

SENATE JOINT RESOLUTION NO. SJ0001

Resolution demanding equal footing.

Sponsored by: Senator(s) Ide, Biteman, French, Hicks, Hutchings, Laursen, D, Salazar and Steinmetz and Representative(s) Allemand, Andrew, Angelos, Banks, Bear, Haroldson, Hornok, Neiman, Pendergraft, Penn, Singh, Slagle, Smith, Strock, Ward and Winter

A JOINT RESOLUTION

for

1 A JOINT RESOLUTION demanding that the United States Congress
2 in consultation with the legislature of the State of Wyoming,
3 extinguish the federal title in those public lands and
4 subsurface resources in this State that derive from former
5 federal territory, and do so in recognition of the sovereign
6 rights of this State, as set forth in its congressional act
7 of admission into the Union, and in recognition of the solemn
8 duties resting upon Congress under the admissions, property,
9 claims, and guarantee clauses of Article IV of the United
10 States constitution such that the State of Wyoming shall, in
11 due course, obtain full admission into the Union of States
12 upon an equal footing with the original States in all respects
13 whatsoever.

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2 WHEREAS, an indispensable element of state sovereignty is the
3 capacity to exercise sovereignty and jurisdiction over the
4 soil within state borders; and

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6 WHEREAS, a constitutional state does not exist in those places
7 where a state's independent sovereignty and legislative
8 jurisdiction do not apply; and

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10 WHEREAS, the original states jealously retained complete
11 sovereignty and jurisdiction over all of the territory within
12 their external boundary, including unappropriated former
13 British crown lands claimed by the states under both the
14 articles of confederation and the United States constitution;
15 and

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17 WHEREAS, pursuant to the Admissions Clause, article IV,
18 section 3, clause 1 of the United States constitution, new
19 states admitted into the Union of States are admitted upon an
20 equal footing with the original States as to political rights
21 and as to sovereignty, including territorial sovereignty; and

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1 WHEREAS, The Wyoming act of admission in section 2 provides
2 that "The said state shall consist of all the territory
3 included within the following boundaries, to wit: Commencing
4 at the intersection of the twenty-seventh meridian of
5 longitude west from Washington with the forty-fifth degree of
6 north latitude and running thence west of to the thirty-
7 fourth meridian west longitude; thence south to the forty-
8 first degree of north latitude; thence east to the twenty-
9 seventh meridian of west longitude, and thence north to the
10 place of beginning." This section excepts only the lands
11 dedicated to Yellowstone National Park within this border and
12 such lands as may be subsequently added to that park by
13 Congress; and

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15 WHEREAS, under the equal footing doctrine, the new State of
16 Wyoming became entitled to exercise sovereignty and
17 jurisdiction over all of the territory dedicated to its
18 purposes by virtue of Wyoming's act of admission, excepting
19 only Yellowstone National Park and such additional lands as
20 Congress may subsequently choose to add to the park; and

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22 WHEREAS, in excess of forty-six percent (46%) of the surface
23 and over sixty-nine percent (69%) of the subsurface resources

1 of the state of Wyoming, as described by Wyoming's act of
2 admission, remains under federal "title;" and

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4 WHEREAS, lands and subsurface resources under federal title
5 in the state of Wyoming are subject to a supreme and complete
6 federal political jurisdiction without limitation, analogous
7 to the municipal powers of the state itself, including police
8 power, and also special maritime and territorial jurisdiction
9 under 18 U.S.C. § 7(3); and

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11 WHEREAS, as a consequence of supreme and complete federal
12 political jurisdiction without limitation over the
13 aforementioned forty-six percent (46%) of the territorial
14 extent of the State of Wyoming and over sixty-nine percent
15 (69%) of its subsurface resources, the state can exercise no
16 jurisdiction in those places in a sovereign and independent
17 capacity and, for this reason, this land and these resources
18 cannot be, and have never been, part of the sovereign and
19 jurisdictional State of Wyoming despite the fact that this
20 land and these resources were included, under Wyoming's act
21 of admission, as being lands committed to the purpose of the
22 new state; and

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1 WHEREAS, in order that the sovereign and jurisdictional State
2 of Wyoming may obtain equal footing as to political rights
3 and sovereignty with the original States, to which it is
4 entitled under the Admissions, Claims, and Guarantee Clauses
5 of the United States constitution, the federal title in the
6 aforementioned land and resources must be extinguished by
7 Congress in compliance with its constitutional mandate to
8 dispose under the Property Clause; and

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10 WHEREAS, continued failure on the part of Congress to fulfill
11 its duty to dispose of the aforementioned land and resources
12 has resulted in two constitutional violations including: 1.
13 Congress has admitted into the Union of States an entity that
14 is less than and different in dignity or power, from those
15 political entities which constitute the Union, and 2.
16 Congress is exercising over the aforementioned land and
17 resources of the State of Wyoming a form of government which
18 the United States Supreme Court has termed "repugnant to the
19 constitution" and which is notoriously denied to the United
20 States under the Tenth Amendment of the Bill of Rights.

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22 *NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE*
23 *LEGISLATURE OF THE STATE OF WYOMING:*

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2 **Section 1.** That the members of the Wyoming Legislature
3 commit to upholding article IV, section 3, clause 2 of the
4 United States constitution and Wyoming's act of admission.

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6 **Section 2.** The members of the Wyoming Legislature
7 demand that Congress confirm to the Wyoming Legislature, on
8 or before October 1, 2024, its intent to dispose of the
9 federal title in the aforementioned land and resources and
10 its intent to do so in such a manner as to subserve the long
11 withheld sovereign interests of the people of the State of
12 Wyoming.

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14 **Section 3.** That the members of the Wyoming Legislature
15 recognize this state's firmly established and popularly
16 supported public land culture and economy which are integral
17 to the State of Wyoming and therefore propose that the lands
18 above mentioned be disposed of to the State of Wyoming and,
19 thereby, be maintained as state public lands.

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1 **Section 4.** 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 Speaker
4 of the House of Representatives of the United States Congress
5 and to the Wyoming Congressional Delegation.

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(END)