EXHIBIT 10
DATE 2/18/05
HB HJ21

HOUSE OF REPRESENTATIVES

Federal Relations, Energy and Telecommunications Committee

WITNESS STATEMENT

PLEASE PRINT

NAME Kerry White BUDGET

ADDRESS 4000 Blackwood Rd DATE 2-18-05
Bozeman, MT

WHOM DO YOU REPRESENT? Citizens for Balanced Use

SUPPORT: X OPPOSE AMEND

COMMENTS:

THE FEDERAL GOVERNMENT IS ENTIRELY A CREATURE OF THE CONSTITUTION. IT POSSESSES NO POWERS NOT DELEGATED TO IT IN THAT DOCUMENT. NO POWER WAS DELEGATED TO THE FEDERAL GOVERNMENT IN THE CONSTITUTION WITH WHICH IT MAY COVERN LAND. ACCORDINGLY, IMPROVEMENTS TO LAND WITHIN STATES IS ENTIRELY A FUNCTION OF THE RETAINED SOVEREIGNTY OF STATES. MOST PARTICULARLY, THE FEDERAL GOVERNMENT HAS NO CONSTITUTIONAL AUTHORITY OVER ZONES WITHIN A STATE. PROOF OF THESE STATEMENTS IS FOUND IN VETOES OF INTERNAL IMPROVEMENT BILLS BY THE EARLIEST PRESIDENTS, NAMELY MADISON AND MONROE. THERE CAN BE NO DOUBT THAT ZONES ARE AMONGST THE SOVEREIGN ATTRIBUTES OF STATES AND STATEHOOD. AS SUCH, THEY MUST BE AMONG THOSE SOVEREIGN "CLAIMS" OF STATES WHICH NEITHER THE UNITED

/s/FRETWitnessState.2003

STATES NOR CONGRESS HAVE ANY CONSTITUTIONAL CAPACITY TO "PREJUDICE" PURSUANT TO ARTICLE IV, SEC. 3, C. 2, THE CONSTITUTIONAL CLAIMS CLAUSE. (OVER)

TO THE EXTENT THAT THE FEDERAL GOVERNMENT PRESUMES TO POSSESS AUTHORITY TO DETERMINE WHAT IS AND WHAT IS NOT A ROAD WITHIN THE CONFINES OF A SOVEREIGN STATE IS TO PRESUME ALSO THAT THE FEDERAL GOVERNMENT MAY ASSERT ITS SOVEREIGN AUTHORITIES OVER THE INSTRUMENTALITIES OF THE STATE. THE FEDERAL GOVERNMENT WAS GIVEN NO AUTHORITY UNDER THE CONSTITUTION TO ACT UPON THE INSTRUMENTALITIES OF THE STATES.

THE SUPREME COURT HAS AFFIRMED THAT ROADS ARE, IN FACT, A COMPONENT OR INSTRUMENTALITY OF THE SOVEREIGN STATES: AS IN WITHERS VERSUS BUCKLEY IN 1857.

I ASK THIS COMMITTEE TO SUPPORT OUR STATE SOVEREIGNTY AND VOTE FOR HJ 21.

THANK YOU

KERRY WHITE