

When Congress enacts sections of the Code into positive law they do so by passing a law, as they did with Title 18, stating to the effect:

That Title 18 of the United States Code, entitled “Crimes and Criminal Procedure”, is hereby revised, codified, and enacted into positive law, and may be cited as “18 U.S.C., §\_\_”, as follows:<sup>24</sup>

The text of Title 18 then follows. The measure does not really change anything since this Title had already been positive law just as it had already been codified. The State Legislatures often do the same thing with their Revised Statutes. They pass a law saying that the material in a certain collection of books is law. But it is fundamental that nothing can become a law just because the legislature says it is law.

[N]othing becomes a law simply and solely because men who possess the legislative power will that it shall be, unless they express their determination to that effect, in the mode pointed out by the instrument which invests them with the power, and under all the forms which that instrument has rendered essential.<sup>25</sup>

The “forms” of legislation include the title and enacting clause, which are both essential aspects of a law. This excerpt was quoted by the Supreme Court of Arkansas, who also said:

All those rules and solemnities, whether derived from the common law or prescribed by the Constitution, which are of the essentials of law making, must be observed and complied with, and, without such observance and compliance, the will of the Legislature can have no validity as law.<sup>26</sup>

The U.S. code has none of the forms and solemnities that are essential to make it law which citizens in America are subject to, and Congress cannot make it law by its say-so.

It might be argued that the U.S. Title in question has an enacting clause and title as it exists in the Statutes at Large, and this is

sufficient for the text of the entire Title of the Code. In the past some courts did hold that the titles on the specialized codes were sufficient for the entire code. Title 18 thus could only be called valid laws of the United States if its contents are cited from the Statutes at Large. But the government never cites Title 18 from the Statutes at Large on indictments, it only cites it as published in the U.S. Code, which has absolutely no enacting clauses on its face. It is always 18 U.S.C. § 1951, instead of the 62 Stat. Lg. 1084. The difference is critical.

The U.S. Code is not law of Congress, but it has fooled everyone because the laws used in it by the committee were based upon laws once passed by Congress. If Congress passed some laws which were then codified by the Russian government, which code was later recognized by Congress, no one would accept laws cited from the Russian code as valid law of Congress. A Russian law against forgery cannot be charged against us just because an identical law exists in our State. Now suppose, for instance, I listed some laws for you to follow such as:

- You shall not steal.
- You shall not murder anyone.
- You shall not kidnap anyone.
- You shall not commit adultery.

Now let me ask you, is there any authority behind these laws I have written and declared? Nearly everyone would say there is because they recognize that God issued similar laws, and thus there is authority behind them. But God did not issue these laws or enact them as law, I did. I never said they are laws of God but are my laws. They thus have no authority as law because I am not a source of law to which you are subject. There is no legal relationship between you and myself, just as there is no legal relationship between you and the “Law Revision Counsel” that drafted the U.S. Code.

24 62 *Statutes At Large*, 683, June 25, 1948.

25 *Caine v. Robbins*, 131 P.2d 516, 518 (Nev. 1942), citing *Cooley's Constitutional Limitations*, 6th Ed., p. 155.

26 *Vinsant, Adm,x v. Knox*, 27 Ark. 266, 277 (1871).