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NEVADA COMMITTEE FOR FULL STATEHOOD
TESTIMONY BEFORE THE ASM NATURAL RESOURCES COMMITTEE
MARCH 5, 2003

THE NEVADA COMMITTEE FOR FULL STATE HOOD IS BOTH AN ACTIVIST AND AN EDUCATIONAL ORGANIZATION DEDICATED TO PROMOTE AN UNDERSTANDING OF THE STATUS OF THE SOVEREIGNTY OF THE GREAT STATE OF NEVADA BOTH TO THE LEGISLATURE AND THE ELECTORATE. IN DOING SO WE HAVE PARTICIPATED ACTIVELY IN DEMONSTRATIONS AGAINST THE ILLEGAL TAKING OF PRIVATE PROPERTY BY AN AGENCY OF THE FEDERAL GOVERNMENT SUCH AS THE THEFT OF CATTLE FROM BEN COLVIN, JACK VOGT, RAYMOND YOWELL AND THE DANN SISTERS. WE HAVE ALSO DEMONSTRATED IN FAVOR OF LEGISLATION PUT BEFORE THE NEVADA LEGISLATURE IN 2001 AND PERHAPS WILL BE DOING SO IN 2003. WE ACKNOWLEDGE THAT THE NEVADA TERRITORY WAS CARVED OUT OF LANDS TAKEN IN THE WAR WITH MEXICO WHICH CULMINATED IN THE TREATY OF GUADALUPE-HIDALGO IN 1848. A CONDITION SET FORTH IN THAT TREATY ALLOWED FOR WAR REPARATIONS OF \$15M TO BE GIVEN TO MEXICO. THAT MONEY WAS NOT TO BUY THE LAND BECAUSE THE LANDS WERE THE SPOILS OF WAR. REPARATIONS WERE MADE TO COMPENSATE MEXICO FOR SHORTAGE OF REVENUE FROM THE LOSS OF THE LANDS AND

ASM p2, 3/05/03

DAMAGES AS WELL AS INCONVENIENCES INCURRED IN THE WAR. A CLAUSE IN THE TREATY OF 1848 CONTAINS SOME VERY INTERESTING WORDS, WHICH ARE THE FOLLOWING, TAKEN FROM CLAUSE 9;

“.....shall be formed into free, sovereign and independent states and incorporated into the Union of the United States as soon as possible and the citizens thereof shall be accorded the enjoyment of all the rights, advantages and immunities as citizens of the original states.”

THE LANDS THE US ACQUIRED IN THE WAR WITH MEXICO BECAME TERRITORY WHICH IS COVERED UNDER ART. IV sec 3 par 2 OF THE US CONSTITUTION WHICH ESTABLISHES;

“The Congress shall have Power to dispose of and make all needed Rules and Regulations respecting the Territory or other Property belonging to the United States and nothing in this Constitution shall be construed as to Prejudice any Claims of the United States, or of any particular State.”

SEVERAL ATTEMPTS WERE MADE IN THE 1850's TO ESTABLISH A NEVADA TERRITORY. THOSE EFFORTS FINALLY RESULTED IN THE CREATION OF THE TERRITORY OF NEVADA IN 1861. DURING THE NEXT FEW YEARS ATTEMPTS WERE MADE TO ESTABLISH STATEHOOD BY DRAFTING A STATE CONSTITUTION WHICH WOULD MEET WITH CONGRESS APPROVAL. FINALLY ON MAR 21 1864 CONGRESS PASSED THE ENABLING ACT GIVING NEVADA THE APPROVAL TO SUBMIT HER CONSTITUTION TO THE CONGRESS AND BE ADMITTED TO THE UNION ON AN EQUAL FOOTING WITH THE 13 ORIGINAL STATES. THE ENABLING ACT CONTAINED A TROUBLESOME CLAUSE WHICH STATED;

p3 ASM 3/05/03

'...the people must disclaim all right and title to all public lands within the bounds of the state and that all such lands shall remain at the sole and entire disposition of the United States.'

HEREINAFTER REFERRED TO AS THE DISCLAIMER CLAUSE. WE FIND THE INSERTION OF THE DISCLAIMER CLAUSE WAS VOID AB INITIO. IT WAS VOID AS CONGRESS WAS WRITING IT BECAUSE IT VIOLATED THE TREATY OF GUADLUPE HIDALGO OF 1848. IT WAS IN VIOLATION OF THE CONSTITUTION ACCORDING TO ART. 1, SEC. 8 CL 17. AND IN THE CASE OF POLLARD V HAGAN 1845 THE SUPREME COURT HELD THAT SUCH A RESTRICTION WAS VOID. IN POLLARD IT IS FURTHER POINTED OUT THAT;

"the federal government has no right or power to own, hold, control or exercise any municipal sovereignty over any land of any kind except over the District of Columbia and land it has purchased within the State, with the consent of the State Legislature.'

WHETHER LEGAL OR NOT NEVADA WAS BURDENED BY THE DISCLAIMER CLAUSE FOR MOST OF HER HISTORY BUT IN 1996 THE ELECTORATE OF THE STATE THREW OUT THE DISCLAIMER CLAUSE IN A VOTE OF 234,000 TO 180,000 PROVING THAT NEVADANS WANT TO BE RID OF THE YOKE OF IMPERIALISM CAST OVER US BY THE UNITED STATES WHICH IS A GRAVE THREAT TO OUR SOVEREIGNTY AND IS BOGGING US DOWN FINANCIALLY.

IN THE VERY BEGINNING OF NEVADA'S HISTORY THE US APPARENTLY FILLED A VACUUM OF AUTHORITY AND MANAGEMENT OVER THE VAST UNSOLD LANDS WITHIN HER BORDERS. IF WE ACCEPT THAT TO BE THE CASE

P4 ASM 3/05/03

THEN WE NEED TO LOOK AT AN ACT PASSED IN 1834 IN WHICH CASE IF THE
FEDERAL GOVERNMENT ACTED AS A;

‘.....trustee for the benefit of the States in which public lands were located, that the land
would be sold into private ownership as soon as possible.’

THE OPERATIVE WORD HERE IS TRUSTEE. LATER IN 1885 IN A SUPREME
COURT CASE ENTITLED FT. LEAVENWORTH RR Co. v LOWE THE COURT
DECIDED THAT WHERE THE US FOUND ITSELF MANAGING LARGE TRACTS OF
LANDS WITHIN AN ADMITTED STATE, IT DID SO AS AN ORDINARY
PROPRIETOR.

JUST AS NO SLAVE CAN SERVE TWO MASTERS, NO CITIZEN OF NEVADA
SHOULD BE EXPECTED TO SERVE TWO SOVEREIGNS. WHEN NEVADA
BECAME A STATE, ALL ELEMENTS OF UNITED STATES SOVEREIGNTY IN
NEVADA WERE EXTINGUISHED AND NEVADA BECAME SOVEREIGN OVER ALL
OF THE LAND WITHIN HER BORDERS HAVING POWERS OF TAXATION AND
POLICE POWERS EVEN OVER THE UNSOLD LANDS.

IN 1911 THE SUPREME COURT CASE OF COYLE V SMITH FURTHER
REINFORCES STATE SOVEREIGNTY IN THE FACE OF FEDERAL INTRUSION.
IN THE CONCLUSION OF MY STATEMENTS I SHARE THE OPINION WITH MY
COLLEAGUES THAT UNITED STATES INVOLVEMENT IN MANAGEMENT OF
THE UNSOLD LANDS IN NEVADA HAS FAR OUTLIVED ANY PRACTICAL
USEFULNESS AND FURTHER INTRUSION BY THE FEDERAL AGENCIES IN
NEVADA LAND MANAGEMENT IS HAVING A DEVASTATING EFFECT ON THE

**LIVES AND ECONOMICS OF OUR RURAL CITIZENS. WE BELIEVE THAT
ABSENT INTRUSION IN NEVADA LAND MANAGEMENT AND POLITICS BY THE
UNITED STATES THAT NEVADA WOULD BE FINANCIALLY SELF SUFFICIENT,
NOT DEPENDENT ON DEFICIENT PILT PAYMENTS, BECAUSE NEVADA HAS THE
COMPLETE ABILITY TO PROPERLY DISPOSE OF OR CONTINUE
MANAGEMENT OF THE UNSOLD LANDS WHICHEVER MAY BE THE CASE.**

RESPECTFULLY SUBMITTED:

O Q Chris Johnson, Chairman, Nevada Committee for Full Statehood

O. Q. Chris Johnson