

## Chapter 1- Federal Jurisdiction

As previously noted, when dealing with federal jurisdiction, or any part of government, you need to understand the difference between De Facto and De Jure. According to Blacks Law Dictionary, seventh edition, De Facto means: “[Latin “In point of fact”] 1. Actual; existing in fact; having effect even though not formally or legally recognized. 2. Illegitimate but in effect.” Blacks goes on to define De jure as: “[Latin “as a matter of law”] Existing by right or according to law.” De Jure jurisdiction is the legal right to do so; De Facto jurisdiction is the ability in fact to do so. If the government passes a law or establishes dominion over an area of society, not granted by the Constitution it loses De Jure standing, but may still operate as law because it has De Facto capability by use of the police or military.

Another way of looking at this is that a government may have the power to do something (De Facto) though not have the legal right to do so (De Jure). For instance, if Congress passes a law which is in conflict with the Constitution, or the President passes an executive order which is in conflict with the Constitution, the act creates law but does not make it right or constitutionally lawful. However, under statute law, it may well be enforced by police action and be totally unconstitutional, yet it carries the color and weight of law. This is our current situation.

This change from De Jure to De Facto government did not happen over night, but by a long string of events starting as far back as Abraham Lincoln and the War Between the States. There is not one action or event, but a long series of actions and events, as well as the passage of time. When something happens that affects the nation as a whole, or in large part, the government naturally reacts.

Often that reaction creates laws or, occasionally, amendments to the Constitution. As time progresses we look at the words of the law or amendment, but have lost the meaning or the reason for it's existence, and we start applying the law against those it was not meant to affect. For example, the 14th Amendment was enacted to ensure that the freed slaves received protection, under the Constitution. This amendment did not affect the population of the Union who were already citizens or their posterity; you can not give to someone what they already have.