Tenth Amendment and States’ Rights

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“The way to have good and safe government is not to trust it all to one, but to divide it among the many, distributing to everyone exactly the functions he is competent to” (Jefferson as quoted in Kurland and Lerner, 2000, p. 142). Thomas Jefferson, who was an advocate for the States’ rights, felt that it was important that the powers of the Federal Government be limited. The Tenth amendment of the constitution delegates the States’ all powers not reserved to the Federal Government through the constitution. The Federal Government has gained much power and the states must get it back to restore balance so that we the people will be in control.

The Tenth Amendment was ratified in 1791 along with nine other amendments which make up the Bill of Rights. The Tenth Amendment reads, “The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States, respectively, or to the people.” This means that all powers not granted to the Federal Government by the constitution are reserved to the states. The Constitution grants the Federal Government the power to print money, regulate interstate and national trade, make treaties and conduct foreign policy, declare war, provide an army and navy, establish post offices, and to make laws necessary and proper to carry out these powers. This leaves the State government power to issue licenses, regulate intrastate businesses, conduct elections, establish local governments, ratify amendments to the Constitution, and to take appropriate measures for public health and safety. The States may also exert any power the Constitution does not delegate to the national government or prohibit them from using. Both the State and Federal Government have the power to collect taxes, build roads, borrow money, establish courts, make and enforce laws, charter banks and corporations, spend money for the general welfare, and to take private property for public purposes, with just compensation. When the Bill of Rights was ratified, there were two
different groups which were the Federalist Party who believed in a strong central government, and the Anti-Federalist Party who believed that most of the power should remain with the states in order to limit the Federal Government. Some well-known Federalists were George Washington, James Madison, Alexander Hamilton and John Adams. Some well-known Anti-Federalists were Thomas Jefferson, Patrick Henry and George Mason. Their beliefs of what constituted as “general welfare” in Article I, Section 8 of the Constitution were different. Article I, Section 8 reads, “The Congress shall have power to lay and collect taxes, duties, imposts and excises, to pay the debts and provide for the common defense and general welfare of the United States.” The Anti-Federalists felt that the “general welfare” clause was too broad and gave the Federal Government too much power. Thomas Jefferson, who was an Anti-Federalist stated, "Aided by a little sophistry on the word "general welfare," [the federal branch claim] a right to do not only the acts to affect that which are specifically enumerated and permitted, but whatsoever they shall think or pretend will be for the general welfare." (Jefferson as quoted in Thomas Jefferson on Politics & Government, n.d.) The Federalist felt that the articles of the constitution were written in a way to divide the power accordingly. James Madison, a Federalist stated, “If Congress can do whatever in their discretion can be done by money, and will promote the General Welfare, the Government is no longer a limited one, possessing enumerated powers, but an indefinite one, subject to particular exceptions.” (Madison as quoted in James Madison, n.d.)

Thomas Jefferson warned the world that the Federal Government at some time may try to go beyond its powers, "I consider the foundation of the Constitution as laid on this ground: That "all powers not delegated to the United States, by the Constitution, nor prohibited by it to the States, are reserved to the States or to the people." [10th Amendment] To take a single step
beyond the boundaries thus specifically drawn around the powers of Congress is to take possession of a boundless field of power, no longer susceptible of any definition." (Jefferson as quoted in Thomas Jefferson on Politics & Government, n.d.) He also warned the people of the dangers of a government with unlimited powers, "The two enemies of the people are criminals and government, so let us tie the second down with the chains of the Constitution so the second will not become the legalized version of the first." (Jefferson as quoted in Thomas Jefferson on Politics & Government, n.d.). Thomas Jefferson also spoke of a solution for what he believed would one day happen, "Where powers are assumed which have not been delegated, a nullification of the act is the rightful remedy." (Jefferson as quoted in Thomas Jefferson on Politics & Government, n.d.).

Throughout the years the States have lost their power to the Federal Government as warned by our forefathers many years ago and now we must stand up and nullify to regain our power. At this time several states are fighting to regain different powers that the Federal Government has taken from them. A few of the many things that the states are currently fighting for is firearm rights, healthcare rights, their National Guard, medical marijuana laws, and tax rights. As Thomas Jefferson had stated, in order for the states to regain their powers they must nullify. If a state „nullifies” a federal law, the law in question is considered void and inoperative within the boundaries of that state.

The 10th Amendment Movement is an effort to push back against unconstitutional federal laws and regulations on a state level … Current nullification efforts are 10th Amendment Resolutions, Firearms Freedom Act, Medical Marijuana Laws, Health Care Nullification Act, REAL ID, Health Care Freedom Act, Defend the Guard, Constitutional Tender, Cap and Trade/EPA, Federal Tax Funds Act, Sheriffs First Legislation, Federal Gun Laws,
Intrastate Commerce, and 10th Amendment Bills. Potential future efforts are TSA, Patriot Act, and No Child Left Behind. (Tenth Amendment Center)

The Tenth Amendment Center is an organization of people from all over the United States who have gotten together to help the States reestablish their Tenth Amendment rights.

If the States don’t regain their rights we could one day become a centralized government where the people have no say in what goes on in the country. We must stand up and fight to regain our Constitutional rights before it is too late. It’s good to know that there are people out there who have already stood up, and are ready to assist us.
References


