Washington, Dec. 19, 1851.

To the Secretary of State,

My Dear Sir,

Have you not recollected me to the law for the punishment of treason, committed by any person owing allegiance to the U.S. of A. who shall levy war against them or shall assist here to their enemies, giving them aid or comfort within the U.S. or elsewhere. (1 St. p. 112.)

The point upon which I doubt was whether a citizen could be guilty of treason, punishable in our courts for an act done in Great Britain, or elsewhere beyond the jurisdiction of the U.S. — I think it is by no means clear that...
leagues intended to exercise a jurisdiction so extensive.

The word "elsewhere" might refer to acts on board our vessels which

for this purpose are regarded as

an extension of our territory, or
to the Ocean, which is a common
jurisdiction of all nations,
so far as relates to their own
citizens. And if its meaning
can be satisfied by this inter-
pretation, is it legitimate to extend
it beyond?

But suppose it had in
express terms declared that any
citizen of the U.S. who should

do certain acts in France should
be guilty of treason. Is it clear
that such an extra jurisdiction of
to the territorial jurisdiction can be maintained by the admitted laws of nations, do not the legislature as well as judiciary from of every nature limited to its own territory, and the common jurisdiction of the high seas, in regard to all crimes? Don't the mere fact that one of our citizens goes into a foreign country, enables us to extend our jurisdiction into that country, and make his acts there, a violation of our laws here? Clearly, the mere tie of allegiance can not justify such an extension of our territorial jurisdiction. If such legislation can be justified at all, it is because the omnipotent power of the legislature can declare any act a crime, no matter where
constitute if the culprit can be caught within the U.S. where he may be tried and punished.

St. Paul says when there is no law there can be no sin. Is not this true in a practical as well as a moral point of view? If so our laws can not create an offense in France. We have no law there to be violated.

And this seems to be the opinion of Judge Story, who says all crimes are local, and cognizable and pun- ishable exclusively in the country where they are committed. (Coaft. of L. ch. 16. § 620).

But then said more than I intended and may be all wrong.

In haste Truly yours

William Rush