

March 2022

Volume 2, Number 3

Welcome to the March edition of the NAFSL Newsletter! First, we want to honor and commend the selfless efforts of the citizens and government of Ukraine as they zealously fight to preserve their nation's democracy. In the face of a tyrannical foe, incessant in his attempts to undermine the principles of self-governance and liberty, the Ukrainian people have demonstrated an undying resolve to conserve their nation's spirit and independence. May we learn from their example and harness it as a reminder of the invaluable sacrifices that our forefathers made long ago to gift us the freedom that we so carelessly enjoy today.

Bearing in mind the potential national security threats posed by the ongoing crisis in Ukraine, and the National government's responsibility to respond to them, we hope you had the opportunity to read Joshua Charles' most recent *Issue Brief* ([Vol. 2, No. 3](#)) on foreign affairs and the contemplations of one of our Founders.

Our nation's founders, many serving as delegates to the Constitutional convention from the Union's different states, understood that the survival of the Union depended on the states' acceptance of the terms and conditions inherent to remaining in it. Hence, they drafted a constitution that explicitly outlines the National government's authority. In so doing, they intended to inhibit tyrannical rule and provide the state delegations assurance that their respective state and local governments would retain ample authority and discretion within their jurisdictions.

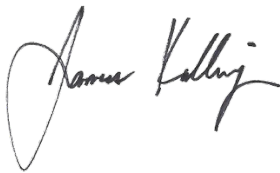
In Federalist No. 45, James Madison explains the balance between state and national power.

National powers "*will be exercised principally on external objects, [such] as war, peace, negotiation, and foreign commerce,*" while "*The powers reserved to the several States will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people, and the internal order, improvement, and prosperity of the State.*" He maintains "*The operations of the federal government will be most extensive and important in times of war and danger; those of the State governments, in times of peace and security.*"

Underlying the Constitution's structure is the founders' intent to attain an equilibrium between the succinct and generally administrative powers delegated to the National government and the broader and increasingly impactful powers delegated to the states. Madison points out that the "*few and defined*" powers delegated to the National government are "*little formidable to those reserved to the individual States*" and thereby ensure that the State governments will "*have the advantage over the federal government*".

As with the current situation in Ukraine, instances of the National government's exercise of its wartime powers when responding to foreign threats provide graspable and clear depictions of the National government's proper execution of its authority. However, such situations also provide opportunities for the state governments to scrutinize the National government and observe its inescapable inefficiencies and faults. If the National government proves to be incapable of properly dealing with the responsibilities that have been bestowed upon it, then why should the states trust it to regulate the objects falling outside its jurisdiction?

Nonetheless, whether adequate or not, the National government's mobilization in response to the situation in Ukraine serves as a present and relevant example of a proper usage of its national authority. Such occurrence ought to remind the States and their representatives of the limits of national authority and consequently motivate them to safeguard and nurture the Constitution's foundational tenets of balanced federalism and State sovereignty.

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