

Should states be able to override federal government?

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PBS aired an interesting documentary this week about the 1961 Freedom Riders on its "American Experience" series.

It was 50 years ago this month that the Freedom Rides began. Civil rights activists set out to ride buses from Washington, D.C., to New Orleans to determine if federal law would, indeed, supersede the "Jim Crow" laws that mandated segregation of the races, mainly in the South. One bus was attacked and burned at Anniston, Ala., and a mob attacked the second bus in Birmingham, Ala. From there, the Freedom Rides snowballed and led to some of the ugliest confrontations of the civil rights movement before, ultimately, the Interstate Commerce Commission outlawed desegregation in the American transportation system.

Key elements of the Freedom Rides were to determine if the federal government would ensure the rights and safety of American travelers, regardless of race, and whether the federal government would enforce the U.S. Supreme Court's decisions declaring the "Jim Crow" laws unconstitutional. In essence, it was a test of federal authority vs. state authority.

Some people at that time, and even today, believed the federal government was overstepping its bounds, that it was treading in areas that were in the states' purview. Many states, again primarily in the South, disagreed with the federal government and saw it as an attempt to override their authority.

Flash forward from 1961 to today. A group of lawmakers in Congress are promoting what's been dubbed the "Repeal Amendment." It's a proposal that would allow states to override and reject federal laws with which they disagree. On a two-thirds vote of state legislatures, a federal law could be repealed. It would be returned to Congress, which could override the repeal. However, proponents contend that wouldn't be likely if the lawmakers wanted to keep their jobs at the next election.

In today's political climate, this is a proposal that could gain traction. There's already an organized effort behind it. The Cato Institute has declared it would be "a new political check on the threat to American liberties posed by a runaway federal government."

It should be noted that some proponents date the beginning of runaway federal government to 1913, when the 16th and 17th Amendments were adopted. The 16th Amendment instituted the federal income tax, and the 17th Amendment provided for the direct popular election of U.S. senators, who previously had been selected by state legislatures. It also should be noted that the states themselves ratified both amendments.

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There are proponents of the Repeal Amendment who would just as soon return to those pre-1913 days, although they admit repealing the popular election of U.S. senators likely would not meet with public favor.

Note, also, that this is the runaway federal government that subsequent to 1913 enacted amendments allowing women and racial minorities to vote; created Social Security, upon which so many older Americans depend; created Medicare, again a program upon which so many older Americans depend for their health care; and enacted the Civil Rights Act of 1964 and the Voters Right Act of 1965.

It is true that some of these have been jumping-off points for more and expanded government programs, some of which have proven beneficial to Americans and some of which have been wastes of taxpayers' money. We're seeing what appears to be a near-panic among many Americans fearing the country's on the verge of complete collapse unless all this spending comes to a halt — beneficial, wasteful or in-between, just stop it all. And while you're at it, some say, let's enact a way for states to stop the federal government from enacting laws we don't like, such as the health care law.

Does some federal spending need to be curtailed? Yes. Will that solve all our nation's problems? No. Are there federal programs that should be curtailed? Yes. Do all federal programs need to be cut? No.

Do we want to open the door for state governments to overrule the federal government on action we don't like? That's a question Americans may have to answer if the Repeal Amendment gains footing.

Socially and culturally, America's not likely to revert to the way things were just 50 years ago, when states did ignore the federal government. Politically, the question now may be do we want to enact a means for states to ignore or override the federal government? It's a tough question. Our unscientific Online Poll on the issue split 50/50 for the first time ever between those who favor it and those who oppose it.

— tag

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
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
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