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**AFFIRMATIVE: (MOSTLY ABOVE)**
A. Congressional Action over intra-state activities undermines federalism

Rehnquist, 1995 [Chief Justice of the Supreme Court of the United States]

In A.L.A. Schechter Poultry Corp. v. United States (1935), the Court struck down regulations that fixed the hours and wages of individuals employed by an intrastate business because the activity being regulated related to interstate commerce only indirectly. In doing so, the Court characterized the distinction between direct and indirect effects of intra-state transactions upon interstate commerce as “a fundamental one, essential to the maintenance of our constitutional system.” Id. Activities that affected interstate commerce directly were within Congress’ power; activities that affected interstate commerce indirectly were beyond Congress’ reach. The justification for this formal distinction was rooted in the fear that otherwise “there would be virtually no limit to the federal power and for all practical purposes we should have a completely centralized government.” Id.

B. Federalism prevents bloodshed and war.

Calabresi, 1995 [Associate Professor, Northwestern University School of Law]
Some of the best arguments for centrifugal international federalism, then, resemble some of the best arguments for centrifugal revolutionary federalism: in both cases - and for differing reasons - federalism helps prevent bloodshed and war. It is no wonder, then, that we live in an age of federalism at both the international and subnational level. Under the right circumstances, federalism can help to promote peace, prosperity, and happiness. It can alleviate the threat of majority tyranny - which is the central flaw of democracy. In some situations, it can reduce the visibility of dangerous social fault lines, thereby preventing bloodshed and violence. This necessarily brief comparative, historical, and empirical survey of the world's experience with federalism amply demonstrates the benefits at least of American-style small-state federalism. 61 In light of this evidence, the United States would be foolish indeed to abandon its federal system.
Uniqueness- Balance Now (1/2)

(1) Congress will draft legislation increasing states’ power.

Pickerill, 2003 [Assistant Professor, Department of Political Science]
The previous section argued that the Court's federalism decisions seem largely targeted at limiting the scope of federal power, but the impact of those decisions is far from a foregone conclusion. The Court's decisions and doctrines, however, have the potential of being used in Congress to generate federalism debate and influence the drafting of legislation. Thus, the Court's jurisprudence may not guarantee state autonomy, dramatic increases in state powers, or insulation from federal intrusion into policy areas traditionally reserved for states, but it does create an opportunity to increase the presence of state and local governments in the national political and [*830] lawmaking process. The Court's federalism decisions provide potential and substantial leverage for state and local governments in the national policymaking process. However, that potential is most likely to be translated into reality if and when states assert themselves by leveraging federalism in Congress. There are several ways in which state and local interests might exploit this leverage.

(2) State power increasing- courts and congress

Tarr, 2001 [Professor of Political Science and Director at Rutgers University]
For the American states, this might well seem like the best of times. Over the past few years, thanks to a vibrant national economy, the fiscal situation in most states has seldom been better. Tax revenues have outpaced estimates in recent years, allowing many states to cut taxes without reducing spending on popular programs, and several states have boasted substantial budget surpluses. In addition, the devolution of power from Washington, D.C. has afforded the states new opportunities to innovate and to experiment. Meanwhile, recent Supreme Court rulings on federalism, together with congressional enactments such as the Unfunded Mandates Reform Act of 1995, have guaranteed to the states a measure of autonomy. One can well understand, then, why Governor Cecil Underwood would proclaim to the West Virginia legislature that "I can't remember a time brimming so completely with optimism and opportunity."
Uniqueness- Balance Now (2/2)

(____) Congress is checking the Supreme Court.

Pickerill, 2003 [Assistant Professor, Department of Political Science]  
It is possible that the renewed threat posed by the Supreme Court's federalism decisions may be used to encourage more federalism debate in Congress. This was certainly the case with the hate crimes legislation introduced and considered in every United States Congress since the mid 1990s. Both the House and Senate Judiciary Committees have held hearings over that legislation, and much of the debate in those hearings has centered around the constitutionality of the legislation under the Commerce Clause after the Court's Lopez decision. Federalism issues have also been raised during the consideration of other legislation—such as the Religious Liberty Protection Act and tort reform legislation—to a much greater extent than those issues were debated prior to the Rehnquist Court's renewed federalism threat. In fact, debate over constitutional federalism principles was virtually nonexistent prior to the Rehnquist Court's federalism decisions.

(____) Federalism not dead, just resting

Christian Science Monitor, 2004 (Warren Richey Staff)  
But some analysts say it is much too early to listen for the death knell of the federalism revolution. "It certainly suggests the momentum is not as strong as it once was," says John McGinnis, a constitutional law professor at Northwestern University School of Law. "Maybe I am a little cautious here - but one wants to wait. I don't think we will know for another two years."

(____) The Rehnquist Court prohibits Congress from excercising its power just as much as it limits State governments from excersising theirs.

William H. Pryor Jr., Attorney General of Alabama, J.D. Tulane University, 2002  
[Alabama Law Review, 53 Ala. L. Rev. 1167, Summer, lexis]  
Although the Rehnquist Court has not been reticent about prohibiting state violations of fundamental rights, the Court is not an apologist for the broad use of federal power at the expense of state power. The Rehnquist Court is as aggressive in prohibiting Congress from exercising powers reserved to the states as the Court is in requiring the states to respect the constitutional rights of individuals. The decisions of the Rehnquist Court in the promotion of federalism are, in fact, driven by the same concern for individual liberty.
( _) Court upholding federalism - Flores decision

Kennedy, 1997 [Justice of US Supreme Court]
(Boerne v. Flores, Opinion of the Court, June 25, LN)
On certiorari, the Supreme Court reversed. In an opinion by Kennedy, J., joined by Rehnquist, Ch. J., and Stevens, Thomas, and Ginsburg, JJ., and joined in pertinent part by Scalia, J., it was held that (1) the RFRA exceeded Congress' power, under 5 of the Fourteenth Amendment, to enact legislation enforcing the First Amendment's free exercise clause, because--without the Supreme Court's rearguing the decision in Employment Div. v Smith--the RFRA contradicted vital principles necessary to maintain separation of powers and the federal balance, in that the RFRA appeared to attempt a substantive change in constitutional protections; and (2) accordingly, it was the Supreme Court's precedent, not the RFRA, which had to control the case at hand.

( _) The Supreme Court has showed support of Federalism.

Althouse, 2000 [Professor of Law at University of Wisconsin Law School]
The conservative side of the Supreme Court seems intent on devising a way for courts to take state interests into account. Press reports tend to characterize this side of the Court as "States' Rights" adherents, a label that connotes a wildly outmoded form of deference, a throwback to pre-Civil War days. But there are really two ways of thinking about this deference to the states, and I want to address the distinction between these two approaches. I will not elaborate on the position of the liberal side of the Court, which is essentially that no judicially enforced protection of state interests is either necessary or desirable. I want to offer some commentary and advice for those inclined to enforce federalism. The first of the two ways of thinking about deference to the states deserves the label that journalists are eager to apply: "states' rights." In the states' rights model, the states can claim their autonomy as a matter of right. The second model is based on structural and normative analysis: the states are accorded autonomy because of the good to be achieved through separate functioning. I will call the second model normative federalism.

( _) The Supreme Court supports Federalism because the states can accomplish more when they are separate from the Federal system.

Althouse, 2000 [Professor of Law at University of Wisconsin Law School]
The 1971 version of Burger Court federalism clearly fits what I call the normative federalism model. Justice Black, who authored Younger, wrote that state courts should be left alone because they serve a useful function in a system in which federal law is supreme. There was no recognition of any state right to resist intrusions when the state courts do not serve that function. The deference did not extend to the state legislature, which wrote a statute that may have violated constitutional rights or to the state prosecutor enforcing that statute. The deference was given to the state court, with its capacity to apply law pursuant to the traditional legal methods that prevail in both state and federal courts. The state court was not conglomerated with other state institutions and suspected of untoward bias in favor of the challenged state law. The Supreme Court looked upon the state court as another court, at one with the standardized agenda of courts, which is to enforce the law that applies.
Uniqueness- Court Upholding Federalism (2/2)

(____) The Supreme Court restricts the federal government's exercise of power.

Pickerill, 2003 [Assistant Professor, Department of Political Science]
The Rehnquist Court has been credited with, or accused of--depending upon one's perspective--creating a "federalism revolution." Undoubtedly, the Rehnquist Court has dusted off seemingly long-forgotten federalism provisions in the Constitution and used them as the basis for invalidating numerous federal laws. This court has found limits to congressional power under the Interstate Commerce Clause of Article I (e.g., United States v. Lopez and United States v. Morrison), prohibited the federal government from commandeering states and reinvigorated the idea of state sovereignty under Tenth Amendment (e.g., New York v. United States, Printz v. United States, Mack v. United States, and Alden v. Maine), limited Congress's "remedial" authority under Section 5 of the Fourteenth Amendment (e.g., City of Boerne v. Flores, Kimel v. Florida Board of Regents, and Board of Trustees of the University of Alabama v. Garrett), and advanced a broad theory of state immunity from civil lawsuits under the Eleventh Amendment (e.g., Seminole Tribe of Florida v. Florida, Alden v. Maine, College Savings Bank v. Florida Prepaid Postsecondary Education Expense Board, Kimel v. Florida Board of Regents, and Board of Trustees of the University of Alabama v. Garrett).
Uniqueness- Could go Either Way

( ) Continued States’ rights are a borderline issue in the Supreme Court.

Greenhouse, 2005 [Supreme Court Reporter for the New York Times]
(Linda, New York Times, June 12, pg. L/N, Downloaded June 20, 2005)
Other cases awaiting action by the court question federal authority over homemade machine guns and over the possession of child pornography. In these two, federal appeals courts ruled against the government, citing the authority of the Supreme Court's Lopez and Morrison decisions. How much of that authority remains is now the question. "The court was never clear about what it wanted to accomplish or how the revolution would play itself out when the first modest steps bumped up against entrenched political structures," said Mr. Greve of the American Enterprise Institute. Like Mr. Greve, other scholars have wondered whether the court was actually engaged with anything more than "symbolic federalism" that did not actually threaten federal policies that affected many people. "The court never reached a stable equilibrium, and now we are in a period of very robust national commitments, domestic as well as foreign." Ultimately he said, "it is a revolution that has found no takers."
Link- Legislative Mandates

(____) Legislative mandates to the states violate federalism


Whether or not the normative claims advanced for delegation to states are valid, the Supreme Court should police the border precisely because doing so assures that the normative issues are resolved by federal legislative officials and not by federal administrative officials, state officials, and federal courts. By preventing Congress from delegating legislative power to states, the Court requires Congress to put up or shut up. Either the concern is serious enough to warrant federal regulation--and thus to be held accountable for imposing policy--or it is not. If not, Congress can simply assure that state law is not preempted and stand aside.
Failure to protect federalism now will result in future losses

Calabresi, 1995 [Associate Professor, Northwestern University School of Law]
(Michigan Law Review, 94 Mich. L. Rev. 752, December, lexis)

In Part II, I consider and refute the reigning orthodox argument that constitutional federalism guarantees can and should be enforced exclusively, or mainly, through the political process. I show why, under modern public choice theory, we should have no confidence in the political branches as the exclusive or even as the principal enforcers of our constitutional federalism guarantees. Indeed, I argue that reliance on the political branches to enforce federalism limitations almost guarantees that our constitutional federal system will fail to attain the normative benefits - set forth in Part I - that federalism ought to secure. Accordingly, I conclude Part II by arguing that a decision to rely upon the political branches for enforcement of federalism would be a grave mistake - a mistake that would result in less freedom and less prosperity for future generations.
State sovereignty causes secession

Weinberg, 1997 [Chair for the Administration of Justice]
(Louise, Ohio Northern University Law Review, 23 Ohio N.U.L. Rev. 1295, Lexis)

One of the more persistent has been the theory of state sovereignty. Under this theory, the Union is a loose confederation of autonomous sovereign states (this aspect of state sovereignty theory is sometimes designated as "compact theory"). The theory of state sovereignty implies that the states preceded the Union, n38 delegated only a portion of their [1305] preexisting powers to the Union, and reserved the rest exclusively. The critical feature of state sovereignty theory as a states' rights theory is that it has been thought also to imply a reservation to the states of power to withdraw from the compact, to secede. The Articles of Confederation clearly reflected this sort of thinking, n39 as did the Virginia and Kentucky Resolutions of 1798. The Virginia and Kentucky Resolutions made the additional case that the states had power to interpret the Constitution for themselves, a not unreasonable position - unless it would deny the Supreme Court's ultimate authority, the position the Supreme Court emphatically rejected in Martin v. Hunter's Lessee. n40 You see state sovereignty theory in strong form in the South Carolina Exposition and Protest, a legislative report adopted by South Carolina in reaction to the so-called Tariff of Abominations of 1828. Claiming the Virginia and Kentucky Resolutions of 1798 as its intellectual provenance, the Exposition and Protest pushed compact theory to an extreme, arguing that each state had power to "nullify" federal law within its boundaries, and even proposing a specific procedure for nullification, frustration of which would give the state a right to "secede." The covert author was that erstwhile nationalist, Vice President John C. Calhoun. n41 Calhoun early injected the burning [1306] issue of slavery into the controversy, and slavery quickly became its subtext. n42
Internal Link- Balance is Key

( _) The Supreme Court upholds federalism because it is crucial to preserve the balance between federal and state power.

Mark R. Killenbeck, Professor of Law at University of Arkansas School of Law, 2004
(Arkansaw Law Review, 57 Ark. L. Rev. 1, downloaded 6/25/05, lexis)
Each of these sharply divergent characterizations of the decisions is accurate in its own way. And that is hardly surprising. Federalism - by which I mean the debate about the proper division of authority between the federal and state governments - is indeed "our oldest question of constitutional law." And it remains a question precisely because the issues posed are contentious and sharply contested. Indeed, the Court itself is deeply divided in ways that distinguish these cases from many others in which the issues are no less contentious. The consistent majority in each of these decisions - the Federalism Five, consisting of Chief Justice Rehnquist and Justices O'Connor, Scalia, Kennedy and Thomas - tell us that they are simply seeking to enforce a political equilibrium that expresses "first principles" that "every schoolchild learns." n10 The opinions they issue reflect "truths ... so basic that, like the air around us, they are easily overlooked." And the results fashioned trace the parameters of the "defining feature of our Nation's constitutional blueprint," a system of "dual sovereignty" that reflects "the balance of power embodied in our Constitution and thus ... reduces the risk of tyranny from either front."

( _) An Even balance of power protects individual freedom.

William H. Pryor Jr., Attorney General of Alabama, J.D. Tulane University, 2002
(Alabama Law Review, 53 Ala. L. Rev. 1167, Summer, lexis)
Although No. 10 is a key to understanding Madison's brilliant vision, another key to understanding his constitutional vision is The Federalist No. 51, which relates to my thesis. In No. 51, James Madison explained how the structure of federalism would protect individual freedom. Madison called it the "double security" of the Constitution. He wrote, In a single republic, all the power surrendered by the people is submitted to the administration of a single government; and the usurpations are guarded against by a division of the government into distinct and separate departments. In the compound republic of America, the power surrendered by the people is first divided between two distinct governments, and then the portion allotted to each subdivided among distinct and separate departments. Hence a double security arises to the rights of the people. The different governments will control each other, at the same time that each will be controlled by itself. Madison's double security is, in modern parlance, the separation of powers federalism. Madison saw that these structural restraints would work both in isolation and in combination. The federal and state governments would check each other and the three branches would control each other at each level.
Federalism Good Impact- Liberty (1/2)

(____) Federalism key to liberty

Gardner, 2003 [Professor of Law at State University of New York, University at Buffalo Law School]
The theory underlying the American practice of federalism could not be simpler. People create governments to "secure the[ir] rights." Yet because governments must be run by human beings, and human beings are weak, concentrated governmental power can be dangerous to liberty. Consequently, the only form of government in which liberty is safe is one in which governmental power is dispersed and divided in such a way as to set different parts of government against the others. In Madison's words, "[a]mbition must be made to counteract ambition." Our Constitution thus divides power not only horizontally among three branches of government, but also vertically between state and national governments. In this way "a double security arises to the rights of the people," Federalism thus aims to institutionalize a more or less permanent struggle between the state and national governments for the purpose of better protecting the liberty of all: "a healthy competition between federal and [state] officials can help protect citizens against government tyranny."

(____) Emp: States key to check back national power

Gardner, 2003 [Professor of Law at State University of New York, University at Buffalo Law School]
At the state level, it is clear that state legislatures and executives have often played an important part in resisting national power. For example, these branches occasionally have employed force or the threat of force against the national government in instances ranging from secession during the Civil War, to the threat of armed resistance during the Nullification Crisis, to the threat-ened seizure of federally owned public lands during the Sagebrush Rebellion. State legislatures have publicly denounced and defied national laws of which they disapprove, and have some-times attempted to subvert disfavored national legislation by foot-dragging and by deliberately ineffective enforcement. State legislatures and governors also routinely attempt to influence the content of national legislation through the use of lobbying and political pressure. n31 They have also been known to refuse national financial incentives when they disapprove of federally-imposed conditions, and to sue the national government in federal court to assure its compliance with limitations imposed by the U.S. Constitution.
Federalism Good Impact- Liberty (2/2)

Federalism is the future—it is key to the liberty and well-being of Americans.

Calabresi, 1995 [Associate Professor, Northwestern University School of Law]  
(Michigan Law Review, 94 Mich. L. Rev. 752, December, lexis)

World-wide interest in federalism is greater today than it ever has been before at any other time in human history. In section A, below, I discuss at some length why this is the case and what lessons the global federalism revolution might hold for the United States. I conclude that federalism is the wave of the future, that nationalism and the centralized nation-state have been discredited for good reasons, and that these reasons strongly suggest that the United States should retain and strengthen its federal structure. Having developed what might be called a comparative empirical case for federalism I then turn, in section B, to developing the theoretical normative case for federalism. Both the disciplines of economics and political science suggest that there is a good case to be made for federalism. I develop this case in three subparts by considering, first, the arguments for state power, second, the arguments for national power, and third, the arguments for a federal constitutional blend. Finally, in section C, I step back and look briefly at the empirical and normative arguments for federalism in perspective. My goal here is to show that federalism is likely to be more important to the liberty and well being of the American people than any other structural feature of our Constitution, including the separation of powers, the Bill of Rights, and judicial review.
Federalism Good Impact- War

Federalism solves wars around the globe

Canadian Press Newswire, March 2, 2005 (Canadian Business and Current Affairs, June 23, 2005, Jeremy Slater)

BRUSSELS, Belgium (CP) - Flexibility and adaptability are two of the greatest strengths of the federal system of government used by Canada and other countries, says former Ontario premier Bob Rae who is presiding over an international forum on federalism. "The good thing about federalism is it is always evolving," Rae said Wednesday in an interview as the third Conference on Federalism was getting underway. "It has a serious role to play in conflict resolution and a tremendous opportunity to be a problem solver." As such, federalism can provide the framework for resolving conflicts in wartorn areas of the world, such as parts of Africa and Asia plagued by civil war. Rae said he believes that with the rise of globalization, more countries will have to talk to one another to compare how they resolve their problems. "People can learn from each other, find different approaches and discover how other countries work. This global dialogue can help in areas such as Sudan, Sri Lanka and Iraq," he said. Federalism can also be a tool for better governance in less strife-riven areas of the world, such as Australia and Switzerland. These two countries signed agreements Wednesday promising more funding for the forum, thus allowing more voices to join the discussion on federalism. "It offers a great deal of flexibility in a world that has turned away from command economies or highly centralized forms of democratic government," Rae said. And a federal form of governance is a better way of working with the demands of a market economy, he added. Rae noted that at times in history Canada was tightly controlled from Ottawa; at other times there was a looser federation.

Loss of federalism causes war, genocide, totalitarianism, and loss of freedom.

Calabresi, 1995 [Associate Professor, Northwestern University School of Law]
(Michigan Law Review, 94 Mich. L. Rev. 752, December, lexis)

The bitter harvest of the nationalist revolution was gathered in this century with the slaughter of the First and Second World Wars and with the fifty-year Cold War that then followed. These events finally made clear to the great-great-grandchildren of the Enlightenment that celebration of the nation state could lead to Nazism and Stalinism, to war and genocide, and to totalitarianism and the most complete loss of freedom humankind ever experienced. By 1945, the democratic revolution was still in full flow, but the nationalist revolution was not. World leaders scrambled to replace the still collapsing colonial, imperial transnational structures with new federal and confederal transnational structures.
Federalism Good Impact- Minority Rights

(1) Federalism is the solution to the suppression of minorities.

Calabresi, 1995 [Associate Professor, Northwestern University School of Law]
(Michigan Law Review, 94 Mich. L. Rev. 752, December, lexis)
As Lijphart emphasizes, social heterogeneity can pose a big threat to stable democratic government. Federalism sometimes can reduce this threat by giving minorities a level of government within which they are the geographical majority. If minorities are concentrated geographically to some degree and if the nation is willing to cede control over key issues to constitutionally established subunits of the nation, then federalism can help maintain social peace.
Federalism Good Impact- Economy

(") Decentralization increases economic welfare.

Kimenyi, 2004 [The Kenya Institute for Public Policy Research and Analysis] (Mwangi S., Ashgate Publishing Limited, Devolution and Development: Governance Prospects in Decentralizing States) pg. 22

> Decentralized levels of government have their raison d'être in the provision of goods and services whose consumption is limited to their own jurisdictions. By tailoring outputs of such goods and services to the particular preferences and circumstances of their constituencies, decentralized provision increases economic welfare above that which results from the more uniform levels of such services that are likely under national provision. The basic point here is simply that the efficient level of output of a 'local' public good (i.e., that for which the sum of residents' marginal benefits equals marginal cost) is likely to vary across jurisdictions as a result of both differences in preferences and cost differentials (Oates 1999, pp. 1121-1122).

The allocative efficiency analysis (see, e.g., Oates 1972) holds that local governments will likely be better able to match public goods to local preferences. One pillar of this argument is the assertion that sub-national governments are closer to the people than the central government, hence they have better information about the preferences of local populations (Hayek 1945, Musgrave 1959). As a result, local governments are expected to be better able to respond to the variations in demands for goods and services. Moreover, under decentralization, authority moves to jurisdictions that encompass less social diversity and fractionalization, hence less extreme variation in preferences.
Federalism Good Impact- Democracy

__Devolution of power to state and local governments broadens legitimacy and increases participation.__

Diamond, 1997 [senior research fellow at the Hoover Institution, coeditor of the Journal of Democracy, and codirector of the National Endowment for Democracy's International Forum for Democratic Studies]


Beyond reducing the size of democratic units of governance and representation, decentralization has other important advantages for democracy. It can offer security, autonomy, and some power to territorially based ethnic groups, and it can compartmentalize ethnic (and other localized) conflicts so that they do not polarize politics at the center. Separate and apart from the ethnic angle, by giving political oppositions a chance to govern at lower levels, devolution of power to state and local governments can reduce the zero-sum character of politics while enabling long-standing political opposition and minority forces to comprehend the difficult trade-offs of governance and learn political responsibility. This helps to moderate their programs and rhetoric over time and give them a greater stake in the system, and these two developments not only broaden legitimacy but help previously marginal political forces gradually to establish their credibility as a potential alternative government at the center. Further, decentralization can remove barriers to participation, enhance the responsiveness and accountability of government, and offer a broad federalist "laboratory" for policy innovation. As opposition parties increasingly win power at the state and municipal level in Mexico, these effects are increasingly evident. They are generating a more truly competitive politics at the same time that they increase the pressures and reduce the risks of a transition to democracy.

__Federal Government key to representation- direct unnecessary__

Fino, 2003 [Professor of Political Science, Wayne State University]


McGinnis and the Rehnquist Court see the Framers' federalism as a way of reinforcing social norms that arise from civil society by limiting the actions of the national government. For McGinnis, such an effort currently is required due to the extent to which special interests have come to dominate national domestic politics because a distracted public has become content to entertain itself with television and accept symbolic gestures from politicians as a substitute for public policy. n5 This sorry state of affairs is a product of over-centralized "mass democracy." n6 McGinnis musters evidence from "modern political science" that seems to demonstrate that "mass national democracy often produces legislation that neither reflects majority will nor is efficient, since special interests dominate legislators while most citizens are rationally ignorant of the salient political issues." n7 The damage done to the polity by over-centralization can be partially undone by empowering private civic organizations and state and local government. According to de Tocqueville, McGinnis and the Rehnquist Court, civic organizations are an antidote to the mischief of faction. According to this formula, "civil associations organize to meet the common goals of their members," unlike political factions, which "try to use government coercion for their own ends." n8 "These civil associations have influence at the local level, making local government more responsive and contributory to a more public-spirited citizenry." n9 Moreover, the American federal system creates a marketplace in which local governments and state governments exist in competition with each other, which should drive them to deliver their public goods in the most efficient way. In this "laboratory of democracy," the "successful experiments of yesterday become the effective public policy of tomorrow."
Federalism Good Impact- Direct Democracy Fails

Direct Demo Bad: State and local government is detrimental-US 1837 economic depression proves.

Fino, 2003 [Professor of Political Science, Wayne State University]

There is evidence, however, that when state and local governments competed with each other, the results were far from beneficial and efficient. In 1837, the United States entered into a severe economic depression that lasted until at least 1843. The chief cause of this calamity was the accumulation of massive public and private debt. One engine of debt generation was a "mania" for state-sponsored internal improvements. The "orgy of canal and railroad building and of bank organization" was spurred by New York's success with the Erie Canal in 1817. States sought to replicate the New York success story and borrowed money to fund these internal improvements. Just as the federal government was extinguishing its debt, the states were piling up a debt on the order of $200 million. The investments in canals, railroads, and banks much more often than not lost money, despite the promises of extravagant returns. By the 1840s, some states defaulted on interest payments and one state, Michigan, defaulted on the principal. The experience in the states was so negative that numerous prohibitions and constitutional restrictions on internal improvements were instituted beginning in the 1850s.
Federalism Good Impact- Democracy Prevents War/ Genocide

(____) Democracy prevents civil unrest and genocides.

Lynn-Jones, 1998 [Research associate at the Belfer Center for Science and International Affairs (BCSIA) at the Kennedy School of Government, Harvard University, and is editor of International Security] (Sean M., "Why Should the United States Spread Democracy" International Security Program, BCSIA, March, lexis)

Second, America should spread liberal democracy because the citizens of liberal democracies are less likely to suffer violent death in civil unrest or at the hands of their governments. These two findings are supported by many studies, but particularly by the work of R.J. Rummel. Rummel finds that democracies-by which he means liberal democracies-between 1900 and 1987 saw only 0.14% of their populations (on average) die annually in internal violence. The corresponding figure for authoritarian regimes was 0.59% and for totalitarian regimes 1.48%. Rummel also finds that citizens of liberal democracies are far less likely to die at the hands of their governments. Totalitarian and authoritarian regimes have been responsible for the overwhelming majority of genocides and mass murders of civilians in the twentieth century. The states that have killed millions of their citizens all have been authoritarian or totalitarian: the Soviet Union, the People"s Republic of China, Nazi Germany, Nationalist China, Imperial Japan, and Cambodia under the Khmer Rouge. Democracies have virtually never massacred their own citizens on a large scale, although they have killed foreign civilians during wartime. The American and British bombing campaigns against Germany and Japan, U.S. atrocities in Vietnam, massacres of Filipinos during the guerrilla war that followed U.S. colonization of the Philippines after 1898, and French killings of Algerians during the Algerian War are some prominent examples. There are two reasons for the relative absence of civil violence in democracies:

1. Democratic political systems-especially those of liberal democracies-constrain the power of governments, reducing their ability to commit mass murders of their own populations. As Rummel concludes, "Power kills, absolute power kills absolutely ... The more freely a political elite can control the power of the state apparatus, the more thoroughly it can repress and murder its subjects."

2. Democratic polities allow opposition to be expressed openly and have regular processes for the peaceful transfer of power. If all participants in the political process remain committed to democratic principles, critics of the government need not stage violent revolutions and governments will not use violence to repress opponents.

(____) Increasing Democracy leads to Nuclear Peace.

Muravchik, 2001 [Resident scholar in the American Enterprise Institute] (Joshua, NPEC/IGCC Summer Faculty Seminar, July 11-14, lexis)

That this momentum has slackened somewhat since its pinnacle in 1989, destined to be remembered as one of the most revolutionary years in all history, was inevitable. So many peoples were swept up in the democratic tide that there was certain to be some backsliding. Most countries’ democratic evolution has included some fits and starts rather than a smooth progression. So it must be for the world as a whole. Nonetheless, the overall trend remains powerful and clear. Despite the backsliding, the number and proportion of democracies stands higher today than ever before. This progress offers a source of hope for enduring nuclear peace. The danger of nuclear war was radically reduced almost overnight when Russia abandoned Communism and turned to democracy. For other ominous corners of the world, we may be in a kind of race between the emergence or growth of nuclear arsenals and the advent of democratization. If this is so, the greatest cause for worry may rest with the Moslem Middle East where nuclear arsenals do not yet exist but where the prospects for democracy may be still more remote.
Federalism Good Impact- Democracy Solves Terrorism

( ) Democracy solves terrorism.

Lynn-Jones, 1998 [Research associate at the Belfer Center for Science and International Affairs (BCSIA) at the Kennedy School of Government, Harvard University, and is editor of International Security] (Sean M., "Why Should the United States Spread Democracy" International Security Program, BCSIA, March, lexis)

Second, spreading democracy is likely to enhance U.S. national security because democracies will not support terrorist acts against the United States. The world's principal sponsors of international terrorism are harsh, authoritarian regimes, including Syria, Iran, Iraq, North Korea, Libya, and Sudan. Some skeptics of the democratic-peace proposition point out that democracies sometimes have sponsored covert action or "state terrorism" against other democracies. Examples include U.S. actions in Iran in 1953, Guatemala in 1954, and Chile in 1973. This argument does not undermine the claim that democracies will not sponsor terrorism against the United States. In each case, the target state had dubious democratic credentials. U.S. actions amounted to interference in internal affairs, but not terrorism as it is commonly understood. And the perpetrator of the alleged "state terrorist" acts in each case was the United States itself, which suggests that the United States has little to fear from other democracies.
Federalism Good Impact - Solves Corruption

(____) Decentralization prevents corruption.


The productive efficiency argument states that local governments can produce the same goods at lower costs than central governments. There are several possible reasons for this. Decentralization is thought to promote accountability and reduce corruption in government (Ostrom, Schroeder, and Wynne 1993). Since sub-national governments are evidently closer to the people, citizens may be more aware of sub-national governments’ actions than they are of central government activities. Decentralization removes links in the agency chain between directly elected officials and bureaucrats working at the point of implementation. Thus, not only should information about the quality of policy and implementation flow more freely to the local electors under decentralization, but citizens can exert pressure on government at various points at or near the location of service delivery. There are fewer bureaucratic filters between elected officials who represent citizen-clients and implementers, which also means that the potential for conflicting incentives between principal and agent is reduced, and monitoring is easier. A related factor is the local government’s budget constraint. A hard constraint can force government to deliver public services in ways that minimize expense while maximizing cost-recovery. Also, the resulting competition between sub-national providers of public goods is seen to impose discipline on sub-national governments, as citizens averse to corruption may exit to alternative jurisdictions or providers.

Social cohesion at the local level also plays a role, helping reduce failures of cooperation such as elite capture and ethnic rent seeking, while maintaining social pressure against corruption. Corruption represents a breakdown of cooperative behavior, in which the few collude to the detriment of all. Devolving functions to smaller units that are closer to the population should therefore, in theory, increase consensus and legitimacy concerning the choice of public services. This, in turn, can be expected to foster cooperation, vigilance, as well as acceptance of and adherence to rules of public sector integrity (‘rule-obedience’). This would be especially true where the financing of public services is devolved via the assignment of tax instruments or the collection of user fees.
Federalism Good Impact- Solves Secession (1/2)

( ) Federalism provides good alternative to secession

Kymlicka 2001 [Prof. Philosophy Queens U.]
(Will, Politics in the Vernacular, pg. 92)

“In this chapter, I want to focus on one of the most commonly cited mechanisms for accommodating national minorities—namely, federalism. Many commentators argue that federalism provides a viable alternative to secession, since it is uniquely able to accommodate the aspirations of national minorities. Federalism, it is said, respects the desire of national groups to remain autonomous, and to retain their cultural distinctiveness, while none the less acknowledging the fact that these groups are not self-contained and isolated, but rather are increasingly and inextricably bound to each other in relations of economic and political interdependence. Moreover, since federalism is a notoriously flexible system, it can accommodate the fact that different groups desire different levels or forms of self-government.”

Federalism recognizes claims for self government

Kymlicka 2001 [Prof. Philosophy Queens U.]
(Will, Politics in the Vernacular, pg. 95)

“One possible mechanism for recognizing claims to self-government is federalism. Where national minorities are regionally concentrated, the boundaries of federal subunits can be drawn so that the national minority forms a majority in one of the subunits. Under these circumstances, federalism can provide extensive self-government for a national minority, guaranteeing its ability to make decisions in certain areas without being outvoted by the larger society.”
Federalism Good Impact- Solves Secession (2/2)

By not using federalism the state ensures self government for national minority

Kymlicka 2001 [Prof. Philosophy Queens U.]
(Will, Politics in the Vernacular, pg. 97-98)

(__(The status of national minorities became more of an issue as the American government began its territorial expansion to the south and west, and eventually into the Pacific. At each step of this expansion, the American government was incorporating the homelands of already settled, ethnically distinct peoples—including American Indian tribes, Chicanos, Alaskan Eskimos, native Hawaiians, Puerto Ricans, and the Chamoros of Guam. And at each step, the question arose whether the American system of federalism should be used to accommodate the desire of these groups for self-government.__) Devolution doesn’t happen in a country with a well-balanced nation-state system of federalism.

Calabresi, 1995 [Associate Professor, Northwestern University School of Law]
(Michigan Law Review, 94 Mich. L. Rev. 752, December, lexis)

The fortuitous existence of large numbers of federal subunits in countries like Switzerland and the United States blurs over the fault lines of social division while greatly raising the costs of secessionist and devolutionary political movements. To organize secession - or a civil war - in such a federation requires first that you put together a group of cantons or states that want to secede. There may be serious collective action problems in doing this, particularly if the national entity is adept at buying off some of the cantons or states that might be needed most for the secession to succeed. Secessionists in Quebec or Slovakia face no such obstacle, however, because in those instances the geography of federalism reinforces social fault lines instead of covering them over. 43
Federalism Good Impact- Secession Causes War

Gottlieb 1993 [Director of the Middle East Peace Project and Visiting Senior Fellow at the Council on Foreign Relations and Distinguished Visiting Fellow at the Hoover Institution for War and Peace and Leo Spitz Professor of International Law and Diplomacy at the University of Chicago]

(Gidon, Nation Against State: A New Approach to Ethnic Conflicts and the Decline of Sovereignty) 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 and multiplies situations in which external intervention could threaten 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 Good Impact - Environment

Decentralization key to environment protection

Adler, Professor of Law and Associate Director. Center for Business Law & Regulation, Case Western Reserve University School of Law, 2005

Decentralized approaches to environmental protection have many potential advantages over centralized regulatory regimes. Decentralization can enhance the efficiency and effectiveness of environmental controls. No less important, decentralization can allow for experimentation with alternative approaches to environmental protection with which there is relatively little practical experience. "By decentralizing environmental decision making, we may be able to obtain improved responsiveness to changing circumstances and new information," notes Professor Farber. There is no reason, a priori, to view the decentralization of environmental protection as a threat to environmental protection, as opposed to a way of making it "more effective." The potential environmental benefits of decentralization are not merely theoretical. The history and current practice of state and local environmental protection provide ample reason to question the assumption that lessening federal environmental regulatory authority necessarily results in lessened environmental protection. While the federal government is the most conspicuous actor on the environmental stage, state and local governments are the avant garde, developing innovative efforts to enhance the ecological and economic performance of environmental protection. From brownfield redevelopment plans and audit privilege rules to property-based water management and unified, multimedia permitting systems, states are trying to find ways of maximizing the return on investments in environmental policy.
Federalism Bad Impact- US Competitiveness

( ) State power hurts U.S. competitiveness through regulatory checkerboarding

Kincaid, 1995 [Professor of Government and Public Service/Director of the Meyner Center for the Study of State and Local Government]
(John, Rutgers School of Law, Summer, Lexis)
The resurgence of the states has also triggered negative responses among economic conservatives and corporate internationalists who maintain that the nation's competitive position in the global economy is retarded by the complexities and trade barriers created by fifty regulatory regimes. In their view, capital should be free to move to its highest and most efficient uses. Yet, while the federal government deregulated economic sectors under Carter, Reagan, and Bush, the resurgent states escalated regulation. Perceiving lax enforcement of federal anti-trust and consumer-protection laws during the 1980s, for example, many states strengthened their comparable laws, and paralleling the new judicial federalism, many state attorneys general enforced and litigated consumer rights more vigorously. In part, this was a partisan response. The attorney general is elected in 43 states, and in 1989, for instance, 62 percent of the attorneys general were Democrats. Of the six largest states, five (California, Florida, Illinois, New York, and Texas) had a Democratic attorney general. California's Proposition 65 on food labeling, moreover, elicited defenses of states' rights from surprising quarters, such as Jane Fonda and Tom Hayden. Consequently, as some industry lobbyists have put it, business would rather be regulated by one 500-pound gorilla in Washington, D.C. than by fifty monkeys on steroids.
Federalism Bad Impact - Does not Solve Secession

( ) Federalism cannot remove threat of secession

Kymlicka 2001 [Prof. Philosophy Queens U.]
(Will, Politics in the Vernacular) pg. 93

Moreover, even where federalism has been designed in such a way as to accommodate fairly national minorities, it does not guarantee the removal of any threat of secession (section 4). One might have expected that if a federation is successful in accommodating minority nationalism—successful in the sense of fairly managing these conflicts in a peaceful and democratic way, while protecting individual rights and prosperity—then secessionist movements would lose all of their political legitimacy and popular support. But there is no evidence that this is occurring. The ‘success’ of federalism has not been eliminated, or even substantially reduced, support for secession amongst national minorities in the West. Support for secession in Quebec, Flanders, Scotland, Puerto Rico, or Catalonia varies from poll to poll, but there is no evidence for any general downward trend in support. Successful multination federations often contain secessionist movements with substantial levels of popular support. Active and popular secessionist movements are an everyday and accepted part of life in democratic multination federations.
Federalism Bad Impact - Corruption

Decentralization promotes corrupt local government policymaking.


The arguments against decentralization fall into two main categories, those focusing on national effects and those concerned with local effects. First, sub-national governments may use their new-found power in ways that exceed the boundaries of rational distribution of authority and resources from a national perspective. For example, local government may engage in policymaking in areas that have clear inter-jurisdictional spillovers, hence would be more appropriately located within a higher level of government. This usually concerns provision of non-local public goods such as environmental quality and preventive public health interventions, where local government incentives would usually be adverse to expending scarce resources. Another example is the adoption of local policies that undermine national policy objectives such as an open internal market or harmonized fiscal policy. Here, not only might the devolution of tax and regulatory authority open the door to irrational policymaking, but it may also lead to a decentralization of corruption—hence a rise in overall cost and a decrease in predictability.

The second major argument against decentralization concerns the possibility of elite capture of local government (Bardhan and Mookherjee 1998). Decentralization increases the probability of this by sharing authority and resources with government units outside the capital, many of them in rural areas, where political restraints on capture are likely to be weaker. In principle, of course, various institutional and political disciplines might be brought to bear that effectively counteract these dangers.
Uniqueness - Devolution Coming (1/3)

( ) Devolution Coming - Language proves

(Will and Alan, Language, Rights, and Political Theory) pg. 2

Why have language rights and language policy become an issue for political theorists now? We can identify both practical and theoretical factors that have spurred reflection on language issues. At the practical level, we have seen a growing range of political conflicts and challenges throughout the world that are centred on linguistic diversity. At the theoretical level, a series of internal developments within the field of political theory itself have converged on questions of language rights and language policy.

Let’s start with some of the practical conflicts and challenges. Linguistic diversity has emerged as a major source of political controversy in several distinct political contexts, affecting the stability and sustainability of a wide range of political communities. We can distinguish at least five such contexts.

1. Eastern Europe. For some people in the West, reflection on the political significance of linguistic diversity was first stimulated by the experience of eastern European countries after the fall of communism in 1989. Optimistic assumptions about a rapid spread of liberal democracy to the region were quickly shattered by the outbreak of ethnic conflicts, many of them along linguistic lines. Countries that had accorded a range of minority language rights (at least on paper) under the Communist regime often shifted to a policy of official monolingualism. Indeed, laws declaring the majority language as the sole official language were often the very first laws adopted by the newly independent countries of the former Soviet Union or Yugoslavia.² Linguistic minorities understandably felt threatened by the perceived loss of status and rights implied by such laws, and responded with a range of mobilizations, from peaceful protest to violent secession.
Devolution Coming (2/3)

Devolution happening now

(Robert et. al, The World of Policy Analysis: Rationality, Values, and Politics) pg. 133-134

Within the past few decades, the dynamics of American politics have moved the focus for policy change from the national level to the states and, in doing so, have dramatically multiplied opportunities for those engaged in policy analysis. At the same time, the contexts in which analysis occurs have diversified. Not only are there fifty state governments in which to work; a wide variety of think tanks, policy institutes, advocacy groups, and foundations also utilize policy analysts.

Much of the movement of policy initiative to the states can be categorized under the commonly used rubric of devolution. This movement reflects the impact of a number of factors over the past thirty years that have been taking parallel paths toward reducing national power. Historically, President Nixon was the first president to officially recognize the growing demands of state and local officials for greater discretion and policy control. His institution of general revenue sharing, use of block grants in limited areas, and appointment of strict constructionists to the Supreme Court were attempts to limit the expansion of national power in response to the rising unhappiness of state and local leaders.
Uniqueness - Devolution Coming (3/3)

(____) Devolution happening now

(Robert et al., The World of Policy Analysis: Rationality, Values, and Politics) pg. 135

The history of ethnic relations in Western democracies contains many examples of injustice, oppression, coercion, discrimination and prejudice. Yet over the past thirty years, Western democracies have developed a number of interesting, and I believe effective, models for accommodating ethnocultural diversity. One of these models involves the use of federal or quasi-federal forms of territorial autonomy to enable self-government for national minorities and indigenous peoples. I believe that these forms of territorial autonomy are in general a success, and contain potential lessons for other countries around the world struggling with issues of minority nationalism. The merits of these models have often been under-estimated, in part because many people measure success by what I believe is an inappropriate criterion: namely, the absence of secessionist mobilization. Many people believe that any reform of the state can only be declared a success if it removes secession from the political agenda, and indeed makes the very idea of secession unthinkable. By this standard, many Western countries which have adopted territorial autonomy are far from successful, since they contain active and influential secessionist movements.
Uniqueness - Secession Coming

(\_) Secession Risk High

(Will and Alan, Language Rights and Political Theory) pg. 4

linguistic issues are far from being resolved. A clear example is the situation of ethnic minorities in the West. Historically, the most important and bitter have been conflicts between a dominant language group and various smaller but still powerful regionally concentrated and historically rooted language groups. Examples include regional language groups in Belgium (Flanders), Spain (Catalonia and the Basque Country), Canada (Quebec and parts of several other provinces), Italy (the German-speaking South Tyrol), United States (Puerto Rico), and Switzerland (the French- and Italian-speaking cantons).

These are the closest analogues in the West to the sorts of conflicts we see in eastern Europe, which also typically involve conflicts between dominant national groups and regionally concentrated historically rooted linguistic minorities. As in eastern Europe, these conflicts in the West have been most intense when the dominant national group attempts to impose its language as the state language on all parts of the country, including those regions which the minority views as its historic homeland. Such attempts have typically generated strong resistance, from peaceful protest to secessionist movements. The outcome of these conflicts has varied widely from country to country.
Federalism is spreading throughout the world.

Calabresi, 2001 [Professor of law at Northwestern University]
(Steven G., The American Academy of Political and Social Science, March, lexis)
Second, federalism should seem important to the justices because it is an important feature of the landscape throughout the contemporary world in which we live. Our world is filled with stories about newly emerging federalisms, both because of the growth of new confederal international trading arrangements like the European Union and the North American Free Trade Agreement and because of the dissolution of once-unitary nation-states into new federalist entities, as is happening in Spain and Great Britain. These two developments suggest that we are living in what could be called an Age of Federalism, in which once-unitary nation-states are increasingly losing importance as some functions like trade and national defense get pushed up into the hands of new confederal decision makers, while other functions, like culture and education, get devolved down to new regional authorities (Calabresi 1995).
Other countries follow the US’s constitutional federalism.

Calabresi, 1995 [Associate Professor, Northwestern University School of Law]
(Michigan Law Review, 94 Mich. L. Rev. 752, December, lexis)
At the same time, U.S.-style constitutional federalism has become the order of the day in an extraordinarily large number of very important countries, some of which once might have been thought of as pure nation-states. Thus, the Federal Republic of Germany, the Republic of Austria, the Russian Federation, Spain, India, and Nigeria all have decentralized power by adopting constitutions that are significantly more federalist than the ones they replaced. Many other nations that had been influenced long ago by American federalism have chosen to retain and formalize their federal structures. Thus, the federalist constitutions of Australia, Canada, Brazil, Argentina, and Mexico, for example, all are basically alive and well today.

Other countries follow the example of federalism we set, thereby ensuring a system of peace and prosperity

Calabresi, 1995 [Associate Professor, Northwestern University School of Law]
(Steven G., Michigan Law Review, 94 Mich. L. Rev. 752, December, lexis)
We have seen that a desire for both international and devolutionary federalism has swept across the world in recent years. To a significant extent, this is due to global fascination with and emulation of our own American federalism success story. The global trend toward federalism is an enormously positive development that greatly increases the likelihood of future peace, free trade, economic growth, respect for social and cultural diversity, and protection of individual human rights. It depends for its success on the willingness of sovereign nations to strike federalism deals in the belief that those deals will be kept. The U.S. Supreme Court can do its part to encourage the future striking of such deals by enforcing vigorously our own American federalism deal. Lopez could be a first step in that process, if only the Justices and the legal academy would wake up to the importance of what is at stake.
Internal- US Federalism Model Fails

( ) US federalism cannot be multinational and transfer will worsen push for secession

Kymlicka 2001 [Prof. Philosophy Queens U.]
(Will, Politics in the Vernacular) pg. 93

Of course, many federal systems were not designed as a response to ethnocultural pluralism—e.g. the United States or Australia. In these federal systems, the federal units do not correspond in any way with distinct ethnocultural groups who desire to retain their self-government and cultural distinctiveness. I will discuss the American model of federalism in section 2, but my focus in this chapter is on countries that have adopted federalism in order to accommodate national minorities.

While democratic multinational federations have been quite successful to date, federalism is no panacea for ethnolinguistic conflicts, and my aim in this paper is to explore some of the difficulties in using federalism to accommodate minority nationalism. The success of federalism depends on many factors, but I will focus in particular on how the boundaries of federal subunits are drawn, and how powers are distributed between different levels of government. These are pivotal issues for the fair accommodation of minority nationalisms, yet it is extremely difficult to get consensus on them, and they are (and will remain) the subject of intense and interminable controversy (sections 2 and 3).
International Federalism - Decentralization Fails

Local governments are better at plan implementation.

Azfar, 2004 [Professor for the Center on Institutional Reform and the Informal Sector] (Omar, Tugrul Gurgur, Patrick Meagher, Ashgate Publishing Limited, Devolution and Development: Governance Prospects in Decentralizing States) pg. 198
International Federalism - Decentralization key to accountability

Devolution is good - improves efficiency and better governance.


Decentralization, that is, the devolution of power to regions and localities, opens new opportunities for better governance and changes the incentives of public officials. It can improve public sector efficiency through increased accountability of public servants; customization of fiscal regimes, regulations, and social programs to local needs and preferences; and competition among jurisdictions for economic resources and tax bases.
Multinational Federalism Causes Secession

( _) Multi-Nation federalism encourages secession-risks war and international snowball

Kymlicka 2001 [Prof. Philosophy Queens U.]
(Will, Politics in the Vernacular) pg. 91

( _) Multi-Nation federalism fails to solve secession drive

Kymlicka 2001 [Prof. Philosophy Queens U.]
(Will, Politics in the Vernacular) pg. 91-92
Better treatment from federalist government

Kymlicka 2001 [Prof. Philosophy Queens U.]
(Will, Politics in the Vernacular, pg. 98)

Indeed, far from helping national minorities, there is reason to believe that American federalism has made them worse off. Throughout most of American history, Chicanos, American Indian tribes, and native Hawaiians have received better treatment from the federal government than from state governments. State governments, controlled by colonizing settlers, have often seen national minorities as an obstacle to greater settlement and resource development, and so have pushed to strip minorities of their traditional political institutions, undermine their treaty rights, and dispossess them of their historic homelands. While the federal government has of course been complicit in much of the mistreatment, it has often at least attempted to prevent the most severe abuses. We can see the same dynamic in Brazil, where the federal government is fighting to protect the rights of Indians in Amazonia against the predations of local state governments (see chapter 7).  

(____) Ethnic federalism key to community

Selassie 2003 [Associate Professor of Law, College of William and Mary Law School]
Like most broad political or legal concepts such as "democracy" or "constitutionalism," "federalism" can mean different things to different people. The indeterminacy of its meaning must be due, in part, to the sheer proliferation of governments that purport to be federal. Still, commentators generally agree that a federal system has two essential attributes. First, federalism requires that political power be structurally dispersed among many centers of authority. The purpose and effect of such dispersion is to create a "set of nested, geographically based governmental institutions in which the central authority and each of the subauthorities exercise separate normative control over segments of the political environment." In Daniel Elazar's concise formulation, the essence of federalism is "self-rule plus shared rule." By virtue of this principle, the subunits have the right to enjoy part of the autonomy they would have possessed as independent states, while the central government has the right to retain a certain level of authority over the entire territory. Federalism's second attribute lies in the nature of a constitutional mandate guaranteeing the legitimacy of the authority of the various centers and their claims of right against the central government. In a unitary system, decentralized power is a matter of grace liable to be reclaimed at the discretion of the central government. By contrast, in a federal system, "subordinate units possess prescribed areas of jurisdiction that cannot be invaded by the central authority, and leaders of the subordinate units draw their power from sources independent of that central authority." Why does federalism disperse political power in this way and limit the authority of the central government from prescribing norms that apply across the board to all subunits? By way of answering this question one will surely discover the promise of a federal solution for ethnic groups. A constitutionally mandated diffusion of power allows normative disagreements among the subunits so that each community may live by its own lights and according to its own values, while retaining membership in the wider national community. A federal system thus aims to provide a mechanism for uniting different communities within the framework of an overarching political system which still allows each community to maintain its fundamental integrity.
China- Risk of Secession High (1/2)

(_) Chinese minority populations pushing for secession

Rowcliffe, 2002 [master's degree in Asian politics from the University of Toronto]
(Devon, http://individual.utoronto.ca/devon/federalism.pdf, downloaded 6/23/05)

With such a catastrophic, although perhaps farfetched, scenario in mind, those who pull the strings in the Chinese government have been simply unwilling to download a great degree of power to the various minority groups. And yet, China’s minorities will continue to remain in an antagonistic relationship with Beijing as long as they feel they are unable to run their own affairs to a satisfactory degree. Thus, a catch-22 emerges: no power has been delineated for fear of inciting secessionist uprisings, and yet such pro-independence sentiment will never relax as long as the relationship between the centre and the minority populations remains antagonistic and paternalistic.

(_) Minorities perceive themselves to be discriminated against and to have little power.

Rowcliffe, 2002 [master's degree in Asian politics from the University of Toronto]
(Devon, http://individual.utoronto.ca/devon/federalism.pdf, downloaded 6/23/05)

A considerable amount of official rhetoric that speaks of all ethnic groups being equal in China exists; however, these official praises are merely formalities, unable to sufficiently mask the systemic discrimination that frequently persists against minority peoples. Beijing’s official claims of ethnic equality become immediately irrelevant; all that matters is whether China’s ethnic/peripheral peoples perceive themselves as being systematically discriminated against. And as long as this perception ensues, anti-systemic sentiment will continue to flourish within the PRC.

As Ron Gluckman argues, such minority groups as the Uighurs of Xinjiang do indeed perceive themselves as being less than equal to the ethnic Han in Xinjiang province. One Western diplomat in Beijing reckons that 20-25% of Xinjiang’s population are Han police and army officers, stationed primarily to quell any potential anti-PRC movements. So when Uighurs look around as see themselves living in a virtual police state, what are they to think? Doesn’t Beijing’s overly heavy-handedness feed into the already existing notion among Uighurs that they are strangers in their own land?
Secessionist groups are beginning independence movements that threaten Chinese unity.

Rowcliffe, 2002 [master's degree in Asian politics from the University of Toronto] (Devon, http://individual.utoronto.ca/devon/federalism.pdf, downloaded 6/23/05)

As a consequence of the great deal of grievances the numerous minority groups in China have built up over the decades as part of the PRC, many secretive independence movements have been established. Several underground separatist movements have begun or re-emerged in recent years in China, most noticeably from the peoples of Tibet, Xinjiang, and Inner Mongolia. Members of these secessionist groups have led numerous vocal protests and have even resorted to armed resistance to further their respective causes. As one store owner in Xinjiang was recorded saying, “Uighurs have to fight for everything. Better to fight the Chinese.”

A significant number of groups have been fighting a periodic campaign against Han rule in Xinjiang for more than a decade. As Louise Hildago notes, “demands for self-determination by the Uighurs of Xinjiang have been growing ever since the break-up of the Soviet Union and the emergence across the border of the Central Asian States, which are home to millions of Muslims very like themselves.” Over the years, various instances of outbreaks of separatist violence have occurred. 1996 and 1997 were particularly heavy years, “when riots erupted in several towns and bomb blasts rocked Urumqi, and even Beijing.” Beijing responded with a crackdown against any Uighurs suspected of having any involvement in anti-Beijing activities, culminating in 2000 with a large number of arrests, most notably of prominent millionaire Uighur entrepreneur Rebiya Kadeer.
China- Chinese Government Failing

( _) China does not have a solution to secessionist movements now

Rowcliffe, 2002 [master's degree in Asian politics from the University of Toronto]
(Devon, http://individual.utoronto.ca/devon/federalism.pdf, downloaded 6/23/05)

At the present, there is simply no coherent or thorough strategy for ensuring the defusion of secessionist sentiment. Nor is there any concrete or well thought-out plan for giving more voice to the various regions within China despite the apparent liberalization of the economy (and increasingly even the political system), a factor which would seem to depend on the promotion of greater regional diversification and expression of local interests. The simplistic and short-sighted solution Beijing continues to employ to ensure stability is merely heavy-handed coercion, a strategy which may not hold up in light of China’s rapid transition and social changes. If a political crisis were to occur in the future, and Beijing’s ability to crackdown upon such a scenario were limited, there would be little the CCP could do to prevent catastrophic problems, including territorial aggrandizement. Seeing as many of the PRC’s areas are involuntarily part of the PRC, common sense would lead one to believe such regions would pounce at the opportunity to leave the PRC should such an opportunity arise. With this in mind, Beijing’s strategy of keeping China together with the barrel of a gun alone seems a rather short-sighted solution. >
China- Federalism Solves Secession (1/3)

(____) A federal system granting outlying provinces more power would ease tensions.

Rowcliffe, 2002 [master's degree in Asian politics from the University of Toronto]
(Devon, http://individual.utoronto.ca/devon/federalism.pdf, downloaded 6/23/05)

If Beijing truly wishes for China’s ethnic/peripheral areas to become politically stable, obviously attempting to lessen this perception of state-fostered discrimination and ethnic tension is of paramount importance. By downloading significant autonomy to these disgruntled regions, a federal political framework carries with it the potential to help ease some of these such highly antagonistic relationships between Beijing and the regions. Obviously a federal solution is not the only possible answer, but a significant delineation of power to the provinces would likely alter currently held perceptions against Beijing for the better.

(____) Beijing names certain provinces “autonomous regions” but gives them no real power, only furthering anti-PRC sentiment.

Rowcliffe, 2002 [master's degree in Asian politics from the University of Toronto]
(Devon, http://individual.utoronto.ca/devon/federalism.pdf, downloaded 6/23/05)

Despite the official existence of numerous “autonomous regions” at the provincial, county, and township levels where high numbers of ethnic minorities reside, these national groups have little control over their own affairs in practice. The designation of autonomy is a facade in virtually all of these regions; the vast majority of people from these areas actually enjoy less autonomy than their Han counterparts outside of these supposedly “autonomous” areas. As was already mentioned, many of the areas are under virtual police/military rule, firmly kept under the political thumb of Beijing. With apologizes to Mao Zedong, the “autonomous regions” are nothing but “paper tigers” in practice.

And yet, calls for Beijing to download significant autonomy to the regions are often rebuffed with the remark that these minority ethnic groups already enjoy “autonomous region” status. Clearly, little autonomy exists in practice; if anything, the obvious lack of autonomy, combined with Beijing’s heavy-handed behaviour in governing most of these regions, further exacerbates anti-PRC sentiment in many of the regions.
A system of federalism is needed to prevent an outbreak from provinces wanting more power.

Rowcliffe, 2002 [master's degree in Asian politics from the University of Toronto] (Devon, http://individual.utoronto.ca/devon/federalism.pdf, downloaded 6/23/05)

Federalism would decrease the risk of secession and improve relations between Beijing and its provinces.

Rowcliffe, 2002 [master's degree in Asian politics from the University of Toronto] (Devon, http://individual.utoronto.ca/devon/federalism.pdf, downloaded 6/23/05)
In order to prevent secession, Beijing needs to give its outlying provinces more rights.

Rowcliffe, 2002 [master's degree in Asian politics from the University of Toronto]
(Devon, http://individual.utoronto.ca/devon/federalism.pdf, downloaded 6/23/05)

Admittedly, various recent heavy-handed campaigns by Beijing have succeeded at quelling separatist acts. But as this paper has already argued several times, such actions simply hide the symptom of antagonism and secessionist sentiment, rather than curing the actual disease of alienation itself. If there is no permanent solution, sooner or later, perhaps during a moment of political turbulence, Beijing will find itself up against insurmountable odds. Admittedly, such developments as the formation of the Shanghai Cooperation Organization have made it increasingly difficult for regionalist independence movement, since supporters of such underground campaigns face more difficulty funneling their operation through states neighbouring China. But again, these kinds of organizations only treat the symptoms of regional alienation, and not the causes.

The question for the central Chinese government becomes how to satisfy the demands of these minority peoples in China while avoiding unintentional encouragement of independence movements and forms of territorial aggrandizement. If strong-arm tactics and assimilation are not credible options for the central government, what other alternatives can Beijing turn to?

Any new political system would have to satisfy a long list of requirements. First, it would have to ease the current ethnonationalism and support for secessionism that exists among so many of the PRC’s ethnic minority groups. It would also need to help foster less antagonistic relations between the centre and periphery regions, as well as between the Han and ethnic minorities. Such a framework would need to contain a significant downloading of political (and economic) controls to the regional level, in order to satisfy the demands for autonomy made by China’s ethnic nations. At the same time, such a system would have to incorporate barriers against territorial aggrandizement and separatist movements. Hopefully such a task could be accomplished by encouraging China’s periphery regions and minorities to choose to voluntarily remain within the framework of the PRC. Hence, such a system would need to promote a more long-term form of stability than what is in place today.

Convincing China’s numerous minorities they would be better off remaining in the PRC on their own free volition could prove a rather difficult task. For starters, they need to be offered genuine and significant autonomy. To put it quite bluntly, Beijing needs to make it worth their while to stay in the PRC. Obviously this is no easier matter, given the various emotional scars related to past repression and various animosities. Whatever offer Beijing eventually makes to the peripheral provinces in order to convince them to remain in China had better include a significant package of concessions, lest such an offer be refused.

It thus becomes clear that real autonomy must be granted to the regions by Beijing in order to curry their favour. Areas such as Xinjiang, Tibet, and Inner Mongolia need to have more say and control over their own affairs if they are to ever conceive of remaining within the PRC if given the chance to leave. This would mean a significant change from the current political status-quo: Beijing would need to back off and let regions have more control over their own local political and economic affairs.
China- Federalism Solves Legal System

( ) Federalism would improve China's legal system.

Rowcliffe, 2002 [master's degree in Asian politics from the University of Toronto]
(Devon, http://individual.utoronto.ca/devon/federalism.pdf, downloaded 6/23/05)

Implementing federalism could potentially prove a clever way for the reformers within the CCP to promote efforts to depoliticize and strengthen the judicial system in China. Much like how Zhu Rongji took advantage of China's WTO accession to convince the party leadership that several significant economic liberalization reforms were necessary, the more reform-oriented leaders of the CCP could use the shift to federalism as an impetus to introduce greater promotion and protection of the rule of law in China. Perhaps even the move to federalism itself, given its delineation of autonomy to regional bodies, could help promote the rule of law in China. As Meixin Pei notes, "...the greatest weakness of China's legal system is political: The unchallenged power of the CCP undermines the authority of the judiciary and limits its effectiveness."
Federalism would decrease tensions between minority groups and Beijing.

Rowcliffe, 2002 [master's degree in Asian politics from the University of Toronto] (Devon, http://individual.utoronto.ca/devon/federalism.pdf, downloaded 6/23/05)

A federal system has the potential to benefit minority peoples in numerous ways. Procuring increased control over various economic, political, cultural and social jurisdictions would allow these peoples the satisfaction of having autonomy over their own local affairs. A likely result would be a decrease of tensions between the minority peoples and Beijing, leading to a less antagonistic relationship between the centre and its peripheries. The removal of the perception of being “under siege” culturally, linguistically, religiously, and so forth, would go to great lengths at pleasing disgruntled ethnic minority groups. Provinces containing significant numbers of minority peoples would likely be administered with increasing efficiency if given greater autonomy over their local issues.
China- No risk of secession

( ) China’s provinces will not secede due to the heterogeneous mixture of ethnicities in each region.

Rowcliffe, 2002 [master's degree in Asian politics from the University of Toronto]
(Devon, http://individual.utoronto.ca/devon/federalism.pdf, downloaded 6/23/05)

Despite Beijing’s reluctance to resort to blunt force in recentralizing its power and quelling political subversion, minority ethnic groups that entertain secessionism are unlikely to actually announce their independence from Beijing and the PRC anytime soon. A key problem facing the regional secessionist challenges in China lies in the fact that China’s provinces are not even remotely close to being ethnically homogeneous. For example, while Uighurs are the titular ethnicity in Xinjiang, they make up only a relatively bare majority: the November 2001 national census notes that approximately 40% of Xinjiang’s inhabitants belong to the Han ethnic group. To complicate matters even further, many of the minority groups live in more than just a single province, making efforts to secede from China rather difficult to formulate. For example, a considerable percentage of ethnic Tibetans in the PRC reside in Qinghai, Sichuan, and even Gansu. Thus, if the Uighurs or Tibetans wanted to declare their independence from the PRC, it would be much more difficult than declaring that Xinjiang or Tibet, respectively, were to leave China.
China- Federalism Undermines China

Federalism would cause China’s central government to lose its power and authority.

Rowcliffe, 2002 [master's degree in Asian politics from the University of Toronto]
(Devon, http://individual.utoronto.ca/devon/federalism.pdf, downloaded 6/23/05)

Beijing would certainly stand to lose control over numerous realms if significant and genuine autonomy were to be delineated down to the provinces. While Beijing would still remain the political top dog overseeing the entire federation, it would not have as much power on paper as it currently enjoys. Perhaps the central government would transform from a tradition authoritarian entity to a “soft authoritarian” body, something similar to the central government in Singapore.
Iraq- Federalism Solves Violence

(____) Iraqi federalism reduces the chance for violence

Alec Walen, Professor of Philosophy of Law, University of Baltimore, April 10, 2003

If one faction has the ability to gain control of a society - as the Ba'ath party did in Iraq - it is likely to abuse its power to pursue its own interests. But if many different factions, in shifting coalitions, are competing for power, Madison reasoned, then no one faction will be able to abuse power. Moreover, members of all factions will learn to respect the value of checks on power because, from time to time, at least in certain regards, all will be members of factions that are out of power. Establishing a federal government in Iraq should give rise to such a system, one with many different factions in shifting coalitions. Each new, or newly empowered, province will form a faction of its own. If power is held largely at the national level, then each will compete for power on the national stage, rather than look to secede. If there are many provinces, and none is distinctly more powerful than the rest, then each will have to form coalitions with each other to have access to power. Moreover, if the provinces themselves are not monolithic, but have a number of different concerns, then over time, these coalitions will shift. New coalitions will arise to reflect new developments in what matters most to the people in the various provinces. And with such shifting coalitions, the opportunity for one faction or one coalition to lock onto power will be reduced.
Iraq- Federalism Possible

Alec Walen, Professor of Philosophy of Law, University of Baltimore, April 10, 2003

A better solution would be to use geographical territories that are not drawn as attempts to capture ethnic identities. Here is one tentative suggestion: look to the governorates or administrative units that have been used in Iraq during the past century. Currently Iraq is divided into eighteen governorates. Under the 1924 constitution, Iraq was divided into 14 administrative regions. Without knowing far more than I do about these regions, it is impossible for me to judge which would be a better foundation for a federal system. But at an abstract level, at least, both provide enough units to create a meaningful upper house in the legislature. And both should provide enough and sufficiently small units that there is little chance that one unit would be able to dominate the rest. Ultimately, the design of a federal system for Iraq would have to be worked out by some form of constitutional convention, held under an interim government. My aim here is not to propose details for the federal system. Rather, it is to suggest that a federal system, if properly designed, could provide a middle road between stability without democracy and democracy without stability.
Iraq- Federalism causes War

(__) Iraqi federalism will result in fragmentation and war

Alec Walen, Professor of Philosophy of Law, University of Baltimore, April 10, 2003

Unfortunately for the DPWG, federalism in Iraq seems to carry a huge cost: devolving power to the provinces threatens to lead to the disintegration of Iraq as a country. Each province could grow to feel that it has its own distinct identity, and that it would be better off governing itself without any restrictions from the center. The dangers of fragmentation are quite real. Fragmentation would likely result in a series of bloody civil wars, made especially grave as groups struggle to control Iraq's vast oil reserves. In addition, the secession of the Kurds in particular would likely draw Turkey into the fray. Turkey has a large Kurdish population of its own, and it does not want to see an independent Kurdistan on its borders, tempting its own Kurds to try to secede in order to create a greater Kurdistan. Given these dangers, it is no surprise that the State Department has not embraced the DPWG's Final Report. Indeed, the State Department has of late been pushing a plan that actually looks to keep the bulk of the current Iraqi administration, minus the leading figures, in place. This seems to leave Iraq between a rock and a hard place. On the one hand, the democratic movement's plan seems to threaten the stability of Iraq. On the other hand, the State Department's plan would not amount to meaningful regime change. And regime change that merely takes out some leading figures, that does not create fundamental democratic reforms, would not be worth the costs of the war, a war waged under the name "Iraqi Freedom."
Iraq- Federalism not Possible

Alec Walen, Professor of Philosophy of Law, University of Baltimore, April 10, 2003

Among the most basic concerns in establishing a federal system is determining what the underlying units would be. It might seem tempting, given that there are three large ethnic groups in Iraq, to try to divide Iraq into three provinces: one Kurdish, one Sunni Arab, and one Shiite Arab. But the DPWG Report gives four good reasons not to pursue such a structure. First, such a system would be difficult to construct because the ethnic groups are not that well concentrated in discrete territories. There are Kurds in the middle section and Arabs in the north. Second, many people have been ethnically cleansed or moved from one region to another. It would be difficult to decide whether current or former residents of a region would get to claim it, and decisions one way or the other would likely spark considerable animosity on the losing side. Third, such a system would be unfair to the smaller but not insignificant ethnic groups such as Assyrians, Chaldeans, Turkmen, and Armenians who would not get a state of their own. Fourth, such a system would reinforce the ethnic divides that threaten to fragment Iraq in the first place. To these four points can be added the observations that it would be hard to achieve the virtues of federalism - the many different factions in shifting coalitions, operating in an upper house of the legislature - if there were only three large, ethnically based provinces.

Democracy in Iraq is not sustainable

Alec Walen, Professor of Philosophy of Law, University of Baltimore, April 10, 2003

There are three primary reasons why democracy threatens stability in Iraq. First, if Iraq were to adopt a democracy based on proportional representation, that would likely bring about a radical shift in power. The majority of Iraqis are Shiite Muslim Arabs who live primarily in the south of Iraq. Saddam Hussein's regime is drawn from the Sunni Muslim Arab minority in the central region of Iraq. Instituting democracy based on proportional representation will likely shift power from the Sunni Arabs to the Shiites. That raises the risk of reprisals by Shiites against former Ba'ath party members, and perhaps Sunni Arabs in general, for years of oppression. It also raises the risk of resistance to the new government on the part of those desperate not to lose power. Second, Iraq's neighbors do not want real democracy in Iraq, and may seek to interfere with or undermine it. First, the neighboring Arab regimes - Syria, Jordan, Saudi Arabia and Kuwait - are all Sunni regimes, and they do not want to see the emergence of a powerful Shiite Arab voice. Second, none of the neighboring Arab regimes is meaningfully democratic, and each has reason to worry that a functioning Arab democracy might destabilize its own authoritarian regime. Third, the democratic movement in Iraq is interested not only in establishing a democratic government, but more specifically in establishing a federal democratic republic. But a democracy with a federal structure threatens to fragment Iraq. This third point calls for elaboration. Why does the Iraqi movement want a federal structure for democracy, and why would such a structure threaten the stability of Iraq?
Afghanistan- Federalism Solves Violence

Federalism will prevent collapse of Afghanistan

Hale, 2002, [Assistant Professor of Political Science at Indiana University]
The future security and stability of Russia, Central Asia, and the Caucasus – all struggling to deal with the simultaneous forces of terrorism, crime, narcotics, poverty, and disease – require a successful political and economic transformation in Afghanistan. A federal system was rejected in favor of a unitary state structure for Afghanistan, but the government of Hamid Karzai has faced great difficulty extending central authority much beyond Kabul. New questions about state-building there and elsewhere in the region should compel policymakers to reconsider federalism among a range of options for how best to organize this complex and diverse society. Although critics charge that a federal solution to state organization enhances social cleavages and fosters instability, federalism could be a viable and effective option if constructed to minimize the power and influence of the demographically dominant group.
Federalism could also backfire if structured exclusively along ethnic lines. However, a more carefully crafted federal arrangement could simultaneously stress more inclusive subethnic identifications (such as regional identities) and affirm provincial leaders’ stake in a united Afghanistan. No solution will be ideal in such a fragmented society. Warlords will almost certainly use federal arrangements in the short run to accentuate their own power. In light of the alternative, however, federalism is an appealing option. Even a quasi-democratic, imperfect federation looks attractive compared to a weak, Kabul-based, unitary government that only pretends to control de facto autonomous regions and that lacks an institutional framework capable of fusing central and provincial authority over the longer run in a democratic system.

Federalism should not be ruled out as a solution to Afghanistan because of its past failures. When federalism has been constructed without a core ethnic region – even in complex and ethnically diverse societies such as India – it has tended to avert state breakup and massive, ethnically inspired civil wars. Examples include, among others, Spain, Malaysia, the Russian Federation, and even Nigeria, which has experienced nothing like the Biafran civil war since it subdivided its core ethnic region (and the rest of the country as well).
Afghanistan- Federalism Will Work

Afghanistan’s geography and composition lend themselves perfectly to successful federalist rule.

Cameron, 2001 [Member of Parliament for Witney, Head of Policy Co-ordination for the Conservative Party]
(David, “Federations”, Special Issue on Afghanistan, October, http://www.institute-for-afghan-studies.org/AFGHAN%20CONFLICT/Federalism/Federations%20Magazine%20102601.pdf#search='A%20Role%20for%20Federalism%20in%20Afghanistan%20after%20the%20Taliban, downloaded 6/24/05)

Afghanistan looks like a perfect candidate for federalism. Much in its history, geography and social composition suggests that the introduction of a federal form of government might be part of the cure for the country’s ills, once the Taliban is removed from power and the moment has come for a new constitution. The population of 26 million, scattered over a territory the size of Manitoba, is composed of several ethnic groups (Pashtoon, Tajik, Hazara, Uzbek and others), two main language communities (Dari or Afghan Persian and Pashtoo), and two branches of Islam (Sunni and Shi’a). While these elements communities with fierce local loyalties, there appears to be at the same time an enduring sense of Afghan identity. The attempt to exercise centralized power, usually associated with the Pashtoon ethnic community which forms about 38% of the population, has too often been experienced by other elements in Afghan society as a form of domination and exclusion, creating dissidence and resistance in response. The combination of sentiments of national (Afghan) identity and powerful local loyalties, based on region, ethnicity, language and sectarian difference, establishes the socio-political conditions for a highly decentralized form of federal government. The idea of combining shared rule at the centre for some common purposes with self-rule in the regions for other purposes offers a possible means of accommodating the deep cleavages in a war-torn country, and releasing the national and local energies that will be required to re-build Afghan society, once the current troubles are brought to an end.
Afghanistan- Federalism causes violence

(__) Federalism in Afghanistan cause greater communal violence

Zakhilwal, 2001 [Staff Writer for the Institute for Afghan Studies, PhD Economics, Senior Research Economist with the Government of Canada]
(Omar, “Federations”, Special Issue on Afghanistan, October, http://www.institute-for-afghan-studies.org/AFGHAN%20CONF/LICT/Federalism/Federations%20Magazine%20102601.pdf#search='A%20Role%20for%20Federalism%20in%20Afghanistan%20after%20the%20Taliban, downloaded 6/24/05)

As far as federalism goes, it is not a governance option for Afghanistan. Many who know the ground reality in Afghanistan would agree that federalism is not only unnecessary under the circumstances, but it also would serve as a recipe for deeper divisions among diverse ethnic groups in Afghanistan and would lead to a subsequent disintegration of the country. Those who propose federalism as a preferred option for governance in Afghanistan often cite grievances among minorities” over their marginalisation by previous governments as a reason for change. However, they fail to explain why a unitary system—of the type we used to have—couldn’t be improved upon to take care of the inclusion of all ethnic groups in the governance of Afghanistan. The truth remains that of the many factors that can be listed as possible causes of the on-going crisis in Afghanistan, grievances from different ethnic groups in Afghanistan over the type of government we used to have is not one of them. This is not to claim that the governance system that used to exist in Afghanistan was free of faults—in fact, no such government exists in any part of the world. However, given the complex cultural, historical, demographic and geographic realities of Afghanistan, it was a government that could be built upon and a government that certainly was superior to a federalist system. A change in the system just for the sake of change is not necessary and, in fact, is meaningless unless there are valid reasons to believe that it is necessary. The root causes of the current abject state of Afghanistan have always been foreign interventions. First, it was the Soviet invasion of Afghanistan, and then the neighbouring countries continuously pursuing their various self-interests in Afghanistan at the expense of peace and stability there. The ongoing war in Afghanistan would be better described as a proxy war by neighbours, rather than as a civil war, as it is termed by most foreign observers. Some foreign experts who threw in the ethnic factor in their mix of causes for the Afghan crisis are mistaken at best. Most such analysis is based on the observed fact that the current warring factions in Afghanistan are formed around ethnic and regional lines. For example, the Taliban are predominantly Pashtoons from the South and East, while the Northern Alliance derives its military manpower from the Tajeks, Uzbeks and Hazaras of Northern and Central Afghanistan. All factions are extremely ethnocentric, with each having committed serious war crimes against the people of rival ethnic groups on numerous occasions throughout the internal war. This, in turn, is translated into evidence of grievances that existed among ethnic groups because some (majorities) in previous governments marginalized others (minorities).
Afghanistan- Federalism Causes War

(____) Federalism in Afghanistan would lead to war-it requires re-drawing of internal boundaries.

Smith, 2002, [Expert on Eurasian Affairs]

As soon as the Taliban were gone, debate began in the west of whether Afghanistan should adopt a Federal structure. German foreign minister Joshka Fischer was understandably one of the first to argue for this solution, arguing it would be the only way to ensure stability and some form of representation of all groups in the country. However, some U.S. experts strongly voiced their concern that federalism for Afghanistan might hamper efforts to stabilize this country, and cause return to more war as it would imply the balkanization of the country; as it would imply a re-drawing of internal boundaries, which would be certain to raise tensions and lead to war. The debate is still raging; some high-ranking Administration officials, like Secretary of State Colin Powel and Secretary of Defense Donald Rumsfeld, have not ruled out this kind of state structure for Afghanistan. Several American senators and congressmen, during hearings in Capitol Hill, also supported a federal state structure for Afghanistan.
Afghanistan- Collapse Causes Terrorism

(\_) Afghanistan political instability will lead to a spread of terrorism and failed states

Hale, 2002, [Assistant Professor of Political Science at Indiana University]

The stakes in Afghanistan are very high. Failure to ensure political stability there will discourage populations elsewhere from risking their lives to dump pro-terror dictators in the future. Afghanistan is also an integral part of the broader Eurasian community of states. Pakistan, Russia, and Georgia have already demonstrated their inability to control terrorist activity within their borders. Some Central Asian countries, notably formerly war-torn Tajikistan and Kyrgyzstan, appear vulnerable to state collapse. While Uzbekistan has developed a strong state, its densely populated and impoverished Fergana Valley, known for its youthful male ennui, remains Central Asia’s most fertile potential breeding ground for militant Islamic groups. Sustained anarchy in Afghanistan would exacerbate each of these dangers, and Afghanistan would remain a source of arms, narcotic wares, and geographical cover for destabilizing networks that could fan out into the region. Conversely, a stable, integrated Afghanistan would open the doors to cooperative ventures, such as a possible pipeline from the Caspian Basin, which would help usher in economic improvement and regional collaboration. We need to get this one right.
Russia- Risk of Devolution High

(,) Russia is at risk of devolutionary spiral

Vaknin, 2005 [Ph D United Press International (UPI) Senior Business Correspondent]

Both the economic resources and the political levers in prosperous regions are in the hands of a few businessmen and "their" politicians. In some regions, the movers and shakers are oligarch-tycoons - but in others, businessmen formed enterprise associations, akin to special interest lobbying groups in the West. Inevitably such incestuous relationships promote corruption, impose conformity, inhibit market mechanisms, and foster detachment from the centre. But they also prevent internecine fighting and open, economically devastating, investor-deterring, conflicts. Economic policy in such parts of Russia tend to be coherent and efficiently implemented. Such business-political complexes reached their apex in 1992-1998 in Moscow (ranked #1 in creditworthiness), Samara, Tyumen, Sverdlovsk, Tatarstan, Perm, Nizhny-Novgorod, Irkutsk, Krasnoyarsk, and St. Petersburg (Putin's lair). As a result, by early 1997, Moscow attracted over 50% of all FDI and domestic investment and St. Petersburg - another 10%. These growing economic disparities between the regions almost tore Russia asunder. A clunky and venal tax administration impoverished the Kremlin and reduced its influence (i.e., powers of patronage) commensurately. Regional authorities throughout the vast Federation attracted their own investors, passed their own laws (often in defiance of legislation by the centre), appointed their own officials, levied their own taxes (only a fraction of which reached Moscow), and provided or withheld their own public services (roads, security, housing, heating, healthcare, schools, and public transport). Yeltsin's reliance on local political bosses for his 1996 re-election only exacerbated this trend. He lost his right to appoint governors in 1997 - and with it the last vestiges of ostensible central authority. In a humiliating - and well-publicized defeat - Yeltsin failed to sack the spectacularly sleazy and incompetent governor of Primorsky krai, Yevgeni Nazdratenko (later "persuaded" by Putin to resign his position and chair the State Fisheries Committee instead). The regions took advantage of Yeltsin's frail condition to extract economic concessions: a bigger share of the tax pie, the right to purchase a portion of the raw materials mined in the region at "cost" (Sakha), the right to borrow independently (though the issuance of promissory notes was banned in 1997) and to spend "off-budget" - and even the right to issue Eurobonds (there were three such issues in 1997). Many regions cut red tape, introduced transparent bookkeeping, lured foreign investors with tax breaks, and liberalized land ownership.
Russia- Federalism Solves Economy

(__) Federalism succeeding in Russia-economic turn around.


Far-reaching reforms of federal-regional relations have radically altered the balance of power towards the center. These include removing regional governors from the upper chamber of the Russian parliament, creating the institution of presidential representatives responsible for implementation of federal policies in newly created multi-regional federal districts, and a blanket revision of regional laws to bring them into compliance with federal legislation. Other reforms now in the pipeline are expected to strengthen rules in federal-regional relations and increase to transparency of regional budgets and accountability of subnational governments.

These political transformations have been complemented and augmented by new trends in the Russian economy. The recovery, spurred by a deep devaluation of the ruble, has triggered investment activities and thus strengthened the incentives of market-preserving federalism to improve regional governance. Economic and industrial conglomerates are expanding across sectors and regional borders, acquiring controlling stakes in firms that were heretofore parts of governors' fiefdoms. Such conglomerates have strong stakes in the unity of the Russian market, and their market-preserving incentives are backed by massive economic and political resources.
Russia- Economic Collapse Impact

( _) Russian economic collapse causes regional conflicts, major power wars, environmental damage, and nuclear attacks against the United States

Steven R. David, Professor of Political Science, Johns Hopkins University, January- February 1999 (“Saving America from the Coming Civil Wars” – Foreign Affairs) p. lexis

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

( __ ) De-centralization of Russia causes poverty

Vaknin, 2005 [Ph D United Press International (UPI) Senior Business Correspondent]

The republics - national homelands to Russia's numerous minorities - have their own constitutions and elected presidents (since 1991). Oblasts and krais used to be run by elected governors until 2005 (a post-Yeltsin novelty introduced in 1997). They are patchy fiefdoms composed of autonomous okrugs. "The Economist" observes that the okrugs (often populated with members of an ethnic minority) are either very rich (e.g., Yamal-Nenets in Tyumen, with 53% of Russia's oil reserves) - or very poor and, thus, dependent on Federal handouts. In Russia it is often "Moscow proposes - but the governor disposes" - but decades of central planning and industrial policy encouraged capital accumulation in some regions while ignoring others, thus irreversibly eroding any sense of residual solidarity. In an IMF working paper ("Regional Disparities and Transfer Policies in Russia" by Dabla-Norris and Weber), the authors note that the ten wealthiest regions produce more than 40% of Russia's GDP (and contribute more than 50% of its tax revenues) - thus heavily subsidizing their poorer brethren. Output contracted by 90% in some regions - and only by 15% in others. Moscow receives more than 20% of all federal funds - with less than 7% of the population. In the Tuva republic - three quarters of the denizens are poor - compared to less than one fifth in Moscow. Moscowlavishes on each of its residents 30 times the amount per capita spent by the poorest region. Nadezhda Bikalova of the IMF notes ("Intergovernmental Fiscal Relations in Russia") that when the USSR imploded, the ratio of budgetary income per person between the richest and the poorest region was 11.6. It has since climbed to 30. All the regions were put in charge of implementing social policies as early as 1994 - but only a few (the net "donors" to the federal budget, or food exporters to other regions) were granted taxing privileges.
Russia- Devolution destroys Economy

( ___ ) Devolution in Russia destabilizes the economy and society


This yearning for decentralized government was reflected in the 1993 Russian constitution, establishing a federal system of government. However, the profound shift of power from the center to regions that ensued in the 1990s went beyond what was mandated by the constitution, and Russian regions de facto took over many functions that ordinarily fall within federal jurisdiction. This trend was hailed by many as an appealing opportunity to build an efficient economic order and public sector governance from the bottom up, and to foster participatory democracy in the country.

These expectations have failed to materialize, as evidenced by the protracted recessions in Russian regions for most of the past decade, stagnating or declining living standards, widespread poverty, and numerous incidences of mismanagement, red tape, economic and political corruption and bureaucratic capture. As a result, the idea of decentralized government has been severely compromised in Russian public opinion. At present the society puts its hopes on a strong center that would stabilize the economy, restore law and order, and rein in abuses by regional officials. Responding to these sentiments, the central government is re-building vertical power (vlastnaja vertikal), attempting to assert its control over regions and to establish a system of administrative and legal hierarchy where resources and discretion of regional administrations are dramatically curtailed.

This chapter looks into the reasons why...
Russia- Decentralization Fails

(__) Decentralization fails-lack of civil society proves.


> The same logic apparently applied to the devolution of power to regions. However, the main driving forces of this process were the needs and opportunities of involved political elites in Moscow and the regions, rather than clearly articulated and stable preferences of the society. The aforementioned mistrust of central bureaucracy in itself does not constitute a social demand for a federal state. Such demand usually has historic roots (e.g., when a federation is created by voluntary unification of previously independent units), or is based on clearly expressed regional self-identification, or, alternately, emerges in a civil society which values the additional checks and balances imposed on the government by a federal system. None of the above applies to Russia, and as a result the Russian system of decentralized government lacks natural roots in the society (Polishchuk, 1998b), and its evolution has been captured practically from the outset by central and, increasingly, regional political elites. >

(__) Federalism fails in Russia-resources, culture.


While these are positive changes, they do not ensure the emergence of a stable and efficient system of decentralized governance in Russia. Increasing discipline in intergovernmental fiscal relations without providing regions with their own tax bases has meant that federal transfers and tax shares remain critically important (and more often than not insufficient) for the fulfillment of regional mandates. The central government is re-emerging as exclusive distributor and controller of public sector resources. Multiple failures of regional political processes have led to mistrust in the idea of accountability of regional elected officials to their voters, and increased subordination of regional governments to the center is viewed as a more reliable accountability mechanism. Many in Russia take this trend to the extreme to suggest that regional elections should be abolished, and the imperial tradition of centrally appointed regional administrators restored. The weak roots of the federal idea in Russian society make it difficult to impose the safeguards that would restrain the ongoing drive to re-centralization. The outcome of this process, still to be observed, is likely to be strongly influenced by short-term political and economic factors, and much less so by the fundamentals of federalist constitutional cult principles of efficient decentralization of government. >
No Uniqueness- Feds have too much power

(_)_ States federalism is suffering due to O'Connor

Christian Science Monitor, 2004 (Warren Richey Staff)
But a funny thing happened on the way to the high court's federalism revolution - it appears to have hit a speed bump named Sandra Day O'Connor. For the second time in two years, Justice O'Connor has cast a critical swing vote in a major case involving the balance of power between the national and state governments. Last year it came in a case upholding the application of the federal Family and Medical Leave Act to the states as a valid means of fighting gender discrimination. On Monday, her vote upheld the ability of disabled individuals to sue a state government for failing to provide reasonable access to the courts as required under the federal Americans With Disabilities Act and the US Constitution. In both cases the losers were state governments arguing that as sovereign coequals within the overall structure of American government they should not be subjected by Congress to the indignity of facing lawsuits seeking money damages in federal courts by individuals alleging violations of federal laws. Once a reliable member of the so-called "federalism five," O'Connor is now viewed by some analysts as open to being wooed by either side in these cases.

(_)_The Supreme Court continues to search for ways to increase states’ power.

Althouse, 2000 [Professor of Law at University of Wisconsin Law School]
At the dawn of the Burger-Rehnquist Era, the Court began what has become a continuing search for ways to enforce federalism. In 1971, the Court decided the case of Younger v. Harris, which provided the general rule that federal courts should abstain from exercising jurisdiction in cases asserting constitutional rights as a reason for enjoining state court criminal proceedings.

(_)_ Uniqueness: The current system of federalism in the US allocates more power to the federal government than to state governments.

William H. Pryor Jr., Attorney General of Alabama, J.D. Tulane University, 2002
(Alabama Law Review, 53 Ala. L. Rev. 1167, Summer, lexis)
We are all familiar with National Statist federalism. Indeed, in spite of the Supreme Court's recent interest in the condition of our federalism, it is fair to say that the National Statist version of federalism continues to dominate most aspects of American government. This is, perhaps, unsurprising. Americans have lived with the idea of an unlimited national government for roughly sixty-five years. We have become accustomed to the idea that the federal government can, even if we think it ought not, become involved in virtually any public policy controversy that arises.