

The 10th Amendment and State Sovereignty

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Thomas Jefferson wrote in the Declaration of Independence "that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed."

These words serve as a concise summary statement of the fundamental principle underlying the United States Constitution and Bill of Rights. Representing radical progress in societal evolution, the men who founded the United States created a system that both recognized the fundamental, natural rights possessed by individual human beings, and established a government with limited powers designed exclusively for the purpose of protecting these individual rights.

In order to protect the rights and freedoms of the first Americans, a very deliberate set of checks and balances was created among the 3 branches of the federal government. Since the federal government was only granted certain enumerated powers, the 10th amendment was added in order to clarify that the federal government was indeed one of limited powers, and that only those specifically granted it were within its domain. All possible powers conceivably wielded by government that were not specifically addressed in the Constitution as being within the federal realm were explicitly prohibited to it.

The American republic was crafted to preserve the independence of each state to conduct its own affairs according to the will of its own people, with a federal government to mediate interstate issues and to serve the states' collective interests when dealing internationally.

Unfortunately, over the years these careful checks and balances between the individual states and the federal government have been dramatically eroded to the point of virtual non-existence. We the people now find ourselves living under a federal government that recognizes almost no boundary on its own power - the precise threat the founders set out to avoid. Virtually every area of our lives is in some way affected and controlled by central planners making and enforcing laws from from their distant den of power Washington D.C.

Setting aside the question of Constitutionality for a moment, if a body of empirical evidence existed to highlight the successes of these "one-size-fits-all" policies emanating from Washington at effectively improving American society, perhaps it could be argued that central planning is a better model than the republic based on decentralized governmental power as established originally.

To the contrary, we are witnessing a collapsing nation with failing infrastructure; poorly educated people; rampant illness; high levels of "crime" and incarceration; a total breakdown in the foundations of family and community; financial crises threatening to bankrupt families, businesses and whole governments - even potentially collapsing the entire financial system itself; persistent problems of poverty and homelessness; and generalized dysfunction.

Through the years politicians came and went, working to convince the American people that freedoms had to be curtailed in order to provide for the "common good". As freedom waned, government grew, always with the promise of some brighter future - and yet, with the largest and most expensive federal government the country has ever seen, the problems appear worse than ever. Despite all evidence to the contrary, many politicians continue to act as though solutions to today's problems can be found by

further eroding the few rights and freedoms we the people have left, and by an even stronger and more powerful federal government.

Continuing on the same progression while expecting different results is insanity, as the saying goes.

Instead, a dramatic change of course is necessary in order to begin the lengthy process of repairing the damage done to the rights and freedoms of the American people, and to once again set this nation on a path to prosperity and progress that comes only from a free people unencumbered by unnecessary restraints of an overreaching government.

In order to restore the greatness of America, the logical approach is to set the ship of state on the same course that was responsible for its meteoric rise out of the ashes of war to a pinnacle of human civilization higher than what the world had ever known in less than 200 years. That course can be discovered through a thorough study and understanding of the Constitution itself. It relies on simple principles of decentralized governmental authority, limited federal powers, and a firm resolve that free people can solve a great many of our problems through cooperation among family and community without the heavy hand of a coercive nanny-state.

The first and most important step is to begin systematically stripping away the powers and authority currently exercised by the federal government, and to return them to their rightful owners - the states and their people, as explained succinctly in the 10th amendment to the United States Constitution, which 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."

By taking the step of reaffirming the authority of state government as a partner with, rather than subservient to the federal government, we the people will begin the process of restoring our precious freedoms, and of building a brighter future for our children and grandchildren that the one presently on the horizon.

To this end, I urge the consideration and adoption, in the strongest possible terms, at the earliest possible date, of a bill in the Maine Legislature declaring that the State of Maine is a sovereign entity within the American republic, that all powers exercised by the federal government which are beyond the limits laid out in the Constitution are invalid, and that the people of the State of Maine enjoy certain unalienable rights which are recognized, and will be defended, by the government of this state.