Negative Brief: 50 States Counterplan

By “Coach Vance” Trefethen

AFF Plan has the federal government somehow fiat changes in policies owned by the States. This is a generic counterplan to simply have the States do the AFF plan instead. It allows the NEG to still deny the resolution because of 1 word that the NEG opposes: “Federal.” Yes, we can substantially change a transportation policy, but not a federal policy. It forces the AFF to justify why the federal government doing it is better than the states doing it. Some policies aren’t even under the jurisdiction of the federal government and would simply fail if the federal government voted to do them, so for those, the States Counterplan is the only thing that can solve.

Strategy Notes: If the AFF plan just fiats that states must change their local laws, like Blood Alcohol Content or DMV offices, then all the arguments in this brief will apply. If the AFF coerces the States by threatening to take away their federal highway funding, then the AFFIRMATIVE SOLVENCY FAILURE and Disadvantage 3 don’t apply, but all the rest does.

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DEFINITION

Federalism: System where the central government doesn’t do everything – states and cities retain power over local issues

Cornell University Legal Information Institute, last updated 2017. “Federalism” <https://www.law.cornell.edu/wex/federalism>

Federalism is a system of government in which the same territory is controlled by two levels of government. Generally, an overarching national government is responsible for the federal governance, governing the issues that affect the entire country, while the smaller subdivisions, states, and cities, govern the issues of local concern. Both the national government and the smaller political subdivisions have the power to make laws and both have a certain level of autonomy from each other. The United States has a federal system of governance consisting of the national or federal government, and the government of the individual states.

NEGATIVE PHILOSOPHY

James Madison: Upholding States’ power is key to protecting the constitutional rights of the people

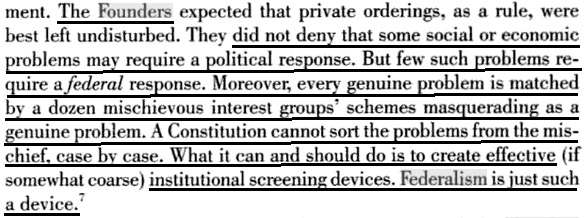
Jake Curtis 2017 (associate counsel at the Wisconsin Institute for Law & Liberty's Center for Competitive Federalism and an adjunct professor of constitutional law at Concordia University Wisconsin) 21 Sept 2017 “Defending the Electoral College, and federalism, is crucial to our republic” <http://www.washingtonexaminer.com/defending-the-electoral-college-and-federalism-is-crucial-to-our-republic/article/2635188>

As even the political Left is rediscovering, competitive federalism still matters. As explained by James Madison, the separation of state and national power is a "double security…to the rights of the people." The Constitution "extends to certain enumerated objects only, and leaves to the several States a residuary and inviolable sovereignty over all other objects."

VOTING CRITERION

Founders’ Criterion: Anyone with a plan should justify why the Federal government should do it

Michael S. Greve 1999 (cofounder and executive director of the Center for Individual Rights and an adjunct fellow of American Enterprise Institute) REAL FEDERALISM – Why It Matters, How It Could Happen <https://books.google.com/books?id=x3kViV5h-O0C&pg=PA11&lpg=PA11&dq=federalism+founders&source=bl&ots=0WctqI-VKL&sig=iaatTqW6f-rlV3rtNM65mzE0D8Y&hl=en&sa=X&ved=0ahUKEwi4yv7gm7zWAhVi4oMKHWFGA904ChDoAQhPMAc#v=onepage&q=federalism%20founders&f=false>



NEGATIVE COUNTERPLAN

**We deny the resolution because of 1 word it contains: “Federal.” We propose the following non-topical counterplan, to be enacted exclusively in place of the Affirmative’s federal plan:**

1. The legislatures of the 50 states, US territories, and the city council of Washington DC will enact the Affirmative mandates.  
   2. States can make minor modifications to the mandate or its enforcement to adjust for local conditions, while not escaping from the intent of the mandate itself.   
   3. [If any funding is needed] Funding will come from increases in local sales, income or property taxes, at the discretion of each state.  
   4. Enforcement through each state’s Department of Transportation or Department of Motor Vehicles, at the discretion of each State.  
   5. Plan takes effect the same date as the date of the Affirmative plan.  
   6. All Negative speeches may clarify.  
   7. Five years after enactment, any states finding the benefits do not exceed the costs in their state will repeal the plan.

EXTRA-TOPICALITY

Link: The Affirmative plan changes too much: Both federal AND state transportation policies

Extra-topicality means the Affirmative mandates are “doing the resolution plus more” and the “plus more” is essential to the workability of their plan. The resolution is intended to put limits on the debate round so that Negatives know what to expect and can reasonably prepare, and then we can have a good debate. One of the limits in the resolution is the word “federal.” The Affirmative is changing both Federal and State policies in their plan.

Impact: Advantages drop

Since the resolution only allowed them to change Federal policies, all Affirmative advantages coming from changes at the State level should be dropped from the round, and they should not be allowed to claim them. Since the Negative team CAN change the states, we gain all the advantages and a clear Negative ballot.

DISADS OF THE AFFIRMATIVE FEDERAL PLAN

1. Federal burden

Link: AFF is using the Federal government to change state policies

Link: Lost priorities. Division of labor between State and Federal unburdens the federal government from dealing with little stuff and keeps its priorities straight

Dr. Pietro Nivola 2005 (PhD from Harvard; vice president and director of Governance Studies at Brookings Institution 2004 - 2008; formerly associate professor of political science at Univ of Vermont. Died in April 2017) 1 Oct 2005 “Why Federalism Matters” <https://www.brookings.edu/research/why-federalism-matters/>

Whatever else it is supposed to do, however, a federal system should offer government a division of labor. Perhaps the first to fully appreciate that benefit was Alexis de Tocqueville. He admired the decentralized regime of the United States because, among other virtues, it enabled its national government to focus on primary public obligations (“a small number of objects,” he stressed, “sufficiently prominent to attract its attention”), leaving what he called society’s countless “secondary affairs” to lower levels of administration. Such a system, in other words, could help the central government keep its priorities straight.

Brink: Overburdened. The US federal government is overburdened

Dr. Pietro Nivola 2005 (PhD from Harvard; vice president and director of Governance Studies at Brookings Institution 2004 - 2008; formerly associate professor of political science at Univ of Vermont. Died in April 2017) 1 Oct 2005 “Why Federalism Matters” <https://www.brookings.edu/research/why-federalism-matters/>

Federalism’s several supposed advantages are weighed in this first of two Brookings Policy Briefs. A subsequent one will delve more deeply into the facet of particular interest to de Tocqueville: a sound allocation of competences among levels of government. For arguably, it is this matter above all that warrants renewed emphasis today, because America’s central government with its vast global security responsibilities is overburdened.

Impact: People die. National security is neglected while the federal government worries about local stuff

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Apart from creating confusion and complacency in local communities, a second sort of disorder begot by a national government too immersed in their day-to-day minutia is that it may become less mindful of its own paramount priorities. Consider an obvious one: the security threat presented by Islamic extremism. This should have been the U.S. government’s first concern, starting from at least the early 1990s. The prelude to September 11, 2001 was eventful and ominous. Fanatics with ties to Osama bin Laden had bombed the World Trade Center in 1993. Muslim militants had tried to hijack an airliner and crash it into the Eiffel Tower in 1994. U.S. military barracks in Dhahran, Saudi Arabia, were blown up, killing nearly a score of American servicemen in 1996. Courtesy of Al Qaeda, truck bombings at the American embassies in Tanzania and Kenya in 1998 caused thousands of casualties. Al Qaeda operatives attacked the USS Cole in 2000. And so it went, year after year. What is remarkable was not that the jihadists successfully struck the Twin Towers again in the fall of 2001 but that the United States and its allies threw no forceful counterpunches during the preceding decade, and that practically nothing was done to prepare the American people for the epic struggle they would have to wage. Instead, the Clinton administration and both parties in Congress mostly remained engrossed in domestic issues, no matter how picayune or petty. Neither of the presidential candidates in the 2000 election seemed attentive to the fact that the country and the world were menaced by terrorism. On the day of reckoning, when word reached President George W. Bush that United Airlines flight 175 had slammed into a New York skyscraper, he was busy visiting a second-grade classroom at an elementary school in Sarasota, Florida.

1. Polarization

Link: AFF polarizes. Federal over-reach generates passionate opposition over what should be local issues

Philip Klein 2014 (managing editor) 18 Aug 2014 “Federalism and the Founders” WASHINGTON EXAMINER <http://www.washingtonexaminer.com/federalism-and-the-founders/article/2552125>

My conclusion was that Washington is polarized due to a combination of two factors: 1) States are divided among themselves and 2) The federal government has deviated from the original founding vision by asserting more power over the states. Thus, instead of hashing out most problems on a state-by-state basis, whatever is being debated in Washington has massive ramifications for residents of every state, thus triggering passionate opposition.

Link: Dysfunctional government. Polarization means Congress becomes dysfunctional

Dr. Mohamed El-Erian 2012 (PhD economics from Cambridge Univ., England) “This Political Polarization Is Really Bad for America” 29 Dec 2012 <http://www.huffingtonpost.com/mohamed-a-elerian/political-polarization-fiscal-cliff_b_2379060.html>

An anchor for Mr. Silver’s analysis is the view that “one of the firmest conclusions of academic research into the behavior of Congress is that what motivates members first and foremost is winning elections.” By combining this with realities on the ground, his analysis makes a strong case for continued political polarization going forward. Mr. Silver’s conclusion is stark: “As partisanship continues to increase, a divided government may increasingly mean a dysfunctional one.”

Impact: Economic decline. Congressional gridlock blocks US long term economic growth

Dr. Mohamed El-Erian 2012 (PhD economics from Cambridge Univ., England) “This Political Polarization Is Really Bad for America” 29 Dec 2012 <http://www.huffingtonpost.com/mohamed-a-elerian/political-polarization-fiscal-cliff_b_2379060.html>

If left to fester, the related inability of Congress to step up to economic responsibilities would risk being associated with more than just sluggish growth, persistently high unemployment, and a growing sense of financial discomfort. It would also undermine the country’s longer-term growth potential and, with that, the ability of many citizens to realize the American dream.

3. Federal/State conflict

Link: A federal law commanding action by State governments violates the Constitution and leads to federal/state conflict

Supreme Court Justice Antonin Scalia 1997. Decision of the Court in the case of Printz v. United States 521 U.S. 898 <https://www.law.cornell.edu/supct/html/95-1478.ZO.html>

The Framers' experience under the Articles of Confederation had persuaded them that using the States as the instruments of federal governance was both ineffectual and provocative of federal state conflict. See The Federalist No. 15. Preservation of the States as independent political entities being the price of union, and "[t]he practicality of making laws, with coercive sanctions, for the States as political bodies" having been, in Madison's words, "exploded on all hands," 2 Records of the Federal Convention of 1787, p. 9 (M. Farrand ed. 1911), the Framers rejected the concept of a central government that would act upon and through the States, and instead designed a system in which the state and federal governments would exercise concurrent authority over the people--who were, in Hamilton's words, "the only proper objects of government," The Federalist No. 15, at 109.

Impact: Tyranny. Separation of federal/state power is key to upholding liberty and preventing tyranny

Supreme Court Justice Antonin Scalia 1997. Decision of the Court in the case of Printz v. United States 521 U.S. 898 <https://www.law.cornell.edu/supct/html/95-1478.ZO.html>

This separation of the two spheres is one of the Constitution's structural protections of liberty. "Just as the separation and independence of the coordinate branches of the Federal Government serve to prevent the accumulation of excessive power in any one branch, a healthy balance of power between the States and the Federal Government will reduce the risk of tyranny and abuse from either front." *Gregory,* *supra,* at 458.

COUNTERPLAN ADVANTAGES

1. All the Advantages of the AFF plan

Since we’re doing their plan – but doing it better – we get all their advantages… And we avoid their Disadvantages.

1. National Security

Disengagement from local issues allows better federal focus on national security

Dr. Pietro Nivola 2005 (PhD from Harvard; vice president and director of Governance Studies at Brookings Institution 2004 - 2008; formerly associate professor of political science at Univ of Vermont. Died in April 2017) 1 Oct 2005 “Why Federalism Matters” <https://www.brookings.edu/research/why-federalism-matters/>

Fortifying the nation’s security and foreign policy, for instance, remains a problematic work in progress, but is at least no longer an item relegated to the hind sections of newspapers and presidential speeches. Nonetheless, distraction and overextension are old habits that the government in Washington hasn’t kicked. Controversies of the most local, indeed sub-local, sort—like the case of Terri Schiavo—still make their way to the top, transfixing Congress and even the White House. The sensible way to disencumber the federal government and sharpen its focus is to take federalism seriously—which is to say, desist from fussing with the management of local public schools, municipal staffing practices, sanitation standards, routine criminal justice, family end-of-life disputes, and countless other chores customarily in the ambit of state and local governance.

1. Better solutions

State action is better than federal: Experimentation among the states develops & spreads new and better ideas

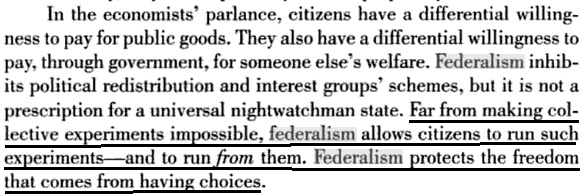
Prof. Graeme Boushey 2012. (Robert Wood Johnson Scholar in Health Policy Research at Univ of Michigan and assistant professor at Univ of California, Irvine) Punctuated Equilibrium Theory and the Diffusion of Innovations POLICY STUDIES JOURNAL, January 2012 <http://onlinelibrary.wiley.com/doi/10.1111/j.1541-0072.2011.00437.x/full>

Although federalism makes policy coordination difficult, it also creates opportunities for considerable policy innovation, as municipal, county, and state governments develop new policies to address local concerns. Federalism encourages venue shopping, a process where activists and interest groups strategically exploit the multiple venues of government to secure support for their legislative programs (Baumgartner & Jones, 2009; Holyoke, 2003; Pralle, 2003). This process increases the number of new ideas entering the political systems and can create conditions where “new ideas or policy images may spread rapidly across linked venues, thus setting in motion a positive feedback process” (Baumgartner & Jones, 2009, p. 240).

1. Happier Citizens

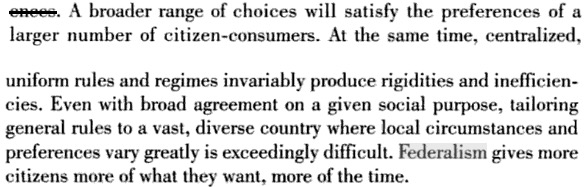
Federalism protects citizens’ freedom that comes from having choices

Michael S. Greve 1999 (cofounder and executive director of the Center for Individual Rights and an adjunct fellow of American Enterprise Institute) REAL FEDERALISM – Why It Matters, How It Could Happen <https://books.google.com/books?id=x3kViV5h-O0C&pg=PA11&lpg=PA11&dq=federalism+founders&source=bl&ots=0WctqI-VKL&sig=iaatTqW6f-rlV3rtNM65mzE0D8Y&hl=en&sa=X&ved=0ahUKEwi4yv7gm7zWAhVi4oMKHWFGA904ChDoAQhPMAc#v=onepage&q=federalism%20founders&f=false>



State diversity gives more people what they want more of the time than a centralized national plan

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AFFIRMATIVE SOLVENCY FAILURES

1. No jurisdiction

Congress cannot compel the States by requiring or prohibiting them from doing actions

Supreme Court Justice Antonin Scalia 1997. Decision of the Court in the case of Printz v. United States 521 U.S. 898 <https://www.law.cornell.edu/supct/html/95-1478.ZO.html> (ellipses and brackets in original)

We in fact answered the dissent's Necessary and Proper Clause argument in *New York*: "[E]ven where Congress has the authority under the Constitution to pass laws requiring or prohibiting certain acts, it lacks the power directly to compel the States to require or prohibit those acts. . . . [T]he Commerce Clause, for example, authorizes Congress to regulate interstate commerce directly; it does not authorize Congress to regulate state governments' regulation of interstate commerce." 505 U. S., at 166.

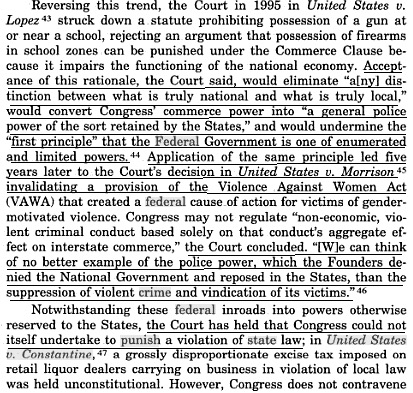
State officials cannot be “dragooned” (coerced, drafted) into enforcing federal law.

Supreme Court Justice Antonin Scalia 1997. Decision of the Court in the case of Printz v. United States 521 U.S. 898 <https://www.law.cornell.edu/supct/html/95-1478.ZO.html> (ellipses and brackets in original)

It is an essential attribute of the States' retained sovereignty that they remain independent and autonomous within their proper sphere of authority. See *Texas* v. *White,* 7 Wall, at 725. It is no more compatible with this independence and autonomy that their officers be "dragooned" (as Judge Fernandez put it in his dissent below, 66 F. 3d, at 1035) into administering federal law, than it would be compatible with the independence and autonomy of the United States that its officers be impressed into service for the execution of state laws.

Congress has no power to punish people for violating state law

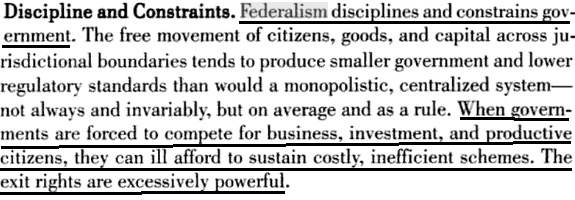
Johnny H. Killian, George Costello, Kenneth R. Thomas 2002 (Killian - advised Congress for more than 44 years on constitutional matters; senior specialist in American public law at the Congressional Research Service. Costello and Thomas - both are attorneys with the American Law Division, Congressional Research Service.) Constitution of the United States of America: Analysis and Interpretation, Library of Congress, Congressional Research Service, <https://books.google.fr/books?id=bJjxj5gLRaEC&pg=PA1616&lpg=PA1616&dq=federal+punish+state+crime+%22united+states+v.+constantine%22&source=bl&ots=UJaiCKk1aM&sig=D5FBiMc2AnAdHkAf-ZUBQoHR0ns&hl=en&sa=X&ei=s5cfVbzuGM_oaMuUgvgJ&ved=0CCwQ6AEwAg#v=onepage&q=federal%20punish%20state%20crime%20%22united%20states%20v.%20constantine%22&f=false> (brackets in original)



COUNTERPLAN SOLVENCY

Advocacy: States have incentives to do public policy better because people can get up and leave

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A/T “Unrealistic / fiat abuse to propose uniform state laws” – It’s “real world”: Multiple examples of uniform state laws that have been passed based on advocacy from the Uniform Law Commission

**Michael Kerr 2011 (Legislative Director and Legal Counsel, Uniform Law Commission) “**Uniform Law Commission: An Update For Legislative Lawyers” <http://www.ncsl.org/legislators-staff/legislative-staff/research-editorial-legal-and-committee-staff/uniform-law-commissionan-update-for-legislative-l.aspx>

The Uniform Law Commission (ULC, also known as the National Conference of Commissioners on Uniform State Laws) has worked for the uniformity of state laws since 1892. It was originally created by state governments to consider state law, determine in which areas of the law uniformity is important, and then draft uniform and model acts for consideration by the states. For well over a century, the ULC’s work has brought consistency, clarity and stability to state statutory law. Included in this important work have been such pivotal contributions to state law as the Uniform Commercial Code, the Uniform Anatomical Gift Act, the Uniform Partnership Act, the Uniform Probate Code, the Uniform Interstate Family Support Act, the Uniform Electronic Transactions Act, and the Uniform Prudent Management of Institutional Funds Act.

A/T “Unrealistic / fiat abuse to propose uniform state laws” – It’s “real world”: The Uniform Law Commission (ULC) has some of the best legal minds in the country doing it right now

**Michael Kerr 2011 (Legislative Director and Legal Counsel, Uniform Law Commission) “**Uniform Law Commission: An Update For Legislative Lawyers” <http://www.ncsl.org/legislators-staff/legislative-staff/research-editorial-legal-and-committee-staff/uniform-law-commissionan-update-for-legislative-l.aspx>

* The ULC’s major asset is its commissioners – more than 300 of the best legal minds in the country. Commissioners are appointed by every state, the District of Columbia, Puerto Rico and the U.S. Virgin Islands, and must be lawyers qualified to practice law. Each jurisdiction determines the method of appointment and the number of commissioners appointed; most jurisdictions provide for the commission in statute. While some serve as state legislators or employees of state government, many are private practitioners, judges or law professors.

Works Cited

1. Cornell University Legal Information Institute, last updated 2017. “Federalism” <https://www.law.cornell.edu/wex/federalism>
2. Jake Curtis 2017 (associate counsel at the Wisconsin Institute for Law & Liberty's Center for Competitive Federalism and an adjunct professor of constitutional law at Concordia University Wisconsin) 21 Sept 2017 “Defending the Electoral College, and federalism, is crucial to our republic” <http://www.washingtonexaminer.com/defending-the-electoral-college-and-federalism-is-crucial-to-our-republic/article/2635188>
3. Michael S. Greve 1999 (cofounder and executive director of the Center for Individual Rights and an adjunct fellow of American Enterprise Institute) REAL FEDERALISM – Why It Matters, How It Could Happen <https://books.google.com/books?id=x3kViV5h-O0C&pg=PA11&lpg=PA11&dq=federalism+founders&source=bl&ots=0WctqI-VKL&sig=iaatTqW6f-rlV3rtNM65mzE0D8Y&hl=en&sa=X&ved=0ahUKEwi4yv7gm7zWAhVi4oMKHWFGA904ChDoAQhPMAc#v=onepage&q=federalism%20founders&f=false>
4. Dr. Pietro Nivola 2005 (PhD from Harvard; vice president and director of Governance Studies at Brookings Institution 2004 - 2008; formerly associate professor of political science at Univ of Vermont. Died in April 2017) 1 Oct 2005 “Why Federalism Matters” <https://www.brookings.edu/research/why-federalism-matters/>
5. Philip Klein 2014 (managing editor) 18 Aug 2014 “Federalism and the Founders” WASHINGTON EXAMINER <http://www.washingtonexaminer.com/federalism-and-the-founders/article/2552125>
6. Dr. Mohamed El-Erian 2012 (PhD economics from Cambridge Univ., England) “This Political Polarization Is Really Bad for America” 29 Dec 2012 <http://www.huffingtonpost.com/mohamed-a-elerian/political-polarization-fiscal-cliff_b_2379060.html>
7. Supreme Court Justice Antonin Scalia 1997. Decision of the Court in the case of Printz v. United States 521 U.S. 898 <https://www.law.cornell.edu/supct/html/95-1478.ZO.html>
8. Prof. Graeme Boushey 2012. (Robert Wood Johnson Scholar in Health Policy Research at Univ of Michigan and assistant professor at Univ of California, Irvine) Punctuated Equilibrium Theory and the Diffusion of Innovations POLICY STUDIES JOURNAL, January 2012 <http://onlinelibrary.wiley.com/doi/10.1111/j.1541-0072.2011.00437.x/full>
9. Johnny H. Killian, George Costello, Kenneth R. Thomas 2002 (Killian - advised Congress for more than 44 years on constitutional matters; senior specialist in American public law at the Congressional Research Service. Costello and Thomas - both are attorneys with the American Law Division, Congressional Research Service.) Constitution of the United States of America: Analysis and Interpretation, Library of Congress, Congressional Research Service, <https://books.google.fr/books?id=bJjxj5gLRaEC&pg=PA1616&lpg=PA1616&dq=federal+punish+state+crime+%22united+states+v.+constantine%22&source=bl&ots=UJaiCKk1aM&sig=D5FBiMc2AnAdHkAf-ZUBQoHR0ns&hl=en&sa=X&ei=s5cfVbzuGM_oaMuUgvgJ&ved=0CCwQ6AEwAg#v=onepage&q=federal%20punish%20state%20crime%20%22united%20states%20v.%20constantine%22&f=false>
10. Michael Kerr 2011 (Legislative Director and Legal Counsel, Uniform Law Commission) “Uniform Law Commission:An Update For Legislative Lawyers” <http://www.ncsl.org/legislators-staff/legislative-staff/research-editorial-legal-and-committee-staff/uniform-law-commissionan-update-for-legislative-l.aspx>