enacting clause to make it a law coming from the authorized source—Congress.

> The object of an enacting clause is to show that the act comes from a place pointed out by the Constitution as the source of power.[19]

The laws in the U.S. Code are unnamed; they show no sign of authority; they carry with them no evidence that Congress or any other lawmaking power is responsible for them. They lack the essential requisites to make them a law authorized under article 1 of the Constitution for the United States.

Look back at the cases cited which stated that the criminal jurisdiction of the United States exists only by acts of Congress pursuant to the Constitution. If the question is put forth to a Federal Court whether the Code cited in an indictment is an act of Congress, they could not rightfully say it is. If the court says it is, it should be asked, where is the congressional enacting clause for that law as required by 61 Statutes at Large 633, 634, § 101?[20] If no such clause appears *on the face* of the law, it is not an act of Congress. No criminal jurisdiction exists without a bona fide act of Congress. The argument in such a case is that the indictment does not set forth a case arising under the Constitution, as there is no act of Congress with a duly required enacting clause. Thus there is no subject matter jurisdiction pursuant to the federal judicial power defined in Art. III, § 2.

Nowhere does it say in the Code, or in pronouncements by Congress or the courts, that the laws in the U.S. Code are acts of Congress. In fact, the Code is always regarded as something different from the Statutes at Large:

> But no one denies that the official source to find United States laws is the Statutes at Large and the Code is only prima facie evidence of such laws.[21]

> STATUTE. State laws are generally called Session Laws (occasionally Acts); while federal laws are called Public Laws such as *Public Law* 89-110 which is the Voting Rights Act of 1965 and which can be found in 79 *Statutes at Large* 437 (1965), the latter being the official and preferred citation.[22]

The Statutes at Large are recognized by everyone to be the "official" publication of Federal laws. Why is not the U.S. Code, even when enacted into "positive law," ever called the "official source of United States laws?" Could it be because the "laws" in the Code are only the decrees of some committee?

Positive Law

The term "positive law" is also misleading. Positive law is a general designation for a "law that is actually ordained or established, under human sanctions, as distinguished from the law of nature or natural law."[23] Any rule or law established and written out by human agency is positive law. In this sense the U.S. Code was from the beginning a type of positive law, being written and established by human sanctions—i.e., the Committee of the House of Representatives.

The U.S. Code is also declared to be a codification of "all the general and permanent laws of the United States." But the articles of war, a treaty, or an executive order can also be called "general and permanent laws of the United States," or "positive law." They are laws that exist under the United States, but they are clearly of a different nature than acts of Congress which a citizen can be indicted for violating. We thus come again to the question of authority. What is the authority for citizens to follow the "laws" in the U.S. Code? None legally exists unless one acquiesces to such law.

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19 *Ferrill v. Keel,* 151 S.W. 269, 272, 105 Ark. 380 (1912).

20 In § 102, Congress also established the "resolving clause" style that is to be used on all joint resolutions.

21 *Royer's, Inc. v. United States,* 265 F.2d 615, 618 (1959).

22 Edward Bander, *Dictionary of Selected Legal Terms and Maxims,* 2nd edition, Oceana Publications, 1979, p. 78.

23 *Bouvier's Law Dictionary,* Banks-Baldwin Law Pub., Cleveland, 1948, p. 955.