Critical Analysis Essay, Research Paper

The case involving the hog mega-farms in Tatnall County raises interesting questions as to who has proper jurisdiction over such cases. While all sides, federal, state, and local, can claim that they should have jurisdiction, the state has the most power in this situation.

The Constitution of the United States states in Amendment X that The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people. This is succinct says that since the Constitution does not prohibit it, Georgia has the right to chose rather or not to allow this farm. This is supported in Article IV Section I. Full faith and credit shall be given in each State to the public acts, records, and judicial proceedings of every other State. And the Congress may by general laws prescribe the manner in which such acts, records, and proceedings shall be proved, and effect thereof. According to the Constitution then, the federal government can only pass laws that will establish the guidelines for which the states should follow, not set the law for the states. This is important because it allows Georgia to see what is best for the state and act upon that.

The Constitution also gives the States many powers into which they can use for their claim of jurisdiction. Each state has the ability to regulate commerce within it. This allows Georgia to decide if these mega-farms are good or bad for the state s economy.

The states reserve the right to make decisions for the public health. This means that the Georgia Environmental Protection Division has the right to rule rather or not the mega-farm will have an effect on the area s water supply. While the organization may have not even looked at the site before approving the mega-farm, it is still their right to approve it. However further research is needed on their part to accurately decide the impact this farm will have on the surrounding area.