indissoluble national government also helps citizens to overcome collective action problems in fighting usurpation or tyranny at the state level. The success of the American Union in fighting might be contrasted here with Europe's inability to police Bosnia. It turns out that there is a great deal to be said for having "an indestructible Union, composed of indestructible States." [n102](http://libproxy.nau.edu:3418/us/lnacademic/frame.do?tokenKey=rsh-20.45518.53194681865&target=results_DocumentContent&reloadEntirePage=true&rand=1216220328369&returnToKey=20_T4174134935&parent=docview#n102) Federalism, like the separation of powers, is a vital guarantor of liberty.

**And checks on tyranny are necessary to prevent democide**

RJ **Rummel**, Prof of Political Science at University of Hawaii, “Democracy, Power, and Democide” 19**97** (http://www.hawaii.edu/powerkills/SOD.CHAP17.HTM)

Where the political elite can command all, where they can act arbitrarily, where they can kill as they so whim, they are most likely to commit democide. Where the elite are checked by countervailing power, where they are restrained and held to account for their actions, where they must answer to the very people they might murder, they are least likely to commit democide. That is power kills; absolute power kills absolutely. This is the underlying principle. There is thus a continuum here. At one end is liberal democracy, a type of regime in which through an open and competitive system of electing the major power-holders and otherwise holding accountable other political elite, through the freedom of speech and organization, and through the existence of multiple and overlapping power pyramids (religious institutions, the media, corporations, etc.), power is most restrained. At the other end are totalitarian regimes in which the power-holders exercise absolute power over all social groups and institutions, in which there are no independent power pyramids. The broad alternative to these two types is the authoritarian regime. Power is centralized and perhaps dictatorial, and no competition for political power is allowed, but independent social institutions (such as churches and businesses) exist and provide some restraint on the political elite.

**Death by absolutist government has killed more people than wars – our impacts outweigh**

RJ **Rummel**, Prof of Political Science at University of Hawaii, “War Isn’t This Century’s Biggest Killer” 19**97** (http://www.hawaii.edu/powerkills/WSJ.ART.HTM)

Our century is noted for its absolute and bloody wars. World War I saw nine-million people killed in battle, an incredible record that was far surpassed within a few decades by the 15 million battle deaths of World War II. Even the number killed in twentieth century revolutions and civil wars have set historical records. In total, this century's battle killed in all its international and domestic wars, revolutions, and violent conflicts is so far about 35,654,000. Yet, even more unbelievable than these vast numbers killed in war during the lifetime of some still living, and largely unknown, is this shocking fact. This century's total killed by absolutist governments **already far exceeds that for all wars**, domestic and international. Indeed, this number already approximates the number that might be killed in a nuclear war. [Table 1](http://www.hawaii.edu/powerkills/WSJ.TAB1.GIF) provides the relevant totals and classifies these by type of government (following Freedom House's definitions) and war. By government killed is meant any direct or indirect killing by government officials, or government acquiescence in the killing by others, of more than 1,000 people, except execution for what are conventionally considered criminal acts (murder, rape, spying, treason, and the like). This killing is apart from the pursuit of any ongoing military action or campaign, or as part of any conflict event. For example, the Jews that Hitler slaughtered during World War II would be counted, since their merciless and systematic killing was unrelated to and actually conflicted with Hitler's pursuit of the war. The totals in the Table are based on a nation-by-nation assessment and are absolute minimal figures that may under estimate the true total by ten percent or more. Moreover, these figures do not even include the 1921-1922 and 1958-1961 famines in the Soviet Union and China causing about 4 million and 27 million dead, respectably. The former famine was mainly due to the imposition of a command agricultural economy, forced requisitions of food by the Soviets, and the liquidation campaigns of the Cheka; the latter was wholly caused by Mao's agriculturally destructive Great Leap Forward and collectivization. However, Table 1 does include the Soviet government's planned and administered starvation of the Ukraine begun in 1932 as a way of breaking peasant opposition to collectivization and destroying Ukrainian nationalism. As many as ten million may have been starved to death or succumbed to famine related diseases; I estimate eight million died. Had these people all been shot, the Soviet government's moral responsibility could be no greater. The Table lists 831 thousand people killed by free -- democratic -- governments, which should startle most readers. This figure involves the French massacres in Algeria before and during the Algerian war (36,000 killed, at a minimum), and those killed by the Soviets after being forcibly repatriated to them by the Allied Democracies during and after World War II. It is outrageous that in line with and even often surpassing in zeal the letter of the Yalta Agreement signed by Stalin, Churchill, and Roosevelt, the Allied Democracies, particularly Great Britain and the United States, turned over to Soviet authorities more than 2,250,000 Soviet citizens, prisoners of war, and Russian exiles (who were not Soviet citizens) found in the Allied zones of occupation in Europe. Most of these people were terrified of the consequences of repatriation and refused to cooperate in their repatriation; often whole families preferred suicide. Of those the Allied Democracies repatriation, an estimated 795,000 were executed, or died in slave-labor camps or in transit to them. If a government is to be held responsible for those prisoners who die in freight cars or in their camps from privation, surely those democratic governments that turned helpless people over to totalitarian rulers with foreknowledge of their peril, also should be held responsible. Concerning now the overall mortality statistics shown in the table, it is sad that hundreds of thousands of people can be killed by governments with hardly an international murmur, while a war killing several thousand people can cause an immediate world outcry and global reaction. Simply contrast the international focus on the relatively minor Falkland Islands War of Britain and Argentina with the widescale lack of interest in Burundi's killing or acquiescence in such killing of about 100,000 Hutu in 1972, of Indonesia slaughtering a likely 600,000 "communists" in 1965, and of Pakistan, in an initially well planned massacre, eventually killing from one to three million Bengalis in 1971. A most noteworthy and still sensitive example of this double standard is the Vietnam War. The international community was outraged at the American attempt to militarily prevent North Vietnam from taking over South Vietnam and ultimately Laos and Cambodia. "Stop the killing" was the cry, and eventually, the pressure of foreign and domestic opposition forced an American withdrawal. The overall number killed in the Vietnam War on all sides was about 1,216,000 people. With the United States subsequently refusing them even modest military aid, South Vietnam was militarily defeated by the North and completely swallowed; and Cambodia was taken over by the communist Khmer Rouge, who in trying to recreate a primitive communist agricultural society slaughtered from one to three million Cambodians. If we take a middle two-million as the best estimate, then in four years the government of this small nation of seven million alone killed 64 percent more people than died in the ten-year Vietnam War. Overall, the best estimate of those killed after the Vietnam War by the victorious communists in Vietnam, Laos, and Cambodia is 2,270,000. Now totaling almost twice as many as died in the Vietnam War, this communist killing still continues. To view this double standard from another perspective, both World Wars cost twenty-four million battle deaths. But from 1918 to 1953, the Soviet government executed, slaughtered, starved, beat or tortured to death, or otherwise killed 39,500,000 of its own people (my best estimate among figures ranging from a minimum of twenty million killed by Stalin to a total over the whole communist period of eighty-three million). For China under Mao Tse-tung, the communist government eliminated, as an average figure between estimates, 45,000,000 Chinese. The number killed for just these two nations is about 84,500,000 human beings, or a lethality of 252 percent more than both World Wars together. Yet, have the world community and intellectuals generally shown anything like the same horror, the same outrage, the same out pouring of anti-killing literature, over these Soviet and Chinese megakillings as has been directed at the much less deadly World Wars? As can be seen from Table 1, communist governments are overall almost four times more lethal to their citizens than non-communist ones, and in per capita terms nearly twice as lethal (even considering the huge populations of the USSR and China). However, as large as the per capita killed is for communist governments, it is nearly the same as for other non-free governments. This is due to the massacres and widescale killing in the very small country of East Timor, where since 1975 Indonesia has eliminated (aside from the guerrilla war and associated violence) an estimated 100 thousand Timorese out of a population of 600 thousand. Omitting this country alone would reduce the average killed by noncommunist, nonfree governments to 397 per 10,000, or significantly less than the 477 per 10,000 for communist countries. In any case, we can still see from the table that the more freedom in a nation, the fewer people killed by government. Freedom acts to brake the use of a governing elite's power over life and death to pursue their policies and ensure their rule. This principle appeared to be violated in two aforementioned special cases. One was the French government carrying out mass killing in the colony of Algeria, where compared to Frenchmen the Algerians were second class citizens, without the right to vote in French elections. In the other case the Allied Democracies acted during and just after wartime, under strict secrecy, to turn over foreigners to a communist government. These foreigners, of course, had no rights as citizens that would protect them in the democracies. In no case have I found a democratic government carrying out massacres, genocide, and mass executions of its own citizens; nor have I found a case where such a government's policies have knowingly and directly resulted in the large scale deaths of its people though privation, torture, beatings, and the like. Absolutism is not only **many times deadlier than war**, but itself **is the major factor causing war** and other forms of violent conflict. It is a major cause of militarism. Indeed, absolutism, not war, is mankind's deadliest scourge of all.

# Impact – Tyranny – Internal Link Ext.

Federalism prevents tyranny and helps create stable democracies

Steven G. **Calabresi**, Associate Professor, Northwestern University School of Law, December 1995; Michigan Law Review, "A government of limited and enumerated powers," lexis

First, federalism is popular today because in a surprisingly large number of circumstances it has the potential to offer a direct cure to a central and age-old failing of democracy: the tendency of certain kinds of political majorities to tyrannize and abuse certain kinds of political minorities.(30) This problem -- majority tyranny -- is a problem in all democracies, but it is most acute in democracies that are very heterogeneous as a matter of their racial, ethnic, religious, linguistic, or social class background. It is the problem that concerned James Madison in the Federalist Ten,(31) and it is the problem that has generated support in this country and around the world for judicial review Arend Lijphart, a distinguished and leading political scientist, puts the matter as follows: That it is difficult to achieve and maintain stable democratic government in a plural society is a well-established proposition in political science -- with a history reaching back to Aristotle's adage that "a state aims at being, as far as it can be, a society composed of equals and peers." Social homogeneity and political consensus are regarded as prerequisites for, or factors strongly conducive to, stable democracy. Conversely, the deep social divisions and political differences within plural societies are held responsible for instability and breakdown in democracies.(32)

# Impact – Tyranny – Internal Link Ext.

Federalism prevents tyranny of the majority

Steven G. **Calabresi,** Associate Professor, Northwestern University School of Law, December 19**95**; Michigan Law Review, "A government of limited and enumerated powers," lexis

As Lijphart emphasizes, social heterogeneity can pose a big threat to stable democratic government. Federalism sometimes can reduce this threat by giving minorities a level of government within which they are the geographical majority. If minorities are concentrated geographically to some degree and if the nation is willing to cede control over key issues to constitutionally established subunits of the nation, then federalism can help maintain social peace. Obviously there are some very big "ifs" here that cannot always be satisfied. But, in a very important and growing category of cases, voters are discovering that they can solve the problem of majority tyranny simply by redrawing the jurisdictional lines of government. This redrawing can take two forms. Sometimes expanding the size of the polity is enough to make a formerly tyrannical majority only one of many minorities in the new, more "international" federal jurisdiction. This solution is the familiar pluralist" solution of Federalist Ten.(33) Other times, the redrawing involves a devolution of national power over a certain set of emotionally charged and sensitive issues down to a regional or local federalist entity. This solution is the one employed by Spain with Catalonia and the Basque Country and by Canada with Quebec.(34)

# Impact – Tyranny – Internal Link Ext.

Federalism uniquely solves tyranny better than any other solution.

Steven G. **Calabresi**, Associate Professor, Northwestern University School of Law, December 19**95**; Michigan Law Review, "A government of limited and enumerated powers,"

Federalism clearly is not the only constitutional mechanism for dealing with majority tyranny in a socially heterogeneous polity. Other mechanisms for dealing with this problem include: judicial review, separation of powers with checks and balances, proportional representation, the creation of collegial cabinet-style executives, and the complex interlocking web of practices that Arend Lijphart calls "consociational democracy."(37) But federalism is a uniquely successful constitutional device for dealing with many of the most heartfelt and divisive problems of social heterogeneity. No one thinks the Bosnian Serbs, the Basques, or the Quebecois ever could be appeased and satisfied by firmer guarantees of judicial review, separation of powers, proportional representation, or cabinet power sharing. Those solutions -- while they might help somewhat at the margins -- really do not get at the heart of their distinctive grievances. The problem that agitates the Bosnian Serbs, the Basques, or the Quebecois is that, in important ways and as to questions that are fundamental to their identity, they do not believe that they should be part of the same demos as their fellow countrymen. At the same time, as to other economic and foreign policy issues, they may be perfectly happy to remain within a larger entity so long as their social autonomy is guaranteed in iron-clad ways. Federalism addresses these needs in a way that no other constitutional power-sharing mechanism can hope to do.

# Impact – War

**Federalism solves war**

**Calabresi ‘95**

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

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. [51](http://www.lexis.com/research/retrieve?_m=ee7ca1d6fbb003c7a6ecec5c625b6564&csvc=bl&cform=bool&_fmtstr=FULL&docnum=1&_startdoc=1&wchp=dGLbVzb-zSkAk&_md5=89cd79e3cd743db7d961de6128b607f0#n51) 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.

# Impact – War

**Federalism promotes consolidation which reduces the risk of war**

**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]

Internationalist Federalism: Preventing War, Promoting Free Trade, and Exploiting Economies of Scale. So far, I have focused on the advantages of American-style small-state federalism in defusing centrifugal devolutionary tendencies, alleviating majority tyranny, and accentuating crosscutting social cleavages. But what about the advantages of international federalism; what are the advantages of consolidating states into larger federal entities, as happened in North America in 1787 or in Europe in 1957? 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. n52 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. n53 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.

# Impact – War

Federalism solves multiple theaters for war and conflict

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. Noprovinces 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 togetherwithout 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.

# Impact – Heg

**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.

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.

**And US leadership prevents nuclear war.**

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.

# Impact – Conflict

**Impact is global war - U.S. federalism is modeled worldwide, solving conflict**

**Calabresi ‘95**

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

First, the rules of constitutional federalism should be enforced because federalism is a good thing, and it is the best and most important structural feature of the U.S. Constitution. Second, the political branches cannot be relied upon to enforce constitutional federalism, notwithstanding the contrary writings of Professor Jesse Choper. Third, the Supreme Court is institutionally competent to enforce constitutional federalism. Fourth, the Court is at least as qualified to act in this area as it is in the Fourteenth Amendment area. And, fifth, the doctrine of stare  [\*831]  decisis does not pose a barrier to the creation of any new, prospectively applicable Commerce Clause case law. The conventional wisdom is that Lopez is nothing more than a flash in the pan. [232](http://www.lexis.com/research/retrieve?_m=0d1c8d1124ab6925bcdf86700c8d74fb&docnum=1&_fmtstr=FULL&_startdoc=1&wchp=dGLzVlz-zSkAz&_md5=2951dc93bccdcd0c83bda23a9b84b050&focBudTerms=The%20prevailing%20wisdom%20is%20that%20the%20Supreme%20Court%20should%20&focBudSel=all#n232) Elite opinion holds that the future of American constitutional law will involve the continuing elaboration of the Court's national codes on matters like abortion regulation, pornography, rules on holiday displays, and rules on how the states should conduct their own criminal investigations and trials. Public choice theory suggests many reasons why it is likely that the Court will continue to pick on the states and give Congress a free ride. But, it would be a very good thing for this country if the Court decided to surprise us and continued on its way down the Lopez path. Those of us who comment on the Court's work, whether in the law reviews or in the newspapers, should encourage the Court to follow the path on which it has now embarked. The country and the world would be a better place if it did. We have seen that a desire for both international and devolutionary federalism has swept across the world in recent years. To a significant extent, this is due to **global fascination with and emulation of** our own American federalism success story. The global trend toward federalism is an **enormously positive development that greatly increases the likelihood of future peace, free trade, economic growth**, respect for social and cultural diversity, and protection of individual human rights. It **depends for its success** on the willingness of sovereign nations to strike federalism deals in the belief that those deals will be kept. [233](http://www.lexis.com/research/retrieve?_m=0d1c8d1124ab6925bcdf86700c8d74fb&docnum=1&_fmtstr=FULL&_startdoc=1&wchp=dGLzVlz-zSkAz&_md5=2951dc93bccdcd0c83bda23a9b84b050&focBudTerms=The%20prevailing%20wisdom%20is%20that%20the%20Supreme%20Court%20should%20&focBudSel=all#n233) The U.S. Supreme Court can do its part to encourage the future striking of such deals by enforcing vigorously our own American federalism deal. Lopez could be a first step in that process, if only the Justices and the legal academy would wake up to the importance of what is at stake.

# CP Solves/Impact – Turns Case

**Federal policies are inefficient, waste money, and don’t solve case – only a federalist approach solves**

Randal **O’Toole**, a Cato Institute Senior Fellow working on urban growth, public land, and transportation issues, 5/24/**11**, “Transportation: Top Down or Bottom Up?” http://www.downsizinggovernment.org/transportation-top-down-or-bottom

The real problem with America’s transportation system is not a lack of vision but too many people with visions trying to impose them on everyone else through lengthy and expensive planning processes. A bridge or road that once might have taken five years to plan and build now takes twenty or more, if it ever gets built at all, thanks to all these visions. (Of course, when it comes to expensive rail transit projects, Puentes thinks Congress should waive environmental impact statements and other expensive planning processes.)

The real solution is not more top-down planning but a bottom-up system that responds to actual user needs rather than to inside-the-beltway visions. That means funding transportation out of user fees and not out of infrastructure banks, which–no matter how “merit-based” in intent–will alway end up being politically driven.

In a bottom-up system, individual transit and highway agencies (or better yet transit and highway companies) would be funded by their users, so they would have incentives to provide and expand service where needed by those users. Such a system would be far more likely to relieve congestion, save energy, and meet Puentes’ other goals.

Thanks to our heavily planned and heavily subsidized transit industry, the average urban transit bus uses 80 percent more energy per passenger mile than Amtrak. But that’s not because Amtrak is energy-efficient: the average Amtrak train uses 60 percent more energy per passenger mile than intercity buses. Unlike both Amtrak and urban transit buses, private intercity buses aim to meet market demand, not political demand, so they tend to fill about two-thirds of their seats while Amtrak fills only half and transit buses less than a quarter.

Achieving a bottom-up transportation system means getting the federal government out of transportation decision-making. One way would be to have states take over federal gas taxes as proposed by New Jersey Representative Scott Garrett.

To the extent that the federal government distributes any transportation funds to states at all, they should be distributed using formulas, not grants, because formulas are much harder to politically manipulate. Ideally, the formulas should give heavy weight to the user fees collected by each state to reinforce, rather than distract from, the bottom-up process.

Puentes’ top-down vision will waste hundreds of billions of dollars on little-needed transportation projects while it does little to relieve congestion, save energy, or reduce auto emissions. A bottom-up process will save taxpayers money and increase mobility, which should be the real goals of any transportation policy.

# A2: Perm States CP Solves Link

**The permutation, which is joint action, allows for Obama to seize control over state policies – thus being bad for federalism**

Alan **Greenblatt**, a news writer for npr.org and a former staff writer for Governing magazine, July/August 20**10**, “Is the president exploiting the states’ fiscal woes to push his policies?” http://www.ncsl.org/magazine/federalism-in-the-age-of-obama.aspx

Obama understands that he has states over a barrel financially. He has shown a great deal of interest in collaborating with states when he can, and he certainly is willing to federalize ideas that bubble up from them. But he also understands that their budget situations have diminished the ability of states to set their own courses.

The federal spigot may be about to shut off, as this spring’s struggles to find extra money for Medicaid and teachers demonstrated. And the White House and a Congress riven by partisanship may leave plenty for states to do on their own. Still, this is not an administration that will support a federalism that provides more money to states to focus on their own plans and initiatives.

“This is an administration that doesn’t take the states and locals as it finds them. It has an agenda,” says Paul Posner, a federalism expert at George Mason University in Virginia. “The focus will be on national goals. I can see this administration pursuing additional ways to put money down in the state and local sectors but tying it to strong national goals. It’s going to have to be a twofer.”

The result might be a kind of symbiotic federalism. Washington needs states to carry out its grand visions on the ground, but the administration also fully intends to give them numerous pushes in its preferred direction.

Most federal money goes out to states through set formulas. But the Obama administration is clearly interested in pursuing variations on its Race to the Top model, using competitive grants to get states to dance to its tune.

If the effort at the federal level is successful, it will put a new twist on the old observation from Supreme Court Justice Louis D. Brandeis that states are the laboratories of democracy.

“Rather than states being the laboratories of democracy in and of themselves,” says Howard, of Federal Funds Information for States, “some of them will become the federal government’s laboratories of democracy.”

# A2: Secession

**Federalism solves violence, economic inequality and secession – prefer this evidence, it is based on empirical examples**

Will Kymlicka, Professor of Philosophy at University of Toronto, Canadian Journal of Law and Jurisprudence, July 2000

I believe that this trend has been beneficial, and indeed quite successful, as measured by any of the criteria which should matter to liberals, such as: [use a bullet here and below]- peace and individual security: these multination federations are managing to deal with their competing national identities and nationalist projects with an almost complete absence of violence or terrorism by either the state or the minority. - democracy: ethnic conflict is now a matter of "ballots not bullets**",** with no threat of military coups or authoritarian regimeswhich take power in the name of national security; n10 - individual rights: these reforms have been achieved within the framework of liberal constitutions, with firm respect for individual civil and political rights. - economic prosperity: the move to multination federalism has also been achieved without jeopardizing the economic well-being of citizens. Indeed, the countries that have adopted multination federalism are amongst the wealthiest in the world**. -** inter-group equality: last but not least, multination federalism has promoted equality between majority and minority groups**.** By equality here I mean non-domination, such that one group is not systematically vulnerable to the domination of another group. Multination federalism has helped create greater economic equality between majority and minority; greater equality of political influence, so that minorities are not continually outvoted on all issues; and greater equality in the social and cultural fields, as reflected for example in reduced levels of prejudice and discrimination and greater mutual respect between groups. On all these criteria, multination federalism in the West must be judged as a success. Indeed, this trend is, I believe, one of the most important developments in Western democracies in this century. We talk a lot (and rightly so) about the role of the extension of the franchise to Blacks, women, and the working class in democratizing Western societies. But in its own way, this shift from suppressing to accommodating minority nationalisms has also played a vital role in consolidating and deepending democracy. These multination federations have not only managed the conflicts arising from their competing national identities in a peaceful and democratic way, but have also secured a high degree of economic prosperity and individual freedom for their citizens. This is truly remarkable when one considers the immense power of nationalism in this century. Nationalism has torn apart colonial empires and Communist dictatorships, and redefined boundaries all over the world. Yet democratic multination federations have succeeded in taming the force of nationalism**.** Democratic federalism has domesticated and pacified nationalism, while respecting individual rights and freedoms. It is difficult to imagine any other political system that can make the same claim.

# A2: Secession

**Federalism prevents secessionist warfare**

Will Kymlicka, Professor of Philosophy at University of Toronto, Canadian Journal of Law and Jurisprudence, July 2000.

Why have Western countries become less hysterical about secessionist mobilization? One reason, as I've noted, is that allowing secessionists to mobilize freely may actually reduce the likelihood of secession. Secession is less likely in a democratic multination federation where secessionists can mobilize freely than in a centralized state where illiberal measures are adopted to suppress minority nationalism. But there is another factor, namely that adopting multination federalism reduces the stakes of secession. After all, relatively little would change if Flanders, Scotland or Quebec were to become independent states.

# \*\*\*AFF ANSWERS\*\*\*

# Non Unique – Federalism Low – Health Care

**Federalism is gone now – health care proves**

Kathryn **Nix**, a Policy Analyst for the Heritage Foundation’s Center for Health Policy Studies, 3/16/**11**, “Obamacare and the Fight to Preserve America’s Founding Principles” http://blog.heritage.org/2011/03/16/obamacare-and-the-fight-to-preserve-americas-founding-principles/

Since the passage of Obamacare, the federal government’s role in American citizens’ lives has grown significantly. In a recent lecture, Heritage expert Robert Moffit discusses how passage of the health care law has not only grown the size and scope of government, but has also ignited a debate over the proper role for Washington in Americans’ everyday lives.

Moffit writes that, under Obamacare:

Over the next eight years, millions of Americans will be on the receiving end of a flood of red tape—tens of thousands of pages of new rules, regulations, and guidelines directly touching on the minute details of the health care system and impacting their personal lives. It will be unlike anything they have ever seen before. No nook or cranny of the sprawling health care sector of the economy will escape the federal bureaucracy: doctors, hospitals; clinics, pharmaceutical companies and biomedical research facilities, medical device manufacturers, employers (large and small), insurers, and the state health care programs currently administered by governors and funded by state legislators.

Moreover, serious questions remain as to whether the law—specifically, its requirement that all Americans purchase health insurance or else pay a penalty—can stand under the Constitution. According to legal experts, allowing the individual mandate would greatly diminish restrictions placed on the powers of Congress. Moffit asks, “If Congress really does have the constitutional authority to force us to buy health insurance, logically, where would that congressional authority stop? Why not life insurance? Why not firearms? Why not automobiles?”

Not only will Obamacare cause a huge increase in government authority in the health care sector; it also fails to live up to the promises that the President made to the American people for health care reform. Moffit points out that the new law will not allow all Americans to keep their current health plans or doctors. It will not reduce health insurance premiums—in fact, it will do the opposite. And taxes will increase, as will the federal deficit.

In the face of this grim outlook, there is hope moving forward. Moffit expresses that Americans should continue to push back against the ever-encroaching federal government. State legislatures and governors can be especially effective in taking the lead against the bad policies enacted under Obamacare. According to Moffit, “if a state legislator sincerely believes that the health care law is unconstitutional, he is under no obligation to vote one red cent of state taxpayers’ money to enforce it. For those who take their oath seriously, it is not even an option.”

Obamacare is a threat to federalism, individual rights, and the American way of life. While the federal government continues to overstep its bounds, states and individuals still have the opportunity to fight back. To read Moffit’s lecture in its entirety, click here.

# Non Unique – Federalism Low – Immigration Lawsuits

**Federalism is almost non-existent now – the Obama administration’s increased lawsuits against state immigration laws prove**

James R. **Edwards**, a fellow at the Center for Immigration Studies with nearly 20 years of experience in the political, public policy, and communication arena and was Legislative Director for a member of the House Immigration Subcommittee and was an Adjunct Fellow with the Hudson Institute for a decade and was selected as a 1998 Lincoln Fellow by the Claremont Institute, 10/10/**11**, “Obama vs. States and Federalism” http://www.cis.org/edwards/obama-vs-states-and-federalism

The Obama administration is considering ramping up its lawsuits against states' immigration-related laws. This indicates a profound misunderstanding of, or a disregard for, the principle of federalism.

Reports have it the U.S. Justice Department may launch suits against Georgia, South Carolina, Indiana, and Utah. Each of these states has recently enacted laws aimed at the harms of immigration within their own borders. These legal actions by DOJ would come in addition to suing Arizona and Alabama.

These state laws fall within the broad police powers reserved to each state. To think the federal government can cavalierly level lawsuits against sovereign states proves, at best, disrespect for states and failure to grasp states' role in our system of government. It could stem from corruption and a raw political agenda, not the first indication of such base motives by this White House or Attorney General Eric Holder's Justice Department:

**"I don't recall any time in history that the Justice Department has so aggressively challenged state laws**," said Jonathan Turley, a constitutional law expert at George Washington University Law School.

Such aggression by the federal government should be resisted. It is dangerous. It smacks of belligerence and bullying. It verges upon harassment. It certainly is a huge waste of taxpayer money.

# Non Unique – Federalism Low – Recessions

**The economic recession has created a centralizing affect on US government**

**John Dinanand Shama Gamkhar May 14th, 2009 (Dinan is a professor of political science at Wake Forest, Gamkhar is a professor of public affairs at the University of Texas at Austin) “**The **State** of American **Federalism** 2008–2009: The Presidential Election, the Economic Downturn, and the Consequences for **Federalism” Published in Publius: The Journal of Federalism” page online: http://publius.oxfordjournals.org/cgi/content/full/pjp012 Accessed July 9, 2009.**

The most consequential developments for American **federalism**in 2008–2009 were the presidential election and economicrecession. After several years when **state**s were the primaryinnovators on many issues that topped the policy agenda, theeconomic downturn drew renewed attention to federal policy-making,given the greater resources and capacities of the federal government.Although **federalism** was not a dominant issue in the presidentialcampaign, Barack Obama's election and sizable Democratic congressionalgains had important implications for federal-**state** relationsby putting federal power in the service of a different set ofpolicy goals, encouraging **state** experimentation on a differentset of policy issues, and producing a greater willingness torespond to **state** pleas for financial assistance. The two most consequential developments for American **federalism**in 2008–2009 were the presidential election and a severeeconomic recession that began in late 2007 and is expected tolast well into 2009. The recession had a clear and predictablecentralizing effect. As is generally the case during wars andeconomic downturns, the public looked primarily to the federalgovernment, with its greater resources and capacities, to amelioratethe economic hardships and prevent the situation from worsening.Federal officials from both parties responded, albeit with varyingdegrees of enthusiasm, by issuing tax rebates, rescuing banks,mortgage lenders, and auto-makers, and proposing increased federalregulation of various financial institutions. Whereas in thelast several years **state**s were the primary innovators on manypolicy issues that topped the political agenda, the economicdownturn and prominence of economic issues in the presidentialelection drew renewed attention to federal policy-making.

# Non Unique – Federalism Low in Transportation

**Federal involvement in transportation is growing and states want it to**

**Dilgerm** in **11,** Robert Jay, 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.

# Thumper – Health Care

**The Supreme Court decision on health care will be a much bigger deciding factor on the state of federalism in the US**

Walter **Jones**, Morris News Service, **6/18**/12, “Olens: Supreme Court ruling on health care will leave much unsettled” http://romenews-tribune.com/view/full\_story/19025409/article-Olens--Supreme-Court-ruling-on-health-care-will-leave-much-unsettled?instance=home\_news\_lead

More than health reform sits on the bubble awaiting the Supreme Court’s decision.

“This case is not about health care. That just happens to be the fact matter of the bill. The case is about federalism,” Georgia Attorney General Sam Olens said at a breakfast forum Wednesday hosted by McKenna Long & Aldridge for its legal clients. “The case is about whether the court is going to view the Constitution the way the founders viewed it, which is that the federal government has limited, enumerated powers or whether Congress can pass whatever Congress wants.”

Georgia is one of 26 states that prevailed in lower courts in challenging the “Obamacare” reform law’s constitutionality. They argued that the Constitution’s “commerce clause” was never meant to stretch as far as giving Washington power over individuals’ purchase decisions — including decisions not to purchase health coverage. And they say Congress is being coercive to threaten the withholding of Medicaid funds to states that refuse to expand eligibility for the jointly funded insurance plan nominally for the poor, aged and blind.

# No Internal Link

**No internal link – federalism refers to a concept, not a particular distribution of power**

**Bobertz** in **03** (Bradley, Environmental Law Professor, PACE ENVIRONMENTAL LAW REVIEW, 2003, pp. 88-9)

Let us begin by demystifying the word "federalism." Federalism, itself, simply refers to any system of power-sharing in which authority is distributed between what is typically a larger political unit, such as the United States, and what are typically smaller political subdivisions, such as the states, which are a part of, but at least partially independent from, the larger body. The European Union and its constituent nations are an example of federalism, as were the Articles of Confederation that the Constitution supplanted. Federalism, in other words, is a structural notion that has no meaning independent of its particularizing details. Under any given system of federalism, the larger political body can have a great deal more power than its political subunits, as is the case in some European nations, or the subunits can wield comparatively more power than the larger political unit, as was the case under the Confederate Constitution during the American Civil War. In normal usage, then, the term "federalism" is agnostic as to how power is distributed. "Federalists" of the founding generation favored a strong national government in relation to the states, while the modern Federalist Society appears to favor the diminishment of national power vis-a-vis the states

# Impact Defense – A2: Modeling Scenarios

**U.S. federalism won’t be modeled – too many factors in the development of democracy**

**Stepan 99** [Alfred, Wallace Sayre Professor of Government at Columbia University, 1999, Journal of Democracy Volume 10, “Federalism and Democracy: Beyond the U.S. Model,” http://muse.jhu.edu/journals/journal\_of\_democracy/v010/10.4stepan.html] JL

The U.S. model of federalism, in terms of the analytical categories developed in this article, is "comingtogether" 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.

# Impact Defense – A2: Solves Conflicts

**Federalism does not work to solve conflicts**

John Warren **McGarry and** Brendan **O'Leary.** The political regulation of national and ethnic conflict.

Parliamentary Affairs v47.n1 (Jan 19**94):** pp94(22).

Unfortunately, federalism has a poor track record as a conflict-regulating device in multi-national and polyethnic states, even where it allows a degree of minority self-government. Democratic federations have broken…Federal failures have occurred because minorities continue to be outnumbered at the federal level of government. The resulting frustrations, combined with an already defined boundary and the significant institutional resources flowing from control of their own province or state, provide considerable incentives to attempt secession, which in turn can invite harsh responses from the rest of the federation…genuine democratic federalism is clearly an attractive way to regulate national conflict, with obvious moral advantages over pure control. The argument that it should be condemned because it leads to secession and civil war can be sustained only in three circumstances: first, if without federalism there would be no secessionist bid and, second, if it can be shown that national or ethnic conflict can be justly and consensually managed by alternative democratic means; and third, if the secessionist unit is likely to exercise hegemonic control (or worse) of its indigenous minorities.

# Impact Defense – A2: Russia Will Model

**Russia won’t model American federalism, if they’re federalist at all it’ll be Russian style.**

Evgueni Vladimirovich Pershin, second director of the Analytical Department of the Federation Council Apparatus. Kazan Federalist, 2003. Number 4 (8). “Issues in the improvement of Russian federalism.” http://www.kazanfed.ru/en/publications/kazanfederalist/n8/4/

The current state of federal relations in Russia requires practical steps aimed at its fundamental modernization. However, we should not forget that Russian federalism is a national product. It will not and should not look like the American or German models. Understanding of the foreign experience is important only to produce an essentially new model of federal relations at the next stage of self-development, which the researchers will later call “the Russian model of federalism.”

# Impact Defense – A2: Russia Will Model

**British Federalism serves as the example for Russia – not the US**

Evgueni Vladimirovich Pershin, second director of the Analytical Department of the Federation Council Apparatus. Kazan Federalist, 2003. Number 4 (8). “Issues in the improvement of Russian federalism.” http://www.kazanfed.ru/en/publications/kazanfederalist/n8/4/

If we can find the optimal variant of territorial power organization for Russia in the vast foreign experience, it would probably be the devolution processes that are on the way in Great Britain, Spain and a number of other states. This experience is much closer to Russia than the experience of federal state in Germany or America. Devolution is also not a panacea but a way or a method to solve state building problems.

# Impact Defense – A2: Russia Will Model

**No modeling—their evidence reflects outdated trends
Moravcsik, 5--** MORAVCSIK. NEWSWEEK INTERNATIONAL 2005. “DREAM ON AMERICA”. \_\_www.msnbc.msn.com/id/6857387 /site/newsweek; Lexis

Not long ago, the American dream was a global fantasy. Not only Americans saw themselves as a beacon unto nations. So did much of the rest of the world. East Europeans tuned into Radio Free Europe. Chinese students erected a replica of the Statue of Liberty in Tiananmen Square. You had only to listen to George W. Bush's Inaugural Address last week (invoking "freedom" and "liberty" 49 times) to appreciate just how deeply Americans still believe in this founding myth. For many in the world, the president's rhetoric confirmed their worst fears of an imperial America relentlessly pursuing its narrow national interests. But the greater danger may be a delusional America--one that believes, despite all evidence to the contrary, that the American Dream lives on, that America **remains a model for the world**, one whose mission is to spread the word. The gulf between how Americans view themselves and how the world views them was summed up in a poll last week by the BBC. Fully 71 percent of Americans see the United States as a source of good in the world. More than half view Bush's election as positive for global security. Other studies report that 70 percent have faith in their domestic institutions and nearly 80 percent believe "American ideas and customs" should spread globally. Foreigners take an entirely different view: 58 percent in the BBC poll see Bush's re-election as a threat to world peace. Among America's traditional allies, the figure is strikingly higher: 77 percent in Germany, 64 percent in Britain and 82 percent in Turkey. Among the 1.3 billion members of the Islamic world, public support for the United States is measured in single digits. Only Poland, the Philippines and India viewed Bush's second Inaugural positively. Tellingly, the anti-Bushism of the president's first term is giving way to a more general anti-Americanism. A plurality of voters (the average is 70 percent) in each of the 21 countries surveyed by the BBC oppose sending any troops to Iraq, including those in most of the countries that have done so. **Only one third, disproportionately in the poorest and most dictatorial countries, would like to see American values spread in their country**. Says Doug Miller of GlobeScan, which conducted the BBC report: "President Bush has further isolated America from the world. Unless the administration changes its approach, it will continue to erode America's good name, and hence its ability to effectively influence world affairs." Former Brazilian president Jose Sarney expressed the sentiments of the 78 percent of his countrymen who see America as a threat: "Now that Bush has been re-elected, all I can say is, God bless the rest of the world."

# Impact Defense – A2: Nigeria Will Model

**Nigeria doesn’t model American federalism – it centralizes its federal government**

**Business Day,** 20**08**

(June 11, “Who wants Lagos State Driver’s License” http://www.businessdayonline.com/analysis/comments/11192.html)

In Nigeria, the situation is markedly different. In the first place, the federalism practised in America is different from the warped federalism practised in Nigeria: while there is decentralization of power to the states in the US, the bulk of political power in Nigeria is vested in the federal government. And there is no law in existence in Nigeria today that compels any state to accept or recognise a driver’s licence issued by another state.

# Federalism Bad – Libya

**Federalism is bad for Libya – weakens the central government, destroys national security and its economy**

Jason **Pack** **and** Ronald **Bruce**, **6/6**/12, Jason Pack researches Libyan history at Cambridge University and is President of Libya-Analysis.com and Ronald Bruce St John is the author of several books on Libya including Libya: From Colony to Revolution (2012) and Libya: Continuity and Change (2011), “Libya: Uncertainty Abounds Around Elections and Federalism” http://allafrica.com/stories/201206060799.html

Instead of returning to past practice, Libya should move forward and seize the opportunity to diversify its economy and strengthen its institutions. The Libyan people are intelligent, hard-working, entrepreneurial, and capable of the highest ethical standards. Unfortunately, the Gadhafi regime did not promote and reward these virtues. Advancement in his command economy more often depended on family, clan, and tribal ties or other forms of nepotism and cronyism. The new Libya requires the rapid creation of nation-wide institutions and the development of the human resources necessary to improve productivity, and guarantee competitiveness in the global economy. History suggests these goals are incompatible with excessive decentralization and overlapping jurisdictions.

The proponents of federalism want to decide taxes and budgets at the municipal and provincial levels - a sure recipe for gridlock. One of the few positive legacies of Gadhafi's rule was his construction of extensive oil and water pipelines that linked the provinces together. The bulk of Libya's oil is extracted in Cyrenaica and brought via pipelines to the Sirte Basin, and the majority of Libya's groundwater comes from aquifers in southern Cyrenaica but is consumed in the populous areas of Western Tripolitania. A return to a federal model would endanger these gains, unleashing competition between the provinces over these strategic resources. It would also weaken the central government, making it difficult to improve security and secure the nation's borders.The myriad shortcomings of the interim government point to an alternative: the careful delegation of limited powers to the local bodies formed during the uprising, linking them to the central government. Misratans and Benghazians should run municipal affairs through their new democratically-elected local councils - but only as representatives of the central government, not as their own fiefdoms. In post-Gadhafi Libya, local and regional bodies must have a say, but federalism is not the best way to give them that voice.

# Federalism Bad – Natural Disasters

**A. Federalism magnifies the impact of natural disasters by making states complicit with basic federal regulations.**

**Governing Magazine**, 20**05**

(RISK AND RESPONSIBILITY, October, 2005, LEXIS)

After Hurricane Frances ripped through Florida about a year ago, the Federal Emergency Management Agency wrote checks worth $31 million to residents of Miami-Dade County. There was a big problem with the payouts, though: The storm had actually hit about 200 miles to the north. Frances gave Miami a good soaking but didn't really do much damage there. It's an ironic tale, in light of all the finger-pointing wrought by the catastrophe of Hurricane Katrina. To be sure, state and local officials never relish having to work with FEMA's bureaucracy when disaster strikes. That's been abundantly clear this past month. But there's usually a silver--or green--lining. It's not too hard to shake millions, even billions, out of Washington after a calamity, or even a rainstorm in Miami's case. In fact, it's much easier than winning federal aid for workaday priorities such as **education** or public housing. This is one of **federalism's** little quirks--one that some argue makes natural disasters even more disastrous. If the feds always pick up the tab, then there's no incentive for states or localities to halt risky development in areas prone to flooding, mudslides or wildfires. It's an example of what economists call a "moral hazard" problem. "The signal that's gone out over many years is that no matter what type of natural disaster it is, FEMA comes in and bails you out," says Pietro Nivola, a senior fellow with the Brookings Institution. "State and local governments become complacent."

**B. Lack of preparedness and rapid response will allow the new wave of disasters to render the earth uninhabitable**

**Sid-Ahmed 2k5** (Mohammed, Al-Ahram Online, Jan 6-12, <http://weekly.ahram.org.eg/2005/724/op3.htm>)

The human species has never been exposed to a natural upheaval of this magnitude within living memory.

What happened in South Asia is the ecological equivalent of 9/11. Ecological problems like global warming and climatic disturbances in general threaten to make our natural habitat unfit for human life. The extinction of the species has become a very real possibility, whether by our own hand or as a result of natural disasters of a much greater magnitude than the Indian Ocean earthquake and the killer waves it spawned. Human civilisation has developed in the hope that Man will be able to reach welfare and prosperity on earth for everybody. But now things seem to be moving in the opposite direction, exposing planet Earth to the end of its role as a nurturing place for human life.

Today, human conflicts have become less of a threat than the confrontation between Man and Nature. At least they are less likely to bring about the end of the human species. The reactions of Nature as a result of its exposure to the onslaughts of human societies have become more important in determining the fate of the human species than any harm it can inflict on itself. Until recently, the threat Nature represented was perceived as likely to arise only in the long run, related for instance to how global warming would affect life on our planet. Such a threat could take decades, even centuries, to reach a critical level. This perception has changed following the devastating earthquake and tsunamis that hit the coastal regions of South Asia and, less violently, of East Africa, on 26 December.

This cataclysmic event has underscored the vulnerability of our world before the wrath of Nature and shaken the sanguine belief that the end of the world is a long way away. Gone are the days when we could comfort ourselves with the notion that the extinction of the human race will not occur before a long-term future that will only materialise after millions of years and not affect us directly in any way. We are now forced to live with the possibility of an imminent demise of humankind.

# Federalism Bad – Secession

**Federalism leads to secessionist fragmentation**

Michael Kelly, Director of Legal Research, Writing & Advocacy at Michigan State University's Detroit College of Law, 1999, Drake Law Review

However, as political sovereign entities, federations are inherently susceptible to fragmentation. Indeed, the fault lines along which a potential break can occur are usually already in place-fixed politically, historically, or both. This flows partially from the inherent internal inequality of their collective constituent parts. In the international legal system, individual nation-states are formally accorded equal legal status vis-a-vis each other. The reality, however, is that nation-states are clearly unequal in both power and ability. Likewise, federations generally accord equal legal status among their constituent parts, be they states, provinces, regions, or oblasts. And just as in the international system, the reality is that those constituent parts are often unequal in terms of development, population, and economic power. For example, just as France and Fiji share equal legal status on the international plane but are vastly unequal in reality, California and Rhode Island enjoy equal legal status under the United States Constitution, but are [\*242] unequal in reality. The same comparisons can be made between many internal regions of almost any federation: Nizhniy-Novgorod and Yakutia in Russia, Uttar Pradesh and Manipur in India, Amazonia and Rio in Brazil, or Ontario and Prince Edward Island in Canada. Consequently, inequality is a fundamental feature in almost any federation, whether or not it breeds secessionist ideas on its own. Just as devolution has been seized upon by nation-states, federal or otherwise, as a way to address the self-deterministic aspirations of communities within their borders, so too has federalism been attempted by non-federal nation-states as a self- preservationist move toward the middle ground between separatists and advocates of stronger centralized government. The examples, however, of Mali, Uganda, Ethiopia, Zaire (now Congo), Nigeria, Kenya, and the Cameroons bear out the conclusion that these efforts, at least in post-colonial Africa, have generally failed, except for the notable recent example of South Africa under its new constitution. Consequently, while federated systems of government can work in multi-ethnic states, with the appropriate degree of top-down devolution of administration and self-government, it seems that they cannot be universally extrapolated to work in every instance. A. Recent Federated Break-ups Nonetheless, when inherent inequality is added to other, seemingly dormant, fragmentary ingredients such as historical, ethnic, religious, customary, or linguistic differences, a divisive stew can come to brew in which one of the potatoes may try to jump out of the pot. Indeed, the recent federated crack-ups of the U.S.S.R., Yugoslavia, and Czechoslovakia demonstrate that the pot itself may burst, allowing all of the elements previously held together to spill forth and go their separate ways. While this Article does not address the political, theoretical, economic, or social failures of the communist philosophy that was applied to the countries of Eastern Europe and the Soviet Union, it does take note of the fact that these were all federal systems, at least on paper, that spun apart into separate, smaller, more ethnically homogenous nation-states after the fall of communism in Europe. Table 3 delineates some previously federated nation-states that have broken down into smaller successor states during this decade.

**Unbridled secession leads to global war and WMD use**

Gidon Gottlieb, Leo Spitz Professor of International Law and Diplomacy University of Chicago Law School, 1993, Nation Against State, p. 26-27

Self-determination unleashed and unchecked by balancing principles constitutes a menace to the society of states. There is simply no way in which all the hundreds of peoples who aspire to sovereign independence can be granted a state of their own without loosening fearful anarchy and disorder on a planetary scale. The proliferation of territorial entities poses exponentially greater problems for the control of weapons of mass destruction (WMD) and multiplies situations in which external intervention could threaten the peace. It increases problems for the management of all global issues, including terrorism, AIDS, the environment, and population growth. It creates conditions in which domestic strife in remote territories can drag powerful neighbors into local hostilities, creating ever widening circles of conflict. Events in the aftermath of the breakup of the Soviet Union drove this point home. Like Russian dolls, ever smaller ethnic groups dwelling in larger units emerged to secede and to demand independence. Georgia, for example, has to contend with the claims of South Ossetians and Abkhazians for independence, just as the Russian Federation is confronted with the separatism of Tartaristan. An international system made up of several hundred independent territorial states cannot be the basis for global security and prosperity.

# Federalism Bad – A2: Modeling Scenarios – Ethnic Conflict

**A. Federalism sparks ethnic conflict**

Willy Mutunga, Executive Director of the Kenya Human Rights Commission, The Nation, May 20, 2001.

Federalism promotes localism, ethnic and racial xenophobia and undermines the sense of nationhood. Unsurprising theUnited States and Nigeria are living survivors of debilitating separatist wars between their regions; India, despite its federal miracle still bleeds from secessionist movements**.** The introduction of ethnic-based 'quasi-regionalism' in post-Mengistu Ethiopia has fuelled the conflict over the proposed Oromia state by members of the Oromo ethnic population. Majimboism in the early 1960s had let off the lid of secessionist movements, particularly by Kenyan Somalis in North Eastern Province and the clamour for an autonomous "Mwambao" on the Coast. There is no guarantee that this time around, majimboism will not trigger ethnic recidivism and separatist movements, especially in North Eastern, Coast and Eastern province where the Oromo population may lean towards the movement for an Oromia state. Federalism**'s** main weakness is that it is a very expensive system that duplicates services and office holders at the regional and federal levels. It lacks uniform policies on such issues of national concern as laws regulating marriages, divorce, abortions, liquor, voting rights and public education. Rather than ensuring economic equity, as many proponents of majimboism assume, it sets those regions, states or cantons with a weak market-base, capital, and resources down the spiral of economic decline. It subjects local governments to double subordination-by the central and regional governments-and the citizens to triple taxation. At a time when the country's economy is on its knees, the feasibility of a well-financed transition is highly doubtful**.**

B. And, This risk of ethnic conflict outweighs:

1. Risk

World Policy Journal March 22, 1999

"The defining mode of conflict in the era ahead**,**" Sen. Daniel Patrick Moynihan declared in 1993, "is ethnic conflict. It promises to be savage. Get ready for 50 new countries in the world in the next 50 years. Most **of them will be** born in bloodshed**."**Moynihan's apocalyptic vision is not untypical of the prevailing wisdom. History, it seems to many, has exacted its own revenge on what Francis Fukuyama so rashly suggested was the posthistorical world, in the form of conflicts sparked and sustained by ancient and incomprehensible hatreds and bloodlusts. To many analysts, class conflict is passe; the "proxy wars" of the Cold War era can, by definition, no longer occur; and even realpolitik, with rational states pursuing their clearly defined interests, seems dated. Ethnicity, it seems, is the new, dominant causality.

2. Magnitude

Los Angeles Times, February 26, 1993

It is federalism and confederation that we should be pushing -- not ethnic independence. We should be tentatively exploring whether some type of Yugoslav confederation is a solution that would make it easier for different ethnic groups to live together in the new states**.** The problems we see in Bosnia are nothing compared to the bloodshed -- and the danger of fascists coming into control of nuclear weapons -- that would occur if huge multiethnic countries like India, Pakistan and Indonesia start disintegrating.

# Federalism Bad – A2: Tyranny

**A strong national government is critical to protecting liberty**

**Gardner** in **03** (James Gardner, Professor of Law, State University of New York, GEORGETOWN LAW JOURNAL, June 2003, p. 1010-11)

Thus, although federalism contemplates the division of power to protect "liberty," I shall treat this conventional use of the word as a kind of synecdoche that names only one part of the broader notion of achieving, or creating the conditions that enable citizens to achieve, a substantively desirable way of life. Under this broad definition of liberty, the national government of the United States contributes to and protects the liberty of American citizens in at least three distinct ways: (1) by using its affirmative powers in pursuit of the good, (2) by practicing self-restraint, and (3) by restraining state governments from impairing the ability of citizens to achieve the good. First and foremost, the national government protects liberty by using its affirmatively granted powers for the good of the citizenry. This conception of governmental power is broad enough to embrace any conception of the state, from a minimalist, night-watchman state to the contemporary European-style social welfare state. Whatever version of the state a society chooses to adopt, a government must exist and must possess certain powers that enable the polity collectively to achieve the goals that it sets for itself. Under the U.S. Constitution, the national government has many powers that fit this description. The commerce power, spending power, and various military powers have all been used many times to achieve through direct action by the national government objectives that the American polity has collectively decided will make it better off. The commerce power alone, for example, has given us environmental regulation; social, health, and welfare programs; most of the administrative state; and even much of our civil rights legislation, to name only a few of its principal uses.

# Russia Federalism Bad – Nationalism

**Russian federalism leads to nationalism**

Andrei **Lnitsky**, publicist, social manager, 20**05**

 (“RIGHT TURN, LEFT FOOT FORWARD” Izvestia, August 5, 2005 What the Papers Say. Part A, Translated by Tatiana Khramtsova) Lexis

Upholding regional interests could be the main cause for the right wing. Strong regions mean a strong Russia: that's a basic patriotic postulate for the right, having nothing to do with separatism. It's necessary to cultivate democratic right-wing voters in the regions. N. Krechetova says: "Everything is failing in Moscow. We need to be more active in the regions - uniting leaders, recruiting new people who are liberally-oriented, and striving to get them elected to municipal and regional legislatures."Regional patriotism could become the ideological foundation for unifying Russia's right-wing parties. The basic components of their policy programs need to include support for the values of federalism - explained at the level of practical significance. "This is my native soil, my homeland, I'm the master here, and I'm responsible for them!" If right-wing parties can recruit members with this kind of outlook and level of responsibility, it will become possible to start promoting liberal ideas in this generally left-wing country.

**Nationalist revival causes US-Russian nuclear war.**

Victor Israelyan, was a Soviet ambassador, diplomat, arms control negotiator, and leading political scientist, 19**98** Winter, Washington Quarterly.

The first and by far most dangerous possibility is what I call the power scenario. Supporters of this option would, in the name of a "united and undivided Russia," radically change domestic and foreign policies. Many would seek to revive a dictatorship and take urgent military steps to mobilize the people against the outside "enemy." Such steps would include Russia's denunciation of the commitment to no-first-use of nuclear weapons; suspension of the Strategic Arms Reduction Treaty (START) I and refusal to ratify both START II and the Chemical Weapons Convention; denunciation of the Biological Weapons Convention; and reinstatement of a full-scale armed force, including the acquisition of additional intercontinental ballistic missiles with multiple warheads, as well as medium- and short-range missiles such as the SS-20. Some of these measures will demand substantial financing, whereas others, such as the denunciation and refusal to ratify arms control treaties, would, according to proponents, save money by alleviating the obligations of those agreements. In this scenario, Russia's military planners would shift Western countries from the category of strategic partners to the category of countries representing a threat to national security. This will revive the strategy of nuclear deterrence -- and indeed, realizing its unfavorable odds against the expanded NATO, Russia will place new emphasis on the first-use of nuclear weapons, a trend that is underway already. The power scenario envisages a hard-line policy toward the CIS countries, and in such circumstances the problem of the Russian diaspora in those countries would be greatly magnified. Moscow would use all the means at its disposal, including economic sanctions and political ultimatums, to ensure the rights of ethnic Russians in CIS countries as well as to have an influence on other issues. Of those means, even the use of direct military force in places like the Baltics cannot be ruled out. Some will object that this scenario is implausible because no potential dictator exists in Russia who could carry out this strategy. I am not so sure. Some Duma members -- such as Victor Antipov, Sergei Baburin, Vladimir Zhirinovsky, and Albert Makashov, who are **leading politicians in ultranationalistic parties** and fractions in the parliament -- are ready to follow this path to save a "united Russia." Baburin's "Anti-NATO" deputy group boasts a membership of more than 240 Duma members. One cannot help but remember that when Weimar Germany was isolated, exhausted, and humiliated as a result of World War I and the Versailles Treaty, Adolf Hitler took it upon himself to "save" his country. It took the former corporal only a few years to plunge the world into a second world war that cost humanity more than 50 million lives. I do not believe that Russia has the economic strength to implement such a scenario successfully, but then again, Germany's economic situation in the 1920s was hardly that strong either. Thus, I am afraid that economics will not deter the power scenario's would-be authors from attempting it. Baburin, for example, warned that any political leader who would "dare to encroach upon Russia" would be decisively repulsed by the Russian Federation "by all measures on heaven and earth up to the use of nuclear weapons." n10 In autumn 1996 Oleg Grynevsky, Russian ambassador to Sweden and former Soviet arms control negotiator, while saying that NATO expansion increases the risk of nuclear war, reminded his Western listeners that Russia has enough missiles to destroy both the United States and Europe. n11 Former Russian minister of defense Igor Rodionov warned several times that Russia's vast nuclear arsenal could become uncontrollable. In this context, one should keep in mind that, despite dramatically reduced nuclear arsenals -- and tensions -- Russia and the United States remain poised to launch their missiles in minutes. I cannot but agree with Anatol Lieven, who wrote, "It may be, therefore, that with all the new Russian order's many problems and weaknesses, it will for a long time be able to stumble on, until we all fall down together."

# Russian Federalism Bad – Economy

**Current centralization trend key to stability and economic growth**

**Kommersant-VLAST,** 20**06**

 (“EUROPE DOES NOT OBJECT” No 5, February, Natalia Gorodetskaya) Lexis
Without any pressure from official Moscow; After a year of studying federal relations in Russia, European experts published their report last week. The experts claim that centralization of power in the hands of the Kremlin (abolition of direct gubernatorial elections and other suchlike measures) had a "positive effect" on the situation in Russia.Paradoxically, but experts of the European Union drew this conclusion without any pressure from official Moscow. In the meantime, the survey in question had been arranged with help from the Russian authorities. The presidential administration appealed to the EU mission in Russia for recommendations on facilitation of federalism in the country four years ago. The EU was happy to oblige and organized a contest for realization of the project Federalism and Federal Relations in Russia within the framework of the TACIS program.The contest was won by a consortium including companies Arcadis BMB (Holland) and GOPA (Germany), Association of Dutch Municipalities VNG International, and the Russian Institute of Law and Public Politics. Sponsored by the EU, the two-year project worth 2.9 million euros began in December 2004. The first year of studies resulted in appearance of the document titled "Institutional, legal, and economic federalism in the Russian Federation". The Kremlin's Legal Department is studying it nowadays. "Some of the recommendations will take the form of amendments to the acting legislation. Some others will be turned over to lawmakers themselves. Let them think about how they may be used," to quote Oleg Tarasov, adviser to the Legal Department. EU experts are unanimous in their conviction that "the concentration of powers and resources in the federal center that have taken place from 2003-2005 had a positive effect on the sociopolitical and socioeconomic situation in Russia." The conclusion is startling. Authors of the document essentially backed "the new procedure of election of the heads of Federation subjects" which they say "stifled regional leaders' objections" to the new regional policy and "reinforced the center's image." The analysts believe as well that reinforcement of the power vertical led to positive results in the socioeconomic and administrative spheres. Rearrangement of spheres of responsibility for instance helped "with stabilization in the sphere of social grants and subsidies, with realization of major social programs, and with modernization of the whole social sphere." The reforms "formed a more precise, unequivocal, and specific structure of powers on different levels of state management". The process did not always concur with basic principles of federalism (experts admit that much) but it proceeded in what they called "a correct and vital direction."

**That causes civil war—escalates and goes nuclear.**

Steven **David**, Jan/Feb 19**99**. Prof. of political science at Johns Hopkins. Foreign Affairs, lexis.

If internal war does strike Russia, economic deterioration will be a prime cause. From 1989 to the present, the GDP has fallen by 50 percent. In a society where, ten years ago, unemployment scarcely existed, it reached 9.5 percent in 1997 with many economists declaring the true figure to be much higher. Twenty-two percent of Russians live below the official poverty line (earning less than $ 70 a month). Modern Russia can neither collect taxes (it gathers only half the revenue it is due) nor significantly cut spending. Reformers tout privatization as the country's cure-all, but in a land without well-defined property rights or contract law and where subsidies remain a way of life, the prospects for transition to an American-style capitalist economy look remote at best. As the massive devaluation of the ruble and the current political crisis show, Russia's condition is even worse than most analysts feared. If conditions get worse, even the stoic Russian people will soon run out of patience. A future conflict would quickly draw in Russia's military. In the Soviet days civilian rule kept the powerful armed forces in check. But with the Communist Party out of office, what little civilian control remains relies on an exceedingly fragile foundation -- personal friendships between government leaders and military commanders. Meanwhile, the morale of Russian soldiers has fallen to a dangerous low. Drastic cuts in spending mean inadequate pay, housing, and medical care. A new emphasis on domestic missions has created an ideological split between the old and new guard in the military leadership, increasing the risk that disgruntled generals may enter the political fray and feeding the resentment of soldiers who dislike being used as a national police force. Newly enhanced ties between military units and local authorities pose another danger. Soldiers grow ever more dependent on local governments for housing, food, and wages. Draftees serve closer to home, and new laws have increased local control over the armed forces. Were a conflict to emerge between a regional power and Moscow, it is not at all clear which side the military would support. Divining the military's allegiance is crucial, however, since the structure of the Russian Federation makes it virtually certain that regional conflicts will continue to erupt. Russia's 89 republics, *krais,* and *oblasts* grow ever more independent in a system that does little to keep them together. As the central government finds itself unable to force its will beyond Moscow (if even that far), power devolves to the periphery. With the economy collapsing, republics feel less and less incentive to pay taxes to Moscow when they receive so little in return. Three-quarters of them already have their own constitutions, nearly all of which make some claim to sovereignty. Strong ethnic bonds promoted by shortsighted Soviet policies may motivate non-Russians to secede from the Federation. Chechnya's successful revolt against Russian control inspired similar movements for autonomy and independence throughout the country. If these rebellions spread and Moscow responds with force, civil war is likely. Should Russia succumb to internal war, the consequences for the United States and Europe will be severe. A major power like Russia -- even though in decline -- does not suffer civil war quietly or alone. An embattled Russian Federation might provoke opportunistic attacks from enemies such as China. Massive flows of refugees would pour into central and western Europe. Armed struggles in Russia could easily spill into its neighbors. Damage from the fighting, particularly attacks on nuclear plants, would poison the environment of much of Europe and Asia. Within Russia, the consequences would be even worse. Just as the sheer brutality of the last Russian civil war laid the basis for the privations of Soviet communism, a second civil war might produce another horrific regime. Most alarming is the real possibility that the violent disintegration of Russia could lead to loss of control over its nuclear arsenal. No nuclear state has ever fallen victim to civil war, but even without a clear precedent the grim consequences can be foreseen. Russia retains some 20,000 nuclear weapons and the raw material for tens of thousands more, in scores of sites scattered throughout the country. So far, the government has managed to prevent the loss of any weapons or much material. If war erupts, however, Moscow's already weak grip on nuclear sites will slacken, making weapons and supplies available to a wide range of anti-American groups and states. Such dispersal of nuclear weapons represents the greatest physical threat America now faces. And it is hard to think of anything that would increase this threat more than the chaos that would follow a Russian civil war.

# Nigerian Federalism Bad – Instability

**Federalism in Nigeria escalates conflicts**

**Center for the Study of Civil War**, 20**08**(“Federalism, Wealth Sharing, Ethnicity and Conflict Management: Case study of Nigeria” All Academic Research Document, http://www.allacademic.com//meta/p\_mla\_apa\_research\_citation/2/5/0/5/3/pages250531/p250531-1.php)

The development of the federal system in Nigeria is characterized by two main features, one is the combination of federalism and a military government, and the other is the numerous state creation processes. I have tried in this paper to look at federalism in Nigeria as conflict management strategy in the light of these two features. Much of the conflict in Nigeria is linked to two issues, ethnicity and wealth sharing. Both of these issues have been affected by the development of federalism. The ethnic minorities are demanding more autonomy, and in the twelve state structures lasting form 1967-1975 the ethnic minorities enjoyed a relatively large degree of decentralized power. However, as the years have passed the new states have been created; the ethnic minorities have lost power. Firstly, due to increas ing number of states that were given two one of the three largest ethnic groups. Secondly, the more small unites the federation consist of the less power each unit will obtain, and the more centralized the federation becomes. The allocation of the oil revenues has also been affect by the state creation process, and that the military government has over 40 years they were in power centralized the power. The oil producing regions went from receiving 50% of the revenues in 1960 to 3% in 1993. When we look at the conflict map we do see that conflict is concentration in the area where the federalism has affected these two issues the most, in the Niger Delta. It does not seem that federalism has worked very well as a conflict management strategy in Nigeria, rather on the contrary. On the other hand one must ask the question whether the military government has used federalism to try to prevent or cure conflict? Even though they claim to do so it seems that this might be a secondary goal to centralize the power and to increase the oil revenues to the center. In the case of Nigeria, it seems that federalism has been used a tool by the military government, that has escalated conflict rather than prevent it.

# Nigerian Federalism Bad – Instability

**Nigerian federalism exacerbates religious disputes**

**Hanson**, writer for the Council on Foreign Relations, 20**07**
(Stephanie Hanson, “Nigeria’s Creaky Political System” http://www.cfr.org/publication/13079/nigerias\_creaky\_political\_system.html April 12)

How does the federalist structure influence religious tensions?

At the local level, divisiveness over religious issues has exacerbated and at times trumped ethnic rivalries, according to the International Crisis Group report. Under Obasanjo’s presidency, a Pentecostal and evangelical revival in the south paralleled a rise of fundamental Islam in the north. An upsurge in violence in the Middle Belt reflects this tension between the north and south. But as with ethnic disputes, there have not been any large-scale conflicts. Religious organizations act as alternatives to the state, and some argue that the weakness of government institutions, rather than ideological fervor, precipitated the religious revival.

# Nigerian Federalism Bad – Instability

**Decentralization leads to Nigerian breakup and civil war**

Ron **Singer**, Peace Corps volunteer in Nigeria from 1964 to 1967, January 1, 20**05**

 (“Nigeria's slippery politics; Oil industry” Bulletin of the Atomic Scientists) Lexis
Today, violence in the Delta is due as much to extortion by criminals associated with the government as it is to protests against injustice. During the last decade, civil war has ripped though West Africa so virulently that it may seem reckless to suggest a country loosen its federal ties, albeit in the name of greater stability. And it is unlikely that the North would tolerate decentralization, which would mean a loss of revenues and power.

# Nigerian Federalism Bad – Instability

**Nigerian federalism would lead to economic collapse and national instability**

**Ejobowah**, Department of Global Studies, 20**03**
[John Boye, “The New Political Economy of Federal Preservation: Insights from the Nigerian Federal Practice”, http://www.queensu.ca/politics/rgonemc/EjobowahFederalismPaper2.pdf]

The reluctance of the centre to commit to market preserving federalism has to do with the difficulties that such reform might pose for governance. First, the existing states are not financially viable and may not survive in the short run. Of all the thirty-six states, only Lagos is self-sustaining and this is on account of an efficient tax system and a strict regime of accounting (BusinessDay, 30 September 2002). Most of the remaining states are not like Lagos State that is an industrial and commercial city-state; rather, they are non- industrialised with majority of the people operating outside the formal sector. In the short term fiscal devolution would either set these states crumbling or drive most of them into heavy borrowings. The outcome of the latter would be the Brazilian type of financial crisis that could compromise national stability. It is no coincidence that arguments for retrenching the centre have not received support across the country, especially from the non-oil bearing states. Second, devolution would require that the oil-bearing states have right to resources within their domain but pay taxes to the centre, as actually practiced in decentralized federal polities. In this case, the national government has to abandon its post-civil war policy of distributing the benefits of oil equally among all groups and sections of the country. The difficulty here is that, in the short run, the non-oil states would be in real financial distress as noted earlier on and, the centre, with its right to offshore oil reserves, would have no choice but to bailout the se states. In effect, there will be a return to the status quo ante with this group of states while the oil states possess financial power and independence. This would be asymmetrical federalism, Nigerian style. Furthermore, an arrangement by which the centre has to wait on the oil states to pay taxes is one that the federal government considers dangerous, as there is no guarantee that the states will fulfil their obligations. Bruce Berman (2004) has argued that the near absence of trust is a fundamental problem in the economy and institutions of contemporary Africa. The abstract and collaborative trust that underlies contracts and makes transactions possible in the modern world is somewhat weak in the African setting. This is especially true of Nigeria and is evidenced by the prevalence of the cash and- carry syndrome. Given the problem of trust, the federal level might consider it too risky to ground its financial operations on taxes the states may not pay when due. Martin Dent (2000) has revealed that within the current system of central fiscal control, the states rarely get their allocations from Abuja on time and that they have appointed liaison officers to reside in the federal capital where they can chase up payments due them from the ministry of finance. The national government is well aware of what would befall it if the states are given control of resources, and it is not likely to travel that road. Indeed, recent actions of the national government indicate that fiscal devolution is not an issue to be considered in the immediate future.

# Perm – States CP – Solves Link

**Permutation solves the link to federalism – states may have to be involved, but shouldn’t be the only ones**

Emil **Frankel**, Director of Transportation Policy for the Bipartisan Policy Center in Washington DC and served as Acting Commissioner of the Connecticut Department of Transportation and was Assistant Secretary for Transportation Policy of the U.S. Department of Transportation from 2002 to 2005 playing a key role in the coordination and development of the Administration's proposal to reauthorize the Federal highway transit and highway safety programs and also provided policy leadership in such areas as intermodal freight transportation, reform of the Nation's intercity passenger rail system, transportation project financing, and the application of information technologies to transportation systems operations and was Commissioner of the Connecticut Department of Transportation from 1991 to 1995, **5/22**/12, “Defining and Allocating Roles” http://transportation.nationaljournal.com/2012/05/not-waiting-for-the-feds.php#2212584

But that is not the same thing, as devolution. There remains an important, if still inadequately defined, federal role in transportation. There are national goals and national purposes in transportation, and some projects are clearly national (to greater or lesser degrees) in scope and impact. There is, however, no clear line between these national, state, and local interests. Most "mega" projects involve a mix of interests: CREATE in Chicago has obvious local and Illinois benefits, but this program of rail and grade crossing improvements is probably most significant, in terms of the national benefits that it would generate.

Similarly, the ARC project (the proposed trans-Hudson River commuter rail tunnel), cancelled by Governor Christie after decades of planning and the initiation of construction, would have offered enormous benefits to the citizens and business firms of New Jersey and to the economy of the entire New York City region, but there were, and remain, strong reasons for a substanital federal role in this project, because of the impact of economic growth in the New York City region on national well-being and prosperity.

As Rob Puentes has noted, **this is not an "either-or" situation, one of national versus state or local goals**. Many programs and projects will involve all these interests, in varying measures and degrees, and the sources of funding should reflect this mix of purposes. What this debate demonstrates, however, is the need to define national goals more precisely, to reform the institutions that plan and program capital investments in the transportation sector, and to focus on performance and outcomes. These reforms are more urgent than ever, in the context of shrinking resources and the need to invest wisely in the more beneficial programs and projects.