

September 6, 2004

Attorney General Kelly Ayotte
33 Capitol St.
Concord, NH 03301

Dear Attorney General Ayotte:

We, the undersigned legislators, are concerned about the exercise of power by the Governor's office regarding the naming of New Hampshire as a signatory to the Central American Free Trade Agreement (CAFTA) and other trade agreements, as well as the delegation of authority to the United States Trade Representative to bind New Hampshire to future trade agreements.

Given the powers granted to the General Court under Part 2, Article 83, of the New Hampshire Constitution regarding free and fair trade, it is our position that the power to bind New Hampshire to any such agreement rests solely with the General Court.

Furthermore, we also hold the position that it is the sole province of the General Court to control and regulate all organizations and associations doing business within the state. Although New Hampshire is listed as being bound to the government procurement regulations of CAFTA and other trade agreements, no legislative action was taken on this issue and no public debate was held or scheduled to discuss the effects of this treaty on the state of New Hampshire.

We hereby request that the Attorney General investigate this matter to determine whether the actions of the Governor in this matter were Constitutional and, if not, to advise us what recourse would be available to remove New Hampshire from this treaty until proper public debate and appropriate legislative action can be scheduled and held.

Respectfully submitted,

Rep. Ed Means

Rep. Charles F. Ward

Sen. Dan Sullivan

Ed DeBevoise

Democratic Leader, N.H. House

Emma B. Laux, Democratic leader, NH Senate

Sen. Joe Fortin