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**Testimony of
David Schumann before the
Senate Judiciary Committee in support of
S.B. 294 on April 7, 2003**

Good morning Chairman Amodei, members of the committee. My name is David Schumann, Vice Chairman of the Nevada Committee for Full Statehood, on whose behalf I am appearing.

I urge you to support S.B. 294 for the good of all Nevadans. The Federal occupation of Nevada has wrecked havoc on the agricultural and mining sectors of the Nevada economy amounting to tens of millions of dollars. In addition, the Utah legislature after much study, has determined that Nevada loses \$355 million per year due to Federal occupation. This is an ongoing loss and has contributed directly to the budget crunch in which the state now finds itself.

As bad as the economic loss has been, it is secondary to the loss of rights inflicted upon citizens of Nevada by out of control Federal agencies. No statute passed by Congress gives the BLM or the USFS the right to confiscate cattle. In fact, the Federal Land Practices and Management Act, Title 43 of the United States Code, in Section 1733 specifically instructs the Secretary to offer a contract to local law enforcement authorities whenever he determines that law enforcement action is necessary. Congress understands that the Federal Government has NO municipal authority within the borders of admitted states and it wrote the statutes accordingly.

The reason we have BLM employees acting like Federal Marshals is that the AGENCIES, in writing Regulations with which to administer the USC, wrote CFRs which give them powers the Congress did not. Specifically, BLM solicitors cite Title 43, Sect. 4150.1-5 in defense of their unlawful taking of cattle. At the cost of millions of dollars in legal fees, Wayne Hage has now gotten the senior judge of the U.S. Court of Claims to find that the USFS acted unlawfully in taking his cattle. This legislation can restore the right of due process to ALL Nevada citizens so that they don't have to spend huge sums of money to secure their rights.

The damage that has been inflicted on Nevadans by the Federal government would never have happened if the Nevada Legislature had taken steps a century ago to secure Nevada's sovereignty. Apparently they were too busy or no one cared. That doesn't change the fact that the U.S. Government NEVER had any municipal sovereignty over Nevada once it was accepted into the Union. Article IV, Sect. 3 of