

**States CP & Federalism DA**

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**\*\*\*Strategy Sheet\*\*\***

A few important things:

This file includes a states counterplan which has the 50 states adopt the mandates of the affirmative plan to solve the case AND a federalism disadvantage which argues the plan will upset the balance of power between the states and the federal government.

Remember, when going for a counterplan in the negative block and the 2NR, **YOU MUST** have a net benefit. The two net benefits to this counterplan are **1)** the federalism disadvantage and **2)** the politics disadvantage (since only the affirmative plan uses the federal government)

If things are marked with the words “**INC**”, you read **ONLY** that during the first negative speech. All of the other cards can be used for extensions later in the debate and to answer your opponents arguments.

**\*\*\*Negative\*\*\***

## States Counterplan 1NC

**Text:** The fifty states should <insert plan specifics>.

**COMPETITION - The counterplan competes through net benefits – it avoids our spending and politics disads**

**SOLVENCY – State social services empirically solve best**

**Nathan '5** [Richard P, codirector of the Nelson A. Rockefeller Institute of Government, “Federalism and Health Policy”, Health Affairs Volume 24 No. 6, November/December, <http://content.healthaffairs.org/cgi/reprint/24/6/1458.pdf>]

Medicaid’s experience demonstrates an important, related characteristic of U.S. federalism: its cyclicity. Generally, over time, the national government has been the source of social policy initiatives in liberal periods in our history. In conservative periods, on the other hand, some **states have been sources of innovation and expansion in the social sector. In the 1920s**, for example, when the country was “Keeping Cool with Coolidge,” **states were the source of progressive initiatives such as unemployment insurance, public assistance, and workers’ compensation**. James T. Patterson noted that the **states “preceded the federal government in regulating large corporations, establishing minimum labor standards, and stimulating economic development.”**<sup>3</sup> He added that “the most remarkable development in state government in the 1920s was the increase in spending.”<sup>4</sup> State initiatives planted the seeds of Franklin D. Roosevelt’s New Deal. This same pattern can be seen further back in time. A surge of state initiatives in domestic affairs characterized the conservative Republican period in the 1880s. Allen Nevins and Henry Steele Commager wrote that “the first great battles of the reform movement were fought out in the states.”<sup>5</sup> Compulsory school attendance laws and the creation of state boards of education, reforms of political processes, a growing role for state boards of charity, child labor laws, and state regulatory policies in licensing and zoning are examples of state domestic policy innovations at the turn of the century.<sup>6</sup> A specific health example of state initiatives later followed by federal action is school vaccination laws, which originated in the nineteenth century. Massachusetts led in 1855; New York followed in 1862; and Indiana, in 1881. All states now have such laws, often coupled with compulsory school attendance laws. Federal grants-in-aid and safety regulations for vaccinations came much later, in 1986 and 1993.<sup>7</sup> **In the 1980s**, when the pendulum of social policy nationally swung toward conservatism, there was a similar spurt in state activism in response to President Ronald Reagan’s policies to cut domestic spending. **States reshaped programs to reflect state priorities, increased their funding of programs in areas in which the federal government had become less active, and assumed more control over the activities of local governments and nonprofits.**<sup>8</sup> In these and other ways, states increased their influence vis-à-vis the federal government and their relationships with local governments and nonprofits. More recently, Randy Bovbjerg and other Urban Institute scholars pointed to the Health Insurance Portability and Accountability Act (HIPAA) of 1996 as an example of a state initiative that stimulated national policy activism: “HIPAA adapted some state and small group insurance market reforms and applied them nationally.”<sup>9</sup>

## **States Counterplan 2NC Overview**

**The counter plan solves all the case and captures our federalism net benefit. Our Nathan evidence says states have empirically been effective at providing social services and is comparative they are more effective than the federal government. Any permutation will link to our net benefits making the counter plan the best policy option.**

## States Counterplan Solvency – Social Services

### States can effectively provide social services and fight poverty

Christine **Vestal**, Stateline.org staff writer, “States adopt bold anti-poverty measures”, August 07, 2008, <http://www.stateline.org/live/details/story?contentId=331776>

As the economy falters and the ranks of the poor multiply, **states** for the first time in recent memory **are mounting high-profile, comprehensive campaigns aimed at radically reducing poverty** — many with an emphasis on children. **At least 15 states** and the District of Columbia **have created bi-partisan commissions to narrow the widening gap between the rich and the poor by eliminating barriers** — such as lack of education, poor transportation and inadequate child care — **that prevent many from finding better jobs and escaping chronic poverty. In addition, the states are working to help disadvantaged children in the hope of breaking the generational cycle of poverty. “It’s striking how many states have taken on poverty as a top policy priority.”** Jack Tweedie, poverty director at the National Conference of State Legislatures, told Stateline.org. “No one even used the word ‘poverty’ in the past. It was all about helping working families.” Advocates for the poor say the new state poverty initiatives mark a sea change in political support for an issue that has languished for decades. And with the possibility of a Democrat in the White House and a Democratic Congress, some are optimistic the federal government also will take up the mantle and increase state assistance programs. But others question whether the high-profile projects will translate into real progress in reducing poverty. So far, Alabama, Colorado, Connecticut, Delaware, Illinois, Iowa, Louisiana, Maine, Michigan, Minnesota, New Mexico, Ohio, Rhode Island, Vermont and Washington state have adopted broad anti-poverty programs, according to Jodie-Levin Epstein, Deputy Director of the Center for Law and Social Policy (CLASP), a national advocacy group for the poor. Although the national poverty rate declined from 22 percent in 1959 to 12 percent in 2006, most of the progress was achieved by the 1970s and very little has changed since, according to a recent report by Levin-Epstein. In addition, many living above the federal poverty line of \$21,200 a year for a family of four struggle to make ends meet, the report says. New York City Mayor Michael Bloomberg made national headlines last month when he proposed replacing the federal poverty line with a new gauge that better reflects the local costs of basic necessities. Most state policymakers also consider the federal measure outmoded and many are developing new guidelines that account for the state’s tax structure and include local costs of housing, transportation, energy and health care. In Vermont, for example, the state’s legislative Child Poverty Council found that housing, heating oil and transportation costs were among the biggest burdens for low-income families in the chilly, mostly-rural state, Tweedie said. In contrast, Alabama’s Poverty Task Force found low wages, inadequate spending on education and tax policy among the major culprits. **What the new state programs have in common is broad political support, community involvement and new measures of what low-income families and individuals need to become self-sufficient.** In addition, **some states are setting specific poverty reduction goals, and several are focusing on child poverty and extreme poverty,** said Mark Greenberg, poverty director at the Center for American Progress. **“These new state and local efforts are important because they reflect a greater level of engagement and commitment by legislators and governors,”** Greenberg said. **“States are also putting pressure on the federal government to do more.”** But some experts are concerned the blue-ribbon panels may not maintain the momentum needed to make a difference. “I’m all for these programs, but I’m very skeptical,” Ron Haskin, senior fellow at the Brookings Institution told Stateline.org. “A lot of initiatives don’t produce good results. The political support is there now, but if you want an impact on poverty you need a 10-year program,” said Haskins, who served as White House poverty adviser to President George W. Bush. Others argue that long-range strategies should be accompanied by immediate remedies. In Connecticut, the first state in the nation to set a child poverty reduction target, advocates for the poor argue that an expanded earned income tax credit vetoed last year by Republican Gov. Jodi Rell would have gone a long way to alleviating the strains on poor families. But state Rep. Jonathan Harris says even without the tax credit, the Child Poverty and Prevention Council is making progress toward its goal of cutting child poverty in half by 2014. “We’re bringing people together at the table, so the efforts aren’t just haphazard by individual entities, but collaborative and holistic in their approach,” Harris told Stateline.org. The National Governors Association’s poverty director, Susan **Golonka, applauds states’ new comprehensive approach.** In a recent report, **Golonka wrote that if states are going to “turn the tide” on poverty, they must support a broad range of programs, including partnerships with the private sector, community-based efforts and tax strategies.**

## States Counterplan Solvency – Funding

### **States can fill-in the gaps from federal funding**

Katie **Seeger**, Staff Director, Human Development Committee **and** Neil **Bomberg**, Principal Legislative Counsel, “At Issue: POVERTY REDUCTION & ECONOMIC OPPORTUNITY”, **2008**,

<http://nntp.nlc.org/ASSETS/914CA472E4B541D5A68AFFE0A82922CA/Poverty%20ReductiOpportunity.pdf>

Poverty. When resources for federal and state poverty reduction programs are limited or reduced, state and local governments must redirect funds to ensure that individuals and families in poverty receive the services and assistance they need. One result is that funding for other programs meant to meet the needs of the general public must be eliminated or reduced. Sufficient funding of anti-poverty programs by the federal government will help ensure that families and individuals in need can receive vital services and that cities, at the same time, can maintain the basic quality of life for all residents, regardless of income.

## States Counterplan Solvency – Health Care

### States can solve health care access

Geoff Williams, “5 States Resuscitating Health Care”, May 17, 2007,  
<http://entrepreneur.com/management/insurance/typesofinsurance/article178574.html>

Rising health-care costs are enough to make any entrepreneur sick. A 2004 survey conducted by the U.S. Department of Health and Human Services showed that only 32 percent of companies with less than 10 employees offer health insurance, compared to 96 percent of businesses with 50 or more employees. Fortunately, **while the federal government twiddles its collective thumbs, legislators throughout the nation are attempting to make health insurance affordable. From California to New Hampshire and in between, many states are in the process of adopting universal or near-universal health insurance.** Whether this will prove to be a real commitment remains to be seen, **but at least nearly every state is talking about helping entrepreneurs and their employees.** While **many states are waging praiseworthy battles,** here are five standout states that seem to be particularly good allies of beleaguered

### States can solve healthcare

**Erpenbach and Barkin ‘7,** [Jon, served as the Democratic Minority Leader from 2003 to 2005, Joel, Executive Director of the Progressive States Network, “States Lead the Way on Health Care Reform”, The American Prospect, August 1, 2007, [http://www.prospect.org/cs/articles?article=states\\_lead\\_the\\_way\\_on\\_health\\_care\\_reform](http://www.prospect.org/cs/articles?article=states_lead_the_way_on_health_care_reform)]

The lesson here is that **states must take the lead on health care reform. If Healthy Wisconsin makes it through the legislature and gets to the Governor's desk, it would be the boldest and most comprehensive health care reform that we've seen from any state. The action taken by the Wisconsin State Senate raises the bar for health care reform and offers other states and seekers for national office a blueprint for health care for all in America. There is no question states like Wisconsin have the means** to do what is smart. The question is whether we have the courage to do what is right to fix the health care crisis.



## States Counterplan Solvency – Health Care

### States solve healthcare--- better equipped

**Idelson 4/16** [Chuck, the Communications Director for the California Nurses Association/National Nurses Organizing Committee, “States May Lead the Way on Healthcare Reform”, <http://www.guaranteedhealthcare.org/blog/chuck-idelson/2009/04/16/states-may-lead-way-healthcare-reform>]

**While the federal window remains open for reform**, with two national single payer bills, John Conyers' HR 676 in the House and now Bernie Sanders' S 703 in the Senate, many **nurses, doctors, and health activists are turning to the states to lead** as well. It's worth recalling that **Supreme Court Justice Louis Brandeis famously called states "the laboratories of democracy."** As columnist Froma Harrop has suggested, **"being closer to the people and more attuned to the local culture, states are better equipped than the federal government to introduce new social policies. Innovations are usually first tried in the places most receptive to them."** **More than a half dozen U.S. states now are considering legislation** to establish single payer systems, **essentially an expanded and updated form of the U.S. Medicare system to cover everyone in their states.** Here's a roundup of some of the state bills: **California** The latest bill SB 810 passed its first legislative test Wednesday in the Senate Health Committee on a party line 7-4 vote **before a room packed with nurses, doctors, medical students, California School Employees Association members, and healthcare activists.** In her lead testimony, Malinda Markowitz, RN, co-president of the California Nurses Association/National Nurses Organizing Committee noted that **"nurses know insurance companies don't provide any value whatsoever in the delivery of medicine. Under SB 810, we would be free of their interference, their denial of care, their massive bureaucracy, and their waste of healthcare dollars."** UC Irvine medical student Parker Duncan said that he did not want to “be in a world not doing what I was trained to do,” referring to the paperwork that is one of the expensive burdens that undermine the ability of the current system to deliver health care. Twice this decade California's legislature passed earlier versions of SB 810 (SB 840 carried by now retired Sen. Sheila Kuehl), but the bills were vetoed by Gov. Arnold Schwarzenegger. State activists say they will continue to push single payer in California, even if they need to wait until the next governor, who won't be Schwarzenegger, is elected in 2010. **Colorado House Bill 1273** by Fort Collins Democrat John Kefalas, **passed its first vote in the state House April 6. The bill sets up a 23-member commission to design a universal health-insurance system. "Our current health-care system is not well,"** Kefalas said. **"Our current health-care system is unsustainable, with the cost of health care and the numbers of the uninsured rising dramatically."** Press reports note a state Blue Ribbon Commission on Health Care Reform two years ago studied single payer and found it was the only approach that saved money compared to what Coloradans now spent on healthcare. Illinois HB 311, **the Healthcare for All Illinois Act**, sponsored by Rep. Mary Flowers, **had its first hearing in March. Though no votes have been taken yet, the new Gov. Pat Quinn is a long time supporter of single payer reform.** At an introductory press conference, Brenda Langford, Cook County RN, said that **"Illinois can once again be a symbol of hope and progress for our nation"** Nurses are tired of watching our patients suffer from denial of care and lack of access to coverage. We see far too much of this at Cook County hospitals—and that's why **we support guaranteed healthcare** through a single-payer system.” **Maine LD 1365**, sponsored by Brunswick Rep. Charles Priest, and co-sponsored from legislators from all over the state, **had its first hearing April 13.** The hearing came just days after both houses of the Maine legislature passed resolutions calling on President Obama and Congress to enact federal single payer legislation. A poll this winter showed 52 percent of Maine physicians also favor single payer. As Cathy Herlihy of the Maine State Nurses Association put it in a state forum featuring U.S. Senator Olympia Snowe, a single-payer system is the “the only solution,” she said. “We do not have time to wait. Our health should not be sacrificed for limited reforms.”. **Pennsylvania Two single payer bills are alive in the state.** House Bill 1660, the “Family and Business Healthcare Security Act of 2009,” and Senate Bill 300. **Gov. Ed Rendell has said that if a single payer bill were to make it to his desk, he will sign it,** reports Chuck Pennachio of Health Care for All Pennsylvania. The state Democratic House Caucus is holding a public forum on the bill Friday, April 17 at 10 a.m. at the University of Pennsylvania campus in Philadelphia, featuring speakers from Physicians for a National Health Program, the Pennsylvania Association of Staff Nurses and Allied Professionals, and other single payer supporters.. The hearing comes on the heels of a resolution passed by the Philadelphia City Council calling for both state and federal lawmakers to establish a single-payer health system. Other states **Single payer bills are also on the docket in Minnesota, Missouri, and Washington.**

## States Counterplan Solvency – Jurisdiction/Authority

### **Social services are state jurisdiction**

**Robison ‘6** [Susan, Consultant for the National Conference of State Legislatures, “State Human Services Organization: Strategies for Improving Results”, April, <http://www.ncsl.org/programs/cyf/hspubintro.htm>]

Human services agencies are described as state-administered or as county-administered, state supervised. In state-administered agencies, services are provided directly by state employees or by private agencies under contract with the state. In states with county-administered, state-supervised human services, local jurisdictions operate their own agencies, which have a large share of the responsibility for service planning and delivery. In addition, local revenue funds a portion of the administrative and service costs. In these systems, the state supervises locally administered services. In reality, many state systems are hybrids. A continuum of configurations involves differing state-local roles with various allocations of authority, resources and responsibility. In addition to county governments—or in their place—municipal agencies and other local governmental units may be involved. The roles and authority of counties and other local units may be based in part on traditional governance practices.

## States Counterplan Solvency – Legal Services

### States can provide legal services – all 50 have programs

J. Mijin **Cha**, “NY: Increasing Funds for Legal Services for the Poor”, June 7, **2007**, <http://progressivestates.org/content/620/ny-increasing-funds-for-legal-services-for-the-poor>

New York Governor Elliott **Spitzer announced new regulations that will increase fourfold state spending on civil legal services, critical help in protecting the working poor's legal rights regarding housing, protection from domestic abuse, child support and essential health care.** Under Spitzer's proposal, **the additional funds would come from banks required to pay a higher interest rate on funds deposited in special accounts that lawyers use to temporarily hold money deposited by clients.** The New York State Interest on Lawyer Account Fund (IOLA), pools together this interest income, which is forwarded to the IOLA Fund and granted to legal services programs. **All 50 states have similar programs to provide funds for legal services.**

## States Counterplan Solvency – Legal Services

### Growth in “legal hotlines” prove – states can provide legal counseling

ALAN W. **HOUSEMAN**, DIRECTOR, CENTER FOR LAW AND SOCIAL POLICY, “THE FUTURE OF CIVIL LEGAL AID IN THE UNITED STATES”, NOVEMBER **2005**, [http://www.clasp.org/publications/future\\_legal\\_aid.pdf](http://www.clasp.org/publications/future_legal_aid.pdf)

Legal Hotlines. Many legal aid programs and a number of states including Connecticut now operate legal hotlines, which enable low-income persons who believe they have a legal problem to speak by telephone to a skilled attorney or paralegal. Legal hotlines may provide answers to clients’ legal questions, analysis of clients’ legal problems, and advice on solving those problems so that the case can be resolved with the phone consultation or soon thereafter. Hotlines may also perform brief services when they are likely to solve the problem, and make referrals if further legal assistance is necessary. Since 1996, there has been enormous growth in legal hotlines—hotlines are now being used in over 148 programs in 49 states, Puerto Rico, and the District of Columbia. There are 54 state hotlines in 38 states, 14 regional hotlines, and 10 local hotlines. Some focus on particular client groups, such as the elderly or low-income populations.

### States have access to legal resources

Christopher K. **Hepp**, Inquirer Staff Writer, “Even harder times for legal aid to poor”, Jan. 24, **2009**, [http://www.philly.com/inquirer/business/20090124\\_Even\\_harder\\_times\\_for\\_legal\\_aid\\_to\\_poor.html](http://www.philly.com/inquirer/business/20090124_Even_harder_times_for_legal_aid_to_poor.html)

The funds in question come from something called IOLTA, which stands for Interest on Lawyers Trust Accounts. In Pennsylvania and other states throughout the country, funds have been set up for the benefit of legal aid societies, using the interest on money that lawyers sometimes hold for short periods before disbursement to clients. Lawyers are required to send the interest to the state’s IOLTA board, which then makes the grants to legal aid societies. The higher the interest rates, the more money the accounts generate. Of late, with federal fund rates approaching zero, and interest rates on bank deposits likewise plummeting, the accounts have dwindled dramatically.

## States Counterplan Solvency – Poverty

### States can combat poverty – employment programs prove

Bruce A. Weber, Oregon State University, “Why Should States Care and What Can State Policy Do?”, 2007, - JRAP 37(1):48-52, <http://www.jrap-journal.org/pastvolumes/2000/v37/F37-1-weber.pdf>

Second, **the success of antipoverty policy depends on local job opportunities and the effectiveness of local intermediaries and social networks, which can be influenced by state/local policy. Antipoverty policy over the past two decades has become more workrelated. The nation’s major welfare program— Temporary Assistance to Needy Families—was redesigned in 1996 to provide incentives for working and sanctions for not working** (Moffitt, 2003). Most public spending on means-tested transfer programs, eligibility for which is conditioned on having low income, is for in-kind medical and food security programs, workrelated tax credits, and work-related support services (e.g., child care subsidies, job training), not cash welfare payments (Moffitt, 2003, p. 7). **This policy shift recognizes that most poverty is “working poverty”**. Blank (1997, p. 31) reports that most (63 percent) of poor households had at least one worker, and single mothers worked somewhat more than they did twenty years previously. The policy shift also recognizes that work can be a major route for exit from poverty. **Local context becomes increasingly important in a work-oriented antipoverty strategy. The success of unemployed poor adults in getting jobs has been shown to depend on local labor market conditions** (Davis et al., 2003), **and communities with higher levels of social capital, other things equal, experienced greater declines in poverty during the 1990s** (Rupasingha and Goetz, 2003).

## Federalism DA 1NC (1/2)

### a. Uniqueness – Obama’s currently working to restore American federalism

**New York Times**, “Obama shows openness to a broader role for states”, Jan 30, 2009, <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.

### b. Link – Federal action on Social services will hurt federalism – power is being handed over to the states

Bruce A. **Weber**, Oregon State University, “Why Should States Care and What Can State Policy Do?”, 2007, - JRAP 37(1):48-52, <http://www.jrap-journal.org/pastvolumes/2000/v37/F37-1-weber.pdf>

There are at least two reasons why **state and local policy has become increasingly critical in the nation’s attempt to reduce poverty** and two additional reasons why state and local policy should target rural areas. First, **social policy is devolving from the Federal to state and local governments. The 1996 welfare reform law gave states block grants with much more discretion in lowering barriers to work** (e.g., increasing income disregards in calculating benefits) **and increasing asset limits** (Gais and Weaver, 2002). **Many states have also taken the initiative in increasing state earned income tax credits** (Berube, 2005). **Local human service systems, furthermore, have re-engineered themselves, streamlining program entry and working to ensure continuity of coverage in Food Stamps and Medicaid for those leaving welfare.** (Fossett et al., 2002).

## Federalism DA 1NC (2/2)

### **C. Impact – First, American federalism is the lynchpin of global security**

#### **Calebresi, 95**

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

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. n51 American federalism in the end is not a trivial matter or a quaint historical anachronism. **American-style federalism is a thriving and vital institutional arrangement** - partly planned by the Framers, partly the accident of history - and it prevents violence and war. It prevents religious warfare, **it prevents secessionist warfare, and it prevents racial warfare. It is part of the reason why democratic majoritarianism in the United States has not produced violence or secession for 130 years**, unlike the situation for example, in England, France, Germany, Russia, Czechoslovakia, Yugoslavia, Cyprus, or Spain. There is nothing in the U.S. Constitution that is more important or that has done more to promote peace, prosperity, and freedom than the federal structure of that great document. There is nothing in the U.S. Constitution that should absorb more completely the attention of the U.S. Supreme Court.

### **Second, modeled U.S. federalism prevents war**

#### **Howard, 03**

[Dick, White Burkett Miller Professor of Law and Public Affairs, University of Virginia, “TOWARD CONSTITUTIONAL DEMOCRACY IN IRAQ: AN AMERICAN PERSPECTIVE,” 6/25, [http://judiciary.senate.gov/testimony.cfm?id=826&wit\\_id=2344](http://judiciary.senate.gov/testimony.cfm?id=826&wit_id=2344)]

Federalism. Formal federalism, as charted by the U.S. Constitution, may or may not be appropriate in other countries. **Federalism, however, is a system which has many variants and is found in one form or another around the world. Federalism and its cousins (such as devolution) is associated with values of pluralism, diversity, and local choices about local problems. Such arrangements may be especially important to defuse conflicts** of nationality or ethnicity.

## **Federalism DA 2NC Overview**

**The disad out weighs the case – extend our Calabresi evidence from the 1nc. It proves that a break down in the federal-state balance will gut American democracy and result in multiple scenarios of conflict. Extend our Howard evidence. Conflicts that result from the plan will spread and result in ethnic and nationality based wars.**

**Also, the Disad turns the case. In a world of conflict, the plan will not be enforceable, eliminating any residual benefit of doing the plan.**



## Federalism DA Link – Health Care

**States currently in control of Health Care – federal reform jacks federalism for three reasons**

**Heritage.org**, “Obama’s Health Care Reform: The Demise of Federalism”, June 15, **2009**,  
<http://www.heritage.org/Press/FactSheet/fs0032.cfm>

Undermining State Authority

Flexibility in Name Only: **States have played a significant role in developing unique and innovative approaches to address the health care needs of their citizens.** During the 08 campaign, then-candidate **Obama** promoted the idea of state flexibility, but as President he **replaced this embrace of flexibility with an embrace of federal standard**s. Obama has already taken numerous steps to roll back many of the flexibilities extended to states in administering Medicaid and SCHIP.

Federal Control over Health Insurance: **Currently, states regulate the health insurance available in their states. Under the Obama plan, the federal government would take over the role of regulator, leaving governors and state insurance commissioners to merely implement the new federal framework**.

Unknown Costs to the States: The **President's plan is estimated to cost close to \$1.6 trillion over the next 10 years. There is no easy way to pay for this reform. New taxes on businesses and individuals during a time of economic recession would only hurt a state economy.** Also, **don't be surprised when the states themselves are left paying for part of the bill**

### **Federal policies on health care inconsistent with federalism**

Nina **Owcharenko et al.** is a Senior Policy Analyst in, Edmund Haislmaier is a Research Fellow in, and Robert E. Moffit, Ph.D., is Director of, the Center for Health Policy Studies at The Heritage Foundation, “Competition and Federalism: The Right Remedy for Excessive Health Insurance Regulation”, May 5, **2006**, <http://www.heritage.org/research/healthcare/wm1060.cfm>

In pursuing the option of open competition, **senators would preserve the legitimate authority of the states to regulate health insurance, while giving individuals the freedom to choose the regulatory environment that most meets their needs.** Furthermore, **it would spur competition among the states to experiment and adjust their health insurance regulation to make it more affordable and accessible for all consumers. Such an approach is not only consistent with federalism, but advances a patient-centered, consumer-directed model for health insurance.**

## Federalism Good Impact – Hegemony

### A. US leadership is preserved by the balance of federalism

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

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

### B. Nuclear war.

Zalmay **Khalilzad**, RAND, The Washington Quarterly, Spring 1995

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

## Federalism Good Impact – Democracy

### A. 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.**

### B. That solves 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](http://www.carnegie.org//sub/pubs/deadly/dia95_01.html), accessed on 12/11/99

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

## Federalism Good Impact – Indonesia

### A. Federalism prevents the dissolution of Indonesia.

Dana **Dillon**, writer for the Heritage Foundation. "INDONESIA AND SEPARATISM: FINDING A FEDERALIST SOLUTION." April 19, 2000, <http://www.heritage.org/Research/AsiaandthePacific/EM670.cfm>, No. 670

The lack of revenue is also an increasing source of tension. The provincial governments have limited power to tax or raise revenue. The central government's principal source of revenue--which funds 75 percent of the national budget--is oil, primarily from the outer islands. Yet very little of that revenue is given back to them. Money that does return to the provinces usually benefits Jakarta-appointed bureaucrats or government-owned businesses. Indigenous populations find it difficult to get jobs in the local government, and the military controls most of the state-owned enterprises. Most **Indonesians feel that members of the military are more interested in protecting their business interests and institutional political rights than in national security.** The repression of civilians by the army and the national police has made them the country's most hated and distrusted institutions. However, none of the insurgent groups that arose to battle the injustices has met with much success. In some cases, insurgents have practiced indiscriminate killing, kidnapping, and intimidation of innocent civilians and destruction of foreign-owned property and businesses. Rather than build support for their causes, this behavior strengthens the hand of Jakarta. **Separatist grievances focus on access to revenue and the inability of the provinces to pass and enforce local civil and criminal laws. Relieving the causes of the endemic insurrections will be difficult, but not an insurmountable task. The adoption of a system based on federalism could resolve the grievances and weaken the insurrection movements.**

### B. Indonesian collapse destroys the signal of US leadership.

Rajan **Menon**, Professor of International Relations at Lehigh University. Fall, 2001. The National Interest. "Another Year of Living Dangerously?"

The consequences of Indonesia's breakup would affect American interests, as well. American energy and raw materials companies (Exxon-Mobil, Texaco, Chevron, Newmont Mining, Conoco and Freeport-McMoRan, among others) operate in Indonesia, particularly in Aceh, Riau, and West Papua, and many of the ships that traverse the Strait of Malacca are American-owned. **The United States is also a major trader and investor in East Asia and is to some degree hostage to its fate,** especially now that the American economy is slowing. Moreover, **if Indonesia fractures,** worst-case thinking and **preemptive action among its neighbors could** upset regional equilibrium and **undermine the American strategic canopy in East Asia.** **The United States has a network of bases and alliances** and 100,000 military personnel **in the region, and is considered the guarantor of stability** by most states--**a status it will forfeit if it stands aside as Indonesia falls apart. America's competitors will scrutinize its actions to gauge its resolve and acumen. So will its friends and allies**--Australia, Japan, Singapore, Thailand and South Korea--each of whom would be hurt by Indonesia's collapse.

### C. Leadership is essential to prevent global nuclear exchange

Zalmay **Khalilzad**, RAND, The Washington Quarterly, Spring 1995

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

## Federalism Good Impact – Russia

### A. Russian federalism prevents economic collapse and state failure.

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

Acting President Vladimir Putin's sudden ascendance, his stern calls for a strong state, and vigorous prosecution of the war in Chechnya have once again raised the specter of authoritarianism in Russia. At the same time, **the weakness of Russia's central government, coupled with ethnic strife and economic failure, have led to predictions that the Russian Federation will fall apart.** It is hard to say which haunts U.S. policymakers more: the nightmare of the violent implosion of a nuclear power or the rebirth of a totalitarian antagonist in Europe. **Fortunately,** both **expectations are off the mark. They miss** one of the most **important trends in Russian politics** since the Soviet Union dissolved in 1991--**the devolution of power** to Russia's 89 distinct regions. The Russian state is not moving toward collapse, and it is far too weak to revert to authoritarianism. Instead, **Russia is undergoing a historic devolution of power that is likely to lead to a more stable and open polity.** In this sense, devolution within the Russian Federation is a very positive development and in the interests of both Russia and the United States. This essay makes three points: First, that **devolution of power in Russia has promoted democratic and market reform, enhancing political pluralism and allowing economic success stories to appear in the regions.** The election of a moderate Duma in December 1999 and the prospect of an activist president may well provide a more stable environment in which these reforms can flourish. Second, that despite these positive aspects, devolution does pose formidable dangers to Russia and the West, in that it has given rise to [End Page 67] autocratic power structures in many regions and has increased certain security risks. Third, that U.S. policy will need to focus more on issues raised by devolution of power, allotting a larger share of its diplomatic resources and economic assistance to Russia's regions. 1

### B. Russian economic collapse causes nuclear conflict

Steven **David**, Prof. of political science at Johns Hopkins, 1999, Foreign Affairs

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

## Federalism Good Impact – War

### Federalism solves multiple theaters for war and conflict

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

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

## Federalism Good Impact – A2: Secession

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

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

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

### **Federalism prevents secessionist warfare**

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

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

### **Minority rights protection prevents secession**

Strobe **Talbott**, U.S. deputy secretary of state, Foreign Policy, March 22, 2000.

**The best way for an ethnically diverse, geographically sprawling state to protect itself against separatism is to protect the rights of minorities** and far-flung communities. Democracy is the political system most explicitly designed to ensure self-determination. Democracy can be a vehicle for peaceful secession, but it is also the best antidote to secessionism and civil war, since, in a truly democratic state, citizens seeking to run their own lives have peaceful alternatives to taking up arms against their government. **This principle is global. It can, and should, be applied to conflicts deriving from demands for self-determination** in Asia, Africa, and the Western Hemisphere.

## Internal Link – Spillover

### ( ) Each intrusion on federalism erodes the balance of power

James **Lack**, Senator NY, 7-11-**1995**, Serial No. J-104-31, p. 11

Every year Congress considers bills, federal agencies consider rules, and international agencies consider cases that would supplant state statutory or common law. Adverse decisions may result not only in nullifying state laws and court decisions, but also in narrowing the range of issues that legislatures may address. The threat is the steady, incremental, year-by-year erosion of the jurisdiction of state legislatures.

### ( ) Expansion of federal power is a slippery slope --- each violation key

Virginia H. **Johnson**, JD Candidate, November **2001**, Cardoza Law Review, lexis

Although the Lue court agreed that the "plainly adapted" 139 standard was the appropriate test to be applied to the Hostage Taking Act, it found that, contrary to appellant's interpretation, the Act was "plainly adapted" to the Convention, in that "it tracks the language of the Convention in all material respects." 140 [\*380] Specifically, the court found that the Act satisfied the means-ends relationship required by the prevailing view of the Necessary and Proper Clause because the statutory language did not stray too far, if at all, from the terms of the treaty, thus insulating the legislation from appellant's Necessary and Proper Clause attack. 141 Based on the judiciary's long-standing treatment of the Necessary and Proper Clause as conferring upon Congress broad implementation powers, 142 it is not surprising that the Lue court premised its opinion on the presumptive validity of treaty-implementing legislation. 143 However, what this analysis fails to take into account is the slippery slope toward a limitless treaty power that could ultimately result in the over-expansion of federal power, especially in the area of human rights. 144 The reasoning employed in Lue therefore provides a useful example of the typical but flawed understanding of the Necessary and Proper Clause, in that the Lue court simply assumed "necessary" and "proper" to be interchangeable constitutional requirements. 145

### ( ) Small decisions are the greatest threat to federalism

Cynthia C. **Lebow**, Associate Dir – RAND, Spring **1997**, U. Tennessee Law Review, In

n162 See Southland, 465 U.S. at 21 (O'Connor, J., dissenting) (noting Rehnquist, C.J., joining opinion of O'Connor, J.); FERC, 456 U.S. at 775 (O'Connor, J., concurring in part and dissenting in part) (noting Rehnquist, C.J., joining in opinion of O'Connor, J.). Justice Powell filed his own partial dissent in FERC that also deserves mention. FERC, 456 U.S. at 771 (Powell, J., concurring in part and dissenting in part). Lauding the "appeal" and "wisdom" of Justice O'Connor's dissent, Powell stated that PURPA "intrusively requires [states] to make a place on their administrative agenda for consideration and potential adoption of federally proposed standards." Id. at 771, 775 (Powell, J., concurring in part and dissenting in part). While finding that precedents of the Court supported the constitutionality of the substantive provisions of PURPA "on this facial attack," Powell also evoked principles of federalism to warn against the encroachment of federal authority into state affairs: But I know of no other attempt by the Federal Government to supplant state-prescribed procedures that in part define the nature of their administrative agencies. If Congress may do this, presumably it has the power to pre-empt state-court rules of civil procedure and judicial review in classes of cases found to affect commerce. This would be the type of gradual encroachment hypothesized by Professor Tribe: "Of course, no one expects Congress to obliterate the states, at least in one fell swoop. If there is any danger, it lies in the tyranny of small decisions in the prospect that Congress will nibble away at state sovereignty, bit by bit, until someday essentially nothing is left but a gutted shell." Id. at 774-75 (Powell, J., concurring in part and dissenting in part) (quoting Laurence H. Tribe, American Constitutional Law 302 (1978)). Despite his warning, Justice Powell could probably never have envisioned the degree to which Congress would attempt to preempt state court procedures with respect to tort and product liability actions, areas so traditionally anchored in state common law.



## Internal Link – A2: No Spillover – Single Decision Key

( ) **Single big federalism decisions are key – they send an important signal that shapes politics**

Stephen G. Calabresi, professor of law @ Northwestern, Mar. 2001, The Annals of the American Academy of Political and Social Science, 574 Annals 24

When the Supreme Court decides a big federalism case like Lopez, it does a lot more than simply resolve the immediate case and issue at hand. In some fundamental sense, it sets up a symbol for the American people of the importance that is attached to a constitutional value or norm. Symbolism is terribly important in constitutions and in constitutional case law. Symbols help citizens organize their beliefs, reinforce core values, and provide a rallying point for those who believe in them, thus reducing the costs of organization. When powerful symbols issue from the Supreme Court of the United States, those symbols help to set the national agenda, and they affect the flow of our politics. Lopez, for example, caused devolution and federalism concerns to become more prominent in Congress than they otherwise might have been. This may well have played into the last Congress's decision to devolve part of the federal welfare entitlement to the states.

( ) **Specific policies that strengthen federalism are modeled world-wide**

Michael S. Greve, John G. Searle Scholar, American Enterprise Institute. "Federalism Values and Foreign Relations," Chicago Journal of International Law Fall, 2001

Domestic federalism may set precedents or provide competitive models that can be scaled internationally. For example, successful and highly efficient state competition for corporate chartering 6 demonstrates why international agreements on corporate chartering should probably take the form of reciprocal recognition of domestic charters rather than harmonizing standards. For another example, successful federalist regulation of internet privacy and consumer marketing information here in the United States might well show that appropriate choice-of-law and contractual rules are preferable to an international regulatory "privacy" cartel.

**\*\*\*Aff\*\*\***

## A2: States Counterplan – Federal Government Key

**The federal government is key to solvency- they're the only ones with capacity and proven experience**

James D. Weill, President, Food Research and Action Center, “The Federal Government— the Indispensable Player in Redressing Poverty”, 2006, <http://www.frac.org/pdf/Weil06.pdf>

This toxic mix of economic stagnation for the bottom half, persistent poverty, declining opportunity, and growing economic insecurity has complicated roots in both the changing national and world market economies and the changing American political environment. However, that most people hold the federal government responsible for responding or failing to do so tells us a great deal about how crucial the federal role is. First, **there is a broad understanding that only the federal government has the capacity to confront these problems. No other institution can respond as well to these worsening trends and festering problems.** Much of what I say here explains why this is true— **the compelling economic reasons, fiscal reasons, political reasons, historical reasons, and symbolic reasons that we turn to the federal government.** Second, **the federal government already has played a successful and central role, especially during the last seventy years, in moving the country toward more nearly equal opportunity, greater economic and health security, and reduced poverty.**<sup>21</sup> **There is no substitute for a robust positive federal role.**

**Federal standards on social services is critical – states are too unequal**

James D. Weill, President, Food Research and Action Center, “The Federal Government— the Indispensable Player in Redressing Poverty”, 2006, <http://www.frac.org/pdf/Weil06.pdf>

One part of that statement has to reflect a societal commitment to some national minimum standard of well-being. **All people who live in this country, wherever they live, should have access to certain essentials in life. Too much inequality from state to state subverts the post–Civil War concept of the nation and subverts our political and economic roles in the world. The low-income people of Alabama and Mississippi should not lack access to primary health care if everyone else has it. The people of New Mexico and Oklahoma should not go hungry, the people of Massachusetts should not freeze in winter, the seniors of Minnesota should not have to live in shelters, children in Texas should not have to go without support from their fathers, and young children in North Carolina should not have to work in cotton mills because we have no national standard of minimal decency and their states have chosen to deny them the basics.**<sup>27</sup>

## A2: States Counterplan – Federal Government Key

**The federal government has a large number of federal advantages over the states – plus, federal action preempts the states**

James D. **Weill**, President, Food Research and Action Center, “The Federal Government—the Indispensable Player in Redressing Poverty”, **2006**, <http://www.frac.org/pdf/Weil06.pdf>

A full discussion of these roles is beyond the scope of this article, but **consider the impact on poverty, opportunity, and economic security of just the examples on the following list:**

■ The balance struck by the Federal Reserve Bank, in managing interest rates and the money supply, between keeping the inflation rate low versus pushing toward full employment and keeping the economy growing rapidly and real wages increasing. The highest poverty rates in the last forty years were in the early 1980s when unemployment skyrocketed as “the Fed” drove up interest rates to control inflation.<sup>29</sup>

■ **The role of federal fiscal as well as monetary policy in stabilizing the economy and limiting the depth of recessions and the growth of unemployment.**

■ **The federal government support for** or hostility to **labor organizing**

■ The level of the federal minimum wage.

■ **The federal rules regarding bankruptcy** and the extent to which destitute individuals and families can get a fresh start or are enmeshed in endless debt.

■ The regulation of private pensions and the extent to which the government strengthens that system or allows pension underfunding and corporate bankruptcy laws to undercut security for workers when they retire.<sup>30</sup>

■ **The extent to which the government does or does not tax** the **earnings** of low-income people and thereby deepen or alleviate their poverty.

■ Whether the government protects workers against job and earnings loss when family circumstances, such as the birth of a child or a spouse’s or child’s illness, interrupt the ability to work.

■ **How the federal government defines overtime eligibility and overtime** pay.

■ **The ways in which tax policy subsidizes** housing, health care, child care, and other basics and **work supports**, and the degree of subsidy at different income levels. Federal immigration policy and labor and public benefits policy for immigrants.

■ The scope, strength, and level of enforcement of civil rights laws, including laws requiring equal pay and fair credit.

■ **The definition of which political, civil, and economic rights receive special protection under the Constitution.**

■ **The way in which the federal government defines poverty and counts the number of poor people—this going far toward shaping public attitudes as to how widespread poverty is and how deep the deprivation involved is.**

**In all of these areas the federal government has the predominant role. In some areas it has an exclusive role according to the Constitution.** In others its exclusive authority is not constitutionally mandated, but, **when it acts, it preempts state action**. In yet other

areas it may not be preemptive, but it still became a dominant or important presence in the twentieth century as the national ideal evolved and the economy changed. Many of these areas of federal action, of course, are seen as being “about” the economy, not “about” opportunity or economic security or poverty. But often they also have a more profound impact, for good or ill, on poverty and opportunity and security than most spending decisions.

## A2: States Counterplan – Federal Government Key

### **Federal fiscal advantage – states don't have the resources to counter poverty**

James D. **Weill**, President, Food Research and Action Center, “The Federal Government—the Indispensable Player in Redressing Poverty”, **2006**, <http://www.frac.org/pdf/Weil06.pdf>

**In addressing poverty and economic security through social insurance, means-tested benefits, and other antipoverty efforts, the federal fiscal advantage is decisive.** Personal poverty is the result of individuals and families lacking income and resources, and one central answer to that poverty is helping increase their income and resources. **Some states and localities are far less able to respond to this need than others.** Moreover, **places with the most poor people generally are the places with the greatest shortage of resources.** Community poverty and personal poverty are entwined. If jobs are scarce and wages are low, then per-capita income is low and so are local or state tax revenues. **The locality or state cannot mount an adequate or robust response to the poverty.**<sup>34</sup> Because of disparate resource bases, **the states' responses to poverty become widely disparate.**<sup>35</sup> While disentangling political from fiscal factors is difficult (and the political factors themselves have economic causes), clearly **state and local funding capacity is a fundamental problem.**

### **Empirically, federal lead effectively solves social services**

James D. **Weill**, President, Food Research and Action Center, “The Federal Government—the Indispensable Player in Redressing Poverty”, **2006**, <http://www.frac.org/pdf/Weil06.pdf>

But generally **programs in which the federal government provides money but has no meaningful programmatic role tend to be unsuccessful or short-lived.** Over time Congress and the Executive Branch lose interest when they are not engaged in program design, much less control, and so funding erodes, often dramatically. Title XX of the Social Security Act, which funds social services, the revenue-sharing program that Pres. Richard Nixon started, and many of the block grants that Congress created at Pres. Ronald Reagan's behest in 1981–82 are examples. By contrast, **when the federal government provides both funds and direction, the outcome usually is better.** **Some of these programs are so successful that we no longer remember how deep** (how “intractable”—to use a phrase often applied to the problems of the poor) **the problems that they tried to solve supposedly were. Social security, Supplemental Security Income, Job Corps, Medicare, Medicaid, Head Start, school lunch and school breakfast, food stamps, child support enforcement, immunizations, and the Special Supplemental Nutrition Program for Women, Infants, and Children** (commonly known as the WIC program) **are among the many programs that fit this model.**

## A2: States Counterplan – Perm Solvency

Perm solves – states and federal government working together to fight poverty is the best option  
**National League of Cities**, “At Issue: POVERTY REDUCTION & ECONOMIC OPPORTUNITY”, 2008,  
<http://www.nlc.org/ASSETS/914CA472E4B541D5A68AFFE0A82922CA/Poverty%20ReductiOppportunity.pdf>

**Despite these promising efforts, local governments cannot be expected to do more with less. Without increased support from all levels of governments, these efforts and others like them will not be enough to achieve across-the-board reductions in poverty.** The sluggish economy and the current housing market crisis are damaging municipal budgets. **The capacity of cities to provide aid to lower-income residents, while at the same time fully funding essential city services** like public safety, fire and sanitation **is at risk.** In fact, **81 percent of surveyed local officials stated that a major barrier to addressing poverty and economic opportunity is insufficient local resources.**<sup>4</sup>

## A2: States Counterplan – States Spending DA (1/2)

**a. Uniqueness and link – States economies are barely holding on – new spending that increases deficits will crush growth. This turns solvency because states will be forced to cut social services.**

Iris J. Lav and Elizabeth McNichol, “State Budget Troubles Worsen”, May 18, 2009,  
<http://www.cbpp.org/cms/?fa=view&id=711>

**Some states have not been affected by the economic downturn but the number is dwindling.** There are a number of reasons why. Some mineral-rich states — such as New Mexico, Alaska, and Montana — saw revenue growth as a result of high oil prices. However, **the recent decline in oil prices has begun to affect revenues in some of these states. The economies of a handful of other states have so far been less affected by the national economic problems.** In states facing budget gaps, **the consequences sometimes are severe — for residents as well as the economy.** Unlike the federal government, **states cannot run deficits when the economy turns down; they must cut expenditures, raise taxes, or draw down reserve funds to balance their budgets.** As the current fiscal year ends and states plan for next year, **budget difficulties have led some 36 states to reduce services to their residents, including some of their most vulnerable families and individuals.** [2] For example, at least 19 states have implemented cuts that will affect low-income children’s or families’ eligibility for health insurance or reduce their access to health care services. Programs for the elderly and disabled are also being cut. **At least 21 states and the District of Columbia are cutting medical, rehabilitative, home care, or other services needed by low-income people who are elderly or have disabilities, or significantly increasing the cost of these services.** At least 22 states are cutting or proposing to cut K-12 and early education; several of them are also reducing access to child care and early education, and at least 30 states have implemented cuts to public colleges and universities. In addition, at least 39 states and the District of Columbia have made cuts affecting their state workforce. **Workforce cuts often result in reduced access to services residents need. They also add to states’ woes by contracting the state economy. If revenue declines persist as expected in many states, additional budget cuts are likely.** Budget cuts often are more severe in the second year of a state fiscal crisis, after reserves have been largely depleted and thus are no longer an option for closing deficits. The experience of the last recession is instructive as to what kinds of actions states may take. Between 2002 and 2004 states reduced services significantly. For example, in the last recession, some 34 states cut eligibility for public health programs, causing well over 1 million people to lose health coverage, and at least 23 states cut eligibility for child care subsidies or otherwise limited access to child care. In addition, 34 states cut real per-pupil aid to school districts for K-12 education between 2002 and 2004, resulting in higher fees for textbooks and courses, shorter school days, fewer personnel, and reduced transportation. **Expenditure cuts and tax increases are problematic policies during an economic downturn because they reduce overall demand and can make the downturn deeper. When states cut spending, they lay off employees, cancel contracts with vendors, eliminate or lower payments to businesses and nonprofit organizations that provide direct services, and cut benefit payments to individuals.** In all of these circumstances, **the companies and organizations that would have received government payments have less money to spend on salaries and supplies, and individuals who would have received salaries or benefits have less money for consumption. This directly removes demand from the economy. Tax increases also remove demand from the economy by reducing the amount of money people have to spend.**

**b. Internal link – States economic crash brings down the entire US economy**

Iris J. Lav and Elizabeth McNichol, “State Budget Troubles Worsen”, May 18, 2009,  
<http://www.cbpp.org/cms/?fa=view&id=711>

The vast majority of states cannot run a deficit or borrow to cover their operating expenditures. As a result, **states have three primary actions they can take during a fiscal crisis: they can draw down available reserves, they can cut expenditures, or they can raise taxes.** States already have begun drawing down reserves; the remaining reserves are not sufficient to allow states to weather a significant downturn or recession. The other alternatives — **spending cuts and tax increases** — **can further slow a state’s economy during a downturn and contribute to the further slowing of the national economy, as well.**

## A2: States Counterplan – States Spending DA (2/2)

### c. Collapse of the US economy leads to billions dead

Nyquist, 2k7 [J.R., "The Downward Trend Is Unstoppable," October 26, <online>  
<http://www.financialsense.com/stormwatch/geo/pastanalysis/2007/1026.html>]

Our husbandry is dull indeed! The dollar has been compromised in this process. And a new political situation will flow from this, both at home and abroad. The enemies of the United States are poised to take advantage of America's financial demise. Demagogues and troublemakers from within the country are also prepared. We have right wing fanatics and left wing fanatics eager to win followers. In a severe crisis the moderates of the political "center" tend to melt away. Discredited by the failure of the status quo, the moderate loses his voice. His truth no longer rings true.

Instead, the unbalanced fanatic appears to be correct. People discover that the system is rotten after all. The system, in fact, is collapsing. The fanatic has his certainty, his heat without light. Who can deny his appeal? When the economic crisis unfolds Iraq might as well be Mars. Iran's nuclear program won't matter at all. As Cato the Elder once remarked, the Roman voter is concerned with "the pebble in his shoe." An empty bank account and poor job prospects for fifty million citizens will have a greater political impact than WMD proliferation halfway around the world. Terrorism hurts a few thousand people at a time. Economic malaise hurts tens of millions (and urban unrest is not funny). Under such circumstances the U<sub>nited</sub> S<sub>tates</sub> is bound to turn inward, to become domestically self-involved, to forget the outside world entirely. When this happens, the enemies abroad will seek their advantage. First, they will want to disarm the United States as circumstances permit. Second, they will want to punish the United States because old resentments seldom disappear overnight. There is another aspect to all this: The foreign policy errors of the Bush administration partly stem from the failure of U.S. intelligence. There is also the problem of ineffective counterintelligence. The cheapest defense is to know what your enemy is doing so that you can counter him in the most inexpensive way. A terrorist strike, or a strike under false terrorist colors, can best be thwarted or understood through good domestic intelligence work. But this work is forbidden by current interpretations of the U.S. Constitution. We have no stomach for domestic intelligence. As the United States turns inward during an economic crisis, it becomes more vulnerable to terrorism from abroad. The rhetoric of politicians, ever self-serving, will focus in on domestic opponents. These will be blamed for everything. The already poisonous intellectual atmosphere, combined with ideological and ethnic divisions, opens the door to various nightmare scenarios. One might assume that this crisis is merely bad for Americans. The truth is that when the United States turns inward, global impoverishment and war must follow. Those who argue that the United States is the author of the world's miseries have misread their history. The period following World War II was a period of unprecedented progress and prosperity for mankind. The United States deserves the credit, not the blame, for the last sixty-two years of peace. The decline of the United States unleashes the genie that was bottled up in the 1940s. Dictatorship and war will break free. Nuclear and biological weapons will be used to settle old scores. The use of these weapons will not be restrained. Billions of people will perish. Most will die of starvation. Once a downward motion begins it is sustained by something akin to momentum. Civilization has climbed so high that any stumble must be fatal. Much of what unfolds will be made possible by false thinking and the spread of false ideas. We have the accumulated wisdom of great economists and political thinkers to fall back upon. But we have neglected their works. We have grown superficial and stupid in our prosperity, adopting policies that guarantee catastrophe.



## A2: States Counterplan – States Spending DA – UQ XT

**Stimulus package has only provided a short term save – states have to make cuts**

Tami **Luhby**, CNNMoney.com senior writer, “States counting on their slice of \$787B”, Feb 16, **2009**, [http://money.cnn.com/2009/02/13/news/economy/stimulus\\_states/index.htm](http://money.cnn.com/2009/02/13/news/economy/stimulus_states/index.htm)

Still, **many states continue to suffer from steep declines in tax revenues as people lose their jobs and pull back on their spending. This is opening big gaps in their budgets** -- and since much of the stimulus money is dedicated to specific uses, governors can only use a piece of their allotment to balance their budgets. **At least 46 states face shortfalls totaling \$144.6 billion in their budgets for this fiscal year** or next, according to the Center on Budget and Policy Priorities. This is forcing them to make draconian cuts in state spending, with at least 40 pulling back on services such as public health and education. **The stimulus funds should plug about 40% of the deficit in most states**, said Elizabeth McNichol, senior fellow at the Center on Budget and Policy Priorities. **"It should be a big help to the states,"** she said. **But "states still have a lot of hard decisions to make on how to fill the remainder of that gap."**

**States reducing their deficits - cutting health services AND stimulus aid**

**Kaiser Daily Health Policy Report**, “At Least 25 States Have Cut, Plan To Cut Health Insurance Programs for Low-Income Residents, Report Finds”, Jan 28, **2009**, [http://www.kaisernetwork.org/Daily\\_reports/rep\\_index.cfm?DR\\_ID=56679](http://www.kaisernetwork.org/Daily_reports/rep_index.cfm?DR_ID=56679)

**Officials and lawmakers in at least 25 states have enacted or plan to propose cuts to various state public health services and insurance programs for low-income residents as part of efforts to reduce budget deficits**, according to a report to be released on Wednesday by Families USA, the Wall Street Journal reports. According to the report, **some states already have reduced their budgets for Medicaid and 12 states have planned cuts to SCHIP**. The report estimates that more than 250,000 people will lose their insurance coverage as a result of the cuts that already have been instituted, and "millions more" could be affected by the planned cuts. Some states, including Nevada, are attempting to prevent cuts by reducing payments to physicians and hospitals. According to the Journal, **the states are hoping funds from a federal economic stimulus package will restore some of the funding**. The stimulus package, which House members could vote on as early as Wednesday, could include as much as \$87 billion over 27 months to help states with their Medicaid programs, the Journal reports. The legislation also is under consideration in some Senate committees. President Obama has said that he wants to sign the legislation by mid-February. However, it is "unclear" if the federal help will be enough to offset Medicaid cost increases as more state residents lose their jobs and enroll in state programs.

## A2: Federalism – No Slippery Slope

### ( ) No risk of encroachment that's substantial enough to alter federalism

Ernest **Young**, Law Prof @ Texas, May 2003, Texas Law Review, In

One of the privileges of being a junior faculty member is that senior colleagues often feel obligated to read one's rough drafts. On many occasions when I have written about federalism - from a stance considerably more sympathetic to the States than Judge Noonan's - my colleagues have responded with the following comment: "Relax. The States retain vast reserves of autonomy and authority over any number of important areas. It will be a long time, if ever, before the national government can expand its authority far enough to really endanger the federal balance. Don't make it sound like you think the sky is falling."

### ( ) Courts will check any snowball

Robert F. **Nagel**, Law Professor, University of Colorado, March 2001, ANNALS OF THE AMERICAN ACADEMY OF POLITICAL AND SOCIAL SCIENCE, p. 53

In what appears to be an ambitious campaign to enhance the role of the states in the federal system, the Supreme Court has recently issued a series of rulings that limit the power of the national government. Some of these decisions, which set boundaries to Congress's power to regulate commerce and to enforce the provisions of the Fourteenth Amendment, establish areas that are subject (at least in theory) only to state regulation. Others protect the autonomy of state governments by restricting congressional authority to expose state governments to suit in either state or federal courts and to "commandeer" state institutions for national regulatory purposes. Taken together, these decisions seem to reflect a judgment held by a slight majority of the justices that the dramatic expansion of the national government during the twentieth century has put in jeopardy fundamental principles of constitutional structure.

### ( ) Congress checks a destruction of federalism

Justice **Breyer**, 5-15-2000, "United States v. Morrison et al.," Dissenting Opinion,  
<http://caselaw.lp.findlaw.com/scripts/getcase.pl?court=us&vol=000&invol=99-5>

The majority, aware of these difficulties, is nonetheless concerned with what it sees as an important contrary consideration. To determine the lawfulness of statutes simply by asking whether Congress could reasonably have found that aggregated local instances significantly affect interstate commerce will allow Congress to regulate almost anything. Virtually all local activity, when instances are aggregated, can have "substantial effects on employment, production, transit, or consumption." Hence Congress could "regulate any crime," and perhaps "marriage, divorce, and childrearing" as well, obliterating the "Constitution's distinction between national and local authority." Ante, at 15; Lopez, 514 U. S., at 558; cf. A. L. A. Schechter Poultry Corp. v. United States, 295 U. S. 495, 548 (1935) (need for distinction between "direct" and "indirect" effects lest there "be virtually no limit to the federal power"); Hammer v. Dagenhart, 247 U. S. 251, 276 (1918) (similar observation). This consideration, however, while serious, does not reflect a jurisprudential defect, so much as it reflects a practical reality. We live in a Nation knit together by two centuries of scientific, technological, commercial, and environmental change. Those changes, taken together, mean that virtually every kind of activity, no matter how local, genuinely can affect commerce, or its conditions, outside the State--at least when considered in the aggregate. Heart of Atlanta Motel, 379 U. S., at 251. And that fact makes it close to impossible for courts to develop meaningful subject-matter categories that would exclude some kinds of local activities from ordinary Commerce Clause "aggregation" rules without, at the same time, depriving Congress of the power to regulate activities that have a genuine and important effect upon interstate commerce. Since judges cannot change the world, the "defect" means that, within the bounds of the rational, Congress, not the courts, must remain primarily responsible for striking the appropriate state/federal balance. Garcia v. San Antonio Metropolitan Transit Authority, 469 U. S. 528, 552 (1985); ante, at 19-24 (Souter, J., dissenting); Kimel v. Florida Bd. of Regents, 528 U. S. , (2000) (slip op., at 2) (Stevens, J., dissenting) (Framers designed important structural safeguards to ensure that, when Congress legislates, "the normal operation of the legislative process itself would adequately defend state interests from undue infringement"); see also Kramer, Putting the Politics Back into the Political Safeguards of Federalism, 100 Colum. L. Rev. 215 (2000) (focusing on role of political process and political parties in protecting state interests). Congress is institutionally motivated to do so. Its Members represent state and local district interests. They consider the views of state and local officials when they legislate, and they have even developed formal procedures to ensure that such consideration takes place. See, e.g., Unfunded Mandates Reform Act of 1995, Pub. L. 104-4, 109 Stat. 48 (codified in scattered sections of 2 U. S. C.). Moreover, Congress often can better reflect state concerns for autonomy in the details of sophisticated statutory schemes than can the judiciary, which cannot easily gather the relevant facts and which must apply more general legal rules and categories. See, e.g., 42 U. S. C. §7543(b) (Clean Air Act); 33 U. S. C. §1251 et seq. (Clean Water Act); see also New York v. United States, 505 U. S. 144, 167-168 (1992) (collecting other examples of "cooperative federalism"). Not surprisingly, the bulk of American law is still state law, and overwhelmingly so.

## A2: Federalism – Not Modeled

### ( ) American federalism isn't modeled – multinational states prove

Alfred **Stepan**, Professor of Government at Oxford and Columbia, **1999**, Journal of Democracy 10.4, 19-34, "Federalism and Democracy: Beyond the U.S. Model," muse

In seeking to understand why some countries are reluctant to adopt federal systems, it is helpful to examine what political science has had [End Page 20] to say about federalism. Unfortunately, some of the most influential **works** in political science today offer incomplete or insufficiently broad definitions of federalism and thereby **suggest that the range of choices facing newly democratizing states is narrower than it actually is**. In large part, **this stems from** their **focusing too exclusively on the model offered by the United States**, the oldest and certainly one of the most successful federal democracies. One of the most influential political scientists to write about federalism in the last half-century, the late William H. Riker, stresses three factors present in the U.S. form of federalism that he claims to be true for federalism in general. 1 First, Riker assumes that every longstanding federation, democratic or not, is the result of a bargain whereby previously sovereign polities agree to give up part of their sovereignty in order to pool their resources to increase their collective security and to achieve other goals, including economic ones. I call this type of federalism coming-together federalism. For Riker, it is the only type of federalism in the world. Second, Riker and many other U.S. scholars assume that one of the goals of federalism is to protect individual rights against encroachments on the part of the central government (or even against the "tyranny of the majority") by a number of institutional devices, such as a bicameral legislature in which one house is elected on the basis of population, while in the other house the subunits are represented equally. In addition, many competences are permanently granted to the subunits instead of to the center. If we can call all of the citizens in the polity taken as a whole the demos, we may say that these devices, although democratic, are "demosconstraining." Third, **as a result of the federal bargain that created the United States, each of the states was accorded the same constitutional competences. U.S. federalism is thus** considered to be constitutionally **symmetrical. By contrast, asymmetrical arrangements that grant different competencies and group-specific rights to some states, which are not now part of the U.S. model** of federalism, are seen as incompatible with the principled equality of the states and with equality of citizens' rights in the post-segregation era. Yet although these three points are a reasonably accurate depiction of the political structures and normative values associated with U.S. federalism, **most democratic countries that have adopted federal systems have chosen not to follow the U.S. model**. Indeed, **American-style federalism embodies some values that would be very inappropriate for** [End Page 21] **many democratizing countries, especially multinational polities**. To explain what I mean by this, let me review each of these three points in turn.

### ( ) Emerging democracies of the past 20 years prove the US federalist model no longer holds sway – this evidence is the most historically factual and should be preferred.

Andrew **Moravcsik**, Professor of Politics at Princeton University. Newsweek, 1/31/05. "Dream On, America."

Once upon a time, the U.S. Constitution was a revolutionary document, full of epochal innovations--free elections, judicial review, checks and balances, federalism and, perhaps most important, a Bill of Rights. In the 19th and 20th centuries, countries around the world copied the document, not least in Latin America. So did Germany and Japan after World War II. **Today? When nations write a new constitution, as dozens have in the past two decades, they seldom look to the American model**. When the Soviets withdrew from Central Europe, U.S. constitutional experts rushed in. They got a polite hearing, and were sent home. Jiri Pehe, adviser to former president Vaclav Havel, recalls the Czechs' firm decision to adopt a European-style parliamentary system with strict limits on campaigning. **"For Europeans, money talks too much in American democracy**. It's very prone to certain kinds of corruption, or at least influence from powerful lobbies," he says. "Europeans would not want to follow that route." They also sought to limit the dominance of television, unlike in American campaigns where, Pehe says, "TV debates and photogenic looks govern election victories." **So it is elsewhere**. After American planes and bombs freed the country, **Kosovo opted for a European constitution. Drafting a post-apartheid constitution, South Africa rejected American-style federalism in favor of a German model**, which leaders deemed appropriate for the social-welfare state they hoped to construct. **Now fledgling African democracies look to South Africa** as their inspiration, says John Stremmler, a former U.S. State Department official who currently heads the international relations department at the University of Witwatersrand in Johannesburg: "We can't rely on the Americans." The new democracies are looking for a constitution written in modern times and reflecting their progressive concerns about racial and social equality, he explains. "To borrow Lincoln's phrase, South Africa is now Africa's 'last great hope'." Much in American law and society troubles the world these days. **Nearly all countries reject the United States' right to bear arms as a quirky and dangerous anachronism. They abhor the death penalty** and demand broader privacy protections. Above all, once most foreign systems reach a reasonable level of affluence, they follow the Europeans in treating the provision of adequate social welfare as a basic right. All this, says Bruce Ackerman at Yale University Law School, contributes to the growing sense that **American law, once the world standard, has become "provincial." The United States' refusal to apply the Geneva Conventions to certain terrorist suspects, to ratify global human-rights treaties** such as the innocuous Convention on the Rights of the Child or to endorse the International Criminal Court (**coupled with** the abuses at **Abu Ghraib** and Guantanamo) only **reinforces the conviction that America's Constitution and legal system are out of step with the rest of the world**.

## Federalism Bad Impact Turn – Economy

### **Federalism hurts economic stability.**

Sudarshan **Gooptu**, Economist with the Debt and International Finance Division in the International Economics Department of the World Bank. 2005. The World Bank Report: East Asia Decentralizes. “Making Local Government Work.”  
<http://siteresources.worldbank.org/INTEAPDECEN/Resources/dc-full-report.pdf>

**International experience** since the early 1980s, especially in Latin America, **suggests that without** appropriate **accountability and transparency mechanisms, decentralization can encourage dangerous opportunistic behavior by state and local authorities. If left unchecked, such opportunism could undermine macroeconomic stability.** The most vivid manifestation of this phenomenon is the softening of subnational budget constraints (Rodden 2000a; World Bank 2002). Avoiding this risk depends on the ability of the central government to prevent subnational authorities from passing their liabilities to higher-level governments.<sup>12</sup> This, in turn, requires institutional mechanisms to discipline borrowing by state and local governments.

## Federalism Bad Impact Turn – Environment

### **A. Federalism undermines biodiversity – resistance from local citizens and governments proves**

**Tarlock**, Professor of Law at Chicago-Kent College of Law, **95** [A. Dan, Md. L. Rev. 1315, Summer, p. Lexis]

**Federalism doctrines may undermine biodiversity for both ethical and practical reasons because they unduly check national authority. Biodiversity protection is more the province of national elites** than local citizens and runs counter to the often expressed preferences for lower-level rather than higher-level political control for the use of private property claims to block environmental regulation. The fact **that biodiversity is frustrated by lower-level resistance** is, of course, not in and of itself a basis for criticizing a constitutionally derived doctrine. However, biodiversity protection may provide a new interest for courts to consider in federalism and constitutional adjudication when no other compelling constitutional values are at stake.

**The root of the problem is the preference for local decision-making that runs through much federalism jurisprudence. This preference can frustrate biodiversity because it concentrates power at the level where opposition to biodiversity protection may be the strongest.** The preference for local decision-making rests on an alternative vision of the virtues of America as a confederation of city-states, coexisting with the Marshallian vision of a strong central government curbing parochial tendencies. Professor Carol **Rose finds the persistence "of stubborn local particularism" a logical "evolution of a kind of Anti-Federalist praxis, almost invisible in an intellectual environment of overwhelming Federalist theory."** 109 Biodiversity protection is especially vulnerable to this form of localism because it is both a novel and thus difficult theoretical, legal, and political problem. [\*1337]

### **B. Preservation of biodiversity is crucial to preventing human extinction**

**Kaufman**, Chief Scientist at Edgerton Research Lab, **93** (Les, The Last Extinction, p. 4)

**The fourth argument for preserving biological diversity is the simplest: Our lives depend on it. We are part of a common fabric of life. Our survival is dependent on the integrity of this fabric, for the loss of a few critical threads could lead to a quick unraveling of the whole.** We know that there have been previous mass extinctions, through which some life survived. As for our own chances of surviving this mass extinction, there can be no promises. **If the Grim Reaper plays any favorites at all, then it would seem to be a special fondness for striking down dominant organisms in their prime.** David Joblinski examines the fates of rudist bivalves, mammal-like reptiles, dinosaurs, and a host of other scintillating but doomed creatures in his essay. Humans are now the dominant creatures, at least in terms of their influence. So, lest history bear false witness and barring some serious conservation efforts on our part, **this mass extinction could well be the last one that we will ever know about.**

## Federalism Bad Impact Turn – Ethnic Conflict

### A. Federalism sparks ethnic conflict

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

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

### B. This risk of ethnic conflict outweighs the affirmative case

#### 1. Risk

**World Policy Journal** March 22, 1999

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

#### 2. Magnitude

**Los Angeles Times**, February 26, 1993

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

## Federalism Bad Impact Turn – Localism

### A. Federalism reduces local control --- strong national power strengthens it

#### Cross '02

(Frank, Former NDT Champ and Prof Law – U Texas Law, Cardozo Law Review, November, Lexis)

**The evidence is overwhelming that federalism reduces localism.** These robust findings survive the application of different independent variables, different measures of local expenditure, and different national samples. **Thus, the interposition of sovereign state governments** may reduce the central government's absolute role, but it **will** also **significantly reduce the role of local government, which is the key to decentralized decisionmaking**. 270 This finding is not an artifact of the particular time period chosen. Other OECD evidence "for four different time periods ... indicates that unitary countries spent about 60 percent more money at the municipal level than did federal countries." 271 Stephen Calabresi has dismissed the decentralization of unitary systems as merely "a matter of temporary national legislative grace." 272 Vicki Jackson notes that, without judicially-enforced federalism, the national government might "simply reorganize the political boundaries" of the states. 273 While this is technically true, in a formalistic sense, it has no pragmatic materiality. **The virtues of decentralization are associated with actual decentralization, not constitutional guarantees.** Institutional pragmatic pressures may be far more important than paper guarantees in ensuring decentralization. 274 Jackson concedes that it is unlikely that the national government would in fact abolish the states but claims that "the belief that it cannot happen (under the present Constitution) in broad ways frames a host of other understandings." 275 Surely this is overly formalistic; understandings are framed by real-world circumstances, not by admittedly unrealistic hypotheticals. If the national government faces compelling democratic pressure to delegate, such pressure may be far more significant than any formalistic legal paper guarantees. Moreover, **true decentralization, to local governments, in a federal system is merely a matter of temporary state legislative grace.** Neither unitary nor federal systems truly [\*51] guarantee much real decentralization, but **the circumstances of unitary systems conduce to a greater overall level of decentralization. Indeed, the international evidence suggests that federalism and decentralization function at cross purposes.** 276

### B. This internal link turns their impact

#### Cross '02

(Frank, Former NDT Champ and Prof Law – U Texas Law, Cardozo Law Review, November, Lexis)

Federalism is a structural feature of the American political system. The federal system in this nation will not disappear in light of evidence that it is inferior to a more unitary system. 317 If **federalism** is only a "historical artifact," 318 though, it **hardly offers grounds for its vigorous enforcement by the Supreme Court or other institutions.** 319 The relevant issue regards what we shall make of this historical artifact and how it might be adapted, within the bounds of the Constitution, for the benefit of the nation. **The benefits of decentralization not only fail to justify an expansive defense of states' rights, they affirmatively counsel against such an interpretation of the constitution. As more power is transferred from the national government to the states, so will authority be drawn from localities to the more centralized states and governmental quality and societal welfare will suffer.** Fortunately, it appears unlikely that the Supreme Court will substantially reinvigorate American federalism. 320 Historically, "the less politically significant the issue, the greater the Court's insistence on the virtues of federalism." 321 The structural features of the Court make it unlikely that federalism jurisprudence will ever become too aggressive. 322 On the margin, however, the current Court clearly intends to strengthen state sovereignty and limit the discretion of the federal government in favor of that of the states. Those decisions have been defended and justified as prudential ones, preserving the virtues of decentralized decisionmaking. This defense is grounded in speculation and symbolism, though, and lacks truth. We have a federal system in this nation, for better or worse. Despite its federalism, the United States is a relatively [\*59] decentralized nation, with reasonably good governance and no severe corruption problem. Our beneficial situation cannot plausibly be attributed to our federal system itself, though, given the empirical evidence. Consequently, **the mere pious invocation of federalism and its values of decentralization and good governance,** which has become common among academic commentators and even judges, **provides no real support for any particular decisions in support of states' rights.** Rather, **any such decisions about federalism,** whether judicial, legislative, or executive, **should be grounded in a pragmatic assessment of their consequences.** Dedication to preservation and empowerment of state sovereignty, in its own intrinsic right, is insupportable, and the presumption should be to the contrary.

## Federalism Bad Impact Turn – Secession

### A. Federalism leads to secessionist fragmentation

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

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

### B. Unbridled secession leads to global war and WMD use

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

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



## Federalism Bad – A2: Indonesia

### **Indonesian decentralization is failing now – health care.**

Samuel S. **Lieberman**, Staff Associate at the Center for Policy Studies of the Population Council. Joseph J. **Capuno**, Assistant Professor at the University of the Philippines School of Economics. **AND**, Hoang **Van Minh**, Vietnamese Doctor. 2005. The World Bank Report: East Asia Decentralizes. “Making Local Government Work.”  
<http://siteresources.worldbank.org/INTEAPDECEN/Resources/dc-full-report.pdf>

**Indonesia has not clarified the health roles and responsibilities of central and lower governments after three years of decentralization. Nor has the country moved to emphasize core public health functions, or seen marked improvements in specific areas such as infectious disease control, pharmaceuticals, and human resources. Sectors besides health also have indeterminate policies, prompting advice to clarify assignments across levels of government and sectors (World Bank 2003a).**

### **Federalism won't happen in Indonesia – historical legacy.**

Anthony **Smith**, lecturer in international relations, Faculty of International Studies, International Pacific College, 9/1/2001. New Zealand International Review.

Aside from these specific cases of regional turmoil, the centre-province relationship has changed since the fall of Suharto in May 1998. The provinces have universally demanded some degree of power sharing after the demise of the very dominant centre that characterised the New Order Regime of Suharto. The provinces and districts now elect their own leaders, and are no longer subject to Jakarta's interference. To undercut anti-Jakarta sentiment it has been a political imperative to consider autonomy. **Indonesia's situation would, on the face of it, lend itself to federalism, but there are some powerful barriers to the adoption of such arrangements. Indonesia was briefly a federal polity after the Dutch left Indonesia in 1949. In less than a year, however, the Republic of the United States of Indonesia was abandoned. It was seen as a colonial legacy, one designed to weaken the fledgling state.**

### **There is no move towards Indonesian federalism now.**

Samantha F. **Ravich**, fellow in the Asian Studies Program at CSIS. Summer 2000. The Washington Quarterly. “Eyeing Indonesia through the Lens of Aceh.”

The proposed solutions intended to co-opt the four constituencies of Aceh may only prove a short-term fix if a systemic change to the relationship between the center and the provinces does not occur. One possible option that should be considered is a federalist system. It is unfortunate that the word **"federalism" is a loaded term in Indonesia. It is reminiscent of the offer made to Indonesia by the Dutch in the late 1940s as a weak substitute for independence.** Despite this historical resonance, the idea is once again being debated in Indonesia. At the moment, **most members of the policymaking community are against it. They argue that an archipelagic country is not conducive to a federalist system;** that the nation-building process must be completed before the conceptualization of the nation is substantively changed; that the threat of disintegration rises with a weak central government (the result, they believe, of a federalist system); and that national security will be compromised because the armed forces will not have the flexibility to contain sea-based infiltration.

### **( ) Indonesia federalism sparks separatism and causes state dissolution.**

**Manila Standard**, 7/28/05. “FEDERALISM NO PANACEA.”

As in Japan, **a federal union of semi-independent states in Indonesia would have encouraged separatism,** as indeed the weakening of the central government after the fall of Suharto has encouraged separatist movements in Aceh, Manado and elsewhere. (Largely Catholic East Timor separated from predominantly Muslim Indonesia during Suharto's watch, with the active encouragement of the western [i.e. nominally Christian] media.) **Federalism is more suitable for countries with large, contiguous land masses** - such as Russia, Canada, the US, Brazil, Australia, India, Mexico and Germany - **where centrifugal forces have less appeal. Yet even among these examples, there are separatist movements** in Canada, Russia and India. **Archipelagic countries** (Japan, Indonesia, the Philippines) **are better off with unitary states.** The recent threat of certain Filipino mayors and governors, to secede from the Republic if President Arroyo is forcibly removed from power, may be dismissed as harmless political noise, but they may be aberrations of our personalistic culture, in the absence of a nationalistic one. In which case, **federalism will just lead to the break-up of the Republic on the whim of regional political bosses.**



## Federalism Bad – A2: Russia

### ( ) Russian federalism is already weak – total lack of federal control

Gregory **Shvedov**, director of media in Kavkaz, 6-19-2008, “Hearing,” FNS, In

The first thing I want to touch base would be the lack of federal control. We saw this map on the screen, when we observed the video which was made by Memorial, and it was good to recognize that the Northern Caucasus is a small part of the south of Russia. But it was also good to recognize to what extent this is a part of Russia. Unfortunately, during the last year is we do see that it is less and less a region which is under the control of federal authorities. What do I mean by this? I don't mean that the separatist movement is really developed very much in the regions of the Northern Caucasus. Not this is the main point. The main point is that the level of control, the level of federalism in Russia in general is really very weak. And especially in the Northern Caucasus, we can hardly see that. These regions are part of a bigger Russia.

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

Evgueni Vladimirovich **Pershin**, second director of the Analytical Department of the Federation Council Apparatus. Kazan Federalist, 2003. Number 4 (8). “Issues in the improvement of Russian federalism.”

<http://www.kazanfed.ru/en/publications/kazanfederalist/n8/4/>

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

### A. Russian devolution will lead to secession and civil war

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

Divining the military's allegiance is crucial, however, since the structure of the Russian Federation makes it virtually certain that regional conflicts will continue to erupt. Russia's 89 republics, krais, and oblasts grow ever more independent in a system that does little to keep them together. As the central government finds itself unable to force its will beyond Moscow (if even that far), power devolves to the periphery. With the economy collapsing, republics feel less and less incentive to pay taxes to Moscow when they receive so little in return. Three-quarters of them already have their own constitutions, nearly all of which make some claim to sovereignty. Strong ethnic bonds promoted by shortsighted Soviet policies may motivate non-Russians to secede from the Federation. Chechnya's successful revolt against Russian control inspired similar movements for autonomy and independence throughout the country. If these rebellions spread and Moscow responds with force, civil war is likely.

### B. Russian civil war leads to nuclear war with the US

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

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