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February 14, 2012

SUBJECT: SB 373, Interstate Health Care Compact

Madam Chair and members of the committee, my name is Paul Degener, I am here as a concerned citizen, I am resident of Shawnee County, and I am opposed to SB 373.

I am encouraged that SB 373 references the Constitution, page 1, line 8. I would like to add that the delegates from the several states conceived the Constitution and granted the federal government well defined and limited powers as enumerated in Article I, Section 8 and reserved all other powers to the states. And to insure their freedoms and sovereignty, some states demanded that there be a bill of rights included in the Constitution before they would ratify said document. In other words the federal government was created by the states through the Constitution.

Page 1, line 26, "The member states recognize that consent of congress may be more easily secured" The states are sovereign and do not need to secure the consent of congress, I will explain shortly. I might also ask what we have been smoking if we think the congress or the white house is going to willingly relinquish any power, constitutional or imagined.

I think entering into another compact with sister states is wrong. Just look at other compacts/contracts that this country has entered into and as a result have been nothing other than disasters for this country. I refer to the United Nations (UN), the North American Free Trade Agreement (NAFTA), and the Central American Free Trade Agreement (CAFTA), to mention but a few. On page 1, line 12, SB 373 alludes to violations of the Constitution or preempted state laws. With this bill you are proposing entering into another compact, another compact that can be violated just like most other contracts? You expect me to believe that the appointed officials of this compact can be trusted? I think not. This group is to be formed to deal with only health care, clearly unconstitutional, does this mean we will be creating additional state organizations to deal with every other travesty perpetrated on the states by the U.S. Government?

I have one simple solution. It is not my idea, it is a concept that was built into the Constitution as explained by James Madison, Thomas Jefferson and former Chief Justice of the Supreme Court, John Marshall.

This will probably fall on deaf ears for several reasons.

1. The state legislature and the governor will have to support the Constitution of the United States, not just give it lip service.
2. The state legislature and the governor will have to look at the Constitution as it was originally intended, not a likely prospect.
3. The state legislature and the governor will have to refuse to be extorted, bribed and coerced by the federal government which would in all probability result in the loss of so-called free money or federal funds, this is even more unlikely.

The remainder of my testimony is going to rely on a bunch of old white guys wearing wigs who had no concept of the 20th and the 21st Century. This is what some of our kids are being taught in school these days. They think the Constitution is irrelevant. But I want to tell you that the Constitution is as relevant today as it was in 1787. Those hold white guys, wearing wigs were well educated, they knew in detail the strengths and weaknesses of every form of government conceived by man, and just as importantly they knew the nature of man and what some men would do in their quest for wealth and power. As Thomas Jefferson said: “In questions of power, then, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution. ...” The states have failed miserably in binding down the federal government with the chains of the Constitution.

Now that I have had my say, I will provide a solution as proposed by the founders and no one can express it better than Madison and Jefferson.

“That the several states who formed that instrument [the Constitution], being sovereign and independent, have the unquestionable right to judge of its infraction; and, That a nullification, by those sovereignties, of all unauthorized [unconstitutional] acts done under color of that instrument, is the rightful remedy.”

— Thomas Jefferson, The Kentucky Resolutions of 1799

I think that Thomas Jefferson was quite clear. The states formed the Constitution, being sovereign and independent states they had the right to judge if the federal government violated that document. That after making that judgment nullification would be the correct course of action.

And then we have the quote from James Madison. Just a reminder, James Madison was one of those old white guys wearing a wig that wrote the Constitution. I just have a feeling that he probably had a pretty good handle on the original intent of that document.

“The states, then, being the parties to the constitutional compact, and in their sovereign capacity, it follows of necessity, that there can be no tribunal above their authority, to decide in the last resort, whether the compact made by them be violated; and consequently, that, as the parties to it, they must themselves decide, in the last resort, such questions as may be of sufficient magnitude to require their interposition.”

— James Madison, Virginia General Assembly Report of 1800

Here, Madison supports Jefferson’s position that the states are sovereign independent states and that the states were responsible for the Constitution and most importantly that the states trumped the Supreme Court (highest tribunal) when it came to interpreting the Constitution.

Former Chief Justice of the Supreme Court, John Marshal found in *Marbury v. Madison* that **“All laws which are repugnant to the Constitution are null and void.”**

I am still waiting for someone to show me any reference in the Constitution to health care (to include Medicare or Medicaid), Social Security, food stamps, education, environmental protection agency, housing and urban development and the list goes on. We are either going to abide by the Constitution or we are going to continue to allow the federal government, to include both parties, to destroy it completely.

Every elected official in this country has taken an oath to protect and defend the Constitution of the United States, and as a retired veteran, I have taken that oath on numerous occasions. That document has protected our freedoms for over 200 years, but each year we see more of those freedoms destroyed and/or eroded by a federal government that you as state legislators can stop.

In summary, I feel that I have presented an explanation why this bill should be tabled, we do not need any additional compacts with unknown entities and I feel that the founding fathers have provided you with a solution to stop a runaway federal government. We can get other states to support such a movement, but we do not need another compact. All I can do is to urge you to do the right thing, it is up to you to step up to the plate and restore our country to its former greatness.

I will stand for questions.