

Idaho Republican Party State Central Committee Resolutions

Winter State Central Committee Meeting

February 5th, 2011

Resolution 2011-01

Resolution in support of the “Idaho Students Come First Act”.

Submitted by Gayann Demordaunt, Legislative District 14 Chair, and Julie Yamamoto, Canyon County State Committeewoman.

Whereas, article IX Section 1 of the Idaho Constitution reads: “THE LEGISLATURE TO ESTABLISH SYSTEM OF FREE SCHOOLS.” The stability of a republican form of government depending mainly upon the intelligence of the people, it shall be the duty of the legislature of Idaho, to establish and maintain a general, uniform and thorough system of public, free common schools.”

Whereas, the future of the Great State of Idaho is dependent on the development of the young minds of today.

Whereas, the classroom of the 21st century will not be strictly confined to bricks and mortar. Students must be given the education and tools to prepare them to meet the increasing educational demands of Idaho’s employers.

Whereas, it is critical to attract and retain Idaho’s great teachers and education leaders.

Whereas, local school districts must have increased flexibility in contract negotiations with district employees. Locally elected leaders must have greater flexibility to manage from year to year by streamlining collective bargaining practices.

Whereas, parent input should be considered on all teacher evaluations and parents, taxpayers, and policymakers should have access to understandable fiscal information for each district.

Whereas, the current education system is unsustainable in the current economic system and a stumbling block to further improvement.

Be It Therefore Resolved: That the Idaho State Republican Party Central Committee hereby calls upon the 2011 Legislature to enact the “Idaho Students Come First Act” as proposed by Idaho Governor C.L. “Butch” Otter and Idaho State Superintendent Tom Luna.

Resolution 2011-02

Roe v. Wade Nullification Resolution

Submitted by the Legislative District 4 Republican Central Committee:

Whereas, a fetus is a person, for all intents and purposes under the laws of Idaho, from the moment of conception; and,

Whereas, the Idaho Constitution, at Article I, Section I, provides: " All men [and women] are by nature free and equal, and have certain inalienable rights, among which are: enjoying and defending life and liberty; acquiring, possessing and protecting property; pursuing happiness and securing safety." Because a fetus is a person, and part of mankind, constitutional protection attaches at the moment of conception. It is therefore the duty of the state to protect life even in the womb; and,

Whereas, Justice Blackmun, writing for the majority in *Roe v. Wade*, 410 U.S. 113 (1973), wrote: "when those trained in the respective disciplines of medicine, philosophy, and theology are unable to arrive at any consensus, the judiciary, at this point in the development of man's knowledge, is not in a position to speculate as to the answer [to the question of when life begins]"; and,

Whereas, the answer to that difficult question is life begins at the moment of conception; and,

Whereas, the U.S. Supreme Court's inability to determine what is human life cannot legitimately serve to prohibit Idaho from fulfilling its constitutional mandate, and obligation, to protect life; and,

Whereas, the United States Congress has reserved to itself "all legislative powers *herein vested*" according to Article I, Section I of the Constitution of the United States; and,

Whereas, "herein vested" to the United States Congress applies to only five crimes: (1) counterfeiting, (2) piracy, (3) felonies on the high seas, (4) offenses against the law of nations, and (5) treason; according to Article I, Section VIII and Article III, Section III of the Constitution of the United States; and,

Whereas, murder, or taking life, is not counterfeiting, piracy, felony on the high seas, an offense against the law of nations, or treason; and

Whereas, Idaho has, therefore, must reserve exclusive jurisdiction over the definition and punishment of murder under Amendment X of the Constitution of the United States; and,

Whereas, the United States judiciary only has authority to hear cases or controversies "arising under this Constitution" and then only if "affecting ambassadors, other public ministers and consuls; to all cases of admiralty and maritime jurisdiction; to controversies to which the United

States shall be a party; to controversies between two or more states; between a state and citizens of another state; between citizens of different states; between citizens of the same state claiming lands under grants of different states, and between a state, or the citizens thereof, and foreign states, citizens or subjects"; and,

Whereas, the definition and prosecution of murder within Idaho affects neither an ambassador nor other public minister or consul; is not a case of admiralty and maritime jurisdiction; is not a controversy to which the United States shall be a party; is not a controversy between two or more states, nor between Idaho and the citizens of another state; is not a controversy between a citizen of Idaho and a citizen of a different state; is not related to citizens of Idaho claiming lands under grants of different states; and is not a case between Idaho or its citizens and another state and its citizens; and,

Whereas, the United States Supreme Court had no jurisdiction to hear or decide the case of *Roe v. Wade* or any other case pertaining to a state's punishment of the crime of prenatal murder; and,

Whereas, as it had no jurisdiction to hear the case, certainly the United States Supreme Court lacked the authority to pass, or order all states to strike or refuse to enforce, a law that is outside of its subject matter or federal jurisdiction; and,

Whereas, even if the United States Supreme Court had jurisdiction, its authority is limited to the case or controversy before it, and its opinion extends no further than between the parties to the case or controversy; and,

Whereas, it is a foundational principle of our constitutional republic, and "a proposition too plain to be contested, that the Constitution controls any legislative act repugnant to it"; "a law repugnant to the Constitution is void" and even "the courts ... are bound by that instrument"; *Marbury v. Madison*, 1 U.S. 137, 177 and 180 (1803); and,

Whereas, as "an act of the legislature, repugnant to the Constitution, is void," does not "bind the courts, and oblige them to give it effect," *Marbury* at 177, an act of the United States Supreme Court, repugnant to the Constitution, is void and does not bind the state or oblige it to give it effect; and,

Whereas, Idaho must unequivocally express its firm resolution to maintain and defend the Constitution of the United States against every aggression, either foreign or domestic, and most solemnly declares a warm attachment to the Union of the states and seeks its preservation and continuation; and,

Whereas, it is "for this end it is their duty to watch over and oppose every infraction of those principles which constitute the only basis of that Union"; *Virginia Resolutions of 1798-99*; and,

Whereas, however, denying to a state the right to define and punish a crime not specified in the United States Constitution is a *per se* legislative act; and,

Whereas, the nullification of a state's properly promulgated laws is specifically delineated as an offense committed by King George III against the states, for which separation became necessary; *The Unanimous Declaration of the Thirteen United States of America*; and,

Whereas, compliance with, and continuation of a fiat determination of the Supreme Court from nearly 40 years ago will cause the basis of this Union, and eventually the Union itself, to fall; and,

Whereas, Idaho was not a party to the suit in *Roe v. Wade*, and is not bound by a decision in which it did not have right of participation; and,

Whereas, Idaho is not restricted in its duty to its citizens due to the failure of the State of Texas to properly plead "lack of subject matter jurisdiction"; and,

Whereas, the United States Constitution confers to no federal branch either the authority over the definition or prosecution of murder, or the power to nullify the laws of a state that do the same, *Roe v. Wade* is "no law," is a nullity, and carries no legal effect in Idaho; and,

Whereas, the act of prenatal murder is murder and conspiracy to commit murder *per se*; and,

Whereas, the act of prenatal murder has caused a reduction in the number of people in Idaho that would have been productive entrepreneurs, inventors, teachers, leaders, fathers, mothers, employees, and employers that would have significantly contributed to the prosperity and continuation of Idaho; and,

Whereas, the failure to prosecute a violation of life is a violation of the obligation of Idaho to provide all of its citizens with an equal protection of the laws.

Now, therefore, be it resolved, that the Idaho Republican Party supports and calls for the immediate nullification of *Roe v. Wade* case law in the Idaho Supreme Court, and in Idaho's lower courts, in matters of abortion and prenatal murder.

Resolution 2011-03

Urban Renewal Law Repeal Resolution

Submitted by the Legislative District 4 Republican Central Committee:

Whereas, urban renewal began as a means to eliminate, remedy, or prevent deterioration, conditions of decay, and blight in Idaho municipalities; and,

Whereas, deterioration, conditions of decay, and blight are determined to be necessary reasons for Idaho municipalities to create urban renewal districts, programs, and agencies; and,

Whereas, Idaho Code Title 50 Chapter 20 allows for public money to be used for public uses and purposes, through appropriate public action and the cooperation of property owners in urban renewal districts established in Idaho municipalities; and,

Whereas, the original intent of urban renewal was to use public and private investment in public infrastructure such as: roads, utilities, parks, playgrounds, sidewalks, parking facilities, public buildings, and any improvements necessary or incidental to a redevelopment project; and,

Whereas, the term "any improvements necessary or incidental to a redevelopment project" has been exceptionally misconstrued to the point that municipalities and urban renewal agencies have determined that private developments are considered a necessary or incidental improvement in a redevelopment project; and,

Whereas, urban renewal agencies in Idaho, have abused the original intent of urban renewal law, and have used public money to subsidize private development that could have happened without such subsidy; and,

Whereas, urban renewal agencies, given the power to issue bonds, are misusing the full faith and credit of Idaho municipalities to access financial capital, via debt instruments, without voter approval; and,

Whereas, private development is being subsidized by public debt, thereby creating an unjust situation where the debt is socialized and the profits and assets are privatized, leading to an economic and political imbalance within Idaho municipalities; and,

Whereas, it is shown that urban renewal development and tax increment financing places an unneeded budgetary burden on public agencies such as highway districts, and other special districts within a county, that would otherwise be non-existent; and,

Whereas, it is still unproven whether 45 years of urban renewal in Idaho is the cause for any elimination, remediation, or prevention of deteriorated, decayed, and blighted areas in Idaho municipalities, or whether urban renewal has been the cause for improved public safety, morals, and welfare in Idaho municipalities.

Now, therefore, be it resolved, that the Idaho Republican Party supports and calls for the repeal of urban renewal law in Idaho, Idaho Code Title 50, Section 20, in order to gain better control of public expenditure, decrease the debt potential, equalize the political balance, and return necessary urban projects to the public realm.

Resolution 2011-05

Opposition of Increased Federal Jurisdiction over Idaho Lands

Resolution submitted by the Bonner County Republican Central Committee

Whereas, President Obama launched the America's Great Outdoors initiative on April 17, 2010, in an attempt to reshape U.S. conservation policy at a time when the nation is hard-pressed to afford new spending programs;

Whereas, President Obama signed a memorandum sketching out broad goals that the administration hopes to pursue in the next few years: forming coalitions with state and local governments and the private sector; connecting wildlife migration corridors; and encouraging the “sustainable” (restricted) use of private land;

Whereas, four unelected officials, Interior Secretary Ken Salazar, Agriculture Secretary Tom Vilsack, Environmental Protection Agency Administrator Lisa P. Jackson and Nancy Sutley, who chairs the White House Council on Environmental Quality, have been assigned to spearhead the effort;

Whereas, only pages 15-21 of the "internal memo" of the plans to designate 13 million acres of new National Monuments have been revealed, and House Natural Resource Ranking Member Doc Hastings (R-WA) and National Parks, Forest and Public Lands Subcommittee Ranking Member Rob Bishop (R-UT) have directed the Department of Interior to turn over to Congress the missing pages and related documents, and the Interior Department has not done so;

Whereas, the proposed National Monument designations would lock-up millions of acres of land without public knowledge or input, threatening the livelihood of rural Americans and communities in the Western United States, killing jobs, blocking recreational opportunities and restricting access to American energy resources;

Whereas, approximately 90% of Idaho lies right in the heart of the Yukon to Yellowstone designated wilderness area, and the proponents of this wilderness area do not want people living here, let alone utilizing our natural resources; and

Whereas, the University of Idaho, a Land Grant University, according to the Idaho State Constitution, has been forced to cut \$23 million from its budget and eliminate or consolidate 45 programs during the last two years, in part due to federal blocking of access to resources on Idaho's land; and

Whereas, communities such as Siskiyou County, CA and Otero County, NM have passed Resolutions and Ordinances opposing any National Monument expansions;

Therefore, be it resolved, that the Idaho Republican Party recommends that local government and the State of Idaho oppose any National Monument, National Park, Wilderness Area, Wildlife Migration areas, or any other federal or international expansion of Federal jurisdiction over Idaho lands.

Resolution 2011-08

Federal Election Qualifications Resolutions

Submitted by Chris Pentico, Legislative District 22 Chairman

Whereas, Article II, Section 1, of the Constitution of the United States of America states, “No person except a natural born citizen, or a citizen of the United States, at the time of adoption of this Constitution, shall be eligible to the office of President;”; and

Whereas, questions about the validity of documentation to support claims from the current occupant of the White House exist;

Therefore, be it resolved that the Idaho Republican Party directs the Idaho legislature to draft legislation to require documentation to support such claims as part of being placed on the ballot for the offices of U.S. President and U.S. Vice-President.

Be it further resolved that: The Idaho Republican Party urges that the Idaho Secretary of State will request copies of the long form of birth certificates and accompanying documents to support the aforementioned claim of eligibility, upon passage of the aforementioned legislation and as part of the declaration of candidacy process.

Resolution 2011-09

Federal Lands Resolution

Submitted by Del Kohtz, Jerome County Republican Central Committee Chairman:

Whereas, there are millions of acres of non-scenic federal government lands in the western United States close to infrastructure rail, highway, and power lines.

Whereas, there are millions of acres of state lands in Idaho not earning money for the State Endowment Fund managed by the Idaho Department Of Lands not next to infrastructure.

Whereas, if these federal lands were returned to the State for State Lands so that they could provide jobs and property tax revenue for the State if they are leased or sold to citizens of the state and in turn they would produce more for the endowment fund and income and property tax for the State and Federal budget.

Whereas, Idaho and other Western States have a second class status, in comparison to Eastern States, in respect to control of the State lands.

Whereas, these lands in the far desert and forest are underutilized for the State as far as jobs and tax revenue production.

Whereas, the Idaho budget is in crisis and the unemployment rate is high due to the recession.

Whereas, the federal government has become debt-ridden by continued deficit spending.

Whereas, the Bureau of Land Management was originally created to dispose of federal lands in the Western United States. There is no basis, constitutionally for federal ownership of lands that are not government buildings or military bases.

Whereas, BLM is purchasing scenic lands from individuals but has no mechanism developed to dispose of non-scenic lands other than the Desert Land Entry and Carey Act which the BLM has refused to use.

Whereas, some of the federal lands have infrastructure already in place that could be utilized by businesses to bring jobs and economic activity to our State and Counties.

Whereas, much of the land use conflict could be solved if the counties had more area to place different uses.

Whereas, private property ownership is the foundation for free enterprise.

Be it therefore resolved, that the Idaho Republican Party supports the State of Idaho's efforts in returning State Endowment Lands without infrastructure for Federal Lands that have infrastructure and or commercial and agriculture possibilities. This a win-win proposition for the Federal Government, the State of Idaho and Idaho's Schools.

Resolution 2011-10

State Powers Resolution

Submitted by the Boise, Shoshone, Bonner and Idaho County Republican Central Committees

Whereas, The Tenth Amendment to the Constitution of the United States reads as follows: "The powers not delegated to the united States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people."; and

Whereas, the Tenth Amendment defined the total scope of federal power as being that specifically granted by the united States Constitution and no more; and

Whereas, the scope of power defined by the 10th Amendment means that the Federal government was created by the States specifically to be an agent of and for the states; and

Whereas, today in 2011, the states are, instead, demonstrably treated as agents of the federal government; and

Whereas, numerous resolutions have been forwarded to the federal government by the various States and locales without any response or action from Congress or the federal government to end their unlawful usurpations; and

Whereas, many judicial rulings, federal mandates and agency programs are directly in violation of the Tenth Amendment and many other sections of the Constitution of the United States; and

Whereas, The United States Supreme Court has also ruled in *New York v. United States*, 112 S. Ct. 2408 (1992), that Congress may not simply commandeer the legislative and regulatory processes of the States; and

Whereas, many proposals enacted by previous Executive Administrations of the federal government, and some now pending from the present Administration and from Congress may further violate the Tenth Amendment of the United States Constitution; and now,

Therefore, be it resolved by the Idaho Republican Central Committee:

- That those people of the State of Idaho hereby claim sovereignty under the 10th Amendment to the Constitution of the United States over all powers not otherwise enumerated and granted to the federal government by the United States Constitution.
- That the Idaho State constitution and duly passed State Law and ordinances have sovereignty and precedence over all usurped Powers not specifically enumerated or granted by the United States Constitution.
- That this serve, effective immediately, as Notice and Demand to the federal government to cease and desist, as our agents, all mandates and agency programs that are beyond the scope of its constitutionally-delegated powers.
- That this serve, effective immediately, as Notice and Demand to the Governor of Idaho and the state government to cease and desist, as our agents, all mandates and agency programs that operate in conjunction with the federal government that are beyond the scope of its constitutionally-delegated powers
- That this also serve as Notice and Demand to the United States government, Supreme and all federally-constituted inferior Courts, as our agents, to cease and desist, effective immediately, the enforcement of any such federal mandates and agency programs that are beyond the scope of its constitutionally-delegated powers.
- That this also serve as Notice and Demand to the County Commissioners, County Sheriff and all other County- or District-elected officials and employees, State General Assembly, the Governor, the Attorney General, the Secretary of State, the State Treasurer and all other elected officials and candidates for office across the state of Idaho, to uphold the Constitution of the United States and the Constitution of the State of Idaho, as sworn or affirmed by their individual Oaths of Office.
- To execute upon their oaths by positively and expeditiously moving to enforce this Resolution and other similar Demands by enacting and enforcing through future appropriate ordinance, legislation, policy and rule-making to immediately end or severely curtail such un-Constitutional mandates, programs, agencies and obligations as

are self-evidently and negatively operating today upon the People, within the County and upon the State.

Resolution 2011-12

Idaho Sub-Region Planning Resolution

Submitted by the Legislative District 2 Republican Central Committee

Whereas, the Idaho Republican Party Platform affirms our belief in strong local control in government

Whereas, some state agencies (i.e. DEQ) mandate to cities and counties environmental requirements, of one size fits all, that are not feasible or are not within the economic ability of the entity without creating a debt burden

Whereas, cities and counties do not have the means to resist these mandates or to negotiate

Whereas, where statutes require “coordination” local governments have a voice in the planning stage

Whereas, the State of Texas has a unique state statute: Section 391 of the Texas Local Government Code. This section allows cities and counties to “join and cooperate to improve the health, safety and general welfare of their residents... and plan for future development of communities, areas and regions...” through joint planning commissions.

Whereas, it takes only two towns or two counties or one of each to form a Sub-Regional Planning Commission under this statute

Whereas, once formed, school districts, water districts and other local governments in the area can join the commission

Whereas, the most important part of the statute is found at Section 391.009(c). It reads “In carrying out their planning and program development responsibilities, state agencies shall, to the greatest extent feasible, coordinate planning with commissions to ensure effective and orderly implementation of state programs at the regional level.”

Be it resolved, that the Idaho Republican Central Committee by approval of this resolution gives direction to the 2011 Idaho Legislature to pass similar legislation.

Be it further resolved, that the Governor be encouraged by the Idaho Republican State Chairman and Executive Director to take a leadership role in supporting this legislation and sign it into law

after legislative approval.

Resolution 2011-16

Government Education Cuts: Private Education Does It Better Resolution

Submitted by Mark Patterson, District 15 Chairman

Whereas, Idaho has a budget crisis and government education consumes 65% of the State budget,

Whereas, the year-round Idaho STARS bureaucracy monopolizes uncertified motorcycle training for the “M” endorsement, while motorcycle riding is typically a seasonal activity,

Whereas, private Harley Davidson instructors are certified by the Motorcycle Safety Foundation, and the instructors are proven and ready to privatize training, just as automobile training is privatized,

Therefore be it resolved, that the Idaho Republican Party supports the immediate termination of the STARS program in deference to private industry, saving taxpayer dollars on a needless year-round bureaucracy.

Resolution 2011-19

Idaho Bonds, Idaho Investors First Resolution

Submitted by Mark Patterson, District 15 Chairman

Whereas, Idaho’s legislature has voted to issue Garvee Bonds to fund public projects,

Whereas, Idaho’s citizens must pay for the interest on State bonds in addition to current tax burdens,

Therefore be it resolved, that the Idaho Republican Party agrees that Idaho’s citizens be given a 90 day pre-issuance opportunity to buy bonds issued by any entity within Idaho. These bonds must be made openly public so it is very reasonable to know of such state bond sales for average citizens.

Resolution 2011-22

Limit of Government’s Resources to Petition Taxpayers Resolution

Submitted by Lucas Baumbach, Chairman District 17

Whereas, government is an agent of taxpayers,

Whereas, taxpayers instruct government not vice versa,

Whereas, taxes have been used by government to hire public relations firms to lobby taxpayers for government programs, constitutional amendments, bonds, and referendum at taxpayer expense,

Therefore be it resolved, that the Idaho Republican Party supports that Idaho and all residual governmental entities created by government should be prohibited from lobbying taxpayers or promoting any policy,

Be it further resolved, that the Idaho Republican Party agrees that government be prohibited from hiring lobbyists to promote policy on behalf of government and including paying any individual or business to create a program in favor of any public policy or idea.

Be it further resolved, that the Idaho Republican Party supports any elected official may promote a policy without use of taxpayer dollars, excepting travel expenses.

Resolution 2011-23

Nullification of Federal Gun Control Act 1968 Resolution

Submitted by Mark Patterson, Chairman District 15, Lucas Baumbach, Chairman District 17

Whereas, the Second Amendment of the United States Constitution is the law of the land for firearms and firearm ownership, directly contrary to “gun control” law.

Whereas, the Gun Control Act of 1968 created a burdensome regulating agency, the ATF, the mandate of which, is to control guns, especially by mandating registration of firearms by manufacturers,

Whereas, the NAZI Weapons Laws of 1938 are very similar in scope and aim to the U. S. Gun Control Act of 1968 (Aaron Zelman’s Gun Control: Gateway to Tyranny)

Therefore be it resolved, that the Idaho Republican Party supports the primary and residual effects of the Gun Control Act of 1968 be nullified by the legislature and executive of the State of Idaho.

Be it further resolved, that the Idaho Republican Party agrees the Gun Control Act of 1968 is clearly superseded by both the Idaho Constitution’s prohibition of firearm registration and the Federal Constitution’s declaration of the right to bear arms.

Be it further resolved, that the Idaho Republican Party supports Idaho condemnation of the policies that enabled the murders of millions of Jews, Gypsies, religious and political dissidents by removing their ability to defend themselves.

Resolution 2011-24

Fiduciary Responsibility of Government Employees Resolution

Submitted by Lucas Baumbach, Chairman District 17

Whereas, the State of Idaho is the largest employer in Idaho,

Whereas, government jobs are more stable than private-sector jobs,

Whereas, union make-work schemes duplicate the inherent stability of government jobs, the inefficiencies of which are contrary to a healthy and free market economy,

Whereas, government employees have a primary fiduciary responsibility to preserve the limited resources (taxes) provided by taxpayers,

Whereas, the federal supreme court incorrectly ruled in favor of unionists vis a vis government worker membership,

Therefore be it resolved, that the Idaho Republican Party supports employees of government agencies and unions have divergent duties that make public employee unionization a menace to society.

Be it further resolved, that the Idaho Republican Party supports that it is inherently a violation of public trust for the public employee to wrest by force benefits and wages from taxpayers through contract, strike, or collective bargaining,

Be it further resolved, that the Idaho Republican Party supports a public employee's fiduciary responsibility to the taxpayer supersedes any other professional responsibility or allegiance.

Be it finally resolved, that the Idaho Republican Party agrees that at no time should a conglomerate of employees make policy, enforce policy or be allowed to even appear to intervene in the public fiduciary trust.

Resolution 2011-28

Fair Tax Idaho Resolution

Submitted by Lucas Baumbach, District 17 Chairman

Whereas, Wyoming, Nevada, Washington, Texas, Florida, Tennessee, South Dakota, North Carolina and Alaska do not have state income tax,

Whereas, Idaho's income tax is 8% on all personal income, New York's income tax is 10.5% on all personal income, California's income tax is 3% on all personal income, and Illinois recently raised state income tax rates from 3% to 5%,

Whereas, Idaho seeks to attract businesses and increase production within its borders and businesses seek low tax burdens,

Whereas, lowering income tax rates would decrease amounts collected by the bureaucracy, creating lower returns while maintaining the same bureaucracy of the State Tax Commission and administrative burden of filing and processing hundreds of thousands of paper and electronic returns,

Whereas, Idaho's sales tax in recent years has been a more stable source of revenue than income tax,

Therefore be it resolved, that the Idaho Republican Party support eliminating the personal income tax is in the best interest of the future of Idaho's economy.

Resolution 2011-31

No New or Unwarranted Taxes Resolution

Submitted by the Shoshone County Republican Central Committee

Whereas, the Democratic Party in Idaho is pushing to raise taxes to avoid restructuring and seriously evaluating proper role and scope of government in Idaho, and

Whereas, raising taxes, even if such taxes are falsely claimed to be "user fees" or described as a "health bill" is the gateway to bloated government spending, and

Whereas, raising taxes by any name runs contrary to the principals of the Republican Party platform, and

Whereas, there is talk in the Legislature of increasing taxes on cigarettes and tobacco products, and

Whereas, many of the cigarette purchases are made by out of state visitors when they visit our state and they also buy gas, alcohol and many other products that contribute significantly to our sales tax and other taxes such as the gas tax, and

Whereas, this tax will cripple small businesses in this state by the loss of “point of sale” purchases made by these customers,

Now therefore, be it resolved that the Idaho Republican Party calls on the Legislature of Idaho to refrain from raising taxes, under any guise, in Idaho.

Resolution 2011-32

Executive Orders Resolution

Submitted by Del Rust, Legislative District 2 Chairman

Whereas, most Americans are unaware that at the stroke of a pen, at the onset of a national emergency, their lifestyle could be drastically altered. Presidential executive orders on the books today grant sweeping power to one man to authorize that change. Hon. George Gekas, Congressman from Pennsylvania and Chairman of the Subcommittee on Commercial and Administrative Law, explained, “Executive orders are the best known way that the President makes official statements about how the Executive Branch of the federal government is run.”

Whereas, Congressman Bob Barr of Georgia further expounded on the purpose and foundation of executive orders: “Presidents have used executive orders throughout our history, beginning with George Washington. Those early executive orders were nothing more than internal memoranda, through which the president communicated with staff and department heads, detailing how the Executive branch would implement a new law or regulation. They were not put in place to dictate policy or enact law while bypassing Congress.

Whereas, the separation of powers, checks and balances – have been compromised by the abuse of presidential executive orders. Abusive orders had been penned by numerous presidents without congressional oversight. To curb this, Congressman Barr drafted legislation to introduce new oversight. His bill, H.R. 3131, the “Presidential Order Limitation Act of 1999” states in Section 3 that the president shall transmit executive orders to congress for review. This would reign in modern presidential abuses of executive orders and return a system of checks and balances to government.

Whereas, “The Separation of Powers Restoration Act”, to limit a setting president from drafting abusive executive orders. The introductory text of H.R. 2655 of the 106th congress states “it is designed to restore the separation of powers between Congress and the president as set forth in Article I and Article II of the *Constitution of the United States of America* by: (1)terminating all existing states of national emergencies; (2) vesting power in Congress alone to declare states of national emergency; (3)restricting presidential power to issue executive orders by denying to them any force of law except as provided for by Congress; and (4) repealing the War Powers Resolution of 1973.”

Whereas, at the heart of the *Constitution of the United States of America* is the separation of legislative, executive and judicial powers. James Madison, the father of our constitution, wrote in *Federalist 47*, “*there can be no liberty when the powers are united in one person or body of magistrates.*” Supreme Court Justice Louis Brandeis echoed this view in 1926 when he observed that separation of powers was written into our constitution “to save people from autocracy” Yet throughout most of the 20th century, presidents have usurped legislative power by means of unconstitutional executive orders, presidential proclamations and undeclared wars.

Whereas, the congressional power of these two bills would drastically reduce the introduction of executive orders outside the scope of presidential administrative memos, restore the separation of powers and grant Congress the sole authority to declare a state of emergency.

Be it resolved, that the Idaho Republican Party agrees that it is imperative that these two bills, H.R. 3131 and H.R. 2655, be reintroduced to congress alongside the introduction of the bills mentioned, the following Executive Orders must be rescinded:

- EXECUTIVE ORDER 10990: allows the government to take over all modes of transportation and control of highways and seaports.
- EXECUTIVE ORDER 10995: allows the government to seize and control the communication media.

Executive Orders Continued

- EXECUTIVE ORDER 10997: allows the government to take over all electrical power, gas, petroleum, fuels and minerals.
- EXECUTIVE ORDER 10998: allows the government to seize all means of transportation, including personal cars, trucks or vehicles of any kind and total control over all highways, seaports, and waterways.
- EXECUTIVE ORDER 10999: allows the government to take over all food resources and farms.
- EXECUTIVE ORDER 11000: allows the government to mobilize civilians into work brigades under government supervision.
- EXECUTIVE ORDER 11001: allows the government to take over all health, education and welfare functions.
- EXECUTIVE ORDER 11002: calls for the Postmaster General to operate a national registration of all persons.
- EXECUTIVE ORDER 11003: allows the government to take over all airports and aircraft, including commercial aircraft.
- EXECUTIVE ORDER 11104: allows the Housing and Finance Authority to relocate communities, build new housing with public funds, designate areas to be abandoned, and establish new locations for populations.
- EXECUTIVE ORDER 11005: allows the government to take over railroads, inland waterways and public storage facilities.

- EXECUTIVE ORDER 11051: specifies the responsibility if the office of Emergency Planning and gives authorization to put all executive orders into effect in times of increased international tensions and economic of financial crisis.
- EXECUTIVE ORDER 11310: grants authority to the Department of Justice to enforce the plans set out in executive orders, to institute industrial support, to establish judicial and legislative liaison, to control all aliens, to operate penal and correctional institutions, and to advise and assist the President
- EXECUTIVE ORDER 11049: assigns emergency preparedness function to federal departments and agencies, consolidating 21 operative Executive Orders issued over a fifteen year period.
- EXECUTIVE ORDER 11921: allows the Federal Emergency Preparedness Agency to develop plans to establish control over the mechanisms of production and distribution, of energy sources, wages, salaries, credit and the flow of money in U.S. financial institutions in any undefined national emergency. It also provides that when a state of emergency is declared by the President, Congress cannot review the action for six months.

Be it resolved, that the Idaho Republican Party by approval of this resolution gives direction to our Congressional Delegation to help revive these bills H.R. 3131 and H.R.2655 or similar.

Be it further resolved, that the Idaho Republican Party urge the 2011 Idaho Legislature to pass similar legislation and to declare these Executive orders null and void in the state of Idaho.

Footnotes:

Overview and summary of H.R. 2655 can be found at: <http://www.govtrack.us/congress/bill.xpd/bill=h106-2655>

Overview and summary of H.R. 3131 can be found at: <http://www.govtrack.us/congress/bill.xpd/bill=h106-3131>

Text of Hearing on Congressional Limitation Executive Orders can be found at: http://commdocs.house.gov/committees/judiciary/hju63865.000/hju63865_0.htm

Republic Magazine Issue 7 Executive Orders A Threat to National Security www.republicmagazine.com

Resolution 2011-33

Federal Information Quality Act Resolution

Submitted by Del Rust, Legislative District 2 Chairman

Whereas, the Idaho State Constitution declares in Article I Section 1. Inalienable Rights of Man that “All men are by nature free and equal and have certain inalienable rights, among which are enjoying and defending life and liberty; acquiring, possessing and protecting property; pursuing happiness and securing safety

Whereas, many property owners freedom (ability) to use it as good stewards to make a living for themselves and others is limited or taken away by organizations claiming the presence of endangered species

Whereas, many of these claims are made for the listing of the natural resources use (i.e. livestock grazing, farming, timber harvesting and mining etc.) as their goal

Whereas, many of these claims have been made with unreliable data

Whereas, in 2001 Congress passed the Information Quality Act, H.R. 5658 Section 515, in order to: 1) ensure that federal agencies provide transparency to the process of developing data, reviewing it for veracity and credibility and using it accurately and in an unbiased fashion and 2) establish administrative mechanism allowing affected persons to seek and obtain correction of information maintained and disseminated by the agency that does not comply with the guidelines issued

Whereas, Canadian Gray Wolves may not have been introduced into Idaho had the information (including statistical data) used by U.S. Fish and Wildlife Service been scrutinized for compliance under this act (FIQA) and compared to Idaho Fish and Games Conservation Data Base

Be it resolved, that the Idaho Republican Party by approval of this resolution gives direction to the legislature to pass legislation that requires Federal Agencies to coordinate with the proper state agency when the federal agencies have received a petition to list a species

Be it further resolved, that the Idaho Republican Party insist the state agency notified be required to scrutinize all data per FIQA.

Resolution 2011-34

Federal Tax Lien Resolution

Submitted by Pam Kaynor, Benewah County Chair

Whereas, the IRS files form 668YC “Notice of federal tax lien” at the county level and clerks record them. Sheriffs then serve subpoenas. Property is seized. These quasi-liens do not follow due process; no court hearing and no judgment (S/A example). Abuse is rampant. The notice attaches to all property owned by the voter, including his bank account.

And whereas, the Fifth Amendment of the U.S. Constitution states “No person shall be deprived of property without due process of law”. The Idaho Constitution states in Art. I section I “All men have certain inalienable rights, among which are enjoying, possessing and protecting property”.

And whereas, Nina E. Olson, chief of the Taxpayer Advocate Service (TAS) in her 2011 report to congress states: (1) These liens inflict unnecessary harm on struggling taxpayers (ruins credit rating for 8 years) and fail to achieve compliance anyway, (2) The IRS is using harsh liens increasingly with little measurable result; in 2010 1.1 million liens were filed compared with 168,000 in 1999.

Be it resolved, that the Idaho Republican Party supports the IRS be prohibited by statute from filing tax liens in the county or state unless due process is followed.

And be it further resolved, that Idaho Republican Party urge the state legislature and/or each county pass appropriate legislation or county ordinance.

NB: pg. 3 “National Taxpayer Advocate” delivers Annual Report to congress: focuses on tax reform, collection issues”; irs.gov, issue IR-2011-2; 1/5/11.

NB: Form 668(Y)(c) *Notice of Federal Tax Lien*, Dept. of the Treasury- Internal Revenue Service. Signed for Michael W. Cox, ACS 800-829-3903; serial #731297910; sections 6321, 6322, 6323 Internal Revenue Code (IRC).

Resolution 2011-37

Food Freedom Resolution

Submitted by the Bonner County Republican Central Committee

Whereas, we, the People of the sovereign State of Idaho are endowed by our Creator with certain inalienable rights, among which are life, liberty and the pursuit of happiness; and

Whereas, food is an essential prerequisite to sustaining life; and

Whereas, sustaining life rests on the right of each individual to have the freedom to freely choose which foods to eat, to grow our own gardens, to save seed, and to grow, process, consume, or exchange food and farm products of our choice, unrestricted by any federal interference; and

Whereas, we also recognize we have an obligation to protect these rights according to Common and Natural Law; and pass them on to our posterity,

Therefore, be it resolved, that the Idaho Republican Party, declare to Congress it has no Constitutional, enumerated power to deny, violate, regulate, inspect, or control food produced and consumed within the sovereign State of Idaho; and

Be it further resolved, that the Idaho Republican Party shall resist any and all attempts to control or violate our rights of food production, consumption, and exchange that we deem are contrary to our inalienable rights.

Resolution 2011-38

Resolution Regarding the Environmental Protection Agency

James McMillan, Youth Committeeman, Shoshone County

WHEREAS the United States Environmental Protection Agency (EPA) had, for the past three decades, crippled industrial development in the State of Idaho through its “Superfund” designation, based upon highly questionable scientific data; and

WHEREAS said designation has resulted in the loss of thousands of well-paying jobs in the natural resource sector, while only creating a significantly lesser number of low-paying, seasonal jobs, which do not provide benefits to employees; and

WHEREAS the abatement of any alleged local environmental “pollution” or “contamination” is neither necessary nor proper to effect the regulation of interstate commerce and is, therefore, a power reserved to the State or the People of the State of Idaho pursuant to the Tenth Amendment of the United States Constitution; and

WHEREAS by the EPA’s own admission, blood-lead testing of local residents has proven that any alleged human health hazard has been effectively eliminated, to the extent that such a hazard ever existed; and

WHEREAS the EPA is now proposing a plan in which it will perpetuate its unconstitutional, economically paralyzing usurpation of State and local authority for another fifty (50) to ninety (90) years at an estimated cost of one billion, three-hundred million dollars (\$1,300,000,000);

NOW THEREFORE BE IT RESOLVED that we *vehemently oppose and reject* the Record of Decision (ROD) amendment proposed by the EPA, and hereby *demand* that our local, State and Federal elected officials do all in their power in order to ensure that the EPA presence in the State of Idaho *ends* and that the Superfund designation is *rescinded* within the next five (5) years; and

BE IT FURTHER RESOLVED that we demand that the Legislature of the State of Idaho adopt the following legislation:

SECTION 1. The Legislature of the State of Idaho finds that:

1. The People of the several states comprising the United States of America created the federal government to be their agent for certain enumerated purposes, and nothing more.
2. The Tenth Amendment to the United States Constitution defines the total scope of federal power as being that which has been delegated by the people of the several states to the federal government, and all power not delegated to the federal government in the Constitution of the United States is reserved to the states respectively, or to the people themselves.
3. The assumption of power that the federal government has made by enacting the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA or Superfund) interferes with the right of the People of the State of Idaho to regulate the state mining industry as they see fit, and makes a mockery of James Madison's assurance in the Federalist # 45 that the "powers delegated" to the federal government are "few and defined," while those of the States are "numerous and indefinite."

SECTION 2. NEW LAW. A new section of law to be codified in the Idaho Code as Title [NUMBER], Section [NUMBER], to read as follows:

- A. The Legislature of the State of Idaho declares that the federal law known as CERCLA or Superfund and the federal agency known as the Environmental Protection Agency (EPA) is not authorized by the Constitution of the United States and violates its true meaning and intent as given by the Founders and Ratifiers, and is hereby declared to be invalid in this state, shall not be recognized by this state, is specifically rejected by this state, and shall be considered null and void and of no effect in this state.
- B. It shall be the duty of the legislature of this State to adopt and enact any and all measures as may be necessary to prevent the enforcement of CERCLA or Superfund within the limits of this State.
- C. Any official, agent, or employee of the United States government or any employee of a corporation providing services to the United States government that enforces or attempts to enforce an act, order, law, statute, rule or regulation of the government of the United States in violation of this act shall be guilty of a felony and upon conviction must be punished by a fine not exceeding five thousand dollars (\$5,000.00), or a term of imprisonment not exceeding (5) years, or both.
- D. Any public officer or employee of the State of Idaho that enforces or attempts to enforce an act, order, law, statute, rule or regulation of the government of the United States in violation of this act shall be guilty of a misdemeanor punishable by the imprisonment in the county jail not exceeding one (1) year or by a fine not exceeding (\$1,000) or both such fine and imprisonment.

E. Any aggrieved party shall also have a private action against any person violating the provision of subsections (C) or (D).

SECTION 3. This act takes effect upon approval by the Governor.