The BEACON SpotLight
A Study of Constitutional Issues by Topic

Issue 26: What's Really Wrong in D.C., and Has Been, for 200 Years

Everywhere one looks, one finds compelling evidence that these United States of America are on the brink of societal collapse, ready to usher in a totalitarian form of government.

"What went wrong?" one may ask.

The answer rests upon a devious lie that cannot be accepted without also conceding eventual defeat—the lie that federal servants are able to change the meaning of the U.S. Constitution, even as their required oath signifies their subservience to it.

With that false premise swallowed so long ago, is there much reason for the States to remain relevant today, even though the amendment process specifically leaves ratification of federal amendments wholly up to the States?

Despite past mistakes, Americans may terminate false federal authority, by learning how federal servants were ever able to become our political masters and then responding accordingly.

Extraordinary federal power today rests upon Alexander Hamilton's devious efforts to get indirectly over time what he had sought directly at the Constitutional Convention of 1787, but didn't get.

Hamilton only needed to exploit the *exclusive* legislation powers allowed Congress in *the federal District Seat*, where members of Congress were allowed to act in the place of a State, because States were never intended to have any say or input *there*.

And, if one thinks about it, doesn't the tyranny that we wrongly face today rest upon federal actions far in excess of the normal federal powers allowed by the U.S. Constitution, leaving the States largely impotent?

Don't people realize this generalization describes perfectly the *intended purpose* for the federal District Seat, and thus, perhaps, we only face *an allowed power, artfully extended beyond its true geographic confines?*

After all, the special District of Columbia authority allowed Congress is radically different from the limited federal authority that Congress must follow throughout the Union.

Indeed, the District of Columbia was created "by Cession of particular States" for special use, after particular States not only ceded specific parcels of land, but also their ability to govern therein, so Congress could thereafter exercise "exclusive" legislation "in all Cases whatsoever" as required of the District Seat.

While the U.S. Constitution in the normal case *divided* governing powers throughout the Union, into *enumerated* federal powers and *reserved* State powers, within the District Seat, *all governing powers* were ultimately *united* in Congress.

No governing powers in the District of Columbia are ever *shared* with any State; instead, they are held *exclusively* by Congress, *by express constitutional mandate.*

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Please understand just how unusual are the circumstances there and realize that the inherent discretion allowed in the District lays at the base of federal powers that falsely appear to be out-of-control, rather than simply *out-of-bounds*.

Who believes that federal servants wouldn't willingly use an essentially-unlimited power, *whenever* and even *wherever* they could, if no one knows what they are doing, to stop them properly?

One must learn that federal actions that appear *improper* are actually instances *of allowed discretion*, *simply extended beyond their true geographic boundaries.*

It is way past time to stop them & end their false rule.

To pull off this spectacular political coup, the Supreme Court only needed to hold that even the special clause that allows for D.C. is also *part* of "This Constitution" that Article VI specifically declares to be the "supreme Law of the Land" that binds the States.

In other words, to support the extension of the essentially-unlimited discretion that is allowed in the District Seat, instead *throughout the Union*, the Supreme Court only needed to hold that no currently-found words of the Constitution *specifically exempt the clause for the District Seat,* from being part of "This Constitution" which binds the States!

But, revealingly, the 1821 Court which issued these words did not also detail the *very limited degree* to which the States may actually be bound against their will by D.C.-based congressional law, implying that the States could be indefinitely bound, which is patently false.[1]

In other words, to gain excessive power not everywhere theirs, power-seeking federal servants merely act as if anything and everything done within their District Seat power may directly bind the States, which is absurd.

Tragically, if no one accurately contests omnipotent federal actions that *are allowed powers merely extended beyond allowable places,* then the 1821 ruling (which stated that D.C.-based exclusive legislation "binds all the United States") gives federal officials a prima facie case to enforce, *until defendants explicitly prove them wrong.*[1]

Few Americans seem to realize we yet have *Laissez Faire Government* in the U.S.—a form of a *citizen-beware* government—where *what you don't know,* can and will be used against you, by government servants who seek to become our political masters, where they needn't raise a finger to defend the defendant (despite the Sixth Amendment right to Assistance of Counsel).

Thankfully, even with the Constitution as it is now worded, one may withstand the improper extension of D.C.-based congressional law beyond exclusive legislation boundaries, by directly challenging *where* exclusive legislation laws may be actively enforced.

The way to lose our Republic, however, is foolishly to ignore this virtually-unlimited power, simply because one mistakenly believes exclusive legislation *is already definitively limited* to exclusive legislation areas and falsely think federal servants will readily abide to this restriction, even when no one effectively challenges them on this critical point.

No laws of any State of the Union ever bind another State. The same *should be* true for exclusive legislation powers of Congress, since members are here acting in the place of a State. The special *exclusive* legislation powers of Congress should not bind the States, either (in the normal case, at least).

The first of two possible methods for throwing off inherent federal discretion that has been improperly extended throughout the land is to propose and ratify a new constitutional amendment, to exclude from Article VI, the clause for the District Seat. It needs only say something to the effect that the supreme Law of the Land wording in Article VI *shall not be construed* to include Article I, Section 8, Clause 17.

Or, the other option is to *repeal* Clause 17, entirely, retroceding exclusive legislation lands back to the individual State which originally ceded them.

The first option of *containment* restricts the application and enforcement of exclusive federal laws that ultimately rest on Clause 17 (perhaps some 95% of current federal action) *to exclusive legislation lands,* because this class of legislation is otherwise reserved to the States and exclusive federal actions shouldn't interfere with individual State actions.

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

Indeed, the special powers that members of Congress have in the District Seat should not override State actions *within State borders* (outside of federal forts, magazines, arsenals, dockyards and other needful buildings).

The current interference by Congress with the States may be largely eliminated, by expressly limiting the exercise of exclusive legislation powers *only to exclusive legislation lands*.

The second option of *repeal* would finally divide governing authority over every square foot of American soil, into *enumerated* federal powers and *reserved* State powers, revoking all federal actions ultimately resting upon Clause 17 (no matter how many decades and even centuries they've been in place).

Never again could Congress interfere with the reserved powers of the States, because, with repeal of Clause 17, this class of legislation—the exclusive legislation authority—would finally be forever prohibited Congress.[2]

Either option is *game over* for out-of-control federal tyranny, restoring proper balance to American government.

Because the U.S. Constitution may be changed only by formal amendments ratified by three-fourths of the States, *nothing* federal servants have ever done, has ever changed the Constitution, to the slightest degree.

Therefore, *all improper federal legislation* for over 200 years may be thrown off, permanently, by finally getting to the root problem, and ripping out its false authority.

For more information, please see any of Matt Erickson's 12 public domain books (including his latest, *Two Hundred Years of Tyranny)* all freely-available electronically, online at:

www.PatriotCorps.org

2. Please realize that the Tenth Amendment has no effect in the District Seat—it cannot.

Maryland had to cede its ability to govern therein—to Congress and the Government of the United States—so Congress could thereafter exercise *exclusive* legislation, *in all Cases whatsoever*, as required by the U.S. Constitution, in Article I, Section 8, Clause 17.

Indeed, in Maryland's 1791 cession Act, the State "for ever ceded and relinquished" to the "congress and government of the United States"—in "full and absolute right, and exclusive jurisdiction, as well of soil as of persons residing, or to reside, thereon"—the ceded parcel of land.

Maryland also provided "that the jurisdiction of the laws of this state, over the persons and property of individuals residing within the limits of the cession aforesaid, shall not cease or determine until congress shall by law provide for the government thereof, under their jurisdiction, in manner provided by the article of the constitution before recited."

Once Congress began legislating over the District Seat (after the lands were platted, roads built, and government buildings erected (in the year 1800) then Maryland's State laws "ceased and determined"—became inoperable—when Congress enacted exclusive legislation on given topics.

Maryland's December 19, 1791 Land Cession for the District Seat. *Laws of Maryland* 1785-1791, Vol. 205, Page 572. Chapter XLV.