

The Constitutional County Movement



If ever a time should come, when vain and aspiring men shall possess the highest seats in Government, our country will stand in need of its experienced patriots to prevent its ruin.

Samuel Adams

The Constitutional County Movement

*A Presentation for County Legislatures,
Boards of Supervisors and Local Elected Officials*

Created by “We the People” of Cattaraugus County, New York
September, 2021

The Current Perception of the Role of Local County Government

State and federal governments view county governments as merely enforcement arms and extensions of state and federal government. They fail to see local officials as equal or independent.

State and federal governments view county governments as manageable via funding in the form of aid and grants.

Funding = control.

The threat of withholding funding = force and coercion. This arrangement is antagonistic to the democratic process.

Unfortunately, local officials tend to view themselves as they are viewed: local extensions of Albany and Washington whose main job is to secure funds rather than liberty.

For all intents and purposes, local county governments are being swallowed up by the distant concentrated power centers of Albany and Washington.

Our Common Fear

County Governments fear Albany and Washington.

County Governments fear the loss of funds (or even the threat of it).

Citizens fear penalties and fines if they question or fail to comply (either intentionally or unknowingly) with the ubiquitous, arbitrary, and capricious mandates of the powerful elite who issue them.

***Thus, local officials and ordinary citizens have a common fear:
The boot of the oligarchy on the neck of their lives.***

***However...County Government is More than an Enforcement Arm.
Local Government is a Valuable Jewel, an Essential Voice, and a Necessary
Protector of the People.***

Local elected officials are not distant politicians. You are family. You are friends. You are our co-workers and neighbors. You live and work and you laugh and cry...side-by-side with us...the people of your county.

Local government is to be the most responsive and the most creative because you - not Albany and not Washington - are familiar with both the unique flavor and the unique challenges of our local communities.

Distant state and federal governments and the bureaucratic agencies they spawn and empower are prone to heavy-handedness in acquiring power and to forgetfulness in defending liberties.

Thus it is you - our county government - that stands between We the People and those in distant power centers. It is to you we look for redress of grievances.

“What we need is not more federal government, but better local government.”

Calvin Coolidge

What does “better” mean?

Better means brave.

Better means visionary.

Better means committed to constituents rather than bureaucrats.

Better means loyalty to the Constitution and the civil liberties expressed therein.

Have you considered how odd and how eerie it is that even the suggestion of supporting the Constitution in a simple resolution is considered a radical position in today’s political climate? Why is proclaiming a public commitment to the Law of the Land somehow a national news story?

These strange realities ought cause us to ponder. And after thoughtful pondering, they ought cause us to act.

Government by the People or a Government that Grants Permissions?

(Slide 1)

The heritage that has been passed through successive generations of Americans is a heritage of freedom and civil liberties. Historically, Americans have been aware that citizens are endowed by the Creator with certain unalienable rights and that our government exists because the citizens have extended to it limited and enumerated powers. It has been - until now - a "government of the people, by the people, and for the people."

But...here we now are....a people ruled by a government that arbitrarily grants permission to whom it will and refuses those same permissions to those they will not. Ours is no longer a government concerned primarily with securing the civil liberties of citizens, but a government consumed with a lust to rule.

Government by the People or a Government that Grants Permissions? ***(Slide 2)***

Will we become - or are we already - subjects who live by permission alone or will we demand that the government remember its rightful place, an entity that exists because We the People grant that right to it rather than the other way around?

The purpose of this simple, straightforward power point is to express a vision. What is the vision? It is that of a nation - the United States of America - restored and its citizens truly free.

How does this vision become reality? One County at a time.

What is a “Constitutional County” Resolution?

It is a statement of ideals.

An example (over the next 5 slides)...

OPPOSING INFRINGEMENTS ON THE INALIENABLE RIGHTS OF THE PEOPLE AND DECLARING CATTARAUGUS COUNTY A CONSTITUTIONAL COUNTY AND AMENDING THE MISSION STATEMENT OF THE COUNTY TO CONFORM THEREWITH

Pursuant to Section 153 of the County Law.

- I. **WHEREAS**, members of the Cattaraugus County Legislature, being elected to represent the people of Cattaraugus County, are duly sworn by their oath of office to uphold the Constitution of the United States and the New York State Constitution and Laws, including the New York State Civil Rights Law, and
- II. **WHEREAS**, the Cattaraugus County Legislature is determined to stand as a Constitutional County to protect the rights provided to its citizens under the U.S. Constitution and its amendments, and
- III. **WHEREAS**, such protections will extend to rights specifically enumerated in the Constitution and its amendments, including, but not limited to, rights to freedom of expression, speech, association, religion, press and petition, the right to keep and bear arms, the right to protection of person and property from government overreach and the right not to be deprived of life, liberty or property without due process of law, and

What is a “Constitutional County” Resolution (slide 2)...

IV. WHEREAS, such protections will also extend to all other rights neither enumerated in the Constitution nor its amendments, but which exist alongside the same as inalienable, basic fundamental rights that are so deep rooted in our society that they are deserving of protection from governmental infringement and are thus protected by the Ninth Amendment, including, but not limited to, the right to equality, liberty and the pursuit of livelihood and happiness, and

V. WHEREAS, the Cattaraugus County Legislature wishes to express its profound commitment to the rights of all citizens of Cattaraugus County to keep and bear arms and proclaim that it is determined to stand as a Constitutional County that recognizes, respects and upholds Second Amendment rights, and states that it will use all legal means at its disposal to oppose, within the limits of the Constitution of the United States and the Civil Rights Law of the State of New York, any efforts to unconstitutionally restrict such rights in order to assure that its citizens will be able to keep and bear arms and use the same in defense of life, liberty and property, whether in a well-regulated militia, or individually, and

VI. WHEREAS, the Cattaraugus County Legislature stands and will continue to stand in strong opposition to any law that would unconstitutionally restrict, or infringe upon, the above recognized rights, and

What is a “Constitutional County” Resolution (slide 3)...

VII. WHEREAS, the goal statement on the Cattaraugus County webpage currently states: “The goal of County government and the County Legislature is to provide the traditional role as an arm of State government, while also taking a more non-traditional role which seeks to establish the County as an agency that analyzes service needs, sorts them in an orderly manner, and realigns and consolidates services so they may be performed most effectively and financed most economically”, and

XII. WHEREAS, this current mission (goal) statement fails to recognize the Constitutional, historical, and rightful role of the Legislature to act as a check and balance upon not only local executive and judicial branches, but upon the State government itself, and

XIII. WHEREAS, this current mission (goal) statement fails to recognize the Constitutional, historical, and rightful role of the legislature as a voice of the People of Cattaraugus County and a guarantor of their liberties, now, therefore, be it

What is a “Constitutional County” Resolution (slide 4)...

I. RESOLVED, that the mission (goal) statement shall be revised to state: “The goal of the Cattaraugus County Government is to support and respect the Constitution of the United States of America and its amendments, and to provide essential services financed most economically to its citizens. Also, it is to establish an environment in which the citizens of Cattaraugus County can pursue life, liberty, and happiness unencumbered by excessive and oppressive governmental mandates and intrusions into their day-to-day lives.

The goal of the government of this County is to uphold the freedoms enshrined in the Bill of Rights. The County Legislature recognizes that governments in the United States of America - at all levels - are to be restrained and limited and that the power of government resides in the people. The Legislators of this County, accept with humility and gratitude the reality that they serve at the consent of the governed and at the will of the people.

The Legislators believe in the rule of law, equality before the law, due process, private property protections, and the rights of citizens to pursue their livelihoods without excessive governmental oversight. Wherever possible, the Legislature will encourage local solutions, local funding, and creative approaches to the problems our community encounters.

The Legislature stands as a protector between the citizens of this County and the tendency of governments at state and federal levels to advance into territory not their own and consume, rather than secure, the liberties endowed to the people by the Constitution and the Bill of Rights. The County’s guide and standard will be the Constitution of the United States and the Founding Documents upon which our Nation, our State, and the local communities of Cattaraugus County are built”, and be it further

What is a “Constitutional County” Resolution (slide 5)...

II. RESOLVED, that the Cattaraugus County Legislature hereby expresses its intent to uphold all such rights of the citizens of Cattaraugus County and that public funds, resources, employees, buildings or offices not be used to restrict such rights or to aid or assist in the enforcement of any unconstitutional restriction of the rights granted under the Constitution or its Bill of Rights, and be it further

III. RESOLVED, that the Cattaraugus County Legislature recognizes that Government must be limited and that the people must be free from unnecessary and arbitrary Governmental overreach and intrusions, and be it further

IV. RESOLVED, that the Cattaraugus County Legislature hereby declares Cattaraugus County, New York, a Constitutional County, unwavering in their commitment to protect the constitutional rights of its citizens.

Why is a “Constitutional County Resolution” Necessary?

The long answer...

The right to life, liberty, and the pursuit of happiness are birth rights of American Citizens. From these rights, endowed by the Creator, flows the rights to assemble, speak, worship, petition the government for redress of grievances, to keep and bear arms, to possess and use private property, and to pursue one’s livelihood without restrictions on mobility and travel. To preserve these rights, Americans voluntarily give certain powers to the government. The power of the government is to be limited. Civil liberties cannot be taken away or diminished by the government without due process of law. When the government takes it upon itself to restrict freedoms using the argument of a “compelling state interest” (as it has done since March, 2020) it must do so under the standard of “strict scrutiny.” This means it is to use the most narrowly tailored and least restrictive means possible to achieve the interest that is so compelling. Does “least restrictive” describe the actions of the government over this past year?

We acknowledge that county legislators have been placed in a difficult position. You, too, are encountering the cruelty of a growing authoritarian state. Both the elected and unelected autocrats and bureaucrats at the state and federal level – use you to enforce their orders. Like us, you are expected to do what you are told or suffer the consequences. Dissent and rigorous debate – hallmarks of a democratic republic – are not only discouraged but refused. We acknowledge that in addition to the coercion put upon you from the power of Albany and Washington, you also face the pressure of citizens who have fallen fearfully in line with the orders from above.

We the People contend that a situation such as this requires not that you bend to the pressure, but that you rise to the occasion. Instead of viewing your role as that of enforcement arm of Albany and Washington and comforter of the fearful citizen, you have both the opportunity and duty to remember your proper role: leader and legislator, a voice of reason in a time of irrationality. It is incumbent upon you to lead, not follow, in times like these. To remember, not forget, that the role of a local legislature is to be on the front lines of protecting and preserving the liberties enshrined in our Founding Documents. The “new normal” forced upon us and you has led us to a place of less freedom, not more. It has ushered in more fear, not less. The “new normal” is a societal structure in which everything we do is inspected – and either approved or denied – by the government.

It is here in this moment of time that We the People look to you to be the thin line that protects us from the greatest threat we face: our own government.

Why is a “Constitutional County Resolution” Necessary?

The short answers..

...because we are forgetting that the Constitution exists and matters.

...because we are forgetting that the Constitution is the enemy of tyranny.

...because we are forgetting that our freedoms are fragile.

...because the self-evident truths expressed in the Declaration of Independence and enshrined in the Constitution are no longer self-evident.

...because we are teetering on the precipice of authoritarianism.

...because the power that belongs to the people and to our local governments is being consumed by state and the federal governments. This - the loss of local control - is antithetical to freedom, toxic to civil liberties, and repugnant to the Law of the Land.

What does the resolution, if passed, mean?

Because the resolution is symbolic, the resolution itself is the first step, not the last, in a long walk back to the liberties we inherited as American citizens. It is an expression of the ideals toward which we strive. Whether a resolution becomes consequential depends on the grit and perseverance of the citizens and the courage and political will of the legislators whom they have elected. Do we treasure the jewel and heritage of liberty enough to press on and aspire to pass her on – polished and renewed – as the legacy we leave to the next generation? We must have a long view of the journey and a grand view of the Author of our Liberties, the God of Creation.

What do we do after the resolution passes? It will look different for different counties. But in all cases, each county which has committed itself to Constitutional integrity ought to then look for strategic and intentional opportunities to make the commitment matter. Perhaps it will be litigation. Perhaps it will be nullification. Perhaps it will be as simple as conversations. It ought always to include education of self and other citizens regarding the truth and beauty of liberty's origins and liberty's value.

If the Resolution is merely symbolic, why bother?

Words matter.

Symbols matter.

Identifying the ideals we value is the way we till the soil to plant the seeds to grow the trees that will eventually bear the fruit of liberty.

And ultimately, it is as simple as this...

It is the right thing to do.

What are the consequences of silence at this moment?

We leave this question in your hands to ponder.

“We are all faced with a series of great opportunities brilliantly disguised as impossible situations.”

Chuck Swindoll

Those in power are boldly “reimagining” life in America and the scope and reach of state and federal governments. We the People can sense the unwelcome momentum carrying us away from liberty and toward authoritarianism. We sense we are living in days of impossible situations.

At this moment in history, you have an extraordinary role to play...if you are willing to play it.

You have the opportunity to stand in support of the Constitution of the United States of America.

You have the opportunity to look impossible situations in the eye and envision opportunities to speak of our heritage and craft our legacy.

You have the right - and dare we suggest the duty - to pass a resolution that confirms that your County values the civil liberties of the people you represent.

As you ponder the choices before you, we ask you to remember the blue skies and the green grass of liberty and to step onto the path that requires courage, aware as you do that courage begets courage.

Indeed, ours is a nation in need of courageous leaders.

The Constitutional County Movement



Thank you.