

Fig. 8). This decision raises another reason why the enacting clause must be printed in the public law book. It is so that citizens can identify it as a public law as opposed to a resolution, proclamation, executive order, or administrative rule. The enacting clause distinguishes a true public law from these other type of acts.

An enacting style of a law generally reads, "Be it enacted," while the style of a resolution usually reads, "Be it resolved," or "Resolved, that." Most state constitutions make a distinction between a law and a resolution. The Constitution for the United States distinguishes a "resolution" and "order" from a "bill" which can "become a law" (Art. 1, Sec. 7). They each go through the same basic formalities with respect to vote and procedure in Congress, but they are not the same thing.

When we look at the "laws" in the "United States Code," how do we know that they are public laws passed by Congress? For all we know they could be "mere resolutions," which carry no force and effect as laws. When we are charged with a violation of a law from the "Oregon Revised Statutes," how do we know that this is a law from the legislature of Oregon, as authorized by the Constitution of Oregon? There is no enacting clause on the face of the law to indicate whether it is a law, a resolution, an order, or an administrative rule. What then is a resolution?

RESOLUTION. The term is usually employed to denote the adoption of a motion, the subject-matter of which would not properly constitute a statute; such as a mere expression of opinion; an alteration of the rules; a vote of thanks or of censure, etc.²⁴

A resolution or order is not a law, but merely the form in which the legislative body expresses an opinion.²⁵

The general rule is that a joint or concurrent resolution adopted by the legislature is not a statute, does not have the force or effect of law, and cannot be used for any purpose for which an exercise of legislative power is necessary.²⁶

In Indiana, a joint resolution was passed for the appropriation of money, which used the enacting style: "*Be it Resolved by the General Assembly of the State of Indiana.*" The State Constitution allows for the appropriation of funds to be made only by law. The State Supreme Court said "the resolution is not law," as laws for the appropriation of money "cannot be enacted by joint resolution."²⁷

That which is printed in the Revised Statute books and the U.S. Code could just as well be resolutions, which carry no force of law. If these statutes had enacting clauses, all would know what they were, the authority for their existence, and how they affect their rights and obligations. But they have no enacting clauses, and thus these publications are not legitimate publications in law which can be used to charge citizens with a crime. No enacting clause has been published with these "laws." They are only words of some committee, and thus are not constitutionally authorized laws which citizens are obligated to follow or obey.

So we must confront those in government who try to accuse us of violating a law published in some code, and ask them what is the authority for this law to exist? Where is its enacting authority on its face that identifies it as a law of the legislature? A law exists not only in the manner in which it was enacted, but also in the manner in which it is promulgated or published. A law cannot validly exist in printed form without the constitutionally required enacting clause.

24 *Black's Law Dictionary*, 2nd edition, p. 1027.

25 *Chicago & N.P.R. Co. v. City of Chicago*, 51 N.E. 596, 598 (Ill. 1898); *Village of Altamont v. Baltimore & O.S.W. Ry. Co.*, 56 N.E. 340, 341, 184 Ill. 47; *Van Hovenberg v. Holeman*, 144 S.W.2d 718, 721, 261 Ark. 370 (1940).

26 73 *American Jurisprudence*, 2nd, "Statutes," § 3, p. 270; cases cited.

27 *May v. Rice*, 91 Ind. Rep. 546 (1883).