Hello and thank you for the opportunity to speak to you today.

My name is Karen Steele and I reside in Atkinson, NH and have lived in NH for over 20 years.

I have a bachelor’s degree in Mechanical Engineering, and a bachelor’s degree in Psychology, both from the University of Minnesota, and a Masters’ degree in Quality and Manufacturing Management from Penn State. Also, I am a Certified Project Management Professional (PMP).

I hold no public office and am here as an individual citizen.

I find it alarming that some of our elected officials spend their time planning on how New Hampshire should secede from the union attempting to become a sovereign nation. When they violate the US Constitution by planning for secession, then the consequences for their secessionist activity must be applied.

According to many scholars, the 14th Amendment solidified the question US citizenship over geographical state residency, and that states have no right to secede 🡪 the illegal action of a state to pursue secession is a violation of the US Constitution.

Supporting that assessment brings us to Section 1 of the 14th Amendment known as the “Citizenship Clause” which says that no state can remove US citizenship’s privileges by secession or other means.

### Section 1

All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State shall make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

**Professor Daniel Farber** of University of California, Berkley School of Law is a recognized scholar of the 14th Amendment and has written many papers as well as given lectures over the years on the topic of Secession and the 14th Amendment.

I will read only the short abstract of his paper from July 19, 2012 and provide the commission with a copy of the entire document.

### Abstract

If the Civil War killed secession as a practical matter, the Fourteenth Amendment drove a stake through its heart as a constitutional matter. For Nineteenth Century Americans, citizenship involved both the citizen’s allegiance to the sovereign and the sovereign’s duty to protect the citizen’s rights. Lincoln and other Republicans believed that national citizenship was primary, while Southerners viewed state citizenship as the primary basis for allegiance. The first sentence of the Fourteenth Amendment confirms that national citizenship is primary and state citizenship is derivative; the privileges or immunities clause forbids state interference with the relationship between citizens and the federal government; and section 5 confirms congressional power to suppress any such state interference. In short, whatever might have been argued before the Civil War, the Fourteenth Amendment definitively resolved the secession issue.

If there were any doubt remaining after this matter, the **late Supreme Court Justice Antonin Scalia** set it to rest when he asked by a screenwriter in 2006 whether there was a legal basis for secession. In [his response](http://blogs.wsj.com/law/2010/02/17/justice-scalias-thoughts-on-state-secession-penned-to-one-man/), he wrote: “The answer is clear,” Scalia wrote. “If there was any constitutional issue resolved by the Civil War, it is that there is no right to secede. (Hence, in the Pledge of Allegiance, ‘one Nation, indivisible.’)”

https://www.texastribune.org/2021/01/29/texas-secession/

Section 3 known as the “Disqualification Clause” of the 14th Amendment reads:

**Section 3**

No person shall be a Senator or Representative in Congress, or elector of President and Vice-President, or **hold any office**, civil or military, under the United States, or **under any State**, who, **having previously taken an oath**, as a member of Congress, or as an officer of the United States, or as a **member of any State legislature**, or as an executive or judicial officer of any State, to support the Constitution of the United States, shall have engaged in **insurrection or rebellion against the same, or given aid or comfort to the enemies thereof**. But Congress may by a vote of two-thirds of each House, remove such disability.

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On August 5th, 2022, Attorney Jennifer Elsey of Congressional Research Service, issued their most recent guidance on Section 3 of the 14th Amendment.

This Legal Sidebar is entitled “The Insurrection Bar to Office: Section 3 of the Fourteenth Amendment”, while focusing on the events of January 6, 2021, it does provide more insight and guidance to section 3 for us here at the state level.

**Key takeaways from her well-researched and referenced paper – I will provide a copy**

* “To Whom Does Section 3 Apply? According to the text of Section 3, the bar against office-holding applies to Members of Congress, officers of the United States, members of state legislatures, and state executive or judicial officers, who previously swore an oath to support the Constitution of the United States and later break that oath by committing the acts mentioned.”
* “The U.S. Constitution does not define insurrection or rebellion.”
* “Section 3 of the Fourteenth Amendment does not expressly require a criminal conviction, and historically, one was **not** necessary.”
* “**Congress last used Section 3 of the Fourteenth Amendment in 1919** to refuse to seat a socialist Congressman accused of having given aid and comfort to Germany during the First World War”
* “The insurrection statute, 18 U.S.C. § 2383, provides: Whoever incites, sets on foot, assists, or engages in any rebellion or insurrection against the authority of the United States or the laws thereof, or gives aid or comfort thereto, shall be fined under this title or imprisoned not more than ten years, or both; and **shall be incapable of holding any office under the United States**.”
* “One who gives **aid or comfort** to an enemy of the Constitution of the United States is also **disqualified from holding office under the Fourteenth Amendment.** This language appears to mirror that in the Constitution’s Treason Clause, which defines **treason** in part as adherence to U.S. enemies, **“giving them aid and comfort.”**
* “There is also some indication of **how aid or comfort was interpreted under Section 3** soon after its ratification. After the Civil War, during a hearing to determine whether John D. Young provided **aid and comfort** to the Confederacy and, therefore, was ineligible to be seated in the House of Representatives, the **Committee of Elections was of the “opinion that ‘aid and comfort’ may be given to an enemy by words of encouragement, or the expression of an opinion, from one occupying an influential position.””**
* “One difficulty in applying the aid or comfort prong is determining the **proper definition of enemy**. The term enemy is traditionally understood to encompass citizens of foreign countries in open hostilities with the United States. During the Civil War, the Supreme Court clarified that citizens of the Confederacy, while not foreign, may be treated as **enemies** as well as **traitors**”

**NH RSA Chapter 665:7 outlines the Jurisdiction of this Ballot Law Commission.**

**665:7 Filing Disputes. –** The ballot law commission shall hear and determine disputes arising over whether nomination papers or declarations of candidacy filed with the secretary of state conform with the law. The decision of the ballot law commission in such cases shall be final as to questions both of law and fact, and no court shall have jurisdiction to review such decision.

**In Summary**

* Insurrection does NOT have to be violent.
* “Aid and comfort” can be “words of encouragement, or the expression of an opinion, from one occupying an influential position.” ***– I believe Legislators occupy influential positions***
* Any effort for a state to secede from the US is a violation of the US Constitution.
* This Ballot Law Commission has the authority, as there is precedent where the “committee of elections” ruled on similar matters

The 7 sponsors of the Bill for a plan for NH to Secede from the United States and the additional 7 representatives who voted to NOT kill the secession bill have violated Sections 1 & 3 of the 14th Amendment of the United States Constitution and should not be allowed to hold public office at the federal or state level. Therefore, they are not qualified to be on the ballot.

This isn’t impeaching or removing them from their current position – that’s a different process. This is the Ballot Law Commission recognizing that these secessionists are not eligible to hold office, and are ineligible to run for State or Federal office.

Given this supporting evidence, it is both this commission’s **authority and obligation** to find that these 14 NH State Representatives, who have taken an oath to uphold the US Constitution are ineligible to hold office in the State of NH and thus should be pulled from the ballot.

Thank you!

# State Constitution - Oaths and Subscriptions Exclusion from Offices, Etc.

## ***Part 2, Form of Government, Oaths and Subscriptions Exclusion from Offices, Etc., New Hampshire State Constitution.***

**[Art.] 84. [Oath of Civil Officers.]** Any person chosen governor, councilor, senator, or representative, military or civil officer, (town officers excepted) accepting the trust, shall, before he proceeds to execute the duties of his office, make and subscribe the following declaration, viz.

I, A.B. do solemnly swear, that I will bear faith and true allegiance to the United States of America and the state of New Hampshire, and will support the constitution thereof. So help me God.