# Q60 – What is the purpose of the 10th Amendment?

**DOUGLAS GINSBURG, Federal Judge, U.S. Court of Appeals, D.C. Circuit:**
The Tenth Amendment is one of our most important amendments – and one of the most neglected.

It reads, "… the powers not delegated to the Unites States by the Constitution, nor prohibited by it to the states, are reserved to the states respectively, or to the people."

When the Constitution was ratified, Framers such as James Madison feared an all-powerful federal government. The Tenth Amendment protects states and citizens by reinforcing the very basis of the Constitution: The government's powers are limited and listed – not infinite.
In any dispute over federal power, the first question is whether the federal government is exercising a power given to it in the Constitution. The Tenth Amendment prompts the question – then we turn to the Constitution for the answer.
That's exactly what the Supreme Court did in a landmark case in 1997. The Court struck down part of a federal law requiring sheriffs to conduct background checks on gun buyers. The Court didn't say background checks were illegal. It said the federal government couldn't commandeer state officials by requiring them to perform the checks. As the Court wrote, "Such commands are fundamentally incompatible with our constitutional system of dual sovereignty."
So, it's the Tenth Amendment that keeps the federal government from swallowing up the powers of the states and the rights of the people.