

WE ARE A FEDERAL REPUBLIC

As the Catechism asks, “What does this mean?” ...

by Vic Berecz

In 1787, a group of thirteen nascent, but very different, independent states came together voluntarily and formed a union based on mutual interest. A Constitution was adopted to outline how that federation would be governed. It created a republic – a form of government known for millennia – but was unique in that the Bill of Rights of our Constitution (10th Amendment) stated that “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 premise was and is that the whole can be greater than the sum of its parts, yet each part could *go its own way* on a whole host of issues. This has usually proven to be the case ... our Civil War being the glaring exception. The world has changed greatly since the Constitution was adopted, particularly since the Civil War. We have moved from a farming era to an industrial era to an electronic era. Through all this, we have evolved into an indissoluble union of fifty states based on concepts of individual and community freedoms that have become known world-wide as the *American Way-of-Life*.

When our Constitution was drafted there were significant differences between those original states in an era where transportation and communication were very basic and very slow. As a result, each state truly required a lot of autonomy. This was obvious to the authors of the Constitution ... but another of their principal concerns was to preclude the heavily populated and wealthy states (then particularly Virginia and Pennsylvania) from dominating the others. Those initial differences are now largely gone, transportation is fast and cheap, and communication is instantaneous. New differences have emerged, and most of us still don't want a couple of states (maybe California and Texas today) to have a dominating role.

Today, across America, there is a general consensus about what makes up the set of *American Freedoms*. But, among those of us who live in the real world of pragmatism, we recognize that the big regional (read that as *state-to-state*) differences are not in listing those freedoms, but rather in defining their boundaries and prioritizing them when they come in conflict with each other. This has led to different answers to some very basic problems. Why shouldn't Wyoming have its *open-carry* law, or Oregon its *right-to-die* law, or California its *medicinal marijuana* law, or Massachusetts its *homosexual marriage* law? Local idiosyncrasies do no harm to residents of other states, and they present an interesting crucible for testing *boundary-pushing* ideas ... as we are seeing with the spread of some of the ideas mentioned above. Also, as times change, some such innovations are more easily implemented on a state-by-state basis than nationally.

Over the years, the role of the federal government has been stretched almost to the breaking point – often by invoking the so-called *Interstate Commerce* clause in conjunction with the *Necessary and Proper* clause (both in Article 1, Section 8) of the Constitution. This has led to increased national standardization. To my regret, much of this federally-imposed national standardization has been implemented through *unfunded mandates* forced upon the states by threats of federal highway aid cuts and other similar penalties. The states have become too dependent on federal handouts!

Some national standardization is good and necessary. For instance, auto emission and safety standards. If every state had different requirements, manufacturers might have to have state-

specific models with their cost implications. Think also of the impact such rules, if carried by states to the extreme, could have on travel ... a Florida car might be illegal to drive in Georgia. This is a legitimate interstate commerce consideration. On the other hand, we saw that federally-mandated speed limits failed. The worst part of that debacle was the manner in which Congress initially repealed the nationwide 55mph speed limit. If you recall, the repeal was written in a way that it did not apply to Connecticut. This was clearly retribution by members of congress from the South and West who felt Connecticut's experiments with the 55 limit caused the national adoption of that rule in the first place. So we see that application of state's rights is not easy ... it gets mixed up in the messiness of regionalism and politics.

We need to clearly establish the necessity of national standards before promulgating them, permit states to experiment with new ideas in a changing world, and not try to impose our standards on others who feel differently. The bottom line is that we live in a hierarchy of communities ... going from family to the whole human race. Part of the *American Way-of-Life* is characterized by moving the decision-making and standards-setting process to the lowest-level community that is reasonable – that reasonableness being predicated on it's impact on higher-level communities.

A certain amount of homogenization can't be avoided, and maybe is even good. For instance, in my lifetime national TV has marginalized regional dialects, and so a truly standard "American English" language has emerged. But, differences remain ... and that's not bad! Last week my "kid" proposed State-based time zones. While I personally wouldn't go that far, its seems reasonable to move decision-making to the lowest level of government that is practical.

America is becoming too homogenized. Remember, homogenized milk doesn't let the cream come to the top ... the same can be said for a homogenized America! The bottom line is that there is a place for regional differences, and ...

... it means *States Rights* are worth preserving.

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