Written Testimony in favor of HB 212 Statutory standing committees-federal review

The Wyoming Constitution unequivocally asserts in Article 1, Section 1, “All power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety and happiness; for the advancement of these ends they have at all times an inalienable and indefeasible right to alter, reform or abolish the government in such manner as they may think proper.”

The Constitution for the United States is a compact and the States are the principle stakeholders in this compact; consequently, ALL public servants of Wyoming who have taken the Oath of Office to “support, obey and defend” the Constitution are responsible for maintaining the general government within its respective limits and are duty bound to interpose when the Constitution is being violated.

During the Virginia Ratification Debates on the Constitution James Madison provided clear and succinct testimony on the 6th of June 1788, affirming and defining the limits of the general government jurisdiction as: “the powers of the federal government are enumerated; it can only operate in certain cases; it has legislative powers on defined and limited objects, beyond which it cannot extend its jurisdiction” and in the same debates, on the 20th of June 1788, John Marshall testified and defined the jurisdiction of the Federal court and Supreme Court as: “If they were to make a law not warranted by any of the powers enumerated, it would be considered by the judges as an infringement of the Constitution which they are to guard. They would not consider such a law as coming under their jurisdiction. They would declare it void.”

Congress attempted three times to create the foundation for a Department of Transportation. James Madison on March 3rd 1817 vetoed the “Internal Improvements Bill,” James Monroe on May 4th 1822 vetoed the “act for the preservation and repair of the Cumberland Road,” and Andrew Jackson on May 27th 1830 vetoed “Funding of Infrastructure Development.” All three Presidents asserted that if Congress wished to create a new role, responsibility or power to create a foundation for the Department of Transportation that they would have to amend the Constitution first. This illustrates that the scope of the federal government is strictly limited to enumerated roles, responsibilities and powers within the U. S. Constitution, and constitutionally ratified treaties, and amendments.

However, the following Executive Departments are exercising roles, responsibilities, and powers that have not been formally delegated to the federal government by the States via the amendment process:  Interior, Justice, Agriculture, Commerce, Labor, Health and Human Services, Housing and Urban Development, Transportation, Energy, Education, and Homeland Security, along with a plethora of agencies and offices. This has resulted in a federal government that has grown way beyond what the Founders ever intended, abusing its powers, encroaching on nearly every aspect of our lives and taxing and spending us toward servitude.

HB 212 provides a vehicle for us to begin the process of restoring state sovereignty and returning the federal government back to its constitutional limitations. HB 212 will help us implement what Justice Antonin Scalia was referring to when he said that the states are sovereign, they just have to start acting like it.

Please vote yes on this bill and encourage passage on the House Floor.

In the Cause of Liberty

Scott A. Brown

**TALKING POINTS**

- The Federal Government cannot will itself roles, responsibilities and powers. It can only be granted new powers by the states through the means of constitutional amendments.

- It is time that we stop the Federal Government Overreach by holding it to the enumerated roles, responsibilities and powers granted to it by the Constitution.

- Examples of what this committee might find unconstitutional - federalizing state elections, Federal gun registries, enhanced background checks, Federal Department of Education, overreach and even the existence of EPA, BLM, USFWS, etc.

- If we cut the Federal Government down to its constitutionally authorized functions it will greatly reduce the size and spending of the Federal Government.

- This legislation will give state legislators a vehicle to help them comply with their oath of office to, "...support, obey and defend the constitution of the United States, and the constitution of the state of Wyoming..."

- Wherein our out of control Federal Government is concerned, the concept of first Wyoming (and then Wyoming joined by other states) holding the Federal Government to its enumerated powers is a much safer approach and arguably stands a much greater chance of success than a Convention of States.

- As we consider the huge responsibility anticipated for the standing committee on federal review it would appear an overwhelming task but we need to start somewhere and the committee once formed will have to weigh its responsibilities and set its priorities just like every other standing committee must do.

- It is important to note that the intention of this legislation is to avoid litigation. The parties to the compact (the Constitution) are the states so the state legislatures (in coalition with the state legislatures of other states) are the only appropriate arbiters. However, this concept will require a lot of education in our current litigation laden environment.

**HB 212 Statutory standing committees-federal review** will create a standing committee which will be tasked to:

(i) Review federal actions to determine if the sovereignty of the state of Wyoming and the powers, rights and liberties of its citizens are being infringed upon or diminished;

(ii)  Determine and make findings as to which federal actions are not consistent with the enumerated roles, responsibilities and powers in the United States constitution;

(iii)  Sponsor legislation, report to the legislature and advise the legislature consistent with any determinations and findings concerning the constitutionality of federal actions.

I recognize that this is a huge task but everyone in the Wyoming Legislature has pledged an oath to,” support, obey and defend the constitution of the United States,” and this legislation will provide a vehicle for that to happen.