

1 HOUSE JOINT RESOLUTION NO. 14

2 INTRODUCED BY M. MORE

3

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

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

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

11 WHEREAS, the Montana Constitution documents that in 1889 the people of Montana agreed to form a
12 free, sovereign, and independent body politic, or state, by the name of "The State of Montana"; and

13 WHEREAS, the people of the State of Montana agree that all powers not expressly delegated to the
14 federal government in the United States Constitution must be reserved to and exercised by individual states; and

15 WHEREAS, when Montana entered into statehood in 1889, that entrance was accomplished by a contract
16 between Montana and the several states, with Congress and the President concurring and acting as the agent
17 for the several states--that contract is known as the "Compact With the United States", archived as Article I of the
18 Montana Constitution; and

19 WHEREAS, the sovereignty of those individual tribal governments of American Indians currently existing
20 within the State of Montana is likewise guaranteed by that same Compact With the United States; and

21 WHEREAS, a contract, compact, or treaty must be implemented consistent with the terms and
22 understandings in place at the time it was entered into; and

23 WHEREAS, the protection of these states' rights is enumerated in amendments to the United States
24 Constitution, which state that "The powers not delegated to the United States by the Constitution, nor prohibited
25 by it to the States, are reserved to the States respectively, or to the people"; and

26 WHEREAS, this resolution follows and expands into principle the position Montana established in its 60th
27 legislative session when it rejected the federally mandated "Real ID" and again in its 61st legislative session when
28 it adopted the Montana Firearms Freedom Act to counter and preclude unwarranted assumptions of this state's
29 rights that the people of Montana have reserved to themselves in the Montana Constitution.

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1 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE
2 STATE OF Montana:

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

7 (2) That those definite powers were enumerated in Article I, section 8, of the United States Constitution
8 and were intended to be narrowly construed.

9 (3) That when the general government assumes undelegated powers, it acts in excess of its authority.

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

14 (5) That the power of the federal government over individual liberties is restricted and the power is
15 reserved by the states to determine whether liberties may be abridged without lessening their useful freedom and
16 how far those abuses that cannot be separated from their use should be tolerated, rather than allowing the use
17 to be destroyed.

18 (6) That states retain the right of protecting all freedoms of individual persons from federal incursion.

19 (7) That any acts of Congress that abridge protected individual freedoms are not law and are void.

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

25 (9) That those powers given to Congress in the United States Constitution detailed above have been
26 amended, modified, and limited by the Ninth and Tenth Amendments to the United States Constitution.

27 (10) That if Montana accepts these inappropriate applications of power and continues to allow Congress
28 to exercise unbridled authority, it would be surrendering its own form of government, its sovereign power, and
29 its responsibility to its citizens.

30 (11) That the people of this state will not accept undelegated and consequently unlimited powers

1 assumed by the federal government.

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

5 (13) That this state calls on the other several states for an expression of their sentiments on acts of the
6 federal government not authorized by the United States Constitution.

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

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

15 (a) establishing martial law or a state of emergency within a state without the consent of the state;

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

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

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

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

23 (16) That if any act of Congress becomes law or if an Executive Order of the President of the United
24 States is put into force beyond the reservations expressed in this resolution, or if any treaty is entered into by the
25 federal government that nullifies the rights of the people of Montana as expressed in the United States or
26 Montana Constitutions, Montana's "Compact With the United States" may be considered breached and all powers
27 previously delegated to the United States via the United States Constitution revert to the states individually.

28 (17) That any future federal government of the United States shall require ratification of three-fourths of
29 the states seeking to form a federal government and shall not be binding upon any state not seeking to form or
30 join a federal government.

