

Glenda Wiles

From: Phil Taylor [chipthree@hotmail.com]
Sent: Tuesday, November 05, 2013 2:06 PM
To: Suzy Foss; Greg Chilcott; J.R. Iman; Ron Stoltz; Jeff Burrows; Glenda Wiles; Michael Howell; betsyb@montanabar.org; Judy Hoy; DeHaan & Spagnoli; Corrine Gantt; Dan Dupaw; Jeff Downey; Kate Gervais
Subject: Letter to S. Foss

Phillip Taylor
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November 5, 2013

Suzy Foss,
Ravalli County Commissioner Subject: Comments Relative to Your Beliefs
215 South 4th Street,
Hamilton, Montana 59840

Dear Mrs. Foss:

You have announced, by email, a meeting to be held on December 11th at 6:30 p.m. at the Eagles in Hamilton. The purpose of the meeting is to hear from a speaker, Mr. Ken Ivory, of the American Lands Council and a state representative from Utah to discuss, "...the transfer of public lands, as contracted in our state's Enabling Act." Your email further stated, "...is the ONLY way that is big enough, 100% constitutionally solid, and a workable solution to our public land multiple use issues. At least there has not been any other idea that has a positive US Supreme Court ruling that I am aware of."

The procedure to become a state was not complex. It required the completion of certain steps. One of those steps required that the residents of the various territories had to agree to an Enabling Act which was authored by the United States Congress. Enabling Acts contained conditions imposed on the various territories by the US Congress and had to be agreed to prior to the territories' acceptance into the United States. And so it was that the residents of Montana Territory had to agree to the conditions cited in its Enabling Act. In the case of Montana, the Enabling Act also included the Dakota, Washington and Montana Territories. The Dakota Territory was split into two states, North Dakota and South Dakota.

The Enabling Act that was agreed to by the inhabitants of the Montana, Dakota and Washington territories is as follows:

Enabling Act

"AN ACT to provide for the division of Dakota into two States and to enable the people of North Dakota, South Dakota, Montana, and Washington to form constitutions and State governments and to be admitted into the Union on an equal footing with the original States, and to make donations of public lands to such States.

“(Approved February 22, 1889.) [25 U.S. Statutes at Large, c 180 p 676.]

“[President's proclamation declaring Washington a state: 26 St. at Large, Proclamations, p 10, Nov. 11, 1889.]

“Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the inhabitants of all that part of the area of the United States now constituting the Territories of Dakota, Montana, and Washington, as at present described, may become the States of North Dakota, South Dakota, Montana, and Washington, respectively, as hereinafter provided.

“Second. That the people inhabiting said proposed States do agree and declare that they forever disclaim all right and title to the unappropriated public lands lying within the boundaries thereof, and to all lands lying within said limits owned or held by any Indian or Indian tribes; and that until the title thereto shall have been extinguished by the United States, the same shall be and remain subject to the disposition of the United States, and said Indian lands shall remain under the absolute jurisdiction and control of the Congress of the United States;...” (emphasis is mine)

So you can see that the federal lands were and still are protected forever. This Enabling Act and information about it can be easily found on the internet.

The following excerpt means exactly what it says, “...that they (*the states*) forever disclaim all right and title to the public lands.” To interpret this in any other way is simply wrong. Now your friend, Mr. Ivory, knows this. He knows how futile such an effort would be to attempt to transfer federal lands to states. And yet, he feeds on the gullibility of memberships of the various groups he is associated with, using age-old fear tactics Mr. Ivory is a con artist and I would hope that somewhere deep within yourself you have to know this as well.

This country was formed by a consensus of ideas, long debated and edited, but in the end our forefathers established the rules, regulations and even our Constitution with its Preamble, that guaranteed success with adherence by all who participated in its formation and future generations to come. I do not understand why you seem to advance the ranting of the radical fringes whose goals are to undermine the very principals of this great nation. And why would you want to?

You have been endowed with a seat on the political stage, a very opportune setting for injecting positive policies. I cannot believe you were raised believing in some of the positions you support now and which have resulted in overwhelming castigation of your positions. For example, the Title X funding denial. Religion was one of the reasons you cited as reason for your vote to deny funding.

The First Amendment to our constitution states as follows:

“The First Amendment to the United States Constitution prohibits the making of any law respecting an establishment of religion, impeding the free exercise of religion, abridging the freedom of speech, infringing on the freedom of the press, interfering with the right to peaceably assemble or prohibiting the petitioning for a governmental redress of grievances.” It was adopted on December 15, 1791 as one of the ten amendments that comprise the Bill of Rights. There are over 1200 religions practiced in the United States. Can you imagine the differing views of more than 1200 religions? Which would we consider the prevailing one? What would the other 1199 religions think about that?

In other words, religion is certainly permissible in any fashion, but it must not be allowed to enter the decision making fray of any political aspirant or governmental entity.. The reasons are obvious. Incidentally, Judeo Christian is a term not commonly used until the 1950s. Judeo Christian principles and concepts played no role in the formation of this country nor did any other religious entity, belief or document.

Upon looking at your record and actions as a County Commissioner, I must deduce that somewhere at sometime you were influenced by an anti-American, radical component designed to attack the foundation of our government and you bought into it. Have you ever considered what this radical leaning has done for you and our political processes? Your name is associated with American Stewards of Liberty, the denial of Title X funding and other actions which simply do not make sense. Your actions and those of your associates are in many instances foreign and disturbing to those with a learned understanding of how this country was formed, how its processes take place and what this country solidly stands for. Incidentally, in my opinion the contract you and the other commissioners had approved and funded with American Stewards of Liberty was an illegal contract and county attorney Fulbright should have advised you so. The county attorney is the only person who can advise and assist the commissioners in any endeavor, unless the commissioners opt to hire an additional attorney for civil matters. And that attorney has to be licensed in the state of Montana.

7-4-2708. Contract for services of any other attorney. In any county, the county commissioners may employ any attorney licensed in Montana to perform any legal service in connection with the civil business of the county.

7-4-2711. County attorney to be legal adviser of county and other subdivisions. (1) The county attorney is the legal adviser of the board of county commissioners. The county attorney shall attend their meetings when required and shall attend and oppose all claims and accounts against the county that are unjust or illegal. The county attorney shall defend all suits brought against the county.

According to the contract, additional money may be paid to American Stewards for assistance from the group's attorney. That would cost \$150 an hour on top of the one-time fee. Kanenwisher said the consultants will assist commissioners in coordination preparations.

There is no provision in the Montana statutes to use an attorney such as described in the contract with the American Stewards of Liberty. They have no attorneys licensed to practice law in Montana.

Lastly, your venture into the coordination arena seems disingenuous for it proved to be nonsense. The Ravalli County Natural Resources guide took a lot of time by some of you to put together and what did it accomplish? Nothing! Now it is simply a resolution that languishes in the bowels of the county, a meaningless duplicative effort to become involved which you could do anyway.

So in summary, I ask that you read more, especially about those things you are about to become involved in. Need help, just ask. We would really like to help you and will only represent the facts as they exist. This country is for all of us and it functions as a United States, not as some radical concept that from time to time rears its ugly head in quest of what I can't envision.

Sincerely,

Phillip Taylor