

Tester, Daines and Zinke – Three Montana Musketeers Taking Down Their State

By Elaine Willman, MPA

The Constitutional Republic is founded upon a balance of power between the federal government and the collective fifty states, but our governmental system has gone upside down. We now have a behemoth federal government run by a King, with continuous assistance from his Prince's—federal Senators and Congressmen.

Prior to the 17th Amendment federal Senators were elected by their state legislature to serve in Congress and were directly accountable to their state's respective legislatures. Smaller Congressional districts were intended to hold Congressional representatives accountable to their local communities and constituents they serve. The Tenth Amendment once ensured that the balance between states and a limited federal government of enumerated powers was consistently maintained. No more.

Fast forward to 2016 and elected officials. Jon Tester, Steve Daines and Ryan Zinke are prime examples of the neutering of Montana's power in deference to all federal whims, widening the federal footprint and reducing Montana's authority over its citizens. You doubt this? Just look at Tester's Senate Bill 3013, Daine's Senate Bill 3014, and Zinke's adamant opposition to transfer of federal lands for management by the state.

I call these men by their last names because I respect the offices they hold but not their performance. Jon Tester's S. 3013—the *CSKT Water Settlement Compact Act*—completely rewrites and vastly expands the Proposed CSKT Compact approved by the Montana State Legislature. Let me say this a different way: a Montana Federal Senator has thumbed his nose at decisions of Montana's State Legislature and created a bill that overrides and greatly expands the CSKT Water Compact approved by the State. Senate Bill 3013 not only expands federal water confiscation of state waters and federal jurisdiction over state waters in 11 counties in Western Montana, but also launches an ugly federal policy model that will roll out across the Western States. Where's the balance of power in this?

This egregious bill sets the broad precedent for the federal government to confiscate state waters in "trust" for tribal governments across the Western States. Tester serves the feds and not the state that elected him.

Back to back, Steve Daines then submitted Senate Bill 3014—the *Indian Forestry Act*—enabling any tribe within 200 miles of a federal forest to take over forest management. For Montana that means all seven tribes can manage most of the federal forests in Montana if Daines' bill passes. This is in direct response to multiple states urging that federal forest management be transferred to states. Daines is all for the feds and not the state that elected him.

Ryan Zinke vigorously opposes transfer of any management of federal lands to states. So the loss of revenue to the state, incessant and continuous major forest fires, loss of grazing lands for cattle and diminishment of public access is apparently just fine with Zinke.

Elected officials like this Montana trio sing a heartfelt song of loving their state and serving the people when running for office. After successful election they then totally reverse course. Serving in Congress must be so financially lucrative to these elected officials that caving to well-funded lobbyists leads them quickly away from their promises. It's about the best interest of the federal government, and not their state or its people.

These Montana Federal Musketeers have no history of interceding and speaking up for Montana landowners being assaulted by federal agencies and environmental extremists gone rogue. What we have is bipartisan abandonment of protecting Montana's people, and a ramping up of federal jurisdictional authority and policies taking down the state incrementally.

I would venture a strong guess that similar conduct exists with federal legislators in other Western States. Repealing the 17th Amendment might bring some relief and Congressional improved accountability to the states served. In my view, however, Tester, Daines and Zinke are the Poster Children for how not to serve your state in Congress.

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