

# **The Tenth Amendment: Perfection**

*By Steve Martin*

While the Tenth Amendment wraps up the first ten of the original amendments to the Constitution known collectively as “The Bill of Rights,” it is important to remember that the Constitution would not exist at all were it not for the Bill of Rights (because the State would not have ratified without it) and that the Tenth Amendment serves to tie the entire Bill together neatly, and completely. The number “ten” is often used, Biblically, to signify completion and unity. The Tenth Amendment certainly fulfills the role of completing and unifying the enumeration and declaration of our basic rights as Americans.

When the founders of our nation got together to determine what form of government to establish, they leaned heavily about the “Compact Theory” (as a result of their study of the ideas of John Locke and others) i.e. that governments, in order to be successful and long-lived, must be established under the “consent of the governed” and that “the people” hold the right to “compact,” or contract with government in order to give up tiny portions of their personal sovereignty in return for a certain degree of desired order and mutual defense.

The founders gave up very little of their personal liberty to the federal government established upon ratification, and gave only slightly more to their own native State upon birth within its borders. The idea always was that the “government that governs best governs least,” and that the “best government is that which is closest to the people.” The Tenth Amendment set the tone for what the entire governmental relationship between the people (the true “sovereigns” under American natural law theory) and the State, and the Federal government. The people were at the TOP of the American power pyramid, with the towns, counties, states and finally, the federal government, on succeeding lower rungs of authority.

The federal government has no right to dictate to the States ANYTHING that is not expressly called for and authorized by the Constitution, and the Tenth Amendment is the proof of such a supposition. Despite the twisted and incorrect interpretations of the “elastic clause,” the “general welfare clause” and the “commerce clause,” this basic premise can not be changed without a revolution. The evolution over the decades in the average bureaucrats’ understanding of his rights and abilities under the Constitution must be reversed to the proper understanding as clearly spelled out in the amendment.

In my opinion, gradual and increasing assertion by the States of the nullification doctrine correctly (in my reading) derived from a simple reading of the Amendment, is the KEY to returning our nation to its Constitutional heritage. Our federal government may thus be returned to its very limited role as a mutual protector of both peace between States and between the States and a central government, and also as a guarantor of joint American sovereignty from foreign impingement.

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