

## 10th Amendment “Anti-Commandeering” Doctrine Expressly Protects States’ and Peoples’ Right to Give the Feds the Finger.

United States Supreme Court cases have established and firmly reinforced over the years the legal doctrine holding that the federal government has no authority to force states to participate in implementing or enforcing its federal acts and regulatory programs.

The basis for what is now known as the legal doctrine of “anti-commandeering” was the advice of James Madison, writing in Federalist #46. There, he advised four primary tactics for individuals and states to effectively push back against federal overreach, including a “refusal to cooperate with officers of the Union.”

This led to the inclusion of the Tenth Amendment within the Bill of Rights to the Constitution which unequivocally and unambiguously states:

“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.”

*See, generally,*

<http://tenthamentcenter.com/.../anti-commandeering-the-1.../>

*See, e.g.,*

*Prigg v. Pennsylvania* (1842)(held that the federal government could not force states to implement or carry out the Fugitive Slave Act of 1793);

*New York v. United States* (1992)(held that the regulations in the Low-Level Radioactive Waste Policy Amendment Act of 1985 were coercive and violated the sovereignty of New York);

*Printz v. United States* (1997)(held that the Federal Government may neither issue directives requiring the States to address particular problems, nor command the States’ officers, or those of their political subdivisions, to administer or enforce a federal regulatory program);

*Independent Business v. Sebelius* (2012)(held that the federal government cannot compel states to expand Medicaid by threatening to withhold funding for Medicaid programs already in place, and that allowing Congress to essentially punish states that refused to go along violates constitutional separation of powers).