

# American Revolution

## British Preemption of Local Laws First Complaint

Emphasis added by Lotus

The fundamental rights being violated by state and federal governments are higher law than state or federal law. The purpose of all levels of government is to secure and protect unalienable rights. Lotus mentions constitutions and the Declaration of independence. What makes us think that the Declaration intended to establish and protect the right to LOCAL self-government against other layers of government? Consider this:

When the Declaration of Independence was signed on July 4<sup>th</sup>, 1776, it was the work of many hands. Thomas Jefferson gets the credit, **but the people of more than ninety towns and counties throughout the colonies had sent instructions to the Continental Congress calling for separation from England and enumerating a list of grievances to justify independence from the empire. Among the thirty or so listed complaints, the very first mentioned in Jefferson's Declaration of Independence is the preemption of local laws:**

*“HE [the king as symbol of the empire] has refused his Assent to Laws, the most wholesome and necessary for the public Good...”* One thing we know for sure: the revolutionaries were not talking about the empire nullifying state or federal laws. ***There were no “states” or state laws, and there was no nation and not a single federal law. It was the usurpation of the people’s right to enact and enforce local community laws that was listed as the primary and very first argument for separating from the empire.***

**Today we find ourselves in a situation at least as dire as what the American revolutionaries faced,** as agencies of this state routinely issue charters and licenses to wealthy corporations and then, through its regulatory agencies, the state issues “permits” to legalize industrial damage to our communities. Without the charter of incorporation issued by the state "in the name of the people," the corporation would not exist as a legal "entity." Without the permit, a corporation would be acting illegally. The permit is necessary because the “regulated” activity is self-evidently harmful to communities and nature, and the corporations need a legal shield against liability for the damage. In this way, the state makes it legal for corporations to violate unalienable rights. But this is an illegitimate exercise of state power. The federal government has no role in saying anything about the people of Colorado protecting their rights against state overreach. What it cannot do directly, the state may not do indirectly through the corporate actor.

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