The BEACON SpotLight

A Study of Constitutional Issues by Topic

Issue 6: Act of Desperation — the Militant Standoff in Oregon and Public Lands

The takeover of the Malheur National Wildlife Refuge near Burns, Oregon, by an armed group of occupiers protesting onerous federal control of public lands turned deadly on January 26, 2016, as authorities shot and killed protestor LaVoy Finicum.

Although the group successfully drove federal overreach into the national spotlight before the standoff ended February 11, the confrontational means used in the fortified takeover of a federal facility must yet be examined by those of us who otherwise fully share the occupiers' valid concerns regarding draconian federal overreach, but who still cannot condone such aggressive protest tactics for reasons even beyond their inevitably-tragic endings.

Ammon Bundy, the group's leader, had earlier commented that the members were taking "a hard stand" against federal "overreach."

These protestors likely chose to take their 'hard stand' out of sheer desperation, built over perhaps decades of frustration, undoubtedly stemming from an utter inability to make rational sense out of the government nonsense which escalates daily around us.

To better understand the fateful decision to take over a federal facility by resorting to a force of arms, as well as the underlying 'principles' which ultimately lay at the foot of the group's aggressive actions, it is helpful to look at the situation from a different viewpoint.

For the sake of argument, let's say a group of radical left-leaning environmentalists took over a federal facility by a force of arms and demanded that the federal government stop the allowed drilling for oil on public lands or even the grazing of cattle thereon.

In such a case, would those who support the Oregon occupiers' actions support similar tactics from perhaps ideological opponents?

If not, why not? Shouldn't all Americans be able to exercise the same opportunities, if not rights, after all?

Perhaps they wouldn't because we are to be a Nation of Laws applicable to all men, rather than a Nation of Men, special men who get a special pass no one else may ever use.

Patriots who support the Oregon standoff not only in principle but also in deed say however that they are right; therefore a resort to private force was justified because they are defending government's intended role as evidenced by the Constitution.

In other words, once an aggressor decides what is right, he or she may then use force to back it up, and the Second Amendment is the proper means to pursue that action, because the First Amendment is supposedly incapable.

But again, would not the rabid environmentalists in our hypothetical example perhaps conclude similarly?

Would not similar thoughts of being in the right probably be held at either end of the political spectrum, and even at any step along the way, including those in the middle who are not near as inclined to ever act on such thoughts?

Acts of violence, even based upon sincere convictions of principle, tragically risk deferring action simply to the most brutal and aggressive party; hardly the model of good government, especially in and for the Land of the Free and Home of the Brave.

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February 18, 2016

America was instead built upon an edifice of proper government action being determined by law and principle, applicable to all (including to those on either end of the political spectrum and with the itchiest of trigger fingers [and especially to government, with perhaps the itchiest trigger finger of all]).

Such is the reason the First Amendment is mentioned in the Bill of Rights before the Second. The Second shouldn't be brought into any equation until nothing else is at all possible, when every other possible method has been utterly exhausted, and perhaps still not even then.

The Second Amendment is saved for instances where nothing but brute force may resolve the matter at hand, because once absolute force has been initiated, principles and theory become rather secondary, certainly in the heat of the moment anyway.

Force too often argues that rightful ends justify radical means, a prescription often implemented by the most heinous of butchers to condone every measure of savagery imaginable, than in justly righting wrongs.

But discussion about the Malheur confrontation raises the question of whether the First Amendment has actually failed us regarding federal overreach.

Although perhaps many patriots may assert that the First Amendment has failed to limit government or restore lost liberty, what it really shows is that it is incumbent upon us patriots to know which words to properly speak.

We must simply look deeper and use more effort to communicate the true challenges actually facing us today, and then speak that truth loudly and often.

Instead of using the Second Amendment in the public lands issue as did the Malheur occupiers, let's use the First and look into early American history and learn more about our so-called 'public lands', to first ensure that we have our facts right.

Northwest Ordinance of 1787

The earliest territorial government instituted in the United States was for the lands "Northwest of the River Ohio." The Northwest Ordinance of 1787 governed this area prior to new States being therein formed (the States of Ohio, Indiana, Illinois, Michigan, and Wisconsin [and a small portion was also later incorporated into Minnesota]).

This 1787 Ordinance actually predates not only our U.S. Constitution, but even the constitutional convention of that same year which formed it. The Northwest Ordinance was enacted by Congress operating under the Articles of Confederation and Perpetual Union.

Seven of the 13 original States (Massachusetts, Connecticut, New York, Virginia, North Carolina, South Carolina and Georgia) had unoccupied western lands stemming back to their early colonial charters.

Upon independence, the western lands devolved upon these States individually to the extent of their charters.

Besides the area of land "Northwest of the River Ohio," other "unappropriated western lands" which could trace back to our nation's founding include the cession of land by North Carolina, out of which Tennessee was later formed.

The Mississippi Territory was also later constituted out of Georgia's western lands, out of which both the States of Mississippi and Alabama were formed.

Kentucky and later West Virginia were also formed from further cessions from Virginia.

As an aside, and to finish detailing the origin of the remaining States east of the Mississippi (even though their origin was not founded upon the original unappropriated, western lands), Vermont formed out of lands formerly claimed by New York and New Hampshire; Maine out of the original claims of Massachusetts; while Florida formed in 1845 from Spanish cessions never within the 13 original colonies.

Western Lands

But rather than start our discussion in 1787 with the Northwest Ordinance, it is proper to go back even further in time, to know the parameters which helped establish the precedent for determining how the Union of States would deal with public lands thereafter.

Immediately after declaring our Independence on July 4, 1776, discussions began on establishing a formal Union of States. Work began on what later became the Articles of Confederation and Perpetual Union, which articles were formally proposed to the States for ratification in 1777.

But ratification of the Articles stalled, actually over the unapportioned western lands described above, lands which today would be considered 'public lands'.

The six of the original 13 States without any claims to western lands from their colonial charters (New Hampshire, Rhode Island, New Jersey, Pennsylvania, Delaware, and Maryland) felt that their combined efforts seeking independence from Great Britain was absolutely necessary for freeing also these unoccupied lands from British control (and since land itself could not fight, the effort to free these western lands was left to people who were found in the settled areas of all the States).

Therefore these six States asserted that the unoccupied western lands should thus be disposed of for the common benefit of all the members of the Union, to help pay the mounting war debts which otherwise were apportioned on a State-by-State basis. That some States had 'extra' assets to help pay their share seemed unfair to States without them.

Maryland felt so strongly that the unapportioned western lands be sold for common benefit that she refused her formal assent to the Articles of Confederation until this understanding became well-established.

Without unanimity among every State, the Articles could not therefore actually become operational (even if they otherwise served as a guide).

Maryland's insistence on settling the western lands issue before ratifying the Articles of Confederation helps Patriots today learn more about this 'public lands' issue, because her insistence forced the hand of Congress to issue formal resolves which we can now study and examine.

On September 6, 1780, the Second Continental Congress issued their first resolution regarding the western lands, resolving:

> "That it be earnestly recommended to those states, who have claims to the western country, to pass such laws, and give their delegates in Congress such powers as may effectually remove the only obstacle to a final ratification of the articles of confederation; and that the legislature of Maryland be earnestly requested to authorize their delegates in Congress to subscribe the said articles."[1]

On October 10, 1780, Congress issued a second formal resolution regarding western lands, this time laying down the foundational principles by which these new lands would be treated:

> "*Resolved*, That the unappropriated lands that may be ceded or relinquished to the United States, by any particular states, pursuant to the recommendation of Congress of the 6 day of September last, shall be disposed of for the common benefit of the United States, and be settled and formed into distinct republican states, which shall become members of the federal union, and have the same rights of sovereignty, freedom and independence, as the other states…"[2]

1. Volume 17, *Journals of the Continental Congress*, Page 804 @ 807.
2. Volume 18, *Journals of the Continental Congress*, Page 914 @ 915.

Here one finds the original rule for public lands; that they were to be purposefully "disposed of" for "the common benefit of the United States." Not only that, but the new States therein formed were to "have the same rights of sovereignty, freedom and independence, as the other States." Such written principles help set in stone the rightful purpose of America's public lands.

Complying with such requests, delegates from New York ceded that State's western lands to the United States on March 1, 1781.[3]

With the formal cession of New York adequately establishing the precedent, and with the firm understanding that all of the other States having western lands would follow suit, Maryland acceded to the Articles the same day, also on March 1, 1781.

Thereafter, the Congress of States were no longer loosely assembled, but formally assembled under the Articles of Confederation (the other twelve States had previously ratified the Articles before the last holdout, Maryland).

Congress, operating now formally under the Articles of Confederation, issued a third resolve on April 18, 1783 regarding the western lands, resolving:

> "That as a further mean, as well of hastening the extinguishment of the debts as of establishing the harmony of the United States, it be recommended to the states which have passed no acts towards complying with the resolutions of Congress of the 6th of September and 10th of October, 1780, relative to the cession of territorial claims, to make the liberal cessions therein recommended, and to the states which may have passed acts complying with the said resolutions in part only, to revise and complete such compliance."[4]

This 1783 resolve also points to the disposition of the public lands for debt reduction as the fundamental purpose of the public lands.

On April 18, 1785, the deed to the western lands of Massachusetts was executed by her delegates.[5]

On September 13, 1786, Connecticut executed the Deed and Congress accepted, recorded and enrolled it among the Acts of Congress the following day.[6]

3. Volume 19, *Journals of the Continental Congress,* Page 208 @ 213.
4. Volume 24, *Journals of the Continental Congress,* Page 256 @ 259.
5. Volume 28, *Journals of the Continental Congress,* Page 271 @ 272.
6. Volume 31, *Journals of the Continental Congress*, Page 653 @ 654 – 655.

On March 8, 1787, South Carolina empowered her delegates to "convey to the United States in Congress Assembled all the right of this State to the territory herein described," which they did on August 9, 1787.[7]

The fifth of the five of the States which ceded their claims to their western lands over to the United States operating either under the Continental Congress or the Congress under the Articles of Confederation was Virginia, saved for discussion last not only because her cession was the largest and most important, but also because the terms were best-delineated for our purpose.

The delegates of Virginia executed the said Deed of Cession and Congress recorded & enrolled it among their Acts on March 1, 1784, reading, in part:

> "To all who shall see these presents, we Thomas Jefferson, Samuel Hardy, Arthur Lee and James Monroe, the underwritten delegates for the Commonwealth of Virginia, in the Congress of the United States of America, send greeting…
>
> "And…we…by virtue of the power and authority committed to us by the act of the said general assembly of Virginia before recited, and in the name, and for and on behalf of the said Commonwealth, do by these presents convey, transfer, assign, and make over unto the United States in Congress assembled, for the benefit of the said states, Virginia inclusive, all right, title and claim, as well of soil as of jurisdiction, which the said Commonwealth hath to the territory or tract of country within the limits of the Virginia charter, situate, lying and being to the northwest of the river Ohio, to and for the uses and purposes, and on the conditions of the said recited act."[8]

The "conditions of the said recited act," besides reserving up to 150,000 acres for bounty lands (the Virginia Military Bounty Lands) for payment for the military service of the regiment of General George Rogers Clarke, included the following specifically-cited principles (italics added):

> "The territory so ceded, shall be laid out and formed into…distinct republican states, and admitted members of the federal union; having the same rights of sovereignty, freedom and independence, as the other states."[9]

That the area of land ceded by Virginia to all the States united under the Articles of Confederation stated that the territory so ceded "shall be laid out and formed into… distinct republican states" and be admitted as "members of the federal union" who shall also have "the same rights of sovereignty, freedom and independence" as all the other States of the Union are powerful principles.

But the Virginia cession statute goes even further, stating also:

> "That all the lands within the territory so ceded to the United States, and not reserved for or appropriated to any of the before-mentioned purposes, or disposed of in bounties to the officers and soldiers of the American army, shall be considered as a common fund for the use and benefit of such of the United States, as have become or shall become members of the confederation or federal alliance of the said states, Virginia inclusive, according to their usual respective proportions in the general charge and expenditure, a*nd shall be faithfully and bona fide disposed of for that purpose, and for no other use or purpose whatsoever*."[10]

As stated by Virginia, and as accepted by Congress, the Virginian lands of the Territory Northwest of the River Ohio were accepted by the United States for the express purpose of being used as "a common fund for the use and benefit…of the United States"; which area of land was to be "f*aithfully and bona fide disposed of for that purpose*," and "*for no other use or purpose whatsoever*" (italics added).

The cession laws of the other four States ceding lands by 1787 mirrored the same intent, even if not always the same wording as Virginia.

This intent precluded the United States, which accepted the lands in trust from the States which ceded these lands, from using this land for any other purpose than its "bona fide" disposal. The "faithful" selling of the ceded land would fulfill the twofold purpose for which the land was ceded. First the proceeds from the sale of lands would help reduce the common war debts.

The second purpose would be that the selling of the lands into private hands would allow population numbers to grow sufficiently so new States (at least three, no more than five [for this area Northwest of the River Ohio]) could enter the Union with the "same rights of sovereignty, freedom and independence, as the other states" according to Virginia's cession law.

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7. Volume 33, *Journals of the Continental Congress*, Page 466 @ 475 – 477.

8. Volume 26, *Journals of the Continental Congress* Page 109 @ 113 - 116, March 1, 1784.

9. *Ibid.*, Page 114.

10. *Ibid.*, Page 115. Italics added.

The Northwest Ordinance of 1787 created a temporary and transitional territorial government as the federal government sold off enough land into private land ownership until such time that "sixty thousand free inhabitants" inhabited one of the separate tracts where a separate State was allowed to form, which newly-formed State would then enter the Union on an "equal footing…in all aspects whatever" as with the "original States."[11]

Even after Statehood, the federal government continued to sell off the remaining federal lands within the new States into private ownership, such that today, federal land ownership in this original Northwest Territory is between the low of 1.5% in Ohio to a high of 11.2% in Michigan.

Such low percentages bode well with the original 13 States, which have low percentages of federal land ownership of New York at .398% federal lands to high of New Hampshire at 13.54%.

But these owned federal lands referenced above, by a vast preponderance, are lands independently purchased by the U.S. Government for forts, magazines, arsenals, dock-yards, and other needful buildings, within the parameters of Article I, Section 8, Clause 17 of the Constitution (discussed later herein).

These low percentages of federal land ownership begs the question how can the so-called 'public land States' (such as Nevada, at 83% federal lands; Alaska at 67.9%; Utah at 64%; Idaho at 62.5%; and Oregon at 52.6%), realistically enter the federal Union on "equal footing…in all aspects whatever" with the original States, if most of the land in these public land States is kept off the tax rolls and unavailable for settlement, inhibiting population growth and therefore limiting growth in the number of allowed Representatives in Congress?

Of course, with the ratification of the Constitution and beginning of government operating under it in 1789, the powers available to government changed, so it is proper to look there next (not that the Constitution could have changed the State cession laws for the existing lands which had already been ceded to the United States).

But before getting to the Constitution, however, let's look at the first congressional Act enacted under the Constitution which expressly dealt with the government borrowing money.

The first Act under the Constitution which affected public lands was a 1790 revenue Act.

The August 4, 1790 revenue Act stated that:

> "lands in the western territory, now belonging, or that may hereafter belong to the United States" would be used "towards sinking or discharging the debts" of the United States "*and shall be applied solely to that use until the said debts shall be fully satisfied.*"[12]

This 1790 Act broke the lands of the western territory into two distinct classes; those which already belonged to the United States and those which "may hereafter belong to the United States."

But it is first important to note that both classes of lands would be treated the same; that they would both be sold into private ownership where the sales proceeds would be used "solely" for the purpose of discharging the debts of the United States "until the said debts" of the government "shall be fully satisfied."

While public land sales provided the principal for paying off the government's debts, interest payments would be paid by the duties also established within the August 4, 1790 Act.

It is proper to acknowledge that in stating that the "lands in the western territory, now belonging, or that may hereafter belong to the United States", the 1790 Act clearly anticipated that *additional* western lands would (soon) belong to the United States, *beyond* the western lands which currently belonged to them.

As stated earlier, five of the seven States with western lands had already ceded their lands over to the United States assembled under either the Continental Congress or under the Articles of Confederation. Two States — North Carolina and Georgia — however, had not yet ceded their western lands by the time the Constitution was established.

The 1790 revenue Act broke the western lands down into those that currently belonged to the United States and those which would be later added, because this is also how the Constitution itself handled the issue.

In other words, Section 22 of the 1790 Act was not merely a judgment call by the First Congress (if the Act was solely within the discretion of one Congress, then a later Congress could come to their own independent judgment on public lands); it was the legislative enactment of a constitutional principle which came into being as a term of acceptance established within the State cession deeds.

11. Northwest Ordinance of 1787, Article the Fifth. Volume 32, *Journals of the Continental Congress*, Page 342.

12. August 4, 1790 Act (1 Stat. 144), Section 22. Italics added.

Article IV, Section 3 of the Constitution contains what is often referred to as the "property clause" of the Constitution. Clause 2 provides:

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

A literal reading of this clause with a broad enough understanding of the pertinent history provides the only consistent meaning of these words, in line with the stated purpose of using the western lands to pay off the war debts.

Many people today contend that Clause 2 supports the federal government indefinitely owning and 'preserving' mind-numbingly-large tracts of lands for national parks, recreation purposes, perpetual mineral extraction, or other expedient federal concerns (and outside of Article I, Section 8, Clause 17 purposes [forts, magazines, arsenals, dock-Yards, and other needful buildings {the latter being the only clause allowing for perpetual federal ownership of land}]).

Those who propose an extended meaning of Article IV, Section 3, Clause 2 must overcome four insurmountable obstacles within the clause to support their contention, however, while also ignoring pertinent historical context.

A simplistic and inaccurate reading of this clause purports that members of Congress have the power to make all needful rules and regulations on the property belonging to the United States: i.e., that Congress can do darn near anything on their property they may own indefinitely.

The first major obstacle to this understanding is the location of this power. It is not listed in Article I (Section 8) of the Constitution where the vast bulk of legislative powers of Congress are specifically listed and detailed.

Article I of the Constitution lists the legislative powers of Congress; Article II lists the executive powers of the President of the United States; and Article III lists the judicial powers of the supreme and inferior Courts.

Article IV, however, details various issues involving States. Only incidental to such State issues are members of Congress being here empowered to act.

Section 3 of Article IV discusses, in Clause 1, new States being admitted into the Union.

Clause 2 primarily deals with territory which had not yet met the necessary qualifications to become new States (especially meeting minimum population requirements).

Article IV, Section 3, Clause 2 amounts to a grant of essentially temporary powers of Congress. Members of Congress are to provide rules and regulations for these federal lands until enough property has been sold and settled by inhabitants, such that State governments may then be formed (when population numbers in each territory reach minimum threshold levels).

The second barrier to a broad reading of the clause, consistent with its actual purpose as stated above, is that the all-important phrase "to dispose of" is listed separately *and before* the power to "make all needful Rules and Regulations."

If members of Congress truly have the power to "make all needful Rules and Regulations" on any property they may own indefinitely by this clause, then certainly this would include the power to sell it off. The power "to dispose of" would thus be a subset of the power to "make all needful Rules and Regulations" and perhaps not even listed (at the minimum, it would be secondarily-mentioned, not first-mentioned).

That disposal of land is listed first emphasizes the actual, real and primary purpose of the clause.

The third hurdle is the second part of the clause, that which is connected to the first part by a semi-colon and the conjunctive "and." It reads "; and nothing in this Constitution shall be so construed as to Prejudice any Claims of the United States, or of any particular State."

People who subscribe to an extended meaning of this clause have no answer for the meaning of these words.

Those subscribing to an extended meaning only quote (out of all historical context) a portion of the first part of this clause *and act as if the second part does not even exist.*

The first portion of Clause 2 dealt with the property already ceded over to the United States, the second part dealt with known property not yet ceded — the western lands of only those two States which had not yet ceded their western lands to the United States (but which remaining States understood would be ceded as soon as various issues were resolved).

Had the last portion of Article IV, Section 3, Clause 2, not been inserted, North Carolina and Georgia could have potentially compromised their claims to their unsettled lands if they had ratified a Constitution without these words.

And this second portion of Clause 2 also allowed the Union of States to admit these two lingering States without giving up their united claims to the western lands of North Carolina and Georgia.

Indeed, neither Georgia nor North Carolina had actually settled their claims to their western lands with the United States before they ratified the Constitution.

While North Carolina (and Rhode Island) had not even ratified the Constitution when government under it began on March 4, 1789 (and thus they were not at that time actually a part of the States united together under the Constitution), North Carolina ratified the Constitution on November 21, 1789. Her western lands were later transferred to the United States on April 2, 1790.[13]

Georgia ratified the Constitution on January 2, 1788, but did not cede her western lands to the United States until April 24, 1802 (after the United States had agreed to settle Indian claims to lands lying within Georgia [laying much of the groundwork for the 1830's "Trail of Tears" removal of Indians west of the Mississippi]).[14]

The fourth barrier to extending Article IV, Section 3, Clause 2 of the U.S. Constitution beyond its strict wording is the singular nature of that wording itself: 'Territory' rather than 'Territories'; 'other Property' rather than 'other Properties'.

The first portion of Article IV, Section 3, Clause 2 dealt with the unappropriated western lands which had already been ceded to the United States (under the Continental or Confederate Congresses) and the second portion of that clause dealt with the specific lands which were already destined to be ceded by the two remaining States which had claims to the western lands stemming from the early colonial charters.

The singular wording of 'Territory' and 'Property' does not point to additional properties which could theoretically thereafter ever belong to the U.S. at some future point.

It is true that Article IV, Section 3, Clause 2 envisioned additional property being ceded to the United States — but strictly it could only point to the western lands in 1787 then within the boundaries of North Carolina and Georgia.

It cannot be supported historically that this clause directly extends to any other possible properties wholly outside the bounds of the original colonies.

If this clause naturally extended to any possible future acquisitions of the United States, President Thomas Jefferson would not have experienced, as he famously did, any personal quandary over the lack of appropriate constitutional authority of his Louisiana Purchase of 1803, such as when he wrote:

> "But I suppose [Congress] must then appeal to the nation for an additional article to the Constitution, approving & confirming an act which the nation had not previously authorized. The constitution has made no provision for our holding foreign territory, still less for incorporating foreign nations into our Union."[15]

Although members of Congress have the express power and authority to purchase (permanent) lands for Article I, Section 8, Clause 17 purposes (including the "dock-yards" of Louisiana over which the Louisiana Purchase initially began [in the neighborhood of one million dollars]), the U.S. government has no other express power to purchase additional lands for other purposes, including settlement.

But when the whole of France's North American lands (some 756,961,280 acres) were offered for sale at only $15 million, President Jefferson knew it was not only a great deal, important for future expansion, but also crucial for minimizing foreign influence into American affairs (by thereafter controlling both sides of the Mississippi River and the port at New Orleans).

But the almost-too-good-to-be-true French land deal came with a very short timetable, one that didn't allow the time necessary for proposing and ratifying a constitutional amendment to properly authorize it beforehand.

Article IV, Section 3, Clause 2 does not directly extend to other properties beyond the original western lands, but Jefferson's anticipation of having Congress propose and the States ratify a constitutional amendment to retroactively sanction the Louisiana Purchase never came to fruition (perhaps because the deed was already done).

To learn more about Article IV, Section 3, Clause 2, it is helpful to know how it was first proposed at the constitutional convention.

On August 18, 1787, James Madison introduced at the Constitutional Convention the following power:

> (The Congress shall have power…) "To dispose of the unappropriated lands of the U. States."[16]

13. Volume I, Statutes at Large, Page 106 @ 109.

14. *See*: American State Papers, *Public Lands*, Vol. I, 7th Congress, 1st Session, Senate Document #69 "*Georgia Cession*", Page 113 @ 114. April 26, 1802.

15. *Papers of Thomas Jefferson*, Volume 41, Page 186. Jefferson's letter to John C. Breckinridge, August 12, 1803.

Or see: *Writings of Thomas Jefferson,* by Paul Leicester Ford, G.P. Putnam's Sons, New York, 1897. Volume I, Page 244.

16. Volume 5, *Elliott's Debates*, Page 438.

The second of Madison's proposed clauses stated:

> (The Congress shall have power…) "To institute temporary Governments for New States arising therein."[17]

These early renditions of Article IV, Section 3 further show the actual purpose of Clause 2 as ultimately ratified, that the disposal of the property and the formation of new State governments were the ultimate goals.

No wording proposed would have supported continued ownership and federal control of the unappropriated lands indefinitely, or the acquisition of other lands.

The Mississippi Territory was later formed (out of Georgia's western lands, not out of Virginia's western lands 'Northwest of the River Ohio'). Here the people thereof were specifically entitled to all the same "rights, privileges and advantages granted to the people of the territory of the United States, northwest of the river Ohio." And the Act dealt with the lands of this new territory similarly:

> "That all the lands thus ascertained as the property of the United States, shall be *disposed of*... and the *nett proceeds* thereof shall be applied to...*discharging the public debt* of the United States, in the same manner as the proceeds of the other public lands in the territory northwest of the river Ohio".[18]

Easily-confirmed American history readily shows that the original western lands (lands outside of forts, magazines, arsenals, dock-yards and other needful buildings) were to be "faithfully" sold for debt reduction and private settlement and for no other purpose whatsoever.

Temporary territorial governments were therein formed until settlement reached minimum threshold levels necessary for States to form, which new States were admitted to the Union equal in all respects whatsoever as with the original 13 States.

Other western lands were likewise later sold for debt reduction and private settlement, and the people therein were afforded the same rights and privileges as people in the original States. The new States formed therein would likewise enter the Union equal in all respects whatsoever as with the original States.

Article IV, Section 3, Clause 2 clearly talks first about the disposal of the territory or property of the United States, in direct correlation with historical precedent.

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17. *Ibid.*

18. Volume I, *Statutes at Large*, Page 549 @ 550, Section 2. April 7, 1798. Italics added.

The United States continued to dispose of the western lands even after each territory became a State. The newly-formed State did not gain title to the lands upon becoming a State, even as it gained legislative control over them.

It is important to note that the Constitution itself does not actually require the federal government to sell such territory or property upon any set timetable.

As such, perhaps proponents of perpetual government ownership of public lands would therefore assert that the government is thus allowed some measure of discretion, and where it can take an inch it can perhaps take a mile.

But such argument (that members of Congress have no obligation to sell western lands) would not have only been a novel concept for our founders, but contrary to the spirit of the cession laws of the States which originally ceded the western lands in the first place.

While the terms of Virginia's cessions were clearest (that the lands ceded to Congress and the U.S. Government "shall be *faithfully and bona fide disposed of*" [for common fund for the use and benefit of the United States] and "for no other use or purpose whatsoever"), this fact does not mean the other States without this express wording actually failed to adequately protect their interests.

When wealth or property is entrusted to a trustee for specified purposes and named beneficiaries, the trustee becomes saddled with a fiduciary responsibility to act within and for the best interests of the beneficiaries, including performing those obligations specified within the trust, with sincere effort purposefully directed.

A trustee cannot convert trust property over to himself, property which was entrusted to his care by a trustor for the express benefit of third-party beneficiaries.

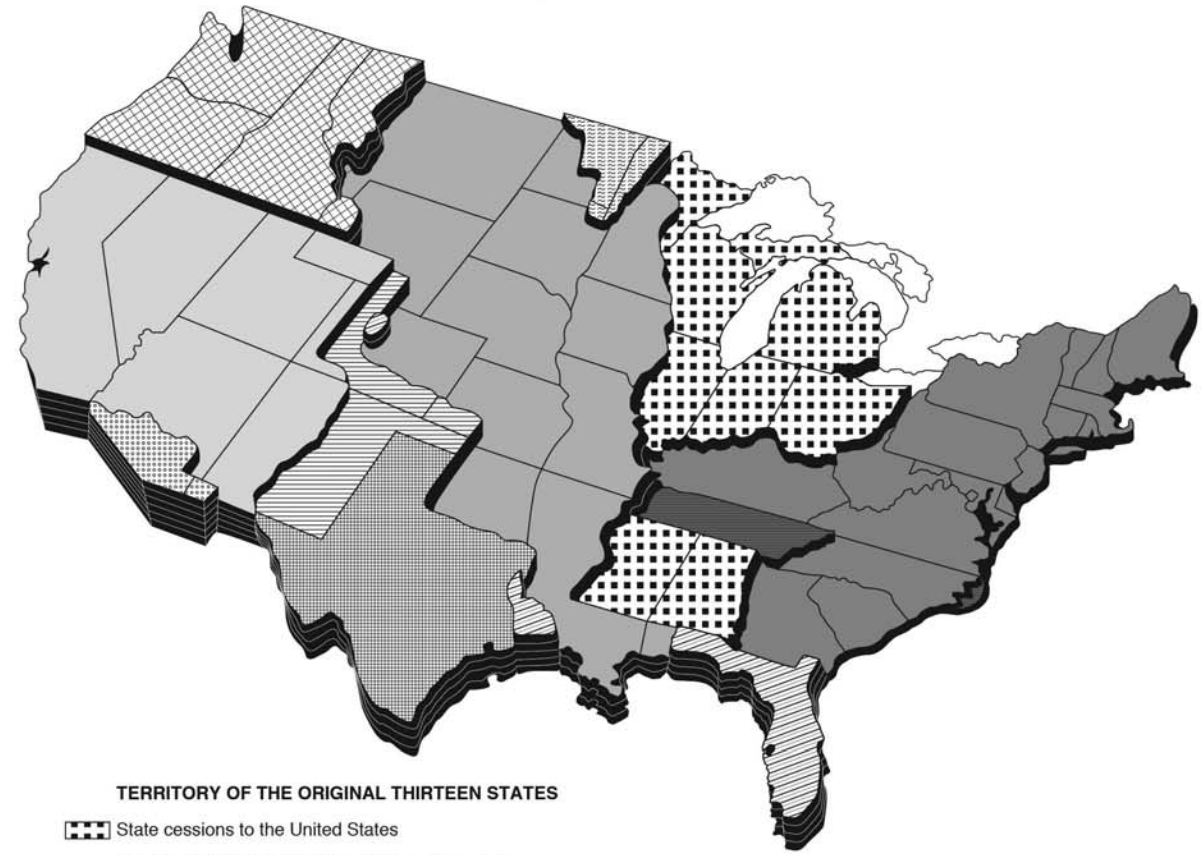
The Public Domain Today

But today in 2016, discussions about the public domain do not center on lands east of the Mississippi River (since the early federal government properly dealt with those lands, disposing them in proper accordance with State cession laws).

But the lands west of the Mississippi did not come under and within federal ownership by similar means as the original unappropriated lands.

Thus we cannot look back to the original State cession laws for the later 'public lands States' (as there are no cession laws involved), nor can we really even look directly to the Constitution (which only directly addressed the original western lands of the original States).

ACQUISITIONS



TERRITORY OF THE ORIGINAL THIRTEEN STATES

State cessions to the United States

North Carolina cession to the United States, 1790
United States cession to Tennessee, 1806 and 1846

The Original Thirteen States (present area) plus the District of Columbia

TERRITORY OF THE REPUBLIC OF TEXAS
(Annexation of Texas, 1845)

United States purchase from Texas, 1850
State of Texas (present area)

OTHER ACQUISITIONS OF THE UNITED STATES

Louisiana Purchase from France, 1803
Treaties with Great Britain, 1783 and 1817
Treaty with Spain (cession of Florida and adjustment of claims), 1819
Oregon Compromise with Great Britain, 1846
Cession from Mexico, 1848
Gadsden Purchase from Mexico, 1853

ALASKA

Purchased from Russia, March 30, 1867

THE U.S. DEPARTMENT OF THE INTERIOR
BUREAU OF LAND MANAGEMENT

Source: *Public Land Statistics*, 2014 Edition.
Burea of Land Management, Dept. of Interior. Page 4.

Comparison of Acreage Owned by U. S. Government, out of Total U. S. Acreage						
State	Total Acreage of State	Acreage Owned by Others	Total Acreage Owned by U. S. Government	Acreage Purchased by U.S. Gov't (Art.I:8:17)	"Public Domain" acreage	Percent of State Owned by U. S. Government
Nevada	70,264,320	11,889,056.8	58,375,263.2	330,244.3	58,045,018.9	83.080
Alaska	365,481,600	117,194,736.7	248,286,863.3	277,226.9	248,009,636.4	67.934
Utah	52,696,960	18,690,980.9	34,005,979.1	1,764,989.8	32,240,989.3	64.531
Idaho	52,933,120	19,859,795.3	33,073,324.7	848,433.6	32,224,891.1	62.481
Oregon	61,598,720	29,167,417.3	32,431,302.7	3,667,599.9	28,736,702.8	52.649
Wyoming	62,343,040	31,255,360.4	31,087,679.6	699,611.5	30,388,068.1	49.866
Arizona	72,688,000	39,557,933.3	33,130,066.7	1,364,265.4	31,765,801.3	45.578
California	100,206,720	55,179,428.6	45,027,291.6	3,441,375.6	41,585,916.0	44.934
Colorado	66,485,760	42,261,805.1	24,233,954.9	1,450,117.4	22,773,837.5	36.450
New Mexico	77,766,400	51,172,124.5	26,594,275.5	2,477,935.5	24,116,340.0	34.198
Washington	42,693,760	30,507,390.9	12,186,369.1	1,464,528.1	10,721,841.0	28.544
Montana	93,271,040	67,134,902.2	26,136,137.8	2,276,871.6	23,859,266.2	28.022
Hawaii	4,105,600	3,500,238.0	605,362.0	349,900.1	255,461.9	14.745
New Hampshire	5,768,960	5,010,143.7	758,861.3	758,801.5	14.8	13.154
Michigan	36,492,160	32,404,689.5	4,087,470.5	3,792,737.6	294,732.9	11.201
Arkansas	33,599,360	30,173,699.7	3,259,660.3	2,385,631.9	1,040,028.4	9.702
Virginia	25,496,320	23,197,208.6	2,299,111.4	2,298,358.8	572.6	9.017
Minnesota	51,205,760	46,768,436.4	4,437,323.6	3,191,630.1	1,245,693.5	8.666
Florida	34,721,280	31,832,200.1	2,889,079.9	2,806,832.6	82,247.3	8.321
North Carolina	31,402,880	28,894,478.0	2,508,402.0	2,507,063.8	1,338.2	7.988
West Virginia	15,410,560	14,232,632.6	1,177,927.4	1,177,923.6	3.8	7.644
Georgia	37,295,360	35,215,120.8	2,808,239.2	2,080,229.1	10.1	7.530
Vermont	5,936,640	5,560,391.2	376,248.8	376,220.3	28.5	6.338
Tennessee	26,727,680	25,084,306.3	1,643,373.7	1,643,371.7	2.0	6.149
South Carolina	19,374,080	18,185,730.0	1,188,350.0	1,188,338.3	11.7	6.134
Mississippi	30,222,720	28,448,654.5	1,774,074.5	1,770,438.2	3,636.3	5.870
South Dakota	48,881,920	46,128,215.6	2,753,704.4	1,231,148.7	1,522,555.7	5.633
Wisconsin	35,011,200	33,053,775.1	1,957,424.9	1,946,104.2	11,320.7	5.591
Kentucky	25,512,320	24,276,672.3	1,235,647.1	1,235,642.6	4.5	4.843
Missouri	44,248,320	42,110,847.3	2,137,472.7	2,135,294.8	2,177.9	4.831
Louisiana	28,867,840	27,583,150.9	1,284,689.1	1,281,529.2	3,159.9	4.450
North Dakota	44,452,480	42,602,770.6	1,849,709.4	1,599,127.4	250,582.0	4.161
New Jersey	4,813,440	4,647,667.2	165,772.8	165,346.1	426.7	3.444
Alabama	32,678,400	31,598,853.6	1,109,546.4	1,108,122.2	1,424.2	3.395
Maryland	6,319,360	6,119,943.3	199,416.7	199,264.7	152.0	3.156
Oklahoma	44,087,680	42,807,121.5	1,280,558.5	1,144,805.0	135,753.5	2.905
Pennsylvania	28,804,480	28,126,996.9	677,831.1	677,445.0	38.1	2.353
Indiana	23,158,400	22,648,171.7	510,228.3	509,514.3	714.0	2.203
Delaware	1,265,920	1,239,209.7	26,710.3	26,705.3	5.0	2.110
Illinois	35,795,200	35,167,452.5	627,747.5	627,333.3	414.2	1.754
Texas	168,217,600	165,413,203.1	2,804,396.9	2,745,750.7	58,646.2	1.667
Massachusetts	5,034,880	4,956,664.4	78,215.6	77,641.7	573.9	1.553
Ohio	26,222,080	25,825,175.0	396,905.0	396,802.9	102.1	1.514
Nebraska	49,031,680	48,293,497.2	738,182.8	489,311.9	248,890.9	1.506
Kansas	52,510,720	51,845,733.5	664,986.5	639,425.6	25,560.9	1.266
Maine	19,847,680	19,655,610.0	192,070.0	191,873.8	196.2	0.968
Iowa	35,860,480	35,626,091.6	234,388.4	234,052.7	335.7	0.654
Rhode Island	677,120	673,240.1	3,879.9	3,835.9	44.0	0.573
Connecticut	3,135,360	3,120,247.6	15,112.4	14,951.2	161.2	0.482
New York	30,680,960	30,558,890.4	122,069.6	121,678.8	390.8	0.398
District of Columbia	39,040	29,917.6	9,122.4	9,000.7	121.7	23.367
Total/Average %	2,271,343,360	1,616,487,980.1	655,457,781.5	65,202,385.9	589,655,842.6	

Source: *Public Land Statistics*, 1999 Edition. Bureau of Land Management, Department of Interior. Table 1-3.

Since today's public lands of the States west of the Mississippi River cannot lay direct claim upon Article IV, Section 3, Clause 2, may they rightfully lay some tie there, at least an indirect claim?

The preceeding comparison acreage chart gives us a better perspective in answering this question.

The acreage chart breaks down the total land acreage of the United States first into acreage owned by others (private ownership and State ownership) and that owned by the United States.

The acreage owned by the United States is then separated into "Purchased" acreage and "Public Domain" acreage.

Lastly the chart breaks down the total acreage owned by the United States (purchased and public domain) as compared with the total acreage in the whole United States.

"Purchased" federal property consists of property purchased by the United States, where State legislatures voluntarily ceded governing authority (i.e., Article I, Section 8, Clause 17 properties [for forts, magazines, arsenals, dock-Yards and other needful buildings]).

"Public Domain" lands are wholly separate from Article I, Section 8, Clause 17 category lands.

The federal government does not ever claim that the public domain rests upon Article I, Section 8, Clause 17, and rightfully so.

With Article IV, Section 3, Clause 2 as the closest constitutional tie to public lands, would it be in gross constitutional error to hold them to that clause?

Perhaps not; but if it were so tied, it would still mean that these public domain lands *should be sold into private ownership for debt reduction!*

With sales, the 'public land States' could then have the rightful increasing opportunity to exercise the degree of sovereignty exercised by other States.

Not only that, but increasing sales and settlement would undoubtedly increase their population numbers, thereby potentially gaining additional Representatives in Congress.

The biggest argument today against perpetual public lands (we are not here discussing exclusive legislative properties) is that a State with high percentages of federal ownership of lands can hardly be "on an equal footing in all respects whatsoever" with the original States, if the federal government retains indefinite ownership of large tracts of lands within the State's borders (83% in Nevada, for example).

The original western lands were sold so new States could form and enter the Union with "the same rights of sovereignty, freedom and independence, as the other states."

Today's public lands States must necessarily be afforded the same treatment or the Union of States becomes a farce (as some States are relegated to mere second-class status).

The federal government not only continues to exercise a great amount of control over these federal lands within the States (and thereby extending undue influence over what should be a sovereign State), but it necessarily keeps such lands off the tax rolls of the State, limiting State revenue.

Land throughout the country is valued artificially high, as great amounts of it are kept out of private ownership; the American dream is improperly kept from more Americans.

The Initiation of Force

The Oregon militants were correct to argue against onerous federal control of public lands, violating not only the spirit of the Constitution, but also the founding principle of using western lands for debt reduction. However, the First Amendment best supports that important principle.

It is imperative that we patriots fighting to restore the Constitution and the principles upon which these United States were founded refrain from initiating violence, however. We cannot break the law in order to enforce it.

Even if private force simply seeks to counter government-initiated force, the government which seeks to expand its power and authority by any most any means available will certainly use armed resistance to justify greater extensions of power, *ultimately increasing the problem*.

If patriots assert that government knows no bounds but then expect to win in a ludicrous war of force against expert government tyrants, they are in for a rude awakening.

9/11 is perhaps the most-vivid example for modern-day Americans to understand how government typically reacts to armed violence aimed its way (or against the country).

In response, the Department of Homeland Security was created in 2002, combining 22 departments and agencies. The Transportation Security Administration was created 11/19/2001, implementing invasive search procedures of airline passengers no tyrant could have before attempted.

The USA Patriot Act of 2001, enacted October 26, 2001, authorized warrantless monitoring of Americans domestically with 'sneak and peak' warrants and roving wire taps. 'Anti-money-laundering' aspects of the 2001 Act widely expanded the definition of 'money laundering' while increasing banking record-keeping requirements.

The assassination attempt on President Ronald Reagan by John Hinkley, Jr. helped spur passage of the Brady Handgun Violence Prevention Act (popularly known as the Brady Bill [named for the President's press secretary James Brady who was shot and partially paralyzed]).

The Gun Control Act of 1968 received its impetus from the assassinations of President John F. Kennedy, Robert F. Kennedy and Martin Luther King, Jr.

The National Firearms Act of 1934 was nominally spurred by gangland violence of the prohibition era, together with a failed assassination attempt on F.D.R.

Of course, school shootings such as the Sandy Hook Elementary School shooting lead to their own rash of gun control laws and dozens of additional executive actions.

But it is not only terrorist incidents or crazed lunatics gone wild with guns which have spurred later legislative retribution against basic American freedoms.

Protest-type of incidents in the 1990's from Waco, Texas to Ruby Ridge, Idaho, to the Oklahoma City bombing (and the World Trade Center bombing) helped spur passage of the Antiterrorism and Effective Death Penalty Act of 1996.

This is this same Antiterrorism and Effective Death Penalty Act of 1996 which the federal government recently used against Dwight and Steven Hammond, to return them to prison (even after they served their court-ordered incarceration sentence [an incident specifically mentioned by the Malheur occupiers]).

And, of course, there is also the American Civil War, where half the country fought the other half; where government during and after the war would never again be the same.

Patriots must learn that inciting violence towards arbitrary government action, even if or when it would otherwise appear justified, ultimately gives arbitrary government a key opportunity to amass even *greater* power.

This cycle of arbitrary government seizing upon every opportunity, making the most of citizen revolt, enacting even more draconian laws to clamp down even further upon every future act of protest is a vicious cycle, one which must be broken, by learning to rise above emotional reaction.

Mutinous Soldiers March on Congress

Perhaps it is cosmic irony that the most-damaging single incident where citizen-revolt provided arbitrary government an ideal opportunity to develop appeared to have minimal impact not only at the time, but even today.

Tragically, however, this little-known incident (with its later ramifications barely-understood) helped lay the necessary groundwork which would be later cleverly transformed into the powerful engine for implementing arbitrary government action in America in the first place.

In 1783, roughly 70 mutinous former Continental soldiers from Lancaster, Pennsylvania, marched on Congress sitting in Philadelphia, swelling in number to approximately 400 by the time they reached their destination, seeking payment of back-due pay for their earlier war service.

Worried members of Congress appealed to the Pennsylvania governor, but he did not call out the State militia to quell the disturbance (perhaps because he thought the militia would simply join in with the rebellion and make the revolt grow even larger [it was not like these other militiamen would have received full pay for their earlier war service, after all]).

After a few days of mostly-orderly quiet protest, an increasingly-worrisome and perhaps paranoid Congress finally fled to Princeton, New Jersey.

But the event left an indelible mark on the members of Congress who witnessed the event, notably James Madison.

At the Constitutional Convention, on August 18, 1787, with the rebellious 1783 "insult to Congress" still weighing heavily on his mind, Madison proposed that the following power be added to those being considered for the General Legislature, including:

> "To exercise exclusively Legislative authority at the Seat of the General Government, and over a district around the same, not exceeding square miles; the Consent of the Legislature of the State or States comprizing the same, being first obtained."[19]

Mild debate on this proposed wording occurred on September 5th; with slight modification it was unanimously approved by the delegates, becoming Article I, Section 8, Clause 17 of our U.S. Constitution, which states in full:

> "Congress shall have Power…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 Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings."

19. *Notes of Debates in the Federal Convention of 1787, as Reported by James Madison*. The Norton Company, New York. 1966. Page 477.

This clause authorized the creation of a district for the government seat — for what in time became the District of Columbia — where members of Congress may not only exercise "exclusive Legislation," but explicitly "in all Cases whatsoever" (i.e., in no cases must this power be shared).

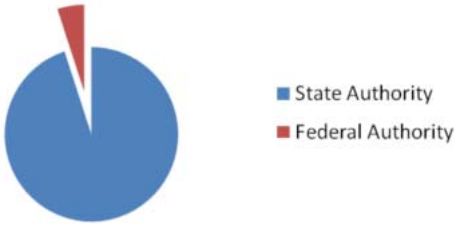
Few Americans today realize the potential for impact from this seemingly-innocuous clause, at least when fully exploited by deceitful tyrants who later acted to benefit themselves against an unsuspecting public.

But before looking further into this alternative power, it is not here out of line to ensure that the proper structure of normal American government is well-understood.

Upon ratification of the U.S. Constitution, governmental power in the United States became divided into State and federal jurisdictions, by the express terms of the Constitution itself.

The powers enumerated, together with their necessary and proper means, were delegated to the Congress and U.S. Government, by the States as they individually ratified the Constitution.

All the powers not delegated to Congress and the U.S. Government remained in the States themselves (unless the powers were not given to any government and were therefore retained by the people [as specifically later detailed in the words and wisdom of the 10th Amendment]).



The simple pie chart shown above serves to illustrate the principle of enumerated powers being delegated to the federal government, with the States retaining the remainder of the proper governing powers.[20]

Article VII of the U.S. Constitution acknowledges that the Constitution would become operational by and through State ratifying conventions.

This fact acknowledges that the several States withdrew specified powers and transferred them over to their new agent, the Union of States operating within and under the terms of the U.S. Constitution.

20. The exact proportion of the pie attributed to each is here not overly-relevant; for our sake, the main principle is simply that there was a division of powers in the United States with ratification of the Constitution.

This division of power into State and federal divisions is typically well-understood by most parties, at least in principle, and even if the amount or percentages attributable to either may tend to be disputed along ideological lines and political parties.

But it is time to now look upon the alternative form of government allowed by Article I, Section 8, Clause 17.

By the express words of Clause 17, members of Congress are able to exercise *exclusive* Legislation "in all Cases whatsoever."

This means that here governmental power is decidedly and purposefully *not divided* into State and federal jurisdictions, but unified within Congress!

This pie chart for the District of Columbia, therefore looks something like the following:

In this pie chart, Congress and the federal government not only exercise the powers normally federal, but also in the ominous words of Article I, Section 8, Clause 17, they may also exercise their "exclusive legislative" powers "*in all Cases whatsoever.*"

This means that *all* government power is here in the government seat held *only* by Congress and the U.S. Government: *power is not here separated into State and federal jurisdictions.*[21]

Neither is power divided in exclusive legislative jurisdiction forts, magazines, dock-yards and other needful buildings, where members of Congress may exercise "like Authority" as that exercised in the government seat.

In other words, this clause allows a *wholly-different and unique form of government for the government seat* (and also exclusive legislative jurisdiction forts, magazines, arsenals, dock-yards and other needful buildings) than allowed by the remainder of the Constitution.

21. The fact that the District of Columbia has had various forms of local government (including currently a mayor and city council) which enact some local laws, such congressionally-allowed legislation enacted by purely local government cannot trump the U.S. Constitution which permanently vests Congress with the "exclusive" power to therein legislate "in all Cases whatsoever."

The crucial importance of this clause, around which patriots must wrap their heads, is that ratifying the Constitution (and amendments) *is not the only time a State ever cedes power to the Congress and U.S. Government!*

Each State, as it individually-ratified the Constitution, gave up specific powers (as enumerated) and delegated them over to Congress and the U.S. Government, but again this is *not* the only delegation of power ever given by the States!

It is imperative that patriots understand that all the States of the Union have all given up *additional* power to Congress and the U.S. Government *of their own accord*.

Therefore, anytime Congress and the U.S. Government act, one must look to *both* forms of allowed government before knowing full well if members of Congress or government officials actually have proper authority to act.

In other words, one cannot look only at the Constitution to understand how the federal government may act in any one instance, or one will become hopelessly lost and wholly unable to figure out what on earth is going on, because Congress and the U.S. Government will appear to be empowered with almost mystical and magical powers which cannot be tamed or understood.

As specifically provided by Article I, Section 8, Clause 17 for allowed purposes (for the Seat of Government, and for Forts, Magazines, Arsenals, dock-Yards and other needful Buildings), those individual States who earlier ratified the Constitution may also, from time-to-time, if and when they are individually willing, *give up the whole of their remaining State powers*, but only in specific and localized tracts of land, land which can then be federally used for allowable Clause 17 purposes!

These Article I, Section 8, Clause 17 properties ceded by States are the only places in the whole of the Union where *one* government now holds *all* governing power.

Everywhere else throughout the whole country, government power was divided into State and federal jurisdictions by the express terms of the whole U.S. Constitution (other than Art. I:8:17).

Implications

The implications of this principle boggle any mind not cleared of so many false concepts of American law which masquerade as truth only to confuse patriots.

For example, conservatives routinely assert that numerous actions of the federal government violate the 10th Amendment, because the federal government is said to be exercising powers retained by the States in our original constitutional compact.

But if Congress is really only enacting legislation for the government seat (where the State of Maryland separately ceded to Congress and the federal government all of her State powers in 1791 [and even if Congress does not explicitly come out and acknowledge their actual mode of action), how can Congress here actually violate the 10th Amendment?

The Maryland Cession of December 19, 1791 stated, in part:

> "*Be it enacted by the General Assembly of Maryland*, That all that part of the said territory called Columbia which lies within the limits of this State shall be, and the same is hereby, acknowledged to be *forever ceded and relinquished* to the Congress and Government of the United States, and *full and absolute right and exclusive jurisdiction*, as well of soil as of persons residing or to reside thereon."[22]

This Maryland cession law uses terms not readily familiar to most Americans, but such terms are found in treaties ending war, where the losing power cedes former governing authority, such as found in the Paris Peace Treaty ending the Revolutionary War, stating therein in Article I:

> "His Britannic Majesty acknowledges the said United States, viz. New-Hampshire, Massachusetts-Bay, Rhode-Island and Providence Plantations, Connecticut, New-York, New-Jersey, Pennsylvania, Delaware, Maryland, Virginia, North-Carolina, South-Carolina, and Georgia, to be free, sovereign and independent States; that he treats with them as such; and for himself, his heirs and successors, *relinquishes all claims to the government, propriety and territorial rights of the same, and every part thereof*."[23]

These cessions of government power (over specified tracts of land) cede to a new government the previous government's ability to there legislate.

Just as the Parliament and King of Great Britain can no longer legislate for the United States after the 1783 treaty, neither can Maryland any longer legislate for the land she ceded to Congress and the U.S. Government for the Seat of Government after her 1791 cession.

Thereafter, the government to whom power was ceded enacts law within the specified tracts of land.

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22. Congressional Serial Set, 61st Congress, 2nd Session. Vol. 58: Senate Document No. 286; *Retrocession Act of 1846.* Italics added near the end.

23. *Definitive Treaty of Peace between the United States of America and his Britannic Majesty,* September 3, 1783. Vol. 8, *Statutes at Large*, Page 81. Italics added.

Therefore, members of Congress need not actually use only the powers collectively ceded them when all the States of the Union individually ratified the whole of the Constitution, *because they may alternatively use only the State powers Maryland ceded them in 1791 when she ceded her land for the District of Columbia* (or any other State when they also ceded other lands for Clause 17 purposes)!

The only real rub for understanding American tyranny is knowing if or when Congress is actually legislating for the whole country and when they are merely enacting law for the government seat (and perhaps other federal enclaves [whether they ever admit which authorizing power is used]).

Protestors against this clever deception may claim 'foul', but ignorance of the law is no excuse; and if patriots do not really even understand that members of Congress may enact legislation (actually only for the District of Columbia [and perhaps enclaves], but imply it is for the whole Union) wholly apart from normal constitutional constraints, then those members of Congress evidently do not need to go out of their way to inform that misunderstanding public.

After all, one is talking here about *legality*, not *morality;* about what *should* be done (by ethical participants), not what *must* be done (by self-interested opportunists for as long as they may get away with it).

And if members of Congress may use their authority to wildly benefit their friends and cohorts who help keep them elected, then the American public can evidently eat dirt.

Looking again at the chart on page 10, one can see that in most every State in the Union, there are at least hundreds of thousands of acres purchased by Congress and the U.S. Government and used for Clause 17 purposes therein.[24]

Every State of the Union, besides ratifying the Constitution, has ceded land and therefore additional governing authority over to the federal government. In those cessions of land, Congress may exercise *exclusive* legislation in all Cases whatsoever, in accordance with Clause 17 as detailed in the U.S. Constitution.

Every State of the Union *should* understand that members of Congress and the U.S. Government have a separate rulebook by which they are nominally allowed to act, at least in allowed cases. Before charging any activity as 'unconstitutional', it is proper to first consider this additional authority.

24. The States without hundreds of thousands or millions of acres of Clause 17 federal lands are: Delaware with only 26,705.3 acres; Massachusetts with 77,646.7 acres; Rhode Island with 3,835.9 acres; and Connecticut with 14,951.2 acres.

The only real trick needed to expand government far beyond the normal confines of the Constitution is to simply keep the actual manner of deception misunderstood and well-hidden.

If the manner of action which nominally allows for government tyranny is ever exposed and brought out into public, to then direct, like the Wizard of Oz, "to pay no attention to the man behind the curtain" or to ridicule the party espousing such thoughts.

Another serious matter of contention by conservatives is to point to the alphabet federal agencies which implement federal regulations, appearing to directly violate Article IV, Section 4 of the U.S. Constitution and its guarantee to every State of the Union of a Republican Form of Government (government where elected representatives enact law, not appointed bureaucrats).

But the District of Columbia is decidedly not a State, even as it was formed by cessions of land ceded by a State.

Since the District serving as the Seat of Government is not a State, therefore it has no specific constitutional guarantee of a Republican Form of Government (and, in fact, the district which constitutes the Seat of Government of the United States has no actual legislative representation in Congress).[25]

Therefore, there is here in the District of Columbia no actual constitutional infirmary for unelected civil servants to issue edicts held as law (provided they are not actually 'for' the United States, at least as that term is defined and understood by the Constitution).

Members of Congress have always exercised control over the government seat that far exceeds the powers otherwise allowed them for the whole country, without violating any of the otherwise normal separation of powers doctrines between State and federal governments as commonly associated with the Constitution.

25. The District of Columbia elects no Representatives or Senators to Congress. Members of Congress (elected only by States) have the exclusive power to legislate "in all Cases whatsoever" in D.C., showing that district residents have no actual representation (as acknowledged on D.C. license plates).

While it is true that the *spirit* of the Constitution would seemingly-require members of Congress to directly use their exclusive legislative jurisdiction powers only in and for the government seat and like-jurisdiction federal forts, it is also true that the *letter* of the Constitution does not ever once specifically exclude legislation enacted under Article I, Section 8, Clause 17 from also being part of the Supreme Laws of the Land under Article VI, Clause 2, capable therefore of being enforced throughout the United States.[26]

The dirty little secret of omnipotent government is that it is all based upon Article I, Section 8, Clause 17 of our U.S. Constitution, which clause has merely been cleverly extended far beyond the original ten-miles-square jurisdiction by simple deception masterly performed.

Those pushing for government tyranny do not really 'interpret' the Constitution any way they see fit; they only appear to have the omnipotent power to change the definition of words by those unable to follow their clever bits of deception.

Acts of government tyranny do not violate the Constitution, per se, because they are actually being done only under the single clause of the Constitution which allows it, that clause wholly unlike every other.

In other words, there is only strict construction of the Constitution, and those who push government to boldly go where no American government has gone before actually hold up that Constitution up to its *strictest* terms, so strict in fact, that the letter of the Constitution (i.e., Article I, Section 8, Clause 17) may be used in such a way to violate the whole of the Constitution's spirit.

American tyranny is actually based upon the very fragile edifice of a mere appearance of government omnipotence.

The truth of the matter is that only States may ratify amendments to the Constitution; only they are empowered to actually change the Constitution.

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26. This does not mean that these otherwise local laws enacted by Congress operate throughout all the United States, just that these laws may actually be enforced throughout the States after they are locally broken (meaning once these laws are locally broken, marshals can then search throughout the U.S. to apprehend the suspects wherever they may be found).

    See *Patriot Quest* for elaboration.

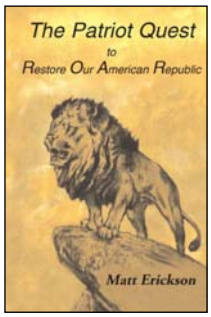
Therefore all government action which does not stand firmly upon the original Constitution or upon ratified amendments is in reality but a legal mirage, one which will appropriately vanish once the people of this parched land adequately discover where to dig for fresh springs of liberty.

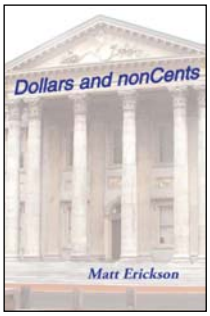
American tyranny will ultimately crumble before the proper edifice of truth properly expounded to all citizens by patriots who can competently convey these truths in a simple and comprehensible manner.

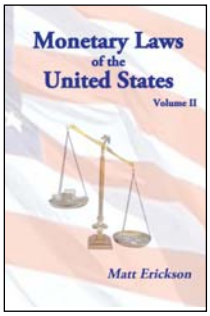
This paper is not meant to be a detailed expose on extending the powers of government by deception over a populace not understanding the mechanisms of deceit.

To better understand the trick of Congress 'stretching' their exclusive legislation jurisdiction far beyond the original confines of the ten-miles-square Seat of Government and federal forts, magazines, arsenals, dock-yards and other needful buildings, please see the following public domain non-fiction books and fiction novels by Matt Erickson and freely available at the following websites for more information:

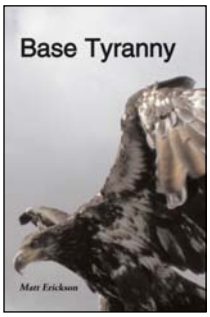
Non-Fiction Books:







Fiction Novels:



www.PatriotCorps.org

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