

Letter sent to Idaho Legislators the week of 11 May 2015 (Article VI)

This is a “heads up” to you because you have taken an oath to protect and defend the Constitution. I remind you that the authorization of SB-1067 and subjugation of our State and Nation to an international treaty is unlawful and removes in full any rights and privileges Americans have in a nation of laws under our Constitution. Should by some diversion of the truth SB-1067 passes, we will be subject to the laws of an international court that is completely unaccountable. I remind you under Article VI, a Treaty has full effect of law as if it were a part of our Constitution.

Article VI

All Debts contracted and Engagements entered into, before the Adoption of this Constitution, shall be as valid against the United States under this Constitution, as under the Confederation.

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

The Senators and Representatives before mentioned, and the Members of the several State Legislatures, and all executive and judicial Officers, both of the United States and of the several States, shall be bound by Oath or Affirmation, to support this Constitution; but no religious Test shall ever be required as a Qualification to any Office or public Trust under the United States.

I suggest that you carefully answer the following questions. These questions must be answered before this legislation moves forward into ANY state, not just Idaho. Until they are, the only thing the Governor Otter should do is negotiate with the federal agencies in order to keep all payments flowing past June 15. If the feds do cut them off, prior to due process resolution, Idaho should immediately file suit against HHS to resume payments pending the outcome of the remaining due process and constitutional issues:

Questions for the Governor, Attorney General House and Senate leadership and every elected member of the body:

1. Provide the legal analysis that clearly shows HOW SB1067 is **NOT** in violation or directly conflict with [Article I, Sec.10](#), [Article IV, Sec. 1](#), [Sec. 4, clause 1](#), and [Article VI, clause 2](#) of the US Constitution and [Articles IX](#) and [Article X](#) of the Bill of Rights?
2. Provide the legal analysis that clearly shows HOW SB-1067 is it **NOT** a direct violation of Article I Section 2 and 3 of the Idaho Constitution, if “...all political power is inherent in the People,” and that “...they have the right to alter, reform or abolish the

same whenever they may deem it necessary...” or that ” no special privileges or immunities SHALL EVER be granted that may not be altered, revoked or repealed by the legislature...?”

3. Article I, Section 3 of the Idaho Constitution requires that Idaho is an “inseparable part of the American Union and the Constitution of the United States is the supreme law of the land.” If so, than Idaho is bound to follow Article 1, Sec. 10 and Article VI of that Constitution and cannot enter into any Treaty Convention. Nor can it do anything not “in Pursuance thereof....” as prescribed by Article VI. If so, how can S1067 even be introduced into the legislative process in Idaho?

4. Under article I, Section 21 of the Idaho Constitution the people of Idaho reserve the right not to have themselves placed under a jurisdiction foreign to their Constitutions without first requiring amendment to those constitutions and the right to due process. How was due process followed in this case and how can the S1067 even be introduced without FIRST amending the Idaho and US constitutions to allow it?

5. Under Article III, Section 1 of the Idaho Constitution, “...the legislative power of the state shall be vested in a senate and house of representatives.” If so, then where did the US Congress gain the authority to ignore Article I, Section 10 of the US constitution or to commandeer the legislative process of the state of Idaho in order to force compliance, without amendment, to an International Treaty Convention? Or, to commandeer the ability or the right of the people to “....approve or reject at the polls **any act or measure** passed by the legislature?” That one would seem to kill S1067 right there.

6. With a two-and-a-half-page, 123 line Title containing multiple subjects and nowhere expressing the incorporation of the 2007 Treaty Convention and other impacts not expressed in the Title, isn't that a *prima facie* direct violation of Article III, Section 16 of the Idaho Constitution?

7. How does SB-1067 not interfere in an unconstitutional manner those requirements of Article III, Section 19, in the following itemized areas if they are now required to accept, without question, all findings of fact of foreign jurisdictions? Or if they are allowed to question nothing but the pro forma protocol of enforcement orders from those same jurisdictions?

“Regulating the practice of the courts of justice”

“Releasing or extinguishing the indebtedness, in whole or in part, the indebtedness, liability or obligation of any person....”

“Affecting estates of deceased persons, minors, or other persons under legal disabilities”

“Authorizing the creation, extension or impairing of liens”

“Authorizing the adoption or legitimization of children”

8. If no substantive section of any portion of Idaho Code changed or altered by S1067 cannot be subsequently altered by the Idaho Supreme Court how does that not violate Article V, Section 9 of the Idaho Constitution in the original and appellate jurisdiction of the Court? The same with regard to District courts in Article V, Section 13?

9. Wouldn't passage of SB1067 effectively amend the Idaho constitution outside of only those processes defined in Article XX, by ignoring all the Articles/Sections in questions 1-8 and incorporating the 2007 Treaty Convention directly into Idaho law? If not, why not?

10. The Statement of Purpose for RS23418 (S1067 as introduced) says:

*“On September 18, 2014, Congress passed the “Preventing Sex Trafficking and Strengthening Families Act” which includes the requirement for all states to enact the 2008 Amendments to the Uniform Interstate Family Support Act during the 2015 legislative session. **These amendments incorporate provisions of the 2007 Hague Convention on International Recovery of Child Support and Family Maintenance and will improve the enforcement of American child support orders abroad...**” (emphasis added)*

How is that not directly incorporating the International Treaty Convention into Idaho Law?

11. According to the Convention Treaty of 2007 and the subsequent federal legislation (Uniform Interstate Family Support Act (2008)), ALL 50 states must pass bills identical in statute language to S1067 in order for the actual ratification of the Treaty to be valid. *From an HHS memo (**)* to all states:

“Before a country can ratify the treaty, the country must provide evidence that its laws and procedures meet the treaty requirements, including parentage establishment, recognition and enforcement of support orders for children up to the age of 21, cost-free services, notice and an opportunity for a hearing or review, and protection of identifying information where there is a risk of harm to the parent or child.”

(** <http://www.acf.hhs.gov/programs/css/resource/uniform-interstate-family-support-act-2008-and-hague-treaty-provisions>)

Therefore, how is Idaho and all other states passing this legislation not directly entering into the Treaty and it's ratification for implementation on US soil? How is that not directly in violation of Article I, Section 10 of the US Constitution? If ANY ONE state failed to do so (enact the “model bill”), the United States as a whole would not and could not be considered a Treaty country by the Hague and that individual state would not be allowed to conduct any enforcement orders with any of the Treaty Convention

signatories. Any claim to the contrary would seem to be both disingenuous and flat-out illogical obfuscation and misdirection.

12. Since S1067 is not allowed to be amendable or reviewable in any manner by the Idaho people, legislature or courts respectively, except on minimal procedure and protocol but not fact, how is that not a direct violation of the “Anti-commandeering Doctrine” established over a century and a half ago in “Prigg vs Pennsylvania” (1842) by the SCOTUS and most recently held in “Mack and Printz v United States?”

13. Even after introduction, under what rule of the House or Senate were members disallowed from proposing and adding amendments to S1067? Where and when was that adopted in consideration by the Committees of either body?

As stated previously these questions are only for openers. Some may be able to be answered. However, it is likely, most are not. Until the press and media begin asking the right first order questions of the elected officials and supporters of SB1067, none of the 2nd order questions concerning what SB1067 will or will not do or what funding it may gain or lose Idaho are, effectively, irrelevant. To begin to gain a sense of what that analysis looks like, please [refer to this site](#). It may also be time once again to reopen discussion on passage of [The Bricker Amendment](#) if the US Senate remains unable to control its worst tendencies.

If asking these same questions leads the federal government to shut down the existing state funding and systems, interstate payments and enforcement and maintenance orders on July 1st, then the real agenda there also becomes very clear.

[Attached is a very important document that will assist you in understanding the gravity associated with the Uniform Interstate Family Support Act. We are confident that after you study this Act in light of this document, you will agree with us to vote NO!](#)

[It is not about child support; it is about international control over U.S. affairs. Think about it - what miniscule percent of child support situations would cross U.S. borders? Idahoans didn't write this bill. It is federal coercion just like Common Core and the SBAC test, interfering in states' and parents' rights.](#)

[Bob and Patricia Compton
Midvale, Idaho](#)

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