

THE  National Association of
Former State Legislators **NEWSLETTER**

Balanced Federalism ★ State Sovereignty ★ Representative Governance

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Recently, we had the honor and privilege of presenting our NAFSL award to Senator Jeff Brandes (FL) and Representative Mike Beltran (FL) for their noble and selfless efforts to pass a joint resolution to abolish Florida's Constitution Revision Commission. We respectfully appreciate their courageous commitment to balanced federalism, state sovereignty, and representative governance.



Pictured (L to R). Former Lt. Governor Jeff Kottkamp (FL), former Representative Jim Kallinger (FL), Senator Jeff Brandes (FL), and former Representative Don Brown (FL)



Pictured (L to R). Former Lt. Governor Jeff Kottkamp (FL), Representative Mike Beltran (FL), Mateo Guillamont (NAFSL intern), and former Representative Jim Kallinger (FL)

These state legislators, in their pursuit of restoring sound and principled governance, displayed genuine statesmanship by engaging in a fundamental issue that did not necessarily attract a lot of attention.

The original intent of the Constitution Revision Commission (CRC), (Art. 11, Sec. 2, FL Const.), is to propose nominal revisions (if any) to the Florida Constitution that would reduce the size and scope of the document, clean up arcane or outdated language, and/or streamline the document for efficiency and clarity.

Unfortunately, the CRC, which is an unelected body with no oversight or accountability, has consistently violated its intent and purpose by proposing unrestrained amendments to the Florida Constitution.

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

Under the heavy influence of special interest groups who are not able to pass their issues through the legislative process, the CRC has been putting forward confusing, intentionally misleading, and politically bundled amendments that do not even belong in a constitution.

In essence, the CRC behaves like a constitutionally prescribed Legislature by basically developing policy language and creating changes normally within the purview of an elected legislative body. As a result, the normal and proper functions of government are being bypassed and statutory language is being proposed under the guise of revisions to the constitution.

Consequently, the elected representatives of the people are losing their ability to effectively govern as resource allocation and directives are being mandated in a constitution rather than legislated in statute.

In effect, the protections of a representative form of government, guaranteed to the states in the US Constitution (Art. 4, Sec. 4, US Const.), are being usurped by the CRC

The "Guarantee Clause" in the U.S. Constitution ensures that state governments recognize that any power resides originally with the people through their elected representatives, by a process that is governed by checks and balances and "not subject to the whimsical fancy of a few."

In Federalist Paper 10, James Madison examined the self-serving and dangerous influence of "factions" or "special interest groups", and the nature and benefits of a republican form of government.

To remove factions, Madison proposed, liberty would have to be limited or abolished because "liberty is to faction what air is to fire". In other words, freedom nourishes faction. He noted that as long as people have the freedom to exercise reason, then "other opinions will be formed".

Madison concluded that since faction's causes can't be eliminated in a free and open society, they must somehow be controlled. And the only solution to mitigating the influence of factions is by instituting the republican principle of representative government.

The CRC is an abomination to representative governance, and we are grateful that Senator Brandes and Representative Beltran had the resolve to deal with this anomaly.

As a result of their efforts, there will be an amendment on next year's general election ballot to repeal the Constitution Revision Commission. We are hopeful that the people of Florida will understand the folly of the CRC and vote to repeal it.

As you know, we began our adventure at the NAFSL just this year and with much success. Heading into the new year, we look forward to continued growth of the Association as we expand our impact and national footprint.

Remember, please help the NAFSL to grow in numbers and influence by promoting your association.



James Kallinger, President
National Association of Former State Legislators

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