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## States CP 1NC

**Text: The 50 states and surrounding territories should [insert plan mandates].**

**Observation 1: The CP is not topical**

**Observation 2: Solvency**

**Any federal action fails- the plan and/or the permutation won’t work**

**Diridon 12**, Ron. Writer for the San Francisco Chronicle. (6/22/12, “US Must Fund Transportation Infrastructure” <<http://www.sfgate.com/opinion/openforum/article/U-S-must-fund-transportation-infrastructure-3653903.php>>)

The country that moves product to the market and people to work most efficiently wins the international geo-economic competition. **That's never been more threateningly true than now, as the aging and incomplete U.S. transportation systems fall into decline with dwindling hope of recovery.** Major sections of President [Dwight Eisenhower](http://www.sfgate.com/?controllerName=search&action=search&channel=opinion%2Fopenforum&search=1&inlineLink=1&query=%22Dwight+Eisenhower%22)'s interstate highway system, especially interchanges and lane widening, are incomplete. **The overall system is poorly maintained, including bridges and**[**pavement**](http://www.sfgate.com/opinion/openforum/article/U-S-must-fund-transportation-infrastructure-3653903.php), except for those supported by our San Francisco Bay Area's bridge tolls, which have been increased recently. **Our mass transit systems are well planned but incomplete. New, more efficient and sustainable modes, such as high-speed rail and automated guide-way transit that already support the rest of the world's economies, are not available in the United States. The 18.4 cent-per-gallon federal gas tax, the traditional funding source for transportation, was increased last in 1993 and is woefully inadequate to meet current and future needs.** Remember, fuel prices are up drastically, which results in fewer miles being driven and stimulates the development of more efficient [cars](http://www.sfgate.com/autos/). All of that leads to less fuel purchased. The gas tax is per gallon - fewer miles and better economy equals fewer gallons consumed, which equals less fuel taxes collected for four out of the past five years. Yet our aging and obsolete infrastructure needs more funding, not less. **Congress has been unable to find the funding or the votes to reauthorize the essential national surface transportation act. If that authorization lapses at the end of June, the national system will cease to function.** The 2006 funding is being extended every three months or so at 2006 levels, which were inadequate then and even more so now. To replace the dwindling gas taxes, a significant portion of that funding now comes from the national general fund, which was not intended to support the transportation system. Yet no serious consideration is being given to increasing the traditional source of transportation funding, the gas tax. Another source of transportation funding, being tested in Oregon, is the environmental or sustainable fee that would be based on the amount of miles traveled and the fuel economy of a vehicle. Less fuel-efficient cars would pay higher fees. But even that very logical process is not receiving serious consideration at the federal level.

## States CP 1NC

States fund infrastructure in a more efficient manner

**N**ational **C**enter for **P**olicy **A**nalysis **6/20/11** (Qualified center for information analysis, “Federal Government Should Leave Transportation Infrastructure to the States,” 6/20/11, <http://www.ncpa.org/sub/dpd/index.php?Article_ID=20789>, FAK)

For two principal reasons, the federal government should fund no transportation infrastructure at all, says Gabriel Roth, a research fellow at the Independent Institute, in testimony to the United States Senate Committee on Finance. The first reason is that, in these times of financial stringency, government should not finance facilities for which users themselves could pay if they wished to cover the costs. For example, those wanting railroads should cover the costs themselves, and those wanting roads should pay more into the dedicated funds that support them. The U.S. air, railroad and road sectors have a long "user pays" tradition, and the current financial deficits require that this tradition be restored. Government funding for interurban travel can be eliminated for this reason alone. The second reason is that federal payments currently support local services, such as mass transit and other projects, to promote an undefined concept of "liveability." Such payments are not appropriate for federal funding. If local services are to be subsidized, it would be better for the funds to be raised from the localities that demand them. These considerations do not apply to appropriations from the federal Highway Trust Fund, which receives dedicated revenues from road users, and has no claims on general revenues. Highway Trust Fund revenues could be increased by raising the dedicated federal fuel taxes but, because conditions vary from state to state, and because of the waste involved in the federal financing of state roads, it would be preferable to meet road funding shortages by raising state charges. States are in a better position than the federal government to reform the current systems of owning, funding and managing highways, says Roth. Abolition of federal financing is likely to encourage state and private sector funding, and successful reforms pioneered by some states could quickly be replicated in others.

## Federalism DA (Net Benefit)

1. **Uniqueness- The Obama administration supports federalism**

Schwartz,John. Staff writer for the New York Times. (1/30/09, “Obama shows openness to a broader role for states” <<http://www.nytimes.com/2009/01/30/world/americas/30iht-30federal.19809671.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, 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.

 [Insert specific link to the plan]

## Federalism DA (Net Benefit)

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 Solvency- States solve better

**States are better at solving transportation infrastructure problems- Texas proves**

**Hammond**, Bill. President/CEO of the Texas Association of Business. (6/17/**12** “Texas needs transportation solution, not status quo” <http://www.mywesttexas.com/opinion/article_f14691aa-b999-11e1-beb7-001a4bcf887a.html>)

As we watch the debate in Washington surrounding the surface transportation bill, many of us outside the beltway can’t help but feel like we are witnessing a game of chicken. Unless Congress is willing to forsake that dangerous game and adopt far-reaching solutions to our growing transportation crisis, this important pillar of our nation’s economic underpinning could be set for a collision. After all, **while the power of the private sector is bolstering many areas of our society and economy, it is disturbing that some in Congress are failing to leverage this power to help deliver the roadways we need**. Are these federal legislators so far removed from the limitless possibilities of private investment that they are satisfied to live with the status quo and all that it entails — namely crumbling highways and bridges? **The problem is, the status quo won’t cut it. U.S. infrastructure problems worsen daily**. The American Society of Civil Engineers recently found **the United States needs more than $200 billion in infrastructure spending in the coming decade to meet the increased demand for new roadways and to maintain existing infrastructure.** The Texas Transportation Institute estimates that urban congestion already costs Americans more than $115 billion per year. Even more troubling to the taxpayer is that these costs will almost certainly increase, given current trends. For this reason**, states like Texas have taken matters into their own hands in recent years, leading the rest of the country in infrastructure development through innovations like public-private partnerships. Together with globally recognized and industry-leading developers, the state of Texas has partnered not only to create several billion dollars’ worth of new congestion-relieving roadways without raising taxes, but also is putting employees of more than 400 Texas firms to work in the process.** Given Texas’ recent success, Congress would do well to consider adopting the following recommendations as part of the transportation bill: It’s no secret that gas tax revenues, which are partially dedicated to transportation projects, aren’t keeping pace with demand. In amending the transportation bill, Congress should explore public-private partnerships, new tolling opportunities and increased funding for the Transportation Infrastructure Finance and Innovation Act. The last thing we need is **the current provision of the Senate version of the bill** that **penalizes states for using innovative means of financing transportation projects.** There are billions of dollars of private equity ready to invest in congestion-relieving roadways. Let’s put it to work. **Strategic private investments mean roads and other infrastructure can be designed, built and completed years sooner and at vastly reduced public costs.** Environmental streamlining is another area in which Texas has made significant strides in the past two years to expedite critical projects. Congress needs to follow Texas’ lead and allow the environmental process at the federal level to progress quickly with less red tape. One critical issue for Texas is the distribution of funds to the states. Under the Senate version of the transportation bill, states are rewarded for past earmarks. Texas, along with 45 other states, fares poorly in that scenario. All funds available under a new bill should be distributed under fair and equitable formulas, with no consideration of past earmarks. If this provision stands, Texas could see $315 million less a year than what it should receive by a fair formula allocation. This is outrageous. Our roads are the lifeblood of our economy. If our infrastructure is not properly maintained and cannot meet traffic demands, both our economy and quality of life suffer. As demonstrated in Texas, there are many creative ways to increase the capacity of our roadways that stimulate the economy, create jobs and reduce costs for the taxpayer. Congress must look for the most effective transportation solutions, rather than reinforce the status quo. Drivers and employers expect nothing less.

Democracy Module (1/2)

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.

Democracy Module (2/2)

Democracy is key to prevent extinction

**Carnegie Commission on Preventing Deadly Conflict.** (October **1995,** “Promoting Democracy in the 1990’s,” [http://www.carnegie.org//sub/pubs/deadly/dia95\_01.html, accessed on 12/11/99](http://www.carnegie.org//sub/pubs/deadly/dia95_01.html%2C%20accessed%20on%2012/11/99))

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.

CP Solvency—Transportation Infrastructure

States fund infrastructure in a more efficient manner

**N**ational **C**enter for **P**olicy **A**nalysis **6/20/11** (Qualified center for information analysis, “Federal Government Should Leave Transportation Infrastructure to the States,” 6/20/11, <http://www.ncpa.org/sub/dpd/index.php?Article_ID=20789>, FAK)

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States fund infrastructure in a more efficient manner

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## CP Solvency—Transportation Infrastructure

State Infrastructure Banks could fund highways better

**Lincoln Chamber of Commerce 08** (Qualified Economic Source, “State Infrastructure Bank Could Solve Road Funding Gap”, 2008, <http://www.lcoc.com/events/events_view?article_id=12263>, FAK)

The Lincoln Chamber has been actively involved in a statewide coalition of business groups dedicated to exploring new strategies for increased transportation funding in Nebraska. The informal coalition includes several organizations and lobbying firms representing key transportation construction and use interests, as well as Chambers of Commerce who realize the economic impacts of adequate road funding. While the efforts of key legislative leaders, such as Speaker Mike Flood and Senator Deb Fischer, working with Governor Heineman yielded some favorable changes in the 2008 session, much remains to be done. The coalition is looking at models from other states to help develop innovative proposals for funding road infrastructure needs. Bruce Bohrer, Executive Vice President and General Counsel for the Lincoln Chamber, said that several states utilize State Infrastructure Banks (SIBs) to help them accelerate key road and bridge infrastructure projects. The SIBs generally require local match funds and have helped get projects online faster thereby more efficiently utilizing revenue streams when construction inflation is in double digits. It’s important to note that the SIB and bonding strategies will be evaluated very carefully, but the initial response should be to remain open to new ideas and evaluate and better understand the possibilities for Nebraska.

States wish to take action by themselves

Grant Reeher 08 associate professor of political science at Syracuse University's Maxwell School of Citizenship and Public Affairs. Syracuse University Will States Get Help From Feds This Time? The Post-Standard (Syracuse, New York)  August 24, 2008 Sunday Earlier this month, Govs. David Paterson, D-N.Y., and Martin O'Malley, D-Md., wrote in this space about the hard economic times currently facing state governments ("Feds must help states through tough time," Aug. 3).

 They noted that unlike the national government, states can't run budget deficits and must therefore make difficult choices when needs for spending exceed revenue. They claimed that their states had been compelled to go beyond the federal government in critical areas where effective national response was lacking, such as infrastructure investment, housing and education, and called for more financial assistance from Washington. And they rejected the federal government's failure to act in partnership with the states in addressing our most pressing domestic problems. All plausible claims. But we've been here before. In the economic downturn earlier in this decade, states reeled under budget crises that were arguably the worst since World War II. With a few notable exceptions, like then-Gov. Mark Warner's Virginia, most shied away from instituting significant tax increases to make up for the shortfalls, and opted instead for cuts in education, social services and other areas. That approach was largely informed by the political memory from the previous time such state-level financial problems had struck, in the early 1980s. Back then many states instituted tax increases, and the governors and majority parties in those legislatures subsequently paid the price in the elections that followed. Indeed, Paterson and O'Malley's jeremiad evokes a distinguishing feature of the American political landscape, one that complicates a governor's job -- the tangled and often tense relationship between states and the federal government.

## A2: Perm do both w/ tyranny module (1/2)

The perm is worse than the CP or the plan – causes blurring, overlap, and confusion.

Greve 00, John G. Searle Scholar, American Enterprise Institute, Winter 2000 (Michael S., Mississippi Law Journal, 70 Miss. L. J. 557)

Outside the commandeering context, the Supreme Court has likewise tended to tie considerations of responsibility and transparency to federal "coercion" or intrusion upon state prerogatives, with equal implausibility. For instance, Justice Kennedy's concurrence in United States v. Lopez, n209 an enumerated powers rather than a commandeering case, avers that "the boundaries between the spheres of federal and state authority would blur and political responsibility would become illusory" if the federal government were to "take over the regulation [\*618] on of entire areas of traditional state concern." n210 Obviously, however, wholesale federal preemption and enforcement present a lesser danger of "blurring" than some cooperative schemes. Similarly, the Supreme Court has tended to view the (more or less stringent) requirement of a nexus between a federal grant and its accompanying conditions as a question of states' rights. n211 States' rights, however, provide no reason to believe that federal funding in exchange for compliance with an unrelated regulatory regime should be any more coercive than a closely matched quid pro quo. The degree of "coerciveness" should correspond to the amount of funding and the stringency of the requirements, not to any nexus or lack thereof. The most plausible functional reason for a nexus requirement is to enable citizens to determine whether the state's regulatory impositions, pursuant to a federal statute, are worth the federal dime. n212 That difficulty is considerable even when the cash nexus is direct, since state and federal politicians will in any event blame each other. It is further exacerbated when the politicians swap suitcases of cash in a back alley at the other end of the cooperative megalopolis.

**Action by both the states and federal government blurs jurisdiction, decreases citizen choice, and risks tyranny.**

**Schapiro 6** [Robert A. Professor of Law, Emory University School of Law. “Symposium: The Jurisprudence of Justice Stevens: Panel IV: Federalism: Justice Stevens’ Theory of Interactive Federalism.” Fordham Law Review March 74 Fordham L. Rev. 2133 Lexis AD 07/07/09] JL

Arguments for federalism generally can be grouped within three conceptual categories, based on economic, republican, and liberal approaches. From the economic perspective, states function as firms, competing in the policy marketplace. By offering differing baskets of taxes and regulations, states provide people choice and the opportunity to realize their subjective preferences. n27 The republican approach to federalism emphasizes democratic self-governance. Federalism allows individuals to deliberate in smaller scale settings and reach reasoned judgments about political decisions. States act as republics, offering a greater opportunity for democratic participation than possible at the national level. From a liberal perspective, states act as bulwarks against tyranny. By dividing power between the states and the national government, the Constitution makes it more difficult for any one center of power to gain complete domination and oppress the people. In a federalist system, the tyrant must win control over both state and national governments. n29 A few fundamental principles follow from these accounts of federalism. First, the boundaries between state and federal power must be maintained. Further, the borders must be clearly demarcated; the chalk lines must be kept clean. People cannot enjoy the benefits of choice and variety offered by interstate competition if the federal government imposes a single, uniform regulatory product. The policy products also must be clearly branded so that citizen/consumers know who is responsible for what regulations. Clear lines allow citizen/consumers to be good policy shoppers. Republican self-governance can flourish only if states have real [\*2140] control over certain areas. Again, citizens must know which level of government has responsibility for which areas so that they can exercise their self-governance responsibly. From a liberal perspective, without a distinctive state sphere, the dual protection against tyranny ceases. Clear lines ensure against creeping encroachment. Second, the national government cannot, itself, draw the boundary lines. The national government may not wish to promote regulatory choice. Further, states and the federal government may collude to impose a uniform national policy and avoid the discipline of regulatory competition. Republican self-governance should not be a matter of the grace of the national government. From the perspective of preventing tyranny, the national government cannot be trusted to limit itself. Allowing the national government to draw the lines between state and federal power would be putting the fox in charge of the chicken coop. Third, the dualist models of federalism generally correspond to an understanding of states as distinctive communities of value. Citizens in different states differ in important ways. They have different goals, different ideals. These fundamental differences both serve to justify the boundaries between states and also help to demarcate the appropriate borderlines. Because the states function as loci of values, the need for local choice becomes particularly important. The diversity of views among states requires a broad policy market. Moreover, recognizing the boundaries between states allows the distinctive republican communities to realize the outcomes of their deliberations, free from outside interference. The divergence among the values in the different states also helps to suggest proper lines between national and state authority. With regard to the issues on which the states differ, states should enjoy autonomy. On matters of overlapping beliefs, federal control may be appropriate.

## A2: Perm do both w/ tyranny module (2/2)

**Tyranny legitimates the worst atrocities and extinction.**

Callahan 73 [Daniel. Senior Research Scholar and President Emeritus of the Hastings Center. The Tyranny of Survival p 91-93] JL

The value of survival could not be so readily abused were it not for its evocative power. But abused it has been. In the name of survival, all manner of social and political evils have been committed against the rights of individuals, including the right to life. The purported threat of Communist domination has for over two decades fueled the drive of militarists for ever-larger defense budgets, no matter what the cost to other social needs. During World War II, native Japanese-Americans were herded, without due process of law, to detention camps. This policy was later upheld by the Supreme Court in Korematsu v. United States (1944) in the general context that a threat to national security can justify acts otherwise blatantly unjustifiable. The survival of the Aryan race was one of the official legitimations of Nazism. Under the banner of survival, the government of South Africa imposes a ruthless apartheid, heedless of the most elementary human rights. The Vietnamese war has seen one of the greatest of the many absurdities tolerated in the name of survival: the destruction of villages in order to save them. But it is not only in a political setting that survival has been evoked as a final and unarguable value. The main rationale B. F. Skinner offers in Beyond Freedom and Dignity for the controlled and conditioned society is the need for survival. For Jacques Monod, in Chance and Necessity, survival requires that we overthrow almost every known religious, ethical and political system. In genetics, the survival of the gene pool has been put forward as sufficient grounds for a forceful prohibition of bearers of offensive genetic traits from marrying and bearing children. Some have even suggested that we do the cause of survival no good by our misguided medical efforts to find means by which those suffering from such common genetically based diseases as diabetes can live a normal life, and thus procreate even more diabetics. In the field of population and environment, one can do no better than to cite Paul Ehrlich, whose works have shown a high dedication to survival, and in its holy name a willingness to contemplate governmentally enforced abortions and a denial of food to surviving populations of nations which have not enacted population-control policies. For all these reasons it is possible to counterpoise over against the need for survival a "tyranny of survival." There seems to be no imaginable evil which some group is not willing to inflict on another for sake of survival, no rights, liberties or dignities which it is not ready to suppress. It is easy, of course, to recognize the danger when survival is falsely and manipulatively invoked. Dictators never talk about their aggressions, but only about the need to defend the fatherland to save it from destruction at the hands of its enemies. But my point goes deeper than that. It is directed even at a legitimate concern for survival, when that concern is allowed to reach an intensity which would ignore, suppress or destroy other fundamental human rights and values. The potential tyranny survival as value is that it is capable, if not treated sanely, of wiping out all other values. Survival can become an obsession and a disease, provoking a destructive singlemindedness that will stop at nothing.

## CP- Generic states solvency

**State agency expertise has been under-estimated – state bureaucrats retain discretion and influence**

Rabe 04 (Barry G. , Professor of Environmental Policy, University of Michigan, and Director, Program in the Environment, University of Michigan, Statehouse and Greenhouse: The Emerging Politics of American Climate Change, p. 27)

But it does indicate that at least some officials in some states possess far greater analytical and political skills than are generally associated with bureaucratic behavior. Indeed, this finding may be consistent with a growing response to much conventional analysis. As the political scientists John Brehm and Scott Gates have noted, "Despite significant efforts to constrain bureaucratic choices, bureaucrats possess significant degrees of discretion. In all the states in this study that have pursued climate change policy initiatives, state agency officials have retained such discretion and utilized it to assume central roles as policy entrepreneurs. This finding may be consistent with a growing literature on policy entrepreneurship that explores the roles that agency officials—and other entrepreneurs—may play in both the domestic and international arenas.

States can and do make uniform decisions.

Yang 2005 (“Legal English Integrated Course (Tsinghua Law Professional English Series Guide,” http://books.google.com/books?id=B43jsWdqpP8C&printsec=frontcover&source=gbs\_navlinks\_s)

Because Congress, 50 state legislatures, and countless local governments enact statues and ordinances, there is concern about lack of uniformity in the law. If the law lacks uniformity, it decreases the certainty necessary for the conduct of business and the general ordering of society. Legislators can achieve uniformity in the law through two methods: congress can enact a single law that preempts (overrides) varying state laws. The state legislatures can all adopt a single uniform law in a particular area. The latter method has been attempted by a legislative drafting group known as the National Conference of Commissioners on Uniform State Laws. These commissioners endeavor to promote uniformity by drafting model acts. When approved by the National Conference, proposed uniform acts are recommended to the state legislatures for adoption. More than 100 uniform laws, mostly related to business activities, have been drafted and presented to the various state legislatures. The response of the states in adopting of these proposed laws has varied. A few of the uniform laws has been adopted by all the states. Sometimes a state adopts the uniform law in principle but changes some of the provisions to meet local needs. The most significant uniform law for business is the Uniform Commercial Code (UCC).

## NEG THEORY ANSWERS

**UTOPIAN FIAT ANSWERS (50 STATE FIAT BAD)**

THEY USE MULTIPLE ACTORS TOO—THEY HAVE THE PRESIDENT ACT AND THE 535 MEMBERS OF THE CONGRESS.

 NECESSARY TO TEST FEDERAL GOVERNMENT IN THE RESOLUTION: ALL THEY HAVE TO DO IS DEFEND THAT ACTION.

 LITERATURE CHECKS ABUSE: WE HAVE EVIDENCE SAYING STATES SOLVE BETTER—THEY SHOULD HAVE EVIDENCE DEFENDING FEDERAL GOVERNMENT IS BETTER.

IMPOSSIBLE BRIGHT LINE: CAN’T PROVE 4 CUPS OF FIAT IS WORSE THAN 2 CUPS OF FIAT.

TURN: THEIR FIAT IS UTOPIAN—NO EVIDENCE CONGRESS WILL EVER PASS THEIR PLAN—VOTE NEGATIVE ON PRESUMPTION.

CREDIBLE NET BENEFIT CHECKS ABUSE: THEY CAN ANSWER AND/OR TURN OUR NET BENEFITS.

HARDER TO BE NEGATIVE:

AFF SPEAKS 1ST AND LAST INHERENT PERSUASIVE ADVANTAGE

AFF WIN PERCENTAGES WERE VERY HIGH BEFORE THE NEW WAVE OF COUNTERPLANS AND KRITIKS—PROVES NEGATIVES NEED MAXIMUM FLEXIBILITY

TOPIC IS HUGE: AFF. HAS WIDE RANGE OF AFFIRMATIVES TO CHOOSE FROM—NEGATIVE NEEDS CREDIBLE GENERIC STRATEGIES TO KEEP UP.

Err Negative on Theory:

Structural Side Bias – The Affirmative Speaks first, last and has infinite prep time

Imbalance - affirmatives won the majority of debates before the advent of liberal negative theory such as PICs and Conditionality

C. Literature -- literature advocating change is always more explicit and prominent when compared to defense of the status quo

## Conditionality Good- Offense

1. Fair side balance – it balances against strategic advantage of case selection, AFF conditionality in the form of permutations, and many CPs would never be run without it

2. Policy Analysis – hypothetical argumentation is the staple method of flexible questioning of policy and is best suited to debate

3. Puts the AFF in control – they can determine the status of the CP just like a DA

4. Logical decision making – not having the option of the status quo would constitute an extreme departure from natural decision making

5. Critical thinking – it forces argument thought on the fly and understanding argument interactions

6. Multiple perms worse – makes the AFF a moving target, creates strategy skew, and not reciprocal to our one CP

## Conditionality Good- Defense

1. No strategic skew – CPs require time investment, arguments spillover to other issues even after the CP is gone, and time skews are inevitable

2. CPs aren’t unique – most are less complex than major DAs or critiques, are susceptible to multiple attacks, and the 1AC is already an indict to the status quo

3. Doesn’t reduce depth of education – teams inevitably go for arguments with little coverage, justifies only runnig disads, and throwaway arguments are inevitable

4. No impact to multiple worlds – permutations create the same problem and complexity isn’t applied to critiques

5. No potential for abuse – clear limits such as only one CP check and the status quo is a logical, limited, and consistent fallback

6. Doesn’t justify AFF conditionality – permutations are a reciprocal form of conditionality, the plan must be the focus in order to ensure debate, and case selection is enough advantage

7. Doesn’t force the AFF to debate themselves – they only have to defend the plan, and its counterintuitive to let them vacate defense against the status quo

8. Perms aren’t just tests – judges vote for them, this standard justifies intrinsicness, and the CP is also just a “test” of plan’s necessity

9. Doesn’t hurt advocacy – giving limited flexibility compared to the AFF produces the best balance of policy analysis and we are always rejecting the plan

10. No argument irresponsibility – natural disincentives ensure no repugnant arguments, and other arguments don’t entail same responsibility

11. Not a voting issue – reject the argument not the team

# UNIQUENESS: FEDERALISM IS STRONG NOW

The US is making a permanent move towards federalism

**Gerlat ’04** [Waste News, April 26, 2004 v9 i28 p8, Allan]

The trend may be temporary, especially if there's a party shift in the federal government come November. But it may reflect a more fundamental evolution. The world keeps getting more complex, and our priorities become more diverse. It stands to reason that state governments and private coalitions will continue to get stronger as we face a greater number of issues. It's something that businesses dealing with environmental issues need to have on their radar screens. The same is true for service providers.

That makes doing business a whole lot more complex, particularly for companies that are national or regional. A different regulation or law in one state may mean doing business a little differently there, or it might mean changing policy altogether. It means companies need to build more flexibility into their environmental policies.

Grassroots movements seeking to decrease federal domination

**Boston Globe**; June 12, **2004**, l/n

The Patriot Act, passed by Congress in October 2001, is a cornerstone of the Bush Administration's policy to combat terrorism by expanding federal powers in search and seizure and detention. Nancy Talanian, director of the Bill of Rights Defense Committee, said her group has been instrumental in the passage of 325 resolutions asking for revisions to the Patriot Act by cities and counties around the country. When Town Meeting in Groton was debating a resolution in May on the Patriot Act, Sullivan said he had one of his assistants deliver an information packet and stay for the meeting to answer questions. The resolution, which asked Congress to repeal portions of the law that backers said threaten freedom of speech and assembly and the right to legal counsel, passed 123-91, according to Jean Kitchen, town administrative officer.

Courts restraining powers of federal government in SQuo

**Barnett 2003** Randy, prof, consti. law, Boston U School of Law. “Federalism Wins: Ninth Circuit Gets Medical-marijuana Right.” December 19, 2003. Accssd 6/13/04. <www.cato.org/research/articles/barnett-031219.html>)

In a single landmark opinion, the Ninth Circuit Court of Appeals has struck a blow both for those people whose suffering requires them to use medical cannabis and for the constitutional principle of federalism. Tuesday's decision in *Raich v. Ashcroft* — a victory for my clients — proves that federalism is not just for political conservatives. The Court found that because the cultivation, possession, and use of medical cannabis was a completely non-economic activity and too attenuated from interstate commerce, applying the federal Controlled Substance Act to this conduct exceeded the power of Congress under the Commerce Clause.

## Federalism- Modeled

FEDERALIST STRUCTURES BEING ADOPTED IN MULTIPLE COUNTRIES:

Michael Kelly, Director of Research at University of Detroit College of Law, DRAKE LAW REVIEW, 1999, p. Lexis

It must be remembered that during the Cold War, the bi-polar geopolitical balance was held in sway between the United States and the Union of Soviet Socialist Republics: two federal unions. The concept of the federal system of government has been adopted in several diverse contexts: India, Australia, Mexico, South Africa, Germany, Canada, and the Russian Federation.

U.S. FEDERALISM POLICIES WILL BE MODELED ABROAD

Stephen **Calabresi**, Law Professor, 1995 (MICHIGAN LAW REVIEW, p. 831)

It (international and devolutionary federalism) depends for its success on the willingness of the sovereign nations to strike federalism deals in the belief that those deals will be kept. The U.S. Supreme Court can do its part to encourage the future striking of such deals by enforcing vigorously our 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.

AMERICAN-STYLE SMALL STATE FEDERALISM MODELLED WORLDWIDE

Steven G. Calabresi, Associate Professor of Law at Northwestern University, MICHIGAN LAW REVIEW, 1995, p. 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. 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.

## Ethnic Conflict Module (1/1)

A) CONSENSUS OF STUDIES CONCLUDES FEDERALISM PROMOTES ETHNIC ACCOMMODATION

Nancy Bermeo, professor of politics at Princeton University, writes on regime change, 2002 (JOURNAL OF DEMOCRACY, 13.2, pp. 96-110 A New Look at Federalism)

Since the evidence for and against federalism is clearly mixed, we must weigh it as carefully as possible. Toward this end, Ugo Amoretti and I organized an international research team in 2000 to study the relative merits of federalism versus unitarism in divided societies. With the horrors of the Yugoslav breakup paramount in my mind, I expected our project to conclude that federalism exacerbated ethnic conflict. Instead, despite considering a great diversity of cases, our authors were **nearly unanimous** in concluding that federal institutions **promote successful accommodation**.

B) ETHNIC CONFLICTS KILL MILLIONS OF CIVILIANS

Nancy Bermeo, professor of politics at Princeton University, writes on regime change, 2002 (JOURNAL OF DEMOCRACY, 13.2, pp. 96-110 A New Look at Federalism) At a time when globalization is supposedly producing homogeneity, differences derived from ethnicity have become especially lethal. Ethnic violence within states is now much more common than interstate violence and also tends to be harder to stop. Since 1945, ethnic violence has played a major role in half of all wars, turned more than 12 million people into refugees, and caused at least 11 million deaths. Precisely because today's wars are so often between peoples rather than states, civilian casualties have risen dramatically. Fewer than half of the casualties in World War II were noncombatants, while today some three-quarters of all war casualties are civilian.

FEDERALISM ACCOMMODATES ETHNO-CULTURAL DIVERSITY

CANADIAN JOURNAL OF LAW & JURISPRUDENCE, 2000 (July, p. 207)

The history of ethnic relations in Western democracies contains many examples of injustice, oppression, coercion, discrimination and prejudice. Yet over the past thirty years, Western democracies have developed a number of interesting, and I believe effective, models for accommodating ethnocultural diversity. One of these models involves the use of federal or quasi federal forms of territorial autonomy to enable self-government for national minorities and indigenous peoples. I believe that these forms of territorial autonomy are in general a success, and contain potential lessons for other countries around the world struggling with issues of minority nationalism.

## Federalism Net Benefit- India Module (1/2)

A) INDIAN FEDERALISM STOPS BLOODSHED OVER KASHMIR

Shastri, Obtained Bachelors of Arts at Santa Clara University, HASTINGS INTERNATIONAL LAW REVIEW, 1994, p. 133

The Indian federal system is undergoing a period that is likely to result in a gradual controlled decentralization of power to the states and, eventually, to local levels. In the past thirty to forty years, the Indian government has created new institutions, thereby responding to the demands and needs of various groups for self-recognition. Despite meeting such demands, the central government has not compromised the central unity and democracy of the overall system. In the future, as part of this ongoing process, new states and hill councils may be formed, particularly in response to tribal, linguistic, and other local concerns. Furthermore, the increasing liberalization of the economic system will also allow states to create their own economic policies and work with the private sector on their own terms. While threats from separatist terrorism will continue to exist, particularly in Kashmir, the past experience in Tamil Nadu, Punjab, and the Northeastern states has shown that after prolonged conflicts in which the center holds its ground, separatists will eventually realize, under popular pressure, that **the federal system provides an opportunity for them to gain a share of power**, while the **alternative is violence and bloodshed**.

India models US federalism

**IYER 5/15/01 [THE HINDU, V. R. KRISHNA]**

The United States, the most powerful state in the world, despite considerable autonomy to the 50 states is proof that nationalism and devolution of power to states are not self-contradictory. The founding fathers of the Indian Union did recognise the federal destination of India but their vision was blurred by the bleeding Partition and massive migrations, as well as religious and ghastly massacres. Thus these transient traumas made the leaders feel a case for over-centralised polity. What is more, the Constitution made the states weak, holding on to the Raj creed of centrifugalism. Federalism for India is fundamental but a few key provisions strike a different note.

 VIOLENCE OVER KASHMIR THREATENS NUCLEAR WAR AND THE END OF LIFE ON THE PLANET

FAI, STAFF, Islamic Horizons January, 2004 - February, 2004; LEXIS

The Kashmir dispute involves not only the lives and futures of the Kashmiris, but it also significantly impacts India-Pakistan relations and the peace and stability of the South-Asian subcontinent-home to one-fifth of the world's population. The dispute appears to be irresolvable peacefully because international apathy encourages the obduracy of one of the parties. To distract from its occupation of Kashmir in defiance of UN resolutions, India has mastered the art of propagating myths about the genesis and nature of the dispute. The UN Security Council unanimously agreed with the common position taken by the three parties in the dispute--the Kashmiris, Pakistan, and India--that the status of Jammu and Kashmir can be settled only in accordance with the will of the Kashmiris, ascertained through the democratic method, i.e. a free and impartial plebiscite. The U.S. and other democracies, also, endorsed this agreement. The terms stipulated by the UN Commission for India and Pakistan (UNCIP), in close and continuous consultation with both countries, were crystallized in two resolutions adopted on Aug. 13th, 1948 and Jan. 5th, 1949. Both governments formally accepted the terms in a binding international agreement similar to a treaty. A ceasefire was immediately enforced, and UNCIP started negotiations on a plan for

## Federalism Net Benefit- India Module (2/2)

the withdrawal of Indian and Pakistani armies from Kashmir, a plan that would not disadvantage either side or imperil impartiality of the plebiscite. The U.S., Britain and France sponsored all of the Security Council resolutions that called for a plebiscite. Their commitment was indicated in a personal appeal made by President Harry Truman and British Prime Minister Clement Atlee that differences over demilitarization be submitted to arbitration by the plebiscite administrator, a distinguished American war hero: Admiral Chester Nimitz. Unfortunately, India rejected this appeal and, later, objected to an American acting as the plebiscite administrator. No permanent obstacles bar the establishment of a UN-run plebiscite administration in Kashmir. The world organization has proved its ability, even in the most forbidding circumstances, to institute an electoral process under its supervision and control, with the help of a neutral peacekeeping force. One such striking example is Namibia, which was peacefully brought to independence after seven decades of occupation and control by South Africa. More recently, the UN peacefully settled the East Timor issue. Four decades ago, UN Representative Sir Owen Dixon envisaged that the Kashmiri plebiscite could be so regionalized that none of the state's different zones would be forced to accept an outcome contrary to its wishes. The idea of a referendum or plebiscite can be seamlessly translated into the idea of elections to one or more constituent assemblies that will determine the future status of the state or of its different zones. However, any such election must be completely free, transparent, and conducted under UN control and supervision. Kashmir, it might be said, is the Alsace-Lorraine of South Asia, substituting India and Pakistan for France and Germany. It has sparked two conventional wars and a nuclear arms race between the South Asian rivals, **making it the world's most dangerous territory**. Any new war may have **nuclear implications** that **could endanger every nation and every human**. Both India and Pakistan are nuclear powers that have developed sophisticated missile delivery vehicles, and both are adamant against signing the Nuclear Non-Proliferation Treaty or the Comprehensive Test Ban Treaty. Furthermore, both feature domestic constituencies that universally celebrate their muscular, nuclear postures; no political party or serious private association champions nuclear controls or disarmament.

## Federalism Net Benefit- Democracy Module (1/1)

Federalism leads to democracy

**Independent 01** (Qualified Information Website, “Arguments for Federalism”, <http://www.independent.org/issues/article.asp?id=485>, 9/20/01, FAK)

 “It is one of the happy incidents of the federal system,” Justice Louis D. Brandeis wrote in 1932, “that a single courageous state may, if its citizens choose, serve as a laboratory; and try novel social and economic experiments without risk to the rest of the country.” In a decentralized system ideas can be tried at the local level, there learning occurs, ideas are improved and then begin to diffuse throughout the rest of the country. This idea is more than theoretical. Airline deregulation began at the state level and was adopted nationally when it was noticed that in-state trips in large states that had deregulated were much cheaper than trips of the same distance that crossed state lines. Welfare reform and school choice are two other examples of recent policies that began at the state level. The lessons learned need not always be positive lessons. Other states and countries owe California a great debt, for example, for its demonstration of how not to deregulate electricity.

Democracy prevents multiple scenarios for extinction

**Diamond 95** [Larry Diamond, a professor, lecturer, adviser, and author on foreign policy, foreign aid, and democracy.

 “Promoting Democracy in the 1990s: Actors and instruments, issues and imperatives : a report to the Carnegie Commission on Preventing Deadly Conflict”, December 1995, <http://wwics.si.edu/subsites/ccpdc/pubs/di/di.htm>]

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. 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.

##

## AFF: Permutation Extensions

Perm: state governments would benefit from working with the federal government

**Holeywell and Nichols** **11** (Ryan and Russell; Political Analysts and Staff Writers for *Governing*, “Six Ideas for Fixing the Nation's Infrastructure Problems,” June 2011, <http://www.governing.com/topics/transportation-infrastructure/six-ideas-for-fixing-the-nations-infrastructure-problems.html>, FAK)

States pay for about two-thirds of surface transportation spending. With less money available from the feds, their portion may need to grow -- an increasingly familiar storyline in all areas of funding right now. Given that dynamic, states and localities are asking for more flexibility on how they can spend federal dollars and are endorsing plans that would allow the federal government to leverage the limited funds that are available. One idea that has received bipartisan support is a plan known as America Fast Forward. It’s a proposal to expand a federal program of the Transportation Infrastructure Finance and Innovation Act (TIFIA) that provides low-interest loans for transportation projects. The proposal’s biggest cheerleader is Los Angeles Mayor Antonio Villaraigosa. In 2008, Angelinos approved a sales-tax hike for a set of highway and transit projects; but rather than funneling that revenue into new projects outright, Villaraigosa’s goal is to use the money to pay debt on a federal transportation loan. An upfront loan would allow the city to complete its projects rapidly while using the proceeds of its 30-year sales-tax hike to pay it back over time. Currently TIFIA isn’t big enough to accommodate such large-scale plans, which is why Los Angeles has backed a national push to expand the program from $122 million annually to $375 million, and to raise its cap from 33 percent of project costs to 49 percent. “It’s an idea that’s different from a grant program,” says L.A. Deputy Mayor for Transportation Jaime de la Vega. “We’re coming to the table with money and saying we need a partnership. It’s not a handout.” State leaders are also backing a plan to reduce the number of federal highway programs from 55 to five, in an effort to gain greater flexibility in how the dollars are spent. That would help clear up what some people see as troublesome inconsistencies in how funds are meted out. For example, federal aid can be used for preventive maintenance of highways, but routine maintenance is considered a state responsibility.

Perm: the federal government could create State I-Banks

**Wisconsin Department of Transportation 10** (Qualified Government Agency, “Economic development - State Infrastructure Bank Program”, <http://www.dot.wisconsin.gov/business/econdev/sib.htm>, 1/10/10, FAK)

In order to stretch limited funds, Congress authorized some innovative uses of federal transportation funds. Funds were authorized to create state "banks" to complement traditional transportation grant programs and provide states with flexibility to offer many types of financial assistance. The State Infrastructure Bank (SIB) Program, similar to a private bank, offers a range of loans and credit options to help finance eligible surface transportation projects. SIBs offer states the ability to undertake transportation projects that would otherwise go unfunded or experience substantial delays.

## Federalism Impacts- Africa Module

A) AFRICAN FEDERALISM KEY TO STOPPING AFRICAN CONFLICTS:

Shaheen Mozaffar, Associate Professor of Political Science at Bridgewater, and James R. Scarrit, Professor of Political Science at University of Colorado- Boulder, IDENTITY AND TERRITORIAL AUTONOMY IN PLURAL SOCIETIES, ed. Safran and Maiz, 2000, p. 243

**Ethnopolitical conflicts in contemporary Africa thus reflect the interplay of historically configured social structures** and the strategic choices of political actors involved in traditional struggles for power and resources. For the most part, these conflicts have involved the activation of ethnicity to define group interests and articulate political demands concerning equity and proportionality in the allocation of cabinet positions, administrative appointments, public sector jobs, and development funds. These instrumental demands are generally negotiable and readily accommodated within the existing institutional framework of the state through 'ethnic arithmetic' in forming multiethnic government coalitions and formulating affirmative action policies. More problematic are ethnopolitical conflicts that involve the activation of ethnicity to define group identity and articulate expressive demands dealing with the very survival of the group against real or perceived threats to it. These demands are difficult to deal with because they usually require a fundamental restructuring of the state, for example, **the transformation of a unitary to a federal system**, the creation of additional units in an existing federal system, or outright secession.

B) AFRICAN CONFLICTS PUT MILLIONS AT RISK:

Edmond J. Keller, Professor of Political Science at University of California, THE INTERNATIONAL SPREAD OF CONFLICT, ed. Lake and Rothchild, 1998, p. 275

Since 1960, Africa has witnessed more than a score of civil wars, and in just the past decade between two and four million people have died in such wars. In 1993 alone, there were 5.2 million refugees and 1.3 million displaced persons in Africa. Domestic insecurity in Africa, then, has had an increasingly high propensity to spill over borders, resulting in new regional security dilemmas. For example, in a matter of weeks the 1994 civil war in Rwanda resulted in five hundred thousand deaths, and in more than three million refugees fleeing to Zaire and Tanzania. It is clear that what were once thought to be mere domestic conflicts are now increasingly seen as potential sources for regional insecurity. Domestic ethnic conflicts in places such as the former Yugoslavia, Iraq, and Rwanda, have led to intense and bloody internal wars, massive refugee flows, and threats to the continuity of multi-ethnic nation states.

## Federalism Impacts- Africa Secessionism

AFRICAN COUNTRIES FEAR SECESSIONISM AS CREATING INSTABILITY

Li-ann Thio, Associate Professor, Faculty of Law, National University of Singapore, Harvard International Law Journal, Summer, 2002, 43 Harv. Int'l L.J. 409, p. 448

Notably, although the right to self-determination in the Banjul Charter is not expressly conditioned by reference to the principle of territorial integrity, it is based on the legal framework of the nation-state. The prospect of identifying minorities as ethnic groups entitled to self-determination within independent states raises the specter of secessionism and creates unease within states. The ACHPR, which oversees the implementation of the Banjul Charter, has adopted the view that a post-colonial right to self-determination is a continuing right, not one exhausted at independence. The fear of a group asserting a right to self-determination sheds some light on African states' resistance to the recognition of group rights and their insufficient approach to the minorities problem.

BALKANIZATION IN AFRICA THREATENS CONTINENTAL INTEGRITY

Li-ann Thio, Associate Professor, Faculty of Law, National University of Singapore, Harvard International Law Journal, Summer, 2002, 43 Harv. Int'l L.J. 409, p. 451

 However, other states believe that group rights sustain a sense of combative distinctiveness that fuels wars and political instability. Ghana argued before the U.N. General Assembly that this sense of distinctiveness destroyed the health of states, breeding the "devil" of multiple political loyalties and resulting in tribal factionalism, communalism, and instability. The "nation-building" process in African states represented the process of exorcising this devil. In addressing the issue of "autonomy" and the minorities problem, Ghana argued that the solution was to ensure respect for the dignity of human persons: "The melding of diverse communities into the larger human community was the way to peace." These concerns reflect the widespread fear among African governments of balkanization leading to the disruption of African continental integrity.

## INDIA IMPACT EXTENSIONS

INDIA USES FEDERALISM TO DECREASE TENSIONS NEAR KASHMIR

PTI NEWS AGENCY, July 25, 2001, p. Lexis

New Delhi, 25 July: Indian Home Minister L K Advani on Wednesday as dateline said that the federal government, as part of devolution of power to states, was willing to give special powers to Jammu and Kashmir if the demand so arose. Replying to supplementaries during question hour in Rajya Sabha (upper house of parliament), Advani reiterated Jammu and Kashmir was an integral part of India and there would be no compromise on it. Stating the government was moving towards devolution of more powers to states, Advani said, "in this process if Jammu and Kashmir needs special powers, we are willing to give it".

FEDERAL STRUCTURE ESSENTIAL TO INDIA'S FUTURE

THE HINDU, May 15, 2001, p. Lexis

To be unitary at the whim of the Union and federal at the pleasure of the Centre makes our Republic a quasi-federal chameleon. Indian pluralism, rich in diversity and deep-rooted in group identity, is not a mere coat of paint. In constitutional politics and justice there is no room for hide-and-seek jurisprudence. Law and life shall shape their modus vivendi in the integral yoga of federal justice.

FEDERAL FRAMEWORK IN INDIA IS NECESSARY TO PREVENT CONFLICT

GLOBAL NEWS WIRE, January 22, 2002, p. Lexis The home minister said the federal government would welcome the J and K government to identify areas for the exercise. In his speech on 'My India: The Vision for the Future', Advani said "I think that it is not out of place to mention my hope and desire to see the coming together of India and Pakistan in some type of confederal framework in the years to come. This is not an impossible dream." Advani recalled how the two Germanys reunited by pulling down the Berlin Wall and referred to signs of reconciliation even between the two Koreas and Europe becoming a single monetary union with a common currency.

DENIAL OF SELF-DETERMINATION FOMENTS KASHMIR CRISIS

Michael Kelly, Director of Research at University of Detroit College of Law, DRAKE LAW REVIEW, 1999, p. Lexis

As history has shown, this was a tactical, political mistake, the repercussions of which carry over to the present: "The refusal to recognize self-determination movements can also produce severe international ramifications. The current conflict in Kashmir demonstrates how a previous denial of a people's right to self-determination can foment the conflicts of the present and ensure the uncertainty of the future."

## LIBERTY IMPACT MODULE

A) FEDERALISM IS KEY TO LIBERTY:

HASTINGS LAW JOURNAL, 2002 (January, pp. 433-4) (PDBF581)

I have a different perspective. Federalism is not a dysfunctional anachronism, a nostalgic symbol of a pre-industrial America. Rather, when properly viewed and applied, it is crucial to preservation of individual liberty and a valuable device to preserve a healthy balance of power among governmental institutions. The institutional benefits of federalism are not simply preservation of state autonomy as a counter to federal power but also operate less directly to preserve the scheme of separated powers within the federal government.

B) MUST REJECT EVERY INVASION OF LIBERTY

Sylvester Petro, Professor of Law, Wake Forest University, TOLEDO LAW REVIEW, 1974, p. 480

It is seldom that liberty of any kind is lost all at once. Thus it is unacceptable to say that the invasion of one aspect of freedom is of no import because there have been invasions of so many other aspects. That road leads to chaos, tyranny, despotism and the end of all human aspiration. Ask Solzhensyn. Ask Milovan Dijilas. In sum, if one believes in freedom as a supreme value and the proper ordering principle for any society aiming to maximize spiritual and material welfare, then **every invasion of freedom** must be emphatically identified and resisted with an undying spirit.

DECENTRALIZED GOVERNMENT MAXIMIZES INDIVIDUAL FREEDOM

Dalton Cross, Law Professor, Texas, 2000 (HARVARD JOURNAL OF LAW & PUBLIC POLICY, Fall, p. 165)

Government can be made more responsive to the popular will by keeping the policy-making unit closer to the people. As a matter of simple arithmetic, the smaller the policy-making unit, the fewer the number of people who will be discontented by any policy choice. Individual freedom means leaving policy choices with the individual; if a choice must be removed from the individual by government, individual freedom is served to the extent that it is removed no farther than necessary.

INDIVIDUAL LIBERTY IS PRESERVED BY AVOIDING THE CONCENTRATION OF POWER

HASTINGS LAW JOURNAL, 2002 (January, p. 440)

Individual liberty is enhanced by federalism's preservation of an exit option and by its structural prophylactic role of preventing undue concentration of governmental power. Collective autonomy is fostered by federalism's ability to maximize aggregation of citizen preferences, encourage experimentation, and preserve community. Two of these federalism values - maximizing the satisfaction of citizen preferences and preserving community - also serve in a subsidiary way to augment individual liberty. Political accountability is preserved by federalism's role in promoting greater citizen participation and by preserving clear lines of accountability.

## PERMUTATION ANSWERS

1) STILL LINKS TO THE NET BENEFITS: THEY STILL USE FEDERAL ACTION

2) TURN: MIXED SIGNALS

A) PAST DECISIONS PROVE--Overlapping federal and state laws send mixed federalism signals:

Hayford, Prof. of Business Law, 2002 (Florida Law Review; April, 2002; Lexis)

The Supreme Court's stated understanding of the FAA has sent **mixed signals** about a state law-making role in commercial arbitration. On the one hand, the Court has interpreted the FAA to **preempt state laws** that negate or undermine the enforceability of commercial arbitration [\*177] clauses-leaving no latitude for state regulation. On the other hand, the Court has understood the FAA to treat the question of contract revocation, on generally applicable grounds such as fraud, duress, and uncon-scionability, **as one of state law-leaving no federal role**. Additionally, on a variety of other matters affecting arbitration, the Court seems to recognize that the FAA speaks either ambiguously or not at all, such as post-award judicial review, arbitrators' standards of conduct and arbitral procedures-leaving potential gaps in the Act's pro-arbitration policy.

B) Conflicting signals undermine federalism:

Werhan, professor of Constitutional Law @ Tulane, 2000 (Washington & Lee Law Review, Fall, 2000; 57 Wash & Lee L. Rev. 1213)

In the Supreme Court's recent, and potentially transformative, decision in United States v. Lopez, 13 which it recently solidified in United States v. Morrison, 14 a bare majority of the justices suggested an intriguing redefinition of the congressional commerce power. 15 The Lopez/Morrison innovation promises to integrate formal and functional approaches to federalism limits and to align contemporary doctrine with the original federalist understanding and the foundational jurisprudence of the Marshall Court. 16 The justices, however, have given **mixed signals of their direction**. Following on the heels of Lopez, the same narrow majority of justices in Printz v. United States 17 adopted a strongly formalistic approach to limiting congressional regulatory power. 18 The Printz [\*1217] **retrenchment reinforces the considerable doubts** over whether the Court will be able to maintain a **balanced federalism jurisprudence**.

3) Overlapping environmental rules undermines solvency of the permutation:

Adams, professor, Michigan State University, 2002 (Tulane Environmental Law Journal, Winter, 2002, 16 Tul. Envtl. L.J. 127; Lexis)

It is possible, of course, for the EPA to set regional, state, or local ambient air quality standards. 60 However, such a process would likely raise profound and difficult questions over the science of the standards because the EPA would have to **justify several different standards at the same time**. 61 The EPA would likely also find itself **in a political quagmire** [\*136] as various groups and interests challenge the legality of the EPA making essentially "local" decisions and the equity of any nonuniform standard. Further, the EPA would consume valuable resources on setting "local" standards instead of addressing previously unaddressed or new issues. **Delay would likely result** as the necessary information gathering and rulemaking proceeded. Individual groups 62 particularly harmed by the NAAQS **would thwart the implementation of a standard** that might be economically efficient on a societal level.

## PERMUTATION ANSWERS

**4) Federal-state cooperative approaches fail to protect the environment—states do better on their own:**

Adams, professor, Michigan State University, 2002 (Tulane Environmental Law Journal, Winter, 2002, 16 Tul. Envtl. L.J. 127; Lexis)

The Clean Air Act relies on "cooperative federalism" 129 to achieve the NAAQS. 130 Environmentalists argue that the federal government needs to protect the environment. 131 Others decry the loss of local control implied by the oversight of the federal government. 132 Still others argue that states and local governments can bring more economic efficiency into pollution control. 133 In any event, cooperative federalism is another **coordination game** where "confidence and expectations are critical elements." 134 The goal is to achieve and maintain the NAAQS in an economically efficient manner. 135 However, **mixed signals,** [\*146] counterproductive choices, and difficult principal-agent problems 136 have so far, **greatly weakened** the effectiveness of cooperative federalism in meeting this goal. Fewer, **more highly motivated states with more freedom may work better to protect the environment at lower cost than the present system**.

**5) FEDERAL-STATE “LOCKSTEP” CONSTIUTIONAL INTERPRETATIONS UNDERMINES MEANINGFUL STATE CONSTITUTIONALISM:**

Marie Garibaldi, Justice for the Supreme Court of New Jersey, TULSA LAW JOURNAL, Fall 1998, p. 67.

It is clear today that the assertion that a state constitution provides greater protection than the Federal Constitution is no longer novel. In my Court, when we base our decision on the New Jersey Constitution, we state clearly the "adequate and independent" state grounds that form the basis for that opinion. Nonetheless, there will continue to be cases where state courts will be faced with having to determine whether its constitution provides greater protection of individual rights than afforded under the Federal Constitution. In making that determination, state courts will still be presented with the vexing problem of how to prevent state constitutions from becoming **"a mere row of shadows" of the Federal Constitution** and from gleaning such little guidance from federal law **as to make state law "incoherent."**

**6) FEDERAL ACTION DISCOURAGES STATE COURTS FROM PROTECTING RIGHTS**

Robert A. Schapiro, Law Professor, Emory, 1999 (CALIFORNIA LAW REVIEW, December, p. 1456)

The potential for **undermining state constitutionalism** poses the most powerful objection to federal adjudication of state constitutional claims. **A robust federal role could induce states to grant fewer rights** to their citizens, and federal court interpretation might **dilute the efforts of state courts to interpret** their constitutions independently of the federal charter. In Pennhurst, the United States Supreme Court held that federal adjudication of state-law claims against the state itself violated federalism principles embodied in the Eleventh Amendment. The Court, however, did little to explicate the nature of the values at stake. Professor Ann Althouse has provided a more thorough elaboration of the argument supporting the holding of Pennhurst. Her work asserts that the attempt by federal courts to enforce state law against states would subvert efforts by states to develop their own systems for protecting individual rights.

## PERMUTATION ANSWERS (EXTENSIONS)

**AVOIDING RELIANCE ON THE FEDERAL CONSTITUTION ENCOURAGES THE DEVELOPMENT OF STATE CONSTITUTIONAL LAW**

Robert A. Schapiro, Law Professor, Emory, 1999 (CALIFORNIA LAW REVIEW, December, pp. 1446-7)

Because the Federal Constitution is both supreme and difficult to amend, adjudicating a federal constitutional issue constrains the interpretive debate. Avoiding the federal constitutional challenge, by contrast, allows greater freedom for states and for other branches of the federal government to reach their own constitutional conclusions. In addition, delaying the final resolution of the issue may allow for further democratic developments that will add important perspectives to the debate. Avoiding a definitive resolution of federal constitutional issues may thus reduce the risk of judicial error in an area in which the costs of mistake may be quite high.

**FEDERAL ACTION WILL CONTRACT STATE LIBERTIES**

Robert A. Schapiro, Law Professor, Emory, 1999 (CALIFORNIA LAW REVIEW, December, pp. 1456-7) Professor Althouse argues that states might wish to create safeguards for individual rights, but might want these protections to be enforceable only in state court. Judicial interpretation helps to define the substance of a right, and the state might prefer that an organ of the state give definition to the right. Further, litigation over individual rights can involve complex and protracted remedial issues. The state might not want to cede ongoing supervision of a state agency to a federal tribunal. For all of these reasons, Professor Althouse suggests that federal enforcement might create incentives for states to avoid new protections and to define existing safeguards narrowly. Federal adjudication would thus have the perverse effect of **contracting the individual liberties** granted by state law.

**Federal Action Causes States Rights Homogenization**

Robert A. Schapiro, Law Professor, Emory, 1999 (CALIFORNIA LAW REVIEW, December, p. 1459)

Federal courts could provide useful contributions to the development of state constitutions. The value of such federal-state dialogue, however, depends on federal courts' commitments to engage in serious reflection on the meaning of state constitutions. A danger certainly exists that, steeped in federal constitutional tradition, federal judges will view a state constitution as a mirror, simply reflecting back the doctrines developed in construing the Federal Constitution. Federal courts' crowded dockets and their relative inexperience with state constitutional issues enhance the appeal for them of applying the more familiar federal doctrine. Largely free of federal court involvement, some state courts have developed their own constitutional discourses. The states have not always chosen independent paths, and commentators have criticized the tendencies of states to mimic federal forms. It is not clear, though, whether federal courts would do a better job of developing an independent state constitutional law with an increasingly homogenized, federal cast. Perhaps state constitutions have profited from federal courts' benign neglect.

## Permutation Answers Extensions

**LOCK STEP INTERPRETATIONS UNDERMINE STATE CONSTITUTIONALISM:**

Robert A. Schapiro, Law Professor, Emory, 1999 (CALIFORNIA LAW REVIEW, December, pp. 1428-9)

One additional aspect of dual constitutional challenges helps both to harmonize these cases with the Siler avoidance principle and to strengthen the Court's Pullman analysis. If the state constitution has the same meaning as the federal, then adjudicating the state constitutional claim would decide, rather than avoid, the federal constitutional question. In other words, if the state constitution is interpreted in lockstep with the federal, then interpretation of the state constitution is effectively interpretation of the Federal Constitution

**FEDERAL RELIANCE ON IDENTICAL STATE DECISIONS CONFUSES THE COURTS**

Robert A. Schapiro, Law Professor, Emory, 1999 (CALIFORNIA LAW REVIEW, December, pp. 1463-4) If the state constitution has the same meaning as the federal, then the federal court should decide the federal question, following the lead of the United States Supreme Court in Constantineau, Flores de Otero, and Midkiff. Avoidance of the federal constitutional issue is impossible. Purporting to rest only on state grounds would be disingenuous and potentially confusing. Abstention would delay federal adjudication by unnecessarily diverting the federal claim through state court and would be pointless because the state court could not avoid the federal question.

**Avoiding Federal Decisions Promotes State Flexibility**

Robert A. Schapiro, Law Professor, Emory, 1999 (CALIFORNIA LAW REVIEW, December, p. 1462)

Federal constitutional rulings, by contrast, may establish fixed and unyielding rules of conduct. Avoiding federal constitutional decisions thus advances federalism by providing greater flexibility for state governmental action. Moreover, rooted in a different institutional context, federal courts may provide a useful alternative perspective on the interpretation of state law. Because the political insulation of the federal courts aligns with important principles of constitutionalism, the federal perspective on state constitutional provisions may prove particularly valuable.

**Doing Both Wastes Resources And Risks Inconsistent Verdicts**

Frank Pommersheim, Professor of Law, University of South Dakota School of Law, 2000 (COLORADO LAW REVIEW, Winter, p. 143)

Judicial economy is served by having a matter litigated in one court rather than in two or more tribunals. The splitting of lawsuits increases costs of the parties, wastes social resources, and risks inconsistent verdicts from the different courts.

## PERMUTATION ANSWERS EXTENSIONS

**AVOIDANCE OF FEDERAL RULINGS ENCOURAGES STATE CONSTITUTIONAL RULINGS**

Robert A. Schapiro, Law Professor, Emory, 1999 (CALIFORNIA LAW REVIEW, December, p. 1447)

Channeling the claims into state court through such means as abstention and certification elicits definitive rulings from state courts on the state constitutional issues. From the perspective of the state courts, then, abstention and certification are "anti-avoidance" techniques. These practices require state courts to address the state constitutional claims. In general, the reasons for the avoidance doctrine are weaker in the state constitutional context. Because state constitutions are more easily amended than the Federal Constitution, state constitutional decisions do not impose equally inflexible rules on society. As the decisions govern only one state, the federal concern for imposing a uniform solution on all states does not arise. Nevertheless, state judges do cite the avoidance doctrine with regard to state constitutional issues, and avoiding authoritative state constitutional construction allows public debate to continue.

**Looking To State Law First Key to State Court Primacy**

Judith Olans Brown & Peter D. Enrich, Law Professors, Northeastern, 2000 (HASTINGS CONSTITUTIONAL LAW QUARTERLY, Fall, p. 106)

The primacy approach entails at least two commitments on the part of the state court: first, to begin its constitutional analysis with the text of the state constitution and second, to rely upon federal decisional law only for guidance in illuminating the issues presented by analysis of the state constitutional text. Hans Linde, formerly of the Oregon Supreme Court and an originator of the primacy approach, suggests that principles of judicial restraint mandate the first commitment: the state appellate court should begin its analysis in a criminal case with the state constitution, when the issue has been raised, because there is no deprivation of a defendant's Fourteenth Amendment rights when the relief she seeks may be found in the state constitution. Only if relief is not found in the state charter should the court then examine (the) conviction from a standpoint of federal constitutional law. The primacy approach thus alleviates legitimacy concerns by making "recurrence to state law an obligation, not a choice

**RELYING ON STATE COURT AUTHORITY BOOSTS DIVERSITY IN CONSTITUTIONAL LAW**

Judith Olans Brown & Peter D. Enrich, Law Professors, Northeastern, 2000 (HASTINGS CONSTITUTIONAL LAW QUARTERLY, Fall, pp. 97-8)

In other words, though a state court's authority to interpret its own constitution flows most immediately from that constitution, the legitimacy of its independent interpretation of a cognate provision derives support from a value enshrined in the federal constitution. A fuller understanding of this value suggests that state courts should eschew the lockstep and criteria approaches to the interpretation of cognate provisions. For in acknowledging the value of dialogue, a state court not only honors the authority of its institutional role within the federal scheme, it also engages the U.S. Supreme Court in discourse about the interpretive possibilities inherent in constitutional provisions that "do not establish and divide fields of black and white." Given the Supreme Court's relatively isolated institutional position, such engagement can inform interpretive debates among judges, scholars, and citizens about the meaning of constitutional text, and thereby balance the interpretational judgment of the Supreme Court.

## AFF. ANSWERS

## FEDERALISM DISAD FRONTLINE

**1. EMPIRICALLY DENIED: No past wars because of decreased federalism**

**2) NON-UNIQUE: Bush has decimated federalism**

**Kettl ’04 [Governing Magazine, February, Pg. 14, Donald F.]**

But if the Bush administration shies away from boasting about NCLB as its gift to the states, it may not have much else to boast about. In general, the administration has opposed giving much flexibility to state and local governments. It has tried to block state efforts to buy prescription drugs in Canada. It joined with Congress to outflank state efforts to block spam e-mails. Most of all, Bush's Environmental Protection Agency has resisted efforts by the states, especially in the Midwest and New England, to pursue tougher air pollution standards.

**3) NO LINK: FEDERALISM ADAPTS TO THE PLAN**

Ann O'M. **Bowman,** James F. and Maude B. Byrnes Professor of Government at the University of South Carolina, **02** [Publius, Spring 2002 v32 i2 p3(21)]

Richard H. Leach once commented that the adaptability of federalism was perhaps its most prominent feature. (7) Adaptability suggests that the American federal system can adjust and evolve to handle challenges and changes effectively. If the next decade or so takes the trajectory of trend lines (a), (c), or (d)-the paths with the highest probability of realization-American federalism will easily accommodate it. Shifts in authority have characterized the U.S. federal system since its founding and are likely to continue. In some ways, federalism is akin to a work in progress; it changes as it evolves. But it is not formless or neutral. There are structures and values tied up in federalism and these affect-and are effected by-what goes on within and beyond government.

**4. NO THRESHOLD: NO REASON ONE PLAN KEY TO FEDERALISM.**

**5. NO LINK: OTHER NATIONS MODEL THE STRUCTURE OF FEDERALISM; NOT INDIVIDUAL DECISIONS.**

## FEDERALISM DISAD FRONTLINE

**6) Federalism is cyclical—the plan is insignificant in the overall move of federalism**

Ann O'M. **Bowman,** James F. and Maude B. Byrnes Professor of Government at the University of South Carolina, **02** [Publius, Spring 2002 v32 i2 p3(21)]

The federalism scenarios make no assumptions about the length of time represented by the dotted lines. It is quite possible, even likely, that the next decade or two will see several of these trends unfold at different periods. Increases may be followed by decreases, periods of no change could be interspersed among upward or downward trends.

**7) FEDERALISM DOESN’T SOLVE IN OTHER COUNTRIES:**

Michael A. **Pagano,** Professor of Public Administration and Director of the Graduate Program in Public Administration at the University of Illinois at Chicago, **02** [Publius, Spring 2002 v32 i2 p1(2)]

This, the first issue of the Global Review of Federalism, reaches toward the future, rather than the past, and sketches out the important factors and features of established federal systems in the future. Although the notable successes of ethnic, religious, racial, and other minorities in securing a voice in emerging democratic societies are laudatory, many attempts at enhancing the autonomy of groups and of integrating them into a larger society have been less than satisfactory. Alongside the South African and Belgian stories stand the Palestinian and Kashmir debacles; then there are the swings of the federalism pendulum that characterize places such as Nigeria and Russia.

## AFF ANSWERS- IMPACTS

**Federalism is dying in India**

**Hindu,** May 25, 20**01** pHNDU16823510

Words like "autonomy" and "decentralisation" go through a strange process of trivialisation in the Indian political dispensation. There was a time when political parties at the regional level, opposed to the Congress hegemony at the Centre, used to belch fire over being bulldozed in practically the entire domain of decision-making. But over the last decade or so, the pendulum has swung so markedly in favour of the Centre doling out largesse to the States that a pathetic culture of dependence has virtually transformed the States into "delivery mechanisms" for the Centre's numerous schemes. Far from perceiving all this as a self-inflicted erosion of autonomy, State governments, regardless of their political complexion, have fallen into a ma-baap attitude vis-a-vis the Centre. A fresh evidence of this syndrome is provided by the proceedings at the chief ministers conference on WTO and related issues pertaining to agriculture and food management on Monday.

**Federalism fails in the Kashmir**

**Bermeo, Acting Chair of Politics at Princeton, 03**

**[Nancy,** [**http://www.dailymirror.lk/2003/01/11/opinion/2.html**](http://www.dailymirror.lk/2003/01/11/opinion/2.html)**]**

The increased interest in federalism is fueled by its detractors as well as by its fans. Even a glance at the headlines suggests why the concept is so controversial. The persistence of Basque terrorism, the long and deadly struggle in Kashmir, and the tragedies emerging from the breakup of Yugoslavia seem to suggest that federal formulas for accommodation are at best ineffectual and at worst deeply damaging.

## AFF ANSWERS- IMPACTS

**Turn: Federalism is a central cause of ethnic violence throughout the Horn of Africa**

Sisay **Asefa,** Africa News Service, August 6, 20**04** pNA

[Aug 06, 2004 (Addis Tribune/All Africa Global Media via COMTEX)]

<b>3. Taming the tiger of Ethnic Exterimism in Ethiopia "</b> The ethnic issue in Ethiopia is a basic democratic problem of protecting people's rights and liberties grounded on individual rights (not on group or ethnic rights). Ethnicity in the Horn of Africa is something that is manufactured by politicians and rebels simply to capture or monopolize political power. For example and in particular, the Oromo national problem just like other ethnic groups cannot be solved without movement to true democracy in Ethiopia, which will create a representative government by empowering the majority, with constitutional protection of minority groups and individual rights or liberties. Ethnic diversity is not the problem in Ethiopia and the Horn of Africa. For example ethnic homogeneity did not prevent different Somali factions with same religion\_ Islam- and language to commit massive atrocities, along clan differences, that led to the collapse of the Somali state in 1991. Elites and rebels that aspire for control of societies make both ethnicity and religion social problems. Ethiopia can take lessons in this regard from other multi-ethnic nations that have re-solved or managed potential ethnic conflicts problem democratically. One example is South Africa, where it took the great leadership, wisdom, and statesmanship of former President Mandela to prevent potentially explosive ethnic problems, among far more diverse and antagonistic ethnic groups than Ethiopia. Another example is the Asian nation of Malaysia. Malaysian political leaders had the vision to face up to the democratic problem by empowering the Malays, who are the majority and poorer than Malaysians of the Indian and Chinese origin. The Malaysian leadership then focused on economic growth, and avoided the mistake of manipulating ethnic sentiments to put the economically strong minority Indians and Chinese in power. By so doing, they faced up to the democratic reality of empowering the majority Malays, and solved the political problem. This allowed Malaysia to concentrate on equitable economic growth that reduced poverty by over 50 percent in 15 years. It also allowed all the three ethnic groups (Malays, Indians, and the Chinese) to benefit from poverty focused economic growth.. Ethiopia and many African states need to do the same, and move forward toward multi-ethnic majority rule of representative government. The argument of the political architects of ethnicity in Ethiopia is that such a framework of "ethnic federalism" will solve the so-called nationalities parroted by young revolutionaries of the late 1960s and 1970s, but the problem of Ethiopia has never been ethnicity. It has always been that of poverty and abuse of individual rights and liberties across ethnicity by the various regimes. Thus, the top down imposition of ethnic regionalism will not solve the basic problem of democracy and personal liberties. It just postpones it. In fact, it appears that it may be creating a low level ethnic conflict among and within ethnic groups that has not existed in the past. It is also against the culture and tradition of Ethiopians. Growing up in Ethiopia, I have never heard Ethiopians describe or identify themselves with ethnicity. For example, I have never heard one say, " Ya Amara Lij negn"( I am son of Amhara) or "Ye Oromo lij negn or Ejole Oromo" (I am son of Oromo). The truth was, Amharas identified themselves as "Yegondar Lij"( I am son of Gondar) or "Yewello Lij" ( I am the Son of Wello),etc.. Oromos identified themselves as "Ye Harrar Lij or Ejole Harrar" (son of Harrar), Ejole Wellega ( the son of Wellega), Ejole Arsi, Ejole Shewa ( the son of Arsi or Shewa), etc . This suggests that ethnic federalism is imposed on the people by misguided elites that spent years abroad from the realities of the country. It is time that Ethiopian leaders and policy makers of the current and future generation removed it in a peaceful and orderly manner before it does more damages. Moreover, in spite of what the politicians of ethnic federalism tell foreigners and those who do not understand Ethiopian culture and history, that such a structure will solve the ethnicity or the "nationality problem", the evidence is pointing to the exact opposite.

## AFF ANSWERS-IMPACTS

**Federalism contributed to ethnic tension and nationalism in the USSR**

**Dorff ’94** [Publius, Spring 1994 v24 n2 p99(16), Robert H. Dorff]

Two points in Roeder's analysis have a direct bearing on the arguments made here. First, federalist structures without federalist processes were a mechanism for depriving ethnic groups of the ability to mobilize; they were not a means for accommodating multi-ethnic diversity in any way other than symbolically. Second, those same mechanisms, under changing circumstances, eventually served to increase ethnic tensions and to promote the ethnic crisis under Gorbachev. According to Katherine Verdery, they subsequently became one of the reasons for the rise of nationalism, nationalistic appeals, and fragmentation of the country.(10) The assertion that federalism ameliorated ethnic conflict seriously understates the role of the center and the peculiar control mechanism offered by the centralized, hierarchical Communist party organization. Moreover, it conveniently overlooks the argument that federalist structures actually exacerbated those tensions by providing an excellent organizational base for political leaders to exploit with nationalist appeals once the center began to weaken. They did not promote a "politics of accommodation."