



Author Proposes Eliminating States

Using the recent election and the subsequent debate about the electoral college as a hook, Miami-based author Lawrence R. Samuel wrote an opinion piece published by the *Washington Post* on November 15 in which he labels the federation of states forming our constitutional republic as “an anachronism that now has little or no real value.”

Over the course of his 872-word essay, Samuel (whose biography describes him as a “cultural historian”) demonstrates that his narrowly focused perspective, which relies solely on cultural aspects of the American people, ignores the important historic reasons why our founding fathers, recognizing the sovereign nature of the states, enshrined their sovereignty in the Constitution that they created in 1787.



The article is replete with references that indicate the author considers the guaranties of state sovereignty that the Founders of our nation incorporated into our Constitution to have been placed there to protect the “cultural boundaries” of the 13 original states. In so doing, he ignores the fact that such protections of state sovereignty were established not for cultural reasons, but to protect the political independence of the states, and — even more importantly — to safeguard the freedom of the states and their inhabitants from the potential overreach of a too-powerful federal government.

Starting with that false premise, the writer concludes that since modern communications have made people across the United States more similar than dissimilar, culturally, then the reasons for having separate political entities called states has disappeared. He writes:

More than anything, it was the barrage of mass media and mass marketing through the 20th century that crushed regionality in this country (and much of the world), flattening out attitudinal and behavioral dissimilarities. Suburbanization — as well as the kudzu-like spread of strip malls, chain stores and franchises — transformed much of the country’s physical landscape into something that makes it difficult to know where one is.

Having lived in seven states in all areas of the country, but now living in Texas, this writer had to laugh at the following sentence: “Our states are no longer culturally diverse regions with their own respective identities; rather, they are artificially constructed geographic entities that certainly would not be formed today.”

If Samuel thinks that “our states are no longer culturally diverse regions with their own respective identities,” then he has never been to Texas! Our nation’s marketing experts realize this, even if Samuel does not, since it is impossible to turn on the TV here without watching commercials run by national



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companies advertising special “Texas edition” cars, trucks, and even fast food.

In his article, Samuel also misses the classic 18th century definition of the word “state,” as was used in the Declaration of Independence: “That these United Colonies are, and of Right ought to be Free and independent States.”

One definition for a state that is still in use is “a politically organized body of people usually occupying a definite territory; especially: one that is sovereign.” For all practical purposes, that definition of “state” is synonymous with “nation,” as in the “member states” of the United Nations Security Council.

Perhaps Samuel’s biggest misconception is that he seems to regard the states as if they were provinces, as in Canada. Darrell Francis of Quora.com observes:

Province comes from the Latin word *Provincia*, which means territories outside of Italy that were ruled by Roman magistrates. The provinces are subordinates to the central power sitting in the capital. Provinces are merely administrative conveniences and can be abolished/merged at will by the central government.

In contrast, notes Francis:

State comes from the Latin word *status* which signifies a social/political order. A state has a government and an identity. It is not merely an administrative unit.

Our Founding Fathers, who were astute in their knowledge of history and based some of our nation’s structure on the old Roman republic, certainly knew the difference between a state and a province.

Samuel’s disconnect with reality goes beyond the cultural and also extends to economic matters. He writes: “The problem with states goes far beyond their illogic and irrelevance. State governments are expensive to run and taxpayers are forced to foot most of the bill. We can’t afford them anymore — and we don’t need them.”

One hardly knows where to begin in reputing the illogic of the above statement, but if Samuels thinks state governments are expensive to run, what does he think the federal government is? Not only is the total of all state budgets smaller than the federal budget, but unlike the federal budget, which currently is \$4 trillion, with a national debt of \$19.8 trillion, all of the states except tiny Vermont have a legal requirement of a balanced budget. The total expenditures of all 50 states amount to \$1.736 trillion.

Additionally, since state governments are smaller than the massive federal network of bureaucracies, they are by their very nature more efficient than the federal behemoth. (Though California’s approaches the federal in that category.)

However, the entire federal vs. state argument sidesteps a more important question, which is: Which functions are properly the domain of each level of government?

That question is easily answered by the strict constructionist, whom we also call the constitutionalist. It can be found in the language of 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.”

While that should settle any question concerning federal as opposed to state jurisdiction, its clear directives have been ignored by the federal government for a century or more, as administration after administration has usurped authority to do things properly reserved to the states.

Samuel acknowledges the enormity of the challenging of abolishing the states. He writes:



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Would abandoning the “United States of America” for something different present challenges? Absolutely. The dismantling of anything more than two centuries old would naturally require considerable effort, a step almost as radical as the uniting of colonies to form states. Not just the political system, but the legal system would have to be overhauled.

The above statement serves to reveal the writer’s ignorance of the Constitution. To say that eliminating the states present “challenges” is like saying that turning lead into gold presents “challenges.” Accomplishing this would not merely be a challenge but a constitutional impossibility.

To start with, the Constitution is filled with reference to states, meaning that the “challenge” of eliminating states would require more than just one or two amendments, but would for all practical purposes mean the wholesale scrapping the Constitution and starting from scratch. Nothing short of a constitutional convention could accomplish that.

Here are a few of the places where the Constitution refers to states:

- “The House of Representatives shall be composed of Members chosen every second Year by the People of the several States, and the Electors in each State shall have the Qualifications requisite for Electors of the most numerous Branch of the State Legislature.”
- “Representatives and direct Taxes shall be apportioned among the several States which may be included within this Union.”
- “The Senate of the United States shall be composed of two Senators from each State.” [This provision carries unique significance, as we shall see momentarily.]
- “Each State shall appoint, in such Manner as the Legislature thereof may direct, a Number of Electors, equal to the whole Number of Senators and Representatives to which the State may be entitled in the Congress.”
- “Full Faith and Credit shall be given in each State to the public Acts, Records, and judicial Proceedings of every other State.”
- “The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.”
- “New States may be admitted by the Congress into this Union; but no new State shall be formed or erected within the Jurisdiction of any other State; nor any State be formed by the Junction of two or more States, or Parts of States, without the Consent of the Legislatures of the States concerned as well as of the Congress.”

Given the difficulty of obtaining the passage of even a single amendment to the Constitution, one can imagine the formidable task of amending these and many other sections of the Constitution that specifically refer to the states. And that is what it would require to abolish the states — removing every single reference to them from the Constitution.

However, even that challenge is not equal to one more thing that would need to be accomplished to eliminate the states, and because of the Constitution’s language dictating the process by which the document may be amended, the process of eliminating the states entirely would not only be difficult — but impossible.

The reason is that at the end of Article V of the Constitution, where it explains the process for amending the Constitution, is this language stating an exception to the amendment process: “No State, without



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its Consent, shall be deprived of its equal Suffrage in the Senate.”

To make that clear, this means that the provision of the Constitution we cited previously (“The Senate of the United States shall be composed of two Senators from each State”) can *never* be changed by amendment. It is *unconstitutional* to change this portion of the Constitution. Each state is guaranteed two senators, and to change this language would deny one or more states equal suffrage in the Senate.

Obviously, since this important point cannot be erased from the Constitution, neither can the institution of sovereign states.

The title of the *Washington Post* article is “States are a relic of the past. It’s time to get rid of them.”

However, in view of the language in the Constitution that we have just cited, we might suggest another title: “Mission Impossible.”

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