

Name \_\_\_\_\_

Date \_\_\_\_\_



# The Tenth Amendment

The 10th Amendment: 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.

Did you get all that? Let's break it down a little more.

The 10th Amendment:

Powers not delegated to the federal government

Are passed on to the states, or to the people,

Anything the Constitution does not specify.

The 10th Amendment:

Powers not delegated to the federal government

Are passed on to the states, or to the people,

State governments have the power to decide.

It's 1789,

James Madison is drafting the Bill of Rights.

There's a lot of pressure from both sides

To define how government power's centralized.

Federalists want national laws made,

Anti-federalists want power in the states.

The compromise was Amendment 10:

Power not given to the federal government

Would be given to the states or the people.

The Constitution specifies what needs to

Be handled by federal government and not states,

One-by-one, also known as the enumerated powers.

Beyond those, states are in control,

And what they don't claim is passed to the people.

For example, states can't declare war,

But they can pick the names of streets or make laws for their local stores.

Because anything that isn't an enumerated power is handled by the states. They decide what takes place, and it seemed to be pretty straight forward, but not exactly. In fact, the wording of Amendment 10 has been a source of confusion again and again, with plenty of court cases debating which powers belong to the states and which do not.

The 10th Amendment:

Powers not delegated to the federal government

Are passed on to the states, or to the people,

Anything the Constitution does not specify.

The 10th Amendment:

Powers not delegated to the federal government

Are passed on to the states, or to the people,

State governments have the power to decide.

The Constitution doesn't mention marriage

As an enumerated power, so each state had a

Different law for couples of the same-sex,

Some chose to ban, some chose to legalize it.

Massachusetts legalized in 2004,

And by 2015, 36 more

States had legalized, favoring equality.

Same year, Supreme Court ruled marriage oughta be

A right to everyone in every state,

Bans are unconstitutional, they say.

It goes against amendment 14:

The pursuit of life, liberty, and property.

And that pursuit can't be deprived

By the state, unless they have a legal reason why.

Same-sex marriage, legalized nationwide,  
Even though the 10th said states should decide.

The 10th Amendment:

Powers not delegated to the federal government  
Are passed on to the states, or to the people,  
Anything the Constitution does not specify.

The 10th Amendment:

Powers not delegated to the federal government  
Are passed on to the states, or to the people,  
State governments have the power to decide.