

**Colonel & Mrs. John B. Kidd
Sacramento, California 95835**

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Assemblyman Roger Niello
State Capitol
Room 2016
Sacramento, CA 94249-0005

"Each State, in ratifying the Constitution, is considered as a sovereign body, independent of all others, and only to be bound by its own voluntary act. In this relation, then, the new Constitution will, if established, be a FEDERAL, and not a NATIONAL constitution." --- James Madison, Federalist No. 39, January 1788

Dear Assemblyman Niello:

As you can see, the State of New Hampshire has told Washington, DC to stuff their National ID. Last summer I went to Tom McClintock's office to speak with him about getting legislation into the California State Legislature to do the same thing NH has now done. The constitutionally challenged staffer told me "it's a federal issue" and basically wished me gone. Wrong.

Whether you are aware of it or not, tens of thousands of us in California WILL NOT surrender our California driver's licenses for this Nazi-style National ID. Please allow me to respectfully give you some legal particulars:

The feds have NO jurisdiction or power to enforce this unfunded mandates on the states. This little secret came out in a Memorandum for Walter Zellman from Sallyanne Payton, clearly marked: Preliminary Draft for Official Use Only. Do Not Quote or Release For Any Purpose, page 4, Health Care Task Reform under Hillary Clinton. Please note these sections:

"(b) may the federal government use other actors in the governmental system and the private sector as its agents and give them orders as though they were parts of a prefectorial system? The short answer is "no." State governments are independent, although subordinated, sovereignties, not subdivisions of the federal government.

"Although the federal government may regulate many of their functions directly [as well, for example, it subjects state water districts to the Clean Water Act], it may not require them to exercise their own governmental powers in a manner dictated by federal law. The states may be encouraged, bribed or threatened into entering into joint federal state

programs of various sorts, from unemployment insurance to Medicaid; but they may not be commanded directly to use their own governmental apparatus in the service of federal policy. There is a modest jurisprudence of the Tenth Amendment that seems to have settled on this proposition. See the DOJ [Dept. of Justice] memorandum for a fuller elaboration."

What does this mean from a constitutional position? It means that the government can bribe the states, they can threaten them, but in fact, the states cannot be forced to get down on their knees to the federal machine.

Also, these three cases are critical for understanding states rights. The court has consistently ruled for the states when Congress "oversteps their authority":

U.S. Supreme Court
Marbury v. Madison, 5 U.S. 137 (1803)

U.S. Supreme Court
United States v. Lopez (93-1260), 514 U.S. 549 (1995).

U.S. Supreme Court
Jay Printz, Sheriff/Coroner, Ravalli County, Montana, Petitioner, 95-1478 v. U.S.,
Richard Mack, Petitioner, 95-1503

It is our God-given right to travel freely. One of the insidious provisions of this so-called National ID is that you won't be able to fly or take Amtrak. This is a violation of your right to travel and there is a ton of case law on this.

Bottom line: Due to gross mismanagement and political stupidity, this state is broke. By refusing to participate in this VOLUNTARY, unfunded "mandate" the state will save a ton of taxpayer dollars. Next you can start rounding up the 3+ MILLION criminals (illegals) roaming freely in our state and get them back across the border which will also save the state billions.

We the people are sick to death of this draconian Congress and their relentless assault on our rights. The movement of resistance is growing in this country and I ask you to please step up to the plate and take the constitutional path. We WILL say no and we will fight the state in court on this issue.

I was in your office for a meeting last year with Rosalind Peterson and your staffer regarding weather experimentation/modification and the massive environmental disaster already underway. **To date, your office has done nothing about this critical issue that will make the fall out from MTBE look like child's play.** Don't say we the people didn't bring you proof of this massive poisoning of the air, killing of trees and crops and the harmful effects on humans.

The so-called 'National ID' has nothing to do with tracking terrorists and everything to do with turning we the people into numbered cattle to be tracked and harassed. If you want my vote in November, I want to see you sponsor the same legislation as passed by New Hampshire and fight to get it passed so the governor can sign it. The state and the people of California will benefit from this while protecting our constitutional rights.

Cordially,

Devy Kidd

Cf:

Assemblyman Dennis Mountjoy
Assemblyman Ray Haynes
Senator Deborah Ortiz
Senator Tom McClintock
Governor Arnold Schwarzenegger