

90 PERCENT AND GROWING

To all who support the Federal Government's claim to the public lands which lay within Nevada's borders, we ask that you address and answer the following questions.

QUESTION 1 (Original Intent)

It is widely accepted that the Federal Government owns over 87 percent of the lands which lay within Nevada's borders. This places those of us who live and work in Nevada in a serious situation. By controlling the vast majority of the State's lands and resources, the federal government easily controls the politics of the State, thus jeopardizing the freedom, liberty and independence of the people. In the *Report Of The Interdepartmental Committee For The Study Of Jurisdiction Over Federal Areas Within The States, Part II, June 1957*, is the following discussion and record of the Constitutional Convention:

The genesis of Article I, Section 8, Clause 17, of the Constitution, is to be found in the proposals made by Madison and Pinchney on August 18, 1787... On September 5, 1787, the committee of eleven, to whom the proposals of Madison and Pinchney had been referred, proposed that the following power be granted to Congress:

To exercise exclusive legislation in all cases whatsoever over such district (not exceeding ten miles square) as may, by cession of particular states and the acceptance of the legislature, become the seat of government for the United States; and to exercise like authority over all places purchased for the erection of forts, magazines, arsenals, dockyards, and other needful buildings.

...The debate concerning the proposal of the committee of eleven was brief, and agreement concerning it was reached quickly, on the day of the submission of the proposal to the Convention. The substance of the debate concerning this provision was reported by Madison as follows:

So much of the fourth clause as related to the seat of government was agreed to, *nem. con.* On the residue, to wit, "to exercise like authority over all places purchased for forts, &c."

MR. GERRY contended that this power might be made use of to enslave any particular state by buying up its territory, and that the strongholds proposed would be a means of awing the state into an undue obedience to the general government.

MR. King thought himself the provision unnecessary, the power being already involved; but would move to insert, after the word “purchased,” the words, “by the consent of the legislature of the state.” This would certainly make the power safe.

MR. GOVERNEUR MORRIS seconded the motion, which was agreed to, *nem. com.*; as was then the residue of the clause, as amended.

The report goes on to state, “There appears to be no question but that the requirement was added simply to foreclose the possibility that a State might be destroyed by the purchase by the Federal Government of all of the property within the State.”

By this record, we believe that it is made abundantly clear, that it was the intent of the Founders to stop the Federal Government from acquiring or holding any land within admitted States except by the authority of Art. I, Sec. 8, Cl. 17, so as to prevent the situation that now exists in the State of Nevada, whereby the Federal Government now claims absolute ownership and control of the vast majority of the lands and resources within our State.

Our question is. Is there anyone who can prove that the Founders intent was otherwise, and if so, please make that information available to us. Otherwise we must conclude that the Federal Government’s claim to the public lands that lay within Nevada is unconstitutional.