

Welcome to the NAFSL November newsletter! This month, we wish to emphasize the often forgotten, misconstrued, and overlooked original purpose, embedded into the Constitution by the Founding Fathers, of the national and state governments.

The intent, made explicit by the eighth section of the first article of the Constitution, was to pellucidly limit the authority and jurisdiction of the national government to issues generally applicable for the nation as a whole. In so doing, the founders implicitly granted state and local government authority over issues best handled at the state or local levels.

Yet, anticipating future attempts to belittle state sovereignty, representatives at the constitutional convention lobbied for the addition of text in the constitution that would explicitly guarantee and protect authority at the state level. Hence, the tenth amendment was added to accentuate the sovereign rule enjoyed by the states over issues that more directly impact their constituents.

By expressly dividing the realms in which national and state governments can and should operate, the Founding Fathers interwove the proposed government with the principle of [subsidiarity](#) i.e., prioritizing governance at the local level. As described by James Madison in Federalist No. 46, the constitution outlines that state governments have the authority to dictate over and ensure that the “domestic and personal interests of the people will be regulated and provided for”.

However, with the trends of current governance in mind, one can hardly observe any surviving traces of the subsidiarity that our founders cherished and instilled this nation’s governing bodies with. Today, the vast distance between the founders’ intent and the national government’s adopted powers can only be credited to behavior outlined at the outset: the intentional flouting of this country’s foundational ideals.

Yet the text of the constitution is clear, and some Americans adamantly refuse to permit their government to abandon the style of governance that was bestowed upon the nation by our founders. Recently, for example, [a New York county](#) decided to become a “constitutional sanctuary”, pledging to use its full resources to preserve and defend the provisions set forth by the U.S. Constitution. The county’s efforts to fulfill its constitutional duty of protecting and preserving their constituents’ rights echoes the subsidiarity principle’s predilection for localized decision-making as an adequate means of governance.

American federalism means “a proper respect for state functions, a recognition of the fact that the entire country is made up of a Union of separate State governments, and a continuance of the belief that the National Government will fare best if the States and their institutions are left free to perform their separate functions in their separate ways.”
U.S. Supreme Court Justice Hugo L. Black

At the NAFSL, we hope that state legislators will turn to the small yet notable efforts of local governments and draw from them to re-ignite a statewide devotion for preserving constitutional forms of governance.



James Kallinger, President
National Association of Former State Legislators

Other News:



The annual National Conference of State Legislatures (NCSL) Legislative Summit was held the first week of November in Tampa, Florida. The NAFSL was invited to have a presence at this prestigious annual conference that attracts hundreds of state legislators from around the country. Our booth had a steady flow of visitors and was very well received. Throughout this successful event we gained members and tremendous exposure. We look forward to the next Summit in Atlanta.

Stay tuned for our next *Issue Brief* to be published on December 1.

In memorial:

Former Florida **State Representative Bill Hager** passed away on October 13th in North Dakota at the age of 74. Before living in Florida, Hager served as Insurance Commissioner of Iowa. He moved to Florida in 1990 and served as deputy mayor of the City of Boca Raton from 2004-05. Hager served in the Florida House of Representatives from 2010-18, representing part of Palm Beach County. He was a Founding Member (Florida) of the National Association of Former State Legislators.

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