

Video of Federalist Society Executive Branch Review Panel on "State Sovereignty or Fair-Weather Federalism?"

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Participants include Prof. Edward Rubin (Vanderbilt), Prof. Carolyn Shapiro (Chicago-Kent), Ilya Shapiro (Cato Institute), and myself

The video of yesterday's Federalist Society Executive Branch Review conference panel on federalism is now available here. I have also embedded it in this post below.

Because of a last-minute substitution (Texas Solicitor General Judd Stone dropped out), this panel featured not one but two Ilyas: Ilya Shapiro of the Cato Institute and myself. That risks exacerbating the longstanding problem of #IlyaConfusion—especially since the "other" Ilya and I have very few disagreements about this set of issues. I agreed with over 95% of what he said and he likely agreed with the vast bulk of my points, as well. We certainly agreed with each other more than I would have with SG Stone, had he been able to participate. Readers who want avoid #IlyaConfusion are encouraged to read my comprehensive guide to telling the two Ilyas apart.

On a slightly more serious note, both I and Ilya Shapiro did differ on various points with the other two panelists. For example, Prof. Rubin is a leading academic critic of constitutional federalism (which he sees as "vestigial" and mostly harmful, at least in the United States), whereas I argued that there are major benefits to enforcing constitutional limits on federal power.

In my presentation, I outlined key advantages of enforcing tight limits on federal power, went over some key federalism controversies of the Trump and Biden administrations, and briefly described some prospects for the future of federalism.