

SEVEN ELEMENTS OF JURISDICTION

An affirmative responsibility of any National or Citizen is to adhere to (*and to enforce*) the principles embodied within the National Constitution of his or her National Government, Nation State, and of Society at large. This proposition embodies a primal rule in civilization, and involves the duties and of citizenship. Constitutions are designed to maintain justice, peace and harmony within a Social Order or Body Politic. Therefore, for directives in social duties; and for general inter-social instructions, the advent of the universal – oriented ‘science of government’. That science is called, Civics. Nationhood, Citizenship, Nationality, Public Service, Politics, Economics, and organized government (*in general*) constitute the science and discipline called, Civics.

Constitutions are set forth to designate authority to those who govern, and to delegate limits of authority to each and every specific Office or Seat. The Constitution does not give rights to the Nationals and citizens. Constitutions are in place to preserve the Divine and Natural Rights that already exist by Natural and Divine Law. Constitutions are generally written to harmonize with Nature’s Law and Nature’s God.

Important aspects of the American Constitution that express the essence of it construct, are demonstrated in Article III and Article VI, in relationship to the limitations of delegated authority. The readers and scholars will find that these Articles strongly deal with the issue of ‘*Jurisdiction*’ although the subject of *jurisdiction* is not limited to them. However, the intended preservation of the Substantive Rights of the people have been, and are, addressed with the established principles expressed within these Articles. Supportive of these Articles are the ‘*Bill of Rights*’ which is comprised of 10 Amendments. These should be studied intently whenever any controversy arises concerning ‘*Jurisdiction*’. Jurisdiction is the power to act, and more succinctly, the authority to do or to act in relationship to the limited authority assigned to a political seat; to a judgeship, to a court; to a trust; to any position in relationship to such exercises. The following relate to the secured Rights of the People as embodied within the American Constitution. Whenever anyone is *accused* of a *crime* or charged with an *offence*, the following *rules* are to known, preserved, followed, and acknowledged, as they are firmly in accord with the *Supreme Law of the Land!*

Accused Must Be Properly Identified

1. The accused must be properly identified, identified in such a fashion there is no room for mistaken identity. The individual must be singled out from all others; otherwise, anyone could be subject to arrest and trial without benefit of "wrong party" defense. Almost always, the means of identification is a person's proper name, BUT ANY MEANS OF IDENTIFICATION IS EQUALLY VALID IF SAID MEANS DIFFERENTIATES THE ACCUSED WITHOUT DOUBT. (There is no constitutionally valid requirement you must identify yourself, see [4th Amendment](#); also see, [Brown v. Texas](#), 443 US 47 and [Kolender v Lawson](#), 461 US 352.)

Statute of Offence Must Be Clearly Identified

2. The statute of offense must be identified by its proper or common name. A number is insufficient. Today, a citizen may stand in jeopardy of criminal sanctions for alleged violation of statutes, regulations, or even low-level bureaucratic orders (*example: Colorado National Monument Superintendent's Orders regarding an unleashed dog or a dog defecating on a trail*). If a number were to be deemed sufficient, government could bring new and different charges at any time by alleging clerical error. For any act to be triable as an offense, it must be declared to be a crime. Charges must negate any exception forming part of the statutory definition of an offense, by affirmative non-applicability. In other words, any charge must affirmatively negate any exception found in the law.

Offence or Nature of Charge Must Be Intelligently Described

3. The acts of alleged offense must be described in non-prejudicial language and detail so as to enable a person of average intelligence to understand nature of charge (*to enable preparation of defense*); the actual act or acts constituting the offense complained of. The charge must not be described by parroting the statute; not by the language of same. The naming of the acts of the offense describes a specific offense whereas the verbiage of a statute describes only a general class of offense. Facts must be stated. Conclusions cannot be considered in the determination of probable cause.

Accuser Must be Positively Identified

4. The accuser must be named. He/she (*the accuser*) may be an officer or a third party, but some positively identifiable person (*human being*) must accuse; some certain person must take responsibility for the making of the accusation, not an agency or an institution. This is the only valid means by which a citizen may begin to face his accuser. Also, the injured party (*Corpus Delicti*) must make the accusation. Hearsay evidence may not be provided. Anyone else testifying that they heard that another party was injured does not qualify as direct evidence.

The Accusation Must Be Made Under Penalty of Perjury

5. The accusation must be made under penalty of perjury. If perjury cannot reach the accuser, there is no accusation. Otherwise, anyone may accuse another falsely without risk.

Accused Must Be Accorded Due Process

6. To comply with the five elements above that are for the accusation to be valid the accused must be accorded due process. Accuser must have complied with law, procedure and form in bringing the charge. This includes court-determined probable cause, summons and notice procedure. If lawful process may be abrogated in placing a citizen in jeopardy, then any means may be utilized to deprive a man of his freedom, and all dissent may be stifled by utilization of defective process.

"The essential elements of due process are notice and an opportunity to defend." [Simon v Craft](#), 182 US 427.

"One is not entitled to protection unless he has reasonable cause to apprehend danger from a direct answer. The mere assertion of a privilege does not immunize him; the court must determine whether his refusal is justified, and may require that he is mistaken in his refusal." [Hoffman v. United States](#), 341 U.S. 479 (1951)

The Court Must Be of Competent Jurisdiction (Properly Delegated Authority / D.O.A.O.)

7. The court must be one of competent jurisdiction. To have valid process, the tribunal must be a creature of its constitution, in accord with the law of its creation, i.e., Article III judge.

Lacking any of the seven elements or portions thereof, *(unless waived, intentionally or unintentionally)* all designed to ensure against further prosecution *(double jeopardy)*; it is the defendant's duty to inform the court of facts alleged for determination of sufficiency to support conviction, should one be obtained. Otherwise, there is no lawful notice, and charge must be dismissed for failure to state an offense. Without lawful notice, there is no personal jurisdiction and all proceedings prior to filing of a proper trial document in compliance with the seven elements are void. A lawful act is always legal but many legal acts by government are often unlawful. Most bureaucrats lack elementary knowledge and incentive to comply with the mandates of constitutional due process. They will make mistakes. Numbers beyond count have been convicted without benefit of governmental adherence to these seven elements. Today, informations are being filed and prosecuted by "accepted practice" rather than due process of law.

Do Not Assume That Attorneys or Lawyers Are Working in the Client's Best Interest

See, [Corpus Juris Secundum](#) (CJS), Volume 7, Section 4, Attorney & client: The attorney's first duty is to the courts and the public, not to the client, and wherever the duties to his client conflict with those he owes as an officer of the court in the administration of justice, the former must yield to the latter. Clients are also called "wards" of the court in regard to their relationship with their attorneys.

Do Not Assume That Court Officers Are Competent or Legitimate

Corpus Juris Secundum assumes courts will operate in a lawful manner. If the accused makes this assumption, he may learn, to his detriment, through experience, that certain questions of law, including the question of personal jurisdiction, may never be raised and addressed, especially when the accused is represented by the bar. *(Sometimes licensed counsel appears to take on the characteristics of a fox guarding the hen house.)*

Jurisdiction Must Be Proven Upon Challenge

Jurisdiction, once challenged, is to be proven, not by the court, but by the party attempting to assert jurisdiction. The burden of proof of jurisdiction lies with the asserter. The court is only

to rule on the sufficiency of the proof tendered. See, [McNutt v. General Motors Acceptance Corp.](#), 298 U.S. 178 (1936). The origins of this doctrine of law may be found in [MAXFIELD v. LEVY](#), 4 U.S. 330 (1797), 4 U.S. 330 (Dall.) 2 Dall. 381 2 U.S. 381 1 L.Ed. 424.