



THE RULE OF LAW:

Breakdown, Record and Exposure

Module 17: Jurisdiction and Presumed Authority

Threshold Power, Administrative Presumption, and the Collapse of Demonstrated Jurisdiction

Slide 2: House Rules

Guiding principles for examining jurisdiction through evidence, history, and the written record:

Veritas Potissimum (Truth Above All)

- Rely exclusively on facts, documentary evidence, and law.
- Follow the record, even when it challenges long-held assumptions.
- Honest demonstration of authority over unquestioned power.

Mutua Observantia (Mutual Respect)

- Conduct discussions with dignity and civility.
- Examine ideas and institutions, not character or motives.
- Seek understanding before judgment.

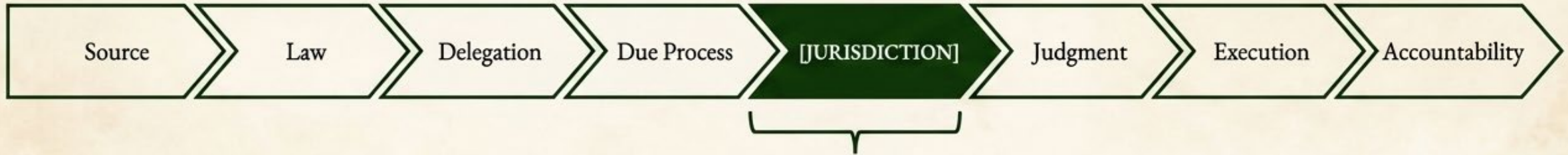
Conlationem Gratuiti (Selfless Contribution)

- Share insights, questions, and practical experience.
- Work collectively to preserve accurate records.
- Strengthen the community's constitutional understanding.

Slide 3: What Is Jurisdiction?

Jurisdiction = Juris (Law / Of Right) + Dictio (To Speak)

The lawful authority to speak the law within a delegated sphere. It does not create power; it identifies the lawful boundaries of delegated power.



A constitutional condition precedent. Without it, acts are Void ab initio (void from the beginning)—a legal nullity, not merely an unwise decision.

Slide 4: 1776–1789: Jurisdiction as Limited Commission

**The Revolutionary Catalyst:
Government exceeding its
lawful, delegated authority.**

“*Government possesses no
inherent sovereignty. The People
remain the original source of all
delegated authority.*”

The Limited Commission Model

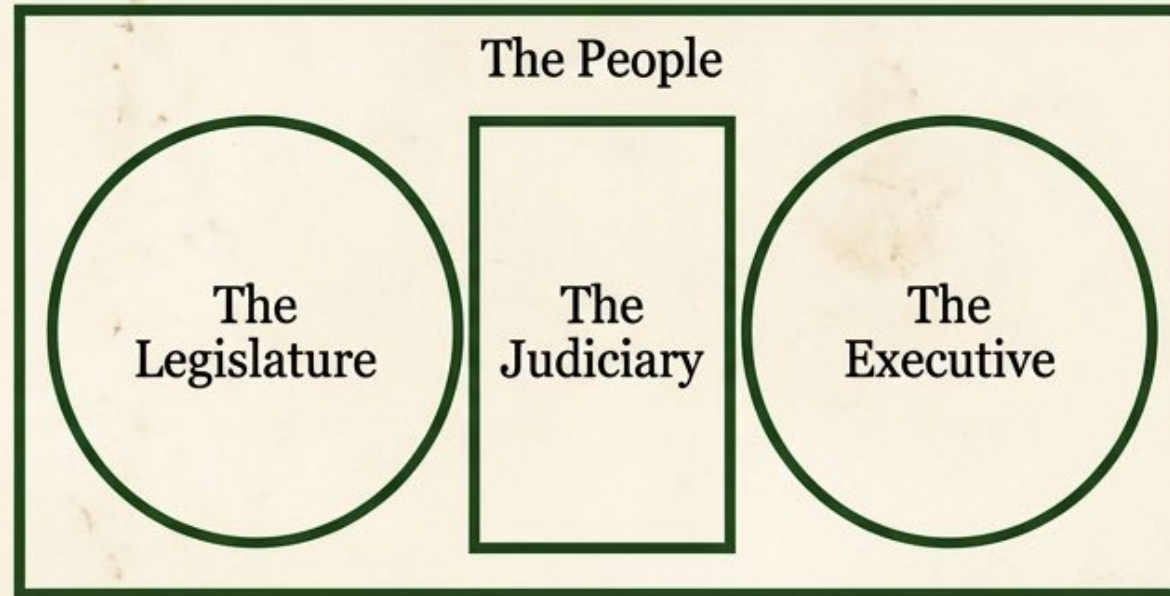
- **Office ≠ Authority:** Holding an office did not automatically grant jurisdiction.
- **Affirmative Demonstration:** Authority had to be proven from a lawful source before proceeding.
- **Specific Boundaries:** Commissions explicitly defined subject matter, persons, territory, and limits. Outside these limits, the official acted without lawful authority.

Slide 5: 1789–1865: Jurisdiction as Constitutional Boundary

From common-law commissions to a written, fixed Constitutional boundary.

The Boundaries of Article III

- No unlimited authority to decide all controversies.
- Strictly limited to defined “Cases” and “Controversies”.
- Congress defines inferior federal courts and their jurisdiction.



The Guardian Role

Courts as an intermediate body measuring legislative/executive acts against the written Constitution.

THE DEFINING QUESTION:

Does this controversy fall within the judicial power constitutionally and legislatively delegated to this court?

Slide 6: 1865–1913: Jurisdiction Expands with National Power

The Catalyst of Complexity

Pressures: Post-Civil War expansion, interstate commerce, railroads, national banking.

The Temptation: Expanding governmental power to solve new practical problems, assuming necessity creates authority.

The Unchanged Delegation

- **Article I:** Vests only legislative powers ‘herein granted’.
- **10th Amendment:** Powers not delegated remain reserved to the States/People.
- **The Strict Remedy:** Amendment, not implication.

“...any departure therefrom, or violation thereof, under the plea of necessity, or any other plea, is subversive of good Government, and tends to anarchy and despotism.”

– *The Maryland Declaration of Rights*

Slide 7: 1913–1937: The Rise of the Administrative State

The creation of permanent administrative bodies to regulate specialized fields (banking, communications, labor).

Structural Collapse

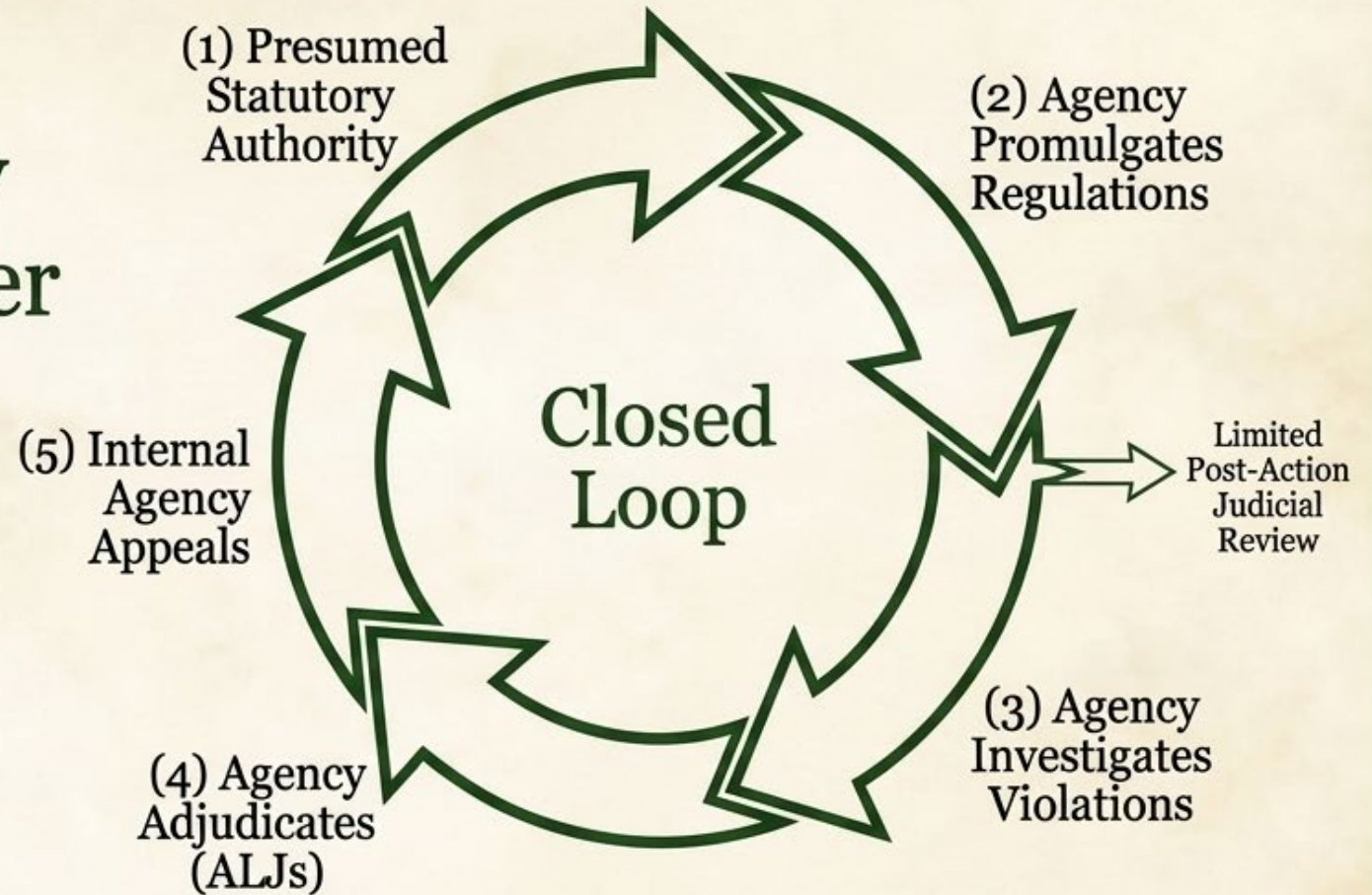


THE THRESHOLD QUESTION: Where has the Constitution delegated authority for a single institution to exercise functions historically assigned to separate departments?

Necessity, complexity, or efficiency cannot enlarge the written commission.

Slide 8: 1937–1970: Jurisdiction Gives Way to Administrative Power

The administrative state becomes permanent, shifting from advisory bodies to centers of consolidated governmental power.



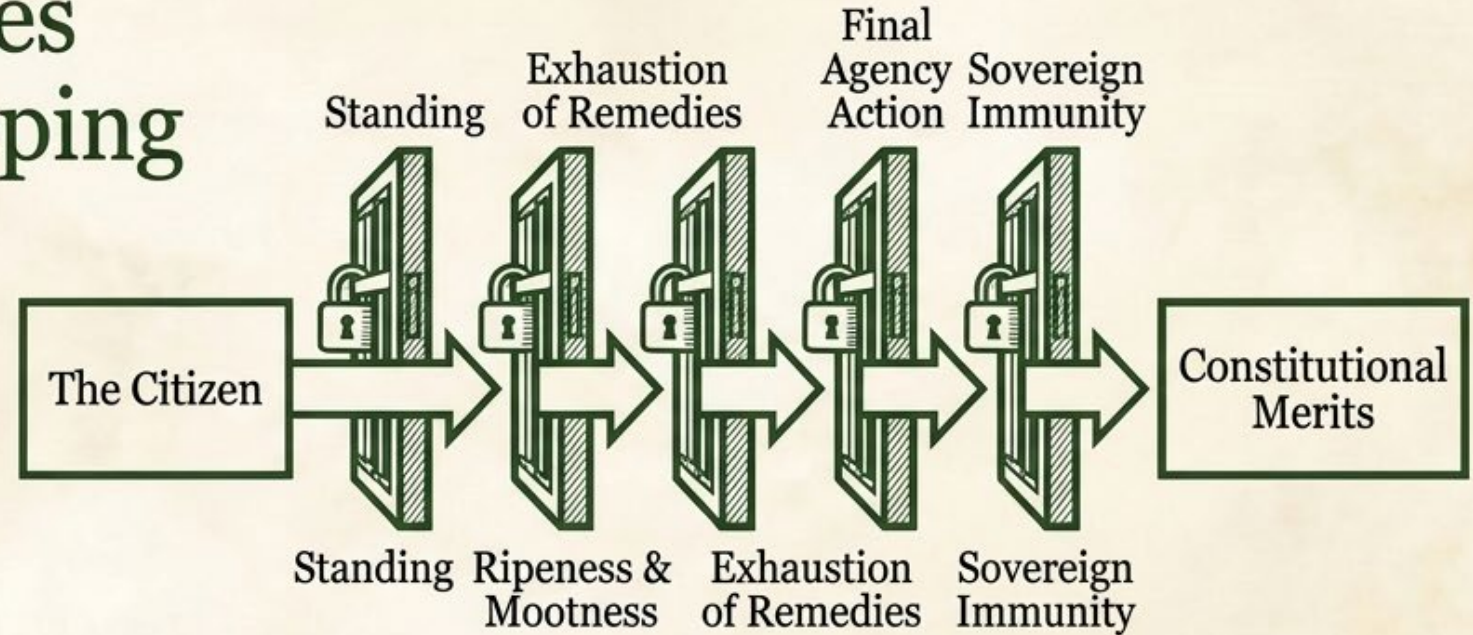
THE PARADIGM SHIFT

FROM: Demonstrated constitutional jurisdiction BEFORE action.

TO: Institutional presumption of authority WITH limited post-action review.

Slide 9: 1970–2000: Jurisdiction Becomes Procedural Gatekeeping

The focus shifts from
“Does the agency have
constitutional authority?”
to “Did the citizen navigate
the procedural maze?”.



Jurisdiction	Procedure
Does the institution have lawful authority to act?	How the institution conducts proceedings.
⚠ WARNING: Procedure cannot create jurisdiction. Procedural compliance replaced the demonstration of lawful authority.	

Slide 10: 2000–Present: Jurisdiction Becomes Institutionally Presumed

The practical burden rests on the citizen to challenge assumed authority, rather than the government demonstrating constitutional condition precedent.

Side-by-Side Comparison Matrix	
The Original Inquiry	The Modern Inquiry
Has the actor demonstrated a lawful source, a written delegation, and jurisdiction BEFORE exercising power?	Has the institution followed its procedures AFTER already assuming authority to act?
Recent SCOTUS Pushback	
Cases: Axon Enterprise v. FTC, SEC v. Jarkesy, Loper Bright v. Raimondo	
Implication: The constitutional boundaries of the administrative state remain actively contested.	

No institution acquires jurisdiction simply because it exists. Every exercise of power must trace back to the written Constitution.

Slide 11: The Constitutional Firewall

Original Constitutional Design	The Historical Drift
• Inquiry begins with authority. • Requires a written delegation of power from the People. • Burden of proof: On the government actor.	• Inquiry begins with an assumption of authority. • Requires citizens to challenge via administrative procedure. • Burden of proof: Shifted to the individual.

The Constitutional Firewall:
Government is anchored in the written commission, not in necessity, administrative efficiency, or institutional practice.

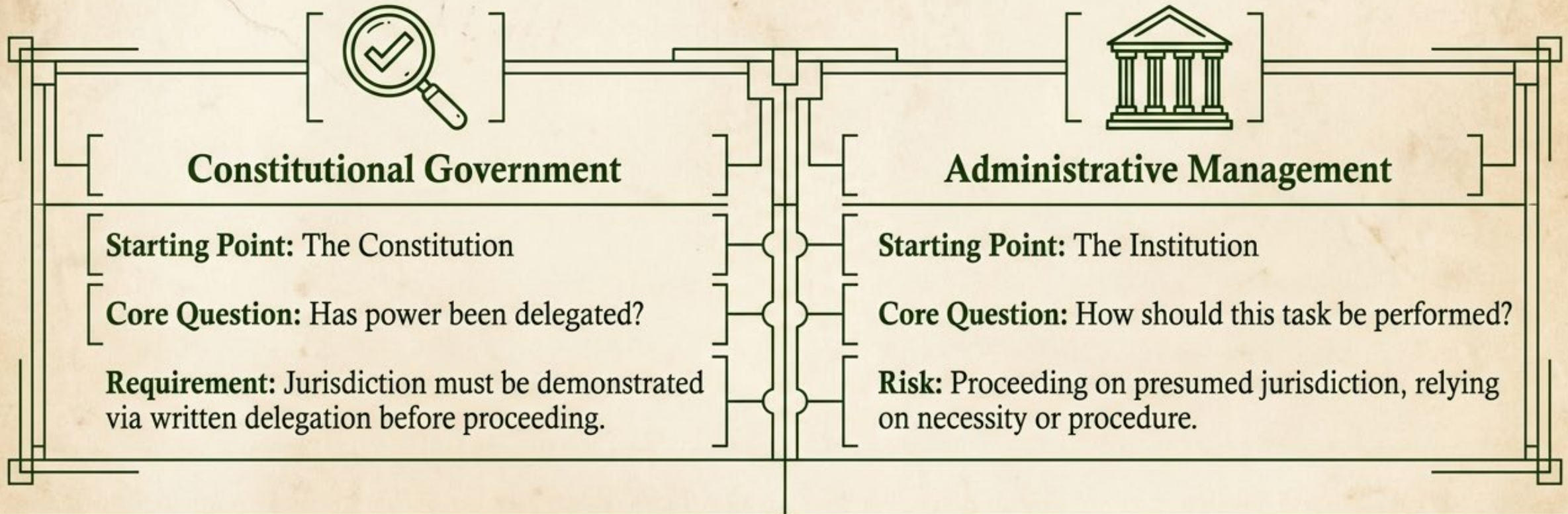
The Chain of Authority



Every link depends upon the one preceding it. If lawful authority cannot be traced to its written source, no subsequent procedure can cure the defect.

Slide 12: Jurisdiction Must Be Demonstrated, Never Assumed

No public institution acquires lawful authority simply because it exists. Jurisdiction cannot be presumed from office, title, procedure, or institutional custom.

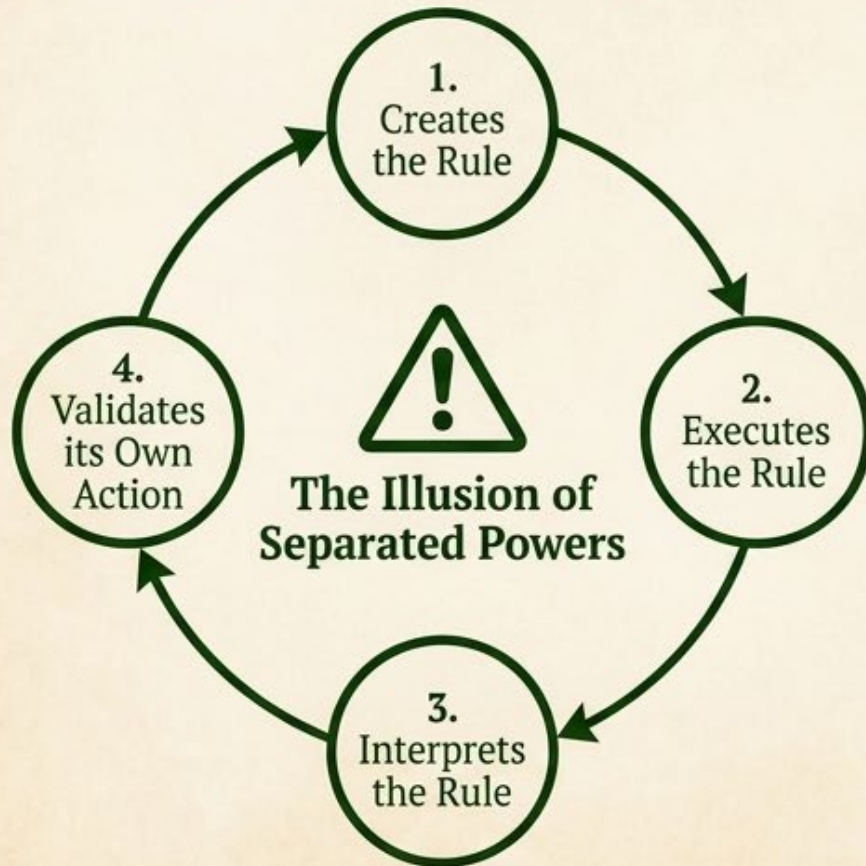


THE OPERATIONAL QUESTION: Has the actor demonstrated the constitutional authority to proceed, or is jurisdiction simply being presumed from the existence of the institution itself?

SLIDE 13: MADISON'S STRUCTURAL WARNING

“The accumulation of all powers... in the same hands... may justly be pronounced the very definition of tyranny.” — James Madison, *Federalist No. 47*

The Danger of Self-Proving Authority



- **The Structural Threat:**

Operational restraint disappears when an institution is the final judge of its own delegation.

- **The Practical Test:**

Is the institution validating its own actions through internal review alone?

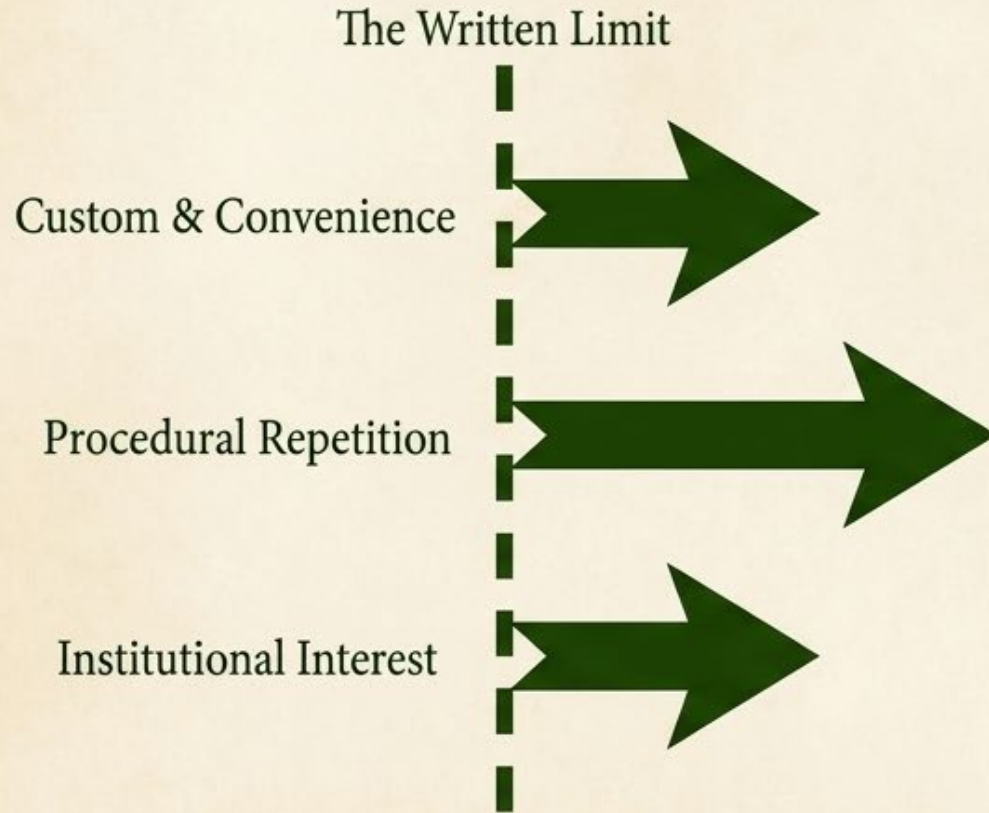
- **The Requirement:**

Claimed jurisdiction must be demonstrated through a constitutional source that exists independently of the institution asserting it.

SLIDE 14: PARCHMENT BARRIERS ARE NOT ENOUGH

From **Federalist No. 48**: Power possesses an “encroaching nature.” Written limits alone cannot prevent institutional expansion.

How Parchment Barriers Fail



Result: Procedure replaces proof.
Repetition replaces delegation.

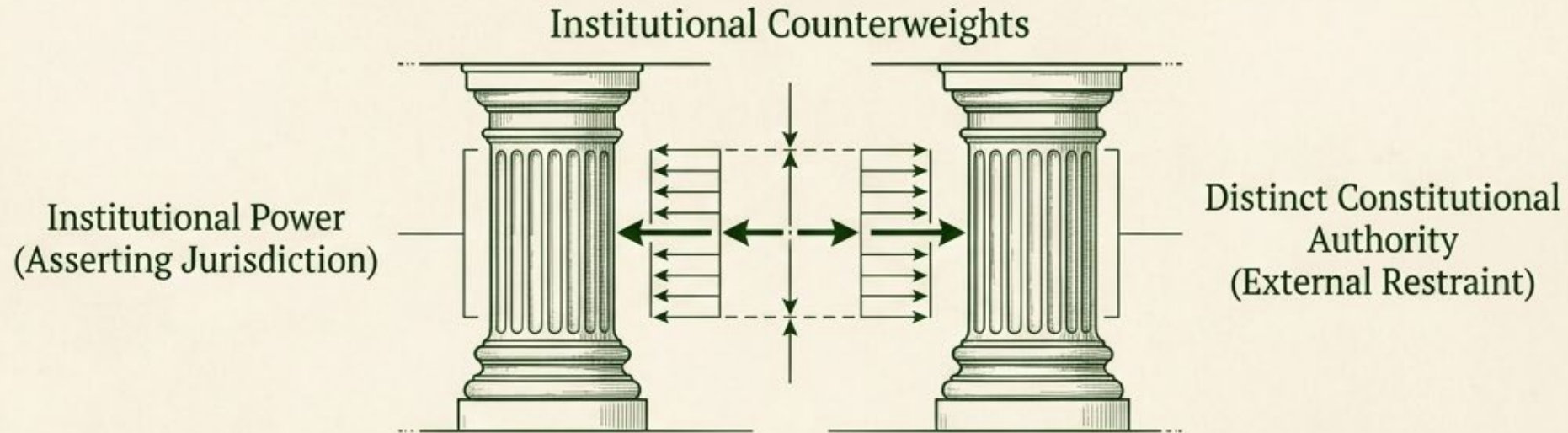
Why the Record Matters

When the parchment barrier weakens, the record forces the boundary back into view:

- **Constitutional Objection:** Makes the boundary visible.
- **Request for Authority:** Requires connecting the act to a lawful source.
- **Preserved Chronology:** Prevents the boundary from disappearing beneath the continued exercise of power.

SLIDE 15: AMBITION MUST COUNTERACT AMBITION

“Ambition must be made to counteract ambition. The interest of the man must be connected with the constitutional rights of the place.” — James Madison, Federalist No. 51



Note: Internal administrative review (supervisors, hearing officers) does NOT equal distinct constitutional restraint.

Structural Check:

When jurisdiction is disputed, map the operational center. Who:

1. Claims the power?
2. Interprets the claimed source?
3. Hears the objection?
4. Determines if the objection succeeds?

If all four return to the same operational center, you have consolidation, not genuine restraint.

SLIDE 16: THE RECORD AS A JURISDICTIONAL EXEMPLAR

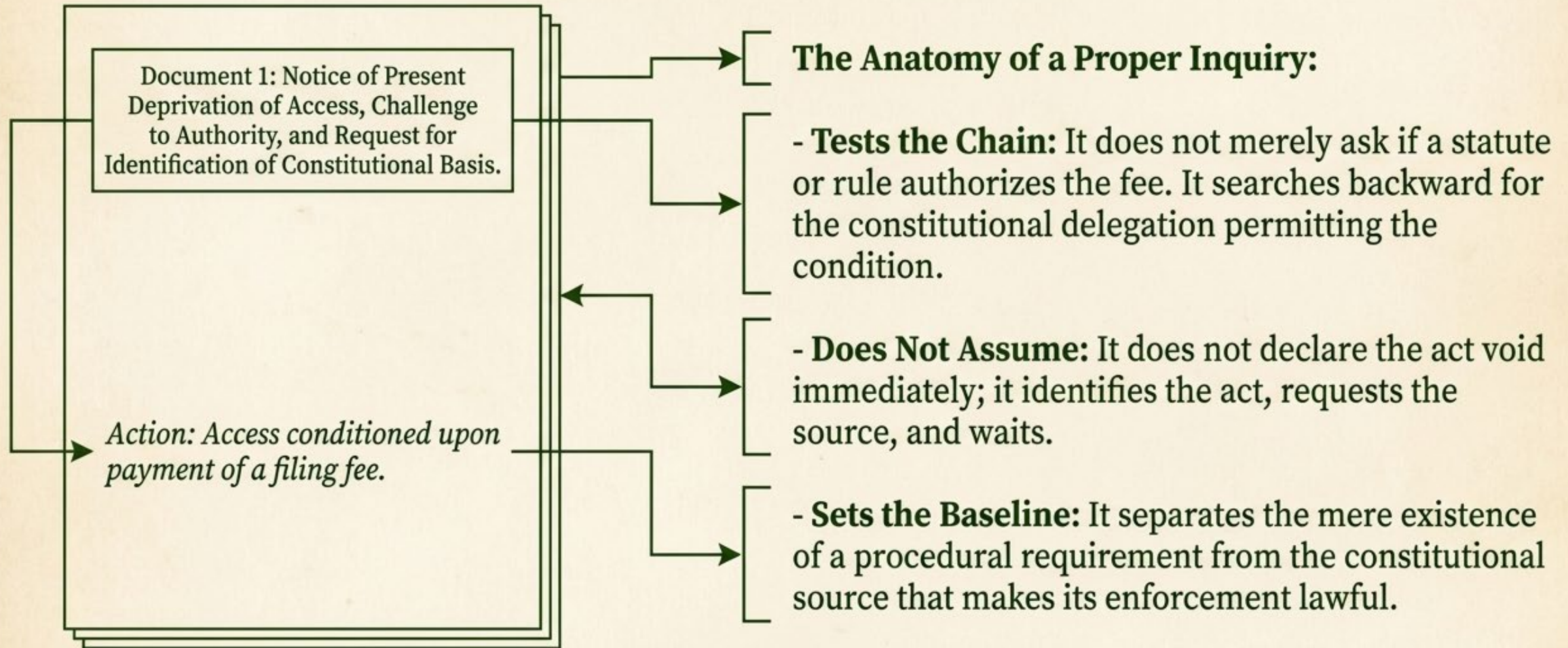
The Task: We are not deciding ultimate merits. We are observing how a question of jurisdiction enters an institutional process, and whether authority is demonstrated or merely presumed.

Visual Key: Do Not Blend These Functions	
	Notice: Identifies the question being presented.
	Motion: Places the question before the tribunal procedurally.
	Status Report: Explains how the institution views the case progress.
	Proof of Service: Establishes delivery and opportunity.
	Continuing Objection: Preserves the claim that the issue remains unanswered.

The Trap of Procedural Movement

Orders entered, deadlines passed, and reports submitted show that an institution is acting. They do not, by themselves, establish the constitutional jurisdiction to act.

SLIDE 17: EXEMPLAR ONE, THE ORIGINAL AUTHORITY INQUIRY



Where authority is demonstrated, the record should reflect it. Where it addresses only procedure, the gap must be preserved.

SLIDE 18: EXEMPLAR TWO, THE REQUEST FOR THRESHOLD DETERMINATION

Document 2: Renewed Motion for Threshold Determination of Article III Jurisdiction.



Core Insights

Sequence is Mandatory:

Jurisdiction is a threshold requirement, not an issue to be resolved later. It must precede force.

Stopping the Circular Fallacy:

If the tribunal enforces deadlines without proving jurisdiction, authority becomes circular (The institution possesses authority because it proceeds, and proceeds because it assumes it possesses authority).

Separating the Records:

The Procedural Record (what actions occurred) must remain distinct from the Jurisdictional Record (whether constitutional source was identified).

EXEMPLAR THREE, PROCEDURAL RESPONSE AND CONSTITUTIONAL ANSWER

Slide 19

Document Set 3: Filings by the United States (Status reports, extensions of time, notice of appearance).

Reading the Response

Procedural Responses (What the Filings Did)

- Detailed the history of the litigation.
- Addressed amendment of complaints and filing obligations.
- Requested more time & identified counsel.

Conclusion: Fully responsive to immediate case management.

Constitutional Answers (What the Filings Did NOT Do)

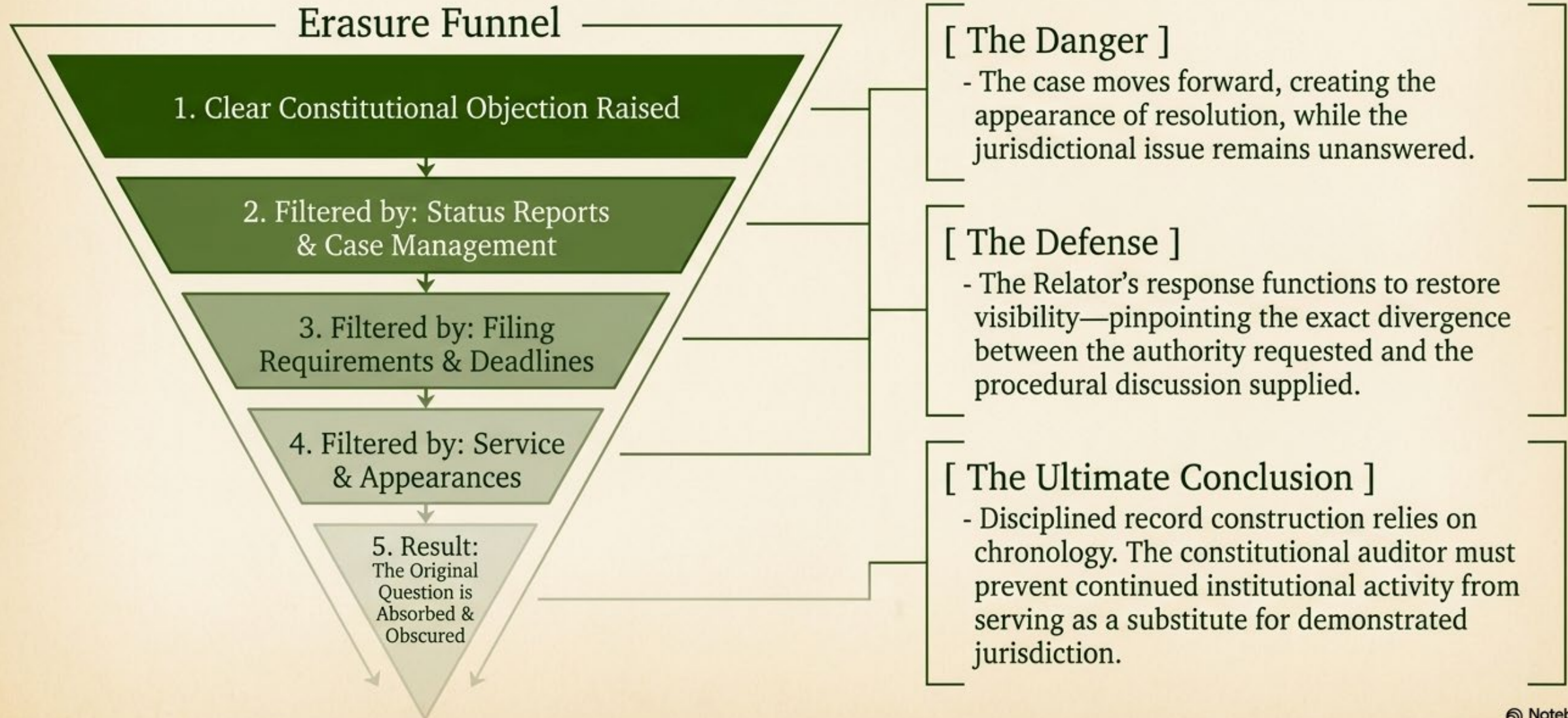
- Did not trace the constitutional delegation authorizing the specific fee condition.
- Did not independently establish Article III jurisdiction.

Conclusion: Proceeds from the assumption that existing statutory frameworks are sufficient.

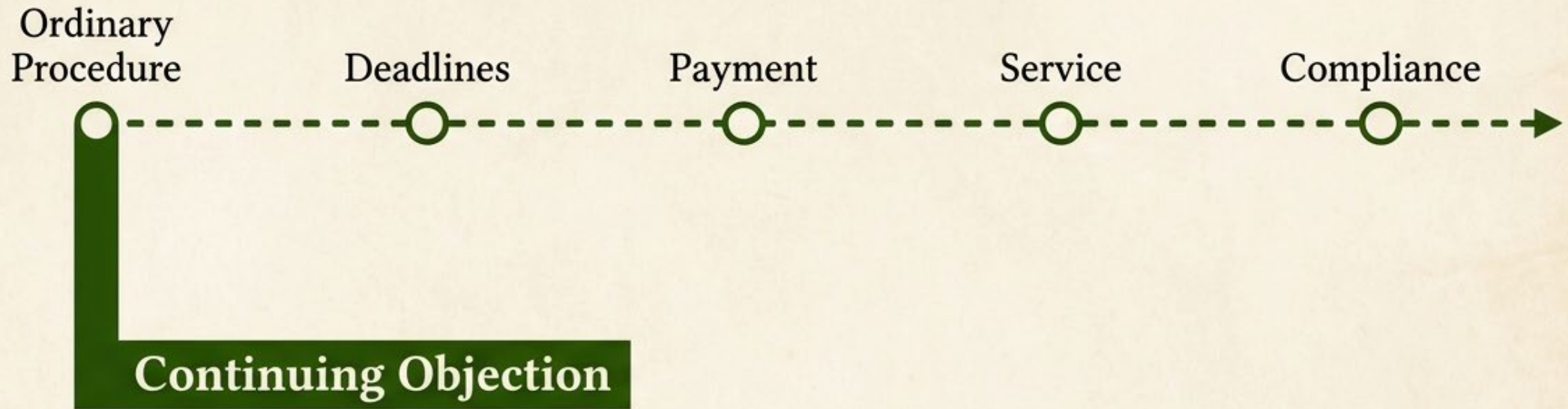
The Auditor's Rule: A document that addresses procedure must be recorded as a procedural response, even if perfectly executed, if it fails to trace the challenged constitutional authority.

SLIDE 20: EXEMPLAR FOUR, PROCEDURAL ERASURE

Document 4: Relator's Response to the United States' Status Report.



SLIDE 21: EXEMPLAR FIVE, CONTINUING OBJECTION



The Risk:

Without continuity, reviewing institutions treat the absence of renewed objections as abandonment.

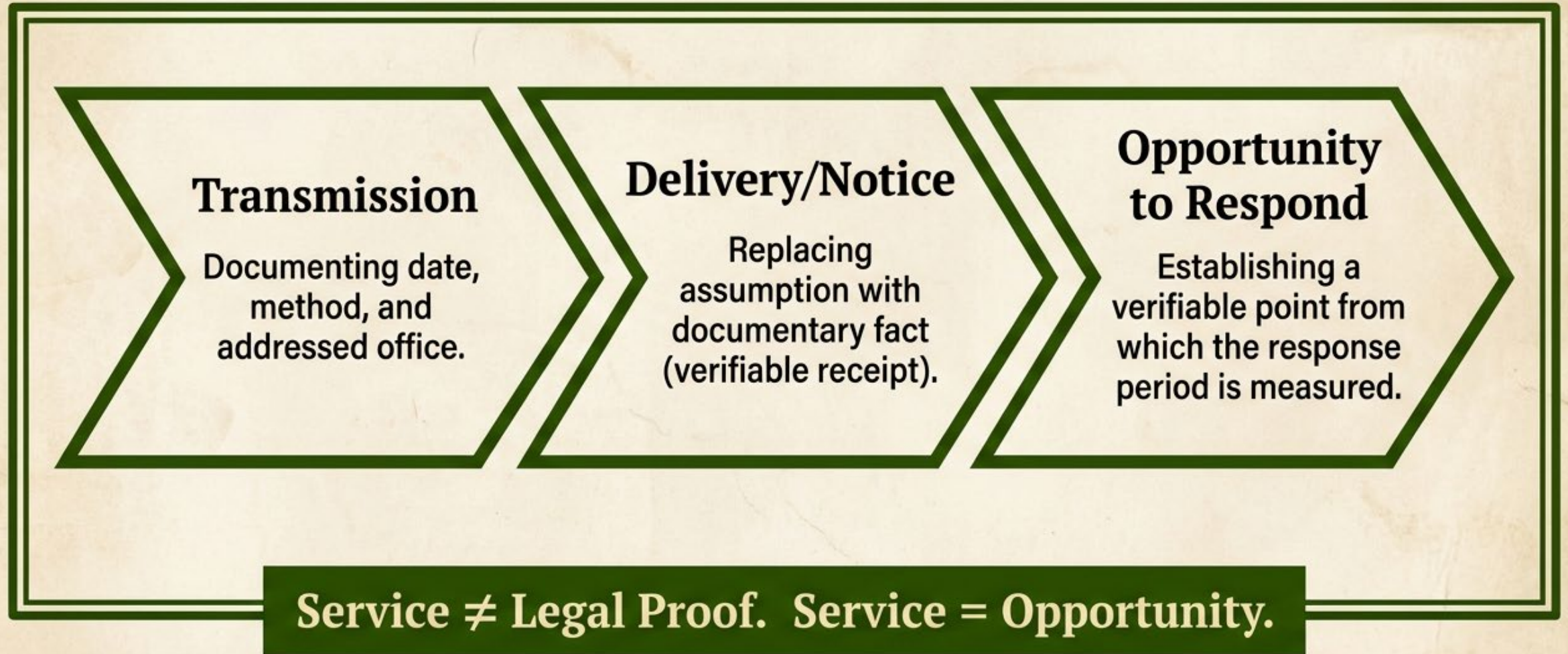
The Function:

A continuing notice records that the filer has not withdrawn the threshold challenge.

The Limitation:

Repetition $\neq$ Proof. The objection preserves the question; it does not predetermine the answer.

SLIDE 22: EXEMPLAR SIX, SERVICE AND OPPORTUNITY



Constitutional review must remain fair. Missing responses may result from failed delivery or incomplete addresses. The factual foundation of notice must be verified before evaluating the absence of a response.

SLIDE 23: THE EVIDENTIARY CONSEQUENCE OF AN UNREBUTTED RECORD

Evidentiary Consequence (What it IS)

- A rebuttable condition of the record.
- Constitutional source of jurisdiction remains unestablished.
- Disciplined limitation: preserves exactly what has been shown and requested.

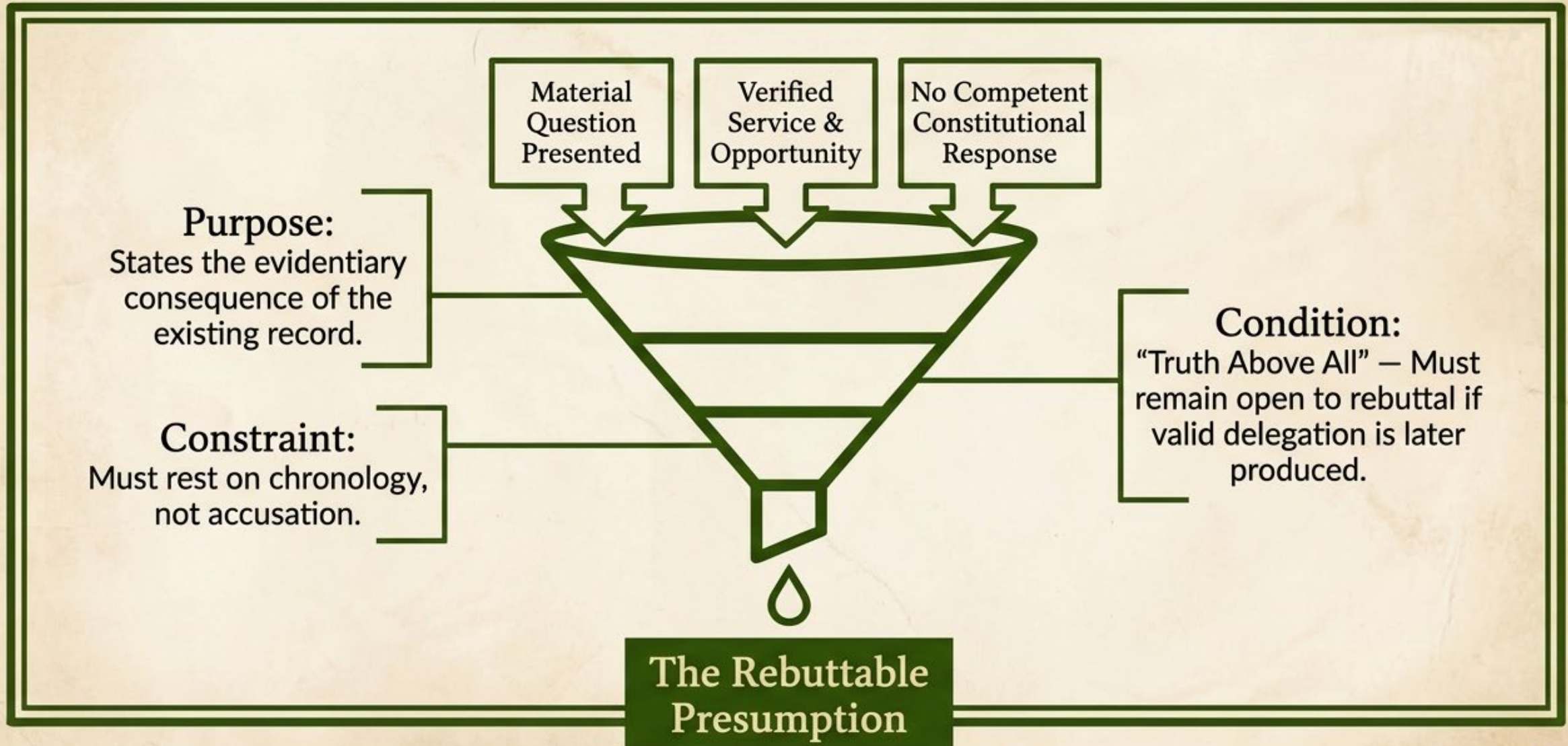


Judicial Judgment (What it IS NOT)

- NOT a declaration of liability or wrongdoing.
- NOT an irreversible legal determination.
- NOT an assumption of bad faith or fraud.

The burden remains where it began. The actor asserting jurisdiction must identify its source; the reviewer merely preserves its presence or absence.

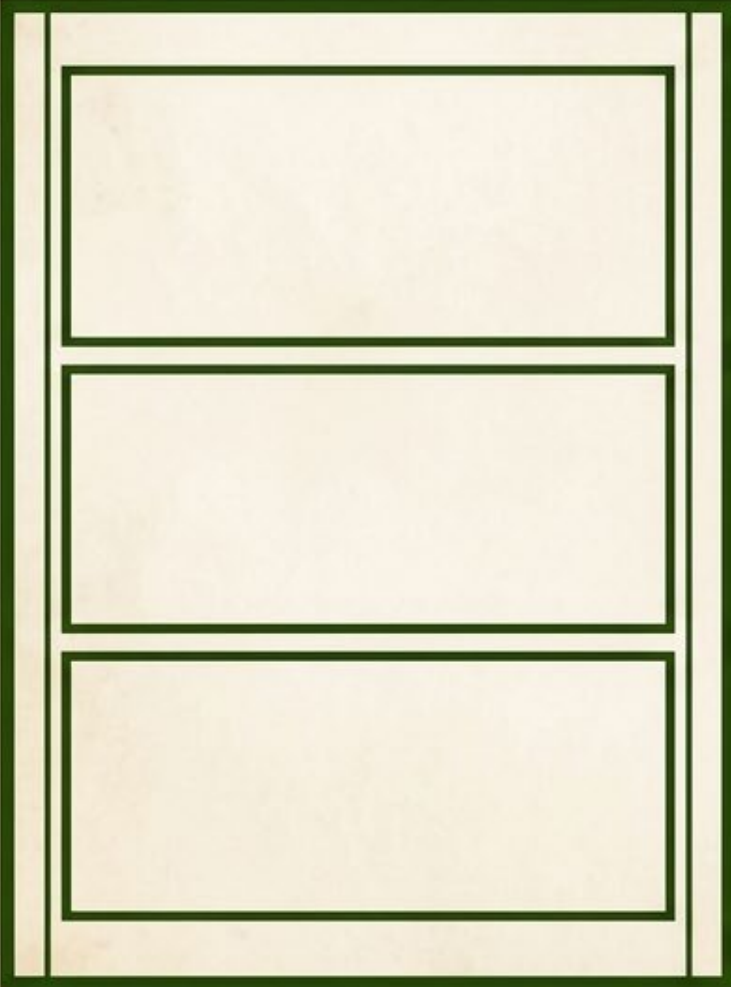
SLIDE 24: THE PRESUMPTION NOTICE



SLIDE 25: CONSTRUCTING THE NOTICE OF PRESUMPTION

No new allegations.

The document must read as a careful summary of evidence, not an argument for a desired result.



The diagram shows a large rectangle representing a document, divided into three horizontal sections. To the right of each section is a bracket pointing to its description. The sections are labeled 'Section 1: Factual Foundation', 'Section 2: Condition of Record', and 'Section 3: Resulting Presumptions'.

Section 1: Factual Foundation

Summarizes the neutral sequence (Notice served, opportunity provided, reply received/absent).
Traced strictly to verified events.

Section 2: Condition of Record

Preserves exact factual nuances (e.g., statute cited, but constitutional delegation missing).

Section 3: Resulting Presumptions

Narrow, evidentiary statements. (e.g.,
“Constitutional source remains unestablished.”)

SLIDE 26: DRAFTING THE PRESUMPTIONS FROM THE RECORD

	Preserved Fact (The Record)		Limited Presumption (The Consequence)
	• Period elapsed with no requested records produced.	Translation, Not Accusation 	• Source, scope, and limits of asserted authority remain unestablished.
	• No sworn statement identifying lawful authority supplied.		• Jurisdiction has not been demonstrated through a complete Chain of Authority.

Rebuttal Requirements: Rebuttal requires competent evidence (statutory source, defined limits), rejecting general reliance on custom, administrative convenience, or policy.

SLIDE 27: PRACTICAL EXERCISE, BUILDING A PRESUMPTION NOTICE

1

Reconstruct Chronology

Connect every material event
(Original Notice -> Service -> Notice of Default -> Affidavit) to a supporting exhibit.

2

Preserve Record

State verified facts neutrally. Who received it? What was produced? What remained uncured?

3

Identify Presumptions

Map unestablished facts to specific missing links in the Chain of Authority (source, scope, process, accountability).

4

Provide Rebuttal Opportunity

Define exactly what evidence would cure the defect. State explicitly that the Notice does not impose liability or final judicial determination.

SLIDE 28: FINDINGS



Federalist No. 47: Tyranny is concentrated power.
Federalist No. 48: Written limits need meaningful restraint.
Federalist No. 51: Opposite/rival interests.
No institution may safely judge its own jurisdiction.

Firewall Question: Has jurisdiction been lawfully demonstrated, or merely presumed?

SLIDE 29: HOMEWORK, PREPARE YOUR FIRST PRESUMPTION NOTICE

Archivist's Checklist



Chronology Reconstruction: Decemural recordoard activity for rules. All events supported by specific exhibits. No reliance on personal description.



Neutral Fact Statement: Complete absence of conclusions regarding Complete absence of conclusions regarding, bad faith, fraud, or ultimate legality.



Narrow Presumptions: Distinct unresolved matters identified. Confined strictly to present evidentiary record.



Limits of the Instrument: Expressly states it does not create facts, declare punishment, or substitute for judicial determination. Reserves lawful rights.

SLIDE 30: PREVIEW OF MODULE 18, DUE PROCESS AND PROCEDURAL DRIFT

Due Process



Jurisdiction

Procedural Drift

Appearance (Drift)

Emergency assertion, procedural participation, hearings held after injury.

Constitutional Substance

Demonstrated necessity, voluntary consent, meaningful notice and impartial adjudication before deprivation.

Necessity may explain why an actor proceeded quickly, but it cannot independently supply authority that the Constitution did not delegate.