



The BEACON *SpotLight*

A Study of Constitutional Issues by Topic

Issue 23: The Source of our Ills—The District of Columbia

Without even thinking about it, Americans must know deep in their gut that the District of Columbia is an unusual place, different from everywhere else.

The House bill on D.C.-Statehood attests to the unquestioned fact that District residents have no voice in Congress, unlike State citizens.

The lack of legislative representation in Congress for District residents shows just how different is this place constituted as the Seat of Government of the United States—it doesn't even have *legislative representation*, which the Declaration of Independence calls an “inestimable” right (a right so vital its importance cannot even be estimated).

That the most basic of fundamental American principles does not exist in the District Seat should set off every political-awareness alarm in existence, warning that perhaps the District of Columbia is also *the source* of all of our other federal political ills. Indeed, given this lack of representation, what else might this source of inherent discretion have in store for the remainder of the country?

When we have gone so far off our political rails, for so long, the unique qualities of the District Seat absolutely beg closer examination, as possibly *the source* of inherent power for “The Administrative State,” *that has simply escaped its political boundaries*.

Americans with only basic historical knowledge should yet understand that the U.S. Constitution *divided* governing powers in the United States, into enumerated federal powers and reserved State powers.

The U.S. Constitution named the express powers allowed Congress and the U.S. Government, while to the States were reserved the remainder of their reserved powers, exercised under both the U.S. Constitution and their respective State Constitution.

However, one clause of the U.S. Constitution explicitly enumerates the special legislative power of Congress *for the District Seat*, where members of Congress may exercise “exclusive” legislative authority, “in all Cases whatsoever.”

And, that same clause also tells how Congress would obtain this special power, which was “by Cession of particular States” and “the acceptance of Congress.”

Please note this highly-unusual manner of transferring power, from a State, to Congress and the U.S. Government, that is different from all other transfers from all the States, to the federal government.

In the normal case, each State of the Union ratified the U.S. Constitution, transferring the listed powers, to Congress and the U.S. Government.

And, at least three-fourths of the States ratified the proposed amendments, binding all the States.

Here, however, we learn that the District Seat would be created by *cessions of particular States*—like only one State, or perhaps, two.

In actuality, both the State of Maryland and the State of Virginia ended up “ceding” or voluntarily giving up land for the federal District Seat, in 1791, that ultimately became the District of Columbia.

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The critical point is that the U.S. Constitution required (each) ceding State to give up ALL of its governing authority over the tract of land it was giving for the District, so Congress could thereafter exercise “exclusive” legislation, “in all Cases whatsoever.”

In no case in the District Seat would any State retain or exercise *any* governing authority (so the 10th Amendment doesn't even come into play, therein).

So, while all other lands (not counting exclusive forts, magazines, arsenals, dockyards and other needful buildings) have government power *divided* into enumerated federal powers and reserved State powers, in the District Seat, *all governing powers are united in Congress*. This is the source of our nation's political ills and their only "trick" has been how to extend this inherent federal discretion *beyond District borders*.

While State governments primarily look to their State Constitution for guidance and direction how to govern locally, it is imperative to realize that in the District Seat, no State, State-like, or District Constitution exists to guide and direct Congress, when members enact laws under the District Seat power, as elsewhere exercised by State legislatures.¹

In other words, in the District Seat, Congress not only may, but must, make up all their own rules, as they go along. They need only avoid the few express prohibitions given them, such as in the Bill of Rights.

Now, when members of Congress enact law for direct exercise throughout the Union, the Constitution says they may only enact laws within their enumerated powers, using only “necessary and proper” means.

But, in D.C., they may do most anything they want.

Which form of power do you think they will choose, if no one understands what is going on—the most restricted form of government on the planet, or the most expansive?

1. Ignore as irrelevant any local legislative authority in D. C.—such as a mayor and city council—because the U.S. Constitution expressly vests in Congress exclusive legislation authority, in all Cases whatsoever. Thus, the buck always starts and stops with Congress.

Their only trick is how they've extended this allowed tyranny, far beyond its proper domain.

Enter Chief Justice John Marshall (following Alexander Hamilton's plan), in 1821, when he ruled:

“The clause which gives exclusive jurisdiction is, unquestionably, a part of the Constitution, and, as such, binds all the United States.”²

In other words, by following the strictest words of Article VI of the U.S. Constitution—that say that [all of] “This Constitution” shall be “the supreme Law of the Land” that bind the States, through their judges—the Court could expand this omnipotent power *throughout the land*.

While the spirit of the Constitution would limit D.C.-based congressional laws to exclusive legislation lands of D.C., forts, and ports, the strictest letter says otherwise.

So, 200 years ago, the U.S. Supreme Court began exploiting the inherent contradiction in the U.S. Constitution, for immense political gain.

It is time to end the false reign of paper tyrants, who have sought to become our political masters, for they are ultimately only our servants.

We need only expose the fraud, of using the inherent contradiction between the letter and spirit of the Constitution, that has been tearing the country apart.

Expose the fraud and then propose and ratify a new amendment, to either exempt Article I, Section 8, Clause 17 from being any part of the supreme Law of the Land under Article VI, or repeal Clause 17 entirely.

Either federal overreach will finally be contained to the District Seat, or the unlimited power of the District Seat will be repealed, along with the District's repeal.

See www.PatriotCorps.org for more details.

2. *Cohens v. Virginia*, 19 U.S. 264 @ 424 (1821)