# Title I Neg

### Inequality Answers

#### States are improving now

GROSS and HILL ’16 (Bethany; Research Director at the Center on Reinventing Public Education at the University of Washington Bothell and Paul T.; Research Professor of Public Affairs, University of Washington Bothell and Founder of the Center on Reinventing Public Education, “The State Role in K--12 Education: From Issuing Mandates to Experimentation,” Summer, 10 Harv. L. & Pol'y Rev. 299, l/n)ww

We have shown that states, with lingering influence of federal policy and greater analytic, bureaucratic, and policy capacity, are taking a great deal of initiative and borrowing ideas from one another. This is consistent with the ideal of cooperative federalism, which argues that states act independently but pay attention to one another's initiatives and imitate the most appealing ones. Of course, what is appealing can be defined in many ways; cooperative federalism can lead to the spread of ideas based on the politics or dominant ideology of the time rather than their ability to support improvements in student learning or reduce achievement gaps.

Based on the foregoing observations about policy feedback, we think it is safe to say that in the future few, if any, states will confine their roles to setting input requirements and funding levels. Consistent with the zeitgeist [\*319] of NCLB, at least some states will adopt positive leadership roles focused on improving education for all and reducing achievement gaps.

#### Educational inequality is declining

REARDON ’16 (Sean F.; Professor of Education – Stanford University, New York Times, “The Good News About Educational Inequality,” 8/26, https://www.nytimes.com/2016/08/28/opinion/sunday/the-good-news-about-educational-inequality.html#story-continues-1)ww

When inequality is the topic, it can seem as if all the news is bad. Income inequality continues to rise. Economic segregation is growing. Racial gaps in education, employment and health endure. Our society is not particularly fair.

But here is some good news about educational inequality: The enormous gap in academic performance between high- and low-income children has begun to narrow. Children entering kindergarten today are more equally prepared than they were in the late 1990s.

We know this from information collected over the last two decades by the National Center for Education Statistics. In the fall of 1998 and again in 2010, the N.C.E.S. sent early childhood assessors to roughly 1,000 public and private kindergartens across the United States. They sat down one-on-one with 15 to 25 children in each school to measure their reading and math skills. They asked children to identify shapes and colors, to count, to identify letters and to sound out words. They also surveyed parents to learn about the children’s experiences before entering kindergarten.

Working with the social scientist Ximena Portilla, we used this data to track changes over time in “school readiness gaps” — the differences in academic skills between low-income and high-income children entering kindergarten. What we found is surprising. From 1998 to 2010, the school readiness gap narrowed by 10 percent in math and 16 percent in reading. The gaps that remain are still vast. But even this modest improvement represents a sharp reversal of the trend over the preceding decades.

It’s worth noting that the gap in school readiness narrowed because of relatively rapid improvements in the skills of low-income children, not because the skills of children from high-income families declined. Research one of us did with Scott Latham at the University of Virginia showed that both poor and affluent children entered kindergarten in 2010 with stronger reading and math skills than they did in the late 1990s. School readiness gaps between racial groups have also improved: Both the white-black and white-Hispanic gaps narrowed by roughly 15 percent from 1998 to 2010.

These improvements appear to persist at least into fourth grade. Data from the National Assessment of Educational Progress show that by 2015, when those kindergartners were in fourth grade, their math and reading skills were roughly two-thirds of a grade level higher than those of their counterparts 12 years earlier. This was true for children of all racial and ethnic groups and for poor and nonpoor children alike.

#### The problem is a lack of social services, not educational opportunity

REBELL and WOLFF ‘08 (Michael A.; Executive Director of the Campaign for Educational Equity – Teachers College and Professor of Law and Educational Practice – Columbia Law School, and Jessica R.; Director of Policy and Research – Teachers College, “Equal Educational Opportunity: An American Imperative” in Moving Every Child Ahead: From NCLB Hype to Meaningful Educational Opportunity, p. 13-14)ww

In large part, the persistent gap between the American ideal of equality in education and the reality of starkly inadequate schooling for low-income and minority children stems from the irony that although America’s dedication to educational equity has surpassed that of any other nation, its commitment to equality in related areas of social welfare has lagged far behind that of other industrialized countries (Anyon & Greene, 2007; Wells, 2006). "As other industrialized countries built and enlarged comprehensive welfare systems to help create more equality among their citizens, policymakers in the United States invested in public schools and relatively few other supportive social services" (Wells, 2006, p. 2). The "American dream" and much of our political ideology has been based on the premise that, if given an opportunity for schooling, any individual, through hard work and perseverance, will be able to succeed (Hochschild, 1995). Unfortunately, this vision of universal and unlimited possibility has not proved true for the millions of low-income and minority children who must overcome enormous barriers posed by bad health, poor nutrition, inadequate housing, economic instability, and racism—and who are not, in fact, actually provided with the equal or adequate educational opportunities that the American dream ideology has promised them.

#### Funding has no effect on student performance

HANUSHEK ’05 (Eric A.; Senior Fellow – Hoover Institution at Stanford University and former Professor of Economics and Political Science – University of Rochester, “Economic Outcomes and School Quality,” http://hanushek.stanford.edu/sites/default/files/publications/Hanushek%202005%20IIEP%20EducPolSeries.pdf)ww

Schools in the United States have been the focus of extensive research. Both aggregate data about performance of schools over time and more detailed school and classroom data point to a simple conclusion: There is a lack of any consistent or systematic effect of resources on student achievement. While controversial, partly because of the conflict with existing school policies, the evidence is very extensive (Hanushek, 2003).

Most other countries of the world have not tracked student performance over any length of time, making analyses comparable to the United States discussion impossible. Nonetheless, international testing over the past four decades permits an overview of spending across countries. Seven different mathematics and science tests (the data for the growth analysis) were given between the early 1960s and 1995 to students at different grade levels in a varying set of voluntarily participating nations. Performance bears little relationship to the patterns of expenditure across the countries. Hanushek and Kimko (2000) estimate models that relate spending, family backgrounds, and other characteristics of countries to student performance for the tests prior to 1995. This estimation consistently indicates a statistically significant negative effect of added resources on performance after controlling for other influences. Similar findings hold for the OECD countries.

Existing statistical analyses in less developed countries have shown a similar inconsistency of estimated resource effects as that found in the United States (Hanushek, 1995). In general, a minority of the available studies suggests much confidence that commonly identified resources – class size, teacher experience, and teacher salaries – positively influence student performance. There is generally somewhat stronger support for these resource policies than that existing in United States analyses, hinting that the importance of resources may vary with the level of resources. Nonetheless, the evidence does not indicate that pure resource policies can be expected to have a significant effect on student outcomes.

In sum, a wide range of analyses indicate that overall resource policies have not led to discernible improvements in student performance. It is important to understand what is and is not implied by this conclusion. First, it does not mean that money and resources never matter. There clearly are situations where small classes or added resources have an impact. It is just that no good description of when and where these situations occur is available, so that broad resource policies such as those legislated from central governments may hit some good uses but also hit bad uses that generally lead to offsetting outcomes. Second, this statement does not mean that money and resources cannot matter. Instead, as described below, altered sets of incentives could dramatically improve the use of resources.

The evidence on resources is remarkably consistent across countries, both developed and developing. Had there been distinctly different results for some subsets of countries, issues of what kinds of generalizations were possible would naturally arise. Such conflicts do not appear particularly important.

#### Education won’t solve for inequality

SUMMERS ’15 (Larry; Charles W. Eliot University Professor and President Emeritus – Harvard University, “Robots are hurting middle class workers, and education won’t solve the problem, Larry Summers says,” 3/3, https://www.washingtonpost.com/news/wonk/wp/2015/03/03/robots-are-hurting-middle-class-workers-and-education-wont-solve-the-problem-larry-summers-says/?utm\_term=.707f1f7b5800)ww

It's important to be careful here. All of my reading of the evidence suggests that the returns to more and better education is very high. Raj Chetty's research demonstrates that having a better kindergarten or first-grade teacher can make an enormous difference of a few percentage points in wages across your lifetime. Eric Hanushek has presented calculations that suggest better teacher quality in American schools could be worth trillions of dollars down the road.

The evidence is that - just how it is trending may be a subject of debate - but the return to college education, as opposed to high school education, is vastly greater than ever before. So, education is an immensely worthwhile investment, and the project of improving education is hugely important for the United States. That said, the main way in which strengthening education is desirable is that it will raise productivity and raise overall incomes in our society. It is not likely, in my view, that any feasible program of improving education will have a large impact on inequality in any relevant horizon.

First, almost two-thirds of the labor force in 2030 is already out of school today. Second, most of the inequality we observe is within education group – within high school graduates or within college graduates, rather than between high school graduates and college graduates. Third, inequality within college graduates is actually somewhat greater than inequality within high school graduates. Fourth, changing patterns of education is unlikely to have much to do with a rising share of the top 1 percent, which is probably the most important inequality phenomenon. So I am all for improving education. But to suggest that improving education is the solution to inequality is, I think, an evasion.

#### Race and Ethnicity drive inequality more than education

NICOLACI da COSTA ’17 (Pedro; Business Insider, “There's a large group of Americans missing out on the American dream,” http://www.businessinsider.com/fed-report-shows-race-not-just-education-a-major-determinant-of-inequality-2017-7)ww

There's a growing tendency for mainstream economists, including several of those at the Federal Reserve, to dismiss all income disparities as the product of a skills- or education gap, a misleading explanation given weak wage growth that points to ongoing weakness in the job market.

So it was relieving to see, tucked in the US central bank’s latest semi-annual report to Congress on monetary policy, an analysis of recent inequality research that refutes the idea that education is the only factor behind income inequality. Race, unsurprisingly, also plays a major role, as do social and economic measures, including taxation, interest rates, and labor policies. The Fed states:

"The persistent gaps in economic outcomes by race and ethnicity in the United States raise important questions about how people ascend the economic ladder. Education, particularly a college degree, is often seen as a path to improved economic opportunities.

"However, while education continues to be an important determinant of whether one can climb the economic ladder, sizable differences in economic outcomes across race and ethnicity remain even after controlling for educational attainment. Data on earnings for two cohorts of young adult workers (aged 25 to 34) approximately a generation apart confirm both the gaps in economic outcomes and the lack of substantial upward progress for disadvantaged groups over the past quarter-century."

The chart below shows the proportion of young US workers in each ethnicity whose income ranks among the top 25% of the population. Whites are more than twice as likely as blacks to make it into that category, with about 30% of young white adults in the top quartile, compared to just approximately 15% of young black adults.

"Overall, the representation of black and Hispanic workers in the top earnings quartile continues to lag in the later period," the report adds.

"This lag in representation occurs despite the gains in educational attainment — the critical driver of improved incomes — that blacks and Hispanics have achieved over time. For both blacks and Hispanics, the share achieving a bachelor’s degree or higher has doubled over the period of study," as can be seen in the following chart:

Moreover, as the Fed report notes, "increased levels of educational attainment across all groups have created greater competition for positions at the top of the economic ladder. Even among those with college degrees, important differences remain in representation at the top of the income distribution by race and ethnicity."

That's shown in this chart revealing the apparent returns on a college education is substantially higher for whites and Asians than blacks and Hispanics. Some 45% of whites with a college degree make it into the top quartile of earnings among young adults, compared with just 35% for black Americans and just slightly higher for Hispanics.

#### Equal funding won’t solve for racial disparities

HERNANDEZ ’05 (Tanya Kateri; Professor of Law and Justice Frederick Hall Scholar – Rutgers-Newark, “To Be Brown in Brazil: Education and Segregation Latin American Style,” 29 N.Y.U. Rev. L. & Soc. Change 683, l/n)ww

The advantage of using Brown to assist the efforts of educational reform rather than simply lobbying for color-blind equal financing is that, as examples in the United States have shown, equal funding does not necessarily equalize opportunity. n190 Severing race from class in the analysis and consideration of [\*713] policies to the persistent social exclusion of people of color inherently hampers the construction of an adequate policy solution. n191 That is why it is necessary to analyze the public school context in Brazil as a problem of both race and class. Merely seeking additional funding and resources for public schools leaves unaddressed the ways in which racialized reasoning can continue to inform financing priorities and the resulting construction of racially exclusive institutions of higher learning. Engaging in a holistic race and class analysis can provide a more accurate picture of the social problem and hopefully lead to a more effective solution than one based solely in a race-neutral class analysis.

#### Separate but equal fails

KELLY ’15 (James J., Jr.; Clinical Professor of Law – Notre Dame, “Sustaining Neighborhoods of Choice: From Land Bank(ing) to Land Trust(ing),” 54 Washburn L.J. 613, Summer, l/n)ww

As important as primary education is to personal development and economic opportunity, it is not at all clear that equality in basic education requires neighborhoods to be integrated socioeconomically. Elementary school student populations need not be integrated across class to be equal in their resources. For decades, advocates of educational equality have fought for school funding reforms that would even out differences among local school district budgets. n6 While parity in resources is absolutely essential for any intelligible claim of equality in educational opportunity, a "separate but equal" approach to the schooling of children from different socioeconomic groups fails for many of the same reasons that it did when used to justify racially segregated schools. n7

### Competitiveness Answers

#### Education isn’t key to national security – too many other factors

ARTIGIANI ‘12 (Founder, President Emerita, and Member of Board of Directors of Global Kids, “U.S. Education Reform and National Security, Independent Task Force Report of the Council on Foreign Relations,” https://www.cfr.org/report/us-education-reform-and-national-security)ww

National security requires a healthy economy, energy independence, investments in research and development, strong defense, a thriving civil society, a respected and involved diplomatic corps, and, most of all, a healthy and high-functioning political system. (The current political environment is a clear demonstration of what happens when we have a public—and public officials—who are uninformed and/or ill-informed about our nation’s history, our political system, and the values upon which it was built.)

Certainly schools must play a critical role in assuring that these needs of national security can be met. Yet, while some of the data are disturbing, nothing in this report convinces me that that our public schools “constitute a very grave national security threat facing this country.” Indeed, claims of alarm can only set the stage for dramatic actions unsupported by evidence: in this case, market-based approaches to school reform, that, overall, have not demonstrated their effectiveness. Indeed, charter schools and vouchers are diverting funds and energy away from neighborhood schools, and the more successful ones rely on additional support from private sources (“voluntary taxation”), a situation that is neither sustainable nor scalable. Moreover, the drive toward “competition” can diminish individual commitment to the common good, thus undermining the very nature and purpose of public education: preparing young people of all backgrounds to become informed and active citizens who understand their rights and responsibilities to contribute to society and participate in the shaping of policies that affect their communities and the larger world.

#### The US is not falling behind other countries in education

CARNOY and ROTHSTEIN ‘13 (Vida; Professor of Education and Economics at Stanford University AND Jacks; Research associate of the Economic Policy Institute, “What Do International Tests Really Show About U.S. Student Performance?”, Economic Policy Institute, 1/28, http://www.epi.org/files/2013/EPI-What-do-international-tests-really-show-about-US-student-performance.pdf)ww

A 2009 international test of reading and math showed that American 15-year-olds perform more poorly, on average, than 15-year-olds in many other countries. This finding, from the Program for International Student Assessment (PISA),1 is consistent with previous PISA results, as well as with results from another international assessment of 8th-graders, the Trends in International Mathematics and Science Survey (TIMSS).2

From such tests, many journalists and policymakers have concluded that American student achievement lags woefully behind that in many comparable industrialized nations, that this shortcoming threatens the nation's economic future, and that these test results therefore suggest an urgent need for radical school reform.

Upon release of the 2011 TIMSS results, for example, U.S. Secretary of Education Arne Duncan called them "unacceptable," saying that they "underscore the urgency of accelerating achievement in secondary school and the need to close large and persistent achievement gaps" (Duncan 2012). Two years before, upon release of 2009 PISA scores, Duncan said that "...the 2009 PISA results show that American students are poorly prepared to compete in today's knowledge economy. . Americans need to wake up to this educational reality—instead of napping at the wheel while emerging competitors prepare their students for economic leadership." In particular, Duncan stressed the PISA results for disadvantaged U.S. students: "As disturbing as these national trends are for America, enormous achievement gaps among black and Hispanic students portend even more trouble for the U.S. in the years ahead. Last year, McKinsey & Company released an analysis which concluded that America's failure to close achievement gaps had imposed—and here I quote—'the economic equivalent of a permanent national recession.'" The PISA results, Duncan concluded, justify the reform policies he has been pursuing: "I was struck by the convergence between the practices of high-performing coun-tries and many of the reforms that state and local leaders have pursued in the last two years" (Duncan 2010).

This conclusion, however, is oversimplified, exaggerated, and misleading. It ignores the complexity of the content of test results and may well be leading policymakers to pursue inappropriate and even harmful reforms that change aspects of the U.S. education system that may be working well and neglect aspects that may be working poorly.

For example, as Secretary Duncan said, U.S. educational reform policy is motivated by a belief that the U.S. educational system is particularly failing disadvantaged children. Yet an analysis of international test score levels and trends shows that in important ways disadvantaged U.S. children perform better, relative to children in comparable nations, than do middle-class and advantaged children. More careful analysis of these levels and trends may lead policymakers to reconsider their assumption that almost all improvement efforts should be directed to the education of disadvantaged children and few such efforts to the education of middle-class and advantaged children.

Education analysts in the United States pay close attention to the level and trends of test scores disaggregated by socioeconomic groupings. Indeed, a central element of U.S. domestic education policy is the requirement that average scores be reported separately for racial and ethnic groups and for children who are from families whose incomes are low enough to qualify for the subsidized lunch program. We understand that a school with high proportions of disadvantaged children may be able to produce great "value-added" for its pupils, although its average test score levels may be low. It would be foolish to fail to apply this same understanding to comparisons of inter-national test scores.

Extensive educational research in the United States has demonstrated that students' family and community characteristics powerfully influence their school performance. Children whose parents read to them at home, whose health is good and can attend school regularly, who do not live in fear of crime and violence, who enjoy stable housing and continuous school attendance, whose parents' regular employment creates security, who are exposed to museums, libraries, music and art lessons, who travel outside their immediate neighborhoods, and who are surrounded by adults who model high educational achievement and attainment will, on average, achieve at higher levels than children without these educationally relevant advantages. We know much less about the extent to which similar factors affect achievement in other countries, but we should assume, in the absence of evidence to the contrary, that they do.

It is also the case that countries' educational effectiveness and their social class composition change over time. Consequently, comparisons of test score trends over time by social class group provide more useful information to policymakers than comparisons of total average test scores at one point in time or even of changes in total average test scores over time.

Unfortunately, our conversation about international test score comparisons has ignored such questions. It would be foolish, for example, to let international comparisons motivate radical changes in educational policies in a country whose social class subgroup average scores were below those of other nations, if that country's subgroups had been improving their performance at a more rapid rate than similar subgroups in other nations, even if the country's overall average still had not caught up. Just as a domestic U.S. school's average performance is influenced by its social class composition, so too might a country's average performance be influenced by its social class composition.

#### Economic decline doesn’t cause conflict

DREZNER ’14 (Daniel, Professor of International Relations – Tufts University, “The System Worked: Global Economic Governance during the Great Recession,” World Politics, v. 66 n. 1, January)ww

The final significant outcome addresses a dog that hasn't barked: the effect of the Great Recession on cross-border conflict and violence. During the initial stages of the crisis, multiple analysts asserted that the financial crisis would lead states to increase their use of force as a tool for staying in power.42 They voiced genuine concern that the global economic downturn would lead to an increase in conflict—whether through greater internal repression, diversionary wars, arms races, or a ratcheting up of great power conflict. Violence in the Middle East, border disputes in the South China Sea, and even the disruptions of the Occupy movement fueled impressions of a surge in global public disorder. The aggregate data suggest otherwise, however. The Institute for Economics and Peace has concluded that "the average level of peacefulness in 2012 is approximately the same as it was in 2007."43 Interstate violence in particular has declined since the start of the financial crisis, as have military expenditures in most sampled countries. Other studies confirm that the Great Recession has not triggered any increase in violent conflict, as Lotta Themner and Peter Wallensteen conclude: "[T]he pattern is one of relative stability when we consider the trend for the past five years."44 The secular decline in violence that started with the end of the Cold War has not been reversed. Rogers Brubaker observes that "the crisis has not to date generated the surge in protectionist nationalism or ethnic exclusion that might have been expected."43

#### U.S. leadership doesn’t contribute to global peace

FRIEDMAN et al. 13 (Benjamin H., research fellow in defense and homeland security studies; Brendan Rittenhouse Green, the Stanley Kaplan Postdoctoral Fellow in Political Science and Leadership Studies at Williams College; Justin Logan, Director of Foreign Policy Studies at the Cato Institute Fall 2013, “Correspondence: Debating American Engagement: The Future of U.S. Grand Strategy,” International Security, Vol. 38, No. 2, p. 181-199)

Brooks et al. argue that the specter of U.S. power eliminates some of the most baleful consequences of anarchy, producing a more peaceful world. U.S. security guarantees deter aggressors, reassure allies, and dampen security dilemmas (p. 34). “By supplying reassurance, deterrence, and active management,” Brooks et al. write, primacy “reduces security competition and does so in a way that slows the diffusion of power away from the United States” (pp. 39–40). There are three reasons to reject this logic: security competition is declining anyway; if competition increases, primacy will have difficulty stopping it; and even if competition occurred, it would pose little threat to the United States. An increasingly peaceful world. An array of research, some of which Brooks et al. cite, indicates that factors other than U.S. power are diminishing interstate war and security competition.2 These factors combine to make the costs of military aggression very high, and its benefits low.3 A major reason for peace is that conquest has grown more costly. Nuclear weapons make it nearly suicidal in some cases.4 Asia, the region where future great power competition is most likely, has a “geography of peace”: its maritime and mountainous regions are formidable barriers to conflict.5 Conquest also yields lower economic returns than in the past. Post-industrial economies that rely heavily on human capital and information are more difficult to exploit.6 Communications and transport technologies aid nationalism and other identity politics that make foreigners harder to manage. The lowering of trade barriers limits the returns from their forcible opening.7 Although states are slow learners, they increasingly appreciate these trends. That should not surprise structural realists. Through two world wars, the international system "selected against" hyperaggressive states and demonstrated even to victors the costs of major war. Others adapt to the changed calculus of military aggression through socialization.8 managing revisionist states. Brooks et al. caution against betting on these positive trends. They worry that if states behave the way offensive realism predicts, then security competition will be fierce even if its costs are high. Or, if nonsecurity preferences such as prestige, status, or glory motivate states, even secure states may become aggressive (pp. 36-37).9 These scenarios, however, are a bigger problem for primacy than for restraint. Offensive realist security paranoia stems from states' uncertainty about intentions; such states see alliances as temporary expedients of last resort, and U.S. military commitments are unlikely to comfort or deter them.10 Nonsecurity preferences are, by definition, resistant to the security blandishments that the United States can offer under primacy Brooks et al.'s revisionist actors are unlikely to find additional costs sufficient reason to hold back, or the threat of those costs to be particularly credible. The literature that Brooks et al. cite in arguing that the United States restrains allies actually suggests that offensive realist and prestige-oriented states will be the most resistant to the restraining effects of U.S. power. These studies suggest that it is most difficult for strong states to prevent conflict between weaker allies and their rivals when the restraining state is defending nonvital interests; when potential adversaries and allies have other alignment options;11 when the stronger state struggles to mobilize power domestically12; when the stronger state perceives reputational costs for non-involvement;13 and when allies have hawkish interests and the stronger state has only moderately dovish interests.14 In other words, the cases where it would be most important to restrain U.S. allies are those in which Washington's efforts at restraint would be least effective. Highly motivated actors, by definition, have strong hawkish interests. Primacy puts limits on U.S. dovishness, lest its commitments lack the credibility to deter or reassure. Such credibility concerns create perceived reputational costs for restraining or not bailing out allies. The United States will be defending secondary interests, which will create domestic obstacles to mobilizing power. U.S. allies have other alliance options, especially in Asia. In short, if states are insensitive to the factors incentivizing peace, then the United States' ability to manage global security will be doubtful. Third-party security competition will likely ensue anyway. costs for whom? Fortunately, foreign security competition poses little risk to the United States. Its wealth and geography create natural security. Historically, the only threats to U.S. sovereignty, territorial integrity, safety, or power position have been potential regional hegemons that could mobilize their resources to project political and military power into the Western Hemisphere. Nazi Germany and the Soviet Union arguably posed such threats. None exist today. Brooks et al. argue that "China's rise puts the possibility of its attaining regional hegemony on the table, at least in the medium to long term" (p. 38). That possibility is remote, even assuming that China sustains its rapid wealth creation. Regional hegemony requires China to develop the capacity to conquer Asia's other regional powers. India lies across the Himalayas and has nuclear weapons. Japan is across a sea and has the wealth to quickly build up its military and develop nuclear weapons. A disengaged United States would have ample warning and time to form alliances or regenerate forces before China realizes such vast ambitions. Brooks et al. warn that a variety of states would develop nuclear weapons absent U.S. protection. We agree that a proliferation cascade would create danger and that restraint may cause some new states to seek nuclear weapons. Proliferation cascades are nonetheless an unconvincing rationale for primacy. Primacy likely causes more proliferation among adversaries than it prevents among allies. States crosswise with the United States realize that nuclear arsenals deter U.S. attack and diminish its coercive power. U.S. protection, meanwhile, does not reliably stop allied and friendly states from building nuclear weapons. Witness British, French, and Israeli decisionmaking. Proliferation cascades were frequently predicted but never realized during the Cold War, when security was scarcer.15 New research argues that security considerations are often a secondary factor in the proliferation of nuclear weapons, and that states with the strongest appetites for proliferation often lack the technical and managerial capacities to acquire the bomb.16 Finally, even if proliferation cascades occur, they do not threaten U.S. security. Few, if any, states would be irrational enough to court destruction at the hands of the U.S. nuclear arsenal, especially if the United States is not enmeshed in their conflicts.

#### US leadership doesn’t cause peace

FETTWEIS ‘17(Christopher J.-assistant professor of political science at Tulane University. “Unipolarity, Hegemony, and the New Peace” Published in Security Studies Vol 26 No 3. <http://www.tandfonline.com/doi/abs/10.1080/09636412.2017.1306394?src=recsys&journalCode=fsst20>)

Even the most ardent supporters of the hegemonic-stability explanation do not contend that US influence extends equally to all corners of the globe. The United States has concentrated its policing in what George Kennan used to call “strong points,” or the most important parts of the world: Western Europe, the Pacific Rim, and Persian Gulf.64 By doing so, Washington may well have contributed more to great power peace than the overall global decline in warfare. If the former phenomenon contributed to the latter, by essentially providing a behavioral model for weaker states to emulate, then perhaps this lends some support to the hegemonic-stability case.65 During the Cold War, the United States played referee to a few intra-West squabbles, especially between Greece and Turkey, and provided Hobbesian reassurance to Germany’s nervous neighbors. Other, equally plausible explanations exist for stability in the first world, including the presence of a common enemy, democracy, economic interdependence, general war aversion, etc. The looming presence of the leviathan is certainly among these plausible explanations, but only inside the US sphere of influence. Bipolarity was bad for the nonaligned world, where Soviet and Western intervention routinely exacerbated local conflicts. Unipolarity has generally been much better, but whether or not this was due to US action is again unclear. Overall US interest in the affairs of the Global South has dropped markedly since the end of the Cold War, as has the level of violence in almost all regions. There is less US intervention in the political and military affairs of Latin America compared to any time in the twentieth century, for instance, and also less conflict. Warfare in Africa is at an all-time low, as is relative US interest outside of counterterrorism and security assistance.66 **Regional peace and stability exist where there is US active intervention, as well as where there is not. No direct relationship seems to exist across regions**. If intervention can be considered a function of direct and indirect activity, of both political and military action, a regional picture might look like what is outlined in Table 1. These assessments of conflict are by necessity relative, because there has not been a “high” level of conflict in any region outside the Middle East during the period of the New Peace. Putting aside for the moment that important caveat, some points become clear. The great powers of the world are clustered in the upper right quadrant, where US intervention has been high, but conflict levels low. US intervention is imperfectly correlated with stability, however. Indeed, it is conceivable that the **relatively high level of US interest and activity has made the security situation in the Persian Gulf and broader Middle East worse**. In recent years, substantial hard power investments (Somalia, Afghanistan, Iraq), moderate intervention (Libya), and reliance on diplomacy (Syria) have been equally ineffective in stabilizing states torn by conflict. While it is possible that the region is essentially unpacifiable and no amount of police work would bring peace to its people, it remains hard to make the case that the US presence has improved matters. In this “strong point,” at least, US hegemony has failed to bring peace. In much of the rest of the world, the United States has not been especially eager to enforce any particular rules. Even rather incontrovertible evidence of genocide has not been enough to inspire action. Washington’s intervention choices have at best been erratic; Libya and Kosovo brought about action, but much more blood flowed uninterrupted in Rwanda, Darfur, Congo, Sri Lanka, and Syria. The US record of peacemaking is not exactly a long uninterrupted string of successes. During the turn-of-the-century conventional war between Ethiopia and Eritrea, a highlevel US delegation containing former and future National Security Advisors (Anthony Lake and Susan Rice) made a half-dozen trips to the region, but was unable to prevent either the outbreak or recurrence of the conflict. Lake and his team shuttled back and forth between the capitals with some frequency, and President Clinton made repeated phone calls to the leaders of the respective countries, offering to hold peace talks in the United States, all to no avail.67 The war ended in late 2000 when Ethiopia essentially won, and it controls the disputed territory to this day. The Horn of Africa is hardly the only region where states are free to fight one another today without fear of serious US involvement. Since they are choosing not to do so with increasing frequency, something else is probably affecting their calculations. Stability exists even in those places where the potential for intervention by the sheriff is minimal. Hegemonic stability can only take credit for influencing those decisions that would have ended in war without the presence, whether physical or psychological, of the United States. **It seems hard to make the case that the relative peace that has descended on so many regions is primarily due to the kind of heavy hand of the neoconservative leviathan,** or its lighter, more liberal cousin. Something else appears to be at work. Conflict and US Military Spending How does one measure polarity? Power is traditionally considered to be some combination of military and economic strength, but despite scores of efforts, no widely accepted formula exists. Perhaps overall military spending might be thought of as a proxy for hard power capabilities; perhaps too the amount of money the United States devotes to hard power is a reflection of the strength of the unipole. When compared to conflict levels, however, **there is no obvious correlation, and certainly not the kind of negative relationship between US spending and conflict that many hegemonic stability theorists would expect to see**. During the 1990s, the United States cut back on defense by about 25 percent, spending $100 billion less in real terms in 1998 that it did in 1990.68 To those believers in the neoconservative version of hegemonic stability, this irresponsible “peace dividend” endangered both national and global security. “No serious analyst of American military capabilities doubts that the defense budget has been cut much too far to meet America’s responsibilities to itself and to world peace,” argued Kristol and Kagan at the time.69 **The world grew dramatically more peaceful while the United States cut its forces**, however, and stayed just as peaceful while spending rebounded after the 9/11 terrorist attacks**. The incidence and magnitude of global conflict declined while the military budget was cut** under President Clinton, in other words, **and kept declining** (though more slowly, since levels were already low) as the Bush administration ramped it back up. Overall US military spending has varied during the period of the New Peace from a low in constant dollars of less than $400 billion to a high of more than $700 billion, but war does not seem to have noticed. The same nonrelationship exists between other potential proxy measurements for hegemony and conflict: **there does not seem to be much connection between warfare and fluctuations in US GDP, alliance commitments, and forward military presence**. There was very little fighting in Europe when there were 300,000 US troops stationed there, for example, and that has not changed as the number of Americans dwindled by 90 percent. Overall, **there does not seem to be much correlation between US actions and systemic stability**. Nothing the United States actually does seems to matter to the New Peace. It is possible that absolute military spending might not be as important to explain the phenomenon as relative. Although Washington cut back on spending during the 1990s, its relative advantage never wavered. The United States has accounted for between 35 and 41 percent of global military spending every year since the collapse of the Soviet Union.70 The perception of relative US power might be the decisive factor in decisions made in other capitals. One cannot rule out the possibility that it is the perception of US power—and its willingness to use it—that keeps the peace. In other words, perhaps it is the grand strategy of the United States, rather than its absolute capability, that is decisive in maintaining stability. It is that to which we now turn. Conflict and US Grand Strategy The perception of US power, and the strength of its hegemony, is to some degree a function of grand strategy. If indeed US strategic choices are responsible for the New Peace, then variation in those choices ought to have consequences for the level of international conflict. A restrained United States is much less likely to play the role of sheriff than one following a more activist approach. Were the unipole to follow such a path, hegemonic-stability theorists warn, disaster would follow. Former National Security Advisor Zbigniew Brzezinski spoke for many when he warned that “outright chaos” could be expected to follow a loss of hegemony, including a string of quite specific issues, including new or renewed attempts to build regional empires (by China, Turkey, Russia, and Brazil) and the collapse of the US relationship with Mexico, as emboldened nationalists south of the border reassert 150-year-old territorial claims. Overall, without US dominance, today’s relatively peaceful world would turn “violent and bloodthirsty.” 71 Niall Ferguson foresees a post-hegemonic “Dark Age” in which “plunderers and pirates” target the big coastal cities like New York and Rotterdam, terrorists attack cruise liners and aircraft carriers alike, and the “wretchedly poor citizens” of Latin America are unable to resist the Protestantism brought to them by US evangelicals. Following the multiple (regional, fortunately) nuclear wars and plagues, the few remaining airlines would be forced to suspend service to all but the very richest cities.72 These are somewhat extreme versions of a central assumption of all hegemonic-stability theorists: a restrained United States would be accompanied by utter disaster. The “present danger” of which Kristol, Kagan, and their fellow travelers warn is that the United States “will shrink its responsibilities and—in a fit of absentmindedness, or parsimony, or indifference— allow the international order that it created and sustains to collapse.” 73 Liberals fear restraint as well, and also warn that a militarized version of primacy would be counterproductive in the long run. Although they believe that the rule-based order established by United States is more durable than the relatively fragile order discussed by the neoconservatives, liberals argue that Washington can undermine its creation over time through thoughtless unilateral actions that violate those rules. Many predicted that the invasion of Iraq and its general contempt for international institutions and law would call the legitimacy of the order into question. G. John Ikenberry worried that Bush’s “geostrategic wrecking ball” would lead to a more hostile, divided, and dangerous world.74 Thus while all hegemonicstability theorists expect a rise of chaos during a restrained presidency, liberals also have grave concerns regarding primacy. Overall, if either version is correct and global stability is provided by US hegemony, then maintaining that stability through a grand strategy based on either primacy (to neoconservatives) or “deep engagement” (to liberals) is clearly a wise choice.75 If, however, US actions are only tangentially related to the outbreak of the New Peace, or if any of the other proposed explanations are decisive, then the United States can retrench without fear of negative consequences. The grand strategy of the United States is therefore crucial to beliefs in hegemonic stability Although few observers would agree on the details, most would probably acknowledge that post-Cold War grand strategies of American presidents have differed in some important ways. The four administrations are reasonable representations of the four ideal types outlined by Barry R. Posen and Andrew L. Ross in 1996.76 Under George H. W. Bush, the United States followed the path of “selective engagement,” which is sometimes referred to as “balance-of-power realism”; Bill Clinton’s grand strategy looks a great deal like what Posen and Ross call “cooperative security,” and others call “liberal internationalism”; George W. Bush, especially in his first term, forged a strategy that was as close to “primacy” as any president is likely to get; and Barack Obama, despite some early flirtation with liberalism, has followed a restrained realist path, which Posen and Ross label “neo-isolationism” but its proponents refer to as “strategic restraint.” 77 In no case did the various anticipated disorders materialize**.** As Table 2 demonstrates, **armed conflict levels fell steadily, irrespective of the grand strategic path Washington chose.** Neither the primacy of George W. Bush nor the restraint of Barack Obama had much effect on the level of global violence. Despite continued warnings (and the high-profile mess in Syria), the world has not experienced an increase in violence while the United States chose uninvolvement. If the grand strategy of the United States is responsible for the New Peace, it is leaving no trace in the evidence. Perhaps we should not expect a correlation to show up in this kind of analysis. While US behavior might have varied in the margins during this period, nether its relative advantage over its nearest rivals nor its commitments waivered in any important way. However, it is surely worth noting that if trends opposite to those discussed in the previous two sections had unfolded, if other states had reacted differently to fluctuations in either US military spending or grand strategy, then surely hegemonic stability theorists would argue that their expectations had been fulfilled. Many liberals were on the lookout for chaos while George W. Bush was in the White House, just as neoconservatives have been quick to identify apparent worldwide catastrophe under President Obama.78 If increases in violence would have been evidence for the wisdom of hegemonic strategies, then logical consistency demands that the lack thereof should at least pose a problem. As it stands, the only evidence we have regarding the relationship between US power and international stability suggests that the two are unrelated. The rest of the world appears quite capable and willing to operate effectively without the presence of a global policeman. Those who think otherwise have precious little empirical support upon which to build their case. Hegemonic stability is a belief, in other words, rather than an established fact, and as such deserves a different kind of examination. The Political Psychology of Unipolarity Evidence supporting the notion that US power is primarily responsible for the New Peace is slim, but belief in the connection is quite strong, especially in policy circles. The best arena to examine the proposition is therefore not the world of measurable rationality, but rather that of the human mind. **Political psychology can shed more light on unipolarity than can any collection of data or evidence**. Just because an outcome is primarily psychological does not mean that it is less real; perception quickly becomes reality for both the unipolar state and those in the periphery. If all actors believe that the United States provides security and stability for the system, then behavior can be affected. Beliefs have deep explanatory power in international politics whether they have a firm foundation in empirical reality or not. Like all beliefs, faith in the stability provided by hegemony is rarely subjected to much analysis.79 Although they almost always have some basis in reality, beliefs need not pass rigorous tests to prove that they match it. No amount of evidence has been able to convince some people that vaccines do not cause autism, for example, or that the world is more peaceful than at any time before, or that the climate is changing due to human activity. Ultimately, as Robert Jervis explains, “we often believe as much in the face of evidence as because of it.” 80 Facts may change, but beliefs remain the same. When leaders are motivated to act based on unjustified, inaccurate beliefs, folly often follows. The person who decides to take a big risk because of astrological advice in the morning’s horoscope can benefit from baseless superstition if the risk pays off. Probability and luck suggest that successful policy choices can sometimes flow from incorrect beliefs. Far more often, however, poor intellectual foundations lead to suboptimal or even disastrous outcomes. It is worthwhile to analyze the foundations of even our most deeply held beliefs to determine which ones are good candidates to inspire poor policy choices in those who hold them. People are wonderful rationalizers. There is much to be said for being the strongest country in the world; their status provides Americans both security and psychological rewards, as well as strong incentives to construct a rationale for preserving the unipolar moment that goes beyond mere selfishness. Since people enjoy being “number one,” they are susceptible to perceiving reality in ways that brings the data in line with their desires. It is no coincidence that most hegemonic stability theorists are American.81 Perhaps the satisfaction that comes with being the unipolar power has inspired Americans to misperceive the positive role that their status plays in the world. Three findings from political psychology can shed light on perceptions of hegemonic stability. They are mutually supportive, and, when taken together, suggest that it is likely that US policymakers overestimate the extent to which their actions are responsible for the choices of others. The belief in the major US contribution to world peace is probably unjustified. The Illusion of Control Could 5 percent of the world’s population hope to enforce rules upon the rest? Would even an internationally hegemonic United States be capable of producing the New Peace? Perhaps, but it also may be true that believers in hegemonic stability may be affected by the very common tendency of people to overestimate their ability to control events. A variety of evidence has accumulated over the past forty years to support Ellen J. Langer’s original observations about the “illusion of control” that routinely distorts perception.82 Even in situations where outcomes are clearly generated by pure chance, people tend to believe that they can exert control over events.83 There is little reason to believe that leaders are somehow less susceptible to such illusions than subjects in controlled experiments. The extensive research on the illusion of control has revealed two further findings that suggest US illusions might be even stronger than average. First, misperceptions of control appear to be correlated with power: individuals with higher socioeconomic status, as well as those who are members of dominant groups, are more likely to overestimate their ability to control events.84 Powerful people tend to be far more confident than others, often overly so, and that confidence leads them to inflate their own importance.85 Leaders of superpowers are thus particularly vulnerable to distorted perceptions regarding their ability to affect the course of events. **US observers had a greater structural predisposition** than others, for example, **to believe that they would have been able to control events** in the Persian Gulf following an injection of creative instability in 2003. The skepticism of less powerful allies was easily discounted. Second, there is reason to believe that culture matters as well as power. People from societies that value individualism are more likely to harbor illusions of control than those from collectivist societies, where assumptions of group agency are more common. When compared to people from other parts of the world, Westerners tend to view the world as “highly subject to personal control,” in the words of Richard Nisbett.86 North Americans appear particularly vulnerable in this regard.87 Those who come from relatively powerful countries with individualistic societies are therefore at high risk for misperceiving their ability to influence events. For the United States, the illusion of control extends beyond the water’s edge. An oft-discussed public good supposedly conferred by US hegemony is order in those parts of the world uncontrolled by sovereign states, or the “global commons.” 88 One such common area is the sea, where the United States maintains the only true blue-water navy in the world. That the United States has brought this peace to the high seas is a central belief of hegemonic-stability theorists, one rarely examined in any serious way. Indeed the maritime environment has been unusually peaceful for decades; the biggest naval battles since Okinawa took place during the Falklands conflict in 1982, and they were fairly minor.89 If hegemony is the key variable explaining stability at sea, maritime security would have to be far more chaotic without the US Navy. It is equally if not more plausible to suggest, however, that the reason other states are not building blue-water navies is not because the United States dissuades them from doing so but rather because none feels that trade is imperiled.90 In earlier times, and certainly during the age of mercantilism, zero-sum economics inspired efforts to cut off the trade of opponents on occasion, making control the sea extremely important. Today the free flow of goods is vital to all economies, and it would be in the interest of no state to interrupt it.91 Free trade at sea may no longer need protection, in other words, because it essentially has no enemies; the sheriff may be patrolling a crime-free neighborhood. The threat from the few remaining pirates hardly requires a robust naval presence, and is certainly not what hegemonic-stability advocates mean when they compare the role played by the US Navy in 2016 to that of the Royal Navy in 1816. It is at least possible that shared interest in open, free commons keeps the peace at sea rather than the United States. Oceans unpatrolled by the US Navy may be about as stable as they are with the presence of its carriers. The degree to which 273 active-duty ships exert control over vast common parts is not at all clear. People overestimate the degree to which they control events in their lives. Furthermore, if these observations from political psychology are right about the factors that influence the growth of illusions of power, then **US leaders and analysts are particularly susceptible to misperception**. They may well be overestimating the degree to which the United States can affect the behavior of others. The rest of the world may be able to get along just fine, on land and at sea, without US attempts to control it. Ego-Centric and Self-Serving Biases in Attribution It is natural for people, whether presidents or commoners, to misperceive the role they play in the thinking process of others. Jervis was the first to discuss this phenomenon, now known as the “ego-centric bias,” which has been put to the test many times since he wrote four decades ago. Building on what was known as “attribution theory,” Jervis observed that actors tend to overestimate their importance in the decisions of others. Rarely are our actions as consequential upon their behavior as we believe them to be.92 This is not merely ego gratification, though that plays a role; actors are simply more conscious of their own actions than the other factors central to the internal deliberations in other capitals. Because people are more likely to remember their contributions to an outcome, they naturally grant themselves more causal weight.93 **Two further aspects of the ego-centric bias make US analysts even more susceptible to its effects.** First, the bias is magnified when the behavior of others is desirable. People generally take credit for positive outcomes and deflect responsibility for negative ones. This “self-serving bias” is one of the best-established findings in modern psychology, supported by many hundreds of studies.94 Supporters of Ronald Reagan are happy to give him credit for ending the Cold War, for instance, even though evidence that the United States had much influence on Premier Gorbachev’s decision making is scant at best.95 Today, since few outcomes are more desirable than global stability, it stands to reason that perceptions of the New Peace are prime candidates for distortion by ego-centric, self-serving biases. When war breaks out, it is not the fault of US leaders; when peace comes to a region, Washington is happy to take credit. There was for some time a debate among psychologists over just how universal self-serving biases were, or whether their effects varied across cultures. Extensive research has essentially settled the matter, to the extent that academic questions can ever be settled: a direct relationship appears to exist between cultural individualism and susceptibility to the bias, perhaps because of the value individualistic societies place on self-enhancement (as opposed to self-effacement).96 Actors from more collectivist societies tend to have their egos rewarded in different ways, such as through contributions to the community and connections to others. People from Western countries are far more likely to take credit for positive outcomes than those from Eastern, in other words, and subjects in the United States tower over the rest of the West. US leaders are therefore more culturally predisposed to believe that their actions are responsible for positive outcomes like peace. Second, self-perception is directly related to egocentric attributions. Individuals with high self-esteem are more likely to believe that they are at the center of the decision-making process of others than those who think somewhat more modestly.97 Leaders of any unipolar state may well be more likely to hold their country in high regard, and therefore are more vulnerable to exaggerated egocentric perceptions, than their contemporaries in smaller states. It might not occur to the lead diplomat of other counties to claim, as did Madeleine Albright, that “if we have to use force, it is because we are America; we are the indispensable nation. We stand tall and we see further than other countries into the future.” 98 It is not unreasonable to suspect that the US security community may be even more vulnerable to this misperception than the average group of people. For example, many in that community believed that the United States played a decisive role in Vladimir Putin’s decisions regarding Crimea and eastern Ukraine. President Obama’s various critics argued that perceptions of American weakness inspired or even invited Russian aggression. The refusal to act in Syria in particular emboldened Moscow (despite the fact that in 2008, in the face of ample displays of US action in the Middle East, Moscow had proven sufficiently bold to invade Georgia). Other critics suggested that a variety of provocative US behaviors since the end of the Cold War, especially the expansion of NATO and dissolution of the Anti-Ballistic Missile Treaty, poisoned US–Russian relations and led to an increase in Kremlin paranoia and eventually to the invasion.99 So, either through provocative weakness or bullying, we were responsible for their actions. Egocentric misperceptions are so ubiquitous and pervasive that they generate something of a law of political psychology: we are probably less influential in others’ decision making than we think we are. This extends to their decisions to resolve contentious issues peacefully. While it may be natural for US policymakers to interpret their role as crucial in the maintenance of world peace, it is very likely that Washington exaggerates its importance in the decision making of others, and in the maintenance of international stability. The effect of the ego-centric bias may be especially difficult for the unipolar United States to resist, because other countries do regularly take Washington’s position into account before acting. But US leaders—and the people who analyze them—should keep in mind that they are still probably less important to calculations made in other capitals than they believe. They may well be especially unlikely to recognize the possibility that hegemony is epiphenomenal, that it exists alongside, but does not affect, global stability and the New Peace. Overestimated Benevolence After three years in the White House, Ronald Reagan had learned something surprising: “Many people at the top of the Soviet hierarchy were genuinely afraid of America and Americans,” he wrote in his autobiography. He continued: “Perhaps this shouldn’t have surprised me, but it did … I’d always felt that from our deeds it must be clear to anyone that Americans were a moral people who starting at the birth of our nation had always used our power only as a force for good in the world…. During my first years in Washington, I think many of us took it for granted that the Russians, like ourselves, considered it unthinkable that the United States would launch a first strike against them.” 100 Reagan is certainly not alone in believing in the essential benevolent image of his nation. While it is common for actors to attribute negative motivations to the behavior of others, it is exceedingly difficult for them to accept that anyone could interpret their actions in negative ways. Leaders are well aware of their own motives and tend to assume that their peaceful intentions are obvious and transparent. Both strains of the hegemonic-stability explanation assume not only that US power is benevolent, but that others perceive it that way. Hegemonic stability depends on the perceptions of other states to be successful; it has no hope to succeed if it encounters resistance from the less powerful members of the system, or even if they simply refuse to follow the rules. Relatively small police forces require the general cooperation of large communities to have any chance of establishing order. They must perceive the sheriff as just, rational, and essentially nonthreatening. The lack of balancing behavior in the system, which has been puzzling to many realists, seems to support the notion of widespread perceptions of benevolent hegemony.101 Were they threatened by the order constructed by the United States, the argument goes, smaller states would react in ways that reflected their fears. Since internal and external balancing accompanied previous attempts to achieve hegemony, the absence of such behavior today suggests that something is different about the US version. Hegemonic-stability theorists purport to understand the perceptions of others, at times better than those others understand themselves. Complain as they may at times, other countries know that the United States is acting in the common interest. Objections to unipolarity, though widespread, are not “very seriously intended,” wrote Kagan, since “the truth about America’s dominant role in the world is known to most observers. And the truth is that the benevolent hegemony exercised by the United States is good for a vast portion of the world’s population.” 102 In the 1990s, Russian protests regarding NATO expansion—though nearly universal—were not taken seriously, since US planners believed the alliance’s benevolent intentions were apparent to all. Sagacious Russians understood that expansion would actually be beneficial, since it would bring stability to their western border.103 President Clinton and Secretary of State Warren Christopher were caught off guard by the hostility of their counterparts regarding the issue at a summit in Budapest in December 1994.104 Despite warnings from the vast majority of academic and policy experts about the likely Russian reaction and overall wisdom of expansion itself, the administration failed to anticipate Moscow’s position.105 The Russians did not seem to believe American assurances that expansion would actually be good for them**. The United States overestimated the degree to which others saw it as benevolent**. Once again, the culture of the United States might make its leaders more vulnerable to this misperception. The need for positive self-regard appears to be particularly strong in North American societies compared to elsewhere.106 Western egos tend to be gratified through self-promotion rather than humility, and independence rather than interdependence. Americans are more likely to feel good if they are unique rather than a good cog in society’s wheel, and uniquely good. The need to be perceived as benevolent, though universal, may well exert stronger encouragement for US observers to project their perceptions onto others. The United States almost certainly frightens others more than its leaders perceive. **A quarter of the 68,000 respondents to a 2013 Gallup poll in sixty-five countries identified the United States as the “greatest threat to world peace**,” which was more than three times the total for the second-place country (Pakistan).107 The international community always has to worry about the potential for police brutality, even if it occurs rarely. Such ungratefulness tends to come as a surprise to US leaders. In 2003, Condoleezza Rice was dismayed to discover resistance to US initiatives in Iraq: “There were times,” she said later, “that it appeared that American power was seen to be more dangerous than, perhaps, Saddam Hussein.” 108 Both liberals and neoconservatives probably exaggerate the extent to which US hegemony is everywhere secretly welcomed; it is not just petulant resentment, but understandable disagreement with US policies, that motivates counterhegemonic beliefs and behavior. To review, assuming for a moment that US leaders are subject to the same forces that affect every human being, they overestimate the amount of control they have over other actors, and are not as important to decisions made elsewhere as they believe themselves to be. And they probably perceive their own benevolence to be much greater than do others. These common phenomena all influence US beliefs in the same direction, and may well increase the apparent explanatory power of hegemony beyond what the facts would otherwise support. The United States is probably not as central to the New Peace as either liberals or neoconservatives believe. In the end, what can be said about the relationship between US power and international stability? Probably not much that will satisfy partisans, and the pacifying virtue of US hegemony will remain largely an article of faith in some circles in the policy world. Like most beliefs, it will remain immune to alteration by logic and evidence. Beliefs rarely change, so debates rarely end. For those not yet fully converted, however, perhaps it will be significant that corroborating evidence for the relationship is extremely hard to identify. If indeed hegemonic stability exists, it does so without leaving much of a trace. **Neither Washington’s spending, nor its interventions, nor its overall grand strategy seem to matter much to the levels of armed conflict around the world** (apart from those wars that Uncle Sam starts). The empirical record does not contain strong reasons to believe that unipolarity and the New Peace are related, and insights from political psychology suggest that hegemonic stability is a belief particularly susceptible to misperception. US leaders probably exaggerate the degree to which their power matters, and could retrench without much risk to themselves or the world around them. Researchers will need to look elsewhere to explain why the world has entered into the most peaceful period in its history. The good news from this is that the New Peace will probably persist for quite some time, no matter how dominant the United States is, or what policies President Trump follows, or how much resentment its actions cause in the periphery. The people of the twenty-first century are likely to be much safer and more secure than any of their predecessors, even if many of them do not always believe it..

# States CP

### 1NC Shell

#### The fifty states and relevant territories should distribute adequate and equitable funding to schools and prohibit the use of local property tax revenue for school funding.

#### The Counterplan creates equal educational opportunities

BURNET ’12 (Kerry P.; J.D. – University of Illinois, “Never a Lost Cause: Evaluating School Finance Litigation in the Face of Continuing Education Inequality in Post-Rodriguez America,” 2012 U. Ill. L. Rev. Online 1225, l/n)ww

To establish an equalized funding system, state taxes must replace local property taxes as a main source of school revenue. Increased state funding for schools should serve to redistribute otherwise segregated tax wealth to schools across the state. n287 To ensure the system remains equal, states should either eliminate or severely limit the ability to raise local revenue. n288

State taxes should provide the necessary level of funding to ensure that every school meets a certain level of adequacy. That level includes a competitive salary for teachers so that superior teachers will consider working at schools in lower-income areas. n289 The state-mandated funding [\*1259] level should also ensure a basic level of facilities, school supplies, and equipment. The level should be enough to maintain schools that give students a reasonable opportunity to learn basic skills like reading, writing, and math, and to graduate from high school and be accepted to a four-year college. Admittedly, foundational levels are already set in many states, but these levels have proven insufficient when they are not accompanied by comprehensive reform and limits on local revenue. n290

While some may argue that this proposed system should be disfavored because it eliminates the tradition of localism in schools, localism is to blame for this crisis. n291 Because reliance on local property-tax revenue for schools caused the problem of unequal education funding, reform must include an end to the local revenue system. n292 Localism allows wealthier people to concentrate themselves in the suburbs and pool together high property values to fund their children's education while insulating themselves from the problems of urban and rural areas with concentrated poverty. n293 To break this cycle, states have to end the local property-tax revenue system and redistribute taxes to schools across the state. Nonetheless, local control over the operation of schools could still be maintained; it is the funding of schools that must change. n294

Along with setting higher state funding levels, local property-tax revenues to schools should be prohibited altogether. n295 Under this system, politically and economically powerful parents will be motivated to lobby to raise the state spending level for schools because it will benefit the schools their children attend. At the same time, because the state level will be uniform for all children in the state, lobbying efforts will also benefit the poorest children.

### State Action Good

#### State action promotes innovation and accountability – overlapping mandates fail

CHOPIN ‘13 (Lindsey; JD, associate in the Labor & Employment Law Department and a member of the Employee Benefits & Executive Compensation Group, focusing on complex employee benefits litigation, “COMMENT: UNTANGLING PUBLIC SCHOOL GOVERNANCE: A PROPOSAL TO END MEANINGLESS FEDERAL REFORM AND STREAMLINE CONTROL IN STATE EDUCATION AGENCIES,” *59* *Loyola Law Review 399*, l/n)

In abandoning the current system of fad reforms, it must be accepted that "large-scale educational reform is unlikely in the absence of an institutional center to shape policy, aggregate interests, and control and channel conflict." 245 This realization begs the question: Where should this institutional center be placed? Three options exist: (1) the federal government, (2) local schools, or (3) states. This Comment proposes that the states become centers of education reform that work directly with the local schools to propel constructive change. History has taught us that extensive local control was fragmented and unreliable, and the modern failure of increased federal intervention should make us wary of complete federal control. 246 Furthermore, it has become clear that overlapping governance by multiple bodies creates a confusing and unaccountable system. 247 With a cooperative of state and local control, led by strong state institutional centers, this proposal has the potential to create a balanced system in which real reform can occur. Section IV(A) will outline the proposed changes and why those changes will create a better chance for useful reform. Section IV(B) will then address and rebut possible challenges to this proposal, including why the federal government and local schools should not be centers of reform, and how the federal government will be removed from reform. A. The Case for the States In 1973, the Supreme Court of the United States noted that Education, perhaps even more than welfare assistance, presents a myriad of "intractable economic, social, and even [\*443] philosophical problems." The very complexity of the problems of financing and managing a statewide public school system suggests that "there will be more than one constitutionally permissible method of solving them,' and that, within the limits of rationality, "the [State] legislature's efforts to tackle the problems" should be entitled to respect. 248 Despite this sage advice, the federal government persisted in trying to control education. It is time for the power struggle to come to an end, and for states to take control of the complex endeavor of regulating public education. Section IV(A)(1) will discuss this Comment's proposed changes to state education agencies, and Section IV(A)(2) will analyze why this proposal would succeed. 1. Proposed Changes to State Education Agencies This Section does not suggest another bureaucratic structure, but rather suggests learning-centric bodies that facilitate the education process. Under this proposal, systemic changes to the current system would be necessary. State education agencies would not be mere paper-pushers who dole out funds; they would be involved in the learning and reform process. This would require a massive expansion of state education boards to include enough experts to cover all schools. State education agencies would serve a proactive and reactive regulatory function. Their regulation will be proactive in terms of funding. All funds raised for education should be deposited into the state agency. The state will then adequately and equitably disburse these funds to ensure that poorer districts are not short-changed. 249 The reactive regulatory function of the proposed agency would be charged with monitoring the progress of local schools. As is currently the case, data would be kept on all schools concerning test scores, dropout rates, suspension rates, etc. However, rather than using the data to enforce an arbitrary scheme of winners and losers, the proposed state agency would [\*444] simply be there to ensure upward movement and provide support to those schools that stagnate or decline. This regulation may be achieved, in part, by an overhauled system of professional development. For many, the notion of professional development conjures images of overworked teachers, excited to have an afternoon off from teaching, eating Danishes and discussing new methods of instruction in the school library. 250 The professional development espoused by this proposal differs in that it does not flatly present new strategies for the curious teacher to try on her own, but consists of "mutual education for teachers [that serves as] a lever for reorganizing schools and districts in response to (ever more refined) diagnoses of their shortcomings." 251 This type of professional development consists of master teachers working with other teachers to determine what needs to be fixed and how to fix it. 252 Data would be used to inform change instead of to determine who wins or loses. This proposal maintains that this type of gradual, flexible, and informed change that is a result of ground-level educators and state-level experts working together is the best method by which to improve achievement in all schools. 253 For example, imagine the following: in the ABC Local School District, achievement across schools varies. The lowest performing school has a passing rate of only thirteen percent on the state exam; the highest performing school enjoys a ninety percent rate. Two years after working with master teachers to improve both schools, the thirteen percent school has climbed to fifty percent and the ninety percent school has climbed to ninety-four percent. Under the restrictive programs with arbitrary cut-offs for "success," both schools could be in trouble. The fifty percent school would likely still be considered to be failing because only half of its students passed the state exam. The other school could be in trouble for only gaining four percent on [\*445] the exams. Under this Comment's proposal, neither school would face sanctions. Although it would be ideal to see a school with a thirteen percent proficiency rate move to 100 percent in two years, it is unlikely. Under this proposal, so long as the thirteen percent school was moving upwards, towards a goal of 100 percent, its doors would stay open and it would continue to receive funding, perhaps more funding than other schools. Conversely, the school with the ninety percent proficiency rate would need to progress differently. Obviously, such a school will not be able to jump five percent a year like a lower achieving school could because the school will only be doing fine-tuning. As part of their reactive function, the state education agency would be responsible for tracking this data and making adjustments and interventions where necessary by collaborating with the school and its teachers. Because upward movement will be the focus rather than timelines and thresholds for success, the pressure on local schools can be alleviated and real progress can be made. 2. Why This Structure Will Work Centering education governance in the states will create a balance that local and federal governance has yet to find. States are small enough to respond to local needs, yet large enough to have the resources to respond to those needs. They can respond through a continuation of their current programs, the innovation of new programs, or by looking to other states for guidance. Further, states are small enough to oversee their classrooms, and to partner with the teachers in order to get to the root of their local problems. This Section explores these attributes. Section IV(A)(2)(a) will discuss local solutions for local problems; Section IV(A)(2)(b) will detail the continuation of successful solutions; Section IV(A)(2)(c) will introduce the innovation of new solutions; and Section IV(A)(2)(d) will present a combination of Top and Bottom Down Reform. a. Local Solutions for Local Problems This proposal calls for people to end their reliance on a "Big Idea." 254 As noted earlier, the same reform that fails on a large [\*446] scale may prove successful on a small scale. Under this proposal, all reforms would be imposed on a fairly small scale with close monitoring and tailoring. For example, despite the general finding that charter schools are not the cure-all that many claim them to be, charter schools do have positive effects in some locales. 255 Most notably, in Louisiana, a state whose failures in public education were highlighted nationally after Hurricane Katrina, charter schools actually showed statistically significant growth in both reading and math scores. 256 The growth shown by these charters was significantly more promising than in other states. 257 Thus, Louisiana may want to continue researching this option for reform in some areas. Conversely, Ohio, which showed statistically significant declines in achievement in charter schools, may want to consider other avenues. 258 Regardless of the reform, this proposal allows local solutions. b. Continuation of Successful Solutions As noted earlier, expansive federal oversight can force states to replace successful programs with non-specialized and un-researched federal reforms. This would not happen under the proposed system because the federal government is out of the equation. Rather than scrambling to meet new mandates, states can continue the programs they have and use funds that would be spent on innovating completely new reforms to tweak current systems that are doing well or show promise of future success. Such attention to detail and persistence in implementation is not possible under the federal timeline for reform. c. Innovation of New Solutions As noted earlier, the federal government does not have the resources to enforce and monitor its reforms in a meaningful way. 259 Under federal reform, situations like Jane's useless Smartboard in the hypothetical in the Introduction often arise. The federal government provides money for a certain purpose, like innovation through technology, and the school must find a way to use that technology within the confines of the mandate and can make decisions that are forced and illogical, such as [\*447] purchasing Smartboards. Because implementation is lacking and funding is insufficient, the forced innovations fail, as did the Smartboard innovation, where the boards were purchased but not integrated. It seems more effective to spend resources on developing successful innovations that are needed rather than prescribed. Before the federal reforms tied state education agencies up in red tape, states had begun to innovate their own solutions. 260 Under the most recent federal mandates, this innovation has been both stifled (in the case of NCLB) and rushed (in the case of RTF). The hallmarks of federal reform are limited funding and implementation by the carrot and stick approach. 261 Thus, under the federal system there must be winners and losers, those who pass and those who fail. The lines that divide these categories are completely arbitrary, and in the case of NCLB, have led schools to take drastic measures to meet arbitrary goals. 262 Under the proposed system, arbitrary federal goals would be removed, thus freeing states to innovate at a calm, thoughtful pace. For years, the federal government has assumed that states have the capacity to innovate, as evidenced by their skeletal reforms. This proposal allows states the chance to do exactly that.

### Federal Follow On

#### Counterplan fosters sharing and innovation to move state policies along – it’s superior to top-down action – and spurs federal follow on to compensate for straggling states

GROSS and HILL ’16 (Bethany; Research Director at the Center on Reinventing Public Education at the University of Washington Bothell and Paul T.; Research Professor of Public Affairs, University of Washington Bothell and Founder of the Center on Reinventing Public Education, “The State Role in K--12 Education: From Issuing Mandates to Experimentation,” Summer, 10 Harv. L. & Pol'y Rev. 299, l/n)ww

Deregulation, a key feature of a democratic experimentalism regime, comes with risks. The new federal education law, ESSA, eliminates requirements that states take specific actions on behalf of children in low-performing schools. This opens up the possibility that some or all states will adopt a laissez-faire approach toward local schools and districts. Given that low-performing schools are most likely to serve low-income and disadvantaged students, deregulation puts those students at risk. Compared to a rule-based system, which requires states do something to avoid charges of non-compliance and loss of federal subsidies, deregulation relies heavily on state-and local-level motivation and capacity. Though the new federal policy is risky in these ways, democratic experimentalism neither causes nor exacerbates these hazards. Experimentalism ensures that states share their experiences and measure results.

Critics of democratic experimentalism contend that the certainty of mandates protects policies that might be vulnerable to competing political interests. David Super, for example, argues that under a decentralized anti-poverty policy the nation failed to reach consensus on goals, left under-resourced government agencies in control of enforcement, and created lengthy negotiations and debates on policy that consumed the resources of anti-poverty advocates. n123 While we agree with Super's argument, it is not clear that a mandate-based regime would have been more effective without a very different political environment and a great deal more money. Nor is it likely that a mandate-based regime would have allowed the diversity of practice that could lead to innovation and long-term improvement. Top-down rights enforcement can reallocate money and access, but it cannot mandate the discovery of a solution to a heretofore unsolved problem.

Local education leaders who lack capacity or motivation will also not make progress. States will differ in whether they have the leadership, intellectual capacity, and political support necessary to move intransigent localities. Such realities of a decentralized system are not caused by democratic experimentalism, which creates some transparency and pressure for improvement. Low-performing localities that refuse to experiment will be identifiable through the outcome data that states are still required to gather. But identifying such jurisdictions and overcoming high-inertia organizations takes time, and in the meantime, improvements in schooling for low-income and disadvantaged students might not happen.

[\*325] It is safe to say that not all states will seize the opportunity that ESSA provides. Some will charge ahead, learning, adapting, and improving. The aggregation and sharing of knowledge via democratic experimentalism may accelerate their progress. But, as has been the case in every reform movement before, other states will not move. Just as states varied tremendously in their response to the more prescriptive requirements of NCLB, some will undoubtedly change as little as they can under ESSA.

Proponents of democratic experimentalism do not expect policy to remain stagnant, or for higher levels of government never to play any role. As Sabel explains, a democratic experimentalism regime requires an "ongoing revision of norms at various levels in the light of [what is learned from the continuous pooling of experiences]." n124 With this expectation, state and national leaders may revise policy to reflect new knowledge as they draft laws, construct programs, and allocate money. One possible result of a period of experimentalism would be federal incentives to move states and districts that have been stagnant to adopt particular programs or policies that have proven to be successful elsewhere.

### Solves Federalism

#### Counterplan prevents future federal intrusions

GROSS and HILL ’16 (Bethany; Research Director at the Center on Reinventing Public Education at the University of Washington Bothell and Paul T.; Research Professor of Public Affairs, University of Washington Bothell and Founder of the Center on Reinventing Public Education, “The State Role in K--12 Education: From Issuing Mandates to Experimentation,” Summer, 10 Harv. L. & Pol'y Rev. 299, l/n)ww

It is also worth remembering that the new, flexible regime created by ESSA is not permanent. Key Title I constituencies--civil rights groups and advocates for poor and minority children--suspect that states will neglect disadvantaged children unless they are under strong federal pressure. These groups will not go away. They will be on alert for any evidence that states have used the new flexibility under ESSA to reallocate federal funds away from poverty-area schools, or have allowed struggling schools and districts to decline further. If states' actions confirm these advocates' suspicions, the coalition that steadily built up the regulatory burden associated with federal aid to K-12 schools could become dominant again. Whether democratic experimentalism catches hold or becomes a footnote in the history of state and federal relations will depend on whether states seize the new opportunities they now have.

### A/T: Uniformity

#### Uniformity isn’t key to solvency or even desirable

McGOVERN ’11 (Shannon K.; JD – New York University School of Law, “A New Model for States as Laboratories for Reform: How Federalism Informs Education Policy,” 86 N.Y.U.L. Rev. 1519, November, l/n)ww

Moreover, to be effective, education reforms do not necessarily require nationwide uniformity. The drinking limitation in South Dakota v. Dole was predicated upon findings that variable state drinking ages encouraged young people to drive "to border States where the drinking age [was] lower." n118 State education policies may have some similar "spillover effects." n119 To cite one example, a single state may impose its educational content preferences upon its sister states because states are served by a nationwide textbook market. n120 But, for the most part, local and regional conditions present unique challenges in the implementation of policy, n121 meaning uniformity is not always possible or even desirable. Nor is education policy analogous to industry regulation, which, unless nationalized, presents collective action problems. If state participation in the Clean Air Act, for example, were not encouraged through conditions and sanctions, n122 economic incentives might exist for states to under-or deregulate. The failure of NCLB, in contrast, is not a manifestation of classic collective action theory but rather the product of a shortsighted statutory mechanism for federal oversight.

While there may be no legal difference between tying federal funding to the implementation of a statute requiring seatbelts and tying it to the passage of a statute authorizing charter schools, the [\*1541] cooption of state policy making in the latter example is less justifiable. Education reforms generally do not require uniform application or collective action and may be difficult to evaluate empirically. In the absence of both a need for uniform collective action and the ability to predict results, the federal government should not impose pressure on a state legislature to approve a particular statutory enactment.

### A/T: Progressive Funding

#### Federal tax code isn’t very progressive

GREENSTONE and LOONEY ’12 (Michael; Milton Friedman Professor of Economics – University of Chicago, and Adam; senior fellow in Economic Studies at Brookings, “Just How Progressive Is the U.S. Tax Code?” 4/13, https://www.brookings.edu/blog/up-front/2012/04/13/just-how-progressive-is-the-u-s-tax-code/)ww

As tax time approaches, many are debating whether high-income taxpayers should pay more or whether their tax rates are already too high. This debate is particularly relevant today because of the economic struggles many Americans are experiencing, and because of the longer-term trend of rising inequality. A host of economic forces, like changes in technology, increases in international competition, and other changes in the labor market, such as the decline of unions and a falling real minimum wage, have reduced job opportunities and wages for some American workers, but expanded opportunities and incomes for others. In fact, the earnings and market incomes of many middle-class and lower-income households have stagnated and even declined over time, while incomes at the top of the income distribution have risen dramatically. The United States has traditionally boasted a progressive tax code—one in which the tax rate increases as income increases. A key question for policymakers, then, is how the tax system should respond to the current challenges—how progressive should the tax code be?

The purpose of any tax system is to raise revenues to fund government programs. But the challenge to designing a good tax system is raising revenues in a way that minimizes economic harm. That means being concerned not just with economic incentives in the tax code, but also the ability to pay of hard-hit middle- and lower-income households, whose incomes and employment prospects have been hurt by economic forces beyond their control. By basing tax rates on income and one’s ability to pay, a progressive tax system prevents these households from suffering the double burden of hard economic times and higher taxes.

In this post we examine the progressivity of the U.S. tax code and highlight two facts: the current U.S. tax system is less progressive than the tax systems of other industrialized countries, and considerably less progressive today than it was just a few decades ago.

The figure below shows how much influence taxes and transfers have in reducing inequality (measured using a common metric called the “Gini coefficient”) in various countries around the world. As indicated in the chart, the U.S. tax and transfer system does less to counteract pre-tax income inequality than the tax systems of most of our peer countries, meaning that our system is actually less progressive.

In addition to being less progressive relative to other countries, the U.S. tax system has also become less progressive over time. Over the last fifty years, tax rates for the wealthiest Americans have declined by 40 percent, while tax rates for average Americans have remained roughly constant. This is illustrated in the figure below.

This decline in tax rates for the wealthy has coincided with an increase in income inequality, where most of the wage gains have been concentrated among a relatively small portion of the American people. For example, since 1979, earnings for households in the top 1 percent of the income distribution have risen by over 250 percent. At the same time, many households at the middle and bottom of the income distribution have experienced stagnating incomes or even declines in earnings (figure below, blue bars). This means that the very people who have received the biggest income gains in the past three decades have also seen the largest tax cuts (figure below, red bars).

These estimates may come as a surprise to observers focused on the share of federal taxes paid by high-income individuals, rather than the tax rates that those individuals face. Without a doubt, the share of taxes paid by high-income individuals has increased. But the reason why the share of taxes paid by the top 10 percent has increased is because their share of income has increased.

In 1979, the top 1 percent of Americans earned 9.3 percent of all income in the United States and paid 15.4 percent of all federal taxes. While the share of income earned by the top 1 percent had more than doubled by 2007—to 19.4 percent—the share of federal tax liability paid by that group only increased by about 80 percent, to 28.1 percent. The share of taxes increased less for this group because high-income tax rates fell by more than the tax rates for everyone else—reductions that made the system less progressive.

### A/T: Capacity

#### Lack of Capacity undermines the plan too

McGOVERN ’11 (Shannon K.; JD – New York University School of Law, “A New Model for States as Laboratories for Reform: How Federalism Informs Education Policy,” 86 N.Y.U.L. Rev. 1519, November, l/n)ww

It also means that federal policy is constrained by both the DOE's capacity and each state's capacity. In implementing NCLB, the Bush Administration was forced to make a number of concessions, including individual waivers from requirements, blanket revisions, and reversals of policy in the face of state incapacity and its own inability to enforce the law as written. n157 Following the announcement of President Obama's proposal for NCLB reauthorization, which includes a shift from absolute to growth-based measurement of student achievement, n158 experts predicted it would take several years for states to develop the requisite capacity to monitor students' academic growth. n159 The limited capacity of state education departments justifies a strong federal role in education, but the interdependence of state and federal bureaucracies in implementing federal policy simultaneously serves to check sudden expansions of federal power. n160 The federal government simply cannot do it alone.

### A/T: Data Collection

#### State data collection is improving

GROSS and HILL ’16 (Bethany; Research Director at the Center on Reinventing Public Education at the University of Washington Bothell and Paul T.; Research Professor of Public Affairs, University of Washington Bothell and Founder of the Center on Reinventing Public Education, “The State Role in K--12 Education: From Issuing Mandates to Experimentation,” Summer, 10 Harv. L. & Pol'y Rev. 299, l/n)ww

The federal government's influence over state and local policy is receding. ESSA now offers states more latitude in how states structure and implement accountability systems and pursue educational improvement. NCLB faced harsh criticism for placing so much emphasis on standardized testing, encouraging teaching-to-the-test (sometimes leading to score tampering), and threatening consequences (some punitive) without helping schools and districts improve. n68 With powerful interests levying these critiques, pressure on states to shift course as they gain more authority is likely to be strong. Will states act on their own to sustain activities they adopted during the NCLB era, particularly monitoring performance and intervening to transform the opportunities of children who are not learning in their schools, or will they revert to a pre-NCLB, input-oriented approach to oversight?

Turning back the clock seems unlikely. Federal pressure has permanently remodeled state politics and capabilities, and has brought a new brand of activist individuals into the leadership of state education agencies. The data systems and analytical capacities states have developed will not go away. To be sure, a particular governor or state schools chief might choose to neglect those capacities and functions for a while, but independent analysts [\*313] and advocacy groups that appeared during the NCLB era probably will not. We expect analysts and interest groups will keep officials under pressure to acknowledge achievement gaps and the existence of consistently unproductive schools. Though some officials might be able to ignore these pressures, it is likely that at least some governors and chief state school officers will continue to use school and district performance information and take actions to improve options for children being left behind.

The prediction that tools and postures created in the NCLB era will continue, even after the federal government reduces its role, is consistent with the theory of policy feedback. n69 Policy feedback theory argues that policies leave behind remnants--beneficiaries, governmental capacities and routines, and advocacy organizations--that continue to have influence even after policies change or are abandoned. n70

The accountability provisions of NCLB have left many such remnants. These include expanded data infrastructure and bureaucratic units with the capacity to provide growth measures for students. For example, in 2014, the Data Quality Campaign (DQC), a nonprofit that tracks the data capacity of states, reported that forty-six states had statewide data repositories including student-level data, a feature required for analyses of the growth of students over time. n71 The DQC also reported that forty-five states produced and made available on public websites annual reports showing school and district performance trends. n72

#### State data collection is superior to the DOE

GROSS and HILL ’16 (Bethany; Research Director at the Center on Reinventing Public Education at the University of Washington Bothell and Paul T.; Research Professor of Public Affairs, University of Washington Bothell and Founder of the Center on Reinventing Public Education, “The State Role in K--12 Education: From Issuing Mandates to Experimentation,” Summer, 10 Harv. L. & Pol'y Rev. 299, l/n)ww

Alternatives to these USDOE analysis and dissemination networks might include interstate compacts. To some extent, such groups already exist. The Council of Chief State School Officers (CCSSO) n115 and the Education Commission of the States, n116 for example, are long-standing organizations that provide research syntheses on a variety of state policy concerns. More recently, a consortium of state agency chiefs formed the [\*323] Innovation Lab Network n117 as a subgroup within CCSSO to pursue a collective effort to design new accountability and assessment methods, among other projects. Innovation Lab Network members, including New Hampshire and Kentucky, have stepped forward to pilot new methods in their own states. n118 methods, among other projects. Innovation Lab Network members, including New Hampshire and Kentucky, have stepped forward to pilot new methods in their own states. n118

Of course, the analytic capacity to support democratic experimentalism can come from the federal government, interstate consortia, or both. Indeed, both approaches offer complementary advantages and disadvantages. The USDOE is highly resourced and has historically allocated significant resources to its research arm, IES. For fiscal year 2016, the federal government appropriated $ 68 billion of discretionary funding to the USDOE with almost $ 620 million to IES. n119 Department leadership and management, however, are often distant from the day-to-day issues in public school systems, making it difficult for them to judge the most pressing priorities facing states, districts, and schools. n120 Likewise, USDOE has a history of operating prescriptive grant programs and enforcement processes, and has been staffed largely with those purposes in mind, rather than supporting democratic experimentalism. n121 Still, if the enactment of ESSA moves the USDOE away from centralized program administration, it could play an important role in promoting and sustaining democratic experimentalism.

A cross-state consortium might more credibly claim a commitment to evidence-based improvement. Unlike the USDOE, current state leaders are often active participants in these networks, providing the consortium with a direct connection to those who are sorting through the challenges of educational policy in their local context. CCSSO, for example, regularly convenes state leaders to engage in dialogue on salient policy issues from across the country. The Innovation Lab Network provides a forum for self-selected states committed to piloting innovative policy solutions to share and learn from others' experiences. n122

At the same time, these organizations often do not have ready access to government funds and would either have to gain stable foundation support or depend on states' contributions. These sources of support could prove too [\*324] small and unstable to be the sole source of analytic capacity for the nation. They could, however, provide early proving grounds for small-scale experiments and a forum for state leaders to share new knowledge and innovation.

# Federalism

### 1NC Shell

#### Strong support for education federalism now

JACOB ’17 (Brian A.; Nonresident Senior Fellow - Economic Studies, Center on Children and Families – Brookings Institution, “How the U.S. Department of Education can foster education reform in the era of Trump and ESSA,” 2/2, https://www.brookings.edu/research/how-the-u-s-department-of-education-can-foster-education-reform-in-the-era-of-trump-and-essa/)ww

The current administration has vowed to leave education matters up to the states, continuing a movement started with the Every Student Succeeds Act (ESSA), which dramatically limited the federal government’s role in school accountability. While greater local control certainly has some benefits, it risks exacerbating the massive disparities in educational performance across states that already exists.

In 2015, there was almost a 30 percentile point difference in 4th grade math proficiency rates between the top and bottom states, only some of which can be explained by state-level social and economic factors. The massive disparity in progress is perhaps even more disturbing. Between 2003 and 2015, student proficiency rates grew by over 40 percent in some states, while remaining flat or even declining in other states.

The Department of Education (DoED) should take steps to highlight these disparities by identifying the lowest performing states and providing information on the status and progress of all states on a variety of educational metrics. The DoED might also provide modest funding and technical assistance to help demographically similar states work together to improve their public education systems.

On the campaign trail, President Trump often called for giving more discretion over education policy to states and localities, critiquing Common Core and what he viewed as other instances of federal overreach. In her recent confirmation hearing, President Trump’s nominee for Education Secretary—Betsy DeVos—repeatedly argued for leaving education matters up to the states.

And this desire for local control is not limited to the current administration. In 2015, Congress passed the Every Student Succeeds Act (ESSA) with strong bipartisan support. This legislation replaced the No Child Left Behind (NCLB) system of school accountability with a more narrowly tailored and flexible approach to school reform. Instead of requiring all schools to meet annual performance targets, ESSA requires states to focus on a small set of low-performing schools and gives them considerable latitude to design the interventions they deem appropriate.

In discussing ESSA, chair of the Senate Education Committee Lamar Alexander claimed, “The department was in effect acting as a national school board for the 42 states with waivers—100,000 schools. The states were doing fine until the federal government stuck its nose into it…So it was important to get the balls back in the hands of the people who really should have it.”[i]

#### Federal regulations and funding undermine education federalism

MARSHALL et al. ’13 (Jennifer; Vice President Institute for Family, Community & Opportunity – Heritage Foundation, “Common Core National Standards and Tests: Empty Promises and Increased Federal Overreach Into Education,” 10/7, http://www.heritage.org/education/report/common-core-national-standards-and-tests-empty-promises-and-increased-federal)ww

Americans who cherish limited government must be constantly vigilant of pushes to centralize various aspects of our lives. Government intervention is a zero-sum game; every act of centralization comes at the expense of liberty and the civil society institutions upon which this country was founded.

Education is no exception. Growing federal intervention in education over the past half century has come at the expense of state and local school autonomy, and has done little to improve academic outcomes. Every new fad and program has brought not academic excellence but bureaucratic red tape for teachers and school leaders, while wresting away decision-making authority from parents.

Despite significant growth in federal intervention, American students are hardly better off now than they were in the 1970s. Graduation rates for disadvantaged students, reading performance, and international competitiveness have remained relatively flat, despite a near tripling of real per-pupil federal expenditures and more than 100 federal education programs. Achievement gaps between children from low-income families and their more affluent peers, and between white and minority children, remain stubbornly persistent. While many of these problems stem from a lack of educational choice and a monopolistic public education system, the growth in federal intervention, programs, and spending has only exacerbated them.

Federal intervention in education has been enormous under the Obama Administration, and has been coupled with a gross disregard for the normal legislative process. And today, Americans face the next massive effort to further centralize education: the Common Core State Standards Initiative.

The battle over national standards and tests is ultimately a battle over who controls the content taught in every local public school in America. Something as important as the education of America’s children should not be subjected to centralization or the whims of Washington bureaucrats. What is taught in America’s classrooms should be informed by parents, by principals, by teachers, and by the business community, which can provide input about the skills students need to be competitive when they leave high school.

Choice in education through vouchers, education savings accounts, online learning, tuition tax credit options, homeschooling—all of these options are changing how education is delivered to students, matching options to student learning needs. It’s the type of customization that has been absent from our education system. Choice and customization are critical components necessary to improve education in America. Imposing uniformity on the system through national standards and tests and further centralizing decision-making will only perpetuate the status quo.

The good news is, citizens and leaders in a number of states are fighting to regain control over standards and curriculum, defending against a nationalization of education. Ultimately, we should work to ensure that decisions are made by those closest to the student: teachers, principals, and parents.

#### Education regulations spillover to environmental law

WOOD et al. ’16 (Jonathan; Counsel of Record – Pacific Legal Foundation, Amicus Brief for Christie v. NCAA, November, https://cei.org/sites/default/files/FINAL%2015-356%20Amicus%20Brief.pdf)ww

The Third Circuit’s narrow interpretation of the anti-commandeering doctrine could impact far more than sports gambling. It creates a significant loophole in the doctrine that would allow the federal government to overextend its constitutional authority.

This could fundamentally alter the relationship between the federal government and the states. For instance, the federal government could compel states to continue implementing education policies well after they have proven unpopular. Previously, the need to convince states to cooperate has given them significant leverage to influence federal policy. See Young, supra at 1074-75 (explaining that state resistence to federal education policy forced a federal agency to change its requirements).

If, once adopted, the federal government could compel states to continue to implement particular policies, the political consequences could be far reaching. The federal government could dictate curricula or testing requirements in those states that previously embraced the federal policy. But see Milliken v. Bradley, 418 U.S. 717, 741-42 (1974) (recognizing education as an area of traditional state and local control). It could also require states to continue enforcing their current bathroom policies, whatever those may be. Cf. G.G. ex rel. Grimm v. Gloucester Cnty. Sch. Bd., 822 F.3d 709 (4th Cir. 2016), cert. granted, No. 16-273 (Oct. 28, 2016).

Limiting the anti-commandeering doctrine could also have severe repercussions in environmental policy. Federal-state cooperation on environmental regulation is particularly useful because states have greater local knowledge and more available enforcement officers. See Richard B. Stewart, Pyramids of Sacrifice? Problems of Federalism in Mandating State Implementation of National Environmental Policy, 86 Yale L.J. 1196, 1243-50 (1977). But if the federal government could indefinitely impose its will on states after they initially agree, that would threaten these cooperative federalism arrangements, with far reaching affects. Cf. Robert V. Percival, Environmental Federalism: Historical Roots and Contemporary Models, 54 Md. L. Rev. 1141, 1174 (1995).

The decision below invites these problems. For instance, if the federal government used its spending power to entice a state to adopt federal policy as its own, it could then forbid the state from ever changing its policy. When the state cried foul, the federal government could respond that, despite all appearances, the state isn’t being commandeered because it was not compelled to adopt the policy originally. See N.C.A.A., 832 F.3d at 401-02. Obviously, a state would be extremely wary to cooperate in implementing federal environmental policy if it knows that, once it does, it may be permanently giving up its sovereignty. Cf. Stewart, supra at 1243-50. That would make cooperative federalism arrangements far more treacherous, not only undermining federalism but also the policy goals that these arrangements advance.

#### State based climate action key to avoid extinction

MEYER ’16 (Robinson; The Atlantic, “What President Trump Will Mean for Earth’s Climate,” 11/9, https://www.theatlantic.com/science/archive/2016/11/what-president-trump-could-mean-for-climate-change/507098/)ww

If he fulfills his campaign promises, President-Elect Donald J. Trump and his future administration could prove cataclysmic for the planet’s climate.

Trump’s policies will likely ensure that the global mean temperature rises higher than 1.5 degrees Celsius. While that may seem like a small amount of warming, it would have devastating effects on a planetary scale, pushing weather patterns far outside what human civilization has previously experienced and ensuring mass extinctions.

How could one president have so massive an effect?

First, because Trump said he would withdraw the United States from the Paris Agreement, the first international treaty to mitigate global warming. This could shatter the international consensus on reducing greenhouse-gas emissions, similar to how the second Bush administration’s withdrawal from the Kyoto Protocol effectively ended that treaty’s functional life within the United States. It could enable other countries to abandon their commitments and emit greenhouse gases at much higher rates.

“China, Europe, Brazil, India and other countries will continue to move ahead with the climate commitments they made under Paris no matter what the next president does, because these commitments are in their own national interest,” said Alden Meyer, the director of policy and strategy at the Union of Concerned Scientists, in an email.

While the Paris Agreement became international law this week—making it technically impossible for a president to withdraw before 2019 or 2020—Trump could simply refuse to recognize the agreement’s obligations, the vast majority of which are non-binding. Trump also said, late in the campaign, that he would cut off American support for UN climate science.

Second, Trump will almost certainly terminate President Obama’s Clean Power Plan, a set of EPA regulations meant to reduce emissions from the power sector. Lux Research, a global energy consulting group, estimated before the election that Trump’s policies would lead to the emission of an additional 3.4 billion tons of carbon dioxide into the atmosphere, as compared to Clinton’s.

These two factors alone could push the world over the edge. The Intergovernmental Panel on Climate Change estimated that the planet could only stand another five years of emissions at current rates before it would become impossible to keep the global mean temperature from rising 1.5 degrees Celsius. If emissions increased under a Trump administration, as Lux projects, then the world could overshoot that carbon budget well before 2021.

Trump appears to doubt the existence of climate change itself. Though he later denied saying it, Trump tweeted before the campaign began that climate change was a hoax invented by the Chinese government to depress American industry.

“The Paris Agreement was signed and ratified not by a President, but by the United States itself. As a matter of international law, and as a matter of human survival, the nations of the world can, must, and will hold the United States to its climate commitments,” said Carroll Muffett, the president and CEO of the Center for International Climate Law.

“Donald Trump now has the unflattering distinction of being the only head of state in the entire world to reject the scientific consensus that mankind is driving climate change,” said Michael Brune, the executive director of the Sierra Club, in a statement. “No matter what happens, Donald Trump can’t change the fact that wind and solar energy are rapidly becoming more affordable and accessible than dirty fossil fuels. With both the market and grassroots environmental advocacy moving us toward clean energy, there is still a strong path forward for reducing climate pollution even under a Trump presidency.”

Indeed, Brune’s statement hints at the next steps for climate activists. The Sierra Club has successfully retired more than 190 coal plants since 2003, leading a campaign that has relied more on local activism than federal support. Even if Trump seeks to expand the construction of coal-burning plants, those campaigns will likely continue.

Activists are also likely to seek the creation of emissions-restriction plans in individual states. While Washington defeated a carbon-tax referendum last night, that measure was opposed by the state’s left. Other state efforts at mitigating climate change have found more success. Earlier this year, California passed a series of state laws that will dramatically alter that state’s energy profile, granting its state agency the freedom to cut emissions by 40 percent by 2030. It seems likely that environmental leaders will seek similar measures in other states.

### Uniqueness – ESSA

#### ESSA and recent regulatory rollbacks have increased state control of education

GOELZHAUSER and ROSE ’17 (Greg; Associate Professor of Political Science – Utah State University, and Shanna; Associate Professor of Government – Clarement McKenna College, “The State of American Federalism 2016–2017: Policy Reversals and Partisan Perspectives on Intergovernmental Relations,” 6/8, Publius, 47.3)ww

In December 2015, President Obama signed the Every Student Succeeds Act (ESSA), which replaces No Child Left Behind (NCLB), an initiative that was advanced by the George W. Bush administration and passed by the Republican-controlled Congress in 2001 but quickly lost favor with conservatives and liberals alike. The law was criticized for increasing the federal government’s role in K-12 education and for relying too heavily on standardized tests, among other things. However, when NCLB expired in 2007, national lawmakers could not agree on how to update the much-maligned law, leaving it in limbo for nearly a decade. This impasse was finally broken in 2015 when Congress passed ESSA by overwhelming bipartisan margins of 359-64 in the House and 85-12 in the Senate, in what President Obama referred to as a “Christmas miracle” (Kerr 2015). The law went into effect in August 2016 and allows for an eighteen-month transition period.

The Wall Street Journal (2015) hailed ESSA as “the largest devolution of federal control to the states in a quarter-century.” The new law retains some features of NCLB while eliminating others that were widely viewed as too restrictive or punitive. It requires children to continue to take standardized tests in the third through eighth grades, and schools to continue to report on the progress of disadvantaged groups including disabled students, minorities, and English learners. However, ESSA significantly reduces the federal role in turning around (or closing) struggling schools by allowing states to establish their own accountability systems. Such systems must be partly based on test scores and graduation rates, but otherwise the new law gives states substantial flexibility to incorporate other factors, such as school safety and teacher engagement, and to determine how much these factors count toward defining a school’s success or failure.

The law represents a balancing act between Republicans’ (and many Democrats’) desire to return more control over public education to states and localities and Democrats’ desire to protect vulnerable students. The compromise reflects the extent to which the two parties have traded places since 2001 when it comes to their positions on the federal role in K-12 education. During the debate over NCLB, Republicans—concerned that the American education system was no longer internationally competitive—hoped a greater federal role would improve school accountability, while many Democrats were skeptical of the top-down approach, fearing teachers would be micromanaged. But then during the Obama years, Republicans grew concerned about what they saw as federal government overreach in the administration’s NCLB waivers and its Race to the Top competitive grant program, which pushed states to adopt the Common Core standards (Edwards 2015). And while Democrats found many things to criticize in NCLB, they liked that it forced schools to pay attention to minorities and other disadvantaged groups of students. In an article in this issue, Andrew Saultz, Lance D. Fusarelli, and Andrew McEachin examine the role played by liberal and conservative constituencies in pressuring Congress for NCLB reform.

Although the new law rolls back much of the NCLB Act, the magnitude of its effects on the American education system will be muted by waivers. Forty-two states and the District of Columbia had waivers from certain NCLB requirements at the time ESSA became law, allowing them to establish their own standards for student success. “This means that most of the country’s students have already been learning under a system that eschewed much of No Child Left Behind’s most obvious and onerous aspects—and looks a lot like the system envisioned in Every Student Succeeds” (Wong 2015). Nonetheless, the law does attempt to change the federal-state power balance. Senator Lamar Alexander (R-TN), who co-authored the legislation, claimed ESSA “will end the waivers through which the U.S. Department of Education has become in effect a national school board. Governors have been forced to come to Washington, D.C., and play Mother May I” (Camera 2015).

In 2017, the bipartisan compromise underlying ESSA fell apart as the GOP-controlled Congress—in a narrow vote along partisan lines—relied on a process set out in the rarely used Congressional Review Act to rescind accountability regulations that had been adopted by the Obama administration in late 2016, one year after ESSA’s passage. The regulations were intended to clarify how states should measure schools’ performance and hold low-performing schools accountable under ESSA. Congressional Democrats defended the reporting requirements as necessary to protect vulnerable students, but Republicans argued that the regulations were another example of federal overreach by the Obama administration. The rollback effectively leaves it up to states to find ways to enforce protections for at-risk students. Some state education leaders welcomed the additional flexibility, while others said they feared the move opened a loophole that would make it easier to ignore or hide failing schools, to the detriment of vulnerable students (Brown 2017).

#### ESSA returned power to the states

BLACK ’17 (Derek W.; Professor of Law – University of South Carolina, “Abandoning the Federal Role in Education: The Every Student Succeeds Act,” California Law Review, vol. 105:101)ww

In December 2015, Congress passed the Every Student Succeeds Act (ESSA), which redefined the role of the federal government in education. The ESSA attempted to appease popular sentiment against the No Child Left Behind Act’s (NCLB) overreliance on standardized testing and punitive sanctions. But in overturning those aspects of the NCLB, Congress failed to devise a system that was any better. Congress simply stripped the federal government of regulatory power and vastly expanded state discretion. For the first time in fifty years, the federal government lacks the ability to prompt improvements in student achievement and to demand equal resources for low-income students. Thus, the ESSA boldly presumes that states will voluntarily improve educational opportunities for low-income students despite their historical tendency to do the contrary.

#### ESSA reverses the federal role in education – moves away from bad NCLB practices

DULGERIAN ’16 (Deena; J.D. Candidate – Georgetown University, “The Impact of the Every Student Succeeds Act on Rural Schools,” 24 Geo. J. Poverty Law & Pol'y 111, Fall, l/n)ww

The one-room rural schoolhouse is reminiscent of Laura Ingalls Wilder's Little House on the Prairie series depicting late nineteenth century settlements in the Midwest: one teacher, a dozen or so students of varying ages, and a long walk home. A century and a half later, the imagery of the one-room schoolhouse has faded, but the existence of rural schools is still very much alive in the United States. Instead of one teacher, there are now an average of thirty-two teachers in a rural school. n1 Up to one-third of the country's students are educated in rural schools, n2 and rural school districts make up around 50% of all the districts in the United States. n3

Despite the significant number of rural schools and students, some rural educators believe that federal education law has historically neglected to appropriately address the unique needs of rural schools. n4 They believe that [\*112] federal laws are "designed primarily for urban and suburban districts and are poorly suited for rural districts." n5 Not only is the substance of federal education law out of touch with the reality in rural districts, but administrative logistics and procedures are beyond the scope and financial capabilities of most rural schools and districts. n6 While "rural" does not automatically imply poverty, n7 rural areas are more susceptible to poverty and deep poverty than urban areas n8 : [\*113] about one-fourth of children living in rural areas are poor, compared to one-fifth of children living in urban areas. n9 This means there are fewer individuals who have developed specific skill sets and, subsequently, fewer employment opportunities to develop rural economics. Despite this disparity, there are scattered examples of successfully-structured and efficiently-run rural schools. n10

These disparities became evident with No Child Left Behind (NCLB), the 2002 reauthorization of the Elementary and Secondary Education Act (ESEA). NCLB, from the perspective of some rural educators and non-rural educators, became synonymous with an overreach of the federal government into what was historically a state-controlled arena. n11 NCLB was labeled as a "one size fits all" n12 accountability scheme that compelled state standardized testing to assess student progress and teacher quality standards without recognizing the differences between rural and non-rural districts that would affect meeting those standards. n13 One size fits all or not, it was NCLB's lack of guidance to states on how to adopt its requirements in rural areas that was the problem. n14

The most recent reauthorization of ESEA was the Every Student Succeeds Act (ESSA). A similar bi-partisan effort to NCLB, ESSA is seen as a retreat of the federal role in education. n15 It offers state education agencies (SEAs) and local education agencies (LEAs) flexibility in defining their standards, [\*114] controlling their assessments, and adjusting their penalization of failing schools. n16 Alternatively, this flexibility, especially in state assessment reporting where states can choose to submit to the Department of Education ("Department") one score or combined scores from multiple interim tests, could offer new challenges for which states may be unprepared. n17

This Note argues that ESSA is an improvement from NCLB for rural schools, although there are still some areas that require further revision. Part II emphasizes the distinction between rural and non-rural schools and why federal education law should reflect those differences. It also describes the link between rural areas and poverty to emphasize the impact education law can have on rural economics. Part III highlights the six major problems facing rural schools that NCLB either exacerbated or ignored: (1) administrative handicaps due to short-staffing at schools, (2) funding formulas that disproportionately affect schools with low enrollment rates regardless of the percentage of low-income students, (3) challenges retaining teachers, (4) teacher quality requirements that are difficult for teachers teaching multiple subjects, (5) low student enrollment, and (6) limited and unfinanced access to technology. Part IV discusses which of these problems ESSA sufficiently addresses: administrative handicaps and teacher quality requirements. Part V discusses which of the problems ESSA does not sufficiently address but can be revised by Congress or the Department: funding formulas and access to technology.

#### The ESSA returned control of education to the local level

GROSS and HILL ’16 (Betheny; Research Director at the Center on Reinventing Public Education at the University of Washington Bothell and Paul T.; Research Professor of Public Affairs, University of Washington Bothell and Founder of the Center on Reinventing Public Education, “The State Role in K--12 Education: From Issuing Mandates to Experimentation,” 10 Harv. L. & Pol'y Rev. 299, Summer, l/n)ww

In this environment, the backlash against federal education policy became intense enough to overcome Congressional inertia. n61 In late 2015, Congress enacted a new version of ESEA, this time called the Every Student Succeeds Act (ESSA). n62

The new act's chief congressional sponsor, Senator Lamar Alexander, described it as "the single biggest step toward local control of public schools in 25 years . . . . [I]t will unleash a flood of innovation and student achievement across America, community by community and state by state." n63 The newest version of ESEA maintains the state obligation to test students but, unlike NCLB, it eliminates the AYP requirement and does not specify how states will use performance data or what states must do when schools and groups of students fall behind. At the time this paper was written, the Department of Education was just beginning to develop detailed regulations. n64

#### The ESSA proves federal control of education is receding

GROSS and HILL ’16 (Betheny; Research Director at the Center on Reinventing Public Education at the University of Washington Bothell and Paul T.; Research Professor of Public Affairs, University of Washington Bothell and Founder of the Center on Reinventing Public Education, “The State Role in K--12 Education: From Issuing Mandates to Experimentation,” 10 Harv. L. & Pol'y Rev. 299, Summer, l/n)ww

The federal government's influence over state and local policy is receding. ESSA now offers states more latitude in how states structure and implement accountability systems and pursue educational improvement. NCLB faced harsh criticism for placing so much emphasis on standardized testing, encouraging teaching-to-the-test (sometimes leading to score tampering), and threatening consequences (some punitive) without helping schools and districts improve. n68 With powerful interests levying these critiques, pressure on states to shift course as they gain more authority is likely to be strong. Will states act on their own to sustain activities they adopted during the NCLB era, particularly monitoring performance and intervening to transform the opportunities of children who are not learning in their schools, or will they revert to a pre-NCLB, input-oriented approach to oversight?

#### ESSA decreases federal power over education

BLACK ’17 (Derek W.; Professor of Law – University of South Carolina, “Abandoning the Federal Role in Education: The Every Student Succeeds Act,” California Law Review, vol. 105:101)ww

The ESSA’s new structure amounts to an enormous devolution of power to states and a complete rebalancing of the federal role in education. The NCLB enacted a significant increase of the federal role in education, but one that scholars characterized as a model of cooperative federalism.205 If one were to assign any success to the NCLB, it might be to the ascension of the federal government to a leadership position the states were comfortable enough to accept.206 But whatever federal leadership and leverage the NCLB provided, the ESSA largely eliminates it. For disadvantaged students and schools, the federal government’s ability to press states for equal and adequate educational opportunities is largely gone.

In rejecting federal leadership, the ESSA creates a new federal-state relationship with states as the dominant partner. The federal government is left to ask for minimal assurances in exchange for substantial sums of money. The ESSA’s architect, Senator Lamar Alexander, states it best: short of “abolish[ing] the Department of Education,” the ESSA could not have done much more to return power to the states.207 By his estimation, the ESSA is “the most significant devolution of power to the states in a quarter century, certainly on education.”208

In nearly every important aspect of the Act, federal power and discretion are significantly diminished and state power and discretion are extended. From setting academic and testing standards to assigning them weight, state decision-making is largely beyond the purview of the Department.209 The only clear requirement is that states intervene in the worst-performing schools,210 but even then the nature and extent of that intervention is left to state discretion.211 At each step, the ESSA emphasizes that only under the rarest of circumstances will the Secretary have the authority to offer input on or to reject a state’s policy on standards, testing, or accountability.212 The ESSA prohibits anything more than this as federal intrusion.213

If the federal government has any legitimate interest in education, it is in the money that the federal government spends on education. Yet, even the ESSA’s funding policies exemplify state ascendancy. For roughly the same federal investment as the NCLB, the ESSA asks even less of states and offers even more state discretion. The ESSA does not even maintain the status quo in funding; it moves the Elementary and Secondary Education Act backward, transforming more of the existing funds into block grants.214 As a result, states have more freedom to use federal funds to pursue their own agendas.

This might be defensible if the federal tradeoff was a demand for more equity in the areas states chose to spend the money. But the ESSA does not include safeguards to ensure the basic principle of equal resources for low-income students and schools.215 In short, the ESSA gives states something for nothing. It orchestrates a massive shift in substantive education policy back to states—a dangerous move based on states’ historical record on equal and adequate education.216

### Uniqueness – Trump

#### The election of Trump guarantees a return to state control of education

MILLER 4/26 (S.A.; The Washington Times, “Trump to pull feds out of K-12 education,” http://www.washingtontimes.com/news/2017/apr/26/donald-trump-pull-feds-out-k-12-education/)ww

President Trump signed an executive order Wednesday to start pulling the federal government out of K-12 education, following through on a campaign promise to return school control to state and local officials.

The order, dubbed the “Education Federalism Executive Order,” will launch a 300-day review of Obama-era regulations and guidance for school districts and directs Education Secretary Betsy DeVos to modify or repeal measures she deems an overreach by the federal government.

“For too long the government has imposed its will on state and local governments. The result has been education that spends more and achieves far, far, far less,” Mr. Trump said. “My administration has been working to reverse this federal power grab and give power back to families, cities [and] states — give power back to localities.”

He said that previous administrations had increasingly forced schools to comply with “whims and dictates” from Washington, but his administration would break the trend.

“We know local communities know it best and do it best,” said Mr. Trump, who was joined by several Republican governors for the signing. “The time has come to empower teachers and parents to make the decisions that help their students achieve success.”

Ms. DeVos and Vice President Mike Pence were on hand for the ceremony, which was attended by about 25 people, including teachers, lawmakers and the governors.

The executive order is not expected to have an immediate impact on school districts. Policy changes will follow a report on the findings of the review.

The review will be spearheaded by the Department of Education’s Regulatory Review Task Force, according to the order.

Ms. DeVos already has authority to modify or repeal regulations that are deemed a violation of federal law. The order, however, creates a review for identifying those areas and makes clear her mandate from the president to take action.

Reducing the federal government’s role in K-12 is part of Mr. Trump’s reform agenda, which also includes the expansion of school choice programs.

Among those at the signing ceremony were Govs. Kay Ivey of Alabama, Gary Herbert of Utah, Paul LePage of Maine, Brian Sandoval of Nevada and Terry Branstad of Iowa, who also is Mr. Trump’s nominee for ambassador to China.

Also in attendance were Sen. Lamar Alexander of Tennessee and Rep. Virginia Foxx of North Carolina, the Republican chairs of the two chambers’ education committees.

### Uniqueness – A/T: Past Laws

#### Education remains the responsibility of the states despite previous incursions

ROBINSON ’16 (Gerard; Resident Fellow at the American Enterprise Institute for Public Policy Research and former Secretary of Education for the Commonwealth of Virginia, “A Federal Role in Education: Encouragement as a Guiding Philosophy for the Advancement of Learning in America,” 50 U. Rich. L. Rev. 919, March, l/n)ww

Education is the responsibility of state and local governments. Each state has an education clause in its constitution. n8 Each state also maintains a funding formula to determine the costs for educating a student in elementary and secondary public schools, the appropriate taxing methods to generate revenue for it, and the percentage of funding coming from state, local, and federal government [\*921] sources. n9 And, contrary to popular belief, the federal government is not the biggest investor in public education.

According to The State Expenditure Report, state governments spent $ 344.6 billion on elementary and secondary education in 2014. n10 Although Medicaid was the largest state expenditure at $ 445 billion, of which the federal government paid 58.2% of the costs, elementary and secondary education remains the largest recipient of general funds in the states (i.e., revenue generated by state taxes). n11 When you disaggregate funding sources for education, a clear picture emerges about who funds America's schools: state funding accounts for 45.6%, local governments provide 45.3%, and the federal government provides 9.1%. n12 Table 1 shows the sources of state expenditures for elementary and secondary education for the 2014 fiscal year.

These data reveal that the federal government is not the biggest investor in elementary and secondary public schools. This is not to say the federal contribution is insignificant. In 2014, for example, the federal government contributed $ 37.2 billion to elementary and secondary education programs administered [\*922] through the U.S. Department of Education ("DOE"). n14 The federal contribution has risen significantly over time. For instance, the federal government allocated $ 6.9 billion to education when the DOE gained cabinet status in 1980. n15 The amount increased to $ 10.7 billion in 1990 and tripled to $ 38.9 billion in 2010. n16

The increase in federal spending on elementary and secondary education came with additional federal regulations. This trend began with the passage of the Elementary and Secondary Education Act of 1965 ("ESEA"), n17 which was a signature piece of legislation in President Johnson's War on Poverty. Other Presidents reauthorized or amended ESEA during the next fifty years to put their stamps on education federalism. For example, President Carter's reauthorization of ESEA through the Education Amendments of 1978 expanded the definition of Title I to include school-wide programs. n18 President Reagan's reauthorization of ESEA in 1988 required improvements in student achievement and greater accountability. n19 President Clinton's reauthorization through the Improving America's Schools Act of 1994 supported state standards and federal rules for schools. n20 President George W. Bush's reauthorization through the No Child Left Behind Act of 2001 created rewards and sanctions for students and districts alike. n21 And President Obama's reauthorization through the Every [\*923] Student Succeeds Act of 2015 provides states with more flexibility for innovation while curtailing some DOE oversight of standards for students and teachers. n22

When assessing the growth of federal spending on education, it is important to note that the increase in federal spending has not resulted in improved student achievement on the National Assessment of Educational Progress ("NAEP"), referred to as "The Nation's Report Card." During testimony before a congressional education committee in 2012, Neal McClusky of the Cato Institute said, "the last 40-plus years of Federal involvement [in education] are a clear demonstration of futility." n23 In essence, education achievement remained flat for forty years while spending escalated. Two tables produced in conjunction with McClusky's remarks illustrate this point.

Naturally, a discussion about federal spending on education and lackluster student achievement results raises several questions. Why has additional federal spending not resulted in greater student achievement? Does money matter? n26 What is the impact of poverty? n27 How does race, ethnicity, or the history of segregation in schools influence academic outcomes? n28 Is the role of the [\*925] federal government too big or too small? n29 Scholarly dialogue about these questions is ongoing and will continue.

### Brink

#### Republican control of the government has created an opportunity to return to federalism, but there is much uncertainty

GOELZHAUSER and ROSE ’17 (Greg; Associate Professor of Political Science – Utah State University, and Shanna; Associate Professor of Government – Clarement McKenna College, “The State of American Federalism 2016–2017: Policy Reversals and Partisan Perspectives on Intergovernmental Relations,” 6/8, Publius, 47.3)ww

The state of American federalism in 2016–2017 is characterized by transition and uncertainty following the presidential handover from Barack Obama to Donald Trump. The arrival of a new administration with radically different priorities foretells broad policy reversals in arenas such as health care, immigration, and the environment, with potentially important implications for federalism and intergovernmental relations. The preceding six years were characterized by divided government and congressional deadlock, with the resulting policy vacuum filled by a variety of political actors including state lawmakers, voters (through direct democracy), and judges (Rose and Bowling 2015). The 2016 election ushered in a period of unified Republican control of the federal government, as Republicans kept control of the House (which they have held since the 2010 election) and the Senate (held since the 2014 election) and won the presidency. This could translate into a more productive Congress in 2017–2018, assuming Trump and congressional leaders can work out their differences. It also gives the GOP a historic opportunity to pursue its conservative agenda not only at the federal level but also in the states, where Republicans control a majority of governorships and legislative chambers.

#### Federalism is on the brink – decisions now will echo for an eternity

BLACKMAN ‘17 (Josh; Constitutional Law Professor – South Texas College of Law and Adjunct Scholar – Cato Institution, “How the States Can Help Trump Make Federalism Great Again,” 1/18, http://www.nationalreview.com/article/443943/federalism-state-attorneys-general-donald-trump-should-work-entrench-federalism)ww

I am not Pollyannaish. It is easy enough for a law professor to extoll the value of federalism, but on the ground, elected attorneys general may face a backlash if they actively challenge the Trump administration in court. Three important values should guide this important decision. First, Donald Trump will only be president for the next four to eight years. Sooner, rather than later, a progressive will be in the White House. The precedents that are established now will serve as a check on the havoc a President Elizabeth Warren could unleash on the states. Second, there is a powerful value to gaining buy-in from the liberal justices — especially those who will serve for decades to come — for the principles of federalism. True, Justices Kagan or Sotomayor may be able to distinguish California’s present challenges with Texas’s future challenges — but the feebleness of those flip-flops will be visible to all.

Finally, and most importantly, state officials take an oath to the Constitution, not to the Republican party. They bear the unique responsibility for enforcing the Tenth Amendment, in all of its dimensions: “The powers not delegated to the United States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people.” The mission of reining in the federal government’s powers, and restoring the Constitution’s separation of powers, should continue for the next four years, eight years, and beyond.

### Link – Constitution

#### The constitution leaves control over education policy to the states

HORNBECK ’17 (Dustin; Ph.D. Student in Educational Leadership and Policy – Miami University, 4/26, “Federal role in education has a long history,” http://theconversation.com/federal-role-in-education-has-a-long-history-74807)ww

President Donald Trump has directed the United States Department of Education to evaluate whether the federal government has “overstepped its legal authority” in the field of education. This is not a new issue in American politics.

Ever since the Department of Education became a Cabinet-level agency in 1979, opposition to federalized education has been a popular rallying cry among conservatives. Ronald Reagan advocated to dismantle the department while campaigning for his presidency, and many others since then have called for more power to be put back into the states’ hands when it comes to educational policy. In February of this year, legislation was introduced to eliminate the Department of Education entirely.

So, what is the role of the state versus the federal government in the world of K-12 education?

As a researcher of education policy and politics, I have seen that people are divided on the role that the federal government should play in K-12 education – a role that has changed over the course of history.

Growth of public education in states

The 10th Amendment to the United States Constitution states:

“The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.”

This leaves the power to create schools and a system for education in the hands of individual states, rather than the central national government. Today, all 50 states provide public schooling to their young people – with 50 approaches to education within the borders of one nation.

#### Federal control of education is not legally valid

KLEVEN ’10 (Thomas; Professor of Law – Thurgood Marshall School of Law, “Federalizing Public Education,” 55 Vill. L. Rev. 369, l/n)ww

An increased federal role may be necessary, but whether it is legally valid or politically viable is another matter. The validity of all the models depends on the scope of federal power. The Supreme Court has interpreted the Tenth Amendment’s protection of states’ rights to forbid the federal government from ordering states to pass laws or implement federal programs.74 Consequently, the federal government could not simply mandate states and localities to run their educational systems in accordance with federal standards. So far the Court has not used the Tenth Amendment to limit the federal spending power. Thus, strings attached to federal money, as with most of the existing federal interventions into public education, is currently an available route.75 Whether the Court would invoke the Tenth Amendment if the federal government tried to use the spending power to fully finance public education and prohibit state and local supplementation, to take over the states’ role in superintending local school districts, or to totally federalize education and establish a federal public school system, is hard to say and likely depends on the ideological tilt of the Court at the time. The basis of a decision striking down federal intervention would likely be that public education is a traditional state function that the federal government may control to a limited degree but not so extensively as per the three models.76 While such a decision is certainly conceivable, my view is that the extent of the federal role should be treated as a political question, on the ground that tradition should not stand in the way of progress in education and that the political process is the appropriate place to resolve whether an increased federal role would be progressive.77

#### The constitution prohibits federal intervention in education

VANCE ’16 (Laurence M.; policy adviser for the Future of Freedom Foundation, an associated scholar of the Ludwig von Mises Institute “The Supreme Court, Federalism, and Limited Government,” 11/2, <https://www.fff.org/explore-freedom/article/supreme-court-federalism-limited-government/>)ww

The United States was set up as a federal system of government where the states, through the Constitution, granted a limited number of powers to a central government. As explained by James Madison in Federalist No. 45,

The powers delegated by the proposed Constitution to the Federal Government, are few and defined. Those which are to remain in the State Governments are numerous and indefinite. The former will be exercised principally on external objects, as war, peace, negotiation, and foreign commerce; with which last the power of taxation will for the most part be connected. The powers reserved to the several States will extend to all the objects, which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people; and the internal order, improvement, and prosperity of the State.

There are about thirty enumerated congressional powers listed throughout the Constitution. Everything else is reserved to the states just as Madison says — even without the addition of the Tenth Amendment.

The Constitution nowhere authorizes the federal government to have anything to do with education or even mentions education. Under the American federal system of government, if there are to be public schools, they must be totally and completely under the authority of state governments — all of which currently have provisions in their constitutions for the operation of K-12 schools, colleges, and universities in their state.

That means that on the federal level, there should be no Elementary and Secondary Education Act, no Title IX, no Higher Education Act, no Common Core, no Pell Grants, no student loans, no teacher-certification standards, no school accreditation, no No Child Left Behind Act, no school breakfast or lunch programs, no Head Start funding, no bilingual-education mandates, no teacher-education requirements, no vouchers, no busing mandates, no Education for All Handicapped Children Act, no standardized-testing requirements, no special-education mandates, no math and science initiatives, no diversity mandates, no Race to the Top funds, no research grants, no regulations, and no funding. And of course, there should be no Office of Civil Rights in the Department of Education because there should be no Department of Education in the first place.

It doesn’t matter what one believes about the merits of public education. The Constitution is clear: the federal government should have nothing to do with schools, colleges, universities, or the education of any adults or their children.

### Link – Title I

#### Title I is a federal intrusion on state education authority

LIPS ’08 (Dan; Senior Policy Analyst – Heritage Foundation, “A Nation Still at Risk: The Case for Federalism and School Choice,” 4/21, http://www.heritage.org/education/report/nation-still-risk-the-case-federalism-and-school-choice)ww

When President Lyndon Johnson signed the Ele­mentary and Secondary Education Act into law in 1965, he declared that "all of those of both parties of Congress who supported the enactment of this leg­islation will be remembered in history as men and women who began a new day of greatness in Amer­ican Society."[30] But after more than four decades, widespread greatness in America's public schools continues to prove elusive.

The most recent federal intervention in K-12 education-the No Child Left Behind (NCLB) Act of 2001-has demonstrated the limits and potential dangers of federal intervention. This 1,100-page law established new regulations and requirements for states to receive federal funding for education. Most important, the law requires the states to test students annually from grades three to eight and once in high school and to report student perfor­mance (including disaggregated scores for student subgroups) and progress toward proficiency, known as adequate yearly progress (AYP).[31] Schools that fail to meet AYP goals are subject to remedies, including school choice, after-school tutoring, and school restructuring.[32]

These new requirements came with increases in both federal funding and regulation. The Bush Administration, for instance, requested $24.5 bil­lion for NCLB programs for fiscal year 2009-an increase of 41 percent over 2001 levels.[33] But the new funding has come with added costs for states and localities, including significant increases in the amount of resources that must be devoted to com­plying with the federal requirements.[34]

After six years, NCLB has demonstrated the lim­its and potential dangers of expanding federal authority in education. A central purpose of NCLB was to require states to adopt high academic stan­dards and provide other options-the possibility to attend another school-to children enrolled in per­sistently low-performing schools, but there is rea­son to believe that NCLB is failing to meet either of these objectives.

First, a number of researchers have highlighted how NCLB's requirement that states demonstrate students' proficiency on state examinations has cre­ated an incentive for states to weaken standards to make tests easier to pass.[35] A 2006 study by Univer­sity of California researchers found that the gap between state and NAEP proficiency scores had widened in 10 of 12 states examined since NCLB was enacted.[36]

Second, few children are benefiting from NCLB's limited school choice options. The Department of Education reported that only 1 percent of eligible students took advantage of the federally mandated public-school-transfer option between 2004 and 2005.[37] Only 17 percent took advantage of the "supplemental services" (tutoring) option.[38] A Department of Education survey of parents in eight urban school districts found that 27 percent of those who were eligible had been notified about the school-transfer options.[39] This suggests that many public school districts are failing to comply with the federal policy.

The Title I program-a centerpiece of federal K-12 education policy since 1965-demonstrates the limits and problems associated with federal inter­vention. Currently funded at $14 billion for 2008, the purpose of Title I has been to provide greater opportunities and resources for disadvantaged chil­dren. But Title I has grown increasingly complex and bureaucratic over time. A 2007 evaluation found that the current Title I funding formula was overly complex and bureaucratic:

Rather than delivering effectively on good intentions for helping poor children, con­gressional action over eight reauthorizations has led to a convoluted, bureaucratic sys­tem that is less student-centered, less trans­parent, and therefore less accountable to the public.[40]

### Link – Regulation

#### Resisting calls to increase intervention in education would restore federalism

LIPS ’08 (Dan; Senior Policy Analyst – Heritage Foundation, “A Nation Still at Risk: The Case for Federalism and School Choice,” 4/21, http://www.heritage.org/education/report/nation-still-risk-the-case-federalism-and-school-choice)ww

Although the word "education" is not mentioned in the Constitution, the federal government has played a growing role in the funding and regulation of elementary and secondary education since the 1960s. This interventionist policy has hindered rather than advanced the progress of educational improvement in America. The following principles should form the basis for full reform in American education.

Resist increasing federal authority. Decades of increased federal intervention have failed to deliver significantly improved student perfor­mance in long-term measures of academic achievement. No Child Left Behind has once again demonstrated the limited and potential unintended consequences of increased federal authority.

The federal government provides 9.2 percent of the funding for public education.[47] Members of Congress should recognize the limits of federal authority in education and resist increasing fed­eral power even more.

Streamline federal programs and bureaucracy. The federal government currently spends more than $71 billion on elementary and secondary education through more than a hundred pro­grams run by more than a dozen agencies.[48] In 2008, the Bush Administration proposed the ter­mination of 47 Department of Education pro­grams (funded at $3.3 billion in 2008), which had achieved their purpose, are duplicated by other programs, are focused too narrowly, or are unable to demonstrate effectiveness.[49]

Each year, Congress also appropriates hundreds of millions of dollars for education earmarks tar­geted for specific purposes chosen by Members of Congress.[50] Federal education reform should consolidate or eliminate federal programs, cut down severely on bureaucracy, and provide funding directly to state and local govern­ments-and let them determine how to allocate resources to best assist students.

Reform NCLB to protect transparency and restore state authority. Congress should reform No Child Left Behind to liberate states from excessive federal regulations and bureaucracy and give state and local authorities the opportu­nity to implement reforms designed to meet local students' needs most effectively. This approach was proposed by Senators Jim DeMint (R-SC) and John Cornyn (R-TX) in their Academic Partnerships Lead Us to Success (A-PLUS) Act.[51]

This policy would restore federalism and greater state and local control in education, moving decisions affecting students and schools closer to parents and taxpayers and encouraging state-led innovation. A participating state would be allowed to receive its share of funding for NCLB programs free of federal requirements and regu­lations if the state meets basic requirements that include (1) maintaining academic standards and continued annual testing, (2) reporting test per­formance of specific groups of students by dis­aggregating data and reporting information to parents and the public, and (3) continuing to use federal funding to assist disadvantaged stu­dents. The Secretary of Education would have the power to review and terminate the perfor­mance agreement if these terms are not met. This approach would protect state-level aca­demic transparency by removing incentives for states to reduce standards to make tests easier to pass.

### Environmental Federalism Good

#### Federalism is key to prevent climate change

IBBITSON ’17 (John; The Globe and Mail, “Federalism might be out best hope in fighting climate change,” 6/2, https://www.theglobeandmail.com/news/politics/federalism-might-be-our-best-hope-in-fighting-climate-change/article35197342/)ww

Federal systems of government are splendid things: robust, flexible, able to accommodate conflicting local values. When it comes to the fight against global warming, federalism is the ace up Canada’s sleeve, while south of the border it’s America’s last, best hope.

Conservative prime minister Stephen Harper was right to withdraw Canada from the Kyoto Protocol on climate change in 2011. The Chrétien government had made promises at Kyoto that no Canadian government could keep without wrecking the economy. The expanding oil sands in Alberta had become a major driver of growth. The U.S. Congress was blocking president Barack Obama’s efforts to fight global warming.

Any Canadian tax on carbon without an equivalent American action would simply kill Canadian jobs, without lowering the planet’s temperature even a smidgeon, Mr. Harper argued, and that argument made sense.

But, although Ottawa wasn’t ready to fight climate change, some provincial governments thought differently. Quebec had a natural advantage, because most of its electricity is generated by hydro. The Liberal government in Ontario wanted to replace lost manufacturing jobs in traditional industries by developing green-energy technology. British Columbia premier Gordon Campbell believed that a carbon tax was the most business-friendly way to lower emissions.

When Rachel Notley’s NDP came to power in Alberta, committed to bringing that province in line with others in the fight against climate change, Mr. Harper shrugged. Ottawa’s job, he believed, was to get a pipeline to tidewater somehow, somewhere. If the provinces wanted to go all green, they were welcome to knock themselves out.

But then Mr. Harper was replaced by Justin Trudeau, and Mr. Obama by Donald Trump. The White House is now even more of a climate-change-denier than the House of Representatives or Senate, while the Liberal government is as enthusiastic about fighting climate change as any province.

In Canada’s case, federalism worked to provide in advance what Ottawa now seeks: a national (if piecemeal) strategy to reduce carbon emissions through provincial cap-and-trade or carbon tax schemes, with only Saskatchewan’s Brad Wall seriously offside.

In America’s case, federalism and the entrepreneurial energy of the private sector have combined to limit the damage inflicted by Washington. About 30 states have green-energy strategies in place. Elon Musk resigned Thursday from two of Mr. Trump’s advisory councils in protest over the President’s decision to withdraw the United States from the Paris accord on climate change. Of course he resigned: His Tesla Model 3 electric car will soon hit the streets in an increasingly competitive electric vehicle market, going head-to-head with, among other competitors, the Chevy Bolt and the Volkswagen eGolf.

The battle in North America against global warming will be most successfully fought in dealer show rooms. Mr. Trump, with his Luddite refusal to recognize the transformation under way in his own country’s economy, is making that battle harder to win, which is why dozens of mayors and CEOs vowed to continue efforts to reduce carbon dioxide emissions in the wake of the President’s announcement.

Federations aren’t perfect, as both Canadians and Americans know. Local turf wars can prevent unified action – just witness the years of effort, mostly futile, to eliminate internal barriers to trade in Canada.

And while the Trump White House is egregious in its foolishness on climate change (and so much else), the Trudeau Langevin Block has its own issues. Threatening to punish recalcitrant provinces with a federally imposed carbon tax is a mistake; in federal politics coercion is generally a mistake.

And if Washington has replaced the eagle with the ostrich (thank you, Bob Rae, for that tweet), Mr. Trudeau’s green rhetoric fails to match his actions: The Liberal climate-reduction targets are essentially identical to the old Conservative climate-reduction targets.

Still, this is a good time to celebrate the diversity of federalism, which is working both to Canada’s and America’s advantage on the climate-change file.

Something to remember the next time we grind our teeth at the unwieldiness of federalism. Unwieldy is good. It limits the damage of stupid.

#### Federalism key to environmental law

THOMPSON ’03 (Barton H., Jr.; Vice Dean and Robert E. Paradise Professor of Natural Resources Law – Stanford, “Constitutionalizing the Environment: The History and Future of Montana’s Environmental Provisions,” 64 Mont. L. Rev. 157, Winter, l/n)ww

State environmental provisions, nonetheless, remain exceptionally important. Despite the federalization of U.S. environmental law, states remain on the front line of a wide number of important issues. n70 The national government has yet to pass laws in some areas, abandoning effective regulation for the moment to the states. Examples here range from global climate change, where the national government has adopted an approach consisting largely of research and voluntarism, and the overdrafting of groundwater aquifers. n71 In other areas, national environmental laws have purposefully addressed only some aspects of a problem, carving other aspects out for state regulation. The Clean Water Act, for example, does not directly regulate non-point pollution from agriculture, mines, construction sites, and other diffuse sources, leaving regulatory [\*175] choices over non-point pollution largely to the states. n72 The Endangered Species Act focuses most of its attention on species at the brink of extinction, leaving more general biodiversity management largely to the states. n73 Even where the national government has chosen to regulate an environmental problem, state governments have chosen to adopt additional or stricter environmental policies in fields as diverse as air pollution and hazardous waste cleanups. n74 Most national environmental laws, moreover, adopt a policy of "cooperative federalism" under which the national government sets overall environmental policy but delegates authority over implementation and many of the regulatory details to states. n75 In summary, although the environmental field has changed dramatically since the 1972 Montana Constitution, state constitutional provisions are still of great importance.

### States Solve Warming

#### State action solves warming

MAHARREY ’17 (Michael; Communications Director for the Tenth Amendment Center, “The Left Proves You Don’t Need D.C. to Address Environmental Policy,” https://blog.tenthamendmentcenter.com/2017/06/the-left-proves-you-dont-need-d-c-to-address-environmental-policy/)ww

Within weeks of Donald Trump pulling the U.S. out of the Paris climate accord, the left has already begun to prove you don’t need the federal government forcing environmental policies to address climate issues. State and even local action can effectively move things forward.

To date, 285 U.S. mayors have agreed to align their cities with provisions in the Paris agreement and work toward its climate goals. This includes nine of the 10 largest cities in America — New York, Los Angeles, Chicago, Houston, Philadelphia, Phoenix, San Diego, Dallas, and San Jose.

“We will continue to lead. We are increasing investments in renewable energy and energy efficiency. We will buy and create more demand for electric cars and trucks. We will increase our efforts to cut greenhouse gas emissions, create a clean energy economy, and stand for environmental justice. And if the President wants to break the promises made to our allies enshrined in the historic Paris Agreement, we’ll build and strengthen relationships around the world to protect the planet from devastating climate risks.”

This builds on a local movement to address environmental issues that started earlier this spring. In March, a group of mayors declared they would not enforce a Trump administration executive order to roll back some environmental policies Pres. Obama implemented. Crubed.com compared these local efforts on the environment to so-called sanctuary city policies.

Much like the sanctuary city battle playing out between the federal government and cities that have refused to cooperate with federal immigration enforcement, these 75 cities are squaring off against Trump’s new policies with pointed, collective actions that defy the new administration. When Trump announced he was changing vehicle fuel-efficiency standards, a group of Climate Mayors banded together to order $10 billion worth of electric vehicles for their city fleets to prove that the future of transportation is not fossil fuels.

Meanwhile, some states are taking action on the climate as well. Last week, Hawaii Gov.David Ige signed two bill relating to environmental policy. Senate Bill 559 “expands strategies and mechanisms to reduce greenhouse gas emissions statewide,” and House Bill 1578 to “identify agricultural and aquacultural practices to improve soil health and promote carbon sequestration – the capture and long-term storage of atmospheric carbon dioxide to mitigate climate change.”

Upon signing the bills Ige said, “and with that signature, Hawaii becomes the first state in the nation to join the Paris agreement.”

New York Gov. Abdrew Cuomo, California Gov. Jerry Brown and Washington state Gov. Jay Inslee have agreed to form a United States Climate Alliance. The group hopes to convene a coalition of U.S. states committed to upholding the Paris agreement.

“New York State is committed to meeting the standards set forth in the Paris Accord regardless of Washington’s irresponsible actions. We will not ignore the science and reality of climate change, which is why I am also signing an Executive Order confirming New York’s leadership role in protecting our citizens, our environment, and our planet,” Cuomo said in a statement.

When it comes to environmental and immigration policy, the left has discovered federalism. Progressives have embraced James Madison’s blueprint for addressing “unwarrantable” federal actions – refuse to cooperate with the federal government.

Whether or not you agree with the specific policies, this was how the system was designed to work. A decentralized approach allows various jurisdictions to experiment with different policies. If they prove effective, others will do the same. If not, others will reject them and try different approaches. That’s how the system is supposed to work. But when you force one-size fits all solutions down from Washington D.C., you will always meet resistance. In a local setting, you have a better chance of forming something close to a consensus on certain issues. You won’t get much resistance to fighting “climate change” in a city like Santa Monica. You will almost never develop broad support with a national initiative, And when you do succeed in getting a policy implemented at the federal level, a new administration can end what you worked for in one fell swoop. Environmentalist have learned this the hard way with the transition from the Obama to the Trump administration.

State and local reaction to the Trump administration’s withdraw from the Paris agreement proves an important point. You don’t have to force solutions from D.C., even on so-called global issues like the environment.

### Turns Case: Inequality

#### Global warming exacerbates inequality

MEYER ’17 (Robinson; The Atlantic, “Are We as Doomed as That New York Magazine Article Says?” 7/10, https://www.theatlantic.com/science/archive/2017/07/is-the-earth-really-that-doomed/533112/)ww

Over the past decade, most researchers have trended away from climate doomsdayism. They cite research suggesting that people respond better to hopeful messages, not fatalistic ones; and they meticulously fact-check public descriptions of global warming, as watchful for unsupported exaggeration as they are for climate-change denial.

They do this not because they think that climate change will be peachy. They do it because they want to be exceptionally careful with facts for such a vital issue. And many of them, too, think that a climate-changed world will look less like a starved wasteland and more like our current home—just more unequal and more impoverished.

What does that world look like? We got a fairly good look late last month, actually, when a new consortium of economists and scientists called the Climate Impact Lab published their first study in the journal Science. Their research looks at how global warming will afflict Americans economically, on a county-by-county level. It tells a frightening but much more mundane story.

Climate change, they say, will not turn us into idiots before broiling us in our sleep. Instead, it will act as a kind of ecological reverse Robin Hood, stealing from the poor and giving to the rich. It will impoverish many of the poorest communities in the country—arrayed across the South and Southwest, and especially along the Gulf Coast—while increasing the fortunes of cities and suburbs on both of the coasts.

“This study—the climate equivalent of being informed that smoking carries serious risk of lung cancer—should be enough to motivate us,” says Katharine Hayhoe, an atmospheric scientist and professor of political science at Texas Tech University. “The NYMag article is the climate equivalent of being told that everyone in the world’s life will end in the most grisly, worst-case possible scenario if we keep on smoking.”

### A/T: Warming Slow

#### Warming is occurring fast – feedbacks make it quicker

GRIFFIN ’15 (David Ray; Emeritus Professor of Philosophy of Religion – Claremont Graduate University, “The climate is ruined. So can civilization even survive?” http://www.cnn.com/2015/01/14/opinion/co2-crisis-griffin/index.html)

Although most of us worry about other things, climate scientists have become increasingly worried about the survival of civilization. For example, Lonnie Thompson, who received the U.S. National Medal of Science in 2010, said that virtually all climatologists "are now convinced that global warming poses a clear and present danger to civilization."

Informed journalists share this concern. The climate crisis "threatens the survival of our civilization," said Pulitzer Prize-winner Ross Gelbspan. Mark Hertsgaard agrees, saying that the continuation of global warming "would create planetary conditions all but certain to end civilization as we know it."

These scientists and journalists, moreover, are worried not only about the distant future but about the condition of the planet for their own children and grandchildren. James Hansen, often considered the world's leading climate scientist, entitled his book "Storms of My Grandchildren."

The threat to civilization comes primarily from the increase of the level of carbon dioxide (CO2) in the atmosphere, due largely to the burning of fossil fuels. Before the rise of the industrial age, CO2 constituted only 275 ppm (parts per million) of the atmosphere. But it is now above 400 and rising about 2.5 ppm per year.

Because of the CO2 increase, the planet's average temperature has increased 0.85 degrees Celsius (1.5 degrees Fahrenheit). Although this increase may not seem much, it has already brought about serious changes.

The idea that we will be safe from "dangerous climate change" if we do not exceed a temperature rise of 2C (3.6F) has been widely accepted. But many informed people have rejected this assumption. In the opinion of journalist-turned-activist Bill McKibben, "the one degree we've raised the temperature already has melted the Arctic, so we're fools to find out what two will do."

His warning is supported by James Hansen, who declared that "a target of two degrees (Celsius) is actually a prescription for long-term disaster."

The burning of coal, oil, and natural gas has made the planet warmer than it had been since the rise of civilization 10,000 years ago. Civilization was made possible by the emergence about 12,000 years ago of the "Holocene" epoch, which turned out to be the Goldilocks zone - not too hot, not too cold. But now, says physicist Stefan Rahmstorf, "We are catapulting ourselves way out of the Holocene."

This catapult is dangerous, because we have no evidence civilization can long survive with significantly higher temperatures. And yet, the world is on a trajectory that would lead to an increase of 4C (7F) in this century. In the opinion of many scientists and the World Bank, this could happen as early as the 2060s.

What would "a 4C world" be like? According to Kevin Anderson of the Tyndall Centre for Climate Change Research (at the University of East Anglia), "during New York's summer heat waves the warmest days would be around 10-12C (18-21.6F) hotter [than today's]." Moreover, he has said, above an increase of 4C only about 10% of the human population will survive.

Believe it or not, some scientists consider Anderson overly optimistic.

The main reason for pessimism is the fear that the planet's temperature may be close to a tipping point that would initiate a "low-end runaway greenhouse," involving "out-of-control amplifying feedbacks." This condition would result, says Hansen, if all fossil fuels are burned (which is the intention of all fossil-fuel corporations and many governments). This result "would make most of the planet uninhabitable by humans."

Moreover, many scientists believe that runaway global warming could occur much more quickly, because the rising temperature caused by CO2 could release massive amounts of methane (CH4), which is, during its first 20 years, 86 times more powerful than CO2. Warmer weather induces this release from carbon that has been stored in methane hydrates, in which enormous amounts of carbon -- four times as much as that emitted from fossil fuels since 1850 -- has been frozen in the Arctic's permafrost. And yet now the Arctic's temperature is warmer than it had been for 120,000 years -- in other words, more than 10 times longer than civilization has existed.

According to Joe Romm, a physicist who created the Climate Progress website, methane release from thawing permafrost in the Arctic "is the most dangerous amplifying feedback in the entire carbon cycle." The amplifying feedback works like this: The warmer temperature releases millions of tons of methane, which then further raise the temperature, which in turn releases more methane.

The resulting threat of runaway global warming may not be merely theoretical. Scientists have long been convinced that methane was central to the fastest period of global warming in geological history, which occurred 55 million years ago. Now a group of scientists have accumulated evidence that methane was also central to the greatest extinction of life thus far: the end-Permian extinction about 252 million years ago.

Worse yet, whereas it was previously thought that significant amounts of permafrost would not melt, releasing its methane, until the planet's temperature has risen several degrees Celsius, recent studies indicate that a rise of 1.5 degrees would be enough to start the melting.

What can be done then? Given the failure of political leaders to deal with the CO2 problem, it is now too late to prevent terrible developments.

But it may -- just may -- be possible to keep global warming from bringing about the destruction of civilization. To have a chance, we must, as Hansen says, do everything possible to "keep climate close to the Holocene range" -- which means, mobilize the whole world to replace dirty energy with clean as soon as possible.

### Constitution Impact

#### Upholding the constitution is key to survival

HENKIN ‘02 (Louis, University Professor Emeritus – Columbia Law School, “Nuclear Defense Policy: The Constitutional Framework,” in The Constitution and National Security, ed. By Shuman and Thomas, p. 275)ww

Lawyers, even constitutional layers, argue “technically” with references to text and principles of construction, drawing lines, insisting on sharp distinctions. Such discussion sometimes seems ludicrous when it addresses issues of life and death and Armageddon. But behind the words of the Constitution and the technicalities of constitutional construction lie the basic values of the United States – limited government even at the cost of some inefficiency, safeguards against autarchy and oligarchy, democratic values represented differently in the Presidency and in Congress and in the intelligent participation and consent of the governed. In the nuclear age, the technicalities of constitutionalism and of constitutional jurisprudence safeguard also the values and concerns of all civilized people committed to human survival.

### A/T: Federalism is Racist

#### Historical views of federalism are flawed – local control is empowering for racial minorities

GERKEN ’12 (Heather K.; J. Skelly Wright Professor of Law at Yale Law School, “A New Progressive Federalism,” Spring, http://democracyjournal.org/magazine/24/a-new-progressive-federalism/)ww

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

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

Progressives have long looked to the realm of rights to shield racial minorities and dissenters from unfriendly majorities. Iconic measures like the First and Fourteenth Amendments, the Civil Rights Act, and the Voting Rights Act all offer rights-based protections for minorities. But reliance on rights requires that racial minorities and dissenters look to the courts to shield them from the majority. If rights are the only protections afforded to racial minorities and dissenters, we risk treating both groups merely as what Stanford Law Professor Pam Karlan calls “objects of judicial solicitude rather than efficacious political actors in their own right.”

Minority rule, by contrast, allows racial minorities and dissenters to act as efficacious political actors, just as members of the majority do. Think, for example, about where groups we would normally call a “minority” now actually constitute a majority: a mostly African-American city like Atlanta, a city such as San Francisco where the majority favors same-sex marriage, or a state like California or Texas where Latinos will soon be in the majority. In each of those cases, minority rule—where national minorities constitute local majorities—allows minorities to protect themselves rather than look to courts as their source of solace. It empowers racial minorities and dissenters not by shielding them from the majority, but by turning them into one.