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Idaho Common Sense™



Craig L. Bosley, MD

The Constitution v. the federal government

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The Declaration of Independence states, "... these united Colonies are, and of Right ought to be Free and Independent States." This sentiment was reaffirmed in 1781 in the Articles of Confederation which states, "Each state retains its sovereignty, freedom, and independence, and every power, jurisdiction, and right, which is not by this Confederation expressly delegated to the United States"

Six years later during the 1787 Constitutional Convention, delegate Luther Martin affirmed states' rights saying, "At the separation from the British Empire, the people of America preferred the establishment of themselves into thirteen separate sovereignties, instead of incorporating themselves into one."

This was also confirmed in 1788 in the Federalist Papers No. 45 with James Madison writing, "The powers delegated by the proposed Constitution to the federal government are few and defined. Those which are to remain in the State governments are numerous and indefinite."

Codifying this, in 1791 the Tenth Amendment was added to the Constitution stating, "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."

Does it require a constitutional scholar to understand this language or the authors' intentions? We are a confederacy of states, not a nation-state. Nonetheless, the states realized they needed a federal government with limited powers to provide some services for the combined states, exemplified by national defense, the

primary power granted the federal government.

So, what went wrong? Through Congress and the Supreme Court, the federal government has neutered states' rights and aborted the Constitution, ignoring Article V which provides that any changes to the Constitution must be approved by the people of the individual states, not the Supreme Court.

The federal government usurped the states' powers, forcing the states into subservience, with the most egregious misappropriation of the United States Constitution executed during the presidency of Franklin Roosevelt. President Roosevelt, determined to control the economy, worked with Congress passing several acts that were unconstitutional. And for a time, when these were challenged before the Supreme Court, the court looked to the Constitution and ruled the acts unconstitutional.

Infuriated that the Supreme Court was interfering with his grand plans of control, Roosevelt turned to Congress to markedly expand the number of justices on the court, planning to appoint ones who would vote as he commanded — the United States Constitution be damned.

Even though unsuccessful in his bid to expand the number of justices, he successfully intimidated the court. Fearing this expansion, accompanied by a loss and dilution of their power, the justices succumbed to politics, giving the president what he demanded.

So, when another act was challenged before the court, they gave the president his tribute, a federal government with unlimited powers. The justices took the unconstitutional

liberty to rule that the Article I clause, "general Welfare of the United States," was now a specific enumerated power of Congress. How could they possibly add an unlimited power to a list of limited powers? The justices cannot reconcile this with the Constitutional Congress demanding the federal government be limited and subservient to states' governments.

If Congress has the constitutional power to do anything it deems needed for the "general Welfare of the United States," why does the Constitution waste ink and paper with an unneeded listing of many very specific, very limited, very directed powers? Moreover, how does the Supreme Court reconcile this ruling with the aforementioned quotes?

The truth? With self-imposed blinders, the Supreme Court has repeatedly ignored the United States Constitution, believing individual justices are better able to decide what should be constitutional, reducing the Constitution to a series of suggestions.

Where in the United States Constitution does it allow the justices to step outside its bounds? What have the justices said about the integrity of the Constitution as they disavow the need to preserve and protect it? What thinking could they use to justify supplanting the United States Constitution with their personal views?