



Written by [Jack Kenny](#) on April 1, 2011

N.H. House Asserts State's Right to Nullify Federal Laws

The New Hampshire House recently passed resolutions calling for the United States to withdraw from the United Nations and from the North American Free Trade Agreement, more commonly known by its acronym, NAFTA. And on Wednesday the New Hampshire House approved a resolution asserting the right of the state to nullify within its borders any act of the federal government it finds unconstitutional. If [John C. Calhoun](#) had lived to see this day, he would be rejoicing. He would be 229 years old, but he would be rejoicing.



The nullification resolution, passed by a vote of 242-109, holds that the state is not obliged to follow any federal law that exceeds the constitutional authority of Congress to enact, and declares such laws "altogether void and of no force" in New Hampshire. Opponents of the measure derided it as a foolish effort to re-fight the Civil War. Christopher Serlin (D-Portsmouth) noted that 40,000 New Hampshire men served and 4,500 of them died fighting on the side of the Union. "I don't think it is appropriate for this Legislature to mock the memory of those who died," he said.

But the sponsor of the resolution, Rep. Daniel Itse (R-Fremont), offered a spirited defense of the state's right to stand in defiance of what he described as federal usurpation. "It is our power and duty to stand between the people of New Hampshire and the government of the United States," he declared. The purpose of the measure, he continued, is to tell "the world in general and Washington, D.C. in particular" that when it comes to "usurpation of rights" and of the power of the people, the answer in New Hampshire is, "Not here, not now, not ever."

[The House Concurrent Resolution](#), which requires passage by the Senate as well, calls for the House clerk to notify President Barack Obama, all members of Congress, and all state legislators of the bill upon passage. State Democratic Party chairman Raymond Buckley called the resolution a waste of taxpayers' money and evidence of extremism on the part of House Republicans.

"This new, out-of-control and extremist Republican majority voted to waste taxpayer money sending letters all across the country," Buckley told the *New Hampshire Union Leader*. The party chairman claimed the money could be better spent to "keep teachers in the classrooms, police officers on the streets, create jobs or reduce taxes."

The majority sentiment to defy what Itse called usurpation by the federal government would, at the same time, limit the ability of local governments to receive federal assistance. The representatives also passed House Bill 590, establishing a committee to review all federal grants in aid and recommend legislation to amend or repeal such programs. "All these grants in aid have strings attached," noted Rep. Joseph Krasucki, a Nashua Republican supporting the bill. "Many people feel money from Washington is free. It is not." But Robert Theberge, a Democrat from Berlin, argued that the bill interferes with the rights and responsibilities of municipal governments to act on behalf of their constituents.



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"My question to you who are selectmen or city councilors, are you willing to relinquish your authority to this committee?" Theberge asked. "What about the right to govern oneself at the municipal level?"

The New Hampshire House on Wednesday also passed a resolution repudiating a security agreement among the three NAFTA countries — the United States, Canada, and Mexico. The vote was 213 in favor to 132 opposed.

Photo: New Hampshire state capitol

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