

1 HOUSE RESOLUTION NO. 3

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4 A RESOLUTION OF THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA ARTICULATING
5 THE RIGHTS OF THE STATE OF MONTANA AND OF THE SEVERAL STATES OF THE UNITED STATES.

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7 WHEREAS, the Constitution of the State of Montana declares and secures that the people of this state
8 have the sole and exclusive right to govern themselves as a free, sovereign, and independent state; and

9 WHEREAS, that right may never be delegated to the United States; and

10 WHEREAS, the Montana Constitution documents that in 1889 the people of Montana agreed to form a
11 free, sovereign, and independent body politic, or state, by the name of "The State of Montana"; and12 WHEREAS, the people of the State of Montana agree that all powers not expressly delegated to the
13 federal government in the United States Constitution must be reserved to and exercised by individual states; and14 WHEREAS, when Montana entered into statehood in 1889, that entrance was accomplished by a contract
15 between Montana and the several states, with Congress and the President concurring and acting as the agent
16 for the several states. That contract is known as the "Compact with the United States", archived as Article I of
17 the Montana Constitution; and18 WHEREAS, the sovereignty of those individual tribal governments of American Indians currently existing
19 within the State of Montana is likewise guaranteed by that same Compact with the United States; and20 WHEREAS, a contract, compact, or treaty must be implemented consistent with the terms and
21 understandings in place at the time it was entered into; and22 WHEREAS, the protection of these states' rights is enumerated in amendments to the United States
23 Constitution, which state that "The powers not delegated to the United States by the Constitution, nor prohibited
24 by it to the States, are reserved to the States respectively, or to the people"; and25 WHEREAS, this resolution follows and expands into principle the position Montana established in its 60th
26 legislative session when it rejected the federally mandated "Real ID" as an unwarranted assumption of federal
27 power and as an unacceptable incursion into the right to privacy that the people of Montana have reserved to
28 themselves in the Montana Constitution.

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30 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE STATE OF

1 MONTANA:

2 (1) That the several states of the United States are not united on the principle of unlimited submission
3 to general government, but by ratifying the United States Constitution and Bill of Rights the several states
4 constituted a general government for special purposes and delegated to that government certain definite powers,
5 while reserving all other rights.

6 (2) That when the general government assumes undelegated powers, its IT acts in excess of its authority
7 ~~are void and of no force.~~

8 (3) That the government created by the United States Constitution was not granted the authority to
9 determine the extent of the powers delegated to itself because such a grant of authority would have made the
10 discretion of Congress and not the United States Constitution, and the limitations contained in the Constitution,
11 the measure of Congress's powers.

12 ~~———— (4) That the several states delegated to Congress via the United States Constitution a power to punish~~
13 ~~treason, counterfeiting of the securities and current coin of the United States, piracies, felonies committed on the~~
14 ~~high seas, offenses against the law of nations, slavery, and no other crimes.~~

15 ~~———— (5) That all acts of Congress that assume to create, define, or punish crimes other than those~~
16 ~~enumerated in the United States Constitution are void and of no force.~~

17 ~~———— (6) That the power to create, define, and punish other crimes is reserved to the states.~~

18 ~~(7)~~(4) That the power of the federal government over individual liberties is restricted and the power is
19 reserved by the states to determine whether liberties may be abridged without lessening their useful freedom and
20 how far those abuses that cannot be separated from their use should be tolerated, rather than allowing the use
21 to be destroyed.

22 ~~(8)~~(5) That states retain the right of protecting all freedoms of individual persons from federal incursion.

23 ~~(9)~~(6) That any acts of Congress that abridge protected individual freedoms are not law and are void.

24 ~~(10)~~(7) That excessive exercise of those parts of the United States Constitution by the federal
25 government that delegate to Congress a power "to lay and collect taxes, duties, imposts, and excises to pay the
26 debts and provide for the common defense and general welfare of the United States" and "to make all laws which
27 shall be necessary and proper" to regulate "commerce among the states" or that declare federal laws to be
28 ultimately supreme has served to destroy the limits of power imposed on Congress by its creators, the several
29 states.

30 ~~(11)~~(8) That those powers given to Congress in the United States Constitution detailed above have been

1 amended, modified, and limited by the Ninth and Tenth Amendments to the United States Constitution.

2 ~~(12)~~(9) That if Montana accepts these inappropriate applications of power and continues to allow
3 Congress to exercise unbridled authority, it would be surrendering its own form of government, its sovereign
4 power, and its responsibility to its citizens.

5 ~~(13)~~(10) That the people of this state will not accept undelegated and consequently unlimited powers
6 assumed by the federal government.

7 ~~(14)~~(11) That every state has a right to ignore or reject all unwarranted assumptions of power by other
8 entities within its boundaries and that without this right, states and sovereign tribes would become mere
9 administrative subdivisions of their intended servant, the federal government that the states created.

10 ~~(15)~~(12) That this state calls on the other several states for an expression of their sentiments on acts of
11 the federal government not authorized by the United States Constitution.

12 ~~(16)~~(13) That the rights and liberties of Montana, its tribal governments, and Montana citizens and of the
13 other several states must be protected from any dangers by declaring that Congress is limited by the United
14 States Constitution and Bill of Rights.

15 ~~(17)~~(14) That any act by the Congress of the United States, Executive Order of the President of the
16 United States, or Judicial Order of the United States that assumes a power not delegated by the United States
17 Constitution and diminishes the liberty of this State or its citizens constitutes a breach of the United States
18 Constitution and Bill of Rights by the government of the United States, which would also breach Montana's
19 "Compact With the United States". Acts that would cause such a breach include but are not limited to:

20 (a) establishing martial law or a state of emergency within a state without the consent of the legislature
21 of that state;

22 (b) moving federal military personnel or units into a state without the consent of the legislature of that
23 state or with the intent to enforce federal laws or to assert the supremacy of the federal government;

24 (c) requiring involuntary servitude or governmental service other than a draft during a declared war or
25 pursuant to or as an alternative to incarceration after due process of law;

26 (d) requiring involuntary servitude or governmental service of persons under the age of 18 years, other
27 than pursuant to or as an alternative to incarceration after due process of law; or

28 (e) surrendering any power delegated or not delegated to any corporation or foreign government.

29 ~~(18)~~(15) That if any act of Congress becomes law or if an Executive Order of the President of the United
30 States or Judicial Order of the United States is put into force beyond the reservations expressed in this resolution,

1 OR IF ANY TREATY IS ENTERED INTO BY THE FEDERAL GOVERNMENT THAT NULLIFIES THE RIGHTS OF THE PEOPLE OF
2 MONTANA AS EXPRESSED IN THE UNITED STATES OR MONTANA CONSTITUTIONS. Montana's "Compact With the United
3 States" may be considered breached and all powers previously delegated to the United States via the United
4 States Constitution revert to the states individually.

5 ~~(19)~~(16) That any future federal government of the United States shall require ratification of three-fourths
6 of the states seeking to form a federal government and shall not be binding upon any state not seeking to form
7 or join a federal government.

8 BE IT FURTHER RESOLVED, that the Secretary of State send a copy of this resolution to the President
9 of the United States, to each member of the United States Congress, and to the Secretary of State of each of the
10 other several states and territories of the United States.

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