The BEACON SpotLight
A Study of Constitutional Issues by Topic

Issue 22: Pushing The Red Button to Throw Off Federal Overreach

If you somehow found yourself personally standing in front of the primary control panel at some mysterious Master Command Center, that housed "The Red Button" that, when pushed, would immediately terminate all of federal overreach, forever, would you have the guts and determination to push it?

Or, if you didn't know whether you should really push The Red Button, would you not at least take the opportunity presented to read the available instruction manual, that told how it worked and why it would work, so you would know beforehand, that, by pushing it, you would truly be doing the right thing?

Americans have before us the opportunity to create that seemingly-magical Red Button, simply by varying the Democrats' current efforts on D.C.-Statehood, but doing it the right way—by pursuing a constitutional amendment.

We need only tie the Democrats' D.C.-Statehood movement to a complete repeal of Article I, Section 8, Clause 17—which is the clause that allowed the creation of exclusive legislation properties such as the District of Columbia in the first place.

Of course, Republicans, libertarians, and conservative independents have no desire whatsoever to help Democrats secure two perpetually-liberal U.S. Senators and another progressive U.S. Representative, which, of course, is what Democrats' D.C.-Statehood movement is really all about.

But, if The Red Button would work as advertised, would this concession really be too much to ask, to immediately and permanently drain "The Swamp" and restore our American Republic as originally envisioned by the Framers of the Constitution (before the courts began steering government on a different path)?

Indeed, if the original spirit of the Constitution was simultaneously resurrected, and all members of Congress and federal officials could thereafter only exercise enumerated powers using necessary and proper means (as "necessary and proper" meant, at time of ratification), what harm could those new members of Congress who may even have radical tendencies really cause?

If your "fantasy-radar" alarm is shrieking loudly right now—warning you to stay away from pure fantasy and get back to reality—it is appropriate to emphasize that The Red Button is not magical, nor mere conjecture.

The power behind The Red Button comes not from it being magical, but that it destroys [fictitious] magic. It is the absurd spell first cast hundreds of years ago that says federal servants may become our political masters that The Red Button actually extinguishes.

The power of The Red Button is truth, adequately disseminated, sufficient to expose the fraud and implement the means needed to annihilate falsehood.

FOUNDATION FOR Liberty

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For well over 200 years, federal servants—especially of the Supreme Court—have built up and perpetuated the false myth that those who must swear an oath to support the Constitution so they may exercise enumerated powers may instead overrule that same Constitution, and thereby rule over us citizens.

The Red Button, once properly constructed and then pushed, permanently pulls down the entire false edifice that has been built upon the quicksand of deception and lies, so that the bright light of day may shine upon the ugly ruins to sweep them clean away, leaving us with the strong foundation of our true Republican Form of Government firmly in place.

This paper is the available instruction manual, that also has a trouble-shooting section, that shows how to finish wiring The Red Button, so it will work as advertised once pushed.

When seeking to regain footing in the Land of Reality that was lost hundreds of years ago, never lose sight of the primary point that all federal servants are required to take an oath or affirmation to support the U.S. Constitution, as mandated by Article VI, Clause 3 (except the President, who has his own special oath—to preserve, protect and defend the Constitution, and faithfully execute his office—in Article II, Section 1, Clause 8). And, any minor public servant who doesn't personally take an oath, necessarily works under the supervision of a senior officer who has taken that oath.

The mandated oath signifies subservience to the Constitution servants absolutely cannot change—indeed, it takes three-fourths of the States to ratify formal amendments to change the U.S. Constitution and available federal powers, for direct exercise throughout the Union.

No agent may ever rule over and overrule the principals.

Members of Congress are the agents, while the States are the principals to the compact and contract which is the U.S. Constitution. The President and his executive officers and the Supreme and Inferior Courts and their judicial officers are merely the hired guns that serve the Government of the United States. None of them—members of Congress or federal officers—may ever change their powers, or the Constitution, in any way, shape or form.

Only the States of the Union—who again are the principals to the contract or compact which is the U.S. Constitution—may change the Constitution or may change the delegated powers allowed the agents and officers.

Everything that appears contrary to this central fact is but a Grand Illusion, that may be cast aside by seeing through the mountains of lies that support the absurd idea that federal servants may ever become our political masters throughout the Union. That they have long claimed such omnipotent powers hardly settles any matter beyond confirming their cold and calculating manner and their self-serving tendencies.

Indeed, federal servants are only *Masters in their own Port*—in the District of Columbia—where they may and even must make up all their own rules, as they go along.

It is important to realize that in the District of Columbia, no State, State-like, or District Constitution exists to guide and direct local government action therein, as elsewhere, State Constitutions perform, for State governments.

Since there are no local rules anywhere designated, members of Congress must therefore make them up, as they go along.

And, since—as Democrats correctly point out—there is no *legislative representation* in the District Seat, then it is fully allowable for members here to delegate their rule-making authority to executive officers in the alphabet agencies, to make regulations held as law. It is also fully permissible in the District Seat for Congress to allow court justices to "rule from the bench," precisely because there is no legislative representation, nor guarantee thereof.

While federal servants may serve as political masters in and for the District Seat—where they must make up their own rules as they go along—they have no power whatsoever, however, to change the Constitution itself, or any of their enumerated federal powers that they may exercise directly throughout the Union.

Instead, federal servants may only "ignore" the Constitution or "bypass" its rules and constraints *as the Constitution itself allows.*

And, the Constitution allows bypass only in and under the special cases involving exclusive legislation lands used for the District Seat, forts, magazines, arsenals, dockyards and other needful buildings, under Article I, Section 8, Clause 17.

Therefore, anything and everything any federal servant has ever done, in apparent excess of the Constitution, necessarily rests upon the special legislative authority for the District Seat, and exclusive federal forts and ports, *and that is why repeal of Clause 17 and termination of the exclusive legislative authority of Congress may sweep away centuries' worth of lies and deception, of claimed federal omnipotence everywhere.*

Once the necessary basis for all those false things that are otherwise contrary to the normal rules of the Constitution is repealed, all that was built upon it is likewise and simultaneously tossed aside and discarded.

Thus, by rewiring the Democrat's current D.C.-Statehood legislative bill, into a bipartisan amendment proposal—to give D.C. Statehood as a concession to Democrats for their support—Republicans can make ready the master command Red Button, for three-fourths of the States to push, to regain the whole Constitution, strictly construed, forevermore, amen.

To rid ourselves of the centuries-old Administrative State, all that is necessary is that Republicans absolutely insist upon full and open repeal of Clause 17, entirely, not leaving even one square inch of exclusive legislation ground anywhere in the Union (not for the National Mall, nor even one legislative, executive or judicial building, nor any post office or court house, anywhere). Instead, all those federal buildings wherever located *must* in the future be housed on lands over which one of the States of the Union has obtained, regained or retained its legislative authority, its appropriate share of the government pie.

The damage done to the Constitution by using Clause 17 as the clever legal sleight of hand—to exploit the highly-unusual exception to all the normal rules—may be swept away, by full and open repeal of said clause.

Indeed, Clause 17 has outlived its usefulness, other than as a clever means of constitutional bypass for power-hungry federal servants, harkening back to an era when the federal government was weak and largely impotent, unable to even protect itself from the powerful States.

In 1956, an interdepartmental commission which had been charged with examining the extensive problems associated with exclusive legislation properties located beyond D.C. gave its report that examined the many problems of these scattered exclusive federal parcels not having any mechanism whatsoever for dealing with local issues elsewhere adequately dealt with by States, such as schooling, police, local courts, marriages, births, deaths, filing property deed transfers, etc.

The bipartisan commission ultimately concluded:

> "with respect to the large bulk of federally owned or operated real property in the several States and outside of the District of Columbia it is desirable that the Federal Government not receive, or retain, any measure whatever of legislative jurisdiction, but that it hold the installations and areas in a proprietorial interest status only, with legislative jurisdiction remaining in the several States."[1]

The District of Columbia was omitted from the study because it had a local government that performed such local tasks in the absence of State authority (then, an appointed, three-member board of commissioners—now, a mayor and 13-member council).[2]

Indeed, the Attorney General for the State of Kentucky summarized Clause 17 as "an anachronism" which survived from the early period of our history when federal powers were so strictly limited that care had to be taken to protect the Federal Government from encroachment by officials of the all-powerful States.[3]

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1. *Jurisdiction Over Federal Areas Within The States, Report Of The Interdepartmental Committee For The Study Of Jurisdiction Over Federal Areas Within The States.* Part 1, Page 70. April, 1956. United States Government Printing Office, Washington: 1956. (KF 4625 A86).

2. Ignore as irrelevant, any local governing body in the District Seat, for Clause 17 vests exclusive legislative authority for the area, "in all Cases whatsoever" *in Congress*—thus, the buck always starts and stops with Congress.

3. *Jurisdiction Over Federal Areas...* Part 1, Page 24.

Neither the military, nor even super-secret federal installations, tied the security of their installations to exclusive legislation lands (indeed, the vast bulk of military forts and army or naval bases weren't and yet aren't even located on exclusive legislation grounds anyway—they were and already are situated on ground where a State retained legislative control). For example, the Department of the Navy concluded:

> "the jurisdictional status of the site of an installation is immaterial insofar as any effect it may have upon the security and military control over the property and personnel of a command are concerned."[4]

This 1956 study pointed out the extensive problems associated with exclusive legislative jurisdiction forts, magazines, arsenals, dockyards and other needful buildings.

Today, Democrats have pointed out the real harm to District residents from their being denied legislative representation, the birthright of all Americans.

Thus, it is appropriate to repeal *both halves* of Clause 17—the first portion that deals with the District Seat and the second portion that deals with forts and ports.

Excluded from the Democrats' current legislative bill are monuments and primary federal buildings (the White House, Capitol building, the U.S. Supreme Court building, and various other buildings adjacent to the National Mall (leaving a very small District).

But, given the problems associated with exclusive federal areas—both in the District Seat and enclaves throughout the Union—why leave *any* exclusive legislation areas whatsoever? *Why not terminate all of it, every square foot?*

Indeed, the problem of federal impotence the early Congress and U.S. Government faced *no longer exists.* No similar problems exist today, of federal buildings on lands under State authority, being unduly interfered with, by State authority.

There remains today no valid reason to keep special legislative areas that are wholly different—even anti-American in concept. The problems of omnipotent-power exclusive legislation jurisdiction forts, magazines, arsenals, dockyards and other needful buildings are well documented and extensive.

The lack of legislative representation in the District Seat is a sufficient reason for terminating the exclusive legislation District Seat on its own (though not necessarily D.C.-Statehood [but, retrocession]).

Therefore, terminate Clause 17 *entirely*, and be done with this useless anachronism that has been used as the clever tool to turn the country upside-down for 200 years, for the decided benefit of those who control the reins of omnipotent federal action.

Remove the festering infection that threatens the life of the host. Excise the cancer, before it kills the patient. Apply chemotherapy and radiation, if necessary. Ensure every last cancerous cell is expunged from the body.

Democrats have actually done strict-constructionists, conservatives, and libertarian-minded proponents of small government a huge favor, by bringing needed attention to a real problem, while offering a suggestion on how to get rid of most of the District Seat.

Republicans just need to revise the job description and do it right—by now cleaning up hundreds of years' worth of messes. Republicans may now work with Democrats, to rid ourselves of all of the District of Columbia, and all exclusive legislative properties scattered throughout the Union.

And, if Democrats balk at the modified procedure, once they discover they've started something they may not like, Republicans may threaten to pursue complete retrocession of all exclusive legislative properties—*including the District Seat* (back to Maryland [preventing Democrats from being assured of additional liberal seats]).

Indeed, full exposure of the deviant means used to circumvent the Constitution will get the ball rolling sufficiently on its own, to become far bigger than both the Democrats and Republicans, combined.

Do not discount the power of millions of Americans, once they finally understand how those people who are delegated federal authority have abused their positions to empower and enrich themselves, at the expense of the American people, the Constitution, and the stability and future of the Republic.

Americans have always faced but one political problem federally, which is members of Congress and federal

4. *Ibid.*, Page 93.

officials being able to bypass their constitutional constraints, with impunity. They may do so *only where the Constitution allows*, which is for exclusive federal areas (because operating there isn't really supposed to be "for" the whole Country).

Everything else is but an irrelevant repercussion of that common denominator, that single disease, that exudes a thousand different and otherwise irrelevant symptoms.

At Ground Zero of that evil root is the super-federal ability for federal servants to do as please in the District of Columbia, except as they are expressly prohibited.

But, these political masters have never sought to contain their absolute rule only to the District Seat and other exclusive lands, but to extend it to all of the United States, and, ultimately, the world, as they strive for unlimited power and expansive wealth.

That simple problem power-hungry men faced—of unlimited powers actually being confined to limited geographic boundaries—was no match for their evil brilliance, as they worked to extend that small bit of omnipotence, everywhere.

But, their mechanism of constitutional bypass is ultimately very fragile and thus necessarily relies upon keeping well-hidden the secrets of their spectacular success—for what may be accurately diagnosed may in this instance be wholly cured.

Thus, witness the careful covering of their tracks, by the intentional twisting and turning of every law and court opinion, intermixing them with confusion and chaos, to minimize the chance of anyone ever discovering what was actually going on.

Alexander Hamilton is the mastermind behind inherent government discretion, exercised throughout the Union.

He sought this power, directly, at the Constitutional Convention of 1787. On June 18th, Hamilton promoted his plan, listing his three primary pillars that would set the stage of what can only politely be called a strong central government (the Declaration of Independence called similar actions—of government capable of acting "in all cases whatsoever"—"absolute tyranny" and "absolute despotism").

Hamilton first sought, as his most important pillar, to give Congress *inherent* power, as members saw fit, subject only to the fewest of express prohibitions that the Constitution would thereafter list.

Second, he sought to eliminate the States entirely, or, failing that, at most leaving them as mere geographic confines of a national domain. And, lastly, he sought life terms for American Presidents and U.S. Senators, or, failing that, at least during "good behaviour."[5]

Thankfully, the remainder of the convention delegates rebuffed his plans—instead they implemented limited government, of enumerated powers, that could be exercised using only necessary and proper means.

While Hamilton did not get his inherent-power government for the whole Union, it is important to realize that he did get it, *for the District Seat!*

Hardly skipping a beat, he sought to obtain indirectly over time, what he did not get directly at the convention. With his foot firmly wedged in the door, he forced it open—wide enough to do as he pleased, but minimally enough to avoid getting caught.

Clause 17 expressly details that in the District Seat and designated forts, magazines, arsenals, dockyards and other needful buildings, members of Congress could exercise "exclusive" legislation, "in all Cases whatsoever." In no case would any State government retain any governing authority whatsoever for the federal District Seat. In the District Seat, all governing power would be *unified* in Congress, upon cession by the "particular" States involved (that ended up being Maryland, and for a time, Virginia), and the acceptance of Congress.

It should strike Americans as rather odd that the four-word phrase "in all Cases whatsoever" that is found in Article I, Section 8, Clause 17 of the U.S. Constitution is also found verbatim in the Declaration of Independence.

That repetition should strike readers as rather odd, because the purpose of the Declaration of Independence was to point out the problem[s] faced by the American colonists, whereas the U.S. Constitution was ultimately crafted to rectify it.

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5. https://consource.org/document/james-madisons-notes-of-the-constitutional-convention-1787-6-18

The Declaration lists various injuries and usurpations caused by the British king, to prove his tyranny and absolute despotism, as ample reason for the colonies' mutual efforts towards independence.

The 13th "He has" paragraph discusses British "Acts of pretended Legislation," and it is divided into nine sub-paragraphs, with the last saying:

> "For suspending our own Legislatures, and declaring themselves invested with power to legislate for us *in all cases whatsoever*."

In 1765, Great Britain imposed upon her British colonies in North America, a Stamp Tax. This mild tax was imposed upon documents found in the American colonies—on property deeds, court filings, business invoices, bills of lading, newspapers, pamphlets, and even on dice and playing cards.

The imposition of this "pretended legislation" imposed upon the American colonists by British Parliament—where colonists were not represented—led to colonial uproar. Recall the colonial chant, "Taxation without Representation." Again, representation is key, even from the onset (proving the Democrats' claims about District residents' lack of legislative representation to be a worthy cause).

In response to the 1765 Stamp Tax, the American colonists wrote petitions, remonstrances, and protests, to the king and Parliament, that went summarily ignored. Ultimately, the colonists found their leverage when they entered into non-importation agreements with one another, agreeing to refrain from purchasing specified goods imported from Great Britain.

As the goods exported from Great Britain in British merchant ships went unsold in the colonies, the heavily-impacted British merchants (who were represented in Parliament) found no willing buyers, so they began pressuring Parliament to back off, so that the colonists would resume their purchases.

By willingly suffering deprivation and learning to do without, the colonists found their leverage.

On March 18, 1766, Great Britain finally repealed the dreaded Stamp Act, but not without—on the same day—enacting another Act, of "pretended legislation."

The British Declaratory Act said:

> "That the said colonies and plantations in America have been, are, and of right ought to be, subordinate unto, and dependent upon the imperial crown and parliament of Great Britain; and that the King's majesty, by and with the advice and consent of… parliament… had, hath, and of right ought to have, full power and authority to make laws…of sufficient force and validity to *bind* the colonies and people of America, subjects of the crown of Great Britain, *in all cases whatsoever*."[6]

Here one finds the origin of the four-word phrase found in our Declaration of Independence and ultimately even our U.S. Constitution—"in all cases whatsoever."

Britain's 1766 Declaratory Act references inherent power—"full power and authority"—to "bind" the American colonists, "in all cases whatsoever."

Without the colonists' consent and even against their will, Great Britain specifically declared the overt power to bind the colonists, in all cases whatsoever.

Thus, these four words—in all cases whatsoever—complained about in our Declaration of Independence, ultimately summarize the single political problem faced by the American colonists in the troublesome decade between 1766 and 1776.

If one ponders the ramifications, one will realize that all other injuries and usurpations listed in the Declaration of Independence are but various symptoms of this single political problem. The American colonists faced one issue—government officials seeking to rule over them, absolutely, in all cases whatsoever.

And, if one examines matters closely, one will discover that today we face the *same* fight as our forefathers did at our nation's founding. The only difference is now this same absolute power is being waged indirectly against us by our own federal servants who have effectively become our political masters, by exploiting this unknown loophole without our knowledge. Tyrants still seek to bind us in all cases whatsoever, without our consent and against our will.

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6. https://avalon.law.yale.edu/18th_century/declaratory_act_1766.asp. Italics added.

Federal servants have seized the same foul reins of absolute power, and they don't mean to let go, as long as they may hide what they are doing, so we won't be able to defend ourselves.

Only on exclusive legislative grounds are all governing powers *united* in one government—specifically, in Congress and the U.S. Government. Everywhere else in the United States, governing powers are *divided* by ratification of the U.S. Constitution, into enumerated federal powers and reserved State powers.

The whole of omnipotent federal powers undergirding The Deep State/The Administrative State/The Swamp, lays upon the squishy foundation of the vast and undifferentiated actions members of Congress and federal officials may use in the District Seat, "in all Cases whatsoever" without further enumeration.

Tragically, that small concession in 1787—allowing for inherent federal power for the District Seat and forts and ports—was the primary ingredient Alexander Hamilton and Chief Justice John Marshall would need, to begin extending that small foothold of essentially-unlimited power, throughout the land, as a sort of "magic genie lamp," but one that didn't limit the holder of, to being granted only three wishes.

It was no coincidence, for instance, that when treasury secretary Alexander Hamilton sought to establish the bank of the United States in 1791, he wrote (buried within his lengthy Treasury Secretary's opinion on the constitutionality of the proposed bill):

> "Here then is express power to exercise exclusive legislation in all cases whatsoever over certain places, that is, to do in respect to those places all that any government whatsoever may do; For language does not afford a more complete designation of sovereign power than in those comprehensive terms."[7]

To support the 1791 bank, even before the lands for the District Seat were ceded by "particular" States, Hamilton merely needed to exploit what would later prove to be conservatives' Achilles Heel—their blind inability to consider how Clause 17 powers could ever be extended beyond Clause 17 properties.

7. https://press-pubs.uchicago.edu/founders/documents/a1_8_18s11.html

Although conservatives yet today insist this unlimited power of Clause 17 is absolutely confined to limited areas, neither Hamilton or Marshall were ever troubled by such matters, but moved forward with their devious plans to extend the unlimited action allowed in Clause 17 properties instead throughout the whole Union.

Neither was it mere coincidence that Chief Justice John Marshall established "judicial review" in the 1803 Supreme Court case of *Marbury v. Madison*. The only thing that ultimately matters for understanding the *Marbury* case is to note that William Marbury sued to get his commission, for a Justice of the Peace, *within the District of Columbia*.

Near the beginning of his opinion, Marshall even admits that Marbury's claim to his commission traced directly back to Section 11 of the February [27], 1801 [Organic Act] concerning the District of Columbia.[8]

Now, what the Supreme Court may rule in and for the District of Columbia is hardly the same as it may hold in cases and controversies affecting the Union.

Indeed, the standards for the two different jurisdictions are nearly opposed to one another—in the Union, members of Congress and federal servants may exercise enumerated powers using necessary and proper means. In the District Seat, at the opposite end of the political spectrum of available power, they may do whatever they wish, however, except those few things expressly prohibited.

While Marshall laid the first stone in his foundation for inherent federal power in *Marbury*, for the Supreme Court to become the arbiter of the Constitution and the decipherer of its words—it was in the 1819 Supreme Court case of *McCulloch v. Maryland*, when and where Chief Justice John Marshall really began strutting his stuff.

In *McCulloch,* Marshall claimed for the Court the omnipotent ability to be able to redefine and interpret words found in the Constitution, *differently* (in this case, the words "necessary and proper," as found in Article I, Section 8, Clause 18, to mean "convenient").

It was no surprise, that Marshall—in *McCulloch* (that examined the constitutionality of the second bank of the United States)—simply followed Hamilton's

8. *Marbury v. Madison*, 5 U.S. 137 @ 154. 1803.

express lead that Hamilton's used in his 1791 Treasury Secretary's opinion on the constitutionality of the first bank of the United States.

Thus, note the extreme similarity of their respective "allowable-means-tests" for determining allowable government action.

In *McCulloch*, Marshall gave his "standard" for allowable government action as:

> "Let the end be legitimate, let it be within the scope of the constitution, and all means which are appropriate, which are plainly adapted to that end, which are not prohibited, but consist with the letter and spirit of the constitution, are constitutional."[9]

And, Hamilton, from his 1791 Treasury Secretary's opinion, said:

> "If the end be clearly comprehended within any of the specified powers, and if the measure have an obvious relation to that end, and is not forbidden by any particular provision of the Constitution, it may safely be deemed to come within the compass of the national authority."[10]

Of course, both "standards" for allowable federal action—of doing anything and everything except what is expressly prohibited—are only viable standards for the District Seat and other exclusive lands, under Clause 17. While they inferred and implied these standards were for the Union, such inherent discretion is only allowed in the District Seat, period.

For the Union, "necessary and proper" mean just that—necessary and proper, not convenient.

It is impossible for any federal officer who necessarily swears an oath to support the Constitution, to change the meaning of words found in the Constitution, differently, for the Union, any different than those words meant at the time of ratification, by the States which ratified it (which was all of them).

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9. *McCulloch v. Maryland,* 17 U.S. 316 @ 421. 1819

10. https://press-pubs.uchicago.edu/founders/documents/a1_8_18s11.html

But, there is no problem whatsoever, for altering the meaning of words found in the Constitution, differently, *for the District of Columbia.*

Since members of Congress and federal officials must make up their own rules in and for the District Seat, nothing stops them from using the *same* terms as found in the U.S. Constitution, but *differently*, in and for the District Seat.

And, that is all that has happened in all these court cases—government servants just use their inherent discretion *where they are allowed*, and then cleverly extend them beyond that jurisdiction, because nobody even understands what they are doing enough to stop them.

It is imperative that people stop listening to the voice of "The Wizard" commanding them to "pay no attention to the man behind the curtain." Stop listening to false wizards' self-serving "explanations," which intentionally cast confusion, to prevent anyone from figuring out what is really going on (because what can be diagnosed, may be cured).

The whole point is that in the District of Columbia, there is no State, State-like, or District Constitution to guide and direct Congress, like there is in the States, to guide and direct State legislatures and State officers.

Thus, in the District of Columbia—where members of Congress may exercise local, State-like powers, without contravening the U.S. Constitution—no constitutional principles are violated when members do as they please, as long as they refrain from doing those few things expressly prohibited.

While the Tenth Amendment is a powerful tool that reserves unto the States the powers the States didn't delegate to Congress or the U.S. Government (or prohibit themselves from exercising), it is imperative to realize that the Tenth Amendment has no effect in the District of Columbia.

Indeed, after the States of Maryland and Virginia had already ratified the U.S. Constitution and had already given up their enumerated powers to Congress and the U.S. Government as the main body of the Constitution details, these two States in 1791 later ceded parcels of ground for the District of Columbia. Ceded with these parcels was the raw ability to govern.

Members of Congress did not receive the powers the States had reserved unto themselves after ratification of the U.S. Constitution, but the power to govern, going back to a base, sovereign nature (not restricted as the States were restricted [by Article I, Section 10, for example—the "District" is not a "State"]).

Thus, because of the Article VII ratifications AND the Article I cessions of the remainder of particular State's governing authority, in the District Seat, Congress and the U.S. Government were expressly delegated *all* governing powers. Neither Maryland nor Virginia reserved unto themselves any powers whatsoever for the Tenth Amendment to even come into play, to conform to the constitutional requirement for Congress to be able to exercise "exclusive" legislation "in all Cases whatsoever."

The Tenth Amendment specifically speaks to "The powers *not delegated* to the United States…"—well, in the District Seat, *there are no powers that were not delegated* (other than the express prohibitions upon Congress, such as found in the Bill of Rights).

One must realize that the Tenth Amendment does not limit or foreclose *later cessions of power* via the Article V amendment process that affects all the States. Indeed, if the Tenth Amendment foreclosed later cessions of State powers, then the Article V amendment process couldn't work.

Well, neither does the Tenth Amendment preclude any particular State from ever ceding particular parcels of ground and all governing powers, over the parcel, for particular purposes, under Article I, Section 8, Clause 17. If the Tenth Amendment did actually preclude such cessions, then no exclusive legislation forts, magazines, arsenals, dockyards and other needful buildings could have ever been ceded after 1791, when the Tenth Amendment was ratified.

Pushing The Red Button as herein re-wired to repeal Clause 17 will eliminate this powerful Constitution-bypass mechanism that currently allows the bypass of ordinary rules, even as Clause 17-based powers were originally meant to have an important qualification—that they would operate only in and for the District Seat and other exclusive legislation lands.

No local laws of any State legislature ever bind any other State—neither should the otherwise-local laws of Congress for the District Seat really bind any State, either, just because members of Congress (and the President) are involved (especially when doing so threatens to effectively nullify the remainder of the Constitution).

At the root of The Administrative State/The Deep State/The Swamp lies the clause for the exclusive legislation District Seat.

The District of Columbia is so different a political animal that legislative representation—the fundamental political building block of the nation—doesn't even exist therein, as Democrats point out in support of their D.C.-Statehood bill.

The Declaration of Independence calls legislative representation an "inestimable" right of the people—so vital that its importance cannot even be estimated.

That there exists a place nominally "within" the United States that does not even secure legislation representation to Americans should give people their first clue that the District Seat could perhaps be the source of inherent tyranny that has been long practiced throughout the United States, but that it has simply escaped its allowed boundaries.

It is now appropriate to discover how Alexander Hamilton ever laid out a course, that Chief Justice John Marshall could later carry out, to extend the unlimited power allowed in D.C., *beyond its borders.*

The central question upon which rests the entirety of The Administrative State and inherent discretion exercised throughout the land, is "How were and are the extensive powers allowed federal servants in the District Seat ever extended beyond the District's borders?"

An examination of the historical record best shows how.

In 1821, in the Supreme Court case of *Cohens v. Virginia,* Chief Justice John Marshall simply ruled that Clause 17-based congressional law "binds all the United States" *whenever Congress intends* (an arbitrary power, made fully capricious, merely by t*he intent of Congress* [even when that intent is not openly conveyed]).

Marshall simply wrote:

> "The clause which gives exclusive jurisdiction is, unquestionably, a part of the Constitution, and, as such, *binds all the United States*."[11]

Marshall was able to pronounce this ruling, simply by holding that the express words of Article VI, Clause 2—which declares "This Constitution…shall be the supreme Law of the Land"—*reach even to Clause 17!*

Anticipating the likely response from conservatives who would argue that Clause 17-based congressional laws cannot bind the States, Marshall further wrote:

> "Those who contend that acts of Congress, made in pursuance of this power, do not, like acts made in pursuance of other powers, bind the nation ought to show some safe and clear rule which shall support this construction, and prove that an act of Congress, clothed in all the forms which attend other legislative acts and passed in virtue of a power conferred on, and exercised by Congress as the legislature of the Union, is not a law of the United States and does not bind them."[12]

Marshall was able to write these words, because he is right—no express words currently exist in the U.S. Constitution which clearly exempt the seventeenth clause of the eighth section of the first article from being part of the supreme law of the land that binds States through their judges.

After all, Article VI does *not* declare that "This Constitution, *except Clause 17*, is the supreme Law of the Land."

Only the spirit of the Constitution would exempt Clause 17 (in order to make the remainder of the Constitution fully applicable at all appropriate times).

But, when the spirit and letter of the Constitution contradict and collide with one another, Marshall perhaps understandably upheld the letter, even as he intentionally kept a full and open discussion off the table, to best hide from prying eyes, the underlying ramifications, so he and others of his kind could take distinct advantage of it, for centuries to come.

The dirty little secret of two hundred years of progressive, liberal government action is that it necessarily rests upon the strictest-possible construction of the Constitution, so strict that conservatives don't even recognize it.

Court justices do not *liberally-construe* the Constitution; they hold two of its clauses so *strictly* that everything else may be bypassed.

Clause 17 allows members of Congress and federal officials to do as they please, without contravening the remainder of the Constitution. The remainder of the Constitution cannot limit Congress acting under Clause 17 (for the District Seat), because Clause 17 is its special exemption, that is different from all other clauses.

For the remainder of the Constitution to limit Congress when they extend Clause 17-based congressional laws beyond the District Seat, it would first be necessary for the party arguing that point to correctly understand it, so they could then bring up the appropriate points at the appropriate times.

But, with no one even knowing what is going on, then the correct legal points won't get argued in court and Defendants will necessarily lose their cases, allowing government to grow even exponentially over time.

By pushing The Red Button modified to repeal Clause 17, the entire alternate authority that currently exists for special exclusive legislation lands gets wholly repealed, leaving government power fully *divided* by the remainder of the U.S. Constitution (beyond the 23rd Amendment) to operate throughout the entire Union, *thereafter without exception*.[13]

Gone with repeal would be all the false government built up over the intervening 230 years since 1791 when Hamilton started taking the United States down this exclusive federal road, probably some 95% or 98% of all current federal activity.

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11. *Cohens v. Virginia*, 19 U.S. 264 @ 424 (1821). Italics added.

12. *Ibid.*, Pp. 424-425.

13. It is appropriate for the 23rd Amendment—that gives the District Seat its appropriate share of Presidential Electors as "if it were a State"—to be repealed, when the District Seat is repealed.

Only under the 23rd Amendment is the District Seat currently like a State—in all other matters, the District Seat is highly unique. It is the District's unique qualities that paper tyrants exploit, to their distinct advantage.

Gone would be all the independent establishments and government corporations existing under the alternate D.C. authority—the EPAs, the FCCs, FTCs, SECs, and similar alphabet agencies and their draconian regulations that are falsely held as law for the Union (instead of their proper jurisdiction only in D.C. and exclusive federal areas).

Gone would be all federal entitlement programs, that necessarily rely upon the alternate authority to exist. Social Security, Medicare, Medicaid, and every other social program would be gone, as would be the Federal Reserve system and much of the IRS.

The purpose of this paper wasn't to expose the problems Democrats face pursuing a legislative bill that can't really get them there—it is to give Republicans, as crazy as it sounds, the reason why they should work with Democrats to pursue D.C. Statehood via a formal constitutional amendment, so long as it is tied to full and open repeal of Clause 17, entirely.

Now, there are ample and valid reasons why Republicans should NOT support D.C.-Statehood, but this paper asserts none of them hold a candle to the reason why Republican *should* support D.C.-Statehood *tied to repeal of Clause 17.*

Instead, this paper is about embracing the D.C.-Statehood movement, because there is one superb reason why Republicans should support it, because Americans can resolve the single political problem that has plagued the Union from its beginning, that has been tearing apart the Union, the Constitution, and subverting our Republican Form of Government.

While Democrats nominally seek D.C.-Statehood to rectify the real problem of lack of representation for District residents, Republicans should seek D.C.-Statehood tied to repeal of Clause 17, to repeal 200-plus years of constitutional abuse endured by the remainder of residents who live throughout the Union, to restore the limited government and individual liberty in all the land.

It is appropriate to finish rewiring The Red Button, to seek D.C.-Statehood via a constitutional amendment, tied to complete repeal of Clause 17, and retrocession of existing exclusive legislation forts, magazines, arsenals, dockyards, and other needful buildings, back to the particular States which originally ceded them. The federal government would still own the lands, they would simply also be under State authority.

Throwing off 230 years of improper federal growth would free the States from improper federal dictates, that have effectively mandated uniformity among the 50 States, on a whole host of matters the Tenth Amendment otherwise reserves to them, individually.

Ratifying an amendment to repeal Clause 17, allowing D.C.-Statehood, would allow the 51 States of the Union to go forth in 51 different directions, in all the areas of government the Tenth Amendment reserves unto them.

It is proper that Maryland should specifically buy off on D.C.-Statehood, to give up any potential claims it could possibly have for having originally ceded the lands currently remaining within the District Seat, that it gave in trust to Congress and the U.S. Government, for an express purpose. If the Maryland legislature balks at signing off on the amendment, it should be properly induced until an agreement is reached.

After ratification of this modified "Happily-Ever-Amendment," no longer would uniformity be rammed down the collective throats of the States on matters left to them. American citizens would thus be free to choose a State that best aligned with their individual philosophies. Of course, with widespread and increasing freedom, no State of the Union would find itself able to rule absolutely over its own citizens without harsh and effective blowback, as citizens began voting with their feet and their wealth.

Freedom could again become America's greatest asset and export, as Americans consistently began to show the rest of the world what the United States of America were always meant to be, finally freed from absolute tyranny and inherent power exercised over even one square foot of American soil.

Just remember to Push The Red Button!

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