



Senator Matt Bartle – Serving Jackson County

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## Reining in the Federal Government

This week marked the rather obscure observance of Bill of Rights Day. As we recall from history, the first 10 amendments to the United States Constitution (known as the Bill of Rights) were wisely added to ensure that the essential liberties of Americans were not violated by the federal government. Most people are familiar with the First Amendment’s guarantee of free speech and religious liberty, the Second Amendment’s right to bear arms and the Fourth Amendment’s protection against unreasonable search and seizure. The Tenth Amendment, on the other hand, has received little attention, but in an era when the federal government increasingly exerts its power and control into nearly every area of American society, it is time that this amendment be dusted off and put into practice.

The Tenth Amendment was designed to be a safeguard against an oppressive federal government. It reads as follows: *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.* Simply put, the federal government was given duties and powers, but the Founding Fathers wisely limited the scope of what it could do. Unfortunately, over the years the federal government has steadily encroached onto territory once reserved to the states.

Thomas Jefferson once said that he considered the Tenth Amendment the foundation of the Constitution. In 1792 he wrote:

“To take a single step beyond the boundaries thus specially drawn around the powers of Congress [the Tenth Amendment], is to take possession of a boundless field of power, no longer susceptible of any definition.”

Perhaps Jefferson could be paraphrased to say that giving the federal government an inch ensures that it will take a mile. This is a cause for serious concern because the success of the American system (i.e. federalism) is anchored on the principle of diffused power where no single arm of the government is allowed unhindered dominance. The role of the sister states is to provide a crucial brake on a national government that routinely demonstrates an utter lack of capacity to restrain itself. It is a timeless truth that any government inebriated with absolute power will eventually trample upon the rights of its citizens.

The time has come for states to assert their rights under the Constitution and Missouri is preparing to do so. In the 2010 session, we will see legislation that would ask the voters to approve a commission that would review instances where the federal government has overstepped its bounds and infringed on our state's rights. The commission would then instruct the attorney general to plead our case and seek appropriate relief. Other legislation proposes to change Missouri's constitution to allow us to opt out of the financially untenable, yet likely mandatory, federal health care legislation being debated in Washington.

There was a day when we operated on the belief that the government that governed best governed least. Today, the principles of limited government and personal responsibility have fallen into disrepute as Washington's meddling with the private sector seems to know no bounds (does anyone believe our nation's founders envisioned the federal takeover of large American companies as we have witnessed this year?). We must return to this country's roots of limited government, personal freedom and authentic federalism. If we are ever to curb the appetite of a gluttonous national government, we must begin by reviving the Tenth Amendment.

If you have any comments or questions about this week's column or any other matter involving state government, please do not hesitate to contact me. You can reach my office by e-mail at [matt\\_bartle@senate.mo.gov](mailto:matt_bartle@senate.mo.gov) or by phone at (888) 711-9278. My web address is <http://www.senate.mo.gov/bartle>.

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