



NH Community Rights Amendment: Protect People, Communities, & Ecosystems

Why We Must Amend the New Hampshire Constitution

Following centuries of abuses and usurpations of people's rights, **today's courts and legislatures elevate the rights of private corporations over the rights of people who live in New Hampshire communities. Private corporations regularly invoke these rights and privileges when their interests conflict with communities' attempts to protect the local environment, economy and workforce, rural aesthetics, and residents' health, safety and welfare.**

Furthermore, systemic errors in our current state and national governments result in violations of the right of local community self-government that are real, constant, and have gone without remedy by elected officials and the court system. **As a result, the people of New Hampshire are left to take corrective action by demanding constitutional change guaranteeing in specific terms, that the people have the right of local community self-government.**

The *NH Community Rights Amendment* empowers New Hampshire people and their local governments with the **authority to enact local rights-based laws that protect the rights of people, communities, and their natural environments at the municipal level** over the interests of private corporations otherwise empowered by the state to violate those rights.

The right of local community self-government is fundamental to our American heritage; the denial of this right was a principal reason for the American Revolution and as **the American Declaration of Independence advises – it is both our “right and our duty to throw off such government, and to provide new guards for our future security”.**

Our right of local community self-government proposed by **the NH Community Rights Amendment can be found within the American Declaration of Independence, the U.S. Constitution, and it is also embedded in the New Hampshire Constitution**, Part First, Bill of Rights, which states that *all men have certain natural, essential and inherent rights (Art.2); that all government of right originates with the people and is founded in consent (Art.1); that all power resides originally in, and is derived from the people and all magistrates and officers of government are accountable at all times to them (Art.8); and that government is instituted to protect the whole community, not the private interests, and that whenever the ends of government no longer protect the whole community, the people may, and of right ought to reform the old, or establish a new government, and that the doctrine of nonresistance against arbitrary power is absurd, slavish, and destructive of the good and happiness of mankind (Art.10).*

The New Hampshire Constitution retains much of the fervor for self-governing rights expressed in Thomas Paine's “Common Sense” and asserted in the Declaration of Independence but does not specify the right of local community self-government which results in the right being resisted and rejected due to misguided concerns over whether people have the authority to legislate locally to protect their own health, safety, quality of life, and natural environments.

In a nutshell, **the right of local community self-government includes: the right to a system of government within the local community that is controlled by a majority of its citizens; that secures and protects the civil and political rights of every person in the community; and includes the right to alter or abolish the system of local government if it infringes those component rights.**

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Explanation of the NH Community Rights Amendment

This proposed amendment would add a new section to the New Hampshire Bill of Rights: *Right of Local Self-Government*

- 1) This section proclaims the justification for the amendment derived from Article 1, Article 2, Article 8, and Article 10 of the New Hampshire Bill of Rights, affirming the people's authority to enact local self-governing ordinances.
- 2) This section authorizes the people of local communities and their local governments to use their local governing process to pass and enforce local ordinances that protect health, safety, and welfare of people, communities, and natural environments, with authority to ban corporate activities that violate the right, including authority to limit rights and duties claimed by corporations that may interfere with the local ordinances.
- 3) This section provides that local ordinances containing the elements recognized by the prior sections, shall not weaken or constrict state and federal constitutional rights or protections of people, their communities, or natural environments as they are secured by local, state, federal, or international law.

Frequently Asked Questions

Will the NH Community Rights Amendment undermine current rights and protections? No. The proposed amendment includes two provisions that limit its scope in this regard. **Local laws enacted under the amendment cannot restrict or weaken the fundamental rights or protections of natural persons, communities, or nature secured by local, state or federal constitutions or international law.** These provisions ensure that the floor of rights and protections already established by state or federal governments can be built upon but not eroded.

What kind of local laws could be enacted under the NH Community Rights Amendment? The amendment contains three parts. The first part recognizes that the people, communities, and natural environments – in each municipality – have rights to health, and well-being, and the authority to prohibit activities that violate those rights. The second part secures the right of people in municipalities across New Hampshire to local community self-government using prohibitions and other means; and modifying the rights and duties of corporations and other business entities that interfere with the fundamental rights of people, communities and natural environments. **The third part makes clear that the people can only use their lawmaking power to enact local laws that create greater protections for people, communities, and natural environments, NOT to restrict or weaken already-recognized rights and protections.**

What is the "Rights of Nature" language in the NH Community Rights Amendment?

According to law, nature is mere property of the landowner. Responsibility to protect community farmland, forests, wetlands, rivers, streams, bogs, and watersheds rests with the landowner. A growing number of communities across the nation have enacted local laws designed to better protect their natural environments, where the whole community is empowered to protect nature for the benefit of the whole community. **The proposed amendment would enable communities to enact local laws that recognize the right of nature to exist and flourish as nature comprises the life support systems we depend upon for our survival.**

Will the NH Community Rights Amendment affect economic stability?

Corporate domination destroys stable local/regional economics and forces economic instability. The amendment places local economic control into the hands of local people which improves every measure of environmental and human well-being, leading to a long-term economic stimulus. **When corporate exploitation of individuals, communities and natural environments lessens, it will create more room for more diverse, localized small business enterprises to take hold in ways that make them directly accountable to the communities they serve, increasing economic welfare, diversity, and sustainability of communities.**

The people of New Hampshire clearly need not be shy about their right and authority to change their constitution and style of government when the living generation finds that old ways and new wrongs deprive them of their inalienable rights and their ability to govern their own communities. The peaceful remedy for these wrongs is for our state legislature to approve the proposed language of the *NH Community Rights Amendment* and allow the people of the state to decide whether or not to adopt it as part of our constitution. This amendment has been drafted and proposed by the New Hampshire Community Rights Network.