

What's So Important About The 10th Amendment?

10th Amendment: 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. *"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.' To take a single step beyond the boundaries thus specially drawn around the powers of Congress, is to take possession of a boundless field of power, no longer susceptible of any definition."* Thomas Jefferson to President George Washington, opinion against the constitutionality of a national bank

Did Thomas Jefferson just say that the 10th Amendment is **THE FOUNDATION of the Constitution**? No, he didn't, he said that **THE FOUNDATION of the Constitution** is laid on the **BEDROCK** that is embodied in the 10th Amendment. According to Thomas Jefferson (as if "**THE FOUNDATION of the Constitution**" isn't important enough), the 10th Amendment is **THE FOUNDATION OF THE FOUNDATION** of the Constitution! Doubly important, of paramount importance, nothing is of more importance...that's how I read it, how about you?

So one might ask, "If the 10th Amendment is this vital, this bedrockish, why then was it an 'amendment', and not in the body of the original document?" Good question. Another question one might ask is, "If it is so clearly of paramount importance to a Founder of no small weight as Thomas Jefferson (who 'fervent and true patriots' of our day constantly quote), why then is it so glossed over by these 'patriots' as just another 'issue' on equal par with any other 'issue'?" Yet another good question.

John Taylor of Caroline, who was an integral figure during the Nullification days of Jefferson and Madison's Virginia and Kentucky Resolutions, was quoted as saying, *"It is our policy to consider the people as retaining a vast share of political power; and as only investing their government with so much as they deem necessary to their own benefit...Power is first divided between the government and the people, reserving to the people the control of the dividend allotted to the government. The dividend allotted to the government is subdivided between its two branches, **FEDERAL AND STATE.**"*

What does this tell us today of the understanding the Founding Era had, and those that defended that wisdom's era immediately thereafter? The people have natural, unalienable, God-ordained rights, and it is the duty of the government to protect these rights from violation by other persons, nations, and ITSELF. Natural-Divine Law is an absolute, and it is the duty of government to implement this Natural-Divine Law as the whole of its task of protecting each person's natural, unalienable, God-ordained rights.

So it is that "governments are instituted among men", and these governments are intended to be "not reason; not eloquent; but force. Like fire, it is a dangerous servant and a fearful master." So it is that men relinquish some of their own "force and fire" to their hired servants of the government, to operate it for them. Then, as the painful and bloody lessons of centuries of history taught, men must divide up this "force and fire", so too much does not find its way into the hands of a self-proclaimed oligarchy. So that this force is not turned upon the people. Montesquieu distilled the lessons of history so as to outline a division of power between the Executive, the Legislative, and the Judiciary. But this was not far enough for some in the new America. The division had to be further and

deeper.

The primary and paramount division for most of the Founders was between **FEDERAL (general) AND STATE**. If John Taylor of Caroline, and those who agreed who he spoke for, had placed next in line instead the division between the Executive, the Legislative, and the Judiciary, he would not have been talking of the system of republican - federalism that the Founders established. He would have been talking about a centralized, top-down, European-style “republic”, where though the branches of government in the center were divided, all the powers would still have been in one distant and fairly inaccessible group of hands. All these powers, whether in the hands of a few or in the hands of many, elsewhere was described as the very definition of “tyranny.”

Thomas Jefferson said later on in 1823, "*I ask for no straining of words against the general government, nor yet against the states. I believe the states can best govern our home concerns and the general government our foreign ones. I wish, therefore, to see maintained that wholesome distribution of powers established by the Constitution for the limitation of both; and never to see all offices transferred to Washington.*"

The encroachment of the “general government” from D.C. in the local affairs of the people has now become universal. The “general government” is involved in schools, roads, housing, welfare, hospitals, banks, transportation, communications, air, water, land, natural resources, and so on, and on, and on. Only recently have careful studies begun to reveal how counterproductive and wasteful the federalization of state responsibilities has turned out to be. Why has this occurred? Answer:

*“The dividend allotted to the government is subdivided between its two branches, **FEDERAL AND STATE.**”*

“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.”

Are we to assume that state governments are less sinister, are filled with more “angels”, as Madison might say? No, but here’s the frightening truth which the Founders knew and didn’t shrink away in horror from saying...“They are though, closer to the end of my gun.” If Thomas Jefferson was wrong in his assessment that the system of federalism embodied in the 10th Amendment, that separation of reserved-state government rights and delegated-general government powers, is the **BEDROCK** upon which **THE FOUNDATION of the Constitution is laid...**then stop quoting him entirely, its annoying.

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