The BEACON SpotLight

A Study of Constitutional Issues by Topic

Issue 41: Seeking New Information First & Foremost—Lesson III

Welcome to the SNIFF Lesson III, where we will examine the "Big Powers" that may be directly exercised in the "Little Implementation Areas" that were covered in Lesson II.

Every once and a while, Hollywood gets it right, like *The Wizard of Oz*.[1] The magnificent story lets Americans know that we cannot be bound by lies that we adequately expose.

And, the lie most-told to Americans that we must expose is the centuries-old doozy, that boldly proclaims that federal servants may increase their own powers, by changing the meaning of the words found in the U.S. Constitution.







1. Based upon the 1900 book *The Wonderful Wizard of Oz*, by L. Frank Baum (that is now in the public domain [so its graphics may here be shown]).

Upon that absurd lie rests all the others.

Patriots would do well to follow Toto's lead, and actively SNIFF out the source of the growing political stench. In that way, we too may pull back the curtain and then BARK like crazy to draw appropriate attention to *The Greatest Political Lie Ever Told.*

Which is why the Patriot Corps has named our video courses in the escalating actions dogs implement, especially when danger exists—to give credit to the little pooch with a small brain who nevertheless trusted his faithful nose to expose the fraud.

All federal actions beyond the spirit of the supreme Law of the Land necessarily rest upon the absurd premise that members of Congress and federal officials may reinterpret words and phrases found in the U.S. Constitution to change their own powers. This, of course, is the same Constitution that they have already sworn an oath to support, which oath necessarily signifies their subservience.

These make-believe wizards tirelessly promote the lie that the oath that they are required to take isn't simultaneously binding upon them. But, if it isn't binding, why don't they ever refuse to take it, so they don't live by a double standard that they boldly assert is impotent?

Their oath is required, precisely because it is binding. Therefore, they may ignore or bypass the Constitution *only as it already allows.*

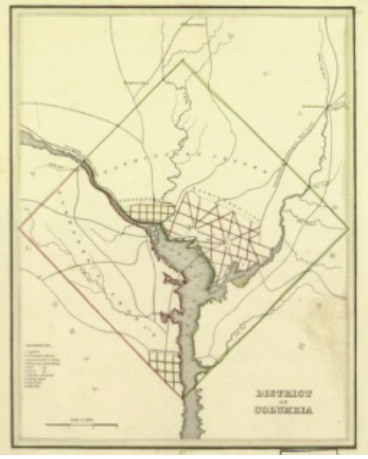
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And, the Constitution only allows itself to be bypassed when actions aren't meant "for" the whole country, but instead are really only meant for special "Little Implementation Areas."

Indeed, the U.S. Constitution was never meant to limit members of Congress acting within their exclusive legislation capacity within exclusive legislation areas.

The Constitution explicitly details that members of Congress may act exclusively and "in all Cases whatsoever" in the District Seat, even performing actions that far exceed the enumerated powers that members may directly exercise throughout the whole Union.

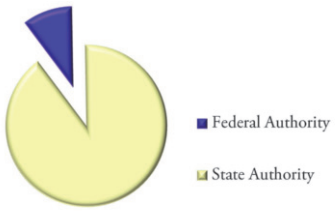


Besides helping us understand false wizards, Hollywood also helps us understand genies.

The 1992 animated Disney movie *Alladin* said it well, that "part and parcel of the whole genie gig" is "PHENOMENAL COSMIC POWER," but it only comes with an "itty bitty living space."

The parallel to real-life here is that American "genies" may have phenomenal cosmic power, but they also necessarily only have an itty-bitty living space. I am speaking of their "bottle," where they are largely free to do as they please—the District of Columbia.

To understand the differences between implementation areas, it will be helpful to step back for a moment. Let's begin by dividing government authority into a pie chart. We can start with the normal case—what we can picture as the government "clock" for the "Big Implementation Area," with some minutes federal, but most, State-exercised.



The pie chart for the normal government authority for the "Big Implementation Area" divides American governing power into its two components—enumerated federal powers and reserved State powers. This division occurred by and with States' ratifications of the U.S. Constitution.

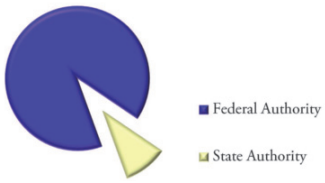
Five "minutes" or so of delineated federal powers are enumerated within the U.S. Constitution, that members of Congress and federal officials may directly implement throughout the Union, throughout the "Big Implementation Area." This leaves some 55 "minutes" of the "government hour"—a rough estimate more than adequate for our purposes—as the governing power reserved to the American States.

Now, the federal allotment of minutes may be changed, to six or seven minutes, for example, or even back to three or four minutes, within and under the amendment procedure outlined within Article V. The 27 ratified amendments speak to this principle.

As the U.S. Constitution clearly details, only the States of the Union are empowered to ratify amendments, just as it was the American States that ratified the U.S. Constitution into existence in the first place.

Federal servants—hired to implement the enumerated federal powers the States allowed them to everywhere exercise—never get to make the decision to ratify changes to the U.S. Constitution. While members of Congress may propose changes, American Presidents and Supreme Court justices don't ever get the opportunity to propose amendments, let alone ratify them.

Patriots are ushered to believe that federal servants found a way to increase their own powers for the whole Union, like a federal Pac-Man devouring State "minutes," to change the six or seven federal "minutes" on the normal government clock, to 20, 30, or even 40 "minutes" or more of federal time. This is wholly impossible, as their required oaths and the amendment process readily prove.



Although few Americans realize it, the U.S. Constitution also specifies a whole other clock—a distinct, exclusive legislation timeclock—that "tells time" in and for the District Seat.



And, the U.S. Constitution specifies that in the District Seat, that all 60 minutes of every hour are all federal minutes, at all times, "exclusively," and "in all Cases whatsoever."

Which means that in exclusive legislation areas, members of Congress set the time. *Never do the States get to set the time in the District of Columbia.*

Please realize that the 55-"minute" allotment of State governing authority in the normal case is guided and directed in each State by its own State Constitution.

The States also must abide by the express prohibitions against "States" found in the U.S. Constitution, such as "No State shall…emit Bills of Credit" or "make any Thing but gold and silver Coin a Tender in Payment of Debts."

But, nowhere is there a State, State-like or District Constitution guiding and directing members of Congress in the exercise of their exclusive legislation authority in the District Seat, for the first 55 minutes of the exclusive legislation time clock.

Without any express parameters anywhere existing in D.C. for the exercise of exclusive legislation—like State Constitutions guide and direct the States—means that in D.C., *members of Congress must make up their own rules, as they go along.*

And, since there's no type of copyright restriction on the words found in the U.S. Constitution that are otherwise meant for direct exercise throughout the Union, then nothing prevents members or the courts from giving these same words *a different meaning*, in D.C.

The supposedly-magical power of federal servants, to reinterpret various words of the Constitution, necessarily limits those new meanings only to "Little Implementation Areas," the only places where judges, members of Congress, or Presidents may ever influence matters in such a grand and majestic manner.

All exclusive legislation rules must be made up within the "Little Implementation Areas," along the way. But, with so much to do, that is elsewhere performed by States, members of Congress needn't do everything themselves. They may ask for help.

While the enumerated "Little Powers" that Congress may directly exercise throughout the "Big Implementation Area" are vested only with legislative members—because of the requirement for legislative representation—members of Congress may nevertheless in D.C. ask for *exclusive legislation* help.

Please realize that only "States" of the Union send U.S. Representatives and U.S. Senators to meet in Congress. District residents aren't represented in Congress, even as *legislative representation* is the fundamental building block of the Union.

Without legislative representation existing in D.C., then members may freely ask for exclusive legislation help from alphabet agency bureaucrats of the executive branch, who may in D.C. write regulations held as law.

Members may—in D.C.—also allow judges to "legislate" from the bench. Or, members may create "administrative law judges," combining the available powers legislative, executive, and judicial in one person.

There isn't even any direct prohibition against seeking outside help—like from United Nations delegates—in the exercise of exclusive legislation concerns (as long as Congress approves the delegation, within members' inherent discretion [except as they are expressly prohibited])!

Are you beginning to understand just how extensive is this "Big Power" that is allowed in the "Little Implementation Areas?"

If not, consider this. Since members of Congress and federal officials may directly exercise State-like powers

exclusively in D.C.—because of a "particular State's" earlier cession—then the Tenth Amendment has no effect in the District Seat! There aren't any powers yet reserved to any State in D.C. for the Tenth Amendment to there secure!

Please realize that the Tenth Amendment reserves unto the American States the powers the States reserved following their ratification of the U.S. Constitution, except as the State or States later formally give up.

In other words, the Tenth Amendment doesn't prevent the States from later ratifying new amendments under the Article V amendment process, to give members of Congress or federal officials more powers in a direct and formal fashion, everywhere.

Well, neither does the Tenth Amendment foreclose "particular" States from ceding all of their remaining governing authority over specific tracts of land given to Congress and the U.S. Government for exclusive legislation purposes, under the Article I cession clause.

So, how could the Tenth Amendment apply within the District of Columbia, which parcel Maryland willingly gave up in 1791, when it ceded not only its parcel of land to Congress, but also the ability to govern that transferred parcel in any manner?

After Maryland ceded the land and Congress accepted it for exclusive purposes, Maryland no longer had any powers for the Tenth Amendment to reserve, in D.C.

And, since only one State ever governs any particular parcel of land, then no other State has any claim over that ceded parcel, either, for any other State to claim a Tenth Amendment reservation of powers, in D.C., either.

The "Big Powers" for the "Little Implementation Areas" are so extensive, they reach to everything but the few things expressly prohibited!

And doesn't that sound exactly like the kind of power that federal servants have been wielding, for centuries?

The "Big Powers" members of Congress may exercise in the "Little Implementation Areas" are found at the opposite end of the political spectrum as the "Little Powers" that they may directly exercise in the "Big Implementation Area."

The "Little Powers" that Congress may exercise in the "Big Implementation Area" are the *most-limited* governing powers on the planet, being only the named powers, implemented using necessary and proper means.

The "Big Powers" that they may exercise in the "Little Implementation Areas" are the *most-powerful* on the planet, reaching to everything beyond those few things expressly prohibited.

Which powers would you expect power-hungry tyrants to exercise, if no one ever calls them out on the widespread extension of special powers, to stop them? If patriots make the *wrong* arguments, don't expect the tyrants to stop on their own accord or the court to argue for the patriots who don't have a clue what is going on.

Are you starting to understand why patriots' inaccurate claims of something being "unconstitutional"—often allegedly for violating the Tenth Amendment itself—are wrong, and that inaccuracy explains why patriots always fail?

Something cannot be "facially" unconstitutional, *if one clause allows it,* even if that one allowing clause is the special exception to all the normal rules.

It is true that these special actions would be unconstitutional "as applied" beyond the "Little Implementation Areas," but that challenge is never made. We must change our strategy, to narrow our challenges, so we may finally win our legal arguments.

So, how did clever scoundrels ever extend their "Big Powers" to the "Big Implementation Area," that the Constitution nowhere specifies?

Far easier than one would imagine, unfortunately.

We'll answer that important question in next lesson.

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