

Since the early ages of the United States there has always been an issue of federal rights versus state rights. The United States Constitution gives each person in this country a minimum protection of rights. The question arises when one state gives its citizens more rights than another state gives their citizens. In other words, should states be free to determine and enforce the issue of what constitutes a basic right?

Although there would be inequalities to citizens from one state to another because of each state's constitution being different, it is the state's right to expand on the rights of the citizens within that state. A state's "constitution may add individual rights that are not found in the U.S. Constitution, and state courts may interpret state constitutional language to expand individual rights beyond federal constitutional guarantees" (Dye & MacManus, 2009, pg 302). In other words, a state should have the right to add extra rights to their state constitution to protect the citizens within their state. The reason why a state should be given the right to expand on the citizens rights within their states is because what is important in one state might not be important in another state. For example, in the Court case *Barnes v. Glen Theatre Inc.*, 1991 "the Massachusetts Supreme Court ruled that nude go-go dancing is a protected form of free expression under the state's constitution, even though the U.S. Supreme Court had ruled that it is not protected by the First Amendment" (Dye & MacManus, 2009, pg 302). In this court case in Massachusetts allowing people to express themselves while they are nude is a right they feel the citizens shall have. However, in South Carolina a law like this would be very controversial. Each state has the right to protect the citizens within that state. The individual states are the only ones that can tell what should be allowed in their state

The United State Constitution gives each citizen a minimum protection of rights. However, each state has the power to expand on those rights for the citizens within the state. The reason is because the States are the best people to decide what is best for the citizens within their states. In most cases, what is an important right in one state will not be an important right in another state.

References

Dye, Thomas R. and Susan A. MacManus. Politics in States and Communities 13th edition.
New Jersey: Pearson, 2009.