

Resolutions, Treaties & Law

August 26, 1998

In June of 1844, the United States Senate considered a Treaty which had been submitted for their approval. The Treaty was the Treaty of Annexation, designed to bring another nation, The Republic of Texas, into the union of American States as one of the united States of America. The Treaty of Annexation was **defeated** in the US Senate by a vote of 35 to 16.

This should have ended the matter, or they should have resubmitted the Treaty of Annexation at a later date, when they could get it passed. This never occurred.

Rather, the House of Representatives introduced a "**Resolution of Annexation**" in 1845, along with a document called "**Articles of Annexation**." After this resolution passed, the United States declared that Texas was now one of the states of the United States. Interesting conclusion, but let's take a look at the word "resolution."

The word "resolution," when it is regarding a resolution passed by an assembly or legislature, simply means they have agreed on their intent on some matter. **A resolution is not a law**. Of course, Black's Law Dictionary, sixth edition, says that a Joint Resolution when signed by the President has the *effect* of law. Why would this be stated when any other definition you look at says it is a statement of intent? In fact, further down in Black's it says outright that a resolution is not a law.

We must remember that Black's, as well as other dictionaries, defines words according to current usage. In other words, Congress passes a Joint Resolution, has the President sign it, and tells everybody it is law. Then Black's includes this in its definition!! Does this make it law? **No**, it does not.

A law must come from an act passed by congress with specific language. It must have an Enactment Clause, such as "It is hereby enacted" and it must have an enabling clause. A resolution has neither of these.

It is very simple. A resolution is not a law and it applies **only** to the body that passes it.

Now lets look at the word **treaty**. What is a treaty? Simply stated, it is an agreement, a contract between two parties, usually independent countries. It takes the approval of both parties to become a valid contract or treaty. Where is the process for Texas to sign off on a Resolution of the U.S. Congress? They may have the will to agree with it, as was apparently the case with the People of Texas in 1845, but how would that agreement be expressed? Since they were a separate nation, it would be absolutely necessary for a treaty to be consummated for the agreement to be a lawful contract between the two parties, Texas and the United States.

Let me give an example or two. Has anyone ever seen the "Resolution of Peace" with the Cherokee Indians or any other tribe of Indians? How about the "Resolution of Amity" between the United States and Spain in 1819. **NO!** There were "Treaties of Peace" signed with the Indians and a "Treaty of Amity" signed with Spain in 1819. Why did they use a treaty rather than a resolution in these instances?

Remember to have a valid agreement in the form of a document, it must be signed by both parties. The statement of the Congress of the United States of their intent to have Texas as a State is not sufficient to complete an agreement between both parties. It is simply the statement of one of the parties as to their desire or intent.

If everybody had to abide by the intent or desires of everyone else without agreement, what a crazy world we would have! If this would work the U.S. could just pass a "**Resolution for Non Proliferation of Nuclear Weapons**" and, by golly, the **WHOLE WORLD** would have to abide by it. No more messing with those pesky treaties where they have to agree to it and **NO MORE NUCLEAR WEAPONS!** Of course, another nation might pass a "**Resolution that all nations must have Nuclear Weapons.**" Now what?

In addition, according to their own founding document, the House of Representatives **does not have the authority** delegated to it by the People **to initiate matters of foreign affairs**. How then could they introduce a "Resolution of Annexation" of Texas? The answer to that is simple. They just **acted outside their delegated authority**. A practice that has become an everyday experience with the U.S. Government.

So the facts are very simple. There has **never** been a lawful process completed to make Texas one of the states of the United States.

Now lets address another issue. **All political power is inherent in the People**. This is a principle that has existed from time immemorial. **It is a fact of the nature of things**. This principle was stated in the American Declaration of Independence. It is included in the National Constitution for the Republic of Texas of 1836. It is stated in every "State" constitution written for Texas. We must remember that the People of Texas exercised this principle when they voted, in 1861 to withdraw from their **unlawful union** with the United States.

The vote, taken by county, was **75% in favor of withdrawal**. This was the People of Texas exercising their political authority to determine their own fate and their own future. The United States, and its courts, maintains that the United States is a "**perpetual union**" and no one may leave or secede. How does this square with the statement in their own Declaration of Independence that "All political power is inherent in the people?" It simply does not.

There is, of course, the larger problem that Texas was never lawfully a part of the Union in the first place! And since the People of Texas have never voted to **JOIN** the union since they voted to **WITHDRAW** from it, how have we been forced to be a part of something that the People said they did not want to be a part?

Again the answer is simple. **Military force**. In 1865 the Union Army came into Texas and took over by military might. Is there a problem with this? **There certainly is**. A close examination of the Constitution for the United States of America discloses that there is no authority delegated by the People to the U.S. to **conquer another nation by war** and "take" it and make it a part of themselves. The U.S. Government can lawfully do **ONLY** that which the People give it authority to do. The framers of the U.S. Constitution were attempting to set up a government which would not oppress or tyrannize its people. It is inconceivable to think that they would condone the "taking" of another country of politically sovereign people and enslave them or **FORCE** them into their bailiwick.

When the U.S. **forced** Texas and the southern states to be a part of the U.S., they not only enslaved the people involved there, but also enslaved the people of the northern states. If we the People, allow our government to enslave others, it will be only a short time until we too become its slaves. That is exactly what has occurred.

There are many, many issues that could be discussed here but suffice it to say that the People, all over the North American continent, are waking up and realizing that they have indeed been enslaved by the government that is supposed to protect their rights and liberties and serve them. The issue of Texas Annexation, or lack thereof, is only proof positive that this enslavement has taken place and is ongoing.

In summary, let me restate, Texas has never been **LAWFULLY** joined to the United States, has expressed its will to be sovereign and independent (in 1836 and again in 1861) and has been a **CAPTIVE NATION** of the United States since 1865. Remember, this is a violation by the United States of their own law, the law given to them by the People who created the U.S. Government.

And remember, a resolution is **NOT** a law. Even if a resolution were law, one country cannot pass a law that binds another country. A Treaty is only law as long as the parties continue to agree to abide by it. It is a self-imposed law by agreement or contract. Then there is always the **law of the gun**. I submit to you that we are now subjected to the law of the gun imposed by a de facto United States government with the cooperation of the de facto STATE OF TEXAS government.

One man, when asked what he wanted the government to do for him replied, "*Guard the shores, deliver the mail, and leave me the heck alone!*" Good Answer!!

The world, along with all Texans, needs to recognize the true, lawful status of Texas as an Independent, Sovereign Nation. The only way to resolve this is for the People, once again, to express and utilize their inherent political authority and re-establish our substantive, God-given freedoms and liberties and re-form our government into one which does what it is supposed to do. And that is: **to protect the rights and liberties of the People from all enemies, both foreign and domestic.**

Remember, **THERE IS NO TREATY OF ANNEXATION!!**

Respectfully, Jesse Enloe, President
Provisional Government, Republic of Texas