

How to Bring Washington, D.C. Back Under Control

By Paul Engel



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- Are the solutions to America's problems in Washington, D.C.?
- Where can the American people find answers if not in Washington, D.C.?
- How can reading and studying the Constitution help you find those answers?

There are plenty of problems in America today, too many to number most likely. I'm frequently asked what we can do. Too often, it seems everyone is looking to Washington, D.C. for answers. By studying the Constitution, and a couple of Supreme Court opinions, I think we can find some answers a lot closer to home.

John Jay said:

Every member of the State ought diligently to read and to study the constitution of his country, and teach the rising generation to be free. By knowing their rights, they will sooner perceive when they are violated, and be the better prepared to defend and assert them.

John Jay – First Chief Justice of the Supreme Court

So let's start our investigation by reading some clauses from the Constitution.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

U.S. Constitution, Article VI, Clause 2

We need to start by understanding the Constitution is the supreme law of the land. Only laws of the United States made pursuant to the Constitution are considered the supreme law of the land. And if only the laws of the United States made pursuant to the Constitution are the supreme law of the land, it makes sense that any law not made pursuant to the Constitution is not the supreme law of the land. I know that seems obvious, but I have to be sure we're all on the same page.

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.

U.S. Constitution, Amendment X

If the Constitution is the supreme law of the land, then when it says the powers not delegated to the United States by the Constitution belong either to the states or the people, that would supersede any law to the contrary. For example, when Congress passes a law to regulate something that's not a power delegated to the United States (for example, health insurance), it's not the supreme law of the land. Which raises the question: What do we do with a law that's not the supreme law of the land?

There is no position which depends on clearer principles, than that every act of a delegated authority, contrary to the tenor of the commission under which it is exercised, is void. No legislative act, therefore, contrary to the Constitution, can

be valid. To deny this, would be to affirm, that the deputy is greater than his principal; that the servant is above his master; that the representatives of the people are superior to the people themselves; that men acting by virtue of powers, may do not only what their powers do not authorize, but what they forbid.

Not only is a law contrary to the Constitution not the supreme law of the land, it cannot be valid. Remember, every government position is an authority delegated either by the Constitution that created it or legislation created under the authority of a Constitution. By the way, it's not just Alexander Hamilton, but the Supreme Court that says so:

[Alexander Hamilton – Federalist Papers #78](#)

Certainly all those who have framed written Constitutions contemplate them as forming the fundamental and paramount law of the nation, and consequently the theory of every such government must be that an act of the Legislature repugnant to the Constitution is void.

[Marbury v. Madison Opinion](#)

Even the Supreme Court recognizes that legislatures cannot make valid laws that violate the Constitution. So who is responsible for determining if a law violates the Constitution? Most people think it's the Supreme Court who determines if something is Constitutional or not. While the judicial power does extend to cases in law and equity arising under the Constitution, the federal courts are creations of the Constitution, not its master. So who is ultimately responsible to to keep the federal government within the powers delegated to it by Constitution?

In the typical case we look to the States to defend their prerogatives by adopting “the simple expedient of not yielding” to federal blandishments when they do not want to embrace the federal policies as their own.

National Federation Of Independent Business v. Sebelius

The court expects the states to defend themselves. How? By not yielding to federal blandishments (attempts to coax them into compliance). If a law is not made pursuant to the Constitution, if it is not the supreme law of the land and the states are not required to abide by it. This is the first big clue about how we can rein in an out of control federal government.

State Sovereignty

The States are separate and independent sovereigns. Sometimes they have to act like it.

National Federation Of Independent Business v. Sebelius

The American people have forgotten, or maybe we've spent too many generations not teaching the fact, that when we declared independence we did not create a new country, but thirteen of them.

That these United Colonies are, and of Right ought to be Free and Independent States;

Declaration of Independence

It was the states that created the federal government when they ratified the Constitution. And as the Tenth Amendment confirms, any power not delegated to the United States generally remain with the states. It is not only the right of the states to push back when Washington, D.C. goes too far, but I would say it's their duty. And that is the second clue of how we can rein in Washington, D.C. There is one more.

Separation of Powers

The Framers rejected the concept of a central government that would act upon and through the States, and instead designed a system in which the State and Federal Governments would

exercise concurrent authority over the people. The Federal Government's power would be augmented immeasurably and impermissibly if it were able to impress into its service-and at no cost to itself-the police officers of the 50 States

Printz v. United States

The idea that the federal government can order the states around is antithetical to the union of sovereign states the Framers of the Constitution created. Your Sheriff is the Chief Law Enforcement Officer (CLEO) of your county. They are elected by the people, and therefore serve the people. As the court stated:

We adhere to that principle today, and conclude categorically, as we concluded categorically in New York: "The Federal Government may not compel the States to enact or administer a federal regulatory program." ... The mandatory obligation imposed on CLEOs to perform background checks on prospective handgun purchasers plainly runs afoul of that rule.

Printz v. United States

The federal government cannot order the states, or CLEOs, to enact or administer a federal program. In other words, there are limitations to the powers of Washington, D.C. Couple that with an understanding of the limited and enumerated powers delegated to the United States and we can put together a formula to finally rein in this out of control federal government.

Conclusion

Putting all of these clues together, what can the American people do to regain control of the behemoth we call Washington, D.C.? Let's review the clues.

First, the states need to remember that they are separate and independent sovereigns, not vassals of Washington, D.C. The

states created the federal government to serve them, not the other way around. The states delegated to the federal government certain limited and enumerated powers, which means only the states have the legal authority to amend the Constitution to give them more.

Second, the states need to defend themselves against government overreach. Today it seems when government goes too far, all most states will do is sue in federal court. That's like asking the bully's sister to protect you. Sure, we may want the courts opinion, but that's all it is: An opinion. We need to states to learn to stand their ground against Washington, D.C. Yes, they've made it harder when they ratified the 16th and 17th Amendments, but that doesn't excuse those in our state governments who roll over every time a new edict comes out of Washington, D.C.

And lastly, our Sheriffs, the chief law enforcement officers, are bound by oath or affirmation to the Constitution of our states and the United States. They need to take up their responsibility to protect the rights of the people of their county.

Hopefully, the solution to an out of control federal government has become obvious. We need to have strong county and local governments, especially Sheriffs. We need to educate ourselves and our neighbors of the importance of our Sheriffs. If your Sheriff and their deputies will not protect your rights, then it's time to find a better Sheriff. As people in neighboring counties place a premium on the fidelity to their oath of their local officials, they will naturally have an impact on their state governments. As more and more people are vetting their candidates for state offices based on how they fulfill their oath of office, our states will not only change, but can regain the fortitude to stand up to Washington, D.C. Finally, as more and more states restore themselves to their position as parties to the compact that is the Constitution of the United States, Washington, D.C. will take care of itself.

I am not suggesting that this will be a quick or easy fix, but if you look really closely, you will find you don't need to be dependent on others to live free. You may not be able to make your county, state, or federal government constitutionally sound all by yourself, but you can live as a free citizen, especially when you remember the words of Abraham Lincoln:

The people – the people – are the rightful masters of both Congresses, and courts – not to overthrow the Constitution, but to overthrow the men who pervert it

Abraham Lincoln, [September 16-17, 1859] (Notes for Speech in Kansas and Ohio)

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