

Oaths of Office in the U.S.A.

The U.S. Constitution, Article II

The Oath of office for Presidents

"I do solemnly swear (or affirm) that I will faithfully execute the office of President of the United States, and will to the best of my ability, preserve, protect and defend the Constitution of the United States."

The U.S. Constitution, Article VI

The Oath of office for Senators, Representatives, Executive and Judicial Officers

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; ...

The Constitution of the state of Nevada, Article 15, Section 2

Oath of Office.

I,, do solemnly [solemnly] swear (or affirm) that I will support, protect and defend the constitution and government of the United States, and the constitution and government of the State of Nevada, against all enemies, whether domestic or foreign, and that I will bear true faith, allegiance and loyalty to the same, any ordinance, resolution or law of any state notwithstanding, and that I will well and faithfully perform all the duties of the office of, on which I am about to enter; (if an oath) so help me God; (if an affirmation) under the pains and penalties of perjury.

Nevada Revised Statutes, NRS 282.020 includes the same oath, spelling errors corrected.

It must be noted that the purpose of The U.S. Constitution is to restrain and control the actions of the United States government in order to preserve the Liberty of "We the People" and prevent tyranny; just as the states' constitutions are to restrain and control the governments of the various states. Many explanations of this control are available, examples being the Preamble to the Bill of Rights, Federalist Papers, and Supreme Court rulings.

The preamble to the Bill of Rights states:

*"The Conventions of a number of the States
having at the time of their adopting the Constitution
expressed a desire, in order to prevent misconstruction or abuse of its powers,
that further declatory and restrictive clauses should be added:
and as extending the ground of public confidence in the government
will best insure the beneficent end of its institution."*

Federalist Paper 45 states: *"The powers delegated by the proposed Constitution to the federal government are few and defined."* (The U.S. Constitution, article 1, section 8, which allows for only 17 topics of authority).

The Supreme Court reinforces this position as stated by Justice Black in Reid v Covert case;

"The United States is entirely a creature of the Constitution. Its power and authority have no other source. It can only act in accordance with all the limitations imposed by the Constitution".

The Supreme Court has ruled that it has the power to overturn and/or control laws of Congress with the ruling written in the case Marbury v. Madison, 1803-5 US 137, by the great Chief Justice John Marshall, which simply states:

"All laws repugnant to the Constitution are null and void."

All oaths of office are to support the *philosophy* of a *Republican Form of Government*; (the U.S. Constitution, Article IV, section 4); never to a person, group of persons or a country. Historically that leads to dictatorship, e.g. 20th century Europe.

Thus the Nevada oath of office would appear to be totally unconstitutional as it rewords the United States Constitution and pledges allegiance to a government. In addition to these oversights, it is impossible to meaningfully pledge allegiance to both the U.S Constitution and the agency that it is designed to restrict and control, the United States government.

Thus, any official taking the Nevada oath of office is making an unconstitutional pledge, not just in wording, deviating from the U.S. Constitution, but also in substance, pledging allegiance to a government, not a philosophy. Thus the pledge is null and void, with all that is implied.

For these reasons, the Nevada Constitutional Oath of Office and NRS 282.020 need to be revised immediately.