

CACR 4

Testimony in support

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First I would like to thank Al Baldasaro for his leadership in bringing this idea from its raw form to the work of art we find before us today in CACR 4.

As no constitutional amendment should be made for light or transient reasons I will therefore highlight the enduring trend that demands action by the State of New Hampshire in order to retain our Sovereignty as declared in article 7 of the New Hampshire bill of rights.

The Anti-Federalist papers written in 1788 warned us of this pending disaster; a key paragraph states: "Perhaps nothing could have been better conceived to facilitate the abolition of the State governments than the Constitution of the judicial. They will be able to extend the limits of the general government gradually, and by insensible degrees, and to accommodate themselves to the temper of the people. Their decisions on the meaning of the Constitution will commonly take place in cases which arise between individuals, with which the public will not be generally acquainted. One adjudication will form a precedent to the next, and this to a following one. These cases will immediately affect individuals only, so that a series of determinations will probably take place before even the people will be informed of them."

With Supreme Court decisions in 1937 and 1942 expanding the general Welfare clause and the commerce clause allowing unlimited Federal dominion over the States we have been left with very few options to restore the balance of power. The Federal legislature has been busy writing laws based on these Supreme Court rulings as if they were ratified amendments, and the office of the President of the United States has signed these unconstitutional powers; effectively through this process the Federal government has nullified article V of the Constitution for the United States.

Today the States are treated like nothing more than a lesser administrative branch of the Federal government and we find ourselves very far indeed from the original intent of the compact between the states; compare the state of the Union today with the words of James Madison in the Federalist papers #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. The former will be exercised principally on external objects, as war, peace, negotiation, and foreign commerce; with which last the power of taxation will, for the most part, be connected. The powers reserved to the several States will extend to all the objects which, in the ordinary course of affairs, concern the lives, liberties, and properties of the people, and the internal order, improvement, and prosperity of the State."

We are justified in this action under article 10 of the New Hampshire bill of rights “whenever the ends of government are perverted, and public liberty manifestly endangered, and all other means of redress are ineffectual, the people may, and of right ought to reform the old, or establish a new government.” And by the declaration of Independence “when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.”

It is my hope that you agree we are at that point today where we must reform the old and provide new Guards for our future security.

In 1779 John Adams as “a party of one” wrote the Massachusetts Constitution; in 1784 New Hampshire adopted part of his writings as article 7 of the New Hampshire bill of rights, it reads:

“The people of this state have the sole and exclusive right of governing themselves as a free, sovereign, and independent state; and do, and forever hereafter shall, exercise and enjoy every power, jurisdiction, and right, pertaining thereto, which is not, or may not hereafter be, by them expressly delegated to the United States of America in congress assembled.”

John Adams wrote the words of part first article 7 during a time when the Colonies were adopting the articles of Confederation; a full 8 years before the Constitution for the United States was written; it is highly likely these words were intended primarily for the representatives that would be sent to the general government.

The founders left us this path on purpose; for nowhere in the Constitution for the United States, are the States prohibited from requiring Federal officers swear an oath to the State Constitution; therefore under the 10th amendment we have the right and the authority to require they do so. When they are bound by oath to the New Hampshire Constitution and thus part first article 7 we will have the power to enforce not only enumerated powers but also our interpretation of the words of the Constitution for the United States on our own Federal officers through that oath and thus restore article V and the sovereignty of not only the State but the people of New Hampshire.

CACR 4 is our best hope to restore Constitutional law and order to the Federal government along with the balance of power between the States and the Federal government. When the other States witness our solution they will be sure to follow.