
SENATE JOINT MEMORIAL 8021

State of Washington 58th Legislature 2003 Regular Session

By Senators Kline and Fairley

Read first time 03/05/2003. Referred to Committee on Judiciary.

1 TO THE HONORABLE GEORGE W. BUSH, PRESIDENT OF THE UNITED STATES,
2 AND TO THE PRESIDENT OF THE SENATE AND THE SPEAKER OF THE HOUSE OF
3 REPRESENTATIVES, AND TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE
4 UNITED STATES, IN CONGRESS ASSEMBLED:

5 We, your Memorialists, the Senate and House of Representatives of
6 the State of Washington, in legislative session assembled, respectfully
7 represent and petition as follows:

8 WHEREAS, The State of Washington does unequivocally and most
9 solemnly declare a warm attachment to the United States; and that for
10 this end it is our duty, on behalf of our people, to watch over and
11 oppose every infraction of those principles embodied in the
12 Constitution that forms the only basis of that Union, because the
13 faithful observance of this duty can alone secure its existence and the
14 public happiness; and

15 WHEREAS, Each state retains its sovereign rights as a party to the
16 Constitution that established the general, or federal, government of
17 the United States, and it is each state's duty to its people to oppose
18 all acts of said government that are without or in excess of the powers
19 delegated to it by the Constitution that created it; and

1 WHEREAS, Congress is without the power to reconstitute government
2 or to give, grant, release, or otherwise surrender its delegated powers
3 to another branch of government, yet in October of 2002 it passed
4 legislation purporting to give war-making powers to the President
5 without a declaration of war; and

6 WHEREAS, Article I, section 8 of the Constitution delegates the
7 power to declare war to Congress; Article II, section 2 delegates to
8 the Presidency powers that do not include the power to declare war, or
9 to make war without a declaration of war, yet the President is
10 currently claiming just such powers; and

11 WHEREAS, Article VI of the Constitution of the United States holds
12 that "...all Treaties made, or which shall be made, under the Authority
13 of the United States, shall be the supreme Law of the Land," and on
14 June 26th, 1945, the representatives of the United States did join in
15 the establishing of the United Nations and agreed to its Charter that
16 holds, at Article II.4, that "All members shall refrain...from the
17 threat of the use of force against the territorial integrity or
18 political independence of any state...", yet the use of force is
19 currently being threatened by the federal government of the United
20 States against a sovereign state and original member of the United
21 Nations; and

22 WHEREAS, This forthright affirmative declaration of the rights of
23 this and other states to restrain unconstitutional actions by the
24 federal government of the United States will reaffirm the 1798
25 legislative precedents most beneficial to our republic;

26 NOW, THEREFORE, Your Memorialists respectfully petition the
27 President to reaffirm our nation's commitments to the Constitution, to
28 the rule of law both domestic and international, and to the supreme law
29 embodied in our international obligations: To these ends your
30 Memorialists do herewith resolve and declare upon our oath to uphold
31 the Constitution that war may not be made by the government of the
32 United States in the name of the People of the State of Washington, or
33 of the United States, in violation of the Constitution, or of said laws
34 and obligations, all other acts or agreements notwithstanding;

35 BE IT RESOLVED, That copies of this Memorial be immediately
36 transmitted to the Honorable George W. Bush, President of the United
37 States, the President of the United States Senate, the Speaker of the

1 House of Representatives, and each member of Congress from the State of
2 Washington.

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