

**The Inaugural National Federalism Summit (2025):
Rebalancing the State-Federal Relationship
September 25-26, 2026, Salt Lake City, Utah**

In a free nation, politics will always be competitive. What keeps this competition healthy are the structural protections of our Constitution—this includes federalism.

America’s federal system was created to foster unity and self-government – a unity that joins the people and their states in a limited national government to address common problems while reserving locally self-government over most aspects of our daily lives. Federalism reinvigorated, we believe, holds the promise of addressing our most bitter partisan disputes and the framework for innovative policies that address 21st century problems.

The increasing centralization of governing power is unsustainable – national debt threatens the grants and aid to state and local governments, competing executive orders with each new presidential administration creates economic and governing “whiplash,” and top-down mandates and red tape obscure accountability and reject local needs and priorities.

States and state leaders hold the power to correct this course. The Supreme Court has counseled “the independent power of the States also serves as a check on the power of the Federal Government.” Our Constitution depends on states preserving and maintaining clear roles and responsibilities in this governing partnership. Preserving the safeguards of federalism restores greater accountability, respects local diversity, and improves governing innovation and outcomes.

At this time of extreme political and public stress, we again face the fundamental questions of American politics: Who should decide matters affecting our daily lives? and, Do two governments, rather than one, still afford greater protections of liberty, accountability, and governing outcomes? Our future, and the future of our nation depends, in no small part, on the answers these questions.

To address these concerns, the National Federalism Initiative’s inaugural Summit, “Rebalancing the Federal-State Relationship,” was held in Salt Lake City on September 25, 2025, during Constitution Week. The objective of the Summit was to facilitate a discussion among state leaders on how to lower the political temperature in our nation by returning governing focus to structure over politics with a particular emphasis on the structural safeguards of federalism.

With policymakers from fourteen states and a handful of federalism scholars from across the country, the Summit engaged participants in a non-partisan exploration of federalism from intersecting perspectives - history, law, policy, and current budget realities. Attendees reviewed developments in Utah funded by the National Federalism Initiative (“NFI”), shared updates and insights from their states, and left with a commitment to work together across state and party lines to ensure that states are able to exercise their constitutional responsibilities.

* * * **#StructureNotPolitics** * * *

What follows are summaries of the key addresses given during the Summit.

Utah Republican Senator Keven Stratton, Co-Chair of the Utah Federalism Commission.

Senator Stratton's opening comments highlighted the importance of relationships, inviting attendees to build new relationships by discussing the "why" of their participation in the Summit and related work. He described his own "why" as a love for constitutional federalism as a unifying framework for "blue" and "red" states.

Utah Democratic Representative Jennifer Dailey-Provost, Federalism Commission, described meaningful discussions with Republican counterparts including Representative Ken Ivory. While disagreeing on some issues, they came together through a joint concern "that our state and our nation were on a dangerous trajectory," and a belief that constitutional federalism can bring people together across the political spectrum to ensure a sound future for their "Maggies" – Representative Dailey-Provost's daughter Maggie and Representative Ivory's granddaughter Maggie.

Utah Representative Ken Ivory, Co-Chair of the Utah Federalism Commission, recounted the creation of the federalism initiative, driven by the belief that "we have the opportunity of a lifetime right now," and grounded in the directive found in almost every state's Constitution that "a frequent recurrence to fundamental principles is essential to the security of individual rights and the perpetuity of free government." The NFI includes three pillars: first, continuing education for state executive agency leaders and legislators on the lines of jurisdiction between the states and the federal government; second, an annual conference (of which this Summit was the first); third, a national federalism commission, a "watchdog" for the states, to replace the Advisory Commission on Intergovernmental Relations that was dissolved in 1996. Representative Ivory shared his pleasure in working with leaders from varying states: "We look at what our Constitution gave us in structure to solve problems, and we can be diverse, in New Hampshire, Utah, Idaho, and Kansas, yet still stand together as a nation for the things that were delegated." Attendees reported discussions on federal ownership of state lands and payment of state taxes, and the perspective of an attendee in the National Guard who reported to both the President and Governor as Commanders in Chief, highlighting the intersecting roles of state and federal government.

Utah Governor Spencer Cox

Governor Spencer Cox, the Summit's keynote speaker, pointed out that "[t]he Founders' brilliance lay in this concept of dual sovereignty.... The powers of the federal government were meant to be limited and defined, and the rest left to the states." Drawing from his recent service as the President of the National Governor's Association, he highlighted the need for local decision-making: "[w]e are a pluralistic society. Life in Alabama or Georgia is very different from life in New Hampshire or Massachusetts, and very different from life in Utah or Idaho."

Noting that Utah recently experienced the political assassination of Charlie Kirk, he observed that "when politics becomes that tribal, people begin to see their opponents as enemies." He shared an insight from recent work with depolarization experts, that "[w]hen a Democrat is president, most political violence comes from the far right. When a Republican is president, it comes from the far left. That pattern tells us the same thing, we are too concentrated, too tribal, too centralized." However, "[t]he Founders gave us a way out: *decentralize power*. Keep it as close to the people as possible." He noted that one solution is to "restore the proper balance between the branches and between the states and the federal government, and we must do it together, in a bipartisan way." Governor Cox pointed to the dramatic improvement in student literacy rates in Mississippi, rising

from 49th in reading to 9th, and the freedom of other states to learn from the “Mississippi Miracle.” He shared that he sees hope from recent conversations with Democratic colleagues and the President. “This is our time. This is our moment. As we celebrate 250 years of this great nation, we must remind the American people, many of whom never learned it in the first place, what federalism is, why it matters, and how it will make us freer, happier, and stronger.”

Dr. Troy Smith, Director, Utah Constitutional Federalism Initiative.

Dr. Smith highlighted that a distinguishing feature of the Constitution is the sharing of power, approved by the people, for the purposes of unity and self-government. This is a partnership in which the people, who are sovereign, grant limited authority to the national and state governments. Dr. Smith traced the development of the American partnership in self-rule from the Mayflower Compact, which created a body politic, to the colonies’ determination that their relationship with Britain was a broken partnership, to Tocqueville’s insight that a distinguishing feature of Americans was joining together in partnerships to “get things done,” demonstrated in Western wagon trains and other enterprises. He noted that in the United States, there are “lines everywhere which separate powers” – from marriage to sports, and cited Jefferson’s view of the importance of lines, which are not always easy to define, and his interpretation of Plato’s definition of justice: “mind your own business — but mind it well.” He argued that “part of our problem is that we’ve forgotten the lines and gotten into other people’s business instead of focusing on our own.” Those lines are a fundamental part of federalism; while some lines are thought to separate us, “those lines actually join us together if done correctly — they help create a robust, dynamic, functioning federal system that serves its intended benefits.”

Speaker Mike Schultz, Utah House of Representatives

Speaker Schultz cited James Madison’s statement that the powers of the federal government would be “few and defined,” while those left to the states would be “numerous and indefinite.” He observed that “the federal government has slowly accumulated more and more power at the expense of the states—and more importantly, the citizens of this country”; and that Congress has delegated too much authority to the executive branch and federal agencies. Concentrating power “raises the stakes of every presidential election and only makes our national politics worse.” The NFI seeks to restore that balance in a bipartisan way, not by “shouting at Washington” but by “building coalitions of red and blue states that recognize our country is stronger when power is local,” whether on land use, education, or health care, confirming the States as laboratories of democracy that can innovate and learn from each other’s successes and mistakes. The NFI will seek to re-educate states on their responsibilities, because “too many leaders have forgotten the power they actually have. What we’re talking about isn’t about one administration or political party, it’s about structure, not politics.”

Dr. James Moss, Utah Federalism Commission

Dr. Moss reported on the Continuing Education component of the NFI, centered in a training course being prepared by the Constitutional Federalism Initiative at Utah Valley University in partnership with the Herbert Institute for Public Policy – named after former Governor Gary Herbert, who emphasized education, negotiation, legislation and litigation as tools available to states to achieve the appropriate balance of power. The education component includes a 20-question matrix that reviews each state agency, including directions from the State Legislature, the constitutional and statutory basis for any federal involvement, the nature of federal funding

and mandates, conflicts between federal and state law, and the results of any attempt by the agency to obtain more flexibility or state autonomy. An overarching question is whether and how the state agency's best judgment might be impeded by unwarranted federal interference or mandates. That input will inform the NFI's legislative and agency training and identify needs for action; NFI hopes to exchange results and insights with other states.

Dr. Jenna Bednar, Gerald R. Ford School of Public Policy

Professor Bednar emphasized the integrity of the Constitution, stating that “our ambition is about democracy's¹ defense, about its resilience, and about how, by rebuilding our social fabric, we strengthen that democracy,” with federalism a crucial means to that end. The Constitution depends not only on words; but what happens between the lines, which depends on norms, and “those norms are undermined by polarization.” Bednar argued that federalism can reduce affective polarization by lowering the perceived stakes of national politics, fostering cross-cutting identities, and sustaining arenas for diverse policy expression. “Whether it does so depends on the degree that national politics has taken hold in our states and in our local communities, and whether citizens are able to maintain multiple overlapping identities instead of purely partisan ones.” Federalism plays a surprising role, as it’s “not only a mechanism for accommodating geographically diverse interests, also a system that fragments authority, sustains diversity and creates multiple areas for norm development. Federalism is an opportunity to rehumanize our political sphere, and in so doing, it helps democracy to be resilient and its people to flourish.”

Dr. John Dinan, Professor of Politics at Wake Forest University

Dr. Dinan discussed the challenge and opportunity of developing a new national commission - including whether in the current polarized era such a commission could reach consensus; what benefits could be expected from a commission; and what particular priorities a commission could set. Dr. Dinan suggested attempting to overcome diverging partisan perspectives on federalism by focusing on the perspective of state officials, who are “the ones who are on the ground dealing with governing and dealing with the practicalities of administering policies,” and might support aisle-crossing “because they deal with governing on the ground, and they can see this is not working.” Dr. Dinan suggested that a multi-state Commission in 2001 might have envisioned a better approach to the nationally driven No Child Left Behind Act, or the REAL ID Act passed in 2005, which required dramatic changes in how states issued driver's licenses in response to the 9/11 commission. Dr. Dinan argued that “a main function of such a commission would be to monitor federal government actions in a way that goes back to what James Madison saw in the Federalist papers as helpful for states to monitor federal actions, and that Madison and Jefferson actually participated in when they sounded the alarm to other states in regard to federal policies.” A commission might also collect and publish data about the effects of federal policies on states, promote education and research about the value of federalism, and collect and report on data about the implications of federal regulations, preemptions, conditions and grants-in-aid

Derek Brown, Utah Attorney General

Attorney General Brown recounted his work with Utah Senator Bob Bennett, a supporter of federalism, who shared his practice of socializing with other elected officials and observed the

¹ Democracy, Prof. Bednar explained, refers to various forms of popular government (liberal democracy, representative, and Republican) that prevent mob rule and tyranny of the majority as the U.S. Constitution does.

friendship between Senators Ted Kennedy (D-MA) and Orrin Hatch (R-UT), which is lacking in the current climate. He compared our political environment to an option in a game to unlock a certain power for one participant which, when unlocked, is unlocked for everyone to the detriment of all. Describing the difference in state-driven collaboration with a uniform national approach, Brown has recently worked with the Attorney General in Connecticut on offshore gaming, and with others on “robo-calls”; and recently filed a joint lawsuit against a pornography provider to restrict access by minors. A number of Supreme Court cases have recently attempted to enforce a structural balance, including the *Sackett* case in Idaho², which set boundaries on the exercise of federal power regarding environmental concerns on a private lot. He also cited Yuval Levin's book *American Covenant*, which notes that the intent of the Constitution is to bring people together, to “force us to have conversations.” Working through the legal component of the NFI, he is committed to collaborating with other states.

Utah Senator Majority Leader Kirk Cullimore

Senator Cullimore pointed out that the Constitution assigns to the national government authority over national defense, foreign affairs, currency and commerce while reserving other powers to the states. He identified the present challenge as an “unchecked administrative state,” with unrestrained taxing revenue flowing to the federal government and back to states with associated mandates or “strings,” which has made states dependent on the federal government. He recommended five avenues to pursue: (1) creating federalism commissions in every state, (2) passing joint multi-state resolutions based on templates generated by the NFI, (3) conducting audits of state agencies to determine the cost of federal compliance, (4) encouraging challenges to federal overreach in the courts by “blue states” and “red states,” and (5) encouraging legislative action to lead boldly in state policy. He shared Utah’s experience reducing pollutants, after the Division of Air Quality indicated that the EPA had not established sufficiently clear standards to use, forcing states to lead out. He urged states not to wait for the federal government to act, but to “do what's in the best interest of our citizens and demonstrate their ability to properly govern.”

Representative Ken Ivory

Representative Ivory closed by charging attendees to join the steering committee to plan the 2026 Summit, and thanked the UVU faculty and interns and others involved in preparing the summit.

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² See https://www.supremecourt.gov/opinions/22pdf/21-454_4g15.pdf