

**FEDERAL ENFORCEMENT AUTHORITY
WITHIN STATES OF THE UNION**

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1 Introduction

There is much controversy in the courts over what gives the federal government jurisdiction to enforce federal law within states of the Union. Most Americans are not educated about law in any public school and can go all the way through graduate school without learning any law. This makes them very easy prey for the unlawful exploitation of those employed by the government who are charged with enforcing the law. The knee jerk reaction of most Americans to any attempt to enforce the law by any government official consequently is usually blind, unquestioning allegiance, which in most cases results in the unlawful enlargement of federal jurisdiction, power, and control over the populace far beyond that contemplated by the Founding Fathers in drafting the Constitution of the United States of America. Below are some authorities on this important subject:

"The government of the United States has been emphatically termed a government of laws, and not of men."
[Marbury v. Madison, [5 U.S. 137](#); 1 Cranch 137, 2 L.Ed. 60 (1803)]

"No man [including a judge] in this country is so high that he is above the law. No officer of the law [such as YOU, a "public officer"] may set that law at defiance with impunity [by ignoring or evading his duties under it]. All the officers of the government, from the highest to the lowest, are creatures of the law and are bound to obey it. It is the only supreme power in our system of government, and every man who by accepting office participates in its functions is only the more strongly bound to submit to that supremacy, and to observe the limitations which it imposes upon the exercise of the authority which it gives." 106 U.S., at 220. "Shall it be said... that the courts cannot give remedy when the Citizen has been deprived of his property [or his earnings from labor, which are also property] by force [and CONSTRUCTIVE FRAUD through OMISSION], his estate seized and converted to the use of the government without any lawful authority, without any process of law, and without any compensation, because the president has ordered it and his officers are in possession? If such be the law of this country, it sanctions a tyranny which has no existence in the monarchies of Europe, nor in any other government which has a just claim to well-regulated liberty and the protection of personal rights," 106 U.S., at 220, 221.
[United States v. Lee, 106 U.S. 196, 1 S.Ct. 240 (1882)]

"Every citizen of the United States is supposed to know the law. ."
[Floyd Acceptances, 7 Wall (74 U.S. 169) 666 (1869)]

"All persons in the United States are chargeable with knowledge of the Statutes-at-Large...[I]t is well established that anyone who deals with the government assumes the risk that the agent acting in the government's behalf has exceeded the bounds of his authority,"
[Bollow v. Federal Reserve Bank of San Francisco, 650 F.2d. 1093 (9th Cir. 1981)]

There is a good reason why in a society of law such as we have all citizens are required and presumed to know the law. The reason is that they are the sovereigns for whom our public servants work and the law is the only method by which the activities of these public servants can be directed and controlled. Those who through ignorance, dumbing-down in the public schools, and neglect do not know what the law requires their public servants to do cannot properly:

1. Supervise the activities of their public servants.
2. Recognize when their public servants are exceeding their lawful authority and committing a tort.
3. Expect a government that remains limited and does not unlawfully expand its authority and control over the populace under the "color of law".

The above explains why the Bible condemns ignorance and especially ignorance of the law:

"One who turns his ear from hearing the law, even his prayer is an abomination."
[Prov. 28:9, Bible, NKJV]

"And thou shalt teach them ordinances and laws [of both [God](#) and [man](#)], and shalt shew them the way wherein they must walk, and the work [of obedience to God] that they must do."
[Exodus 18:20, Bible, NKJV]

"...it is not good for a soul to be without knowledge,"
[Prov. 19:2, Bible, NKJV]

*"My people are destroyed for lack of knowledge."
[Hosea 4:6, Bible, NKJV]*

We have a society that is an ABOMINATION that is HATED by our sister countries around the world because we don't know how to keep our own government accountable to the laws that are already on the books and to FORCE it to stay inside the ten mile square box the founders bequeathed to us for our protection. Therefore, it STEALS as much of our money as it wants, invades other countries on false pretenses, and continually expands its power and influence like some pagan deity.

It is the goal of this memorandum of law to therefore establish the main criteria by which concerned Americans may recognize when the federal government is exceeding its authority on occasions when they become the target of any kind of enforcement action. Knowledge of this subject is VERY important because it is the ONLY method you can use to protect your Constitutionally rights from unwarranted and unlawful encroachments by errant public DIS-servants. The U.S. Supreme Court has said that ONLY the citizen has this responsibility to ensure that the government stays within its lawful bounds.

*"The Government may carry on its operations through conventional executive agencies or through corporate forms especially created for defined ends. See Keifer & Keifer v. Reconstruction Finance Corp., [306 U.S. 381, 390](#), 518. Whatever the form in which the Government functions, anyone entering into an arrangement with the Government takes the risk of having accurately ascertained that he who purports to act for the Government stays within the bounds of his authority. The scope of this authority may be explicitly defined by Congress or be limited by delegated legislation, properly exercised through the rule-making power. And this is so even though, as here, the agent himself may have been unaware of the limitations upon his authority. See, e.g., Utah Power & Light Co. v. United States, [243 U.S. 389, 409](#), 391; United States v. Stewart, [311 U.S. 60, 70](#), 108, and see, generally, In re Floyd Acceptances, 7 Wall. 666."
[Federal Crop Ins. V. Merrill, 332 U.S. 380 (1947)]*

The implication of the above is that every American who cares about preserving the liberties and freedoms that we all hold so dear MUST make it their continuing responsibility to study and learn the law and to carefully and jealously guard their freedoms by watching their public servants like a hawk and blowing the whistle and properly and effectively litigating in defense of their rights whenever these servants step outside the ten mile square box that our Constitution puts them inside of. On this subject, Thomas Jefferson, one of our most revered founding fathers, said the following:

*"It would be a dangerous delusion were a confidence in the men of our choice to silence our fears for the safety of our rights... Confidence is everywhere the parent of despotism. Free government is founded in jealousy, and not in confidence. It is jealousy and not confidence which prescribes limited constitutions, to bind down those whom we are obliged to trust with power... Our Constitution has accordingly fixed the limits to which, and no further, our confidence may go... In questions of power, then, let no more be heard of confidence in man, but bind him down from mischief by the chains of the Constitution."
[Thomas Jefferson: Draft Kentucky Resolutions, 1798. ME 17:388]*

*"Leave no authority existing not responsible to the people."
[Thomas Jefferson to Isaac H. Tiffany, 1816. ME 15:66]*

*"Unless the mass retains sufficient control over those entrusted with the powers of their government, these will be perverted to their own oppression, and to the perpetuation of wealth and power in the individuals and their families selected for the trust. Whether our Constitution has hit on the exact degree of control necessary, is yet under experiment."
[Thomas Jefferson to M. van der Kemp, 1812. ME 13:136]*

2 What is Enforcement Authority?

Governments are established in order to protect and defend private rights by the following means:

1. **Criminally**: Using the criminal laws and the police powers that implement them.
2. **Civilly**: Using the civil laws and civil courts to protect persons who consent to their jurisdiction by choosing a domicile within the territory of the sovereign.
3. **Administratively**: Using the statutes and regulations and agencies that implement government franchises. These types of "administrative enforcements" may only be attempted against those who consented in writing, usually by the application in writing for a license or benefit of some kind.