

HOUSE JOINT RESOLUTION NO. HJ0005

Assertion of state sovereignty.

Sponsored by: Representative(s) Childers, Cohee, Davison,
Hallinan, Jaggi, McOmie, Shepperson and
Wallis and Senator(s) Case, Coe and Townsend

A Bill

for

1 A JOINT RESOLUTION requesting Congress to cease the
2 abridgment of state's rights.

3

4 WHEREAS, the Constitution of the State of Wyoming declares
5 that all power is inherent in the people and all free
6 governments are founded on their authority and instituted
7 for their peace, safety and happiness, for the advance of
8 these ends they have at all times an inalienable and
9 indefeasible right to alter, reform or abolish the
10 government in such manner as they may think proper; and

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12 WHEREAS, we proclaim that the right to self government may
13 never be expressly delegated to the United States Congress;
14 and

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1 WHEREAS, the Constitution of the State of Wyoming declares
2 that absolute, arbitrary power over the lives, liberty and
3 property of free men exists nowhere in a republic, not even
4 in the largest majority; and

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

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11 WHEREAS, when Wyoming entered into statehood in 1890, that
12 entrance was accomplished by a contract between Wyoming and
13 the several states, with Congress and the President
14 concurring and acting as the agent for the several states,
15 a contract known as the "Act of Admission"; and

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

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21 WHEREAS, the protection of these states' rights is
22 enumerated in amendments to the federal Constitution and
23 Bill of Rights, which state that "The powers not delegated
24 to the United States by the Constitution, nor prohibited by

1 it to the States, are reserved to the States respectively,
2 or to the people."

3

4 *NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE*
5 *LEGISLATURE OF THE STATE OF WYOMING:*

6

7 **Section 1.**

8

9 (a) That the several states of the United States are
10 not united on the principle of unlimited submission to
11 general government, but by ratifying the federal
12 Constitution and Bill of Rights, they constituted a general
13 government for special purposes and delegated to that
14 government certain definite powers, while reserving all
15 other rights.

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17 (b) That when the general government assumes
18 undelegated powers, its acts are void and of no force.

19

20 (c) That the government created by the federal
21 Constitution and Bill of Rights was not granted the right
22 to determine the extent of the powers delegated to itself,
23 since that would have made its discretion, and not the

1 federal Constitution and Bill of Rights, the measure of its
2 powers.

3

4 (d) That the federal Constitution and Bill of Rights
5 delegated to Congress a power to punish treason,
6 counterfeiting of the securities and current coin of the
7 United States, piracies, felonies committed on the high
8 seas, offenses against the law of nations, slavery and no
9 other crimes.

10

11 (e) That all acts of Congress that assume to create,
12 define or punish crimes, other than those enumerated in the
13 federal Constitution and Bill of Rights, are void and of no
14 force.

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16 (f) That the power to create, define and punish other
17 crimes is reserved by the states.

18

19 (g) That power over the freedom of religion, freedom
20 of speech and freedom of the press remains and is reserved
21 by the states or the people, allowing states the right to
22 judge how far the licentiousness of speech and of the press
23 may be abridged without lessening their useful freedom and
24 how far those abuses, which cannot be separated from their

1 use, should be tolerated, rather than allowing the use to
2 be destroyed.

3

4 (h) That states are guarded against all abridgment by
5 the United States of the freedom of religious opinions and
6 exercises and retain the right of protecting the same.

7

8 (j) That all acts of Congress that abridge freedom of
9 religion, freedom of speech or freedom of the press are not
10 law and are void.

11

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

17

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

22

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

1

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

12

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

18

19 (q) That if Wyoming accepts these inappropriate
20 interpretations and continues to allow Congress to exercise
21 unbridled authority, it would be surrendering its own form
22 of government.

23

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

3

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

8

9 (t) That it would be a dangerous delusion to silence
10 people's fears for the safety of their rights.

11

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

15

16 (w) That the rights and liberties of Wyoming and its
17 costates must be protected from any dangers by declaring
18 that Congress is limited by the federal Constitution and
19 Bill of Rights.

20

21 (y) That any act by the Congress of the United
22 States, Executive Order of the President of the United
23 States or Judicial Order of the United States that assumes
24 a power not delegated by the federal Constitution and Bill

1 of Rights diminishing the liberty of this state or its
2 citizens constitutes a nullification of the federal
3 Constitution and Bill of Rights by the government of the
4 United States. Acts that would cause a nullification and a
5 breach include but are not limited to:

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7 (i) Establishing martial law or a state of
8 emergency within a state without the consent of the
9 legislature of that state;

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11 (ii) Requiring involuntary servitude or
12 governmental service other than a draft during a declared
13 war or pursuant to or as an alternative to incarceration
14 after due process of law;

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16 (iii) Requiring involuntary servitude or
17 governmental service of persons under the age of eighteen
18 (18) other than pursuant to or as an alternative to
19 incarceration after due process of law;

20

21 (iv) Surrendering any power delegated or not
22 delegated to any corporation or foreign government;

23

1 (v) Any act regarding religion, further
2 limitations on freedom of political speech or further
3 limitations on freedom of the press; or

4
5 (vi) Any act regarding the right to keep and
6 bear arms or further limitations on the right to bear arms,
7 including any restrictions on the type or number of
8 firearms or the amount or type of ammunition any law-
9 abiding citizen may purchase, own or possess.

10

11 (z) That if any act of Congress becomes law or if an
12 Executive Order or Judicial Order is put into force related
13 to the reservations expressed in this resolution, Wyoming's
14 "Act of Admission" is breached and all powers previously
15 delegated to the United States by the federal Constitution
16 and Bill of Rights revert to the states individually.

17

18 (aa) That any future government of the United States
19 shall require ratification of three-fourths (3/4) of the
20 states seeking to form a government and shall not be
21 binding upon any state not seeking to form a government.

22

1 **Section 2.** That the Secretary of State of Wyoming
2 transmit copies of this resolution to the President of the
3 United States, to the President of the Senate and the
4 Speaker of the House of Representatives of the United
5 States Congress and to the Wyoming Congressional
6 Delegation.

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8

(END)