

As we begin a new year, many state legislatures around the country are convening their legislative sessions. Consequently, there are literally thousands of bills and legislative proposals that are being filed for consideration. We can assume that some of these propositions are for the better, but assuredly most of them are for the worse. And by worse meaning an affront to our individual liberty.

One exceptionally astonishing bill that we have seen filed so far this year comes to us from the state of Florida. This particular joint resolution ([SJR 586/ HJR 377](#)), entitled *Legislation by Initiative*, is basically lawmaking by plebiscite which historically has been a tactic practiced by autocratic regimes around the world.

Under this proposed form of direct democracy, the only glimpse a voter has of the pending law is a condensed 75-word summary that appears on the ballot during the few minutes a voter is in the voting booth. The actual language of the law could be over 75 pages long and is open for interpretation to whoever has the wherewithal to find it.

However, what is most disturbing under this proposal, is that if the duly elected representatives of the people have any disagreements with one of these deceptively created laws, the governor has no veto authority and the legislature cannot repeal, nor even amend, the so-called law without a super majority vote.

When public policy is created by a democratic decision-making process, and the checks and balances of representative governance are circumvented, our liberty is in jeopardy because policies favored by a majority do not necessarily respect our individual rights. Under the guise of democracy, well-funded and well-organized minorities, called special-interest groups, have repeatedly abused this process to advance their exclusive interests at the expense of the majority.

The Founders bestowed upon us a republic, and not a democracy. Our country was founded on the principle of representative governance, and we have a constitution that enumerates and limits the scope of government with a focus on protecting and preserving individual rights and liberty.

The concept that the role of government is to carry out the will of the people as determined by a majority vote on a particular issue is contrary to the founding principles of our nation. Unfortunately, for some serving in public office, this notion has displaced the ethics of liberty.

There is an excellent book on this subject that chronicles the problematic advance of democracy in our country, and the impact that it is having on our liberty. It gives us the reasoning as to why the Founders gave us a republic and exposes the consequences encountered when we abandon representative governance. The book is [Liberty in Peril: Democracy and Power in American History](#), by Randall Holcombe. A highly recommended read and one that ought to be a prerequisite for those who desire to serve in elected office.

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U.S. Supreme Court Justice Hugo L. Black

Hopefully, Florida's elected representatives are grounded with a basic understanding of the key concepts contained within our US Constitution. If so, they will realize the imminent danger of the proposed joint resolution and make sure that it meets its demise.

Moving forward, this year we will continue to expand our NAFSL membership so that we have even more opportunities to engage, inform and educate our elected state legislators on the principles of balanced federalism, state sovereignty and representative governance.

A handwritten signature in black ink, appearing to read "James Kallinger". The signature is fluid and cursive, with a large initial "J" and "K".

James Kallinger, President
National Association of Former State Legislators

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