

Since the very beginning of our republic, there have been those who have wanted states' rights **supremacy**. They have lost out – over and over again. The idea that states are **supreme** and the federal government should be almost non-existent is based on the rejected and repealed Articles of Confederation and Perpetual Union of the States. That document set up a confederation government that gave state independence, while providing for a very limited central government. It was a disaster that put the sustainability of our struggling country in danger.

The United States Constitution replaced the failed Articles of Confederation in 1789. The Constitution provided for a federation government with powers only for the federal government and concurrent (shared) powers with the states making for a stronger central government, which was checked by 3 federal branches—not the states. The Constitution balanced a division of power between two levels of government – federal and state.

Interestingly, the Articles of Confederation failed for the precise reason conservative Republicans oddly continue to argue its importance today – the desire for state supremacy over federal government interference. For instance, the federal congress could pass laws, but not enforce them. States were allowed to reject any law with which they did not agree. The congress had no power to levy taxes or to regulate trade. The states had that sole authority. And, importantly, the Articles of Confederation did not allow for a federal court system.

Confederates of the South during the Civil War refused to accept our constitutional federation, choosing instead the failed concepts of the Articles of Confederation that would have allowed the destruction/nullification of federal laws, secession (leaving the US), and continued slavery. They called their proposed form of government the Confederate States of America; a confederation.

We fought a long, bloody war over this, and the Confederates lost, confirming their profound misunderstanding of states' rights. We then ratified the Fourteenth Amendment, so there wouldn't be any continuing confusion that state's interest could overrule protections guaranteed by the federal Constitution.

Yet again, during the civil rights era, civic slow learners used concepts of the Articles of Confederation and so-called "states' rights" to defend state Jim Crow (segregation) laws regardless of federal constitutional amendments. The Supreme Court and U.S. marshals reminded them otherwise. Desegregation would have been impossible under the Articles of Confederation because of the absence of the federal courts and armed federal employees to enforce the laws.