### \*\*\*AT States are racist

States best protect minorities -- their evidence is just about the past

Gerken 12 Heather K. Gerken, prof law at Yale Issue #24, Spring 2012 Democracy – A Journal of Ideas

A New Progressive Federalism Distrust of states’ rights exists for good historical reasons, but today, minorities and dissenters can rule at the local level. <http://www.democracyjournal.org/24/a-new-progressive-federalism.php?page=all>

Progressives are deeply skeptical of federalism, and with good reason. States’ rights have been invoked to defend some of the most despicable institutions in American history, most notably slavery and Jim Crow. Many think “federalism” is just a code word for letting racists be racist. Progressives also associate federalism—and its less prominent companion, localism, which simply means decentralization within a state—with parochialism and the suppression of dissent. They thus look to national power, particularly the First and Fourteenth Amendments, to protect racial minorities and dissenters from threats posed at the local level.

But it is a mistake to equate federalism’s past with its future. State and local governments have become sites of empowerment for racial minorities and dissenters, the groups that progressives believe have the most to fear from decentralization. In fact, racial minorities and dissenters can wield more electoral power at the local level than they do at the national. And while minorities cannot dictate policy outcomes at the national level, they can rule at the state and local level. Racial minorities and dissenters are using that electoral muscle to protect themselves from marginalization and promote their own agendas.

#### Federal government is worse – states are needed to represent minorities

Reece 12 Bryan Reece, prof political science 2012 Contemporary Federalism Roundtable (Transcript)

http://wps.ablongman.com/long\_longman\_lpcerritos\_4/0,10584,2301696-,00.html

OBASOHAN: And the argument has always been that federalism promotes this racism.

REECE: Well, I think it does. Well, no, I think it does not promote the racism. I think it promotes more of a diversity in elected office. If you take a look -- let's say city council is the lowest office, and you run it all the way up to the presidency, right? As you're at the top, the federal government, that's the most white level of government, the most male level of government. And as you start coming down to the states, and the counties, and the local level, this is where you find more and more diversity. So if you say that's a function of federalism, it's having the opposite effect. At the local level is where African-Americans, Hispanics, Native-Americans, Asian-Americans, et cetera, can have influence and start moving up through the process. And, in fact, that's what we're seeing going on.

Federal actions are the worst

Paul 02 Rep. Ron Paul, MD 12-24-02 What Really Divides Us? <http://www.lewrockwell.com/paul/paul68.html>

Yet it is the federal government more than anything else that divides us along race, class, religion, and gender lines. The federal government, through its taxes, restrictive regulations, corporate subsidies, racial set-asides, and welfare programs, plays far too large a role in determining who succeeds and who fails in our society. This government "benevolence" crowds out genuine goodwill between men by institutionalizing group thinking, thus making each group suspicious that others are receiving more of the government loot. Americans know that factors other than merit in the free market often play a part in the success of some, and this leads to resentment and hostility between us.

\*\*\*DC

DC acting in your CP requires congressional action – there is no net benefit

Council of the District of Columbia ‘12

http://dccouncil.us/pages/dc-home-rule

Under the Home Rule government, however, Congress reviews all legislation passed by the Council before it can become law and retains authority over the District's budget. Also, the President appoints the District's judges, and the District still has no voting representation in Congress. Because of these and other limitations on local government, citizens continue to lobby for the authority held by all 50 states.

NIB States Compacts

The Counterplan does not require congressional approval

Carothers ‘07

(Claire, “United We Stand: The Interstate Compact as a Tool for effecting Climate Change”, 41 Ga. L. Rev. 236)

While most cooperative interstate activities take place without any legislation dictating their content or application, interstate compacts have recently risen as an alternative means of legislating regional problems in the national context of cooperative federalism. The text of the Compact Clause of the Constitution requires congressional approval for all interstate compacts, but judicial interpretation has since limited the encompassing consent condition tot hose agreements encroaching upon the sovereignty of the federal government. Though the consent requirement works to prevent infringement upon the federal government and noncompacting states and the transfer of authority to unaccountable institutions, modern use of interstate compacts has increased as states recognize compacts efficiency in dealing with problems of regional scale. In addition to being ideally suited to address regional problems, interstate compacts may diminish the problem of externalities and interstate competition. However, once almost automatically approved by Congress, compacts have become less favored by the federal government as states increasingly seek to utilize them to solve national problems.

Congressional authority already given for the CP.

Slone 11

(Sean Slone, writer for the knowledge center council of state governments, July 5, 2011, “State Infrastructure Banks,” <http://knowledgecenter.csg.org/drupal/content/state-infrastructure-banks>

Operating much like other kinds of banks, these infrastructure banks can offer loans and credit assistance enhancement products to public and private sponsors of certain highway construction, transit or rail projects. Under the 2005 federal highway authorization bill, known as SAFETEA-LU, all states and territories plus the District of Columbia were given the authority to establish state infrastructure banks. This followed a period during the 1990s when at different times, anywhere from 10 to 39 states were allowed to experiment with these banks under a series of federal pilot programs. The 2005 legislation also allowed for the creation of multi-state infrastructure banks.

2ac stuff for Riverlocks

Counterplan requires congressional approval – no net benefit

Carothers ‘07

(Claire, “United We Stand: The Interstate Compact as a Tool for effecting Climate Change”, 41 Ga. L. Rev. 236)

Neither the Constitution, nor Congress, nor any state constitution has set out any guidelines or procedural requirements for the creation of interstate compacts; instead, the method has developed from practice and judicial interpretation. The process of establishing an interstate compact generally includes three steps: the negotiation and agreement of a tentative compact, enactment of enabling compact legislation by the relevant state legislatures, and consent of Congress if the compact encroaches upon the political power of the federal government. States enact compacts via ratification of agreement legislation, with state-enabling legislation providing a flexible way for different states to incorporate the compact into their unique administrative organizations.

#### States can’t solve – Army Corps of Engineers has sole jurisdiction for the plan

MSMRG 1 (Minnesota Shoreland Management Resource Guide, Jan 2001, No Author Given, <http://www.shorelandmanagement.org/quick/ll.html>)

It depends on the reservoir. Some reservoirs are managed by power companies. Lakes along the border between the U.S. and Canada are managed by the International Joint Commission. On inland reservoirs, the DNR maintains its own dams, but a county or local government usually controls the reservoir water levels. Some water behind a dam must be released at all times to maintain river flow below the dam. Low flow periods are critical for fish – when riffle areas dry out, invertebrate populations (food for small fish) decline, spawning areas decline, and the water temperature rises. The U.S. Army Corps of Engineers has jurisdiction over locks and dams on navigable waters.

Federal coordination key- Constitutional Commerce Clause

Gibbs, 2011 – Subcommittee Chairman (Bob, “Memorandum on the Hearing on “The Economic Importance of Seaports: Is the United States Prepared for 21st Century Trade Realities?” U.S. House of Representatives¶ Committee on Transportation and Infrastructure , October 21, 2011 http://republicans.transportation.house.gov/Media/file/112th/Water/Water%20Briefing%20Memo%20%20%2010-26-11.pdf)//BL

Maritime shipping remains the preferred method of moving goods in the international market throughout the world. Airplanes, the only other option for intercontinental trade, move goods quickly but are hampered by relatively small capacities and high operating costs. Because of this, air cargo is almost exclusively used for the transportation of small, time-sensitive goods. The Corps of Engineers estimates that more than 95% of overseas trade produced or consumed by the nation moves through American ports.¶ The Federal government's interest in maritime trade stems from the Commerce Clause(Article 1, Section 8, Clause 3) of the U.S. Constitution, which charges the Federal government "to regulate commerce with foreign nations, and among the several states, and with the Indian tribes." The Army Corps of Engineers Civil Works Program carries out federally mandated actions supporting the nation's maritime infrastructure. One of the greatest responsibilities to support commerce is the maintenance and development of the nation's water resources.

\*\*\* States Cp Racism solvency

**States are key to solve for racism and environmental justice**

Robert W.**Collin**, Lewis and Clark Law School Environmental Law contributor, 1/30/**08,** “Environmental Justice in Oregon: It’s the Law”, <http://www.elawreview.org/elaw/382/environmental_justice_in_orego.html> MF

**States are an important link in environmental policy and intergovernmental relations**. Most federal environmental money is funneled to states through the regional offices of a particular agency, and from there to states and municipalities. In the late 1990s, states were threatened with rescission and termination of these substantial revenue flows if they violated Title VI of the 1964 Civil Rights Act.[6]Under the Act**, if state agencies were acting in a racially discriminatory manner, as alleged by many environmental activists, then the states' funding was potentially jeopardized**.[7] In most **states it would be unlikely that the state itself would replace lost federal funding at the same level.** Although the U.S. Supreme Court ultimately held that citizens do not have a private right of action under Title VI, it served notice that environmental justice was a serious concern, and one that does not go away.[8]Subsequently, many **states have embraced some principles of environmental justice.[**9]In few states, if any, is there state recognition of environmental justice policy, principles, or practices without federal financial leverage. This is also true of many environmental policies. **Environmental policy becomes effective when states and localities begin to facilitate the implementation of these policies. The same will hold true with environmental justice policy development at the state level.**

 Part II of this Article discusses the general context of state environmental justice activities. The role of states in environmental justice policy development is a very dynamic and controversial area. **States are key players in the intergovernmental relations that underscore U.S. environmental public policy**. Although "best practices" may be in the eyes of a particular stakeholder, I note developments in practices and procedures. I give particular attention to the New Jersey approach to environmental justice. That **state has a history of large, rapid urbanization and industrialized pollution, large populations of racial and ethnic subgroups, and poverty.** To discount cities in any environmental policy is to essentially ignore meaningful implementation of current and potential environmental policies. This Part concludes with a discussion of the federal context of state environmental justice decisions and policies, focusing on federalism and institutional norms around Race.

**States and Feds are equally racist at best**

Robert W.**Collin**, Lewis and Clark Law School Environmental Law contributor, 1/30/**08,** “Environmental Justice in Oregon: It’s the Law”, <http://www.elawreview.org/elaw/382/environmental_justice_in_orego.html> MF

 **State and federal administrative agencies have absorbed the racist norms of the privileged in many painful instances. The disenfranchisement and large land loss suffered by African American farmers at the hands of federal agencies is well documented.[28]In the area of environmental policy, the consequences of racist norms in the provision of public services is very visible in terms of how the environmental policies were shaped and implemented in urban areas.**[29]

**States solve environmental justice better than feds—key to specificity of policies**

Robert W.**Collin**, Lewis and Clark Law School Environmental Law contributor, 1/30/**08,** “Environmental Justice in Oregon: It’s the Law”, <http://www.elawreview.org/elaw/382/environmental_justice_in_orego.html> MF

 All environmental issues are local in some sense, and **States are the primary points of implementation of environmental programs and policies. The EPA delegates its power to run federal environmental programs to the States in most cases.** Under this delegated authority**, States control permit issuance, modification, and renewal.** They also control the enforcement of environmental laws. Environmental enforcement is a controversial issue in most communities where there are other environmental conflicts.[54]**Environmental Justice is entering serious policy consideration at the state level. It is a controversial and often racially charged political process**. As information about environmental disparities becomes better known, especially in an emerging public health context, states seek to address constituents concerns. As environmental knowledge increases through information resources like the "Scorecard.org" website[55]and, as environmentally degrading practices distribute and accumulate pollution and waste unequally, the evidence becomes harder to ignore. **Enforcement of environmental law often leaves concerned citizens frustrated.** In underserved **environmental justice communities, activists want service and assistance from state environmental agency personnel equal to that which is allocated to industries for "compliance assistance."** The industrial clients of the state and federal environmental protection agencies have enjoyed a unique form of public participation-private agency consultation.[56]**Industrial and government stakeholders claim that these sessions help to work out any potential problems with environmental compliance that could stem from misunderstanding the rapid changes and permutations of environmental regulations**.[57]In an age where industries seek to shelter environmental audits and generally hide other environmental information, often with the complicity of government, these one-on-one consultations become the basis for public policy before communities are included and do not create a landscape of trust, accountability, or environmental transparency.

**States are more advanced at solving environmental racism**

Robert W.**Collin**, Lewis and Clark Law School Environmental Law contributor, 1/30/**08,** “Environmental Justice in Oregon: It’s the Law”, <http://www.elawreview.org/elaw/382/environmental_justice_in_orego.html> MF

T**he recent and rapid inclusion of urban areas in U.S. environmental policy forces acknowledgement of past urban policies with racial motivations and detrimental environmental consequences.** The result of many past urban policies is degraded ecology and health threats to residents.[62]Those living in urban areas are exposed to the cumulative health impacts of living near large numbers of polluting facilities, including bus stations, highways, and sewage treatment plants.[63]Cities generally have the highest percentages of people of color[64]and the most pollution in the United States. **States with a history of urbanization and industrialization are at the cutting edge of environmental justice because they must deal with this inherited urban ecology in order to implement any other environmental policies**. Again, recent studies underscore this emerging dynamic. In December 2005, the Associated Press (AP) published a report showing that African Americans are 79% more likely than whites to live in neighborhoods where industrial pollution is suspected of posing the greatest health danger.[65]The AP study found African Americans in nineteen states were more than twice as likely as whites to live in neighborhoods with high levels of pollution.[66]The AP analyzed the health risk posed by industrial air pollution using toxic chemical air releases self-reported by factories.[67]Many industries under-report their emissions and some industries are allowed fugitive, de minimus, and catastrophic event emissions that are not counted.[68]Industries that do emit chemicals in small quantities may not even require a permit.[69]Nonetheless, the AP used reported emissions only to calculate a health risk score for each square kilometer of the United States.[70]The scores can be used to compare health risks from long-term exposure to industry pollution from one area to another. The scores are based on the amount of toxic pollution released by each industrial facility, the path the pollution takes as it spreads through the air, the level of danger to humans posed by each different chemical released, and the number of males and females of different ages who live in the exposure paths.[71]It does not include pollution from water or waste, or other cumulative exposure pathways in urban areas from mobile sources.[72]

**States can solve—new Jersey proves**

Robert W.**Collin**, Lewis and Clark Law School Environmental Law contributor, 1/30/**08,** “Environmental Justice in Oregon: It’s the Law”, <http://www.elawreview.org/elaw/382/environmental_justice_in_orego.html> MF

 **The New Jersey Executive Order also specifically addresses the needs to disseminate information to low income people efficiently across the digital and language divide. It also addresses disproportionate exposure to environmental hazards**.[80]New Jersey sees much subsistence fishing in its many waterways and coasts, and the Executive Order addresses some of the resulting concerns.[81]**New Jersey is a heavily urbanized industrial state and air pollution is a major concern, and the Executive Order addresses human health problems such as asthma, requiring the** Department of Transportation (**DOT**) **and** the Department of Environmental Protection (**DEP) to collaborate to reduce particulate matter in affected communities**.[82] One significant development in state environmental justice policy is the Task Force's ability to hear directly from affected communities and act to directly solve their problems. One of the main environmental justice rallying points is "We Speak For Ourselves." As the Executive Order states: "**Any community may file a petition with the Task Force that asserts that residents and workers in the community are subject to disproportionate adverse exposure to environmental health risks, or disproportionate adverse effects resulting from the implementation of laws affecting public health or the environment**."[83]

### AT – states deficit spending

#### Counterplan would be funded through bonds

LAO 07 Legislative Analyst's Office, California's Nonpartisan Fiscal and Policy Advise "Frequently Asked Questions About Bond Financing" http://www.lao.ca.gov/2007/bond\_financing/bond\_financing\_020507.aspx

Bond financing is a type of long-term borrowing that state and local governments frequently use to raise money, primarily for long-lived infrastructure assets. They obtain this money by selling bonds to investors. In exchange, they promise to repay this money, with interest, according to specified schedules. The interest the state has to pay investors on the bonds it issues for public infrastructure is exempt from their federal and state income taxes, which makes the state’s interest cost on the bonds less than it otherwise would be.

Why Are Bonds Used?

As noted above, the state often uses bonds to finance its major capital outlay projects such as educational facilities, prisons, parks, water projects, and office buildings. This is done mainly because these facilities provide services over many years, their large dollar costs can be difficult to pay for all at once, and different generations of taxpayers benefit from the facilities. The latter fact offers a rationale for spreading the costs of infrastructure over time, as bond repayments allow you to do. In contrast, funds to operate facilities or deliver services to the public are paid out of current revenues.

#### Balanced budget requirements don't apply to capital bond expenditures

Balance budget doesn’t impact their capital market – bonds would be ok [Nicole cut this card]

Bohn & Inman, ‘99

(Henning & Robert, “Balanced-budget rules and public deficits: evidence from the US States” Carnegie-Rochester Conference Series on Public Policy, Vol. 45)

Abstract Most states (Vermont is the exception) have constitutional or statutory limitations restricting their ability to run deficits in the state's general fund. Balanced budget limitations may be either prospective (beginning-of-the-year) requirements or retrospective (end-of-the-year) requirements. Importantly, the state limits apply only to the general fund, leaving other funds (capital, pensions, social insurance) as potential sources for deficit financing. Do these general fund balanced-budget requirements limit deficit financing? If so, which balanced-budget rules are most effective in constraining state deficit financing? Finally, how are state spending and taxation decisions affected by balanced-budget rules? Using budget data from a panel of 47 U.S. states for the period 1970–1991, the analysis finds that state end-of-the-year (not prospective) balance requirements do have significant positive effects on a state's general fund surplus. The surplus is accumulated through cuts in spending, not through tax increases. It is saved in a state “rainy-day” fund in anticipation of possible future general fund deficits. We find little evidence here that the constraints “force” deficits into other fiscal accounts.

Bartlett 11 Bruce Bartlett July 17, 2011 [StanCollender'sCapitalGainsandGames](http://www.capitalgainsandgames.com/) "The Phony Balanced Budget Amendment Debate" <http://www.capitalgainsandgames.com/blog/bruce-bartlett/2312/phony-balanced-budget-amendment-debate>

One problem is that the states don’t really balance their budgets. All have separate operating and capital budgets and only the operating budget is required to be balanced. By contrast, the federal budget lumps together operating and capital expenses, such as roads and buildings that will last for decades. Moreover, the states are notorious for using gimmicks to give the appearance of budget balance even though they run deficits.

#### States easily get around balanced budget requirements

SBS 11 State Budget Solutions Project is non-partisan, positive, pro-reform, proactive and anchored in fundamental-systemic solutions. Budget Gimmicks http://www.statebudgetsolutions.org/issues/view/breaking-news/3/budget-gimmicks

Though almost all states have so-called "balanced budget" amendments requiring general fund expenditures to stay within state revenue limits, state budgets are often very far from balanced. Legislators and governors have developed a deep bag of tricks to "solve" budget gaps: delaying paychecks for a week so that they fall in the next fiscal year; underfunding state budget commitments; borrowing and transferring from designated funds; inflating future revenue projections and estimations. This consistent habit of kicking the can down the road has put states in their current fiscal catastrophe.
SBS consistently reports on budget gimmicks, and researched them [like we did in this 2011 study](http://www.statebudgetsolutions.org/publications/detail/state-budgets-in-the-2000s-debunking-the-myths), to inform legislators and citizens and help them combat budget dishonesty within their states. Budget dishonesty can only survive in states that lack transparency and awareness, and that's where SBS comes in.