



Written by [Steve Byas](#) on December 31, 2015

Santorum Attacks Cruz and the Pauls Over the 10th Amendment

Former Pennsylvania Senator Rick Santorum (shown) recently launched an attack upon fellow GOP presidential candidates Sen. Ted Cruz (Texas) and Sen. Rand Paul (Ky.) as well as Rand's father, former Congressman Ron Paul. That in itself is not odd, considering that because Santorum is barely even registering in national polls, he is looking to reinvigorate his campaign. However, what is noteworthy is that he has chosen to attack these men because they favor fidelity to the 10th Amendment to the Constitution.



Santorum told Newsmax TV that Cruz is not a true social conservative because he has taken a “Tenth Amendment position” on issues such as same-sex marriage and drug legalization, which is similar to the position espoused by Rand Paul and Paul's father, Ron, who ran for the Republican nomination in 2008 and 2012.

Cruz has stated on numerous occasions that he is against same-sex marriage and the use of drugs, including marijuana; however, he has held that these are issues that the *Constitution leaves for the states to decide* — basically the same position taken by Rand Paul as well.

But Santorum does not agree.

He told Steve Malzberg of Newsmax, “Most of the social conservative votes are going to Cruz and Trump, neither of which are particularly strong social conservatives. I mean, Donald Trump has never been a social conservative up until the last few months.” Santorum, however, did not stop with Trump. He added, “And Ted Cruz takes the position of very much the Tenth Amendment and States' rights, you know, which is sort of a Rand Paul/Ron Paul position.”

“They're being sold,” Santorum continued, adding, “Ted Cruz says, ‘Oh, I'm this social conservative.’” He then quoted an article in the *Iowa Republican* which dismissed Cruz as a “False Prophet of Social Conservatism.” He charged that, concerning Cruz, “It's basically that he's not the social conservative that he's portraying himself to be and the answer is he's not.”

Santorum dismissed the argument that one can personally be against certain subjects and actions, while at the same time realizing that under the 10th Amendment, the Constitution leaves those matters to the states. “If people want to do drugs in Colorado, it's fine with him [Cruz],” said Santorum. “If people want to have different kinds of marriages, it's fine with him. He doesn't agree with it. If you want to have an abortion, it's fine with him; he doesn't agree with it, but he's not gonna fight it. That's not what people are looking for. They're looking for someone who has a very clear vision of what's right and what's wrong and [is] be able to lay that vision out for the American people.”

This is not a new position for Santorum — that the 10th Amendment is meaningless when it comes to



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social issues. And sadly, this is a position also held by far too many in the electorate.

During the 2012 debates, Santorum strongly opposed the deference that other candidates were giving the 10th Amendment, especially Congressman Ron Paul. Paul had stated that he would leave issues such as same-sex marriage and drug legalization to the states, because that is where the 10th Amendment to the Constitution places such issues.

“This is the 10th Amendment run amok!” exclaimed an exasperated Santorum.

“I’m a very strong supporter of the 10th Amendment,” Santorum claimed, “but the idea that the only things that the states are prevented from doing are only things specifically established in the Constitution is wrong.” He continued,

Our country is based on a moral enterprise. Gay marriage is wrong. As Abraham Lincoln said, “States do not have the right to do wrong.” And so there are folks here who said states can do this and I won’t get involved in that. ... As a president I will get involved because the states don’t have a right to undermine the basic fundamental values that hold this country together. America is an ideal. It’s not just a Constitution; it is an ideal. It’s a set of morals and principles that were established in the Declaration, and states don’t have the right, just like they didn’t have the right to do slavery.

Such ideas are typical of those who see little value in the 10th Amendment. But since Santorum is running for president of the United States, in the highly unlikely event that he were elected (considering his poll numbers of less than one percent), his first act would be to take an oath of office, which binds any president to “preserve, protect, and defend the Constitution of the United States.”

That Constitution includes the 10th Amendment just as much as it includes any other part of the Constitution. However, Santorum believes that candidates who are supporting its preservation, protection, and defense are allowing it to “run amok.” Do Americans really want a president who believes fidelity to the Constitution is “running amok” if it inhibits the passage of his political agenda? If that is the case, we have already had far too many of those kinds of presidents.

Alas, Santorum is not the only candidate who has expressed such disdain for the 10th Amendment. During the 2012 campaign, Michelle Bachman was dead-on to criticize former Massachusetts Governor Mitt Romney for his government health care system in that liberal New England state. However, she was wrong to say the health care law of Massachusetts violated the U.S. Constitution. When asked to name the provision of the Constitution violated by a health insurance mandate *inside one state*, she responded by saying it is “inherent” in the Constitution. Whenever one of these “inherent” arguments is given, it usually means the person is simply unable to cite a specific portion of the Constitution to support their position. Philosophically, Bachman was absolutely correct to oppose an insurance mandate instituted by Romney in Massachusetts. Constitutionally, she was also correct to oppose it *at the federal level*, but the federal Constitution has nothing to say in this regard as to what *states* do.

In fact, James Madison, whose contributions to the federal Constitution were so critically important that he is often called “the father of the Constitution,” said that most governmental activities are left to the states, and that the federal role is extremely limited, with powers “few and defined.” It is impossible to imagine that Madison or any other of the Founders would have held that issues such as marriage laws or drug legislation should be in the hands of the federal government rather than the states. They would have rejected the arguments of Justice Anthony Kennedy on the issue of same-sex marriage, but they would have done the same to Santorum’s bold statement that the federal government should involve



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itself in these issues on the other side of the argument.

Sadly, many conservatives and libertarians have adopted the position which was once the disingenuous stance of the Left: Federalism and local control are fine, just as long as they coincide with my position.

Opponents of allowing states to make most governmental decisions claim they are concerned that state lawmakers might make wrong decisions. They might decide to execute one gender, or reimplement segregation, or even slavery. But such Doomsday arguments are foolish, at best.

It is odd that these anti-10th Amendment politicians such as Santorum can really believe that liberty, limited government, free enterprise, and private property are better protected by the federal government than by the states. Santorum's record in Congress is indicative of his lukewarm support for all those principles. He voted for most of the big spending bills supported by President George W. Bush, including the 2003 Medicare prescription-drug entitlement program, and the 2001 No Child Left Behind law which vastly increased the federal reach down into public education. Demonstrating his lack of support for the free market, he also called for an increase in the minimum wage.

After 16 years on Capitol Hill, Santorum left with a mere 63 percent score on *The New American's* Conservative Index (renamed in 2007 the Freedom Index).

The two other candidates that Santorum criticized as not "true" conservatives — Rand Paul and Ted Cruz — have respective scores of 94 percent and 89 percent on the most recent Freedom Index. Since the Index rates members of Congress on their devotion to conservative and constitutional principles, it is clear that whatever one thinks of Ted Cruz and Rand Paul, Rick Santorum himself falls quite short of being a good conservative.

Photo of Rick Santorum: AP Images

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