### COPS IN SCHOOLS AFF

Written by Simon Phillip Thomas Sheaff

#### The affirmative amends the Community-Oriented Policing Program to prevent states and localities from deploying School Resource Officers – cops in schools. The two advantages are rather straight-forward:

#### Education: SROs hurt education, which is critical to America’s standing in the world both economically and militarily.

#### Cooperative Federalism: By allowing states and localities to innovate with the help of federal dollars, the aff sets precedents that will allow similar programs to be set up in areas like environmental protection, which is critical to stop climate change.

#### These advantages were designed because it allows maximum flexibility. You can use the aff’s mechanism to reform \*anything\* about the police and garner a cooperative federalism advantage. You could read a different first advantage at every tournament if you wanted. This is one way in which the packet is meant to be a \*starter\* - you can use it as a basis to answer the most common arguments (states + federalism) while taking time to innovate on potential advantages.

## 1AC

### Inherency

#### Status quo is deploying more School Resource Officers through the Community Oriented Policing Program

DOJ 2018 <U.S. Department of Justice, “Attorney General Sessions Announces New Actions To Improve School Safety And Better Enforce Existing Gun Laws,” <https://www.justice.gov/opa/pr/attorney-general-sessions-announces-new-actions-improve-school-safety-and-better-enforce>>#SPS

Attorney General Sessions Announces New Actions To Improve School Safety And Better Enforce Existing Gun Laws Today, Attorney General Jeff Sessions announced several steps in support of President Trump’s plan to prevent violence in schools. Through these efforts, the Department of Justice is taking immediate action to protect our schools, better enforce our gun laws, support law enforcement, strengthen the firearms background check system, and improve federal law enforcement’s response to tips. In making the announcement, Attorney General Sessions said: "No child should have to fear going to school or walking the streets of their neighborhood. Today, I am directing the Department of Justice to take a number of new steps that will help make schools and the American people safer from the threat of gun violence.” **“We are increasing the number of school resource officers**, improving background checks and more aggressively prosecuting those who illegally attempt to purchase a firearm, and reviewing and enhancing the way our law enforcement agencies respond to tips from the public. Under my tenure as Attorney General, we have already increased federal gun prosecutions to a 10-year high—and we are just getting started. With these new measures in place, we are better positioned to disarm criminals and protect the law-abiding people of this country." The Attorney General announced the following actions: Improvements to School Safety Hire More School Resource Officers. **The Department will help state, local and tribal law enforcement agencies hire more School Resource Officers (SROs). The COPS Hiring Program—a competitive grant that helps states and local communities hire more police officers—will prioritize applicants who intend to use the grants for SROs.**

### Adv. 1 - Education

#### School resource officers are statistically linked to poor academic outcomes for students

Weisburst 19 <Emily K., Luskin School of Public Affairs, Department of Public Policy, University of California, Los Angeles, “Patrolling Public Schools: The Impact of Funding for School Police on Student Discipline and Long-term Education Outcomes,” Journal of Policy Analysis and Management, Volume 38, Issue 2, Spring 2019, 338-365, <https://onlinelibrary.wiley.com/doi/full/10.1002/pam.22116>>#SPS

The widespread use of police officers in public schools is a relatively recent development. While school police programs have gained popularity as a policy to protect students against rare but tragic school shooting events, in practice, these officers are often actively involved in the enforcement of school discipline. **When school police officers are involved in the daily lives of students, they have the capability to alter student behavior, disciplinary consequences, attachment to school, and educational attainment.** Though the potential consequences of school police interventions are large, there have been few evaluations of their efficacy. This study provides the first estimate of the impact of funding for school police on student discipline and educational attainment using quasi-experimental methods. Using variation in **federal COPS grants** for school police, I measure the effect of receiving an increase in funding on students, conditional on school district decisions to apply for this funding. This 28 strategy addresses biases related to both the non-random assignment of police to particular school districts and the non-random timing of investments in police within school districts. Using detailed data on over 2.5 million public-school students in the state of Texas, I find that grants for school police increase disciplinary actions for middle school students. Over the long-term, exposure to federal funding for school police is associated with small but **significant declines in high school graduation rates and college enrollment.** The results vary across student demographic groups. I find that expansions in grant funding have the largest effects on low-income students and Black and Hispanic students. This finding is consistent with prior work that finds that these marginalized student groups are most vulnerable to school discipline sanctions. This disparate policy impact is concerning and has implications for potential reforms to school policing and school discipline. The large sample in the study, covering all students in public school in a populous and diverse state, means the results are likely informative for other contexts. While the analysis is limited by the fact that I cannot directly observe police employment in schools, the grant transfers I examine approximate practical policies. Policymakers are often limited in their capacity to monitor the implementation of regulations or subsidies; instead they are more likely to administer funds for articulated goals, similar to the grant program that is the focus of this study. **This paper finds a negative average impact of grant transfers for school police on student outcomes.** On the whole, the results suggest that SROs have the potential to negatively affect students, through both increasing student discipline involvement and reducing student educational attainment. The literature on economic returns to schooling has shown that attending an additional year of high school can raise individual earnings by approximately 10 percent 29 per year (Oreopoulos, 2006). Drawing on these findings, I conduct a back-of-the-envelope calculation of costs of this policy. I consider only costs from the decline in high school graduation and assume this decline results from only one less year of schooling for each student that did not graduate. To be conservative, I assume baseline annual earnings of affected students of $20,000 with a five percent earnings reduction per year, a discount rate of 20 percent, and a working career of 30 years.30 The resulting loss in earnings is $105 million dollars for affected students, leading to an aggregate policy cost of $162 million including the value of grant transfers. This calculation is illustrative: It does not include emotional or psychological costs of school discipline, the value of increased safety or perceptions of safety, benefits for subgroups of students who may be positively affected, costs of more than a single year decrease in schooling, or costs related to reductions in college enrollment. Despite these limitations, **this exercise highlights the fact that the results in this study raise serious questions about the value of future investments in school police.** More research is needed to understand how the utilization of public-school police com- pares to alternative approaches to school discipline, including positive behavioral interventions and supports and changes to disciplinary codes (Steinberg and Lacoe, 2017). Future work should evaluate best practices in school discipline as well as the cost-effectiveness of different disciplinary approaches.

#### Public education is the bedrock of competitiveness – national success is determined by students success and innovation

Vockley 8 (Martha Vockley. Owner of Vockley•Lang, LLC. Master of Arts, Professional Writing from Carnegie Mellon University - *21st Century Skills,*

*Education & Competitiveness* - http://www.p21.org/storage/documents/21st\_century\_skills\_education\_and\_competitiveness\_guide.pdf)

In an economy driven by innovation and knowledge … in marketplaces engaged in intense competition and constant renewal … in a world of tremendous opportunities and risks … in a society facing complex business, political, scientific, technological, health and environmental challenges … and in diverse workplaces and communities that hinge on collaborative relationships and social networking … the ingenuity, agility and skills of the American people are crucial to U.S. competitiveness. Our ability to compete as a nation—and for states, regions and communities to attract growth industries and create jobs—demands a fresh approach to public education. We need to recognize that a 21st century education is the bedrock of competitiveness—the engine, not simply an input, of the economy. And we need to act accordingly: Every aspect of our education system—preK–12, postsecondary and adult education, after-school and youth development, workforce development and training, and teacher preparation programs—must be aligned to prepare citizens with the 21st century skills they need to compete.

#### Economic competitiveness allows America to effectively project power

Elbridge Colby 14, the Robert M. Gates fellow at the Center for a New American Security; and Paul Lettow, was senior director for strategic planning on the U.S. National Security Council staff from 2007 to 2009, 7/3/14, “Have We Hit Peak America?,” http://www.foreignpolicy.com/articles/2014/07/03/have\_we\_hit\_peak\_america

Many foreign-policy experts seem to believe that retaining American primacy is largely a matter of will -- of how America chooses to exert its power abroad. Even President Obama, more often accused of being a prophet of decline than a booster of America's future, recently asserted that the United States "has rarely been stronger relative to the rest of the world." The question, he continued, is "not whether America will lead, but how we will lead." But will is unavailing without strength. If the United States wants the international system to continue to reflect its interests and values -- a system, for example, in which the global commons are protected, trade is broad-based and extensive, and armed conflicts among great nations are curtailed -- it needs to sustain not just resolve, but relative power. That, in turn, will require acknowledging the uncomfortable truth that global power and wealth are shifting at an unprecedented pace, with profound implications. Moreover, many of the challenges America faces are exacerbated by vulnerabilities that are largely self-created, chief among them fiscal policy. Much more quickly and comprehensively than is understood, those vulnerabilities are reducing America's freedom of action and its ability to influence others. Preserving America's international position will require it to restore its economic vitality and make policy choices now that pay dividends for decades to come. America has to prioritize and to act. Fortunately, the United States still enjoys greater freedom to determine its future than any other major power, in part because many of its problems are within its ability to address. But this process of renewal must begin with analyzing America's competitive position and understanding the gravity of the situation Americans face.

#### **U.S. hegemony is vital to global stability --- decline causes nuclear great power war --- best scholarship proves**

Brooks, Ikenberry, and Wohlforth 13 (Stephen, Associate Professor of Government at Dartmouth College, John Ikenberry is the Albert G. Milbank Professor of Politics and International Affairs at Princeton University in the Department of Politics and the Woodrow Wilson School of Public and International Affairs, William C. Wohlforth is the Daniel Webster Professor in the Department of Government at Dartmouth College “Don’t Come Home America: The Case Against Retrenchment,” International Security, Vol. 37, No. 3 (Winter 2012/13), pp. 7–51)

A core premise of deep engagement is that it prevents the emergence of a far more dangerous global security environment. For one thing, as noted above, the United States’ overseas presence gives it the leverage to restrain partners from taking provocative action. Perhaps more important, its core alliance commitments also deter states with aspirations to regional hegemony from contemplating expansion and make its partners more secure, reducing their incentive to adopt solutions to their security problems that threaten others and thus stoke security dilemmas. The contention that engaged U.S. power dampens the baleful effects of anarchy is consistent with influential variants of realist theory. Indeed, arguably the scariest portrayal of the war-prone world that would emerge absent the “American Pacifier” is provided in the works of John Mearsheimer, who forecasts dangerous multipolar regions replete with security competition, arms races, nuclear proliferation and associated preventive war temptations, regional rivalries, and even runs at regional hegemony and full-scale great power war. 72 How do retrenchment advocates, the bulk of whom are realists, discount this benefit? Their arguments are complicated, but two capture most of the variation: (1) U.S. security guarantees are not necessary to prevent dangerous rivalries and conflict in Eurasia; or (2) prevention of rivalry and conflict in Eurasia is not a U.S. interest. Each response is connected to a different theory or set of theories, which makes sense given that the whole debate hinges on a complex future counterfactual (what would happen to Eurasia’s security setting if the United States truly disengaged?). Although a certain answer is impossible, each of these responses is nonetheless a weaker argument for retrenchment than advocates acknowledge. The first response flows from defensive realism as well as other international relations theories that discount the conflict-generating potential of anarchy under contemporary conditions. 73 Defensive realists maintain that the high expected costs of territorial conquest, defense dominance, and an array of policies and practices that can be used credibly to signal benign intent, mean that Eurasia’s major states could manage regional multipolarity peacefully without the American pacifier. Retrenchment would be a bet on this scholarship, particularly in regions where the kinds of stabilizers that nonrealist theories point to—such as democratic governance or dense institutional linkages—are either absent or weakly present. There are three other major bodies of scholarship, however, that might give decisionmakers pause before making this bet. First is regional expertise. Needless to say, there is no consensus on the net security effects of U.S. withdrawal. Regarding each region, there are optimists and pessimists. Few experts expect a return of intense great power competition in a post-American Europe, but many doubt European governments will pay the political costs of increased EU defense cooperation and the budgetary costs of increasing military outlays. 74 The result might be a Europe that is incapable of securing itself from various threats that could be destabilizing within the region and beyond (e.g., a regional conflict akin to the 1990s Balkan wars), lacks capacity for global security missions in which U.S. leaders might want European participation, and is vulnerable to the influence of outside rising powers. What about the other parts of Eurasia where the United States has a substantial military presence? Regarding the Middle East, the balance begins to swing toward pessimists concerned that states currently backed by Washington— notably Israel, Egypt, and Saudi Arabia—might take actions upon U.S. retrenchment that would intensify security dilemmas. And concerning East Asia, pessimism regarding the region’s prospects without the American pacifier is pronounced. Arguably the principal concern expressed by area experts is that Japan and South Korea are likely to obtain a nuclear capacity and increase their military commitments, which could stoke a destabilizing reaction from China. It is notable that during the Cold War, both South Korea and Taiwan moved to obtain a nuclear weapons capacity and were only constrained from doing so by a still-engaged United States. 75 The second body of scholarship casting doubt on the bet on defensive realism’s sanguine portrayal is all of the research that undermines its conception of state preferences. Defensive realism’s optimism about what would happen if the United States retrenched is very much dependent on its particular—and highly restrictive—assumption about state preferences; once we relax this assumption, then much of its basis for optimism vanishes. Specifically, the prediction of post-American tranquility throughout Eurasia rests on the assumption that security is the only relevant state preference, with security defined narrowly in terms of protection from violent external attacks on the homeland. Under that assumption, the security problem is largely solved as soon as offense and defense are clearly distinguishable, and offense is extremely expensive relative to defense. Burgeoning research across the social and other sciences, however, undermines that core assumption: states have preferences not only for security but also for prestige, status, and other aims, and they engage in trade-offs among the various objectives. 76 In addition, they define security not just in terms of territorial protection but in view of many and varied milieu goals. It follows that even states that are relatively secure may nevertheless engage in highly competitive behavior. Empirical studies show that this is indeed sometimes the case. 77 In sum, a bet on a benign postretrenchment Eurasia is a bet that leaders of major countries will never allow these nonsecurity preferences to influence their strategic choices. To the degree that these bodies of scholarly knowledge have predictive leverage, U.S. retrenchment would result in a significant deterioration in the security environment in at least some of the world’s key regions. We have already mentioned the third, even more alarming body of scholarship. Offensive realism predicts that the withdrawal of the American pacifier will yield either a competitive regional multipolarity complete with associated insecurity, arms racing, crisis instability, nuclear proliferation, and the like, or bids for regional hegemony, which may be beyond the capacity of local great powers to contain (and which in any case would generate intensely competitive behavior, possibly including regional great power war). Hence it is unsurprising that retrenchment advocates are prone to focus on the second argument noted above: that avoiding wars and security dilemmas in the world’s core regions is not a U.S. national interest. Few doubt that the United States could survive the return of insecurity and conflict among Eurasian powers, but at what cost? Much of the work in this area has focused on the economic externalities of a renewed threat of insecurity and war, which we discuss below. Focusing on the pure security ramifications, there are two main reasons why decisionmakers may be rationally reluctant to run the retrenchment experiment. First, overall higher levels of conflict make the world a more dangerous place. Were Eurasia to return to higher levels of interstate military competition, one would see overall higher levels of military spending and innovation and a higher likelihood of competitive regional proxy wars and arming of client states—all of which would be concerning, in part because it would promote a faster diffusion of military power away from the United States. Greater regional insecurity could well feed proliferation cascades, as states such as Egypt, Japan, South Korea, Taiwan, and Saudi Arabia all might choose to create nuclear forces. 78 It is unlikely that proliferation decisions by any of these actors would be the end of the game: they would likely generate pressure locally for more proliferation. Following Kenneth Waltz, many retrenchment advocates are proliferation optimists, assuming that nuclear deterrence solves the security problem. 79 Usually carried out in dyadic terms, the debate over the stability of proliferation changes as the numbers go up. Proliferation optimism rests on assumptions of rationality and narrow security preferences. In social science, however, such assumptions are inevitably probabilistic. Optimists assume that most states are led by rational leaders, most will overcome organizational problems and resist the temptation to preempt before feared neighbors nuclearize, and most pursue only security and are risk averse. Confidence in such probabilistic assumptions declines if the world were to move from nine to twenty, thirty, or forty nuclear states. In addition, many of the other dangers noted by analysts who are concerned about the destabilizing effects of nuclear proliferation—including the risk of accidents and the prospects that some new nuclear powers will not have truly survivable forces—seem prone to go up as the number of nuclear powers grows. 80 Moreover, the risk of “unforeseen crisis dynamics” that could spin out of control is also higher as the number of nuclear powers increases. Finally, add to these concerns the enhanced danger of nuclear leakage, and a world with overall higher levels of security competition becomes yet more worrisome. The argument that maintaining Eurasian peace is not a U.S. interest faces a second problem. On widely accepted realist assumptions, acknowledging that U.S. engagement preserves peace dramatically narrows the difference between retrenchment and deep engagement. For many supporters of retrenchment, the optimal strategy for a power such as the United States, which has attained regional hegemony and is separated from other great powers by oceans, is offshore balancing: stay over the horizon and “pass the buck” to local powers to do the dangerous work of counterbalancing any local rising power. The United States should commit to onshore balancing only when local balancing is likely to fail and a great power appears to be a credible contender for regional hegemony, as in the cases of Germany, Japan, and the Soviet Union in the midtwentieth century. The problem is that China’s rise puts the possibility of its attaining regional hegemony on the table, at least in the medium to long term. As Mearsheimer notes, “The United States will have to play a key role in countering China, because its Asian neighbors are not strong enough to do it by themselves.” 81 Therefore, unless China’s rise stalls, “the United States is likely to act toward China similar to the way it behaved toward the Soviet Union during the Cold War.” 82 It follows that the United States should take no action that would compromise its capacity to move to onshore balancing in the future. It will need to maintain key alliance relationships in Asia as well as the formidably expensive military capacity to intervene there. The implication is to get out of Iraq and Afghanistan, reduce the presence in Europe, and pivot to Asia— just what the United States is doing. 83 In sum, the argument that U.S. security commitments are unnecessary for peace is countered by a lot of scholarship, including highly influential realist scholarship. In addition, the argument that Eurasian peace is unnecessary for U.S. security is weakened by the potential for a large number of nasty security consequences as well as the need to retain a latent onshore balancing capacity that dramatically reduces the savings retrenchment might bring. Moreover, switching between offshore and onshore balancing could well be difªcult. Bringing together the thrust of many of the arguments discussed so far underlines the degree to which the case for retrenchment misses the underlying logic of the deep engagement strategy. By supplying reassurance, deterrence, and active management, the United States lowers security competition in the world’s key regions, thereby preventing the emergence of a hothouse atmosphere for growing new military capabilities. Alliance ties dissuade partners from ramping up and also provide leverage to prevent military transfers to potential rivals. On top of all this, the United States’ formidable military machine may deter entry by potential rivals. Current great power military expenditures as a percentage of GDP are at historical lows, and thus far other major powers have shied away from seeking to match top-end U.S. military capabilities. In addition, they have so far been careful to avoid attracting the “focused enmity” of the United States. 84 All of the world’s most modern militaries are U.S. allies (America’s alliance system of more than sixty countries now accounts for some 80 percent of global military spending), and the gap between the U.S. military capability and that of potential rivals is by many measures growing rather than shrinking. 85

### Adv. 2 – Cooperative Federalism

#### Current battles over immigration are overreach by the federal government into state policing power

Amdur 16 <Spencer E., Trial Attorney, U.S. Department of Justice, Federal Programs Branch. A.B., Brown University. J.D, “The Right of Refusal: Immigration Enforcement and the New Cooperative Federalism,” Yale Law & Policy Review, Fall 2016, Vol. 35, No. 1 (Fall 2016), pp. 87-160, http://www.jstor.com/stable/26601705>#SPS

These different kinds of pressure have not, in practice, been sealed off from one another. This Section identifies some broader patterns of federal behavior and connections between different inducement categories. Two recurring themes stand out. First, across multiple inducement strategies, **the tendency has been to place downward pressure on state discretion.** In their chosen counterparties, Congress and DHS have preferred localities over states, law enforcement over legislatures, and employees over leadership. Of course, any time the federal government works with the states, it chooses which actors to interact with, and thus which to empower.133 But in the immigration context, it has been notable how consciously and consistently federal actors have chosen to deal with increasingly lower levels of the state law-enforcement hierarchy. Secure Communities, originally conceived as a federal-state program,134 was quickly recast as a primarily federal-local initiative. Detainers and notification requests were sent directly to local staff, without even seeking the local government's permission. The 287(g) program partners directly with local agencies, without seeking state or local in put. The proposed funding cut-offs similarly target grants that go either to local governments or directly to local agencies. **Most importantly, § 1373 enshrined this downward pressure in law.** By protecting the right of "any... official" to share immigration status information, the statute devolves discretion not just from state to local government, not just from local government to local law en forcement, but from law-enforcement policymakers to line-level police.135 Downward pressure has ensured fairly broad participation. While a number of states resisted Secure Communities from the outset,136 few localities did, at least initially. Law enforcement agencies, for their part, are used to cooperating with each other as a matter of course. When detainers first came pouring in, starting in 2007, local jails largely honored them, with little fanfare. Now that there has been some pushback, each locality has had to decide whether and how much to participate. The result is a patchwork landscape, with federal capabilities varying from one county to the next.137 Even where state laws have re centralized some of these decisions, they have left local communities with many residual implementation choices.138 The second pattern, while closely tied to the first, is not as easy to categorize. It operates less in the realm of law and more in the realm of manners. By sending discretion downward, the federal government has not only found itself more sympathetic counterparts, it has found ones less prone to resistance. Compared to states, localities have smaller budgets, more constrained authority, and thinner litigation resources. Many have therefore lacked the political clout, financial security, and legal resolve to resist federal pressure, even when they had concerns about participating.139 These imbalances are even more pro nounced for their line employees. This dynamic had a real effect in the early years of detainers. Across the country, law enforcement officials professed to consider them mandatory.140 Of course, the federal government could never actually force local governments to initiate or extend a detention – that would plainly violate the anti- commandeering rule.141 But local officials were not sure, and the consequences for violating a federal mandate—a lawsuit, loss of federal funding—were potentially severe. This uncertainty would last until state attorneys general, and then federal courts, started prominently declaring that jails were constitutionally free to decline the requests.142 DHS played its part in this confusion. For many years, the language of the detainer form suggested that it might be mandatory. It stated: "[t]his request flows from federal regulation 8 C.F.R. § 287.7, which provides that a law enforcement agency 'shall maintain custody of an alien' once a detainer has been issued by DFIS. You are not authorized to hold the subject beyond these 48 hours."143 Even after a host of sheriffs made clear that they understood this to be a command, the agency largely declined to correct the record.144 Nor did it engage directly with policymakers. Instead, it continued sending an anonymous stream of detainer and notification requests directly to jail employees. This was a softer version of § 1373's downward pressure, but its effect was the same. It loosely resembled the agency's shifting stance on whether Secure Communities was an opt-in or an opt-out program. In both cases, DHS, whether inadvertently or on purpose, obscured the nature of the choices being offered to state and local governments.145 So if the first dynamic has been downward pressure on state discretion, the second has been a selective candor about the states' range of options. In late 2014, a countervailing dynamic showed signs of emerging. In response to the latest wave of state and local resistance, DHS modulated its policies—at least ostensibly—to address some of the concerns subfederal governments were raising. After the 2016 election, however, the pendulum has swung back to confrontation. To better understand these approaches to inducement, the next Part lays out the existing constitutional doctrine that governs federal attempts to shape state behavior.

#### A cooperative federalism approach to policing is superior to the status quo – the federal government can ensure a baseline of fair policing while allowing states to innovate on top of that baseline

Simmons 2011 <Kami Chavis, Associate Professor of Law, Wake Forest University Law School. J.D., Harvard Law School. B.A., The University of North Carolina at Chapel Hill, “Cooperative Federalism and Police Reform: Using Congressional Spending Power to Promote Police Accountability,” Alabama Law Review, Vol. 62, No. 2, p. 349, 2011, Wake Forest Univ. Legal Studies Paper no. 1852591>#SPS

Indeed, the rationale for cooperative federalism is highly relevant in the context of police accountability. As noted above, while policing and issues related to law enforcement have historically been viewed as local issues, there is a strong federal interest in assuring that these agencies respect the rights of citizens and that there are appropriate measures to hold local law enforcement officials accountable. **States, unfortunately, have not risen to the challenge of protecting these rights and thus, the federal government necessarily retains a role in remedying institutional failures under its pattern or practice authority.** It is this tension between the need for diversity among local jurisdictions and the need for minimum national standards that elucidates the need for a cooperative-federalism regime in the police-accountability context.186 There are several reasons why the federal government generally promotes diversity in the context of a federal regulatory regime, each of which is applicable to federal involvement in promoting reform of local law enforcement agencies. Diversity in federal regulatory regimes is preferable to a one-size fits all or uniform approach because diversity “(1) allow[s] states to tailor federal regulatory programs to local conditions; (2) promote[s] competition within a federal regulatory framework; and (3) permit[s] experimentation with different approaches that may assist in determining an optimal regulatory strategy.”187 With respect to local tailoring, the Department of Justice has neither the resources nor the ability to implement police-accountability measures that would be effective, let alone palatable, for every local police agency nationwide. Indeed, one of the harshest criticisms of the current federal effort is the scarcity of federal resources currently devoted to the federal government’s efforts pursuant to its pattern or practice authority.188 The myriad provisions set forth in the Memoranda of Agreement that the DOJ developed in conjunction with various local jurisdictions, as well as the technical assistance letters the DOJ has sent to several police departments, contain many similar, or “boilerplate,” provisions, yet no two documents are identical.189 The agreements and letters therefore reflect the various and diverse needs of the local departments and communities with respect to police reform initiatives that have developed over the past two decades. Cooperative federalism allows for a level of interstate competition that is absent in situations where the federal government articulates a single national standard. Competition and information sharing among states is beneficial because as states and local entities experiment with different approaches to addressing an issue such as institutional police reform, creative solutions may begin to evolve.190 **Although a single approach ultimately may evolve, the federal government can avoid a premature selection of an inferior standard.** Former Supreme Court Justice Louis Brandeis articulated the benefits of federalism when he noted that states can serve as “laboratories” for innovative social experiments.191 This principle is especially sound when discussing police practices. Generally, when states are not bound by a single standard, they may, on their own, develop innovative solutions to policy questions. However, in areas such as police reform, where states and local governments may have failed to enact measures that meet federal minimum standards, the federal government can work in conjunction with states to develop creative strategies for addressing these issues.192 **Allowing the necessary federal intervention, while respecting the omnipresent federalism concerns inherent in the context of institutional police reform, necessitates implementing a carefully constructed regime.**

#### A cooperative federalism approach spills over to other areas through judicial precedent-setting

Amdur 16 <Spencer E., Trial Attorney, U.S. Department of Justice, Federal Programs Branch. A.B., Brown University. J.D, “The Right of Refusal: Immigration Enforcement and the New Cooperative Federalism,” Yale Law & Policy Review, Fall 2016, Vol. 35, No. 1 (Fall 2016), pp. 87-160, http://www.jstor.com/stable/26601705>#SPS

In recent years, immigration enforcement has provoked conflicts among almost every level and branch of American government. Some disputes are horizontal: between the President and Congress, governors and state legislatures, sheriffs and boards of supervisors. Others are vertical: between states and federal agencies, the President and governors, states and localities. Many of the constitutional questions posed by these conflicts have entered the courts and spawned large academic literatures. But at least one has not: federal power to enlist state and local aid. Attempts to secure such aid—which I will call "inducement strategies"— are a pervasive feature of modern federalism. They take many forms, ranging from simple solicitation, to financial incentives, to outright mandates. In one form or another, they show up whenever the federal government lacks the re sources, or the political buy-in, to enforce a large regulatory program on its own. Sites of federal creativity and local resistance, these interactions are where broader visions of federal-state relations—partnership, hierarchy, bargaining, competition—play out on the ground. Inducement strategies are testing constitutional limits in areas as diverse as climate change, health care and marijuana enforcement.3 But in immigration law, they have generated some particularly intense conflicts. In 2015, the concept of a "sanctuary city"—one whose police and sheriffs do not help enforce immigration law—burst into the national immigration debate. In the preceding decade, a vast new interior enforcement system had come to heavily rely on state and local police to identify and arrest deportable non citizens. Objecting to the attendant financial burdens and harm to police work, a number of cities, counties, and states began to resist. By the summer of 2014, hundreds of jurisdictions were refusing to cooperate, and later that year, federal officials were forced to revisit their own policies.4 This tension came to the fore in July of 2015, after an unauthorized immigrant shot and killed a woman on a pier in San Francisco. The shooter had been convicted of several immigration and drug crimes, and after being transferred to San Francisco on an old warrant, he had been released pursuant to a local non-cooperation policy.5 A national furor erupted. Presidential candidates began calling for a "crack down" on cities like San Francisco.6 A host of politicians began proposing legislation to punish cities and states that refused to cooperate.7 The issue remained in the foreground throughout the 2016 presidential campaign.8 Forcing local cooperation is now one of the main planks in the incoming administration's immigration platform.9 A lurking question has thus come to the surface: how far can the federal government go to demand state and local support? The question comes at a time of uncertainty in the law of cooperative federalism.10 In National Federation of Independent Business v. Sebelius (NFIB), the Supreme Court struck down a spending condition as unconstitutionally coercive for the first time in history." In doing so, it reopened some federalism questions that date back to the 1980s and 1990s, when the Court established that Congress could regulate state entities alongside private ones, but could not commandeer states' regulatory services. In the wake of NFIB, scholars, courts, and lawyers must grapple with some new questions. How do coercion and commandeering fit together? Does NFIB tell us anything deeper about the nature of American federalism? Immigration law provides especially fertile ground for thinking about those questions because of how deeply the federal government now relies on state assistance. Our immigration system delegates a large portion of immigrant screening to back-end enforcement,12 one of whose primary criteria is criminality.13 But the federal government lacks the physical resources and constituional authority to widely access that criterion—only states can enforce general criminal law. **As a result, interior enforcement now functions largely as an adjunct to state criminal justice systems.** **In perhaps no other realm of federal policy does enforcement so depend on state and local aid.** To maintain that link, different federal actors have used or proposed a number of boundary-pushing inducement strategies. The approaches vary widely in the amount of pressure they apply. Some involve simple solicitation of aid, or unilateral offers of resources and authority. Others trade federal funds and services for local assistance. Harsher proposals involve threats to punish resistance by cutting off pre-existing federal grants. Several even ban certain forms of refusal outright, or mandate certain forms of participation. These different forms of pressure share a common tendency to locate enforcement decisions in increasingly lower levels of the state criminal-justice hierarchy. But they imply widely divergent visions of federal-state relations. They also fit uneasily into federalism's existing doctrine and theory. The Supreme Court in NFIB updated its inducement jurisprudence to prohibit certain spending threats; as Part II argues, its cooperative federalism cases now cohere around what I call a "right of refusal," a narrow but absolute right against certain forms of inducement. But the Court—and, for the most part, the lower courts—have had little occasion to grapple with many of the strategies being tested in the immigration sphere. Those strategies include mandates to share information, prohibitions against non-cooperation policies, and funding threats directed at local actors. As I explain in Part III, each of these strategies is in some tension with the Court's emerging federalism jurisprudence. These unique forms of integration similarly cut across existing scholarly accounts of how our federal system functions, or should function. They shed new empirical light on old debates about how to promote local autonomy and strengthen political accountability. They also show how federalism can protect individual liberty and encourage a robust national debate. In other words, immigration is on the front lines of today's federalism, whose law and theory must now account for it. The converse is also true. The structure of immigration pol icy is now very sensitive to the changing norms of cooperative federalism. The coevolution of immigration and federalism promises to profoundly shape both. Despite this rich terrain, scholars of immigration federalism have largely focused on other constitutional questions. A vast literature has explored questions of state power and preemption.15 This tracks the federalism controversies that have generated the most litigation in the last decade, such as Arizona's S.B. 1070 and similar laws. After the 2016 presidential election, however, questions of federal inducement power loom on the horizon.16 And while earlier scholarship has examined the question of whether state and local police should choose to participate,17 none has subjected the range of federal inducement practices to sustained doctrinal and theoretical scrutiny.18 Scholars of federalism, meanwhile, have largely treated immigration as a footnote. As they have identified new modes of integration and begun to reconcile them with the Court's federalism jurisprudence, few have looked closely at the encounters taking place in the immigration realm.20 Perhaps this has stemmed from a perception that immigration is different, a self-contained area of law whose rules and patterns cannot be generalized. That may be true of some federalism questions, such as state authority to regulate migration, which is uniquely constrained.21 But **the Supreme Court has given no indications that procedural constraints on federal power—commandeering, state sovereign immunity, coercion, spending conditions, and the like—vary from one area of substantive law to the next.** Immigration therefore presents the opportunity to test federalism doctrine and theory where federal-state integration is tightest.

#### Cooperative federalism is critical to addressing climate change

Arroyo 19 Vicki Arroyo, Professor from Practice, Georgetown Law School; Executive Director, Georgetown Climate Center10-31-2019, "Someone Left the Cake Out in the Rain: The Dissolution of Cooperative Federalism in the Trump Era," JD Supra, <https://www.jdsupra.com/legalnews/someone-left-the-cake-out-in-the-rain-39747/>

The Trump Administration’s recent lawsuit against California’s climate change policies has cast a spotlight on a stark and troubling reality. [**U.S. v. California**](https://int.nyt.com/data/documenthelper/1912-justice-department-v-californ/20eeaf1871427eabeb84/optimized/full.pdf#page=1) **is just the latest salvo in a sustained, direct assault by EPA and the Administration on the bedrock principles of states’ rights and “cooperative federalism.”** **An assumption that states will work together with the federal government to solve our most pressing problems is a crucial element in many of our environmental laws**, including the Clean Air Act and the Clean Water Act. Cooperative federalism has been described as a “marble cake,” blending the rights and responsibilities of government entities at all levels. Together, those at different levels of government can accomplish more than any one level could do alone to advance public policy goals and protect the public, while enabling states and local communities to tailor the particulars to meet the needs of their constituents. Since its founding in 1970, in both Republican and Democratic administrations, EPA faithfully followed this powerful approach to address threats like hazardous air pollution. Even during the turbulent Reagan era, when I was a career official in the EPA Office of Air and Radiation and federal action on air toxics was painfully slow, we not only allowed states to regulate beyond federal minimums, we actively encouraged their actions. States were closer to those affected by pollution and helped make up for slow federal progress on air toxics standards. In fact, frustrated by the lack of progress, I left D.C. to help draft and enact legislation in my home state of Louisiana that cut air toxics emissions by half in just four years. My former colleagues back at EPA continued their work on the 1990 Clean Air Act Amendments signed into law by President George H.W. Bush, and were able to implement regulations requiring the use of advanced technologies to reduce air toxics and apply a “residual risk” assessment. Together, state and federal action delivered major cuts in pollution that causes cancer, miscarriages, and other serious health problems. Now we face an even greater planetary threat—climate change—and state action has been one of the few bright spots in an overall grim U.S. policy picture. Thirty years ago, when I represented Louisiana Governor Buddy Roemer on a bipartisan National Governors’ Association (NGA) task force on climate change, we recognized the importance of national and global action. We also saw major roles for states in areas like electric power and transportation, where they hold significant authority over planning, investment, and regulation. Where the federal government has largely dropped the ball on climate law and policy, states and cities from across the U.S. have stepped up to the plate. They sued EPA (successfully) to force regulation of carbon dioxide using Clean Air Act authority in Massachusetts v. EPA, and (unsuccessfully) to hold major polluters responsible for damage to their jurisdictions in Connecticut v. AEP. Meanwhile they moved forward in their own jurisdictions to promote clean energy, cut greenhouse gas emissions, and to respond to the impacts of climate change. State action has been impressive and bipartisan, exemplifying Supreme Court Justice Lewis Brandeis’s description of states as the “laboratories of democracy.” The Regional Greenhouse Initiative, embraced by nine states in the Northeast, many with Republican governors, has successfully cut emissions from power plants and strengthened the clean energy economy. In California, Republican Governor Arnold Schwarzenegger and the legislature created a cap-and-trade program to limit carbon emissions that has been extended and strengthened over time. Most U.S. states have mandated utilities to integrate clean renewable power into their resource mix, and many have taken on increasingly ambitious targets, through robust and enduring policies that have been widely supported. Meanwhile the federal government has utterly failed to do its part. Three decades ago when I first learned about global warming through that NGA task force, I never would have predicted that the lack of a strong national and international response would allow carbon dioxide levels to soar to 410 ppm from the preindustrial level of 280 ppm, bringing rapid and devastating consequences in a generation. Even harder to imagine would be an Administration like the current one taking a wrecking ball to crucial progress at the federal level—in particular, the Clean Power Plan and the national clean car standards. But now it gets even worse. The Trump Administration, not content to undermine U.S. leadership and the Paris Agreement, is hell bent on attacking any state that does not share its climate-denying, pro-fossil fuel agenda. The federal attacks on the California-led greenhouse-gas emissions standards for autos (embraced by 15 states representing nearly half the U.S. economy), and now on California’s cap- and-trade program are assaults on all of us, and make a mockery of the GOP’s espoused fealties to states’ rights and cooperative federalism. The Administration claims that California is unlawfully acting like a national government by working with Quebec on a linked trading system that crosses state and national boundaries. But the program is designed so that each jurisdiction operates independently yet recognizes the others’ allowances through the “Western Climate Initiative” as broader trading systems yield greater opportunities for cost savings. Subnational governments across the U.S. and beyond routinely collaborate and cooperate across areas of policy, trade, and commerce without harassment by our federal government: think of the ubiquitous trade missions by governors and their counterparts from around the world. Consider as well cross-border collaboration on important sectors like transportation – e.g., through joint efforts on electric vehicle charging networks and other infrastructure, including bridges and related tolling arrangements. I can only explain the Administration’s motivation to attack this arrangement that has been around since 2013 as a spiteful desire to quash any successful effort to address climate change in the “marble cake” of government. This Administration’s actions bring to mind the lyrics to the song, MacArthur Park: “I don’t think that I can take it, ‘cause it took so long to bake it, and I’ll never have that recipe again, oh no!” Oh no, indeed.

#### Climate change is an existential threat: it disrupts agriculture, causes refugee crises and collapses the international order

Ahmed, Vice investigative journalist, 19

(Nafeez, 6/3/2019, Vice, “New Report Suggests ‘High Likelihood of Human Civilization Coming to an End’ Starting in 2050,” vice.com/en\_us/article/597kpd/new-report-suggests-high-likelihood-of-human-civilization-coming-to-an-end-in-2050, accessed 7/3/2020, MM)

A harrowing scenario analysis of how human civilization might collapse in coming decades due to climate change has been endorsed by a former Australian defense chief and senior royal navy commander. The analysis, published by the Breakthrough National Centre for Climate Restoration, a think-tank in Melbourne, Australia, describes climate change as “a near- to mid-term existential threat to human civilization” and sets out a plausible scenario of where business-as-usual could lead over the next 30 years. The paper argues that the potentially “extremely serious outcomes” of climate-related security threats are often far more probable than conventionally assumed, but almost impossible to quantify because they “fall outside the human experience of the last thousand years.” On our current trajectory, the report warns, “planetary and human systems [are] reaching a ‘point of no return’ by mid-century, in which the prospect of a largely uninhabitable Earth leads to the breakdown of nations and the international order.” The only way to avoid the risks of this scenario is what the report describes as “akin in scale to the World War II emergency mobilization”—but this time focused on rapidly building out a zero-emissions industrial system to set in train the restoration of a safe climate. The scenario warns that our current trajectory will likely lock in at least 3 degrees Celsius (C) of global heating, which in turn could trigger further amplifying feedbacks unleashing further warming. This would drive the accelerating collapse of key ecosystems “including coral reef systems, the Amazon rainforest and in the Arctic.” The results would be devastating. Some one billion people would be forced to attempt to relocate from unlivable conditions, and two billion would face scarcity of water supplies. Agriculture would collapse in the sub-tropics, and food production would suffer dramatically worldwide. The internal cohesion of nation-states like the US and China would unravel. “Even for 2°C of warming, more than a billion people may need to be relocated and in high-end scenarios, the scale of destruction is beyond our capacity to model with a high likelihood of human civilization coming to an end,” the report notes. The new policy briefing is written by David Spratt, Breakthrough’s research director and Ian Dunlop, a former senior executive of Royal Dutch Shell who previously chaired the Australian Coal Association. In the briefing’s foreword, retired Admiral Chris Barrie—Chief of the Australian Defence Force from 1998 to 2002 and former Deputy Chief of the Australian Navy—commends the paper for laying “bare the unvarnished truth about the desperate situation humans, and our planet, are in, painting a disturbing picture of the real possibility that human life on Earth may be on the way to extinction, in the most horrible way.” Barrie now works for the Climate Change Institute at Australian National University, Canberra. Spratt told Motherboard that a key reason the risks are not understood is that “much knowledge produced for policymakers is too conservative. Because the risks are now existential, a new approach to climate and security risk assessment is required using scenario analysis.” Last October, Motherboard reported on scientific evidence that the UN’s summary report for government policymakers on climate change—whose findings were widely recognized as “devastating”—were in fact too optimistic. While the Breakthrough scenario sets out some of the more ‘high end’ risk possibilities, it is often not possible to meaningfully quantify their probabilities. As a result, the authors emphasize that conventional risk approaches tend to downplay worst-case scenarios despite their plausibility. Spratt and Dunlop’s 2050 scenario illustrates how easy it could be to end up in an accelerating runaway climate scenario which would lead to a largely uninhabitable planet within just a few decades. “A high-end 2050 scenario finds a world in social breakdown and outright chaos,” said Spratt. “But a short window of opportunity exists for an emergency, global mobilization of resources, in which the logistical and planning experiences of the national security sector could play a valuable role.”

### Solvency

#### The United States federal government should enact substantial criminal justice reform in the United States by conditioning 5% of funds from the Community Oriented Policing Program on police departments not deploying School Resource Officers.

#### Using the Federal Leverage of the COPS program has the ability to incentivize better behavior from local police and represents a cooperative federalism approach to improving policing

Simmons 2011 <Kami Chavis, Associate Professor of Law, Wake Forest University Law School. J.D., Harvard Law School. B.A., The University of North Carolina at Chapel Hill, “Cooperative Federalism and Police Reform: Using Congressional Spending Power to Promote Police Accountability,” Alabama Law Review, Vol. 62, No. 2, p. 349, 2011, Wake Forest Univ. Legal Studies Paper no. 1852591>#SPS

Although the federal government currently has the authority to implement widespread institutional reforms within local police departments, the barriers previously discussed prevent widespread federal oversight and intervention. The majority of police departments in the United States, many of which have demonstrated a need for intervention, have eluded federal oversight. Even in areas where the federal government has intervened, the local needs of the affected police departments may have been muted in favor of a “one size fits all” approach. **Because states and local entities are best suited to determine the frailties of their local police departments, they should be an integral part of federal efforts to promote police accountability.** **However, the failure of local entities to adequately address systemic police reform suggests that federal oversight and the implementation of higher standards are necessary.** Thus, a gap exists in terms of the standards the federal government has deemed desirable with respect to organizational police reform and the ability or the willingness of states to initiate their own models of institutional police reform. One possibility for bridging this gap would be to condition federal funds awarded to states via the Community Oriented Policing Statute (COPS) on the development and implementation of police accountability measures. **This proposal envisions a cooperative-federalism regime that could achieve the appropriate balance between the need for greater national standards to promote police accountability with the need for state and local experimentation within the context of police reform.** A. The Community Oriented Policing Services Program The COPS program was an important feature of the Violent Crime Control and Law Enforcement Act of 1994 and fulfilled then-President Bill Clinton’s vow to put 100,000 additional police officers on America’s streets.149 Section 3796dd(a) grants the Attorney General the power to “make[ ] grants to States, units of local government, Indian tribal governments, other public and private entities, and multi-jurisdictional or regional consortia.”150 In addition to establishing community-oriented policing programs, the grants may be used for numerous purposes related to law enforcement including, among other things, rehiring law enforcement officers that have been laid off; hiring and training new officers for deployment in community-oriented policing; purchasing equipment, technology, and support systems to assist in community-oriented policing; providing training to police to enhance their service to communities; and purchasing service weapons.151 In October 1994, Attorney General Janet Reno announced the opening of the Department of Justice’s Office of Community Oriented Policing Services, the entity that would administer the grants to hire additional police officers, and oversee the expansion of community-policing programs.152 According to Tracey Meares, the initial mandate of the COPS program was to achieve four goals: (1) to increase the number of community-policing officers by 100,000; (2) to promote community policing in the United States; (3) to help local police agencies develop management infrastructure that could support and sustain community policing after federal funding ended; and (4) to demonstrate that community-policing techniques could significantly reduce violence, crime, and disorder in communities.153 Each year, the Community Oriented Policing Program (COPS) provides millions of dollars to local and state agencies for law enforcement initiatives.154 Since 1994, the COPS program has distributed over $12 billion of federal money to states.155 Although the Bush Administration drastically reduced funding under COPS,156 in March 2009, Attorney General Eric Holder announced an infusion of $1 billion of funds to revitalize the program.157 Although the COPS program’s priority is to increase the number of available officers in communities and to implement community policing initiatives, **there are no specific measures that condition the funding on increased transparency and accountability.**158 Similarly, the current federal strategy to encourage institutional reforms is inadequate to address all of the potential patterns and potential for police abuse nationwide. The amendment proposed below would fill this gap and assure accountability not only for those officers hired as a result of federal funds, but would increase transparency and legitimacy for the entire local law enforcement agency. B. A Proposal to Amend COPS: Conditioning Federal Funds on the Implementation of Police Accountability Measures Notably absent from COPS is any requirement that the departments using these federal funds implement measures to promote accountability among the officers hired. Despite Congress’ recognition of the organizational roots of police misconduct, as evidenced by § 14141, there is no federal legislation requiring local police departments to adhere to many of the principles that the federal government has utilized to promote police accountability in the departments subject to its pattern or practice authority. **Given the strong nexus between community-oriented policing programs and the need for legitimacy and accountability, entities receiving the funds should be required to implement measures to ensure that the police departments receiving the funds adhere to principles that promote police accountability**. In order to encourage states to implement measures to promote police accountability, Congress should condition federal funds disbursed to states via the Community Oriented Policing Program (“COPS”) upon the state’s compliance with minimum standards for promoting police accountability.159 Pursuant to its authority under the Spending Clause of the U.S. Constitution, Congress can place conditions upon federal funding to encourage states to play a greater role in implementing police accountability measures at the local level.160 To achieve this end, I propose amending the statute authorizing the COPS program, which has provided billions of dollars of federal funds to states for law enforcement purposes. **The proposed amendment will encourage states to develop their own policy solutions to address institutional police reform in order to remain eligible for the full amount of funds designated for hiring and training officers.** Pursuant to the amendment, states that fail to develop and implement police accountability measures approved by the DOJ will be ineligible to receive 5% of their federal funding under the COPS program. Risking 5% of the law enforcement funding provides states with an incentive to implement measures and experiment with policy solutions tailored to their local needs. Moreover, this condition simultaneously ensures that local police departments meet minimum standards acceptable to the federal government. The ensuing discussion examines the constitutionality of such a proposal and the benefits of federal intervention, and explores potential challenges to increased federal involvement in local police accountability.

## Inherency

### Ext - Inherency

#### Most schools in North America have SROs

Broll and Howells 19 <Ryan and Stephanie, Department of Sociology and Anthropology, University of Guelph, Guelph, ON, Canada, “Community Policing in Schools: Relationship-Building and the Responsibilities of School Resource Officers,” Policing, Volume 0, Number 0, pp. 1–15 doi:10.1093/police/paz053>#SPS

Specially trained armed and uniformed police officers, or school resource officers (SROs), have become nearly ubiquitous in North American schools following high-profile incidents of extreme school violence and associated policy reforms in the mid-1990s and 2010s (Addington, 2009; Gerlinger and Wo, 2016; Juvonen, 2001; Na and Gottfredson, 2013; Shah and Ujifusa, 2013; Theriot, 2009). SROs are assigned to a school or a group of schools and are tasked with maintaining ‘safe, orderly and secure school environments’ (Na and Gottfredson, 2013, p. 620). Most existing research has explored their impact on school safety, but the results of these studies are inconclusive.

## Cooperative Federalism Adv.

### Ext. – Policing Federalism Spills Over

#### A cooperative federalism approach in criminal justice makes cooperative federalism easier to implement in other spheres

Amdur 16 <Spencer E., Trial Attorney, U.S. Department of Justice, Federal Programs Branch. A.B., Brown University. J.D, “The Right of Refusal: Immigration Enforcement and the New Cooperative Federalism,” Yale Law & Policy Review, Fall 2016, Vol. 35, No. 1 (Fall 2016), pp. 87-160, http://www.jstor.com/stable/26601705>#SPS

If the federal government's inducement options are limited by the right of refusal in the ways I have suggested, one practical consequence is that many federal regulatory schemes, including immigration, will continue to be enforced in a geographically disparate way. In this final Part, I briefly consider what that result signals for the intertwined futures of immigration enforcement and co operative federalism. A. The Future of Immigration Enforcement **Over the last two decades, federal inducement has shifted between compet ing modes: negotiation and pressure; candor and secrecy.** **One of the biggest questions, for the next decade and beyond, is what the dominant mode of that interaction will be.** Will there be open communication and modulation in response to local concerns? Or will there be cut-off threats, double negatives, and mandates? Will the choices faced by state and local governments be held out in the open, or will they exist behind the closed doors of bureaucratic haggle? In choosing their approaches to inducement, DHS, the President, and Con gress may face a certain trade-off between assistance and good will. Stronger methods may lead to more cooperation in the short run, but, as Professor Ming Chen has explained, subfederal officials' openness to participation is partly determined by the perceived legitimacy of federal action.350 If those officials feel disrespected—regardless of their substantive or even procedural policy views— they may be more inclined to exercise whatever refusal rights they have. Let us imagine that the President and DHS wanted to mollify as many local concerns as possible. Which ones could they address? Certainly most of the substantive ones. DAPA and the Priority Enforcement Program, for instance, rep resent promises to change the distribution, and perhaps the intensity, of enforcement policy in line with some state and local preferences. Federal actors could also address the procedural objections associated with financial cost, by reimbursing detention costs or indemnifying litigation expenses. But they probably cannot fully address the community policing concern, which has been widespread and consistent through multiple phases of inducement and re sistance.351 Nor are they likely to assuage the full range of substantive objections, which would involve a significant scaling back of interior enforcement, some thing many states and localities would oppose. Because of these widely varying local preferences, ongoing tension—and ongoing variation—is certain to per sist. How should the federal government react to this disuniformity? First of all, there are already some signs it is modulating its behavior geographically. In fis cal year 2013, Criminal Alien Program removals, as a percentage of the non citizen population, varied significantly by state, and along lines that roughly track immigration politics.352 The use of detainers has similarly varied significantly across states.353 For instance, from 2012 to mid-2013, while detainer use dropped nationally, it dropped by much more in California (thirty-one per cent) than Texas (ten percent).354 Much more empirical work remains to under stand federal enforcement practices, but these data suggest some real geographic variation along political lines. If true, this would be a prime example of the "executive federalism" explored by Professor Jessica Bulman-Pozen in a recent article.355 Immigration scholars have long debated the merits of disuniformity.356 The case against it often starts with the word "uniform" in the Naturalization Clause.357 But that one word says little about the wisdom of any enforcement policy. Other uniformity advocates have pointed to spillovers. It is true that pro-enforcement laws like Arizona's S.B. 1070358 might shift immigration populations elsewhere.359 But anti-cooperation laws are much less likely to impact other jurisdictions. Those that limit enforcement are, if anything, likely to at tract immigrants from places that favor tighter enforcement—exactly what the latter places might want. Nor do anti-enforcement policies raise acute foreign policy concerns, which typically stem from subfederal governments being too exclusionary, not too welcoming.360 Finally, in the related sphere of integrating new immigrants, we have always had great variation.361 Disuniformity, in this context, might actually be a healthier way to negotiate some deep national conflicts, a way to promote the federalism values of experimentation and preference-matching through variable federal action. The coming years are likely to see large shifts in federal enforcement policy. They may also witness major changes in the statutory regime governing immigration. During this period and beyond, the rules of inducement will set im portant boundaries for the structure of immigration law.362 B. The Future of Cooperative Federalism Much work remains in fleshing out the Tenth Amendment rules of engagement. Some questions are obvious; for instance, we do not yet know at what point "pressure turns into compulsion."363 Others are less apparent on the face of the cases, but still urgent, because their potential applications are perva sive. How does the coercion ban apply to local governments? What kinds of conditional non-preemption violate the right of refusal? Does that right tolerate federal efforts to restructure intra-state authority? The answers will matter far beyond immigration. Countless federal regula tory areas involve cooperative enforcement, **from marijuana**,364 **to tax,**365 **to healthcare**,366 **to national security.**367 **Like immigration, these areas involve diffi cult questions of institutional design, both across the federal-state divide and within the state.** **The set of available inducement options in these areas will exert a profound influence on the depth of integration for decades to come.** These vertical dynamics also open up intriguing separation-of-powers questions. For instance, there has been a marked difference in the nature of in ducement used by Congress and by administrative agencies: legislative inducement has been a brighter line, while executive inducement has been more uncertain, informal, and opaque. If it wanted, Congress could impose some federalism-protective procedural requirements on the Fourth Branch, similar to those in the Administrative Procedure Act.368 So could the President. Like the APA's mandates of transparency and explanation, an "Administrative Federal ism Act" might require agencies to publicize and explain the nature of the choices offered; it might also say something about which state institutions should get input over program participation. Professor Abbe Gluck has recently pointed out that we still have no judicial doctrine to tell us "whether state implementers of federal law receive … any ‘process’ when it comes to their interactions with federal agencies."369 The political branches could answer that ques tion too. Finally, this study points to a number of questions for localism and the in trastate separation of powers. Most prominently, the federal practice of dissect ing, disaggregating, and devolving state authority merits close attention. Federalism scholars have only begun to scratch the surface. In a world of increasingly strategic federalism, federal power to restructure state governance will have a serious impact on local politics and governance. As my case study suggests, the allocation of authority can shape a number of substantive regulatory choices.370 Future work on cooperative federalism will need to account for both the state and local separation of powers.

### Ext. – Aff is Cooperative Federalism

#### The aff correctly balances federalism concerns

Simmons 2011 <Kami Chavis, Associate Professor of Law, Wake Forest University Law School. J.D., Harvard Law School. B.A., The University of North Carolina at Chapel Hill, “Cooperative Federalism and Police Reform: Using Congressional Spending Power to Promote Police Accountability,” Alabama Law Review, Vol. 62, No. 2, p. 349, 2011, Wake Forest Univ. Legal Studies Paper no. 1852591>#SPS

Amending the COPS statutes alleviates many of the problems discussed earlier with respect to § 14141.241 Pursuant to the proposed amendment, the DOJ would no longer be the only entity responsible for implementing the important practices the federal government has identified as useful in alleviating patterns or practices of misconduct. States would bear some of this responsibility and the DOJ could shift more of its resources to monitoring the states’ compliance with enforcing their own rules, rather than investigating individual departments and superimposing federal recommendations. Similarly, changes in the priorities of different political administrations would not have the pronounced impact that they have had in the past because states would have an active role in enforcing their own regulations. Further, the proposed amendment would encourage information sharing among jurisdictions and potentially lead to greater substantive reforms. In addition to ameliorating some of the shortcomings of the current federal strategy, the proposed amendment will promote greater coordination and standardization of police accountability nationwide. At the same time, the flexibility of states to develop their own response to police accountability under this proposal means that they will not sacrifice their ability to tailor the reforms to their own local needs. Although the federalism concerns discussed above are important, the proposed amendment to COPS will encourage minimal standards or trends toward best practices, without usurping the role of local stakeholders. The local nature of policing inherently means that national standards for police practices are lacking.242 This “organizationally fragmented system” means that there is “no single controlling authority that could . . . establish required minimal standards for personnel, operations, and accountability procedures.”243 Walker notes that while every state has some procedure for licensing officer and entry-level training requirements, these statutes typically cover only “a small range of issues.”244 Thus, even though states have attempted to address police misconduct in various ways, these efforts are rarely aimed at achieving institutional reform of police agencies.

### Ext. – Global Warming Causes Extinction– AT: It’s Too Late

#### Slowing rate can avoid mass species extinctions

**Rice, Weather/Climate/Science Reporter, 20** (Doyle Rice, Weather/Climate/Science Reporter, Feb. 14, 2020, USA Today, “One-third of all plant and animal species could be extinct in 50 years, study warns”, <https://www.usatoday.com/story/news/nation/2020/02/14/climate-change-study-plant-animal-extinction/4760646002/>, accessed 7/1/20, EM)

One-third of all animal and plant species on the planet could face extinction by 2070 due to climate change, a new study warns. Researchers studied recent extinctions from climate change to estimate how many species would be lost over the next 50 years. Specifically, scientists from the University of Arizona studied data from 538 species at 581 sites around the world and focused on plant and animal species that were surveyed at the same sites over time, at least 10 years apart. "By analyzing the change in 19 climatic variables at each site, we could determine which variables drive local extinctions and how much change a population can tolerate without going extinct," said Cristian Román-Palacios, of the department of ecology and evolutionary biology at the University of Arizona, in a statement. "We also estimated how quickly populations can move to try and escape rising temperatures. "When we put all of these pieces of information together for each species, we can come up with detailed estimates of global extinction rates for hundreds of plant and animal species." Globally, up to 1 million species are at risk of extinction because of human activities, according to a United Nations report released in May. Many experts say a “mass extinction event” – only the sixth in the past half-billion years – is already underway. This study found that maximum annual temperatures – the highest daily highs in summer – are the key variable that best explains whether a species will go extinct. Previous studies have focused on migration to cooler habitats as a way for species to "escape" from warming climates. However, this study found that most species won't be able to do this quickly enough to avoid extinction, based on their past rates of movement. Instead, researchers found that many species were able to tolerate some increases in maximum temperatures, but only up to a point. They found that about 50% of the species had local extinctions if maximum temperatures increased by more than 0.9 degrees Fahrenheit, and up to 95% if temperatures increased by more than 5.2 degrees Fahrenheit. Projections of species loss depend on how much climate will warm in the future. "If we stick to the Paris Agreement to combat climate change, we may lose fewer than 2 out of every 10 plant and animal species on Earth by 2070," said study co-author John J. Wiens of the University of Arizona. "But if humans cause larger temperature increases, we could lose more than a third or even half of all animal and plant species, based on our results." The study was published this week in the peer-reviewed journal Proceedings of the National Academy of Sciences. While federal intervention can have a powerful symbolic impact in restoring faith and trust, there are several tangible solutions the federal government could offer to alleviate racial bias and increase transparency. The federal government could be a powerful engine to encourage reform by offering technical assistance to local jurisdictions, ensuring they meet minimum standards of accountability, and by providing monetary support to local communities, incentivizing innovation in the development of effective and sustainable reforms.

## Education Advantage

### Ext – Education Key to Competitiveness

#### Increasing education leads to economic growth, increased U.S. modeling, and U.S. competitiveness

Council on Foreign Relations 12 – The Council on Foreign Relations (CFR) is an independent think tank dedicated to being a resource for its members in order to help them better understand the world and the foreign policy choices facing the United States and other countries, 2012 (“U.S. Education Reform and National Security,” CFR Independent Task Force Report No. 68, March 2012, available online via http://www.cfr.org/united-states/us-education-reform-national-security/p27618, accessed on 6/20/17)//BM

The U.S. education system is not adequately preparing Americans to meet the demands of the global workforce. When the U.S. government first measured educational attainment in 1947, only about half of Americans graduated from high school, compared to about 75 percent today.6 In the mid-twentieth century, it was possible to build a meaningful career without completing high school. Today, this is not the case: the gaps in income and achievement between those with and those without college degrees are large and growing (see Figure 1), as are the educational opportunities available to the children of parents with and without education.7 Economists and employers predict that in the coming years, a growing number of U.S. citizens will face unemployment because of disparities between the workforce’s education and skills and those needed by employers. Nobel Prize–winning economist Michael Spence recently explained that globalization is causing “growing disparities in income and employment across the U.S. economy, with highly educated workers enjoying more opportunities and workers with less education facing declining employment prospects and stagnant incomes.”8 International competition and the globalization of labor markets and trade require much higher education and skills if Americans are to keep pace. Poorly educated and semi-skilled Americans cannot expect to effectively compete for jobs against fellow U.S. citizens or global peers, and are left unable to fully participate in and contribute to society. This is particularly true as educational attainment and skills advance rapidly in emerging nations. A highly educated workforce increases economic productivity and growth. This growth is necessary to finance everything else that makes the United States a desired place to live and a model for other countries. The opportunity of obtaining a top-rate education has historically attracted many immigrants to the United States from around the world. In turn, immigrant populations have contributed greatly to economic and social development in the United States. As a 2009 CFR-sponsored Independent Task Force report on U.S. Immigration Policy noted, “One of the central reasons the United States achieved and has been able to retain its position of global leadership is that it is constantly replenishing its pool of talent, not just with the ablest and hardest working from inside its borders, but with the best from around the world.” Too many schools have failed to provide young citizens with the tools they need to contribute to U.S. competitiveness. This, coupled with an immigration system in need of reform, poses real threats to the prospects of citizens, constrains the growth of the U.S. talent pool, and limits innovation and economic competitiveness.

#### Education is the bedrock of competitiveness and innovation

Center for Education and Workforce 10 - Center for Education and Workforce, The Center for Education and Workforce, through its research, programs, and policy on education and skills training, mobilizes the business community to be more engaged partners, challenge the status quo, and connect education and workforce reforms to economic development, 2010 ("Education: The Key to Global Competitiveness", U.S. Chamber of Commerce Foundation, 5-17-2010, Available Online from https://www.uschamberfoundation.org/newsletter-article/education-key-global-competitiveness, Accessed on 6-20-2017)//BM

As accountants say, it’s all in the numbers. Consider these figures: As of January 2010, the United States’ jobless rate stood at 9.7 percent. Yet for individuals with a bachelor’s degree or higher, the rate was substantially less — 4.9 percent. Conversely, for people who lack a high school diploma, the rate was noticeably higher — 15.2 percent. Clearly, education matters. And it matters not just for the job seeker. America’s future in the global marketplace is at stake, too. The United States faces challenges on myriad education fronts. High school graduation rates are depressingly low, college remediation rates are rising, adult literacy levels are too low, and the numbers of Americans earning advanced degrees in science and engineering are lower than they have been in years. High school dropout rates in the United States are at or near 30 percent. For African American and Hispanic students, the rate is even higher — a staggering 50 percent. Even for those who do graduate from high school and make their way to college, many require some kind of remedial instruction. America’s leaders are beginning to gauge the seriousness of the issue. In his 2009 address to a joint session of Congress, President< Obama pledged that “by 2020, America will once again have the highest proportion of college graduates in the world.” This will be a significant challenge. Of the nation’s 307 million people, 93 million adults do not possess the necessary literacy levels to enter either postsecondary education or job-training programs, according to the 2003 National Assessment of Adult Literacy. DEMANDING JOBS Making matters even more challenging, the educational attainment level required for jobs continues to rise. Anthony Carnevale, Director of the Georgetown University Center on Education and the Workforce, estimates that by 2018, nearly two-thirds of all jobs in the United States will require some form of postsecondary education or training. In 1973, just 28 percent of jobs, or less than one-third, required such instruction. The demand for workers to obtain meaningful credentials has never been more important. America’s education system is critical in this effort. The United States has long prided itself on its leadership in innovation. Much of this innovation has come from expertise in science and engineering. America’s lengthy run atop the innovation scoreboard, some suggest, might be near the end. They point to the fact that the nation’s science and engineering workforce is aging. A serious skills shortage in these fields could be imminent if not enough graduates are produced to replace retiring scientists and engineers. The implications are wide ranging, even affecting national security. For example, many jobs in U.S. defense industries require that an American citizen fill the position. According to the National Science Board’s Science and Engineering Indicators 2008 report, students from abroad attending American colleges in 2007 received 24 percent of master’s degrees in science and engineering, and 33 percent of doctoral degrees in the two disciplines. Fifty-five percent of all postdoctoral students in science and engineering in fall 2005 were temporary visa holders, according to the Board. A shortage of workers for information-sensitive positions is a possibility. The United States Patent and Trademark Office tells a similar story. In a report issued in 2009 by IFI Patent Intelligence, 51 percent of new patents went to companies outside the United States. Although IBM® received the most patents of any company (4,186 patents), overall, American firms seem to be slipping: Of the 10 companies receiving the most patents in 2008, only four were American. An economy that emphasizes knowledge requires that everyone should be able to decipher, synthesize and analyze information, and then convey it — clearly and concisely. Innovation and problem solving are built upon such thinking.

#### Education is key to economic competitiveness

**Albada 10**—Michael, BA from Stanford, Policy Analyst, Machine Learning Engineer, Published March, 2010, The Stanford Progressive, "The Other Economic Crisis: The Failure of Education and Its Consequences « The Stanford Progressive," No Publication, https://web.stanford.edu/group/progressive/cgi-bin/?p=191

Even though the country is just pulling out of the Great Recession, an even greater problem threatens to undermine the vitality of America’s economy in the long term. The failure to invest in education, particularly at the primary and secondary levels, and to offer equal access to education, threatens the long-term competitiveness of the American economy. With the outsourcing of manufacturing and tech jobs to India and China, the developed countries face a challenge in staying economically competitive. Although America’s world class universities and elite private high schools ensure that the wealthiest children receive outstanding educations, far too many working and middle class children are not getting the educations they need and deserve. By not making it to college, these kids who should become primary-care doctors, nurses, and teachers, all professions which are sorely hurting for workers, will end up in jail, fighting America’s wars, and working endlessly in low-paying jobs with no hope of ever becoming middle class. This state of affairs is bad for the individual, the community, the state, the economy, and society at large. The kinds of jobs that will buttress the American economy are those, which depend on a highly educated workforce across all lines of race, class, and gender. Sadly, this is something that America is failing to accomplish to provide. The American education system is failing. A recent report released by the University of Chicago titled “Left Behind in America: The Nations Dropout Crisis” gave a scathing indictment of educational performance in this country. According to the report, nearly 6.2 million students in the U.S. between the ages of 16 and 24 in 2007 dropped out of high school, which is more than 16 percent of all Americans in that age range. According to a recent UNICEF report, America’s graduation rate had fallen to 21st out of 27 industrialized countries, just behind Slovakia. In addition to rising dropout rates, the quality of education has also declined. In a ranking of 15-year-olds from 30 industrialized countries, American students scored just 21st in science and 25th in math. The main cause of this problem is not how much money is spent on education, but rather how the available funds are used. The U.S. spends an average of $9,963 per student per year, the third highest in the world behind Austria and Switzerland. Discrepancies are enormous between school districts, the wealthiest of which rely on additional donations from parents to subsidize high-quality public education only in their district, and in states like California parents have simply pulled their children out of public schools and placed them into private ones, removing many students whose parents could have contributed to the well being of the school by being active and injecting their money and resources. Although some states (such as California) are truly underfunded, in most states the problem is simply that the money available is not being used effectively. Were the huge inequalities in the U.S. education system to be even modestly leveled out, we would witness large gains in learning and test scores across the board. Centralization, at the state if not the federal level, would be a big step in the right direction. These investments for education will more than pay for themselves in the mid- to long-term. With each degree earned average earnings increase, so that when poor kids fail to go to college or worse, fail to finish high school their chances of earning a middle class income, and being higher paid contributors to taxes, decrease in this workforce were education is key. By shortchanging the poorest students, the state and federal governments are shooting themselves in the foot by decreasing their tax revenue for years to come. Additionally, in today’s increasingly global economy, education is becoming a necessary component for innovation, growth and development. Investment in education is investment in human capital, and lack of the former equals a lack of the latter. Underinvestment in human capital will amount to a tax on the future of this country and could sabotage the ability of younger generations, particularly the brightest poor kids, to get ahead. The price of education is the cost of competitiveness in tomorrow’s economy, and it is in all Americans’ enlightened self-interest to invest in our future. Within any capitalist democracy, the twin values of liberty and equality exist in tension. The great compromise that was struck gave room for both: equality of opportunity. No matter how poor you were, you could work hard and make it big. The American Dream is what makes out country great, but if we fail to provide quality education to all in this highly globalized information-based economy, we will continue to witness the continued evaporation of that Dream into an America of parallel societies and a permanent underclass with no hope of success

### Ext – Competitiveness Solves War

#### Decline risks every global crisis.

Posen ‘9 (Adam; 2009; Ph.D. from Harvard University, B.A. from Harvard University, president of the Peterson Institute for International Economics, advisor to the US Congressional Budget Office, member of the Council on Foreign Relations and Trilateral Commission; PIIE, “Economic Leadership Beyond the Crisis,” [http://clients.squareeye.com/uploads/foresight/documents/PN%20USA\_FINAL\_LR\_1.pdf)](http://clients.squareeye.com/uploads/foresight/documents/PN%20USA_FINAL_LR_1.pdf%29)

In the postwar period, US power and prestige, beyond the nation's military might, have been based largely on American relative economic size and success. These facts enabled the US to **promote economic openness** and buy-in to a set of economic institutions, formal and informal, that resulted in increasing international economic **integration**. With the exception of the immediate post-Bretton Woods oil-shock period (1974-85), this combination produced generally growing prosperity at home and abroad, and underpinned the idea that there were benefits to other countries of following the American model and playing by American rules. Initially this system was most influential and successful in those countries in tight **military alliance** with the US, such as Canada, West Germany, Japan, South Korea, and the United Kingdom. With the collapse of Soviet communism in 1989, and the concomitant switch of important emerging economies, notably Brazil, China, India, and Mexico, to increasingly free-market capitalism, global integration on American terms through American leadership has been increasingly dominant for the last two decades. The global financial crisis of 2008-09, however, represents a **challenge to that world order**. While overt financial panic has been averted, and most economic forecasts are for recovery to begin in the US and the major emerging markets well before end of 2009 (a belief I share), there remain significant risks for the US and its leadership. The global financial system, including but not limited to US-based entities, has not yet been sustainably reformed. In fact, financial stability will come under strain again when the current government financial guarantees and public ownership of financial firms and assets are unwound over the next couple of years. The growth rate of the US economy and the ability of the US government to finance **responses to future crises**, both military and economic, will be meaningfully curtailed for several years to come. Furthermore, the crisis will accelerate at least temporarily two related long-term trends eroding the viability of the current international economic arrangements. First, perhaps inevitably, the economic size and importance of China, India, Brazil, and other emerging markets (including oil-exporters like Russia) has been **catching up with the US**, and even more so with demographically and productivity challenged Europe and northeast Asia. Second, pressure has been building over the past fifteen years or so of these developing countries' economic rise to give their governments more voice and weight in international economic decision-making. Again, this implies a transfer of relative voting share from the US, but an even greater one from over-represented Western Europe. The near certainty that Brazil, China, and India, are to be less harmed in real economic terms by the current crisis than either the US or most other advanced economies will only **emphasise their growing strength**, and their ability to claim a role in leadership. The need for capital transfers from China and oil-exporters to fund deficits and bank recapitalisation throughout the West, not just in the US, increases these rising countries' leverage and legitimacy in international economic discussions. One aspect of this particular crisis is that American economic policymakers, both Democratic and Republican, became increasingly infatuated with financial services and innovation beginning in the mid-1990s. This reflected a number of factors, some ideological, some institutional, and some interest group driven. The key point here is that export of financial services and promotion of financial liberalisation on the US securitised model abroad came to **dominate the US** international economic policy agenda, and thus that of the IMF, the OECD, and the G8 as well. This came to be embodied by American multinational commercial and investment banks, in perception and in practice. That particular version of the American economic model has been widely **discredited**, because of the crisis' apparent origins in US lax regulation and over-consumption, as well as in excessive faith in American-style financial markets. Thus, American global economic leadership has been eroded over the long-term by the rise of major emerging market economies, disrupted in the short-term by the nature and scope of the financial crisis, and partially discredited by the excessive reliance upon and overselling of US-led financial capitalism. This crisis therefore presents the possibility of the US model for **economic development being displaced**, not only deservedly tarnished, and the US having limited resources in the near-term to try to respond to that challenge. Additionally, the US' traditional allies and co-capitalists in Western Europe and Northeast Asia have been at least as damaged economically by the crisis (though less damaged reputationally). Is there an alternative economic model? The preceding description would seem to confirm the rise of the Rest over the West. That would be premature. The empirical record is that economic recovery from financial crises, while painful, is doable even by the poorest countries, and in advanced countries rarely leads to significant political dislocation. Even large fiscal debt burdens can be reined in over a few years where political will and institutions allow, and the US has historically fit in that category. A few years of slower growth will be costly, but also may put the US back on a sustainable growth path in terms of savings versus consumption. Though the relative rise of the **major emerging markets** will be accelerated by the crisis, that acceleration will be insufficient to rapidly close the gap with the US in size, let alone in technology and well-being. None of those countries, except perhaps for China, can think in terms of rivaling the US in all the aspects of national power. These would include: a large, dynamic and open economy; favorable demographic dynamics; monetary stability and a currency with a global role; an ability to **project hard power** abroad; and an attractive economic model to **export** for wide emulation. This last point is key. In the area of alternative economic models, one cannot beat something with nothing - communism fell not just because of its internal contradictions, or the costly military build-up, but because capitalism presented a clearly superior alternative. The Chinese model is in part the American capitalist (albeit not high church financial liberalisation) model, and is in part mercantilism. There has been concern that some developing or small countries could **take the lesson from China** that building up lots of hard currency reserves through undervaluation and export orientation is smart. That would erode globalisation, and lead to greater conflict with and criticism of the US-led system. While in the abstract that is a concern, most emerging markets - and notably Brazil, India, Mexico, South Africa, and South Korea - are not pursuing that extreme line. The recent victory of the incumbent Congress Party in India is one indication, and the statements about openness of Brazilian President Lula is another. Mexico's continued orientation towards NAFTA while seeking other investment flows (outside petroleum sector, admittedly) to and from abroad is a particularly brave example. Germany's and Japan's obvious crisis-prompted difficulties emerging from their very high export dependence, despite their being wealthy, serve as cautionary examples on the other side. So unlike in the 1970s, the last time that the US economic performance and leadership were seriously compromised, we will not see leading developing economies like Brazil and India going down the import substitution or other self-destructive and uncooperative paths. If this assessment is correct, the policy challenge is to deal with relative US economic decline, but not outright hostility to the US model or displacement of the current international economic system. That is reassuring, for it leaves us in the realm of normal economic diplomacy, perhaps to be pursued more multilaterally and less high-handedly than the US has done over the past 20 years. It also suggests that adjustment of current international economic institutions is all that is required, rather than desperately defending economic globalisation itself. For all of that reassurance, however, the need to get buy-in from the rising new players to the current system is **more pressing** on the economic front than it ever has been before. Due to the crisis, the ability of the US and the other advanced industrial democracies to put up money and markets for rewards and side-payments to those new players is also more limited than it has been in the past, and will remain so for at least the next few years. The need for the US to avoid excessive domestic self-absorption is a real concern as well, given the combination of foreign policy fatigue from the Bush foreign policy agenda and **economic insecurity** from the financial crisis. Managing the post-crisis global economy Thus, the US faces a challenging but not truly threatening global economic situation as a result of the crisis and longer-term financial trends. Failure to act affirmatively to manage the situation, however, bears two significant and related risks: first, that China and perhaps some other rising economic powers will opportunistically divert countries in US-oriented integrated relationships to their economic sphere(s); second, that a **leadership vacuum** will arise in international financial affairs and in multilateral trade efforts, which will over time **erode support for a globally integrated** economy. Both of these risks if realised would **diminish US foreign policy influence**, make the economic system **less resilient** in response to future shocks (to every country's detriment), reduce economic growth and thus the rate of reduction in global **poverty**, and conflict with other foreign policy goals like controlling **climate change** or managing migration and demographic shifts. If the US is to rise to the challenge, it should concentrate on the following priority measures.

## Solvency

### Ext – Solvency

#### Empirics prove the mechanism is effective

Amdur 16 <Spencer E., Trial Attorney, U.S. Department of Justice, Federal Programs Branch. A.B., Brown University. J.D, “The Right of Refusal: Immigration Enforcement and the New Cooperative Federalism,” Yale Law & Policy Review, Fall 2016, Vol. 35, No. 1 (Fall 2016), pp. 87-160, http://www.jstor.com/stable/26601705>#SPS

Congress can trade things within its power—like money, or regulatory au thority, or forbearance from preemption—for state assistance that would oth erwise lie beyond its reach. In a conditional spending program, Congress offers money to states or localities, but only if they comply with certain conditions. The 1987 case South Dakota v. Dole confirmed that those conditions can reach subject matter beyond Congress' enumerated powers.151 Congress can similarly impose conditions on a state's continued regulation in a field that federal law could fully occupy (this is frequently called "conditional non-preemption").152 In Hödel v. Virginia Surface Mining and Reclamation Ass'n, the Court upheld a challenge to federal mining regulations that state regulators had to enforce in order to stay in business.153 It explained that "Congress could constitutionally have enacted a statute prohibiting any state regulation of surface coal mining," but instead "chose to allow the States a regulatory role."154 The Court upheld an even more intrusive version the following year in F ERC v. Mississippi.155 Both spending and non-preemption conditions provide Congress with a powerful tool to induce assistance that it could otherwise not secure.

## Off-Case ATs

### AT: Community Policing DA

#### Misconduct hurts community policing – the plan discourages that misconduct

Simmons 2011 <Kami Chavis, Associate Professor of Law, Wake Forest University Law School. J.D., Harvard Law School. B.A., The University of North Carolina at Chapel Hill, “Cooperative Federalism and Police Reform: Using Congressional Spending Power to Promote Police Accountability,” Alabama Law Review, Vol. 62, No. 2, p. 349, 2011, Wake Forest Univ. Legal Studies Paper no. 1852591>#SPS

In addition to the financial ramifications of police misconduct, there is also evidence of negative, intangible effects of persistent police misconduct. Police misconduct affects not only individual members of society, but there is substantial evidence that police abuse negatively impacts the perceived legitimacy of police officers and increases police–community tensions.73 **This is acutely the case among minority groups who are disproportionately impacted by police brutality.**74 Community policing, which has become the dominant model of policing in this country, is premised upon the ability of police officers and community members to forge partnerships to fight crime within the respective community.75 While it is difficult for scholars to formulate one definition of community policing, one common theme in community policing models is the “decentralization of command” and increased “discretion of street-level officers, especially when they deal with community-nominated problems.”76 In contrast to other models of policing, community policing emphasizes problem-solving by “focusing proactively on specific neighborhood problems . . . .”77 When tension between police and citizens exists, it logically becomes more difficult for police officers and community residents to forge partnerships that are aimed at addressing crime.78 **Thus, police misconduct undermines the rationale and the efficacy of the community policing model that has become so popular in the United States.**

### AT: Politics

#### Plan gets Unions on board

Simmons 2011 <Kami Chavis, Associate Professor of Law, Wake Forest University Law School. J.D., Harvard Law School. B.A., The University of North Carolina at Chapel Hill, “Cooperative Federalism and Police Reform: Using Congressional Spending Power to Promote Police Accountability,” Alabama Law Review, Vol. 62, No. 2, p. 349, 2011, Wake Forest Univ. Legal Studies Paper no. 1852591>#SPS

A far more likely source of difficulty in implementation may come from police unions that often resist police reforms. Experts have long noted that many police unions may create institutional barriers to the revocation and decertification provisions and issues related to personnel matters implicated by the suggested regulations.250 However, the incentives surrounding federal money may work to relax some of these barriers. Perhaps these unions will be encouraged to seek more creative ways to protect their members while allowing minimal oversight.

### AT: States CP

#### States race to the bottom now – the plan sets a baseline that prevents the lowest common denominator from winning out

Simmons 2011 <Kami Chavis, Associate Professor of Law, Wake Forest University Law School. J.D., Harvard Law School. B.A., The University of North Carolina at Chapel Hill, “Cooperative Federalism and Police Reform: Using Congressional Spending Power to Promote Police Accountability,” Alabama Law Review, Vol. 62, No. 2, p. 349, 2011, Wake Forest Univ. Legal Studies Paper no. 1852591>#SPS

On the opposite end of the spectrum, another potential criticism to allowing greater federal oversight of local police reform is that the federal government should take on a more dominant role. Critics may argue that there will be a “race to the bottom” and states will do only what is minimally necessary to protect citizens against police abuse.255 Another potential drawback of having states develop their own rules regarding institutional police reform is that it would result in too many diverse rules, making it administratively difficult for the federal government to oversee while also creating more inefficiency. Although this approach will certainly increase the range of acceptable practices that DOJ would be responsible for reviewing and approving, this is in fact the purpose—to provide states an incentive to promote police accountability in any way that is acceptable to the government yet respects the needs of local communities.

#### Federal government involvement is powerfully symbolic – only way to make change seem nationwide

Simmons 2014 <Kami Chavis, Professor of Law and Director of the Criminal Justice Program at Wake Forest University School of Law. J.D., Harvard Law School. B.A., The University of North Carolina at Chapel Hill, “The Coming Crisis in Law Enforcement and How Federal Intervention Could Promote Police Accountability in a Post-Ferguson United States,” <http://wakeforestlawreview.com/2014/09/the-coming-crisis-in-law-enforcement-and-how-federal-intervention-could-promote-police-accountability-in-a-post-ferguson-united-states/>>#SPS

In the wake of the Michael Brown shooting in Ferguson, there were calls for the federal government to initiate an investigation. The symbolism of a federal investigation into allegations of police misconduct and civil rights abuses should not be underestimated.   **Criminal justice issues are typically viewed as “local issues,” but federal intervention is sometimes necessary where the local government has neither the resources, nor the resolve to ensure a fair proceeding or the implementation of sustainable reforms.**[[29]](http://wakeforestlawreview.com/2014/09/the-coming-crisis-in-law-enforcement-and-how-federal-intervention-could-promote-police-accountability-in-a-post-ferguson-united-states/%22%20%5Cl%20%22_ftn29) Furthermore, federal intervention can be particularly symbolic where the local community does not trust the local officials to conduct a complete investigation.[[30]](http://wakeforestlawreview.com/2014/09/the-coming-crisis-in-law-enforcement-and-how-federal-intervention-could-promote-police-accountability-in-a-post-ferguson-united-states/%22%20%5Cl%20%22_ftn30)

### AT: Federal CP

#### The mechanism of the Aff is critical – Federally mandating the changes is unconstitutional

Simmons 2011 <Kami Chavis, Associate Professor of Law, Wake Forest University Law School. J.D., Harvard Law School. B.A., The University of North Carolina at Chapel Hill, “Cooperative Federalism and Police Reform: Using Congressional Spending Power to Promote Police Accountability,” Alabama Law Review, Vol. 62, No. 2, p. 349, 2011, Wake Forest Univ. Legal Studies Paper no. 1852591>#SPS

Despite the benefits associated with federal intervention in local police practices, the shortcomings of the current federal model raise important federalism issues. There are several important justifications in favor of maintaining local involvement in criminal-justice reform, especially given that these issues involve inherently political issues such as police practices.124 Thus, notwithstanding the availability of the tools the federal government has at its disposal, the ensuing discussion explores why states and local governments should play an active role in the oversight and implementation of local police accountability measures. **The local primacy of criminal-justice issues is well established.**125 For example, even the former Chief of the Federal Bureau of Investigation, J. Edgar Hoover, publicly and frequently stated his opposition to the creation of a “national police force.” 126 Hoover explained that he was “unalterably opposed” to such a centralized police force because it “represent[ed] a distinct danger to democratic self-government,” and that a national police force would reduce “[t]he authority of every police officer in every community. . . in favor of a dominating figure or group on the distant state or national level.”127 The Supreme Court has also clearly articulated that “the suppression of violent crime and vindication of its victims” are “undeniably” local issues that are left to states.128 **Thus, law enforcement is an area where states enjoy sovereignty.**129 It is widely accepted that “law enforcement is and has been a local prerogative and responsibility.”130 Therefore, one might argue that the manner in which local police agencies accomplish these goals and the internal policies that impact training and hiring should also be left primarily to the states. In several contexts, the Supreme Court has articulated the local primacy of criminal-justice issues. For example, in criminal trials the Court has noted that states enjoy the primary responsibility to vindicate the constitutional rights of individuals. With respect to state criminal trials, the Court has recognized that “[f]ederal intrusions into state criminal trials frustrate both the States’ sovereign power to punish offenders and their good-faith attempts to honor constitutional rights.”131 As the Supreme Court has noted, “[t]he Constitution places a number of constraints on the criminal process of the states but if none of the constraints is violated, the state is free to proceed as it wishes.”132 However, when local authorities fail to adequately address police misconduct, the federal government may intervene to vindicate the rights of victims. The Supreme Court grappled with these “interjurisdictional tension[s]” that arose in the area of law enforcement in Screws v. United States, a case involving the federal prosecution of a local law enforcement officer for the beating to death of a suspect.133 Here, the Court was faced with the decision to broaden or narrow the construction of the mens rea requirement of 18 U.S.C. § 242, which authorized the federal government to prosecute state law enforcement officers for violating citizens’ civil rights.134 The Screws opinion reflects the Court’s concern to maintain the delicate balance of federal and state power with regard to law enforcement issues and the Court’s reluctance to extend the power of federal prosecution of state law enforcement officers.135 Justice Douglas’s majority opinion reflects this sentiment when he notes, “the narrow construction which we have adopted more nearly preserves the traditional balance between the States and the national government in law enforcement than that which is urged upon us.”136 Similarly, Justice Rutledge’s concurring opinion noted that an “important consideration[ ]” was the “fear grounded in concern for possible maladjustment of federal-state relations if this and like convictions are sustained.”137 Even Justice Frankfurter, who dissented, noted that “[r]egard for maintaining the delicate balance ‘between the judicial tribunals of the Union and of the States’ in the enforcement of the criminal law has informed this Court . . . ‘in recognition of the fact that the public good requires that those relations be not disturbed by unnecessary conflict . . . .’”138 In addition to the federalism concerns echoed in the Court’s jurisprudence, the U.S. Department of Justice has itself been reticent to become involved in matters related to local criminal justice issues, including policing and police misconduct.139 Historically, issues of law enforcement have enjoyed limited federal intrusion or oversight because “Congress is greatly restricted in the degree to which it can regulate a state’s administration of its local law enforcement agencies.”140 Thus, Congress, too, has been hesitant to increase the federal government’s involvement in measures aimed at addressing police misconduct. For example, “the Justice Department opposed legislation in the 102nd Congress that would have required state and local law enforcement agencies to report data about police abuse and discipline to the federal government.”141

### AT: Local Budgets DA

#### Poor policing decimates local budgets

Simmons 2011 <Kami Chavis, Associate Professor of Law, Wake Forest University Law School. J.D., Harvard Law School. B.A., The University of North Carolina at Chapel Hill, “Cooperative Federalism and Police Reform: Using Congressional Spending Power to Promote Police Accountability,” Alabama Law Review, Vol. 62, No. 2, p. 349, 2011, Wake Forest Univ. Legal Studies Paper no. 1852591>#SPS

The implications of police misconduct negatively impact communities in a number of ways. Patterns of police abuse have a tangible impact upon affected municipalities and police departments due to the financial costs of litigating and settling litigation associated with police misconduct in the United States. **Every year, municipalities nationwide pay millions of dollars to victims of police abuse.**66 For example, one group estimated that from April to June of 2009, nearly $72 million were spent in costs related to civil litigation involving claims of police misconduct.67 Between 1994 and 2000, damages in New York City police misconduct cases amounted to $180 million.68 Similarly, the City of Detroit paid over $124 million in lawsuits related to police misconduct.69 Damages related to the L.A. Rampart scandals totaled $75.5 million for the City of Los Angeles.70 More recently, in February 2009, the City of Los Angeles paid $13 million to demonstrators who were injured when the Los Angeles Police Department forcefully broke up a peaceful pro-immigration May Day rally.71 Sadly, as one commentator observed, despite the large amounts of money at stake, the high amount of damages the municipalities pay to litigate and settle these claims has not had a deterrent effect on police misconduct.72

### AT: Federalism DA

#### States have failed to act on their own – AT: Federalism DA? (Not States CP)

Simmons 2011 <Kami Chavis, Associate Professor of Law, Wake Forest University Law School. J.D., Harvard Law School. B.A., The University of North Carolina at Chapel Hill, “Cooperative Federalism and Police Reform: Using Congressional Spending Power to Promote Police Accountability,” Alabama Law Review, Vol. 62, No. 2, p. 349, 2011, Wake Forest Univ. Legal Studies Paper no. 1852591>#SPS

Despite the many efforts to reform local police departments and to increase police accountability, police misconduct and corruption persist in the United States.19 **Although many state legislatures have taken some measures to ensure that individual officers who engage in misconduct are disciplined or removed from their positions, states have not adequately addressed the organizational or institutional roots of police misconduct.** While the federal government can play an integral role in ensuring that the practices of local police departments comply with the U.S. Constitution, state governments can and should play a more active role in ensuring that the policies and practices of the local police departments conform to certain minimum standards. State governments need significant financial and other incentives to encourage the development and adoption of measures that increase police accountability. Accordingly, this Article argues that enhancing police accountability requires the implementation of a “Cooperative Federalism” regime—a process that promotes greater federal–state collaboration and allows states to retain flexibility in implementing federal standards related to police accountability.20 To accomplish this end, this Article argues that Congress, pursuant to the Spending Clause of the U.S. Constitution, should impose a condition upon states receiving federal grant money for law enforcement initiatives that requires states to enact legislation aimed at promoting police accountability.21 Specifically, states that fail to adopt either proposed regulations, or legislation modeled on the existing federal pattern or practice legislation, would be required to forfeit 5% of those federal funds.

#### Your federalism concerns are non-unique – Congress has done very similar things before

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Similar to education and healthcare, criminal justice issues have traditionally been thought to be areas of local concern, but Congress has used its spending authority to effectuate changes with regard to several criminal justice issues. 202 Congress has used its spending power to encourage state compliance with a federal statute, known commonly as Megan’s Law, which requires local law enforcement agencies to release information about convicted sex offenders. In 1996, Congress amended The Jacob Wetterling Crimes Against Children and Sexually Violent Offender Registration Program to require the public release of information regarding registered sex offenders.203 This amendment, commonly referred to as Megan’s Law, required the state to release “relevant information that is necessary to protect the public.”204 The amendment also required states to maintain an Internet web site containing this information.205 Megan’s Law also provided that states that failed to implement the program as described would lose 10% of the federal funds that would otherwise be allocated to them under 42 U.S.C. § 3756, which provided funds to local governments to improve and modernize their technology as well as develop and implement antiterrorism training programs.206 As a result, every state in the United States has a sexual offender registry program in compliance with Megan’s Law.207 In addition to Megan’s Law, Congress has also induced states to enact laws aimed at reducing prison rape pursuant to its spending authority. In the Prison Rape Elimination Act of 2003, Congress tied federal funding of prisons to requirements designed to reduce the incidence of prison rape.208 The Act requires the Bureau of Justice Statistics to conduct an annual comprehensive statistical review of the incidence and effects of prison rape in federal, state, and local prisons.209 The Act also creates a National Prison Rape Reduction Commission charged with conducting a comprehensive study of the impacts of prison rape and making recommendations to the Attorney General for national standards to enhance the detection, prevention, reduction, and punishment of prison rape.210 If a state fails to enact a state version of the national standard, it loses 5% of its federal prison funding, and can obtain no new federal funding in the future.211