

# pro-big government TEXTBOOK TRICKS

Bad scholarship on American constitutionalism taints three out of four high school U.S. History books submitted by major publishers for 2003 local Texas adoption. These representative examples all favor expanding federal power:

## ***constitutional supremacy equated with federal supremacy***

### **"National Supremacy**

... When a national and state law are in conflict, the national law overrides the state law. The Constitution is the supreme law of the land."

— *American Nation in the Modern Era* (Holt, 2003), p. 55

This passage fails to explain that federal law trumps state law only if the federal law is constitutional; also, instead of "National Supremacy," the heading should read, "Supremacy of the Constitution."

## ***wrong definitions of strict and loose construction***

"In a sweeping statement now known as the elastic clause because it has been stretched to fit so many situations, the Constitution declared that ... Congress has the authority to pass any laws reasonably necessary to carry out its duties."

— *America: Pathways to the Present* (Prentice, 2003), p. 60

This passage claims the elastic clause gives the federal government almost unlimited power. In fact, strict constructionists believe the elastic clause gives the federal government the implied powers that are *absolutely necessary* to carry out its enumerated powers. Loose constructionists say it means the federal government can do whatever is *convenient*, and *not expressly prohibited*, in carrying out those powers.

## ***confusing states' rights under the Constitution with state sovereignty over the Constitution***

**Q:** "What difficulties arose from assertions of states' rights against the United States between 1789 and 1877?"

**A:** "Questions about the right of nullification ... were resolved by the Civil War."

— *The Americans: Reconstruction to the 21<sup>st</sup> Century* (McDougal, 2003), p. 195

The Civil War destroyed state sovereignty *over* the Constitution. The pretense that it also destroyed states' rights (i.e., divided sovereignty) *under* the Constitution is a pro-big government myth.

Of the four high school U.S. History books submitted, only Glencoe's *The American Republic Since 1877* (in its final Texas edition) avoids the above problems.