Drowning in Tyranny

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Restoring Liberty and Justice, Once and For All

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Although these United States of America were born in liberty, they are now tragically drowning in a virtual sea of tyranny.

While the United States were founded against the arrogant claim that others could bind them "in all Cases whatsoever", we freedom-loving Americans nevertheless find ourselves being ruled in this precise manner today.

To our peril, we modern Americans have lost sight of a government of delegated powers while the spirit of the Constitution withers on the vine.

People elected or appointed to the three branches of government created by the Constitution tragically now act as if they control it; not that the Constitution controls *them*.

But as the servants seek to become the masters, Liberty-minded Americans increasingly begin to ask, "What went wrong?"

It is imperative to understand how we got into this dreadful predicament, for if we cannot accurately diagnose our actual problem, then we cannot ever hope to actually correct it.

Thankfully, there is an answer...

First of all, Americans know our forefathers fought the war against tyranny centuries ago and that liberty won.

We know that our founding fathers gave us as their answer to tyranny our Constitution which provides us with a federal government of defined and limited powers.

Our downfall today is that Americans do not understand the Constitution as well as our ancestors who framed it.

What we have failed to realize is that our Constitution actually authorizes *two* separate and distinct forms of government.

In the first case, the U.S. Constitution of course gives us our Republican Form of Government guaranteed to every State in this Union in Article IV, Section 4 (and discussed throughout every clause of the Constitution but one).

Unbeknownst to most Americans, however, the Constitution also allows a whole lot of federal tyranny, provided it is properly kept within strictly-limited borders.

With few Americans recognizing this second form of government allowed under the Constitution, we must concentrate our attention here…

Article I, Section 8, Clause 17 of the U.S. Constitution provides that 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…"

To begin understanding how government may actually act as a power unto itself, it is first crucial to realize that our U.S. Constitution — Article I, Section 8, Clause 17 — explicitly authorizes Congress, "in all Cases whatsoever", to exercise "exclusive Legislation" over the district constituted as the seat of government (the District of Columbia).

To better understand the impact of this phrase and the scope of its power, please realize that this is the same exact claim that British Parliament made in their 1766 Declaratory Act — that they could bind the American colonies "in all Cases whatsoever."

The Declaration of Independence references this claim of utter power as one of the causes which impelled us to dissolve all political ties which connected us with Great Britain, stating therein that it is our 'right' and 'duty' to throw off such 'Tyranny' and 'absolute Despotism'.

It is vital to realize however that the U.S. Constitution uses this same precise phrase of historical importance — "in all Cases whatsoever" — to explicitly describe the extent of power Congress may lawfully exercise in the government seat.

With Congress being able to exercise exclusive legislation "in all Cases whatsoever" over the seat of government, there is here almost no case where they need refrain from acting.

Such awe-inspiring power signifies they can do most anything here they please (at least that which is proper to free government).

Kind of like exactly what has been going on to varying degrees especially for the last 150 years, since onset of the Civil War, only seemingly in places well beyond those geographically-limited areas.

But the key point to realize is that the federal government is, in fact, authorized to act with a superabundance of power; it just seemingly acts in such manner beyond its express physical limits.

First off, one must understand the limitations on this power.

Article I, Section 8, Clause 17 legally restricts the government seat to "ten Miles square" (100 square miles).

The district constituting the seat of government cannot be extended beyond this area by express constitutional prohibition.

The district also had to first be ceded by particular States willing to cede these given lands and governing authority over to the United States (which Maryland and Virginia voluntarily did).

"Like" authority may also be exercised within federal forts, magazines, arsenals, dock-yards, and other needful buildings, as long as those lands were "purchased" with the "Consent of the Legislature of the State in which the Same shall be."

So, in all these various exclusive legislation lands (which do not extend to the 'public lands') which have been ceded by States, no (significant) State authority remains and Congress hereafter exercises 'all' legislative power, 'exclusively'. [1, 2]

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1. Reserving the power to serve State legal process has been common in the State lands ceded for federal forts, magazines, etc.

2. Local D.C. councils are irrelevant, as the Constitution itself vests with Congress 'exclusive' legislative jurisdiction "in all Cases whatsoever."

These enclaves are the only places in the United States where *one* government handles all matters; everywhere else jurisdiction is divided into federal and State issues according to the Constitution.

Of course, when acting in the place of a State, Congress needn't follow only their restricted powers *which are only meant to be followed when they legislate for the whole country*.

After all, since States ceded all their governing authority here to Congress, *someone* must still enact and carry out law for these areas (it's not like murder can therein be condoned, for example).

Therefore, in these areas now without State authority, Congress acts in the place of States on a wide variety of topics without running afoul with normal Constitutional restrictions against a Congress of otherwise limited powers.

However, unlike States with their own (State) constitutions to guide and restrict State action, the seat of government has no similar local framework (only Article I, Section 8, Clause 17).

And since the seat of government is not a State (but created *from* States), neither must the constitutional restrictions meant for States be here followed (like the Article I, Section 10, Clause 1 restrictions on States from making anything other than gold and silver coin a tender in payment of debts within their borders).

Most any powers common to western-style governments near the end of the 18th century (when the Constitution was proposed and ratified) are essentially fair game — most everything here <u>is</u> up for debate and nothing need be left off the discussion table.

Article I, Section 8, Clause 17 therefore provides Congress with an exceptionally powerful escape route from which they may escape not only their normal constitutional restraints, but most any restraint!

Only States elect U.S. Representatives and U.S. Senators. Therefore, the seat of government, no longer part of a State, has no direct legislative representation in Congress for its inhabitants.

U.S. Senators and U.S. Representatives may enact laws for the district constituted as the seat of government of the United States; local residents therein are under a federally-authorized tyranny where others may legislate for them "in all Cases whatsoever," just like the colonial Americans with regard to Parliament.

But the pressing concern isn't for the relatively small number of people who willingly live without legislative representation in federal areas, but how this federal tyranny has seemingly extended its omnipotent powers beyond its strictly-limited borders.

On the one hand the government of the United States has but limited powers while on the other, near-absolute power; the 'trick', for those addicted to government power, has been to work under the latter *whenever possible* and *as long as possible*.

The district constituted as the seat of government of the United States is the Seed of Tyranny which has deceptively spread its disease throughout the United States "in all Cases whatsoever."

An historical look into the exclusive legislation power is helpful to better understand it today.

In 1791, Congress approved a bill chartering the (first) *Bank of the United States* and sent it to the President for his signature.

President George Washington had misgivings about the bill, so in accordance with Article II, Section 2, Clause 1, he formally required written opinions from his principal officers upon this subject as it related to the duties of their respective offices.

Secretary of State Thomas Jefferson replied the bank act would "break down" our "most ancient and fundamental laws" which "constitute the pillars of our whole system of jurisprudence." [3]

Attorney General Edmund Randolph likewise categorically denied Congress the power to charter a bank or corporation.

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3. George Washington Papers at the Library of Congress, Series 2, Letterbook 32, Page 115: http://memory.loc.gov/ammem/gwhtml/gwseries2.html

Whereas Jefferson and Randolph (and Congressman James Madison) responded as Americans ever since have responded to questions of government authority (by looking to the general rules of the Constitution and responding accordingly), Secretary of the Treasury Alexander Hamilton took a slightly different route.

After all, Hamilton knew full well that the normal rules of the Constitution didn't support a bank charter, but the bank was nevertheless pivotal to his plans for a strong central government.

Hamilton's opinion on the constitutionality of a bank didn't concentrate so much on rules, but on their single exception, stating:

> "Surely it can never be believed that Congress with exclusive powers of legislation in all cases whatsoever, cannot erect a corporation within the district which shall become the seat of government...And yet there is an unqualified denial of the power to erect corporations in every case on the part both of the Secretary of State and of the Attorney General." [4]

After quoting the express power of Congress under Article I, Section 8, Clause 17, Hamilton stated:

> "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." [5]

Hamilton's rarely-admitted words about the wholly-misunderstood power of Congress to exercise exclusive legislation "in all Cases whatsoever" ring with omnipotence.

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4. *Ibid.*, Page 137.

5. *Ibid.*

Congress may "do in respect to those places all that any government whatsoever may do", Hamilton argues, because "language does not afford a more complete designation of sovereign power than in those comprehensive terms."

Powerful words indeed: awe-inspiring power, in fact.

Concluding those thoughts, Hamilton wrote:

> "As far, then, as there is an express power to do any particular act of legislation, there is an express one to erect a corporation in the case above described."[6]

Under such reasoning, the first bank was chartered for a 20-year term (at the government seat).

Ever since that 1791 banking act, government has expanded its reach, especially after a little help from the courts.

Questions of the exclusive legislative authority of Congress reached the Supreme Court in the 1821 case of *Cohens v. Virginia*.

Three important points in the ruling interest us, including:

1. The power to legislate for the district, like all other powers conferred in Article I, Section 8 upon Congress, is "conferred on Congress as the legislature of the Union."[7]

In other words, members of Congress do not step down from their national capacity even when they enact laws that would otherwise be considered local legislation for the government seat.

The impact of the Court's ruling is that otherwise locally-effective laws enacted by Congress for the District of Columbia may actually be enforced nationwide throughout the United States; they are not strictly-limited to the geographical boundaries of the exclusive legislation areas.

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6. *Ibid.*, Page 138.

7. *Cohens v. Virginia,* Vol. 19, United States Reports, Page 264 @ 424 (1821).

For example, if a crime is committed in the exclusive legislative area, enforcement needn't stop "at the district line;" federal officers may proceed throughout the States to carry out that law and catch 'the bad guy' (unlike State or local officers who must seek extradition of any criminal captured elsewhere).

That, of course, does not mean that it would necessarily be a federal crime if that same activity occurred 'outside the gates', for such legislation must then conform to the whole Constitution for that to occur.[8]

In other words, enforcement could not normally *start* if the banned activity *occurred* beyond the fence unless it conformed to the whole Constitution.

Nevertheless, exclusive legislation laws may be enforced nationwide (as long as the activity started inside that jurisdiction), even if the perpetrators may be found in any of the States.[9]

These laws are only locally-effective, even as they can now be nationally enforced; i.e., *after* the laws are *locally* broken.[10]

Given the original wording and structure of the Constitution, it is difficult to argue the Court ruled incorrectly.

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8. The federal criminal jurisdiction outlined in the Constitution is *Treason* (Art. III, Sect. 3, Cl. 1 & 2); *counterfeiting the Securities and current Coin of the United States* (Art. I, Sect. 8, Cl. 6); and *Piracies and Felonies committed on the high Seas and Offences against the Law of Nations* (Art. I, Sect. 8, Cl. 10). *Impeachment* is also discussed (Art. I, Sect. 2, Cl. 5; Art. I, Sect. 3, Cl. 6 & 7; Art. II, Sect. 4).

9. See the April 30, 1790 (Vol. 1, Statutes at Large, Page 112) and March 3, 1825 (4 Stat. 115) crime acts for comparison purposes of properly-restricted federal crime acts. See also Title 18, United States Code, Section 7 for physical federal jurisdiction consistent with the whole Constitution.

10. Please note that learning how one has inadvertently 'volunteered' to that exclusive legislative jurisdiction and 'agreed' to abide by those extensive rules — wherever one may happen to be located — is beyond the scope of this brief booklet (and due to the difficulty of extricating oneself from the clutches of tyranny from an intricate web of masterful snares, one finds the purpose for the 'cure' recommended herein).

Clause 17, after all, is within Section 8 of Article I, just like most of the remainder of the express powers delegated to Congress for acting throughout the Union.

It is therefore important to look further into the ruling…

Another important point of the court's 1821 ruling is:

2. "Whether any particular law be designed to operate without the District…depends on the words of that law."[11]

As the 1821 court ruling signifies, the difference between a law enacted for the seat of government or for the whole Union may ultimately depend simply "on the words of that law."

If the words of any law cannot be reconciled with any other clause but Article I, Section 8, Clause 17, then to keep it from being held 'unconstitutional', government may there allow it.

This is what occurred in the 1791 banking act; bear in mind that the great legal minds of Jefferson, Randolph and Madison all had to be told by that bank bill's leading proponent that the authority for that bill rested on Article I, Section 8, Clause 17.[12]

Whereas laws meant for the whole Union must conform to the whole Constitution, laws meant for the seat of government need only conform to Article I, Section 8, Clause 17 (meaning that laws may there be enacted "in all Cases whatsoever").

Seemingly extra-constitutional activities are not necessarily "unconstitutional", per se, because they are not necessarily *beyond* the Constitution. Those activities are likely simply being enacted under the one particular clause capable of authorizing them.

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11. *Cohens v. Virginia,* 19 U.S. 264 @ 429, 1821.

12. However, do not expect any other proponents of proposed legislation to overtly admit that their bill is likewise being enacted only under the exclusive legislation power of Congress to act "in all Cases whatsoever" within the government seat, as Hamilton did so only out of necessity the first time it was used in such fashion. From that point on, it became an 'insider's game'.

An 'unconstitutional law' is an oxymoron which cannot exist — if unconstitutional, it is not a 'law'. If a law is reasonably charged as 'unconstitutional', chances are high that it has simply been enacted under Article I, Section 8, Clause 17 and that it is legal (just that its actual jurisdictional scope is strictly limited).

If a particular government action is beyond the authority of the other constitutional clauses (besides Article I, Section 8, Clause 17), then none of those other clauses have actually authorized the action in question (although fanciful court rulings typically imply that false illusion, as if words have no meaning).[13]

The last of the 1821 court's statements of special significance provides us the clear direction we need to restore strict construction of the U.S. Constitution once and for all:

3. "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 supports their contention." [14]

The single "magic button" needed to restore limited government under the *whole* Constitution is to finally now provide that "safe and clear rule" that would clearly make all laws enacted under Article I, Section 8, Clause 17 local laws *only* for exclusive legislation areas, incapable of being enforced nationwide.

Although amending our Constitution is no easy task, that there are 27 ratified Amendments means there may also be 28.

When the States sought to correct the Supreme Court's 'misinterpretation' of the Constitution regarding States being sued against their will by citizens of other States, they ratified the 11th Amendment in 1795 to clarify that matter 'once and for all'.

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13. See ***Monetary Laws of the United States*** (at www.PatriotCorps.org) to understand how the courts cleverly upheld legal tender paper currencies emitted since 1862, but actually *only* under Article I, Section 8, Clause 17.

14. *Cohens v. Virginia,* 19 U.S. 264 @ 424 – 425, 1821.

Thus, to best overturn the Supreme Court's invalid 1821 *Cohens v. Virginia* ruling (invalid because it has tragically allowed Article I, Section 8, Clause 17 to be used as the ultimate tool for implementing American tyranny), the States should ratify a new 'Once and for All' Amendment.

Although the precise wording of the 'Once and For All' Amendment would necessarily be left up to any convention should there be one, here nevertheless is a tentative proposal:

> "The exclusive legislation power of the Congress of the United States under the seventeenth Clause of the eighth Section of the first Article of the Constitution for the United States of America shall not be construed to be any part of the supreme Law of the Land within the meaning of second Clause of the sixth Article of the said Constitution.
>
> "Every law, resolution, rule, regulation, or order enacted, passed or otherwise hereinbefore or hereinafter acted upon under the seventeenth Clause of the eighth Section of the first Article of the said Constitution shall be strictly limited to its precise jurisdictional limits strictly applicable to exclusive legislation areas as must therein be hereafter designated."[15]

A new amendment would simply clarify that no law enacted under Article I, Section 8, Clause 17 constitutes any part of the Supreme Law of the Land under Article VI, Clause 2.

Should Congress, the Courts, and/or the President (or executive departments and 'independent' agencies) yet somehow creatively discover a method to bypass this new amendment, then another should be ratified which repeals Article I, Section 8, Clause 17 in its entirety (with those lands being retroceded back to the States, similar to Virginia accepting back her portion of the District of Columbia [county and town of Alexandria] in 1846).

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15. A section in the proposed Amendment on formal extradition procedures for the district serving as the seat of government (similar to that for States in Article IV, Section 2, Clause 2) would likely prove necessary (certainly convenient), but that is but a small matter to add in (of course, laws truly national in scope would yet be executed throughout all the States, as they have always been).

Repeal, though appealing in its own right (to forever remove the power of Congress to act beyond normal constitutional restraints *in any case*), should probably be merely a backup plan to avoid more drastic changes to the Constitution if matters can otherwise be helped.

The good thing about education or working toward a constitutional amendment is that they are not mutually exclusive matters — working for one helps the other.

Fully understanding the implications of Congress exercising exclusive legislation authority "in all Cases whatsoever" over the District constituting the Seat of Government of the United States is absolutely critical in our quest to regain limited government.

Everything done beyond strict construction of the Constitution since the 1860's has been deceptively done essentially within the authority of but one clause of the Constitution, the clause which allows for government to act "in all Cases whatsoever", Article I, Section 8, Clause 17.

The wonderful implication about restoring the spirit of the Constitution with the 'Once and For All' Amendment is that a federal government of limited powers, along the lines of 1850's government (except as modified by the 13th – 27th Amendments which have since been ratified) is capable of being fully restored.

No longer must strict-constructionists be satisfied with measly goals to incrementally restore the Constitution in piecemeal fashion (only to then fail); the whole Constitution is available in one fell swoop once one understands how we have been improperly moved beyond the spirit of the Constitution even as its letter was being followed.

We faithful Americans have simply been tragically deceived by clever magicians who offer us a spectacular sound and light show and blow hot air in a forbidding manner to keep us from figuring out what is going on, from realizing that we've had the power all along to stop them, once we figured out their methods.

Our educational program consists of pulling back the curtain to expose the man behind it as a 'not-so-wise and not-so-powerful fraud'; a man who pulls the levers of omnipotent government for immense personal gain for himself and his friends at our considerable expense.

We need only follow the lead of Toto in the *Wizard of Oz;* to follow our nose to find the proper curtain to pull back and then begin 'barking', drawing proper attention to improper activity.

When the wizard cries out "pay no attention to the man behind the curtain," we must nevertheless fix our attention there.

The all-powerful genie who has too-long served as master must be properly instructed on the true purpose of his golden wristbands — his shackles which are the Constitution and the Declaration of Independence; shackles which signify that he is not the master, but merely a faithful servant.

If the genie doesn't wish to obey because he has "phenomenal cosmic power" (in the words of Disney's *Aladdin*), then he is to be forced back into his "itty-bitty living space" — his small bottle "ten Miles square" with the 'Once and For All' Amendment.

As we teach Americans about individual liberty and limited government under the *whole* Constitution, we will re-build the corral to keep in the wild stallions which have too long been running loose beyond their ten-miles-square jurisdictional fence.

Whereas our long-term goal is ratification of the 'Once and For All' Amendment, education is our immediate goal — one person at a time, if need be.

Will you help restore Liberty and Justice, Once and For All?

Further information is available at:

www.PatriotCorps.org

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