To the Honorable General Court

of

The State of New Hampshire

**A Memorial and Remonstrance**

Honorable and respected Ladies and Gentleman:

When a people, led to freedom by the hand of a patriotic virtue, entrust the Supreme power of Government in the hands of individuals selected and chosen from among the Citizens at large, it becomes the duty of the people to respect, honor, and support their representatives on one hand, while on the other it becomes the duty of the persons so promoted to guard and secure the political interest and privileges of the community at large. Further, whenever the representatives of a free people, either through design or inattention, do adopt measures that tend to injure the common interest or neglect to pursue those steps that would promote the public good, their constituents have a natural and a constitutional right to remonstrate against such conduct.

Although your Memorialists cannot persuade themselves that their representatives have ever adopted measures with the design of injuring the community, the experience and feeling of your Memorialists too dearly prove that some ruinous exercise of undelegated powers of issuing emergency orders and public policy guidelines enforced as law has been lately adopted in New Hampshire. Such acts could have been devised to bring the good people of this State into the deepest distress. Although your Memorialists wish to remonstrate with decency, your Honor will permit them to speak with the firmest of freemen when they feel the present depravation of Constitutional Rights.

We, the subscribers, Citizens of said State, have taken into serious consideration that the current emergency powers statute, **NH RSA 4:45 State of Emergency Declaration; Powers**, is repugnant and contrary to the Constitution of New Hampshire. Said statute expanded the powers of the executive branch without the consent of the people and, as such, has been achieved by violating the procedural due process provided for by the Constitution to achieve such an outcome.

The Constitution of New Hampshire (the Law of the Land) may not be amended by the legislative body (General Court). That power is retained to and may only be exercised by the people, the Sovereign, the creator of the laws of the land.

Under the Authority of the Constitution of New Hampshire:

*Bill of Rights, Part I, Article I*:

***“All men are born equally free and independent; therefore, all government of right originates from the people, is founded in consent, and instituted for the general good.”***

*Bill of Rights, Part I, Article VII;*

***“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.”***

*Bill of Rights, Part I, Article VIII;*

***“All power residing originally in, and being derived from the people, all the magistrates and officers of government, are their substitutes and agents, and at all times accountable to them.”***

*Bill of Rights, Part I, Article XII;*

***“Nor are the inhabitants of this State controllable by any other laws than those to which they, or their representative body have given their consent.”***

*Bill of Rights, Part I, Article, XXXVIII;*

***“And they have a right to require of their law-givers and magistrates, an exact and constant observance of them in the formation and execution of the laws necessary for the good administration of government.”***

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**Notice of Violation of Constitutional Articles**

**by**

**The General Court**

**(All persons concerned are to take notice and govern themselves accordingly.)**

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The Citizen[s] of the said State have taken into serious consideration a dangerous abuse of power[s] by the encroachment of the legislative and executive bodies of this State and, as such, through legislative fiat, the legislative and executive bodies of this State have amended the Constitution of New Hampshire without the consent of the people through the enactment of statute NH RSA 4:45. The Citizen[s] are bound as (a) faithful member[s] of a free State and must Remonstrate against the legislative act and also declare the reasons by which we are determined.

**A DECLARATION OF THE RIGHTS OF THE PEOPLE OF THE STATE OF NEW HAMPSHIRE**

**March 4, 1778**

1. BECAUSE we hold it a fundamental truth that the people of New Hampshire are the Sovereign, they are the creator and author of the Constitution of New Hampshire, and that only they, “the people,” may alter, amend, or abolish said Constitution,

***“The whole and entire power of government of this State is vested in, and must be derived from, the people thereof, and from no other source whatsoever.”***

1. BECAUSE ***“The future Legislature of this State shall make no laws to infringe the rights of conscience, or any other of the natural, unalienable rights of men, or contrary to the laws of God, or against the Protestant religion.”***

**OPINIONS OF THE SUPREME COURT[s]**

**OF THE STATE OF NEW HAMPSHIRE**

**AND**

**THE SUPREME COURT OF THE UNITED STATES**

1. BECAUSE ***“The legislature may not, even in the exercise of its “absolute” internal rulemaking authority, violate constitutional limitations. Id. at 284, 288.”***

Burt v. Speaker, N.H. House of Representatives, 2020

1. BECAUSE ***“Indeed, “[n]o branch of State government can lawfully perform any act which violates the State Constitution.” LaFrance, 124 N.H. at 176.***

Burt v. Speaker, N.H. House of Representatives, 2020

1. BECAUSE ***“Therefore, “[a]ny legislative act violating the constitution or infringing on its provisions must be void because the legislature, when it steps beyond its bounds, acts without authority.”***

Burt v. Speaker, N.H. House of Representatives, 2020

1. BECAUSE ***“Certainly all those who have framed written Constitutions contemplate them as forming the fundamental and paramount law of the nation, and consequently the theory of every such government must be that an act of the Legislature repugnant to the Constitution is void.”***

Marbury v. Madison, 5 U.S. 137 (1803)

1. BECAUSE ***“This theory is essentially attached to a written Constitution, and is consequently to be considered by this Court as one of the fundamental principles of our society. It is not, therefore, to be lost sight of in the further consideration of this subject.”***

Marbury v. Madison, 5 U.S. 137 (1803)

1. BECAUSE“***So, if a law be in opposition to the Constitution, if both the law and the Constitution apply to a particular case, so that the Court must either decide that case conformably to the law, disregarding the Constitution, or conformably to the Constitution, disregarding the law, the Court must determine which of these conflicting rules governs the case. This is of the very essence of judicial duty.”***

Marbury v. Madison, 5 U.S. 137 (1803)

1. BECAUSE ***“If, then, the Courts are to regard the Constitution, and the Constitution is superior to any ordinary act of the Legislature, the Constitution, and not such ordinary act, must govern the case to which they both apply.”***

Marbury v. Madison, 5 U.S. 137 (1803)

1. BECAUSE ***“Thus, the particular phraseology of the Constitution of the United States confirms and strengthens the principle, supposed to be essential to all written Constitutions, that a law repugnant to the Constitution is void, and that courts, as well as other departments, are bound by that instrument.”***

Marbury v. Madison, 5 U.S. 137 (1803)

1. BECAUSE ***“It is also not entirely unworthy of observation that, in declaring what shall be the supreme law of the land, the Constitution itself is first mentioned, and not the laws of the United States generally, but those only which shall be made in pursuance of the Constitution, have that rank.”***

Marbury v. Madison, 5 U.S. 137 (1803)

**THEREFORE**, The Citizen[s] of New Hampshire again protest and remonstrance against the exercise of any such powers by the legislative body or any Court or body of men appointed by them. The Citizen[s] of New Hampshire respectfully submit that the Honorable General Court convened take into consideration said Remonstrance, and repeal and declare void statute NH RSA 4:45.

If, after deliberation, this body finds that amending the powers of any branch of the Part II form of government, the “State” should be considered by the people, that such recommendation[s] shall follow the constitutional provisions to present such amendments for consideration of, and only by, the consent of the inhabitants of this State as defined by the Constitution.

Your Memorialists do not conceive it their duty to point out the proper measures for bringing about an alteration; rather, they are compelled by their duty to themselves and their fellow Citizens to point out the evils. The Memorialists doubt not that the wisdom of your Honorable body will be sufficient to provide the mode of redress.

The good Citizen[s] of New Hampshire,

[Signed by]