

Tuesday, February 17, 2009

## Montana Introduces Resolution Asserting State Sovereignty - And Threatening Secession

A Montana Resolution asserting state sovereignty has been introduced, today, February 17, 2009, by Montana State Rep. Mike More as [HJ 26](#). Montana thus joins the [recent wave](#) of fiery state sovereignty resolutions. And as with the New Hampshire Resolution, the Montana resolution borrows heavily from [Jefferson's Kentucky Resolutions of 1798](#), and then lists particular acts that would nullify the Constitution and void the compact by which Montana became a state - that is a threat to secede if the feds step too far. Here is an excerpt:

(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.

To avoid the possibility of dead links, I have posted the whole resolution [here](#). 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](http://data.opi.mt.gov/bills/2009/HouJoint/HJ0026_1.wpd)

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

My thoughts: All I have to say is God bless Montana! Yet one more reason to love my adopted home state.

However, Montana was already considered to be among the states asserting sovereignty because of its "made in Montana" gun bill, as David Codrea notes [here](#). And last year, before the Supreme Court's decision in Heller, Montana fired a shot across the Supreme Court's bow with [a resolution threatening secession](#) if the Court went with the so-called "collective right" interpretation of the Second Amendment (as I noted in an Enemy at the Gate column in [S.W.A.T. Magazine](#)). And in the past Montana has bucked the feds told them to shove their federal highway money over the issue of speed limits, and also said no to Real ID.

Thus, you should not make the mistake of thinking this is some recent idea - Montanans have consistently, over a span of many years, asserted their sovereignty. And more importantly, Montanans have done so from the very beginning, as their state constitution makes clear. As Gary Marbut of the [Montana Shooting Sports Association](#) so ably [puts it](#):

Remember, the Montana Constitution says, at Article II, Section 2, "The people have the exclusive right of governing themselves as a free, sovereign, and independent state."

Some will say that these are just words on paper and don't really mean anything. I disagree.

These words are a part of the contract by which Montana was engendered as a socio-political entity. The very existence of the construct called the "State of Montana" is dependent upon this contract among Montana people, a contract giving the state defined and limited powers.

One of these limitations is the terms of Article II. Section 2, which limits the authority of the State to contract with the other states. That is, by its very charter, the State is not authorized to lock itself politically into being a mere administrative region of that creature of the several states, the federal government, nor may the state surrender the rights and prerogatives of individuals to the federal government.

HJ 26 addresses these issues and relationships.

I could not have said it better myself. And no, this is not about money from the feds. This is about self-government, and about being free from onerous, oppressive, and unconstitutional federal laws and actions. One of the causes of the American Revolution was the claim by the British Parliament that it could legislate over the colonists in all cases whatsoever - down to the most minute detail of their lives. Our forefathers rejected that absurd claim. We are now rejecting the same assertion of totalitarian power by the Mordor on the Potomac.

Brace yourselves - it's going to be a wild ride.

Why do I say that? Isn't this just so much posturing which will amount to nothing in the long run?

Not so fast. Note that one of the causes of nullification would be any more legislation restricting the right to bear arms, including restriction of type of arms. That means no new "Assault Weapons Ban." And you can bet that HR 45, which aims to register, fingerprint, and track gun owners just as if they were convicted child molesters, would also be considered a breach.

If there is anything that has the potential to spark *actual* secession, and even *actual* civil war or revolution in this nation, it is those two onerous measures. Gun haters are playing with fire, and poking at a hornet's nest, with their plans for a renewed AWB and with the totalitarian HR 45.

I hope they have the good sense to back off - though I fear they are just too "autistic" when it comes to this, and simply do not get it. They think it is simply a matter of passing a law, and then gun owners will meekly submit. But they are only thinking in the conventional legal and political dimensions. As these resolutions remind us, there are other dimensions, and whatever law is passed, whatever executive order "The One" issues, whatever clever decision is handed down by the Nine Nazgul on the Court, that will not be the end of the argument - just as it was not the end of the argument back in 1775.

History does indeed repeat itself. I think there is an awakening, a quickening, happening that may just rival what happened prior to the American Revolution. And I see pockets of resolve like Montana as the place where it will start.

Montana, and other states like it, are the new version of what New England was back then - pockets of radicalism and fiery resolve. But can we be the modern versions of Thomas Paine, Sam Adams, James Otis, Patrick Henry, and Thomas Jefferson that are needed?

Time will tell.

If you have not yet read [Jefferson's Kentucky Resolutions](#), I highly recommend you do so. As should be no surprise coming from the author of the Declaration of Independence (this nation's birth certificate) the Kentucky Resolutions present the most concise, clear, and common sense expression of the principles of our Constitutional Republic in existence.

Now it is our turn to recall those fundamental principles and take a stand. As Jefferson said:

"In matters of style, swim with the current; in matters of principle, stand like a rock."

Will we take that stand? If not now, when? If not us, who? Will we leave it to our children and grandchildren to

do it? Or will we clean house ourselves, cleaning up the mess we allowed to happen, and leave them in a free nation? I believe we have reached that critical point in this nation's history. Unfortunately, what I see coming reminds me of something George Washington told his troops before the battle of Long Island:

"The time is now near at hand which must probably determine, whether Americans are to be, Freeman, or Slaves; whether they are to have any property they can call their own; whether their Houses, and Farms, are to be pillaged and destroyed, and they consigned to a State of Wretchedness from which no human efforts will probably deliver them. The fate of unborn Millions will now depend, under God, on the Courage and Conduct of this army-Our cruel and unrelenting Enemy leaves us no choice but a brave resistance, or the most abject submission; that is all we can expect-We have therefore to resolve to conquer or die." - George Washington, addressing his troops before the Battle of Long Island.

Please do your part in supporting the resolutions of Montana, New Hampshire, and others like them, in the hopes that the DC crowd will get the message and back off. If they don't, they will leave us no choice but a brave resistance or the most abject submission. I believe enough Americans still retain the fire of liberty in their hearts to choose the former - and to win.

Stewart Rhodes

PS - Gary Marbut of [Montana Shooting Sports Association](#) played a critical role by assisting in drafting this resolution and in getting it proposed, and MSSA deserves your support not just for this, but for all else MSSA does on behalf of Montanans in general, and Montana gun owners in particular. Please join MSSA and support it with your contributions.

#### UPDATE: A point of clarification and a couple additional thoughts:

**#1. This is not really about secession.** You can't "secede" from something that no longer exists. Dan Itse, the drafter and sponsor of the New Hampshire states rights resolution makes a very good point when he says this is not about withdrawing from the Union. [As he recently told Glenn Beck](#) on his show, "the very best resolution of this resolution would be a renewed union within the confines of the Constitution." I agree, and as I told one commenter, I would prefer to just have a national government that lived within its means and within the bounds of the Constitution, but unfortunately, that is not what we now have.

And, as Itse points out, "if the government chooses to aggress in nullifying the Constitution, it is impossible to secede from something that doesn't exist."

And you will note that the Montana resolution says nothing about secession - what it says is that if the federal government further transgresses in violating the Constitution and Bill of rights, and violating the rights of Montanans, then Montana will rightfully consider the compact between the states - the Constitution - to have been nullified *by the feds*, not by Montana. At that point, the agreement among the states by which Montana entered into the Union will have been breached by the national government, "and all powers previously delegated to the United States by the federal Constitution and Bill of Rights **revert** to the states individually."

#### **#2. What Jefferson wrote in the Declaration of Independence is still true:**

Prudence, indeed, will dictate that Governments long established should not be changed for light and transient causes; and accordingly all experience hath shewn that mankind are more disposed to suffer, while evils are sufferable than to right themselves by abolishing the forms to which they are accustomed. But when a long train of abuses and usurpations, pursuing invariably the same Object evinces a design to reduce them under absolute Despotism, it is their right, it is their duty, to throw off such Government, and to provide new Guards for their future security.

Nobody is saying this would be a picnic, and we would prefer it not come to that, but:

***We are seeing, today, a long train of abuses and usurpations, pursuing invariably the same Object evincing a design to reduce us under absolute Despotism every bit as onerous and dangerous as anything the Founders faced.***

Think I'm exaggerating? Then please go read [this article](#) I wrote about **the Clinton era proposal to use military tribunals on the domestic American milita movement** - on US citizens - and how everything in that proposal was put into place by the Bush Administration, so that Obama has at his finger tips claimed powers Clinton could only dream of.

Obama now has the court approved defacto power to declare any of us citizens to be unlawful "enemy combatants" and thus strip us of all of the protections of the Bill of Rights, detaining us without indictment and trying us before military tribunals instead of by a jury of our peers. Of course, that claimed power is illegitimate and wildly unconstitutional, as Scalia pointed out in his *Hamdi* dissent, but the majority on the Court put its stamp of approval on it.

One of the causes of the American revolution listed in the Declaration of Independence was denial of the right to jury trial and the "extraordinary rendition" of their day - whisking men off to England to

face trial in kangaroo courts (and of course, all the English courts approved). That was one of the many "long train of abuses" that fueled the Revolution.

And the spark of the American Revolution was the attempt to disarm the people. Today, there are gun hating extremists in the Obama Administration and in Congress who just will not be able to resist the temptation to try and disarm us - what else is HR 45 but a call to register and track all gun owners, to more easily facilitate disarmament?

History is repeating itself. And what Jefferson said about the purposes of government, and our right to throw it off when it violates those purposes, is still true. and that brings me to these last two points we should always keep in mind:


## Fundamental Principles of Our Constitutional Republic

### A. First fundamental principle of our Republic: your rights don't come

**from government.** As our Declaration says, rights come first, and government is created to protect your rights. Not the other way round. You can read an article I wrote for SWAT Magazine on this topic [here](#).

**B. The Bill of Rights affirms that our rights do not come from government, and provides us with a guide to Constitutional interpretation we can use to judge the actions of government.** Whatever the judges may say, we the people made it very clear in the Bill of Rights what the boundaries were. Look there first for guidance. I also wrote about this for SWAT, and you can read that article [here](#).

Stewart Rhodes

Posted by [Stewart Rhodes](#) at [10:10 AM](#) 

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