

1 **A complete departure from the original intent**

2 If there ever has been a departure from the original intent of the
3 Constitution, no greater departure has ever occurred than that
involving Article I, Section 8, Clause 17.

4 Article I, Section 8, Clause 17, reads:

5 The Congress shall have power to exercise exclusive
6 legislation in all cases whatsoever, over such District
7 as may, by cession on particular States, and the
8 acceptance of Congress, become the seat of the government
9 of the United States, and to exercise like authority over
all places purchased by the consent of the legislature of
the State in which the same shall be, for the erection of
forts, magazines, arsenals, dock-yards, and other needful
buildings.

10 Originally, this clause was understood to incorporate four very
important principles.

11 First, it was understood that the federal government could not hold
12 land within an incorporated State except by purchase; and second,
that such a holding of land could not occur except by consent of
the legislature of the State involved.

13 And third, that such a holding of land was to include every species
14 of power and jurisdiction which the state had possessed, exclusive
of any state authority or jurisdiction.

15 And forth, the federal government could not hold the land for any
16 purpose, other than those purposes which were enumerated within the
clause itself.

17 As it stands today, the Supreme Court has set aside every principle
18 of importance which was incorporated into the enclave clause -
19 which leaves the States wide open to complete dominance by the
20 federal government. No longer does the federal government seek
21 consent before purchasing land within a State. No longer do they
22 bother to seek consent for the exercise of jurisdiction over any
23 lands claimed or purchased. The feds now buy any amount of land
24 they wish within a State at any time they wish, and they exercises
25 complete and absolute jurisdiction over it to the complete
26 exclusion, if they so chose, of the State; the State Constitution,
and the federal Constitution. Under such authority as the Supreme
Court has now allowed Congress, State law only applies to the
extent that feds or Congress allow it to apply.

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4 **The original intent of Article I, Section 8, Clause 17**

5 While the Continental Congress was meeting in Philadelphia on June
6 20, 1783, soldiers from Lancaster, Pennsylvania, arrived "to obtain
a settlement of accounts, which they supposed they had a better
chance for at Philadelphia than at Lancaster."

7 The mutinous soldiers presented themselves, drawn up in the street
8 before the state-house, where Congress had assembled. The
9 executive council of the state, sitting under their same roof, was
10 called on for the proper interposition. President Dickinson [of
Pennsylvania] came in and explained the difficulty, under actual
circumstances, of bringing out the militia of the place for the
suppression of the mutiny. He thought that without some outrages
on persons or property, the militia could not be relied on...

11 In the mean time, the soldiers remained in their position, without
12 offering any violence, individuals only, occasionally, uttering
13 offensive words, and, wantonly pointing their muskets to the
14 windows of the hall of Congress. No danger from premeditated
violence was apprehended, but it was observed that spirituous
drink, from the tippling-houses adjoining, began to be liberally
served out to the soldiers, and might lead to hasty excesses...

15 The harassment by the soldiers which began on June 20, 1783,
16 continued through June 24, 1783. On the latter date, the members
of Congress abandoned hope that the State authorities would
disperse the soldiers, and the Congress removed itself from
Philadelphia...

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18 The Congress then met in Princeton, and thereafter in Trenton, New
19 Jersey, Annapolis, Maryland, and New York City. There was
20 apparently no repetition of the experience which led to Congress'
removal from Philadelphia. However, the members of the Continental
Congress did not lightly dismiss the Philadelphia incident from
their minds. On October 7, 1783, the Congress, while meeting in
Princeton, New Jersey, adopted the following resolution:

21 That buildings for the use of Congress be erected in or near the
22 banks of the Delaware, provided a suitable district can be procured
23 on or near the banks of the said river, for a federal town; and
that the right of soil, and an exclusive or such other jurisdiction
as Congress may direct, shall be vested in the United States...

24 In the intervening period, a variety of considerations were
25 advanced in the Constitutional Convention affecting the
26 establishment of the seat of the new government, and a number of
them were concerned with the problem of assuring the security and
integrity of the new government against interference by any of the

1 States...

2 The following record of Constitutional Convention's proceedings can
3 be found in the *Report Of The Interdepartmental Committee For The*
4 *Study Of Jurisdiction Over Federal Areas Within The States, Part*
II, June 1957, United States Government Printing Office, Washington
25, DC.

5 The genesis of Article I, Section 8, Clause 17, of the
6 Constitution, is to be found in proposals made by Madison and
7 Pinchney on August 18, 1787... On September 5, 1787, the committee
of eleven, to whom the proposals of Madison and Pinchney had been
referred, proposed that the following power be granted to Congress:

8 To exercise exclusive legislation in all cases whatsoever
9 over such district (not exceeding ten miles square) as
10 may, by cession of particular states and the acceptance
11 of the legislature, become the seat of government for the
United States; and to exercise like authority over all
places purchased for the erection of forts, magazines,
arsenals, dock-yards, and other needful buildings.

12 ...The debate concerning the proposal of the committee of eleven
13 was brief, and agreement concerning it was reached quickly, on the
day of the submission of the proposal to the Convention. The
substance of the debate concerning this provision was reported by
Madison as follows:

14 So much of the fourth clause as related to the seat of
15 government was agreed to, *nem. con.*

16 On the residue, to wit, "to exercise like authority
over all places purchased for forts, &c."

17 MR. GERRY contended that this power might be made use
18 of to enslave any particular state by buying up its
territory, and that the strongholds proposed would be a
means of awing the state into an undue obedience to the
general government.

19 MR. KING thought himself the provision unnecessary, the
20 power being already involved; but would move to insert,
after the word "purchased," the words, "by the consent of
the legislature of the state." This would certainly make
the power safe.

21 MR. GOUVERNEUR MORRIS seconded the motion, which was
22 agreed to, *nem. con.*; as was then the residue of the
clause, as amended.

23 The report goes on to state, "There appears to be no question but
24 that the requirement was added simply to foreclose the possibility
that a State might be destroyed by the purchase by the Federal
Government of all of the property within the State."

25 awe; power to inspire dread or fear.
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