

The Honorable Rep. John Rubin
Chair, Kansas House Standing Committee on Corrections and Juvenile Justice
Members of the Kansas House Standing Committee on Corrections and Juvenile Justice

Dear Chair Rubin and Members of the Committee:

Libertarian Party of Kansas Supports HB2161

The Libertarian Party of Kansas, on behalf of its members and liberty and Constitution loving citizens everywhere, expresses its strong support for the passage of HB 2161.

HB 2161 clearly demonstrates that the people and state of Kansas will not idly stand by while the federal government violates the strictures of the United States Constitution in certain provision(s) of the National Defense Authorization Act of 2012.

Judge Katherine Forrest, of the Southern District of New York Federal Court, has granted a permanent injunction prohibiting the enforcement of § 1021(b)(2) of the NDAA of 2012 and has made known that the injunction applies to any and all persons, not only the plaintiffs in the case (see *Hedges v Obama*, 1:12-cv-00331-KBF, September 12, 2012). Judge Forrest did not equivocate in her ruling, clearly stating that the provision was and is unconstitutional.

The doctrine of state nullification of unconstitutional laws should be applied in this case, which HB 2161 does, declaring that the provision shall not be enforced within the state of Kansas and making a criminal offense(s) out of enforcing, aiding or attempting to enforce this provision.

The doctrine of state nullification was extolled by many of our nations' founders, including Thomas Jefferson and James Madison (see the Virginia and Kentucky Resolutions regarding the Alien and Sedition Act of 1798) among many others.

The federal government was created by the states to serve them, not rule them. The states are the principals and the federal government their servant, not master. HB 2161 shows that the State of Kansas understands this and will not tolerate its servant violating the contract (US Constitution) that binds and limits the power of said servant.

The US Constitution, and laws made pursuant to it are the Supreme Law of the Land, including Kansas. However, so-called laws that are not pursuant and in conformance with the US Constitution or openly violate it are not laws at all, but rather are naked usurpations of power and have no lawful effect.

Agents of the federal government must be held to their oath to defend and support the US Constitution and punished when they violate that oath.

HB 2161 does this and holds accountable the perpetrators of violence to the US Constitution and should be enacted by the Legislature of the State of Kansas.

Submitted by Al Terwelp
Chair, Libertarian Party of Kansas