

Question 6 George Washington's division of states into districts

Robert, you need to read what Washington, declared again, I did not declare it, I did not write it, so I do not have anything backwards.

First of all, the Judicial Districts you are referring to were created by the Judiciary Act of 1789, two years before Washington said Congress gave him additional powers, thereby HE created District States, so the federal government could use the militias to crush the tax protesters in Pennsylvania, by Washington's order. Since the Judicial Districts already existed, why did they as you suggest, recreate them? If the District States were already created as you suggest, would it not be redundant to create them again? Washington said he was dividing the United States into District States. He said DIVIDING THE STATES, listen, DIVIDING THE STATES, not creating districts in the states, DIVIDING THE STATES into DISTRICTS, changing them, or you would not DIVIDE THEM, because the states were already divided. How can you DIVIDE, SEPARATE the states, made by the state and federal Charters/Constitutions? Why do this when Congress already had the power to put down rebellion, Article I, section 8, U.S. Constitution? This was an excuse to DIVIDE the states into DISTRICTS, extending the jurisdiction of the District of Columbia/Congress and delegating to the President, authority given to Congress to suppress insurrection, under Art. I, sec. 8.

Second, the use of any military power before Congress declares war, by direction of the President is done by him as Commander-in-Chief. Until Congress declares war they cannot stop the President unless they impeach him, or when they declare war they can stop the President with their power of the purse, unless the President were to then declare a national emergency, as Commander-in-Chief, overriding Congress, in effect declaring himself king, or in our case anyone holding that office, which we now have. I disagree with the un-Constitutional emergency powers claimed by the President, but unless the Judiciary declares the President out of line, you or I cannot change this, unless you or I were elected President, and declared this power un-Constitutional, but Congress would then impeach you or I to protect public policy. Around and Around it goes. Again this power comes from their operating under executive jurisdiction, insular capacity, see *DOWNES v. BIDWELL*, 182 U.S. 244 (1901), which was allowed by the Judiciary, beginning with what Washington did. Because it was up to the Judiciary to declare what Congress was doing as un-Constitutional, and up to Washington to not take power delegated to Congress. This power was affirmed by the Congressional Act of 1845, and in the 1850's by the insular cases. This set the stage for Lincoln to begin the executive orders, and here we are.

Third, the Districts Washington created answered directly to the Commander-in-Chief, not Congress. In order for these Districts to be created by the President, Congress had to give the President power outside of the Constitution, as declared by Washington himself. Martial law can be used as soon as the military is called upon to put down insurrection or fight a war. Washington created District States, not state districts, and the military occupied the Pennsylvania District until the insurgents went home, Washington said these Districts were created for putting down the rebellion, however they were never disbanded when the rebellion ended.

The fact that you say you can't see something, with all due respect does not change reality. Below you will see how Lincoln codified the war powers. You can download the whole general order 100, or ask me and I will email it to you, along with court cases and definitions on the same subject.

Martial Law - Military jurisdiction - Military necessity -

Retaliation

"Article 1. A place, district, or country occupied by an enemy stands, in consequence of the occupation, under the Martial Law of the invading or occupying army, whether any proclamation declaring Martial Law, or any public warning to the inhabitants, has been issued or not. Martial Law is the immediate and direct effect and consequence of occupation or conquest.

The presence of a hostile army proclaims its Martial Law.

Art. 2. Martial Law does not cease during the hostile occupation, except by special proclamation, ordered by the

commander in chief; or by special mention in the treaty of peace concluding the war, when the occupation of a place or territory continues beyond the conclusion of peace as one of the conditions of the same.

Art. 3. Martial Law in a hostile country consists in the suspension, by the occupying military authority, of the criminal and civil law, and of the domestic administration and government in the occupied place or territory, and in the substitution of military rule and force for the same, as well as in the dictation of general laws, as far as military necessity requires this suspension, substitution, or dictation.

The commander of the forces may proclaim that the administration of all civil and penal law shall continue either wholly or in part, as in times of peace, unless otherwise ordered by the military authority."

{Instructions for the Government of Armies of the United States in the Field, prepared by Francis Lieber, LL.D., Originally Issued as General Orders No. 100, Adjutant General's Office, 1863, Washington 1898: Government Printing Office.}