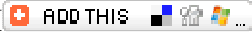


## POLITICS AND GOVERNMENT

State constitutions' power -- a safeguard

Chris Woodward - OneNewsNow - 9/28/2011 3:40:00 AM 

The president of the Goldwater Institute, an independent government watchdog group, says one of the best-kept secrets in American politics is the power of state constitutions.

[In a recent interview with the Cato Institute](#), Darcy Ann Olsen said that while the U.S. Constitution provides a baseline for citizens' rights, states can and do provide a greater level of protection on everything from privacy to private property rights, parental rights, and free speech.

"One of the most important checks and balances that the Founders made sure stayed in place as the United States was being formed was the primacy of the state constitutions at that time," she explains. "In fact, the U.S. Constitution was based on the Virginia state constitution."



She says the Founders believed that having two different sets of constitutions would provide double security for the rights of the people "so that if ... one document did not protect their rights, they could seek redress under the other document and vice versa."

So, as the courts erode the U.S. Constitution, Olsen says this is particularly important for states to realize their power. She cites the 2005 *Kelo vs. New London* decision in which the U.S. Supreme Court "eviscerated" Fifth Amendment property rights. That motivated the states to pass several constitutional amendments and protections for private property that exceed those of the Fifth Amendment.

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