

Federal Laws and Crimes

The issues of authority and law are especially critical in understanding the trend that has developed in the Federal arena, with its communistic income tax, oppressive laws, and activities that invade the domain of the states. While many of the basic concepts dealing with the states on this subject are applicable to the Federal government, there also are some aspects unique to the Federal issues. Many of the problems today may not truly be usurpation or unconstitutional acts, but are due to a different source of law and thus a different jurisdiction than what the Constitution for the United States established. First we need to understand some basic facts about the manner of government and jurisdiction that originally existed.

Federal Criminal Jurisdiction

Jurisdiction, in a governmental sense, is the authority to apply law over certain objects and certain acts of persons. Jurisdiction gives a government the right to use force in applying this law to bring about its objective. Under the American system that objective is generally to exact justice through certain courts pursuant to constitutional authority, the law of God, and our common law concepts of right and wrong.

The Constitution for the United States created a government which has jurisdiction over certain enumerated subject matter. It is only in these areas that Congress can enact laws, and when they do, the Federal Courts are to enforce the law. But when laws do not come from an enumerated power, the Federal Courts

are to prevent the U.S. Government or Congress from applying them.

The U.S. Constitution prescribes what the "jurisdiction" of the Federal government is by the enumerated powers. That government can regulate foreign and interstate commerce, fix the standards of weights and measurements, establish rules of naturalization, establish uniform laws on bankruptcies, coin money and provide for the punishment of counterfeiting of the coins and securities of the United States, protect the arts and sciences by copyrights and patents, punish for piracies and felonies committed on the high seas, raise and support an army and navy, and lay and collect direct taxes by apportionment, and indirect taxes by excises, duties, or imposts.

This is about the extent of the jurisdiction of the United States government. It is only in these areas that a "crime (or offense) against the United States" can exist, and this is so only when Congress actually passes a law in one of these areas.

But an act committed within a State, whether for good or a bad purpose, or whether with honest or a criminal intent, cannot be made an offense against the United States, unless it have some relation to the execution of a power of Congress, or to some matter within the jurisdiction of the United States.¹

[T]he courts of the United States, merely by virtue of this grant of judicial power, and in the absence of legislation by Congress, have no criminal jurisdiction whatever. The criminal jurisdiction of the courts of the United States is wholly derived from the statutes of the United States.²

1 *United States v. Fox*, 95 U.S. 670, 672 (1877).

2 *Manchester v. Massachusetts*, 139 U.S. 240, 262 (1890); *United States v. Flores*, 289 U.S. 137, 151 (1932).