



Wednesday, February 18, 2009

Montana House Joint Resolution No. 26 Affirming States Rights

Note: Because one of the earlier links to the full text to Montana House Joint Resolution No. 26 no longer works, I have posted the introduced resolution in its entirety below.

If you would like to go to the official Montana web version, you should be able to find it here:

http://data.opi.mt.gov/bills/2009/HouJoint/HJ0026_1.wpd

Or go to [this page](#) and look for HJ0026

But there is a chance those pages will be changed over time as well. Thus, I present it below just as I downloaded it from the above Montana site:

HOUSE JOINT RESOLUTION NO. 26
INTRODUCED BY M. MORE

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA AFFIRMING STATES' RIGHTS AND CONDEMNING ENCROACHMENT OF THOSE RIGHTS BY THE FEDERAL GOVERNMENT AND EXECUTIVE ORDERS.

WHEREAS, The Constitution of the State of Montana declares that the people of this state have the sole and exclusive right to govern themselves as a free, sovereign, and independent state and that the people of this state shall exercise and enjoy every power, jurisdiction, and right pertaining to that right; and

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

WHEREAS, The Constitution of the State of Montana declares that the people of Montana solemnly and mutually agree to form a free, sovereign, and independent body politic, or state, by the name of "The State of Montana"; and

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

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

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

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

NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA:

- (1) That the several states of the United States are not united on the principle of unlimited submission to general government, but by ratifying the federal Constitution and Bill of Rights, they constituted a general government for special purposes and delegated to that government certain definite powers, while reserving all other rights.
- (2) That when the general government assumes undelegated powers, its acts are void and of no force.
- (3) That the government created by the federal Constitution and Bill of Rights was not granted the right to determine the extent of the powers delegated to itself, since that would have made its discretion, and not the federal Constitution and Bill of Rights, the measure of its powers.
- (4) That the federal Constitution and Bill of Rights delegated to Congress a power to punish treason, counterfeiting of the securities and current coin of the United States, piracies, felonies committed on the high seas, offenses against the law of nations, slavery, and no other crimes.
- (5) That all acts of Congress that assume to create, define, or punish crimes, other than those enumerated in the federal constitution and Bill of Rights, are void and of no force.
- (6) That the power to create, define, and punish other crimes is reserved by the states.
- (7) That power over the freedom of religion, freedom of speech, and freedom of the press remains and is reserved by the states or the people, allowing states the right to judge how far the licentiousness of speech and of the press may be abridged without lessening their useful freedom and how far those abuses, which cannot be separated from their use, should be tolerated, rather than allowing the use to be destroyed.
- (8) That states are guarded against all abridgment by the United States of the freedom of religious opinions and exercises and retain the right of protecting the same.
- (9) That all acts of Congress that abridge freedom of religion, freedom of speech, or freedom of the

press are not law and are void.

(10) That power over the freedom of the right to keep and bear arms was reserved to the states and to the people, allowing states the right to judge how far infringements on the right to bear arms should be tolerated, rather than allowing that exercise to be defined by Congress.

(11) That states and the people are guarded against all abridgment by the United States of the right to keep and bear arms and retain the right of protecting that right.

(12) That all acts of Congress that abridge the right to bear arms are not law and are void.

(13) That Congress's interpretation of those parts of the federal Constitution and Bill of Rights that delegate to Congress a power "to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defence and general welfare of the United States" and "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the government of the United States, or in any department or officer thereof" has attempted to destroy the limits of its power.

(14) That those parts of the federal Constitution and Bill of Rights, detailed in subsection (13), must not be construed to give unlimited powers to the federal government, and that Congress's inappropriate interpretation must be revised and corrected.

(15) That if Montana accepts these inappropriate interpretations and continues to allow Congress to exercise unbridled authority, it would be surrendering its own form of government.

(16) That the people of this state will not submit to undelegated and consequently unlimited powers.

(17) That every state has a right to nullify all assumptions of power by others within their limits, and that without this right, states would be under the dominion and power of anyone who might try to exercise that power.

(18) That it would be a dangerous delusion to silence people's fears for the safety of their rights.

(19) That this state calls on its costates for an expression of their sentiments on acts not authorized by the United States Constitution.

(20) That the rights and liberties of Montana and its costates must be protected from any dangers by declaring that Congress is limited by the federal Constitution and Bill of Rights.

(21) That any act by the Congress of the United States, Executive Order of the President of the United States, or Judicial Order of the United States that assumes a power not delegated by the federal Constitution and Bill of Rights diminishing the liberty of this state or its citizens constitutes a nullification of the federal Constitution and Bill of Rights by the government of the United States, which would also breach Montana's "Compact With the United States". Acts that would cause a nullification and a breach include but are not limited to:

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

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

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

(d) surrendering any power delegated or not delegated to any corporation or foreign government;

(e) any act regarding religion, further limitations on freedom of political speech, or further limitations on freedom of the press; or

(f) any act regarding the right to keep and bear arms or further limitations on the right to bear arms, including any restrictions on the type or number of firearms or the amount or type of ammunition any law-abiding citizen may purchase, own, or possess.

(22) That if any act of Congress becomes law or if an Executive Order or Judicial Order is put into force related to the reservations expressed in this resolution, Montana's "Compact With the United States" is breached and all powers previously delegated to the United States by the federal Constitution and Bill of Rights revert to the states individually.

(23) That any future government of the United States shall require ratification of three-fourths of the states seeking to form a government and shall not be binding upon any state not seeking to form a government.

(24) That the Secretary of State send copies of this resolution to the President of the United States and to each member of the United States Congress.

- END -

Posted by [Stewart Rhodes](#) at 2:22 AM



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