

From the LPNH Newsletter of January 2000

"Zero Adequacy" Lives:

In a Union Leader interview with Concord attorney and Republican activist Ed Mosca, reporter John Distaso wrote "After failing for two years to bring before voters a proposed constitutional amendment addressing school tax policy, conservative lawmakers now are being urged to simply forget about it - and focus on the ballot box."

Mosca is encouraging Republican lawmakers to scrap the idea of a constitutional amendment. Mosca asserts that any attempt to change or reverse the state Supreme Court's Claremont decisions of 1993 and 1997 "will create the false impression that those decisions were a legitimate exercise of judicial review." Amending the constitution on this volatile issue is a practical impossibility. It would require three-fifths majorities in each legislative branch and then a two-thirds majority of the voters.

Instead, lawmakers should address the Claremont II order through legislation -- such as setting the dollar figure for the state's educational adequacy obligation at zero - and then, "you elect a governor next year who will appoint state Supreme Court justices who are not activists."