**THE DELICATE BALANCE OF POWER BETWEEN  
THE STATES, THE PEOPLE, AND THE FEDERAL**

*Common Law Tribunal, Grand Jury Foreman*

**Federalist papers No. 39:** The Conformity of the Plan to Republican Principles. Madison to the People of the State of New York:

“*Could any further proof be required of the republican complexion of this system, the most decisive one might be found in its absolute prohibition of titles of nobility, both under the federal and the State governments; and in its express guaranty of the republican form to each of the latter. “But it was not sufficient,” say the adversaries of the proposed Constitution, “for the convention to adhere to the republican form. They ought, with equal care, to have preserved the federal form, which regards the Union as a confederacy of sovereign states; instead of which, they have framed a national government, which regards the Union as a consolidation of the States.’’ And it is asked by what authority this bold and radical innovation was undertaken? The handle which has been made of this objection requires that it should be examined with some precision*.”

*“According to the provisions of most of the constitutions, again, as well as according to the most respectable and received opinions on the subject, the members of* ***the judiciary*** *department are to retain their offices by the firm tenure of good behavior.* ***The House of Representatives*** *will derive its powers from the people of America; and the people will be represented in the same proportion, and on the same principle, as they are in the legislature of a particular State. So far the government is national, not federal.* ***The Senate****, on the other hand, will derive its powers from the States, as political and coequal societies; and these will be represented on the principle of equality in the Senate, as they now are in the existing Congress. So far the government is federal, not national.* ***The executive*** *power will be derived from a very compound source. The immediate election of the President is to be made by the States in their political characters. The votes allotted to them are in a compound ratio, which considers them partly as distinct and coequal societies, partly as unequal members of the same society. The eventual election, again, is to be made by that branch of the legislature which consists of the national representatives; but in this particular act they are to be thrown into the form of individual delegations, from so many distinct and coequal bodies politic. From this aspect of the government it appears to be of a mixed character, presenting at least as many federal as national features*. *The difference between a federal and national government, as it relates to the operation of the government, is supposed to consist in this, that in the former the powers operate on the political bodies composing the Confederacy, in their political capacities; in the latter, on the individual citizens composing the nation, in their individual capacities*.”

**State sovereignty a revolutionary movement secured by the 10th amendment:** In American English, the definition of a republic refers specifically to a form of government in which elected individuals represent the citizen body and exercise power according to the rule of law under a constitution, including separation of powers with an elected head of state, referred to as a Constitutional republic[[1]](#footnote-1). It was in the spirit of self-reliance, of wanting to be let alone, and of being free and independent states uncontrolled by a central government that was addressed in the Federalist papers and permeated every discussion that led to our Constitution and the Peoples’ Bill of Rights.

Under international law, a sovereign state is a nonphysical juridical entity that is represented by one centralized government that has sovereignty over a geographic area. The several states composing the United States are sovereign and independent, in all things not surrendered to the national government by the constitution, and are considered, on general principles, by each other as foreign states, yet their mutual relations are rather those of domestic independence, than of foreign alienation.[[2]](#footnote-2)

What makes America unique is the fact that we are free and Independent States. Each State is unique with its people permanently occupying a fixed territory bound together by its own history, common-law habits and custom into one body politic exercising, through the medium of an organized independent and sovereign government.[[3]](#footnote-3) Each free and independent sovereign State agreed to become a Nation united and bound by a United States Constitution which is to guarantee each state a republican form of government:

*The United States shall guarantee to every state in this union a republican form of government, and shall protect each of them against invasion; and on application of the legislature, or of the executive (when the legislature cannot be convened) against domestic violence*. -- United States Constitution Article 4 Section 4:

In order for a state government to maintain its unique social life and exercises its sovereign power on behalf of the people the state itself must be sovereign. The guarantee to every state in this union to be sovereign was so important to the security of the Peoples’ Liberty that We the People declared it to be an unalienable right protected by the 10th Amendment and for this reason alone the 17th Amendment is null and void.

Bill of Rights: *Amendment X 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*.

**The Backbone of States’ Rights:** In Federalist Paper number Forty-five Madison writes: “*The powers delegated by the proposed Constitution to the federal government are few and defined. Those which remain in the State governments are numerous and indefinite. The former will be exercised principally on external objects, as war, peace, negotiation and foreign commerce; with which last part the power of taxation will, for the most part, be connected. The powers reserved to the several States will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties and properties of the people, and the internal order, improvement and prosperity of the State*.” *The operations of the federal government will be most extensive in times of war and danger; those of the State governments in times of peace and security. As the former periods will probably bear a small proportion to the latter, the State governments will here enjoy another advantage over the federal government.* . .” And so The Federalist goes on; promise after promise that the local governments shall remain immune.

**Dualism and Individualism:** Hamilton preferred a national rather than a federal government, with undivided sovereignty, but the genius of the American people was decidedly against him. The Constitution was, after all, only a political instrument, and as such had to confine its moralities to a preamble; in its working parts it had to conciliate divergent interests. The individualist was too important an interest to be ignored; he had to be appeased, and dual government was the price he demanded.

The doctrine of dualism came up for discussion many times between ratification and the Civil War. Almost always the debates were legalistic. On this ground, the nullifiers and the secessionists had the best of it, for nothing could be more certain than that the Union was conceived as a voluntary association of the thirteen states and that the states had existed as political entities for nearly a hundred and fifty years before the Constitution was thought of. Nor was there any question, as John C. Calhoun constantly insisted, that “*the Union was an organization of states, not of citizens; a Virginian was a Virginian before he was an American*,” and that was written into the Constitution as a condition of ratification.

The concept of granting certain powers to the federal government and leaving all other powers to the states is called “dual sovereignty.” The founders understood that the nation was a collection of sovereign states that agreed to delegate certain powers to the federal government while retaining the rest for themselves. Dual sovereignty is the essence of federalism, and the founders knew that for it to work, a delicate balance had to be maintained. If the federal power grows too great, state sovereignty and individual liberty are diminished. If state power grows too great, the nation becomes fractionalized. Dual sovereignty enables one part to check the other when the balance is upset. Nowadays the federal power is becoming much too great. States have not only the right, but the obligation, to assert their sovereignty to check this federal power grab.

In 1831, statesman John C. Calhoun said, “*The… question is, whether ours is a federal or consolidated government; a constitutional or absolute one; a government resting solidly on the basis of the sovereignty of the States, or on the unrestrained will of a majority; a form of government, as in all other unlimited ones, in which injustice, violence, and force must ultimately prevail*.”

**The Dangers of Centralization: The United States** was founded after having just freed itself from a highly centralized government in England. From that experience, the founders knew that centralizing power into a single national government was a sure way to destroy personal liberty. Centralizing political power takes important decision making functions away from the people and places them in the hands of politicians and bureaucrats in Washington. When this happens, the people can no longer control their own fate and their liberties are jeopardized.

The founders knew that it was important for people to organize political groups at the grassroots level to ensure maximum public input in the policies and processes. By keeping the power base as close to the local level as possible, people can better protect their own freedoms through self-government. However when political power is centralized in a national government, participation in the political process is reduced. People tend to feel that they no longer have a say in policy decisions, and their spirit of volunteerism fades. They also tend to look to the national government to solve their problems instead of trying to solve them on their own. And people tend to be less charitable toward others, thinking that the national government should take care of those less fortunate. Local communities suffer as a result.

The founders knew that centralization was a dangerous concept because the worst tyrants and dictators in history abused power and centralized it under themselves. And every time the consequence has been that the people pay the price one way or another. In fact, tyrants around the world have regularly criticized the American system of government. In Mein Kampf, Adolf Hitler mocked the concepts of federalism and dual sovereignty because they make it too hard to concentrate power in a single national capital. For this reason alone, we should always resist the tendency toward centralization.

**State Sovereignty:** Once the Constitution was written, it needed to be approved by the states to become law. Many state delegates worried that even with the concepts of federalism and dual sovereignty in the document, it was still too ambiguous and could someday be interpreted to give the federal government too much power. To calm these fears, the Bill of Rights was added to further limit the federal scope.

All of these checks were needed because the federal government will never check its own power. If left unattended, as the People have done via constitutional ignorance it will naturally move toward centralization to enhance its own authority. That is why the founders created a federal system of government based on dual sovereignty, along with the Bill of Rights to place as much power as possible into the hands of the states and the people. That is also why it is so important for states to assert their sovereignty and question or resist federal laws that they believe are unconstitutional.

Thomas Jefferson believed that the most important protector of individual liberty was “the support of the state governments in all their rights, as the most competent administrations for our domestic concerns and the surest bulwarks against anti-republican tendencies.” Without states’ rights, the people are no longer sovereign. When this happens, the federal government becomes the master, not the servant, of the people. This is exactly what the founders worked so hard to prevent.

**The Theory of Government** borrowed from John Locke, holds that “*the only purpose of government, and its only competence, is to protect private property. If it presumes to go beyond that function it is guilty of misfeasance; if it fails to perform that function it is derelict in its duty*.” In Federalist Paper number ten Madison writes: “*The first object of government is the protection of the diversity in the faculties of men, from which the rights of private property originate*.” From that theory, despite their willingness to make compromises, the Founding Fathers never deviated.

**Destruction of Sovereignty:** The 14th Amendment attempts to change our unalienable rights granted by God into privileges granted by men making the People subject to U.S. legislative jurisdiction, turning law on its head. The 16th Amendment attempts to turn the People into indentured servants subjecting them to debtors’ prisons if they do not submit and thereby turning the People into subjects of the Federal Government, no longer sovereign, but slaves. The 17th Amendment attempts to make the States subject to the Federal Government and no longer sovereign. And by these three repugnant amendments the Deep State that has been embedded in our government since the beginning has been nibbling away at our Constitution destroying the balance of power, the Law, state sovereignty, and the sovereignty of the People. Only a return to government by the consent of the People can turn this around. As Samuel Adams put it; “*the natural liberty of man is to be free from any superior power on Earth, and not to be under the will or legislative authority of man, but only to have the law of nature for his rule*.”

1. REPUBLICAN GOVERNMENT: A government in the republican form; a government of the people; a government by representatives chosen by the people. In re Duncan, 11 S.Ct. 573, 139 U.S. 449, 35 L.Ed. 219; Kadderly v. Portland, 44 Or. 118,74 P. 710. [↑](#footnote-ref-1)
2. 7 Cranch, 481; 3 Wheat. 324; 1 Greenl. [↑](#footnote-ref-2)
3. United States v. Kusche, D.C.Cal., 56 F. Supp. 201, 207, 208. [↑](#footnote-ref-3)