



The BEACON SpotLight

A Study of Constitutional Issues by Topic

Issue 7: Making Sense of Government Nonsense

It has been said that “The definition of insanity is doing the same things over and over again but expecting differing results.”

Well, the 2016 Presidential election is certainly proving a certain amount of truth in that assertion.

Proponents of extreme federal power seemingly have Americans boxed-in today, appearing to only ‘allow’ us the option of choosing our preferred dictators, who will then rule over us as they see fit.

But we Patriots who care to object to such absurd reasoning in the Land of the Free must ask ourselves whether there is yet some way to uncover the wisdom of our Constitutional Republic, to finally understand how government ever veered from its original path of limited powers, allowing us to discover how to best return to it.

To free ourselves from the tyranny enveloping these United States of America, it is imperative to examine things differently than we have in our past. We must look for encouraging leads and follow them to their conclusion to see if they can help restore sanity to this fallen land.

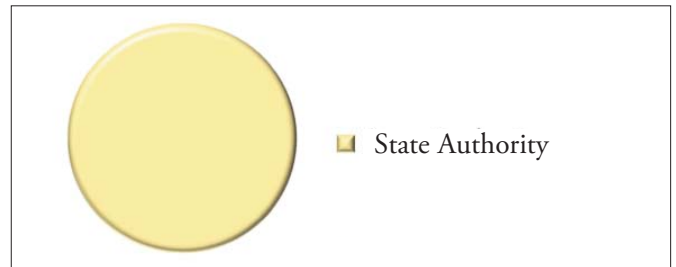
To break free from invalid political constraints placed upon us along the way, it is best to start at the beginning. Let’s do that now; before it’s too late.

In the Declaration of Independence, our founding fathers declared the American colonies to be “Free and Independent States.”

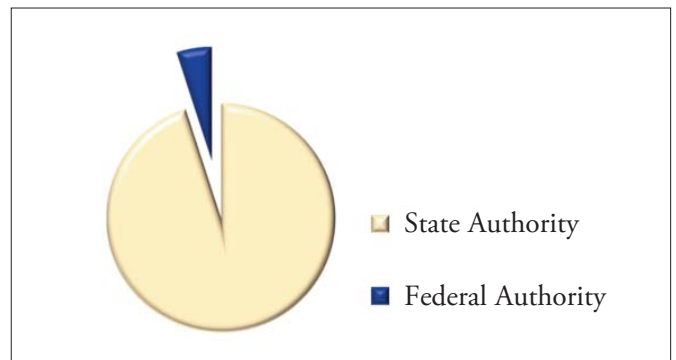
A long and difficult war was necessary to bring validity to that declaration, the war which we Americans won. In the treaty ending the war, the British government acknowledged her former colonies to be “free, sovereign and independent States.”

Upon achieving independence, governmental power devolved, at least in its most basic form and for our simple purposes here, upon each State of the Union, individually, even as delegates met together for common benefit.

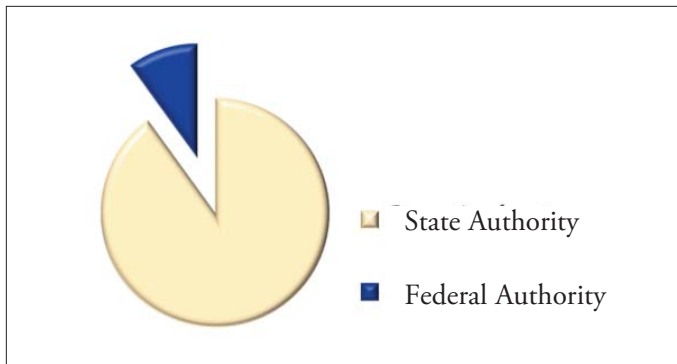
That all governing power resided in each State before ratification of the Constitution is shown in the pie chart below, showing a whole pie.



By their ratification of the U.S. Constitution under Article VII, however, the States willingly ceded the powers delineated within the Constitution over to the Congress and Government of the United States. Thereby and thereafter governing power in the United States was divided into *federal* and *State* jurisdictions, as represented by the pie chart below.



Under Article V of the Constitution, the States of the Union may ratify Amendments, which “shall be valid to all Intents and Purposes,” as part of the U.S. Constitution.



Through Amendments, then, *States* may enlarge or restrict *federal* powers, whenever three-fourths of the States agree to ratify a proposed federal Amendment.

After covering the Article VII ratification and Article V Amendment processes, it is appropriate to now ask if these are *the only methods* by which States ever cede power to the federal government?

The correct answer to the question, as asked, is ‘NO’, even though these two instances are the only generally-acknowledged methods conservatives would admit that States ever delegate power to the United States.

To be able to answer ‘YES’ to the above question, however, it must first be modified to ask, ‘Are the Article VII ratification and Article V Amendment processes the only methods by which States ever *collectively* delegate power to the United States, *for use throughout the whole Union*?’

You see, this clarification is needed because, under Article I, Section 8, Clause 17 of the U.S. Constitution, the States may also cede *the remainder of their governing power* for designated tracts of land to Congress for specialized purposes (for the district constituted as the Seat of Government of the United States [the District of Columbia] or for forts, magazines, arsenals, dock-yards, and other needful buildings [hereinafter, these areas, including D.C., are together referred to as ‘federal enclaves’]).



But conservatives generally ignore this awe-inspiring power which members of Congress have at their disposal; jumping to the incorrect assumption that it does not ever impact them (since they don’t live within federal enclaves).

Since the federal government has morphed into something wholly unrecognizable from our founders’ vision, it is necessary to examine previously-ignored suppositions to learn if anything vital has escaped our notice.

Let’s say for just a moment that this federal enclave power somehow impacts citizens even beyond those limited confines. For people who often assert that the federal government frequently acts ‘unconstitutionally’, would it really be that much of a feat for government to somehow cleverly extend its reach?

Perhaps yes and perhaps no, but for now let’s go with ‘yes’ so that we may examine it further.

But before doing that, let’s first recap the basics covered above, just for a moment, to ensure we remain centered upon solid constitutional principles.

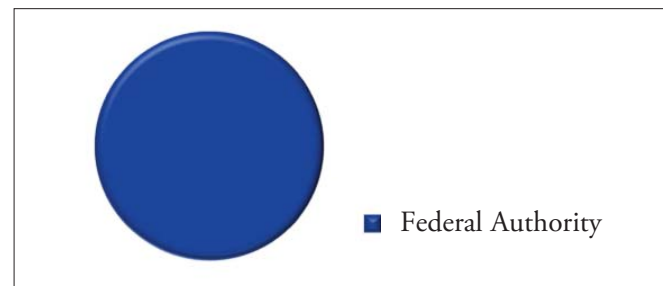
With ratification of the U.S. Constitution by the States under Article VII, governing power became divided into federal and State jurisdictions. This is an activity done within each State, of its own accord.

Under the Article V Amendment process, anytime enough States (three-fourths) *individually* ratify a proposed amendment, they *collectively* increase or decrease the powers of the federal government (increasing or decreasing the size of the dark wedge shown in the pie chart above).

Now, under Article I, Section 8, Clause 17, however, each State may *individually* cede to Congress and the U.S. government their *remaining* State governing authority *for specific tracts of land* for authorized purposes (*without* collective action by any other State).

In other words, each State may willing give the federal government the remaining amount of State authority (represented in the pie chart above as the large, light-colored wedge) in specific tracts of land for allowed purposes.

The resulting pie chart for these federal enclaves, *after* the State ceded the remainder of its governing powers *for these specific areas*, now turns the *whole pie dark in color*.



As represented by this latest pie chart showing *unified* federal powers, *all* governing power in these special federal enclaves is being held all by *one* government. Everywhere else (including federal lands scattered throughout the western States), outside of these federal enclaves, governing power is *divided* into federal & State jurisdictions.

In the words of Clause 17, here in these federal enclaves members of Congress are empowered to exercise “*exclusive* Legislation in *all* Cases whatsoever.” Here, in every case, the governing power is *exclusive* to Congress.

Patriots seeking to restore limited government within strict confines of the Constitution cannot ignore the implications of one government being (here) empowered to exercise powers *both federal and* (what would appear at first glance to be) *local* powers.

How many times have American Patriots asserted that any of a thousand different federal actions are well beyond the enumerated powers of Congress? Well, what if members of Congress are actually empowered to perform that activity, only there’s a catch which not many people yet understand? Is it just possible that Clause 17 may hold a key to understanding federal action which appears to ignore, overrule, or obliterate the Constitution? Certainly.

As one can read within Clause 17, the governing power over land to be ceded for federal enclave purposes must be ceded “by the *Consent* of the Legislature of the State in which the Same shall be.”

Clause 17 therein and thereby directly acknowledges a *third* instance where States may cede governing power over to the Congress and U.S. Government; thus Articles VII and V are *not* actually the only methods States may ever use to cede power over to the federal government.

Since we are looking to understand federal powers which appear omnipotent, no matter their origin, further inspection of this source of power is not here out of line.

First of all, it is necessary to realize that when a State cedes all of its governing power over to Congress for a federal enclave, that the former State Constitution does *NOT* bind Congress. This follows the same principle as British laws no longer binding American governments after Britain ceded her powers in the 1783 peace treaty.

And since the whole of the U.S. Constitution beyond Clause 17 does not address how members of Congress may act when enacting localized legislation for federal enclaves, one must realize that in these areas, there is here *no* similar enumeration of (or limitation upon) the multitude of State-like powers which all States of the Union otherwise have expounded within their State Constitutions, often even of a hundred pages of length.

Imagine for a moment then the tyranny possible within any State of the Union if it had *no* State Constitution to guide, direct and limit State action. Then realize *that* is the power available to Congress for federal enclaves!

With no State Constitution available to limit this power of Congress for federal enclaves, one should begin to understand the extent of discretion actually available to members of Congress by this power.

Does this sound like the extent of power which members of Congress have been known to act for well over a century now? Most certainly.

Undoubtedly at this juncture, some people will point to the mayor and city council of Washington, D.C., offering that they enact local legislation. While true, neither can these officials trump Congress, as the Constitution vests solely with Congress the power to exercise “*exclusive* Legislation in *all* Cases whatsoever” over this area.

The mayor and city council therefore ultimately serve only at the pleasure of Congress who have the power to change the local form of government (and they have, numerous times). Thus all local legislation in the District may be wholly ignored for our purposes, since it cannot overrule congressional action.

With our inspection thus far, one should begin to have an idea of extreme level of discretion that members of Congress have for federal enclaves.

Now imagine the *additional* havoc which could be *additionally* imposed as one removes the restrictions which the U.S. Constitution imposes upon ‘States’ from the equation (like being prohibited from coining money, emitting bills of credit, or making any thing other than gold and silver coin a tender in payment of debts [listed in Article I, Section 10]).

One must realize that the ‘District’ constituted as the Seat of Government is not a ‘State’ as the Constitution understands that term. This district was formed from lands ceded by ‘States’, but it is decidedly not a ‘State’. The 23rd Amendment concedes that the District is not a State when it speaks as “*if it were a State*” *only* for the new purpose of thereafter having residents choose an allowed number of electors for electing the President and Vice President.

Only ‘States’ elect members of Congress; therefore in federal enclaves there is here *no legislative representation* (only ‘States’ are guaranteed a Republican Form of Government [under Article IV, Section 4]), the fundamental building block of the United States. This lack of representation is acknowledged on D.C. license plates.



Without legislative representation in federal enclaves, unelected bureaucrats in the executive departments, government corporations or independent establishments may issue regulations which bind residents without their consent and against their will!

The Tenth Amendment reserves powers to the States which were not delegated to the United States, but the *Tenth Amendment gains no traction* in federal enclaves since there is here no State for which any powers may be reserved!

Thus members of Congress and government officials may safely ignore the Tenth Amendment *whenever* they act in the government seat (or any of the other federal enclaves); in fact, it is without merit to ever bring it up.

Given such immense implications, Patriots everywhere should be paying solid attention now, as omnipotent federal actions of our incoherent past *suddenly begin to fall into place within an enumerated constitutional passage.*

Without this understanding, Patriots may only place federal tyranny into the category of ‘unconstitutional’ behavior, which made no sense when upheld by courts. Confusion ensued; chaos which feeds the tyrannical monster, as government seeks to become all things to all people and the center of all.

At the center of all-encompassing federal action lays this *federal enclave* power, allowing the federal government here to act wholly unlike it may ever act outside of these areas.

One should be beginning to realize that federal actions of unimaginable discretion may perhaps not violate *every* clause within the Constitution (at least when those actions are properly limited to federal enclaves [and only *appear* to extend beyond their limits]).

To better understand the extent of this federal enclave power, further investigation into the phrase “in all Cases whatsoever” as specifically detailed in Clause 17 is in order.

Patriots should be surprised to find this same exact phrase in our Declaration of Independence, because there it complained of “acts of pretended Legislation” imposed by the British government upon beleaguered colonists.

This ominous four-word phrase actually originated in the 1766 British Declaratory Act, where Britain asserted the power to bind the American colonists against their will and without their consent “in all cases whatsoever.”

This stubborn British mindset, enacted into law, was the ultimate cause of the Revolutionary War. All other injuries listed in the Declaration simply point to different manifestations of this single root cause; merely different symptoms of the same fundamental problem.

The tragic history of this four-word phrase better alludes to the extensive power it *now* references for federal enclaves. This is the power which members of Congress and government officers may exercise in unique federal areas. Learning to properly contain this awe-inspiring power within intended constitutional constraints must be our primary focus, not chasing after figments of the imagination.

As we have seen under Article V, only the States may actually *change* the powers of the federal government. Federal officials and members of Congress exercise but delegated powers; they are therefore powerless to change their allowed powers on their own accord.

The necessary implication of solid constitutional principles is that no action ever performed by any member of Congress, the President and his staff, or even supreme Court justices has therefore actually ever *changed* the Constitution. The Constitution of original intent is fully recoverable, modified only by the 27 ratified Amendments.

Is it really more difficult to believe that the federal government merely operates within a widely-misunderstood but delegated power which offers them unimaginable discretion than believing they may actually change the meaning of words to expand their own powers?

The answer for regaining liberty in 21st-century America is to discover exactly HOW members of Congress and government officials take great advantage exploiting a poorly-understood power of wide discretion beyond the original confines of strictly-limited geographical areas.

To prove the concept discussed here, a closer inspection of this power is in order. While any of a thousand examples could be investigated (federal intervention into health care, education, etc.), the book *Patriot Quest* examines the principle with regard to money (with the substitution of gold and silver coin with legal tender paper currency). *Patriot Quest* is available as a free electronic download at:

www.PatriotCorps.org; www.Archive.org; or www.Scribd.com/matt_erickson_6.