

# ***Findings, Resolution and Petition***

## **The “Wyoming” Wolf Belongs to the Sovereign State of Wyoming And Is Solely Under the Jurisdiction Thereof.**

### **Submitted to the Counties, the Governor and the Legislature of Wyoming**

**WE The People of Wyomingites for Effective Government (WEG)** as Citizens of the Sovereign State of Wyoming under the rights and protections set forth in the Constitutions of the United States and the Sovereign State of Wyoming; hereby gather today for the purposes of redressing our state and local governments as follows;

- 1. Wyomingites for Effective Government in its organizational meeting on December 13, 2014, did establish findings that:**
  - (a) Federal agencies through their misapplication of congressional laws has led to overreaching of regulations which arbitrarily impair the rights and property of the Citizens of the State of Wyoming;
  - (b) Wyoming Statute 36-12-101(a) The legislature determines “The intent of the framers of the constitution of the United States was to guarantee to each of the states sovereignty over all matters within its boundaries except for those powers specifically granted to the United States as agent of the states.”;
  - (c) Wyoming Constitution Article 1, Section 39. Opportunity to hunt, fish and trap. “The opportunity to fish, hunt and trap wildlife is a heritage that shall forever be preserved to the individual citizens of the state, subject to regulation as prescribed by law, and does not create a right to trespass on private property, diminish other private rights or alter the duty of the state to manage wildlife.”;
  - (d) The Fifth Amendment to the United States Constitution provides, in relevant part, "No person shall be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use, without just compensation";
  - (e) Article 1, Section 33 of the Constitution of the State of Wyoming providing: "Private property shall not be taken or damaged for public or private use without just compensation";
  - (f) Article 1, Section 7 of the Constitution of the State of Wyoming provides: "Absolute, arbitrary power over the lives, liberty and property of freemen exists nowhere in a republic, not even in the largest majority";
  - (g) The 1997 US Supreme Court ruling states in part that federal agencies cannot compel the State of Wyoming to deal with the federal wolf. “The Federal Government may neither issue directives requiring the States to address particular problems, nor command the State’s officers, or those of their political subdivisions, to administer, or enforce a federal regulatory program. It matters not whether policymaking is involved, and no case-by-case weighing of the burdens or benefits is necessary; such commands are fundamentally incompatible with our constitutional system of dual sovereignty.” *Printz v. United States, 521 U.S 898 (1997)*
  - (h) The wildlife within the geographical boundaries of the State of Wyoming belongs to People of the State of Wyoming. We formally declare the following in regards to our wildlife. We assert our authority on various high court instructions under the doctrine of stare decisis. The US Supreme Court says we can rely on their decisions in making such legal determinations. “And if the doctrine of stare decisis has any meaning at all, it requires that people in their everyday affairs be able to rely on our decisions and not be needlessly penalized for such reliance.” *Cf. Flood v. Kuhn, 407 U.S. 258, 283 (1972); Wallace v. McConnell, 13 Pet. 136, 150 (1839).*
  - (i) The Commerce Clause does not grant the federal government authority to interfere with our wildlife, as per the following Court ruling; “... [t]he commerce clause...has always been understood as limited by its terms; and as a virtual denial of any power to interfere with the internal trade and business of the separate states.” *United States v. DeWitt, 76 US 41 9 Wall 4, 19 L. Ed 593.*

- (j) All federal agencies shall provide proof of jurisdiction: “The law requires proof of jurisdiction to appear on the record of the administrative agency and all administrative proceedings” Hagans v. Lavine, 415 US 528.
- (k) The Court’s decision in the case of PEOPLE FOR THE ETHICAL TREATMENT OF PROPERTY OWNERS, vs. UNITED STATES FISH AND WILDLIFE SERVICE; et al., Case No. 2:13-cv-00278-DB (2014), Judge Dee Benson, Respondents and Defendants, and FRIENDS OF ANIMALS, Respondent-Intervenor. “Although the Commerce Clause authorizes Congress to do many things, it does not authorize Congress to regulate takes of a purely intrastate species that has no substantial effect on interstate commerce. Congress similarly lacks authority through the Necessary and Proper Clause because the regulation of takes of Utah prairie dogs is not essential or necessary to the ESA’s economic scheme”;
- (l) The federal agencies do not have the power to enforce a species listing on the endangered list in Wyoming without first proving their jurisdiction in relationship to foreign commerce and that the foreign commerce is responsible for the endangerment. ESA Sec. 3(9).
- (m) The elected officials of the State of Wyoming are charged through their oaths of office with upholding the United States Constitution and the Constitution of the Sovereign State of Wyoming to enforce and promote Federalism to protect the rights and property of Citizens of the State of Wyoming;
- (n) “For, although the treaty making power extends to all subjects which are proper for negotiation between nations, ‘it would not be contended that it extends so far as to authorize what the Constitution forbids.” Reid, 6 F. Supp. 800, 803 (D. Ore., 1934).
- (o) “But such construction should not be extended so as to infringe upon the Constitution of the United States, or to invade the province of the states of the Union in matters inherently local, or to restrict the various states in the exercise of their sovereign powers,” Id., at 399, 400. Antosz v. State Comp. Comm., 43 S.E.2d 397 (W.Va. App., 1947): (Workmen’s comp case with NRAs claiming benefits):
- (p) “It is well settled that no article or term of a treaty may nullify any guarantee of a right preserved by constitutional provision to our citizens. No treaty may authorize what the Constitution forbids,” Id., at 488. Pierre v. Eastern Air Lines, Inc., 152 F. Supp. 486 (D.N.J., 1957): (Baggage lost on international flight):
- (q) “The Court is in full agreement with plaintiffs that a treaty may not violate the constitutional rights of American citizens.” Soucheray v. Corps of Engineers of U.S. Army, 483 F. Supp. 352, 357 (W. D. Wis., 1979): (Landowners sued for damages for water level of Lake Superior rising):

## **2. United States of America Congress findings in the Endangered Species Act (ESA) (1973);**

### **SEC. 2. [16 U.S.C. 1531]**

#### **(a) FINDINGS. The Congress declares that**

- (1) *various species of fish, wildlife, and plants in the United States have been rendered extinct as a consequence of economic growth and development untempered by adequate concern and conservation;*
- (2) *other species of fish, wildlife, and plants have been so depleted in numbers that they are in danger of or threatened with extinction;*
- (3) *these species of fish, wildlife, and plants are of esthetic, ecological, educational, historical, recreational, and scientific value to the Nation and its people;*
- (4) *the United States has pledged itself as a sovereign state in the international community to conserve to the extent practicable the various species of fish or wildlife and plants facing extinction, pursuant to—*
- (A) *migratory bird treaties with Canada and Mexico;*
- (B) *the Migratory and Endangered Bird Treaty with Japan;*
- (C) *the Convention on Nature Protection and Wildlife Preservation in the Western Hemisphere;*
- (D) *the International Convention for the Northwest Atlantic Fisheries;*

- (E) *the International Convention for the High Seas Fisheries of the North Pacific Ocean;*
- (F) *the Convention on International Trade in Endangered Species of Wild Fauna and Flora; and*
- (G) *other international agreements; and*

**(b) Purposes.** — *The purposes of this chapter are to provide a means whereby the ecosystems upon which endangered species and threatened species depend may be conserved, to provide a program for the conservation of such endangered species and threatened species, and to take such steps as may be appropriate to achieve the purposes of the treaties and conventions set forth in subsection (a) of this section. (Emphasis provided).*

**3. Under Definitions within the act “commerce” is defined as follows;**

**Sec. 3. [16 U.S.C. 1532] For the purposes of this Act—**

- (9) *The term “foreign commerce” includes, among other things, any transaction—*
- (A) *between persons within one foreign country;*
  - (B) *between persons in two or more foreign countries;*
  - (C) *between a person within the United States and a person in a foreign country; or*
  - (D) *between persons within the United States, where the fish and wildlife in question are moving in any country or countries outside the United States.*

**4. The Supremacy Clause misconception answered as follows:**

Common misconception when asserted by the United States when it argues as follows: “Second, even if the (state) statute means what Defendant believes, under the Supremacy Clause the statute cannot trump the federal law”.... As to the “Supremacy Clause” and its power we are directed as to what the real definition of the clause is in **Printz v. United States, 521 U.S. 898 (1997)**, wherein Justice Scalia instructs in part as follows:

“The dissent perceives a simple answer in that portion of Article VI which requires that “all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution,” arguing that by virtue of the Supremacy Clause this makes “not only the Constitution, but every law enacted by Congress as well,” binding on state officers, including laws requiring state-officer enforcement. *Post*, at 944. **The Supremacy Clause, however, makes “Law of the Land” only “Laws of the United States which shall be made in Pursuance [of the Constitution],**” Art. VI, cl. 2, so the Supremacy Clause merely brings us back to the question discussed earlier, whether laws conscripting state officers violate state sovereignty and are thus not in accord with the Constitution.” *Id @ 924-925*. (Emphasis provided).

The above instruction clearly makes the misrepresentation of the Supremacy Clause incorrect and without merit.

**5. Instruction from the court on Federalism;**

“What, then, is the extent of jurisdiction which a state possesses? We answer, without hesitation, the jurisdiction of a state is co-extensive with its territory; co-extensive with its legislative power. ...[I]n the United States of America, there are two (2) separated and distinct jurisdictions, such being the jurisdiction of the states within their own state boundaries, and the other being federal jurisdiction, which is limited to the District of Columbia, the U.S. Territories and federal enclaves within the states, under Article I, Section 8, Clause 17.” **Bevans v. United States, 16 U.S. 336 (1818)**.

**Findings Concluded**

# **WEG RESOLUTION 2015-1**

**WHEREAS**, there is an emergency that exists within the State of Wyoming that is the result of Wyoming not enforcing federalism, and;

**WHEREAS**, it is necessary to protect the health and general welfare, rights and property of the Citizens of the State of Wyoming, and;

**WHEREAS**, the State of Wyoming and the Counties thereof must exercise their sovereign authority to enforce federalism to protect the rights and property of the Citizens of the State of Wyoming.

**NOW THEREFORE, Wyomingites for Effective Government** resolves, respectfully requests and petitions that:

- (a) the branches of our State government become accountable and enforce federalism, and;
- (b) the Counties of the State of Wyoming adopt and enforce this resolution and petition by way of Evidentiary Hearings and passing Resolutions in support thereof directed to the Governor and the Wyoming Legislature, and;
- (c) federal agencies be restrained, by and through the enforcement of federalism, by the state and counties from the misapplication of federal laws which encroach upon the rights and property of the Citizens' of the Sovereign State of Wyoming, and;
- (d) we call on all officials of Wyoming to recognize and protect those rights guaranteed by the Constitutions of the United States and the Sovereign State of Wyoming, and;
- (e) Governor Matt Mead direct the Board of Commissioners for the Wyoming Game and Fish Department to hold an Evidentiary Hearing to bring forth findings, consistent with the findings herein, that said status of the Wyoming Gray Wolf is not subject to the jurisdiction of the Endangered Species Act as set forth in Sec. 3. (9) thereof, and;
- (f) After said findings are established per §(e) herein above, Governor Matt Mead issue an executive order re-establishing the hunting season of the Wyoming Gray Wolf, and;
- (g) Governor Matt Mead request legislation be introduced and passed in the immediate session of the Wyoming Legislature that establish all the above herein as law (with the findings) in the Sovereign State of Wyoming and that said law shall only be challenged in the Supreme Court of the United States under the original jurisdiction doctrine.

**Supporting Exhibit Packet is provided herewith.**

**RESPECTFULLY SUBMITTED** this \_\_\_\_\_ Day of January, 2015.

**Signatures of the Board**