

SENATE JOINT RESOLUTION NO. SJ0002

Resolution demanding equal footing.

Sponsored by: Senator(s) Ide, Biteman, French, Hutchings, Laursen, D, McKeown, Smith, D and Steinmetz and Representative(s) Allemand, Banks, Bear, Neiman, Smith, S 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 so 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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1 WHEREAS, an indispensable element of state sovereignty is the
2 capacity to exercise sovereignty and jurisdiction over the
3 soil within state borders; and

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

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

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

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22 WHEREAS, section 2 of the Wyoming act of admission provides
23 that "The said state shall consist of all the territory

1 included within the following boundaries, to wit: Commencing
2 at the intersection of the twenty-seventh meridian of
3 longitude west from Washington with the forty-fifth degree of
4 north latitude and running thence west to the thirty-fourth
5 meridian of west longitude; thence south to the forty-first
6 degree of north latitude; thence east to the twenty-seventh
7 meridian of west longitude, and thence north to the place of
8 beginning." This section excepts only the lands dedicated to
9 Yellowstone National Park within this border and any lands as
10 may be subsequently added to that park by Congress; and

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

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19 WHEREAS, more than forty-six percent (46%) of the surface and
20 more than sixty-nine percent (69%) of the subsurface
21 resources of the state of Wyoming, as described by Wyoming's
22 act of admission, remains under federal "title"; and

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

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

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21 WHEREAS, in order that the sovereign and jurisdictional state
22 of Wyoming may obtain equal footing as to political rights
23 and sovereignty with the original states, to which it is

1 entitled under the Admissions, Claims and Guarantee Clauses
2 of the United States constitution, the federal title in the
3 aforementioned land and resources must be extinguished by
4 Congress in compliance with its constitutional mandate to
5 dispose property under the Property Clause; and

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

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19 *NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE*
20 *LEGISLATURE OF THE STATE OF WYOMING:*

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1 **Section 1.** That the members of the Wyoming legislature
2 commit to upholding article IV, section 3, clause 2 of the
3 United States constitution and Wyoming's act of admission.
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5 **Section 2.** That the members of the Wyoming legislature
6 demand that Congress confirm to the Wyoming Legislature, on
7 or before October 1, 2025, its intent to dispose of the
8 federal title in the aforementioned land and resources and
9 its intent to do so in a manner as to subserve the long
10 withheld sovereign interests of the people of the state of
11 Wyoming.
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13 **Section 3.** That the members of the Wyoming legislature
14 recognize this state's firmly established and popularly
15 supported public land culture and economy that are integral
16 to the state of Wyoming and therefore propose that the lands
17 above mentioned be disposed of to the state of Wyoming and,
18 thereby, be maintained as state public lands.
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20 **Section 4.** That the members of the Wyoming legislature
21 recognize that the state of Wyoming has authority to absolve
22 Congress of its constitutional duty to dispose of any portion
23 or all of the former territorial lands remaining within this

1 state's borders. Accordingly, this legislature expresses its
2 willingness to negotiate cession to Congress of the state's
3 sovereign jurisdiction over any lands that may be mutually
4 recognized as of national interest.

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6 **Section 5.** That the secretary of state of Wyoming
7 transmit copies of this resolution to the President of the
8 United States, to the President of the Senate and the Speaker
9 of the House of Representatives of the United States Congress
10 and to each member of the Wyoming Congressional Delegation.

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(END)