



Lesson 4: Understanding State Sovereignty and Federalism Through the Virginia and Kentucky Resolutions

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Introduction: Key Concepts

The Virginia and Kentucky Resolutions of 1798, authored by James Madison and Thomas Jefferson, are key documents for understanding the principles of state sovereignty and federalism. The principles set forth in these documents are as relevant today as they were over two centuries ago. By understanding them, citizens and state legislators can better appreciate the constitutional wisdom of nullification as a tool to resist federal overreach.

States as the Creators of the Federal Government:

- The federal government was created by the states when they ratified the Constitution.
- The states retain all powers not expressly delegated to the federal government. This is reflected in the 10th Amendment to the Constitution.
- The relationship between the states and the federal government is like that of a creator to its creation, meaning the federal government should serve the interests of the states and the people.

The Virginia and Kentucky Resolutions of 1798:

- Authored by James Madison and Thomas Jefferson, these resolutions were responses to the Alien and Sedition Acts, which were seen as unconstitutional.
- The resolutions argued that because the federal government was created by the states, the states had the right to declare federal laws unconstitutional if they overstepped the powers granted by the Constitution.
- This concept is known as “nullification.”

The Debate on the Nature of the Union:

- The Webster-Hayne debates in 1830 highlighted the conflict over the nature of the Union. Daniel Webster argued that the Union was formed by the people as a whole, while John Rowan and others argued that it was a compact between sovereign states.
- Rowan’s speech is a powerful defense of the idea that the states retained their sovereignty and only delegated specific powers to the federal government.

Historical Misrepresentations and Their Impact:

- Daniel Webster falsely claimed that the word “accede” was never used during the ratification debates, implying that the states did not join the Union as sovereign entities.
- This misrepresentation supported the idea that the Union was indivisible and that states could not secede or nullify federal laws.
- However, historical records show that “accede” was indeed used, proving that the states understood themselves to be sovereign entities entering into a compact.

The Role of Ratification Debates:

- The ratification debates in the states are crucial to understanding the nature of the Union.

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- States like New York, Virginia, and Massachusetts explicitly reserved the right to reassume powers if the federal government overstepped its bounds.

Nullification and State Sovereignty Today:

- Understanding that the Constitution is a compact between the states reinforces the idea that states have the authority to nullify federal actions that violate the Constitution.
- James Madison, in Federalist 45, emphasized that the powers of the federal government are “few and defined,” while those of the states are “numerous and indefinite.”
- Today, state legislators and citizens should remember this balance of power when considering the role of the federal government.

Conclusion

The principles set forth in the Virginia and Kentucky Resolutions of 1798 are as relevant today as they were over two centuries ago. By understanding that the states created the federal government and retain sovereignty, citizens and state legislators can better appreciate the constitutional propriety and potency of nullification as a tool to resist federal overreach. This historical understanding is vital to preserving the balance of power envisioned by the Founders and ensuring that the federal government remains a servant, not a master, of the states and the people.