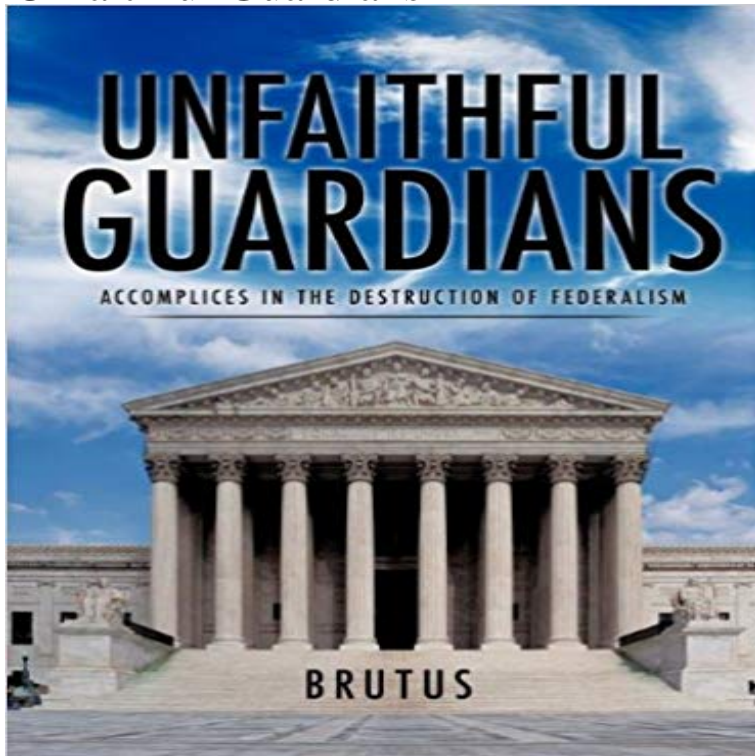


Unfaithful Guardians



The Supreme Courts duty is to serve the States and the people as the Faithful Guardians of the Constitution. A fundamental principle of the Founders design for our Nation, which the Court has failed to protect, is a federal system of government that requires most governing to occur at the State level. James Madison wrote in Federalist No. 45, The powers delegated by the proposed Constitution to the federal government are few and defined. Those which are to remain in the State governments are numerous and indefinite. Yet, primarily since the Great Depression, rather than performing its duty to prohibit Congress from exercising unconstitutional power, the Court has abdicated its role as the Faithful Guardians, and has allowed Congress to spend our money and regulate our lives in ways that exceed the few and defined powers that the Founders gave to Congress. Even worse, the Court has shifted its focus from Congress to our States. In countless decisions, the Court has denied the States the numerous and indefinite powers that the States retained to regulate a variety of matters, including issues related to free speech, religion, criminal justice, and moral issues (e.g., abortion and gay rights).

This book reveals how the Court has served as an accomplice to Congress and our Presidents in the destruction of Federalism, and has permitted the ascendancy of federal power. David W. Welty is an attorney, who has practiced law since 1974 after graduating from the Case Western Reserve University School of Law. Mr. Welty was a partner in the Cleveland law firm of Walter & Haverfield LLP from 1984 until 2005. Currently, he is a Senior Counsel in Linde Legal Services, which is part of The Linde Group.

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