

## **Have We the People Nullified the Tenth Amendment? - 043014**

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." In other words, the powers not explicitly listed (enumerated) in the Constitution as those of the Federal Government, are those of the States and the People.

The 'Enumerated' powers of the Legislative Branch are listed in eighteen paragraphs in Article I, Section 8; the enumerated powers of the Executive Branch are listed in three paragraphs in Article II, Section 2; and the enumerated powers of the Judicial Branch are listed in three paragraphs in Article III, Section 2. If you have not read them then do so, many times, because your freedom depends on you knowing them, clicking [HERE](#). [Note: Paragraph 18 of Article I, Section 8 is in reference to the first seventeen paragraphs (powers) of that section and no other.]

At no place in those enumerated powers is there a mentioning of schools, welfare, old-age retirement benefits (a.k.a. Social Security), health insurance or Medicare or Medicaid, or regulation and control of the environment (EPA), of farms and agriculture, of private business and manufacturing, of labor, of urban development, of energy, or of other. BUT SUCH DOES EXIST! [For a full list of U. S. Government Departments and Agencies click [HERE](#).] The questions are WHY DO THEY EXIST? WHO LET THEM EXIST? AND WHAT ARE THE RAMIFICATIONS THAT THEY DO EXIST?

They exist not because the Constitution allows them but because someone in the Federal Government thought they should exist – whatever the reasoning. It was We the People who let them exist – whatever our reasoning. The reasoning is complex, often self-serving (greed, power, gain, protection) and sometimes worthy. The reasoning is based on the emotions of fear, jealousy, hate, kindness, pity, indignation, and enmity. The reasoning is sometimes because of the reality and danger of the moment. But whatever the reasoning for their existence they transgress the original formulation of our Federal Government.

The intent of the Constitution was that the Federal Government was to be part of a 'Compound' Republic. The other part was to be the States themselves, each considered a republic. And it was because of that intent that when a Bill of Rights was drafted the 10<sup>th</sup> Amendment was included. As James Madison stated in Federalist Paper 51: "In a single republic, all the power surrendered by the people is submitted to the administration of a single government; and the usurpations are guarded against by a division of the government into distinct and separate departments. In the compound republic of America, the power surrendered by the people is first divided between two distinct governments, and then the portion allotted to each subdivided among distinct and separate departments. Hence a double security arises to the rights of the people. The different governments will control each other, at the same time that each will be controlled by itself."

So, with the origin of the United States of America all of those subjects listed in the third paragraph of this essay, and more, were to be left in the hands of the States, and then only to the extent We the People wanted. But somewhere along the course of time We the People had a lapse of understanding, a failure of memory. We, and the States to which we delegated power, allowed the Federal Government to take over. For example, in 1884 or earlier an effort began in Congress to spend Federal money on education in the States by way of an “education” bill. In 1846 the Congress began its effort to interpret the Commerce Clause so as to enable the Federal Government to control commerce, ‘within’ as well as ‘between’ States. And We the People allowed this to take place.

Today we continue to allow the Federal Government to do what it wants, not as it was intended. States take money from the Federal Government for their schools, for their development of ports, and for all other manner of things not listed in the enumerated powers. [As for that matter, consider the ongoing effort to implement Medicaid Expansion. Governor McAwwful, the State Senate Democrats, and Republican State Senators Emmett Hanger, Walter Stosch, and John Watkins want to take \$2 Billion each year in Federal Dollars for Medicaid Expansion.] And each time the States take the money and We the People allow it to happen we are surrendering our voice to the Federal Government. This is the Ramification – we loose our freedom.

So here it the bottom line: Each time We the People allow the States to take money from the Federal Government for something not included in the Enumerated Powers of the Federal Government then by default that something becomes included in the Enumerated Powers. At this point in time there is very little, if anything, left that by such default has not become included. There is little or nothing of Power left to the States and We the People. In other words, we ourselves have nullified the Tenth Amendment. And with this guilt comes the burden for what, if anything, can and will we do about it?

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