

## States' Rights & Imperatives

In his dissent in *Terminiello v. Chicago* (1949,) Conservative Supreme Court Justice Robert Jackson famously observed that the Constitution is not a "**suicide pact.**" There, he dissented from the majority opinion of CPUSA-member William O. Douglas in overturning the arrest and criminal conviction of a priest whose rantings had incited a race riot in Chicago.

Jackson stated in his dissent that "**There is danger that, if the court does not temper its doctrinaire logic with a little practical wisdom, it will convert the constitutional Bill of Rights into a suicide pact.**"

63 years later, the Supreme Court ruled in *Arizona v. United States* (2012,) that the federal government has sole authority to oversee immigration policy. It overturned a 2010 Arizona immigration law that prohibited illegal aliens from residing in Arizona, prohibited their working in Arizona, and permitted state law enforcement officials to arrest those in violation.

**Unfortunately, the Court in *Arizona v. U.S.* was guilty of the same "doctrinaire logic" and lack of "practical wisdom" that inspired Justice Jackson's dissent. The Court ignored the question of how an individual state can defend its citizens and sovereignty against an invasion of illegal immigrants when the federal government willfully abdicates its responsibility to enforce federal immigration statutes.**

That's exactly what prompted Arizona to enact its own immigration statute in 2010 during the Obama regime, and it's exactly what is transpiring now during the illegitimate Biden regime. In both cases, border states are being over-run with illegal immigrants, human

smugglers and narco-terrorists, in addition to more traditional Islamic terrorists of the *Al Qaeda* variety.

**If the federal government intentionally abdicates its responsibility to regulate immigration and refuses to enforce federal immigration statutes, then under the Ninth or Tenth Amendments, EACH STATE SHOULD BE ABLE TO ASSUME THAT AUTHORITY BY DEFAULT.**

The **Ninth Amendment** to the Constitution states as follows: "***The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people.***" In fact, the Arizona immigration statute did not conflict with federal immigration laws, it merely complemented and reiterated them, as Justice Scalia pointed out in his dissent.

The **Tenth Amendment** to the U.S. Constitution states as follows: "***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.***" To my knowledge, other than the mistakenly decided case of *Arizona v. United States*, there is no prohibition against any state defending its borders against an illegal invasion by non-citizens where the federal government refuses to act.

**This should be the opinion of any Supreme Court not enslaved by "doctrinaire logic" or beset by a lack of "practical wisdom."**

Oliver Wendell Gladstone  
Olympus