

legal evidence of the laws therein contained, in all the courts of the United States, the several States, and the Territories and insular possessions of the United States.¹³

Note the new term, “legal evidence.” But what are these titles legal evidence of? It does not say these Titles of the Code are legal evidence of the statutes of Congress, or of the laws of the United States. They are “legal evidence of the laws therein contained.” In other words, the fact that the laws are in the Code, is in itself legal evidence that they exist. So what! Such a statement really says nothing at all about the legal nature of those laws. It doesn’t explain anything about its nature or its legal status other than its own existence.

This is like saying if a hammer is in your hand, then that hammer in your hand stands as legal evidence of the hammer in your hand. But it doesn’t say anything about the legal nature of the hammer. Is it your hammer, or is it borrowed, stolen or lost? Is it the property of the government, or Joe Smith, or the XYZ corporation? Likewise, saying that the laws in a book are evidence of those laws in the book, says nothing at all about their nature. Are they Acts of Congress, or of the State of Florida, or of the United Nations? It does not say, but only makes the generalized remark that they are laws. It obviously does not mean that these laws are constitutionally enacted or exist constitutionally.

Congress, or lawyers in Congress, have made this statement to make it appear that there is a difference between the Code as it was, from the titles that have been enacted into positive law. There really is no significant difference between *prima facie* evidence and legal evidence. *Prima facie* evidence is legal

evidence, just as “circumstantial evidence is legal evidence.”¹⁴ Even hearsay evidence when relevant to an issue can be treated as “legal evidence.”¹⁵ The term legal evidence is just a more general term for most types of evidence.

Legal evidence. A broad general term meaning all admissible evidence, including both oral and documentary.¹⁶

Whether Congress has enacted a title into positive law is irrelevant, as it does not change it into a law of the United States. One Federal Court said that “Congress’s failure to enact a title into positive law has only evidentiary significance.”¹⁷ In other words, it does not affect the nature of what it is legally. The Court further said, “Like it or not, the Internal Revenue Code is the law.” It can indeed be called law, but what manner of law is it? Why did the court not say that it is an act of Congress? or a law under the Constitution? Another court said regarding the Code that, “Enactment into positive law only affects the weight of evidence.”¹⁸ This is because the Title has gone through extra proofreading and checking to remove the errors and inconsistencies. This measure does not change the legal nature of the Title of the Code, such as occurs with a bill when it is enacted into law.

The words “legal evidence” were used to convince people that some change occurred when in fact it is just a lot of double talk and does not change the nature of what the U.S. Code really is. It really makes no difference if a Title has been enacted into positive law, for its contents cannot be regarded as acts of Congress because they have no evidence of being such by way of enacting clauses. The greatest evidence of true law is that which bears an enacting clause. A Federal law requires an

13 61 Statute at Large 633, 638; 1 U.S.C. § 204(a).

14 *Hornick v. Bethlehem Mines Corp.*, 161 Atl. 75, 77, 307 Pa. 264.

15 *Oko v. Krzyzanowski*, 27 A.2d 414, 419, 150 Pa. Sup. 205.

16 *Black’s Law Dictionary*, 2nd edition, p. 448.

17 *Ryan v. Bilby*, 764 F.2d 1325, 1328 (1985).

18 *United States v. Zuger*, 602 F.Supp 889, 891 (1984).