"State Powers" under Article X of the Bill of Rights to U.S. Constitution

Current State Resolutions (Year 2009)

Alabama	HJR298
Alaska	HR9
Arizona	HCR2024
Arkansas	HCR1011
Georgia	HR280
Indiana	SC37
Iowa	SCR1
Idaho	HJM4
Illinois	SR181
Kansas	SCR1609
Kentucky	HCR168
Louisiana	SCR2
Massachusetts	TBA
Michigan	HCR4
Minnesota	HF997
Mississippi	SCR630
Missouri	HCR13
Montana	HB246
Nevada	AJR15
New Hampshire	HCR6
New Mexico	HJR27
North Carolina	H849
North Dakota	HCR3063
Ohio	HCR11
Oklahoma	HJR1003
Oregon	HJM17
Pennsylvania	HR95
South Carolina	H3509
South Dakota	HCR1013
Tennessee	HJR108
Texas	HCR50
Virginia	HR61
Washington	HJM4009
West Virginia	HCR49
Wisconsin	AJR51

Note: Some of the "*Links*" may be out of date.

The common theme flowing through all of the above "Resolutions" of the States is the belief that their "State" operates under the Tenth Article of the Bill of Rights to the U.S. Constitution. All the sponsoring Legislative Members of those Resolutions are in error. We need to make a quick review of the history of the "United States of America" to discover the error.

Many believe that the "United States of America" was created by the original thirteen (13) States when they ratified the United States Constitution, but such belief is not correct. The "United States of America" was created by the original thirteen (13) States when they came together and agreed to certain "Articles" of the "Articles of Confederation" on July 9th, 1778. /[1] When those thirteen (13) States came together, they were "whole" in their sovereignty /[2] in that they owned all the land within the borders of their States, and with the Allodial fee simple ownership of the land comes the sovereign powers of the States.

When these thirteen States brought into existence the "United States of America," they agreed to surrender some of their sovereign powers to this newly formed body politic. /[3] The sovereign powers exercised by the "United States of America" (*and all the additional States that were added to the Union*) were all derived from the original thirteen (13) States.

It wasn't long before the "Articles" of the "Articles of Confederation" were found to be flawed and needed to be reviewed. A special Committee was formed to review the "Articles" and this special Committee was later to be identified as the "Constitutional Convention" of September 17th, 1787, a Convention which adopted a "Constitution" for the "United States of America:"

> "Whereas the People of the united States, in order to form a more perfect union, establish justice, insure domestic tranquility, provide for the common defense, promote the general welfare , and secure the blessing of liberty to ourselves and our posterity, do ordain and establish this Constitution for the United States of America."
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> "Preamble" to Constitution for the United States of America

Again, it was the People in Convention of the original thirteen (13) States that ratified the new "Constitution" for the "United States of America." It should be noted that the above "Preamble" to the Constitution for the United States of America did not declare that the "Articles" of the Articles of Confederation were repealed. With the words: "in order to form a more perfect union" of the Preamble, we see that it is a statement by the People that the "Articles" of the Articles of Confederation that were not amended by the Constitution are still in effect today. /[4]

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[1]/ See Article I of the Articles of Confederation.

[2]/ See Article II of the Articles of Confederation.

[3]/ See Article II of the Articles of Confederation.

[4]/ Keep in mind that the "United States of America" was created under the authority of the "Articles of Confederation." If the "Constitution" for the United States of America "repealed" the very document that created the "United States of America" then

Unlike the original thirteen (13) States whose existence did not depend upon any outside authority, the additional States that were brought into the Union were created under the Constitutional authority of the Congress of the United States to regulate and dispose of the lands of the United States /[5] or the authority of the Congress of the United States to create a new State from a division of one or more of the original thirteen (13) States of the Union with the consent of the "Legislatures" of those States. /[6] ALL THE STATES OF THE UNION, OTHER THAN THE ORIGINAL THIRTEEN (13) STATES, WERE CREATED OUT OF THE "LAND" *OWNED* BY THE UNITED STATES OR BY A DIVISION OF ONE OR MORE OF THE ORIGINAL THIRTEEN (13) STATES UNDER THE *CONSENT* OF THE UNITED STATES CONGRESS. /[7]

The lands acquired by the United States from which the new "Statehood" States were created all came from the lands that were either purchased under the authority of "Treaties" with other "Nations" or they were obtained by "Conquest" (*e.g. Hawaiian Islands*). All the "Statehood" States that were brought into the Union under "Statehood Acts" had "reservations" wherein the U.S. Congress declared what lands were "reserved" to the "United States" and what lands came into ownership of the "State." /[8] As all "Statehood Acts" contained "reservations" of rights of ownership of lands on

there would be no "United States of America" for which the "Constitution" was written for.

[5]/ See U.S. Constitution, Article IV, Section 3, Clause 2.

[6]/ See U.S. Constitution, Article IV, Section 3, Clause 1.

[7]/ The "State of Vermont" and the "State of Texas" are exceptions as they were an independent "Republics" at the time of Statehood.

> On January 15, 1777, representatives of the "*New Hampshire Grants*" declared the independence of Vermont with Vermont governing itself as an independant Nation for fourteen (14) years. Upon application of Vermont, the Congress of the United States declared on March 4, 1791 that Vermont had joined the federal Union "*as a new and entire member of the United States of America*" and the first to enter the Union after the original thirteen (13) Colonies. Even though no reservations of lands was made of Vermont by the Congress of the United States, Vermont was required to surrender its powers of issueing "Coinage" and its "Postal Service."
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> Texas won its sovereign independence with Mexico on March 2, 1836. Even so, upon Texas application for "Statehood" on February 19, 1846, the United States Congress declared within the Texas Statehood Act that certain lands within the boundaries of Texas were to be reserved to the United States for its use and disposal.

[8]/ The power of Congress to dispose of any kind of property belonging to the United States '*is vested in Congress without limitation*.' United States v. Midwest Oil Co., 236 U.S. 459, 474, 35 S.Ct. 309, 313, 59 L.Ed. 673: "*For it must be borne in mind that Congress not only has a legislative power over the public domain, but it also exercises the powers of the proprietor therein. Congress 'may deal with such lands precisely as an ordinary individual may deal with farming property. It may sell or withhold them from sale*.' Camfield v. United States, 167 U.S. (518,) 524, 17 S.Ct. 864, 42 L.Ed. 260; Light v. United States, 220 U.S. 523, 536, 31 S.Ct. 485, 55 L.Ed. (570) 574.' United States v. City and County of San Francisco, 310 U.S. 16, 29—30, 60 S.Ct. 749, 756, 84 L.Ed. 1050: 'Article 4, Section 3, Cl. 2 of the Constitution provides that '*The Congress shall have Power to dispose of and make all needful Rules and Regulations respecting the Territory or other Property belonging to the United States*.' The power over the public land thus entrusted to Congress is without limitations. '*And it is not for the courts*

behalf of the "United States," those States do not have "Allodial" /[9] fee simple ownership of their lands for want of ownership of all the lands within the borders of their "State." With these new "Statehood" States being absent of "Allodial" fee simple land ownership, no "Allodial" sovereign powers may be found emanating from those lands to the "Statehood" States.

Absent "Allodial" simple fee ownership of the lands, the only powers exercised by those newly formed "Statehood" States are the delegated powers of the United States Congress and those powers enumerated by the U.S. Constitution. In other words, it is those powers that were delegated to the United States of America by the original thirteen (13) States. As the new States of the Union do not exercise any powers that were not granted to them in and through the Constitution for the United States of America by the original thirteen (13) States, the protections of Article X of the Bill of Rights do not apply to the additional States that were added to the Union, but only to the original thirteen (13) States. /[10]

When the Legislature of a "Statehood" State makes a "Complaint" under Article X of the Bill of Rights, in essence, that Legislature is making a statement that the Congress of the "United States of America" is acting in violation of its "Statehood Act" and "Enabling Act" Agreements. For such violations, we don't have to look any further than the revised April 29, 1991 "CRS Report for Congress – National Emergency Powers " (*91-383 GOV*) wherein the U.S. Congress declared:

> "Federal law [***not the Constitution for the United States of America***] provides a variety of powers for the President to use in response to crisis, exigency, or emergency circumstances threatening the Nation. Moreover, they are not limited to military or war situations. Some of these authorities, deriving from the Constitution or statutory law, are continuously available to the President with little or no qualification. Others--statutory delegations from Congress--exist on a stand-by basis and remain dormant until the President formally declares a national emergency. These delegations, or grants of power, authorize the President to meet the problems of governing effectively in times of crisis. **Under the powers delegated by such statutes, the President may**

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to say how that trust shall be administered. That is for Congress to determine." United States v. California, 332 U.S. 19, 27, 67 S.Ct. 1658, 1663, 91 L.Ed. 1889: '*We have said that the constitutional power of Congress* (under Article IV, § 3, Cl. 2) *is without limitation.* United States v. City and County of San Francisco, 310 U.S. 16, 29, 30, 60 S.Ct. 749, 756, 757, 84 L.Ed. 1050.'

[9]/ "*Allodial is defined as one that is free*." [Stewart v. Chicago Title Ins. Co., 151 Ill. App. 3d 888 (Ill. App. Ct. 1987)].

[10]/ Article X of the Bill of Rights states in part: "*The powers not delegated to the United States … nor prohibited by it [Constitution] to the States, are reserved to the States …*" which statement only address those reserved powers of the original thirteen (13) States as no new "State" of the United States of America had any sovereign powers of its own to delegate to the United States nor to bring forth unto itself in Statehood.

seize property, organize and control the means of production, seize commodities, assign military forces abroad, institute martial law, seize and control all transportation and communication, regulate the operation of private enterprise, restrict travel, and, in a variety of ways, control the lives of United States citizens. Furthermore, Congress may modify, rescind, or render dormant such delegated emergency authority. " [Emphasis added].

The "Founding Fathers" never granted such authority over the "States," the "People," and their personal "Rights" and "Property" by any Officer or President of the government of the United States and if such authority appeared within the Constitution for the United States of America, the original thirteen (13) States would never have ratified such a Constitution. For a reading of the unbroken perpetual "National Emergency" and its implementation of "Martial Law Rule" that the People and the States have endured since the declared "National Emergency" of March 9, 1933 (HJR 192) see PDF file Article: "War and Emergency Powers."

We all agree that the government of the United States [incorporated] is out of control and something needs to be done, but what? /[11] Radio Host, Mark Levin has proposed that a "Convention of the States" be convened under Article V of the Constitution for the United States of America to adopt more Amendments to the Constitution for the United States of America. /[12] If our Congressional Representatives and Public Officials of the United States government shows nothing but "contempt" for the Constitution and its Amendments, then the question must be asked: *"By what stretch of the imagination does one rely upon to believe that these same individuals will honor any additional Constitutional Amendments*? What then are our remedies?

The answer may be found in the authority of the original thirteen (13) States that created the "United States of America." If those original thirteen (13) States had the authority to create the "United States of America," then those original thirteen (13) States have also the authority to dissolve their creation, the "United States of America."

The other States of the Union should be calling upon the original thirteen (13) States to convene the "Committee of States" under the authority of Article X of the Articles of Confederation to review and rule upon the validity of the "Amendments" to the Constitution for the United States

[11]/ A sampling of "wrong doings" by the Congress and the President of the United States of America may be viewed on Videos produced by "Brother Nathaneal Kipner"

[12]/ There are more than the required number of States on file with the United States Congress to warrant the convening of a "Constitutional Convention." But as in the past, the Members of the U.S. Congress shows nothing but "contempt" for the U.S. Constitution as they have refused to convene such a "Convention." See PDF file of the "Listing of States" calling for a "Constitutional Convention."

of America. /[13] As creators of the "United States of America," these thirteen (13) original States should also investigate and rule upon the constitutionality of the actions of the President of the "United States" and the rulings of the United States Supreme Court to determine if those actions and rulings are made within the intent of the framers of the Constitution for the United States of America as recorded in the "Constitutional Convention Record" of the September 17, 1787.

The powers of the original thirteen (13) States to oversee the "Officers" and "Congressional Representatives" of the "United States of America" are "unlimited" and if the "Officers" and the "Congressional Representatives" of the "United States" government are found to have abandoned or misrepresent the Constitution for the United States of America, then the original thirteen (13) States sitting as a "Committee of States" needs to take appropriate action, even to the extreme of dissolving the existence of the "United States of America."

The Articles of Confederation of July 9th, 1778 declares at Article X:

> "The Committee of the States, or any nine of them shall be authorized to execute, in the recess of Congress, such of the powers of Congress as the United States in Congress assembled, by the consent of nine states, shall from time to time think expedient to vest them with; provided that no power be delegated to the said committee, for the exercise of which, by the Articles of Confederation, the voice of nine states in the Congress of the United States assembled is requisite."

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[13]/ Through numerous rulings of the "Courts " and the "Congress" of the United States of America, the question of ratification of Amendments to the Constitution for the United States of America is a "Political Question" to all three (3) branches of the government of the United States of America.

> "*The Fourteenth Amendment was never ratified. Such relief involves the evaluation of a political question which cannot be addressed by the courts. United States v. Stahl, 795 F.2d 1438, 1440-41 (9th Cir. 1986), cert. denied, 479 U.S. 1036 (1987); see also United States v. Foster, 789 F.2d 457, 462-63 (7th Cir. 1986), cert. denied, 479 U.S. 883 (1986); Kantor v. Wellesley Galleries, Ltd., 704 F.2d 1088, 1090 (9th Cir. 1983).*" [/s/ U.S. Court of Appeals 9th Circuit, Judges Hug, and Poole].
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> See also: "*Respondent* [Archivist of the United States] *submits that the petitioner's complaint must be dismissed because: (1) the archivist is not authorized to investigate the validity of the states' ratification of amendments to the United States Constitution; (2) petitioner seeks to compel relief outside the scope of mandamus; (3) declaratory judgment on which officer or department has authority to investigate the ratification of the Fourteenth Amendment is a non-justiciable political question; and (4) the United States has not waived sovereign immunity. For the reasons and upon authorities set forth in respondent's motion, respondent's motion to dismiss is granted.*" [/s/ U.S. District Court Judge, H. Russell Holland].
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> See also the numerous "Resolutions" that were submitted to the United States Congress by several States of the United States of America requesting that the U.S. Congress conduct "Hearings" on the ratification of Constitutional Amendments. All the "Resolutions" submitted were "Ordered" to be laid upon the table without comment or further action to be taken. See example Letter of U.S. Senator, Orrin G. Hatch of the State of Utah.

Upon the purported April 8th, 1913 ratification of Amendment Seventeen to the Constitution for the United States of America; the States in Congress have been in sine die "recess." The present day Congress no longer represents the "States" of the Union for the Legislatures of those States are being denied their equal "suffrage" in the Senate of the United States Congress without their consent. The members of the present day Congress of the United States represents only "Political Corporations," namely the "Republican" and the "Democrat" Political Parties [*Incorporated*]. They do not represent the "Legislatures" of the "States" of the Union nor do they represent the non-members of those Political Parties.

For the Seventeenth Amendment to be valid under Article V of the Constitution for the United States of America, every Senator of the Congress of the United States of America must have given their "vote" of acceptance for the "Resolution" proposing the "Amendment" [*which did not occur*] and the "Legislatures" of the States of the Union must have given their unanimous vote of "ratification" of the Seventeenth Amendment [*which also did not occur*]. In fact, several Senators expressly "rejected" the "Resolution" and several Legislatures of the States expressly "rejected" the "ratification" of the Seventeenth Amendment. As the "Legislatures" of the States of the Union have not been allowed to exercise their equal "suffrage" in the Congress of the United States of America, the Congress of the States of the United States of America has been in a sine die "recess" since April 8th, 1913. The declared sine die "recess" of the "States" in Congress of the United States of America is the authority for the original thirteen (13) States to convene the "Committee of States."

For a further discussion on the Seventeenth Amendment to the Constitution for the United States of America, download PDF File: "*Seventeenth Amendment – The Law That Never Existed*"

The original thirteen (13) States are:

New Hampshire	**North Carolina**	**New York**	**Pennsylvania**
Maryland	**South Carolina**	**Georgia**	**Massachusetts Bay**
Connecticut	**New Jersey**	**Delaware**	**Virginia**
Rhode-Island and Providence Plantations			

For the full text of the Articles of Confederation, download the "Yale Law School" PDF File: "*Articles of Confederation*."

As the information in this Document is new and very important, be sure to forward this Document to the Members of the Legislatures of all the States in the Union, especially to the original thirteen (13) States that brought the "United States of America" into existence.

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