

The United States Code

The United States Code is a compendium of federal statutes that have been arranged within an orderly system so as to provide a simple manner in which to locate the text of a desired statute.

The United States Code is the result of an evolutionary process that started back in the earlier 1800's. In the early days of this nation, when Congress passed laws they were simply assigned a number (in addition to the name of the act) for identification purposes. This system resulted in the statutes that Congress passed being found solely by tracking down the "statute-at-large" number.

Since these statutes-at-large were not arranged in any manner other than number and date, attempting to locate all the statutes that Congress had passed on a particular subject was very tedious. As the number of laws increased, the task went from merely tedious, to tedious and uncertain. The need for some form of logical organization became clear and compelling.

Congress made several unsatisfactory attempts to organize its laws. The process finally came to fruition after the Civil War and the system of organization began to take shape in an efficient manner and one very similar to that which we see today. The system of organizing statutes is referred to as "codifying".

Today most of the laws of Congress have been codified into the United States Code (USC). The USC is comprised of 50 separate "titles". Each title deals expressly with a particular area of federal law. These titles are then broken down into subtitles, which express a more detailed breakdown by subject matter. These subtitles are then broken down into chapter, and the chapters into sections. The index at the beginning of each title, as well as at the beginning of each subtitle and chapter can be helpful in locating the text that you need. A good site to view the USC is at <http://www.law.cornell.edu/uscode/>. The complete USC may also be purchased on CD-ROM from the US Government Printing Office, at www.gpo.gov.

It should be noted that not all federal statutes appear in the USC; some statutes-at-large remain uncodified. One current example is the IRS Reform and Restructuring Act of 1998. This legislation has not been codified. One cannot find its provisions by reading the USC. One must pull the actual statute-at-large (usually from a law library) in order to know what Congress has commanded within that act.

In addition to being a compendium of codified federal law, the USC contains a nightmarish labyrinth of federal jurisdictional foundations. At this time, no bill pending before Congress is required to reveal to Congress, or to the American public, from what provision of the Constitution the legislation derives its authority. [See the [Constitutions](#) page within this site for more information about the

requirement of all laws to conform to the Constitution.] Accordingly, one must engage in lengthy and arduous research in order to determine which provision of the Constitution provides the lawful authority for the act to exist.

Congressional Acts (most of which end up codified to the USC) gain their Constitutional jurisdiction from one or more of the following Constitutional provisions. The jurisdictions sections are listed in order of frequency of application.

Article I, Section 8, Clause 17 – This section grants Congress *exclusive* [sole] authority over all placed where the United States is the sovereign. Examples of these places would be, Washington DC, areas within the borders of the states of the Union that have been properly ceded to the United States, and US embassies in foreign countries. This Constitutional authority is often referred to as “territorial authority”. This authority must be used with the authority shown immediately below.

Article IV, Section 3, Clause 2 – This section is a handshake with Article I, Section 8, Clause 17 (above) and grants Congress the authority to legislate for territory belonging to the United States (see examples above). [It should be carefully noted that the states of the Union do *not* “belong” to the United States.] In two US Supreme Court cases from the early 1900’s the Court stated that Congress was free to legislate for the “its” places, in ways that would be unconstitutional if applied to the states of the Union. [See the section, [US Territorial Authority](#), within this site for more information.] FDR’s backers saw these regrettable decisions by the Court as a huge loophole in the Constitution. The vast majority of federal laws passed ever since the New Deal Era have been territorial in nature. Article I, Section 8, Clause 17, and Article IV, Section 3, Clause 2, are by far the most frequent Constitutional authorities used by Congress.

Article I, Section 8, Clause 4 – This section grants Congress authority to regulate commerce with foreign nations, between the states of the Union, and with Indian Tribes. Despite the prevalence of legislation under the above listed authorities, law school professors teaching in the 1950’s used to call the interstate commerce portion of this provision, “The Everything Clause”. The reason for this was the prevailing opinion of the US Supreme Court during the 30’s, 40’s, and 50’s, which allowed Congress to lay its hands on many issues as long as it used the touchstone of its interstate commerce authority. In the eyes of many, the interstate commerce clause was the holy grail of federal authority within the states. Today the pendulum has begun to start its swing back in the proper direction (although it has quite a way to go to get back the intention of the framers of the Constitution). The US Supreme Court has signaled over the last decade that will not be so willing to accede to the federal government’s claims of authority that rely upon the interstate commerce clause. All these facts notwithstanding, a very large percentage of federal

legislation is based on Congress' authority to regulate interstate and foreign commerce.

The US Constitution grants the United States 19 “enumerated powers” (authorities). We have discussed two. The other 16 powers combined do not account for anywhere near the amount of legislation passed under the authority of the two powers specifically discussed.

Many Americans erroneously believe that the United States Code is “just like the State code, but only addresses other things”. The USC is distinctly different in that it is ***strictly limited*** to containing laws that deal ***exclusively*** with “federal matters”. If you steer clear of federal matters, there is nothing in the USC that can reach or affect you.

For those who find exploring and discovering unknown facts to be rewarding, a trip through various parts of the United States Code can be interesting. Most of the USC will never impact upon your life, but Titles that may be of interest are:

Title 15, Commerce and Trade. Examine the scope topics that fall within this title.

Title 18, Crimes and Criminal Procedure.

Title 19, Customs Duties. Many revenue laws are tied to this title.

Title 26, Internal Revenue Code. Our personal favorite!

Title 42, Public Health and Welfare. We find chapters 7 (social security) and 21 (civil rights) to be of interest.

Title 47, Territories and Insular Possessions

To understand how quite a number of federal programs have been made operable within your state, and without your knowledge, see the section, [State Codes](#), within this website. Warning – that section may make you very upset with your state government!

Although the USC is “the law” in federal matters, there is another set of codes that is pivotal in understanding how most federal statutes operate. That set of codes is called the [Code of Federal Regulations](#). The Code of Federal Regulations is used by the departments and agencies of the Executive branch to expand upon and clarify the manner in which the US government will enforce statutes contained within the USC. One should be cautious not to assume one understands federal law by viewing the statutes alone. The regulations are of critical importance and federal case law is also of some benefit in seeking clarity (although the federal courts have made, and continue to make, some terribly inaccurate case law). To understand why federal case law can be misleading, read the sub-section “Does The Law Work”, contained within [The Law](#) section of this site.

