

HR 9 - AS INTRODUCED

2021 SESSION

21-0679

05/04

HOUSE RESOLUTION

9

A RESOLUTION supporting the principles of federalism.

SPONSORS: Rep. Folsom, Graf. 11; Rep. Blasek, Hills. 21; Rep. Layon, Rock. 6; Rep. Gorski, Hills. 7; Rep. Ankarberg, Straf. 10; Rep. Prudhomme-O'Brien, Rock. 6; Rep. Spilsbury, Sull. 8

COMMITTEE: State-Federal Relations and Veterans Affairs

ANALYSIS

This resolution supports the principles of federalism.

STATE OF NEW HAMPSHIRE

In the Year of Our Lord Two Thousand Twenty One

A RESOLUTION supporting the principles of federalism.

1 Whereas, our nation was organized by the Constitution with a clear division of civil authority
2 between the federal government and the individual states; and

3 Whereas, the Constitution contains several provisions intended to establish and preserve that
4 proper balance of civil authority between the federal government and the individual states; and

5 Whereas, those provisions in the original Constitution include, in Article I, a Senate with equal
6 suffrage for all states, equal suffrage for the House of Representatives when selecting a President,
7 and a specific limitation of federal authority with the enumerated powers of Congress. In Article III
8 there is a specific list of original jurisdictional authorities for the Supreme Court and Congressional
9 control of appellate jurisdictional authority for the Supreme Court. In Article V equal suffrage is
10 required for all states when proposing and ratifying constitutional amendments; and

11 Whereas, in the Bill of Rights certain rights of the people are enumerated in the first 8
12 amendments and the Ninth Amendment reserves all unremunerated rights for the people; and

13 Whereas, the Tenth Amendment clearly states: “The powers not delegated to the United States
14 by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to
15 the people;” and

16 Whereas, James Madison said in Federalist #45 ““The powers delegated [that is, enumerated] by
17 the proposed Constitution to the federal government are few and defined. Those which are to
18 remain in the state governments are numerous and indefinite. The former [federal powers] will be
19 exercised principally on external objects, as war, peace, negotiation, and foreign commerce; with
20 which last the power of taxation will, for the most part, be connected. The powers reserved to the
21 several states will extend to all the objects which in the ordinary course of affairs concern the lives,
22 liberties, and properties of the people, and the internal order, improvement, and prosperity of the
23 state;” and

24 Whereas, James Madison warned in 1792: “If Congress can apply money indefinitely to the
25 ‘general welfare,’ and are the sole and supreme judges of the ‘general welfare,’ they may take the
26 care of religion into their own hands; they may establish teachers in every state, county, and parish,
27 and pay them out of the public treasury; they may take into their own hands the education of
28 children, establishing in like manner schools throughout the Union; they may undertake the
29 regulation of all roads other than post roads. In short, everything, from the highest object of state
30 legislation down to the most minute object of police would be thrown under the power of
31 Congress...”; and

HR 9 - AS INTRODUCED

- Page 2 -

1 Whereas, in 1791 Thomas Jefferson wrote: “I consider the foundation of the Constitution as laid
2 on this ground that ‘all powers not delegated to the United States, by the Constitution, nor
3 prohibited by it to the states, are reserved to the states or to the people.’ To take a single step beyond
4 the boundaries thus specially drawn around the powers of Congress is to take possession of a
5 boundless field of power, no longer susceptible of any definition;” and

6 Whereas, in 1800 Thomas Jefferson wrote: “What an augmentation [growth] of the field for
7 jobbing, speculating, plundering, office-building, and office-hunting would be produced by an
8 assumption of all the state powers into the hands of the [federal] government. The true theory of our
9 Constitution is surely the wisest and best: that the States are independent as to everything within
10 themselves, and united as to everything respecting foreign nations;” and

11 Whereas, Richard Henry Lee, in 1788 wrote: “In forming a federal constitution, which ex vi
12 termini, supposes state governments existing, and which is only to manage a few great national
13 concerns, we often find it easier to enumerate particularly the powers to be delegated to the federal
14 head than to enumerate particularly the individual rights to be reserved;” and

15 Whereas, Supreme Court Justice Joseph Story wrote in 1833: “Let us never forget that our
16 constitutions of government are solemn instruments, addressed to the common sense of the people
17 and designed to fix and perpetuate their rights and their liberties. They are not to be frittered away
18 to please the demagogues of the day. They are not to be violated to gratify the ambition of political
19 leaders. They are to speak in the same voice now and forever. They are of no man's private
20 interpretation. They are ordained by the will of the people and can be changed only by the sovereign
21 command of the people”; now, therefore, be it

22 Resolved by the House of Representatives:

23 That the state of New Hampshire, on behalf of all the citizens of this individual state, renews its
24 commitment to all of the unalienable rights of its citizens and all of the constitutional civil authority
25 reserved for the individual state of New Hampshire; and

26 That the clerk of the New Hampshire house of representatives transmit a copy of this resolution
27 to the President of the United States, the President of the United States Senate, and the Speaker
28 and the Clerk of the United States House of Representatives.