



Notes for the Next Constitution (or maybe the one after that)



by

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Cover Paintings:

Scene at the Signing of the Constitution
Howard Chandler Christy, 1940

Crow Pipe Ceremony
Howard Terpning

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Introduction

A *Wall Street Journal* article, dated 9-12-92, reported on a call for a multitude of lawyers from the United States to help the states of the former Soviet Union restructure and draft new constitutions and legal systems. US attorneys were no doubt the logical choice for this effort: the United States was home to 70% of the world's attorneys, more than three per thousand capita. The author of the article expressed no horror whatsoever over this thought, as though the American legal system somehow set a good example of how law should be made, understood, and enforced. Meanwhile, in American opinion polls, attorneys consistently rank among the least respected and trustworthy of all professionals, just above the lawmakers who finish dead last, and the American legal and justice systems share a similar position among institutions. Most people don't know this, especially Americans, but the US Constitution is not even close to being the best in the world today. It's hopelessly out of date, court precedent has turned much of it into weasel words in service to a corporate oligarchy, and what's left is as unenforceable as ever.

In the history of a people or nation, that all-too-brief period between governments which follows the disintegration of the old, wherein new governments are constituted or chartered, marks the optimum point in time where some of the major mistakes of the past can be corrected, where the lessons of history can be most practically applied. It is a good thing that the wounds are still fresh and bleeding and the lessons about corruption, and regrets about lack of vigilance, are still close at hand. It is at this point in time where we understand most vividly some of the things that can go wrong with our human self-government. It is truly a wonder, then, why new constitutions are so often written with so much hope, trust, and confidence in the new order about to come. Designing a government should never be an expression of optimism. We should instead imagine we are designing an exhibit to house the venomous reptiles at a zoo. We love and respect these creatures. We want this exhibit to serve our better ideas, and attract a good deal of business, but we also have good reasons to keep them contained, at whatever necessary cost to their reptilian and creaturely desires. Thomas Jefferson had much to say about this sensitive point in time, even unto recommending its regular re-creation with a revolution every twenty years, and he said this about the American founding:

“It can never be too often repeated, that the time for fixing every essential right on a legal basis is while our rulers are honest, and ourselves united. From the conclusion of this war we shall be going down hill. It will not then be necessary to resort every moment to the people for support. They will be forgotten, therefore, and their rights disregarded. They will forget themselves, but in the sole faculty of making money, and will never think of uniting to effect a due respect for their rights. The shackles, therefore, which shall not be knocked off at the conclusion of this war, will remain on us long, will be made heavier and heavier, till our rights shall revive or expire in a convulsion.” (*Notes on the State of Virginia*, Query XVII, 1782).

Caution: Not all of the ideas presented here will be compatible with your own. But that's OK: at least we're thinking about stuff. It should be noted, however, that this isn't really written for the United States, which has some very difficult lessons to learn first. This is for any country, anywhere, to be altered and adapted to fit its place in a politically diverse world.

What is a Constitution?

A constitution is the document which provides the original and most fundamental legal foundation for the existence of a republic, or other form of government not founded on unwritten divine right. The word means simply to “stand up with” or “set up with.” In establishing the foundation, it locates the sources and apportionment of sovereignty and authority, sets forth the rights and duties of its citizens, and defines the structure of the government in terms of both powers delegated and powers denied. It also specifies the skeletal structure of the government that it authorizes, defining the major branches that will also form its system of checks and balances.

In most countries, a majority of voters might believe something like the following: a) a constitution is a sacred contract between the government and the people; b) federal, state and local governments share their sovereignty with the people, and the constitution delineates the boundaries between these sovereignties; c) the rights of a government and its representatives are set forth in its constitution or charter; and d) the government is the primary guardian of its charter, which is also the source and wellspring of the rights of the people. But all of this is merely what a lot of people have been fooled into believing.

In fact, the government should not be a sovereign at all with respect to its people, even though some would-be republican constitutions mistakenly vest the sovereignty there. In a republic, the people are the sovereign: this is what the word republic means. Political sovereignty is granted only in relation to other governments and corporations, but even here the use of the word ought to be abandoned as a bad habit of thinking. The government is not a signatory to the constitution, and so the constitution is not a contract between the people and their government. The “second party” here, the government being constituted, does not even exist until the constitution is ratified by the people. The government has no rights whatsoever against the constitution, or against the people. No rights whatsoever come from the constitution, or from the government.

The constitution is supposed to be the document by which the people secure the rights that they are born with, against the encroachment and excesses of government. Rights are rights against the government and against the actions of others. Governments merely have specific and limited delegated powers. The people are born with the full complement of their natural rights, including the right to create civil and economic rights for themselves. The constitution does not bring these into existence. Rather, it secures them against their usurpation by the constituted government, under the ultimate threat of the dissolution of that government and the repudiation of its charter by an aggrieved people. The constitution is the set of terms under which the people create their government and permit it to exist.

The republican constitutional idea has been evolving since the second one was ratified by the US colonies in 1788 (solid arguments can be made for the *Gayanashagowa* of the Iroquois Confederacy being the first). This was the first to embody the crucial ideas mentioned above. It is no longer the strongest or the best example, but it planted five major seeds. The whole theory of American government can be encapsulated in five of the founders’ clauses or statements, one from the Declaration of Independence, two from its Constitution, and two from the Bill of Rights. It is not by any stretch a coincidence that these five have never been addressed by the US Supreme Court with anything remotely resembling courage, or anything more than an irrational fear of some infinite slippery slope down into lesser levels of government power. The five are:

1) We hold these truths to be self-evident, that all men are created equal, that they are endowed by their Creator with certain unalienable Rights, that among these are Life, Liberty and the pursuit of Happiness.--That to secure these rights, Governments are instituted among Men, deriving their just powers from the consent of the governed, --That whenever any Form of Government becomes destructive of these ends, it is the Right of the People to alter or to abolish it, and to institute new Government, laying its foundation on such principles and organizing its powers in such form, as to them shall seem most likely to effect their Safety and Happiness.

2) We the People of the United States, in Order to form a more perfect Union, establish Justice, insure domestic Tranquility, provide for the common defense, promote the general Welfare, and secure the Blessings of Liberty to ourselves and our Posterity, do ordain and establish this Constitution for the United States of America.

3) Article I, Sec 8. Congress shall have Power ... To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

4) Amendment IX - Construction of Constitution. The enumeration in the Constitution, of certain rights, shall not be construed to deny or disparage others retained by the people.

5) Amendment X - Powers of the States and People. The powers not delegated to the United States by the Constitution, nor prohibited by it to the States, are reserved to the States respectively, or to the people.

If anyone cares to argue that the rights enumerated in the Declaration are not in the Constitution, they should re-read the Ninth Amendment until they get it. Note that "retained" is an active, transitive verb, with a subject or agent, which is the sovereign and individual person. This does not say "permitted by the State or Nation to be retained."

Aside from the philosophical error of men being either created or equal, this collection, when taken together, makes perfect sense. The basic theory is this: governments do not exist until the people, who are endowed with all of their original powers and rights, constitute governments by collective decree. For the sole purpose of securing their rights, they create an artificial entity and endow it with a specific and limited set of powers. Rights that are not specifically enumerated cannot then be considered waived because a government is not granted the power to assume this. Powers that are not enumerated and granted by the people cannot simply be arrogated by the government because a government is not granted the power to arrogate them. In this context, examining the test of whether laws are necessary and proper, we must ask if a law is absolutely necessary for the government to execute its delegated power, and we must ask if the law is absolutely proper by not arrogating prohibited powers, and not infringing in any manner or degree upon the rights of the people who authorized the existence of the government. Equality can then be reconsidered in this light. Experience establishes that the people's rights are best secured by enumerating a primary right to equality under the law, but if we are speaking of natural rights and respecting the natural law, we must regard this as an equality of opportunity and not an equality of outcomes.

Technically, the rights that are enumerated in the preamble to the US Declaration of Independence, including the right to alter or abolish the government, are incorporated into the Constitution by way of the Ninth Amendment. It does not matter at all that this right is not enumerated in the Constitution itself. Will a federal court allow this? A federal court does not even have a right to question this. A court has no rights- it only has a limited set of delegated powers. Neither can a court look to its government's

constitution as the source of the rights of the people. It is simply the instrument by which the rights of the people are secured. It is only the source of the governments delegated powers, granted for the purpose of protecting the rights of the people.

Another curious omission from the body of common US constitutional theory and understanding is that Posterity is also to be secured the Blessings of Liberty. This means that any gradual erosion of rights, and any gradual arrogation of powers not delegated, and even any damage done to posterity's opportunities to exercise liberty, is unconstitutional under this Posterity clause. This implies a "Public Trust Doctrine" that ought to be made far more explicit.

Reform vs Reconstitution

Toute nation a le gouvernement qu'elle mérite.

Every nation gets the government it deserves.

Joseph de Maistre, 1811

The difference between constitutional reform and reconstitution may be seen in a computer analogy: reform is like an upgrade or an installation of new applications. Reconstitution is like replacing your entire operating system, or even switching to a new platform, where old functions and applications might be completely incompatible, or at home only in outdated paradigms. An example of the difference might be also found in civil and political rights. Existing regimes may have convinced their people that these are different from natural and personal rights, and that these are secured by a contract between the government and the people, often by way of long and drawn out struggles, and protest marches with many arrests. When that regime is gone, the people can say to hell with that nonsense: we decide what our rights are, even the civil and political rights. We can even give rights to trees, clean air, dogs, bears and dolphins if we desire.

This book contains hundreds of specific suggestions for incorporation into new constitutions and charters. Many have been proposed historically as constitutional amendments. Many have been incorporated into the more modern constitutions of other nations or United Nations conventions. Many have been suggested as elements for consideration in modifying an existing government during a constitutional convention. But these ideas are not all proposed here as amendments. There is far too much inertia, a resistance to change, in a standing government to accommodate more than a handful of fundamental changes, especially one in an advanced state of fixation and decay. The nearly infinite complexity of developed problems is like a Gordian knot, and that image suggests the solution.

On the whole, these ideas are submitted for the time when decadent, self-destructive systems have already gone bankrupt and self-destructed. Such collapse must be devastating enough to remove all denial about prior unsustainable practices being somehow worth perpetuating. These ideas as a whole are for the nations, states and local governments around the world that are undergoing their own rebirth. This happens frequently, maybe once a year for the world's nations. This is for that moment between constitutions and charters where nothing exists that needs to be changed, where the old system, with all of its entanglements and inertia can be repudiated or declared null and void. This is not, therefore, a misguided attempt to reform anybody's constitution.

The much-touted "change from within" is largely limited to polishing actions. There is rarely anything sweeping enough to redirect a government or alter its priorities, particularly if the government is effectively run by vested economic and corporate interests. Citizen voters and taxpayers as groups have time and again proven themselves too cowardly, complacent and stupefied to rein in their governments, to control the government's metastatic encroachment into every aspect of human life, to take back powers wrongfully arrogated, to reclaim their stolen rights, and to depose their own tyrants. A government that cultivates insecurity can get its people to vote away any liberty. The necessary and sufficient requirements for such change are found only in the rare breed of founders, the point of the revolutionary spear, where the courage and vision are focused, where authority is still a reference to authors, like the Thomases Jefferson and Paine for instance. They are rarely found in the majority of the people, or in the popular will, until the people are sufficiently aggrieved and aroused.

Governments die. If the average lifespan of a country is 200 years and there are around 200 countries, we should average roughly one new constitution a year. Sometimes countries get rebuilt from the pieces and the lessons newly learned. Sometimes there is a net gain in wisdom. To get a true and penetrating reform, a standing government has to go down in some kind of ruin. But this has never not happened in human history, eventually at least. The former government should exercise NO sovereignty in the process, or the rebels can be sure that every right will have to be begged for and every power denied be denied with bloodshed.

For these reasons, provisions in re-constitutions can usually be much stronger than those found in international documents like the European charters and UN Conventions, since existing governments need not be appeased for their signatures. Provisions here tend toward securing greater liberties for the sovereign people. Critically, there must be a time between constitutions, if only a brief moment, where all governments are dissolved, and all powers and rights are vested only in the people, there being no other contract, since then there is no legitimate entity empowered now to oppose the transition. Starting over means that whether any of the ideas herein comply with the existing bodies of laws, regulations, precedents, or constitutional interpretations is irrelevant, except to warn of future issues and problems.

In short, the system presented here is not required to fit into any existing framework. It doesn't need to follow or obey any law in the moment prior to the people consenting to be governed. It would instead become the definition of law, the highest law of the land, which all other law must adapt to and follow. It is only the individual ideas that must individually adapt themselves to existing political systems. Having to prove their existence to a government implies that a constitution is merely a contract. The "might that makes rights" is in the constituting.

The keystone feature presented here is a fourth branch of government which is granted every power necessary to eliminate government corruption and metastatic growth. It has practically unlimited power over the other three branches, the Legislative, Executive and Judicial, but has no power whatsoever over the sovereign people. Obviously, no standing government would stand for this, and only reconstitution would ever see it established.

Transition will be a key consideration. While constitutional reform maintains a full continuity in government, reconstitution usually specifies, within the new document, how the old laws will behave during the time of transition. Certain named sections of the old constitution may continue in force despite its repeal. Both the laws and the common law are usually specified as remaining in effect, at least in an advisory capacity, until new laws can be re-codified and officially adopted. The old laws are made subject to their compliance with the newer schedule of rights and powers. Elected and appointed agents of the old administration may also be allowed to remain in office. There may also be a full and immediate pardon for persons convicted of acts that will longer be crimes, but restitution might rest solely on wrongful conviction since the debts were not incurred by the new order. The national debt may either be honored or disavowed; the same with international treaties. Unless reconstitution holds specified issues and procedures with respect to a prior wealth inequality and its resultant socioeconomic injustices, ownership of real and fungible property is usually made continuous through the transition. This may, however, answer to newly lawful procedures for the redistribution of wealth following the transition.

General Considerations

Aside from these issues of Reform, Reconstitution, and Transition, we might also consider:

Deep Time. It is pretty obvious from looking at history that mankind's greatest failure, beyond a general ignorance and delusion, is its inability to govern itself and control its appetites. We have shown ourselves time and again to be incapable of anything close to enlightened self-government for more than a generation or two. But we continue in corruption and tyranny because humanity is more afraid of anarchy than oppression. While our tendency to parasitize the natural world has only become a severe problem in recent centuries, our inability to govern ourselves and get along with our neighbors have been serious problems for millennia. In theory, we can at least learn small bits from history, and a reconstitution is the prime opportunity to try out these fresh lessons.

Farsightedness isn't a human strong suit. At best, most of us look only a few years ahead, which in politics is to the next election. The Iroquois had a higher standard: "In our every deliberation, we must consider the impact of our decisions on the next seven generations." Time is deep and history is long, and any entity we set up now will die some day. What we do now will be an experiment in this greater context. And it may be that no long-term solutions will even be available until the human population drops or crashes to below non-delusional carrying capacity levels.

What we need to try is something that promises to be enduring, which requires an effort to see past the current cultural trends, fashions and fads, perhaps even looking for a substratum of inherited human nature. This is of course an evolving study, but we are learning, perhaps most dramatically in evolutionary psychology and Darwinian medicine. The better lessons we are learning are secular and biological, while those based on unquestioned beliefs are failing. But as we continue to learn, what now seems enduring will still need to adapt. Given this, the future need for amendments that reach into the constitution's deeper structures must be acknowledged. So too will the evolving needs of posterity.

In the context of deep time, we might suspect that most of today's governments must eventually collapse by the very "economy" that they sacrificed all other values to inflate, simply because their own growth was tied to this unsustainable inflation. This bankruptcy is both economic and ethical. But time horizons should reach farther than these. Something will need to be designed to replace the present systems after they collapse, and so these offerings are made as future lessons of history, just as extinctions are the lessons of history to the gene pool.

Those ideas which are a little too visionary for today might find their first applications in the pages of science or speculative fiction. For my part, I plan to be dead long before many of these individual suggestions become timely, yet I have no choice but to set them down now, and this on the off chance they may be found some day circling in some backwater eddy or billabong in time's great stream. Some of these constructs might seem unrealistic now, under a still-functioning government, but they presume that anybody considering them has very recently learned some very hard lessons about the more hopeful and blithe approaches to human self-government.

Perpetuity. Only the generation presently living can truly "ordain and establish." Since no generation has an inherent right to bind another, or saddle it with debt, or bequeath it an impoverished environment, there can be no implied consent on behalf of

descendants. Upholding a government's constitution by consent must be a continuous act and effort, and not a thing done once for the others for all time. If not made continuous, at least it can be made subject to reaffirmation every twenty years. We must ask: how is consent renewed or withdrawn by those to follow?

Should we inherit a corrupt government that our conscience cannot allow us to serve, we must have options to exiling or ending ourselves, or some recourse to revolution, without surrendering any human, civil or moral right. One option might be for adults and emancipated minors who are accepting the benefits of citizenship for the first time to become an actual signatory to the Constitution at that time. But we can also to allow them to register, log, or record any protest or conditions to their consent. These records may then be examined periodically to suggest constitutional amendments, or to stand as evidence of mitigating factors in trials for civil disobedience, pursuant to our rights of conscience.

Length. The constituting document should not be too brief, or else we will slowly build the constitution's meaning up through precedent and court opinion. Although these opinions take on the the mantle and force of the highest law of the land, they are without ratification by a sovereign people. This has made the judges and the guild of lawyers the authors of a *de facto* constitution. This has turned the Rule of Law into the Rule of Lawyers, while most of our rights have become encrusted in weasel words. The US Constitution is too terse by an order of magnitude. If we don't say what we want, in plain language and in sufficient detail, the lawyers are going to wind up telling us what it says, pursuant to their need for billable hours. Napoleon understood how useful this was when he claimed "A Constitution should be short and obscure."

Too much detail will be problematic as well, and will lead to endless amendments whenever something needs polishing, or lead to neglect when amendment is too much work. We ought to let much of the structuring of the administrative branches be done internally, and by law, instead of by constitution, but subject to a corrective review. The document needs to be long enough in order to keep codes and regulations shorter. This will also do a better job of articulating and clarifying the spirit and intent of the highest laws. In the interest of brevity if nothing else, many of the ideas presented here might serve just as well for now as laws, but we may see from the lessons of history that those laws which constrain the growth of government eventually tend to die by attrition.

Realism. Human beings like to think very highly of themselves. They like to idealize, to hitch hopes to stars and heroes, perhaps to bootstrap themselves into becoming more ideal. They like to believe what their poets and philosophers tell them about who they are. This often traps them in a morass of self-delusion when their reality necessarily fails to meet their expectations. The real need here is to shape a government around what humans really are, and that problem is still being worked on. At least we can now consider the human being, in part, to be a bundle of needs that need meeting before making much further personal progress. When we ask what those needs are, a skeleton begins to form that gives shape to what human rights human beings ought to be claiming, in order to meet these needs and grow into their potential.

Many human needs are not selfish at all. For example, it is in almost everyone's best interest to live in a healthy and biodiverse environment. But meanwhile, the consumer society, powered by advertising, is busy creating an endless succession of new needs before the primary ones are satisfied. It is no wonder, then, that perpetual dissatisfaction and hunger are the result. This drives the economy, but it is doing serious damage to our natural resource capital and hence to the next generations. Any

declaration of rights based on our human needs will want to take a hard look at what our real needs are, as well as those of posterity.

Some Innocence. Some innocence and naiveté will be called for here, partially for the sake of some fresh perspectives. Many new constitutions are simply cobbled together from boilerplate verbiage copied from earlier efforts elsewhere. This is often done without regard for how well these phrasings have worked out elsewhere. It is important not to infect efforts at reconstruction with the same mealy-mouthed verbiage used to justify the trespasses against humanity derived from old constitutions. It is also important, however, that the words being used have real and consensual meanings, that the language in use be named, and a specific dictionary reference (e.g. *Black's Law Dictionary*, 10th ed.) be cited. Otherwise judges and lawyers will be the only priests permitted to translate the words. Even without this, simple lexemic drift is enough to confuse author or founder intent. It's important, too, that we convey a sense of starting over, with fresh expressions, after having learned from our previous failures, and not keep replaying the same old tapes.

Individualization. Just as biodiversity is a key measure of the depth and resilience of an ecosystem, global political diversity will add depth and resilience to overall global health. This seems a difficult concept for patriots to understand. It is a mistake to forcibly impose a foreign system onto other nations. Ultimately this will only lead to deep resentments, and often to genocide. As our friend Anonymous relates: "The Sunni and the Shiite lived together in mixed neighborhoods until democracy taught them to pick sides." We ought to notice the harm that's been done in the Middle-East by the forced importation of democracy. We ought also to allow that a constitutional monarchy might be perfectly suited to other places, Bhutan, for example. Some successes are hard to argue with. Just as a garden is a better place without monoculture, the world is a better place without homogeneity, provide that we can outgrow our ancient xenophobias.

Big Stinky Fly Trap. There is a common trap for flies that consists of a one-way lid into a large jar containing rotten meat. Corrupt governments share similarities with this, attracting certain types of beings, one-way, into their bureaucracies. The equivalent of stench is often private benefit, power, anonymity, or some lack of accountability. More talented and virtuous people are often drawn to higher paying jobs in the private sector. As Frank Herbert wrote in *Dune*: "All governments suffer a recurring problem: Power attracts pathological personalities. It is not that power corrupts but that it is magnetic to the corruptible. Such people have a tendency to become drunk on violence, a condition to which they are quickly addicted." The form of the violence varies, and it's often in the less visible, but no less annoying form of passive aggression in petty bureaucrats. The rights of the people are on the receiving end of these pathologies.

Snake Pit Design. As was mentioned earlier, optimism for the next administration should be withheld. Anyone wishing to create a new government with a happy, positive attitude, all full of hope and sunshine, has been unable to learn anything from human history and should be uninvited from this process. No true historian will give any quarter to optimism here. In many ways, a new constitution should be a containment device or structure, designed from the start to constrain unwarranted and unsanctioned government growth and metastasis. In this book, this is done with a fourth branch of government, called the Censorial Branch or Council of Censors, an

idea borrowed from Roman law. The idea of censorship has become badly twisted in the minds of voters. Originally, as James Madison put it, "The censorial power is in the people over government, not the government over the people." In Rome, the Censors could vacate bad law, or remove corrupt Senators from office. They had no power over the people, but merely conducted their census.

Many constitutions today provide for a Council of Censors, elected directly by the people, but none carry the idea as far as it is carried here, into a powerful branch of the government. Many simply have strong provisions for censorship of government misconduct through budgetary, anti-corruption, human rights, and environmental protection commissions. They will often institute ombudsman functions to more expediently address problems. The constitutions of Bolivia, Ecuador, South Africa, Japan, and Bhutan offer some good examples.

One of the most dangerous words to use in the granting of powers is "emergency." Another is "expedient." Most constitutions, in fact, allow their governments extreme, special, or extraordinary powers upon the simple declaration of an emergency, and this will usually presuppose or require no public input or outrage. This is a terrible step to take, particularly when the trigger event or term isn't carefully defined. There should always be a clause that prohibits derogation of citizens' rights for any reason whatsoever. There should also be an enforceable "*posse comitatus*" prohibition, forbidding domestic use of the military in police actions.

The Point of the Revolutionary Spear. The truly great political changes are usually effected by a relatively small minority at the revolutionary fulcrum, before things get too large or too old. The US Constitution was ratified in effect by 16% of adult males, then a hundred thousand of the hundred-and-fifty who voted. These are the few who would ask: since we have but one life in which to make our marks, do we only mark ballots? It is once these changes are set in motion, and the liberal idea starts feeling the need to conserve itself, that the real problems begin to arise. The spirit and momentum of the change can only be kept alive for so long. The wave of public sentiment that carries such founding parents along is of course too easily swayed by rhetoric, which in modern times is reduced from old common sense pamphlets, to platitudes, to sound bites, and now buzzwords. Historically, the great cause is celebrated in the Preamble, the abstract of the paper to follow, or mission statement. Accordingly we want to take time with this part, so that it can inspire with both its idealism and its realistic applicability. But it isn't at all necessary to invoke a deity with hyperbolic verbiage if a secular state is the mission.

Overthinking. The model suggested here is given for the federal or national government. The general theory applies as well to state and local governments, as does the discussion of rights, but the delegated powers may differ. Suggestions for the organization of individual states are here kept to a minimum, except that they might work most effectively if they exhibit some sort of fractal similarity to the national. Many national constitutions go to great lengths to organize their individual states (such as India) and to delegate subsidiary powers in the process, but this is probably misplaced, and an overthinking of the problem. At some point we need to allow self-organization to occur, according to the evolving demands of specific political problems. The same is true of the internal structures of the Cabinet departments of the Executive Branch. In both cases, it may be sufficient to carefully specify the powers delegated to that entity, and the powers denied to it, and then allow it to organize itself, but subject to some form of constitutional verification or corrective review before the thing is permitted to harden.

Errors and Omissions in the US Charter

“But whether the Constitution really be one thing, or another, this much is certain - that it has either authorized such a government as we have had, or has been powerless to prevent it. In either case, it is unfit to exist.” Lysander Spooner

Justice Ruth Bader Ginsburg claimed “I would not look to the US Constitution if I were drafting a constitution in 2012.” Having recently studied a select two dozen of the nearly 200 international alternatives, I have to agree, and would recommend that doubters at least take a good look at these two: Bolivia and South Africa, promulgated by Evo Morales and Nelson Mandela respectively. Some other fine examples include Ecuador, Uruguay, Japan and Bhutan. Out of blind loyalty, many-to-most American patriots will vouch for the US Constitution as unquestionably the best, although most have never read or considered reading another, and never would. Except for the *Gayanashagowa* of the Iroquois Confederacy, the US document deserves to be praised as the first republican constitution, or one in which power resides in the public or people. But in the harsher light of what we ought to have learned by today, it was full of flaws and omissions, even back when it was ratified, and by now it is terminally out of date. It will be instructive to review a few of these problems here. This is not to detract from what the founders did right. Unlike many national charters today, there is no mention of a god or creator, or an affirmation of a state religion. This was an important step. And the five principles of government (establishment by the sovereign people, with a posterity clause, laws which shall be necessary and proper, the assertion of rights, and the delegation of limited powers) still provide an excellent framework for any constitution.

Democracy isn't mentioned, only the more general term “republican government.” The word republican comes from the Latin *res publica*: an entity of the people, a state in which all power is held by the people and by their elected representatives, and which is led by an elected or nominated premier or president rather than a monarch. Aside from things decided purely by popular vote, this is not a true democracy. This is probably just as well, given what seems a decision of the general population to drift into lower intelligence. There has been a failure to constrain the ability of a majoritarian democracy to impose its will on minorities, in part due to an under-articulation of human rights. But the majority has no more right to tyrannize than a tyrant does. A democracy is not the enforcement arm of the majority. A big part of this problem was enabling the legislation of morality or moral standards, inevitably derived from or justified by some religious doctrine. Ethics has a firm place in the greater scheme, when understood with respect to the rights of others, but moral laws are inconsistent with a secular state. We require liberty in order to learn by the consequences of our actions.

Democracy has serious problems. By definition, half of the population is below average in intelligence. While people with lower intelligence but ‘good hearts’ are certainly not doomed to live inferior lives, they will still be more susceptible to specious reasoning and propaganda, a misdirection of the political decisions they might make on behalf of the public at large. This can degenerate fairly quickly into a “mediocracy,” rule by the lowest common denominator, the median of the majority party, peer pressure writ large, or mob rule in slow motion. Incompetent voting will be as destructive as apathy to a democracy. The people also have tragic susceptibilities to empty rhetoric, advertising, intimidation, group think, fear of novelty, demonization, xenophobia, fear mongering, political correctness, and pressures to conform. Rights are soon traded for privileges, or for relief from insecurities cultivated by others.

Democracy will too readily enthrone ignorance and tyranny. Everybody has an equal right to govern themselves, but should everyone have an equal right to govern others?

Unfortunately, the idea of meritocracy seems to fly in the face of our assumptions about equality and fairness. This is political power that is somehow apportioned on the basis of ability, merit, or virtue. Misguided attempts have been made to justify social stratification as a nudge towards meritocracy, but this tends to equate wealth and privilege with merit. While there is a rational way to appreciate the “natural aristocracy” praised by Jefferson and others (and there are significant aspects of that proposed in this book), and thus to encourage *noblesse oblige*, merit is not to be found or measured in an inequality of wealth, whether that wealth is self-made or inherited. Power will inevitably gravitate towards wealth and privilege, particularly where legislative lobbying and campaign financing are allowed. But real political merit should be measured in terms of care, vigilance, and charity. Engaged citizens are better electors. This in fact was the whole idea behind the Electoral College, before the corrupt two-party system rendered it both absurd and pointless. It embodied a recognition that not everyone's participation is an equal asset to society or an enrichment of the collective wisdom.

Meritocracy began in Zhou Dynasty China, was first expressed in the Book of Changes, first articulated by the Confucians, and first applied in large-scale practice in the Han Dynasty with the institution of the civil service exam system. Problems soon became apparent in what was being tested, and in who wrote the tests. It spun out of control, as what was being tested became the whole of the curriculum, which in turn became the whole of cultural education. The theory resurged in the Enlightenment West, but the battle for what merit meant was eventually won by the wealthy and landed classes: merit was one's ability to inherit, hold, and multiply wealth. But merit as wealth merely sanctifies greed and ambition. Meritocracy also frames such hierarchical organizations as the military, where the Peter Principle comes into effect: in a hierarchy, every employee tends to rise to his level of incompetence. The best way through this problem is to award a somewhat greater level of political power on a basis that everyone has an equal right to earn and claim, at the very least by taking time to understand the mechanics of the government that a citizen in a democracy is charged with. This will be proposed far below.

The patriots will point to America's prosperity as validation of its Constitution and the freedoms it secures. But this Constitution was not the efficient cause of America's success. It was conceptually dangerous to credit either liberty or capitalism for the nearly two centuries of growing US economic wealth, until decline began in the mid-1970's. Credit really goes to the nation's “freedom” from self-restraint, allowing it to enslave one race and nearly exterminate another, then to appropriate and plunder an unexploited continent's rich resources, and finally to be able to treat those resources as income instead of finite capital until the cooked books and environmental destruction started to show. Further, following this paradigm has undermined and even forbidden the search for wealth gained in truly sustainable ways.

The major failures in the US Constitution can be subsumed under two headings: omissions and poorly qualified permissions. Another omission, after not stating the constitutional theory clearly and cogently enough, is a missing statement to the effect that the constitution is written in a known language, with a vocabulary defined in a specified dictionary, and that any attempts to twist the meaning and intent of this language are attempts to defraud the people, punishable by removal from public office. The word “infringed” is a good example, a now-useless word, a porous membrane instead of a wall. Until this specification has been included, the people will continue to be openly deceived by the weasel words of lawyers, the bafflegab of bureaucrats and

the doublespeak of politicians. "That the Constitution be intelligible and accessible to We the People of the United States is requisite to a government by consent" (Joseph Goldstein).

Leaving a government any ability whatsoever to twist the perception of the general populace with regard to the fundamental nature of constitutions or charters is another major omission. As things stand now, the government has "its" people believing that "the people" are in charge and, at the same time, believing that they can do nothing, due to the inferior level of their sovereignty. It would seem that some civil servants would even like to be thanked or appreciated for not taking members of the general populace into some dark alley and beating them. Ross Perot, during the 1992 presidential debates, claimed "And as a private citizen, believe me, you are looked on as a major nuisance. The facts are, you now have a government that comes at you and you're supposed to have a government that comes from you." The justification, of course, is national security, following upon a carefully cultivated insecurity. The sad fact is, the American government, despite its standard oaths of office, tends to regard its constitution as a nuisance or obstacle, a thing to be gotten around, and has given it little more than the respect it has granted to its treaties with indigenous peoples. From the Preamble onward, a newly constituted government should be kept on a very short leash and granted no sovereignty whatsoever over the people.

The "necessary and proper" clause, quoted above, should have been more carefully explained. The confusion and obfuscation that surrounds these terms should not exist. The term "necessary" can only refer to the performance of the specific powers delegated to the government by the people in its constitution, meaning that those powers cannot be exercised at all without the enactment of an enabling law which is necessary and sufficient to the task, and no broader in scope than this. The term "proper," being an ethical term, can only refer the arrogation of prohibited powers or encroachments by a government upon the rights of the people, meaning that laws cannot be enacted which encroach or infringe upon these rights.

The infringement and derogation of enumerated rights is gradually, incrementally, and progressively allowed. For just one example, the First Amendment clearly states that Congress shall make no law prohibiting the free exercise of religion. But now the Supreme Court reads the First Amendment as "protecting religious beliefs, but not religious *practices* that run counter to neutrally enforced criminal laws." This ignores the fact that the Constitution is the highest law of all, prior to and above criminal law, and then deliberately confuses the rather exact synonyms exercise and practice. This is a sleight of hand that any idiot should be able to detect. Elsewhere of course, there is extraordinary rendition instead of *habeas corpus*, massive public surveillance nets instead of a Fourth Amendment, enhanced interrogation of suspects instead of prohibited cruelty to convicts, mandatory exchanges or waivers of constitutional rights for civil privileges, and on, *ad nauseum*. A freedom is now something that a government lets you do. Wealth is something that a government lets you keep. Further, because court precedent and common law are cumulative, the erosion of rights has a semi-permanent ratchet effect and makes their recapture maddeningly difficult and prohibitively expensive.

Perhaps in part because of their late addition as amendments, the rights in the Bill of Rights can look too much like afterthoughts, even when they are specified as the very *raison d'être* of the Constitution. They should have been central to the document, overshadowing the delegation of powers, and driving the prohibition of powers. We have also learned that the Ninth Amendment (stating that a right's not being enumerated does not mean it is denied) doesn't have anywhere near the force of the articulated rights. The courts have shown almost nothing but cowardice in addressing

this amendment. Most modern constitutions show an understanding of this by incorporating a much more detailed articulation or enumeration of rights.

To even ask the questions "should pot, prostitution, abortion, or gay marriage be legal?" is to occupy the wrong universe of discourse and concede half of the battle for liberty. More pertinent questions are: how in the hell did government arrogate enough power to make these decisions and laws, lacking any constitutional basis, and how can this be stripped and reclaimed? Allowed is a bad word here. So is legalization. It assumes government to be the source human of rights. Retain does not mean "to be allowed to retain." Constitutionally un-enumerated rights, such as privacy, conscience, the withdrawal of consent, revolution, and lifestyle choices are all theoretically accessible under the Ninth Amendment, as are all of the rights named in ratified treaties and UN conventions. They already exist, without the ludicrous and circuitous routes of public demonstrations, or having to claim special privilege as a class of victims. But they only exist for a vigilant people.

The Tenth Amendment has been similarly avoided by the courts. The concept needs to be more carefully explained. The government gets ONLY those powers specifically delegated and is not empowered to arrogate more powers, except by constitutional amendment. The government is also not allowed in any way to arrogate even a portion of powers prohibited. This is the difference between our *de jure* and *de facto* governments.

The nature of corporations was badly understood. Laws were permitted allowing artificial entities like corporations to have rights equal to, and sometimes greater than, those of living individuals, who are born with the ability to develop consciences. Several kinds of corporations need to be identified, at the very least: non-profits, private corporations, publicly traded corporations, public utilities, and governments themselves. All of these need no be called out in terms of the privileges they are granted and accountability demanded. Penalties for misbehavior should include seizure and dissolution, a death penalty equivalent.

There was a failure to anticipate bureaucracy, the "self-licking postage stamp," the entities able to fuel themselves and run forever on their own paperwork, the entities that, once established, will fight for their own self-preservation more fiercely than for their mission. Closely related, there was a failure to anticipate the ratchet effect of government growth, with no ready provisions for the de-growth of an institution or its budget, once a need for it had lessened. One approach to this problem is to deny an agency the ability to base its budget on that of the previous year, and to start from zero each time. Agency budgets should be made more *ad hoc*, and vanish when the need for them goes away.

There was too little anticipated about the government's role in the national economy. Economics isn't even mentioned except in the grant of a federal power to coin money. The very thought of an independent banking system creating the US currency out of debt instead of specie, or even fiat, would have left all of the founders horrified and apoplectic. Government participation in the economy does act as both stimulus and flywheel, as asserted by Keynes, but without guidance or values, the nature of the stimulus has shifted from the socially benign Civilian Conservation Corps to the thoroughly cancerous Military Industrial Complex.

The problems with a two-party political system were not anticipated. Among other things, this rendered the original idea of the Electoral College both pointless and counterproductive, and the "winner takes the state" idea made it even sillier. James Madison was wrong about political factions here: the factions did not succeed in containing each other: they became a feeding frenzy, each one-upping the other for bigger chunks of the pig. When popular representation is both proportional and

concerned with specific issues at hand, and not blindly polarized by party whips, a dynamic dialogue between factions can often be superior to a consensus that all thinks in the same direction, with nothing to challenge prevailing wisdom. But party polemicism fails to achieve this. The 2008-2016 US Presidency showed unprecedented obstructionism between the Legislative and the Executive, so that in a time of crisis almost nothing got done. This served only the big corporations with their hands in the till and their snouts in the trough. Besides fighting compromise and excluding the middle ground with polemical and adversarial arguments, parties only further narrow the range of political debate and shrink the universe of discourse, allowing an ever-growing range of shenanigans to continue on the margins and edges.

Perhaps the most fatal flaw is that there is no specified protocol for the enforcement of constitutional provisions, let alone expedient enforcement that is available to ordinary citizens. The right to petition for redress is not balanced by any obligation on the government to respond, and the only provisions subsequently established by law are prohibitively expensive to citizens, and often confusing as well. A Freedom of Information Act request might return a document that is ninety percent redacted. A citizen cannot determine whether or not he is on a terrorist watch list for the crime of attending a simple environmental rally. As things stand, corrections have to be established by legislation, and thus by legislators and other agents with an interest in diminished accountability and busily claiming “sovereign immunity.” Outside of individual and collective actions pursued through channels and procedures established and controlled by the government, usually at prohibitive expense in both time and money, the government has arrogated nearly all of the power to police itself. Voting alone offers little control, particularly since the establishment of a two-party system and the enabling of wealth in the control of public opinion.

There were some statements too carelessly worded for the human nature that was destined to interpret them. By far the worst is in Article One, Section 8, granting the power “To regulate Commerce with foreign Nations, and among the several States, and with the Indian Tribes.” In banking this is called a blank check. In oncology it’s called a primary site, which spills out the metastatic cells to other parts of the body. In politics the word regulate is almost invariably read as “extensively micromanage.” In theory this regulation should be limited to provable hazards of health and safety, which would include enforcement of environmental law, and most particularly, impacts on the commons which cross political boundaries. Instead, there are people employed full time, with nice company cars, to ensure that apricots are the proper size.

Posterity is barely mentioned in passing, although a due regard for posterity would justify shutting down a great deal of what our human civilization is up to, starting with un-managed human propagation. As we should be seeing, posterity, and the environment that posterity will inherit, deserve a far more central part of the stage. A more visionary charter below will include an expanded Public Trust Doctrine, taking responsibility for this world and its resources as a usufruct (use of the fruit), a right to use property only insofar as the property is not harmed or diminished.

Article 0

Preamble and Objectives

The Preamble sets forth the mission and goals of the Nation and the motivation driving the Constitution. The general structure proposed here attempts to weave our enumerated rights, duties acknowledged, powers delegated, powers prohibited, the future of the law, and the structure of government into one fabric, with the central focus being the rights and duties of sovereign individuals.

We the people of _____, individually and collectively, at this moment of ratification, declare that we have nullified and vacated our previous government and take our stand here as the sole sovereigns in the land. “We are willing to profit by the favorable moment which has restored us to ourselves, exerting our natural rights with zeal and firmness” (Poland). We declare that all sovereignty lies with the people, and will remain in the people, whose will is the basis of all authority. There remains no other entity to be the source of our rights and obligations, be they personal, civil or political: these are now ours alone to declare and assert. There remains no entity to which powers have been delegated. These powers are entirely ours once again, to dispense or dispose of as we deem necessary. Our rights and powers are not given to us: they are claimed and affirmed by sovereign individuals.

By ratifying this Constitution we create a new Nation, while claiming and enumerating our rights and obligations as its citizens, and this Nation’s sole mission will be the security of these rights, and assistance in fulfillment of the obligations that we accept here. The guarantee of the rights of men requires a public force with delegated powers. This has no other purpose but by this to support development and fulfillment of our human potential, individually and collectively, and secure the environment around us, that we may bequeath the rights and benefits that we have enjoyed to posterity. The recognition, observance and protection of the rights named herein will be the primary obligation and purpose of the Nation. The people reserve every right to reform, alter, or abolish any government or agency which proves destructive to the ends specified herein.

We ratify this Constitution: 1) to enumerate, confirm and secure the rights defined and retained by the people; 2) to make and adopt a social contract and secular ethic, for duties accepted by the people; 3) to delegate a limited set of limited powers to the Nation and states and to each of the four branches government; 4) to deprive the government of the acquisition and arrogation of specified powers; 5) to define the status, privileges, immunities and accountabilities of contractual corporate and governmental entities. We further declare that:

The Nation will be composed of several states, each having its own constitution and laws, but this Constitution will be the supreme law of the land. Law or conduct inconsistent with this is invalid, and the obligations it imposes must be fulfilled. Laws made beneath this are neither sovereign nor ruler. The rights and duties of individuals are to be held more fundamental than the rule of law. The law is made only to serve the Constitution, justice and the sovereign people.

Justice will require that all persons are considered equal before the law in their rights and duties, and that an equality of opportunity is necessary to human fulfillment. It is expected that this will not lead to an equality of outcomes. A presumption of human worth and dignity can be forfeited by persons of weak character, but the true nature and potential of persons may not be known without a fair and equal opportunity to develop their own inherent character as their own, personal sovereignty dictates. We

desire that character, merit, and effort drive our success rather than inheritance, accident, fortune, and privilege.

By means of progressive taxation, and taxes on resource usage and its external impacts, we intend to strike a balance between earned and socially beneficial personal prosperity, and with the problematic inequalities of socioeconomic stratification.

This Nation is a new Nation and is not yet a signatory to any prior international debts, treaties, pacts, and agreements. Commitments made by the former Nation will be honored only according to their consistency with this present Constitution. Accordingly, some terms may be abrogated, in whole or in part.

The Nation and its states are secular in nature and are prohibited from favoring any religious sect or dogma, even where this may be a majority opinion. These constitutions are made without reference to any deity or conception thereof. The government will be tolerant of any religious faith, or rejection of faith, that reciprocates tolerance.

This will be a democracy administered at the local, state and national levels by elected representatives. The direct expression of the power of the people will be free election and referendum. Rights of suffrage may be claimed by all citizens as stipulated herein. We prohibit the participation of political parties in both elections and in government, while supporting a proportional representation that gives a Legislative voice to minorities. Political titles and offices pertaining to majority and minority parties are therefore forbidden.

We herein define what will constitute corporations of various kinds, including our governments, and further declare that these entities are not persons, and have only conditional privileges instead of rights. We further declare that governments are instruments of service to the people and possess no sovereignty whatsoever. We limit the privileges which may be conditionally offered to corporations and stipulate the primary conditions under which they may be withdrawn. We prohibit the influence of corporate wealth on both political campaigns and on lobbying efforts to direct the course and content of legislation.

We enumerate our Bill of Rights herein, in eight categories, but the enumeration of certain rights will not be construed to deny or disparage others retained by the people. Retained is an active, transitive verb, with a subject or agent, which is the sovereign individual person. This does not say "permitted by the state or Nation to be retained."

We also enumerate our Bills of Responsibilities herein. Recognizing that neither society nor our governments have any inherent claims on any part of our individual lives, we nonetheless consent to a secular ethic and Bill of Duties or responsibilities in order to thrive as a society. This includes adopting a trust doctrine and proxy stand on behalf of the rights of future generations, non-human animals, the national and global commons, the biosphere and of nature in general. These conditions will be accorded equal importance to current affairs and these rights will be held to be coequal with the rights of citizens and living human beings.

We authorize national and state governments to use only a specified and limited set of powers, and we specify and prohibit the use of other powers, even though these may be established in other nations and in the common law. All powers not specified are retained by the people, and not the states. The states may seek additional powers from the people only if they are fully consistent with this Constitution and they are incorporated by amendment into their own.

National powers will be exercised on the basis of their division into Legislative, Executive, Judicial and Censorial Branches. We create a system of checks and balances with this, but the final authority will be the people acting through the

Censorial Branch against the agencies and agents of government on behalf of their rights and duties.

We create a Legislative Branch to enact laws and codes of justice which are both necessary and proper to the purposes specified herein. Necessary will mean that laws will not overreach delegated powers, or exercise prohibited powers, and will meet no greater than the minimum requirement for these ends. Proper will mean that the rights of the people will not be in any way compromised, infringed or derogated. We also set standards for such legislation. All laws will stipulate their intent and spirit, which will be weighed in court coequally with their letter.

The Legislature will consist of two Houses. The people of the states are represented by an Assembly of elected Assemblymen. The states, local governments, tribes, and territories are represented in the Senate, which is composed of Senators. Only specified laws and actions require the assent of both Houses.

We create an Executive Branch to enforce the laws and codes, and to make and apply standards and regulations consistent with these in letter and spirit. All activities of the Nation and states are based on and limited by law. The Executive Branch will have eight Cabinet Departments, each with specified powers, duties, and limitations. Within this Branch, we define and constrain the government's role in relation to the economy, the power to issue money, and the power to regulate banks.

We create a Judicial Branch to mediate disputes according to National and state constitutions first, and then according to law, in both its letter and spirit.

We create a Censorial Branch, chosen directly by the Electors of the people, to enforce the terms of this Constitution solely on behalf of the people, and solely against the acts of the Nation and states and their agents, whether elected or appointed. Its purpose will be to render the constitutions enforceable against corruption, government growth and encroachment.

All national agencies and all wholly-owned government corporations will exist within either the Executive or Censorial Branches. Independent agencies, government corporations, and state-owned business enterprises are prohibited.

We authorize the creation of state militias, to be coordinated at the national level, for the sole purposes of defense within the national borders, and of each individual state, and otherwise only under terms specified herein. Standing armies are prohibited. We hereby renounce war and affirm diplomacy.

We authorize a limited police power to the Nation and states. Any and all actions affecting sovereign citizens and their rights will be confined according to law and enforced against the police power by the Censorial Branch. Crimes against rights are crimes against the people, and deprivation of rights by any agents of the police power under color of law will be prosecuted as criminal acts.

The division of powers among the Nation, states and local entities will be according to the principle of subsidiary function, and this will be represented at the national level by the Senate. Each state will have its own constitution and legislation. Neither the Nation nor its states may compromise or impede the ability of a county or municipality to exercise its powers or perform its functions by issuance of unfunded mandates.

All laws, statutes, regulations, legal precedents and common law in effect at the time of ratification will henceforth have an advisory function only, provided that these be constrained to the principles stipulated herein, until replaced, reaffirmed, codified, or erased by law enacted under this Constitution. Validity of these prior laws may be temporarily determined by judges, juries or Censors. The offices of elected and appointed agents of current administrations may continue until restructuring has taken

place. Such effect will be only insofar as it does not contradict the declarations set forth below.

This Constitution is written in [English] as presently codified in the [10th] Edition of [Black's Law Dictionary] and the [Oxford English Dictionary of the American Language], [2016].

We provide for amendment of National and state constitutions by the people, a process to be organized and monitored by the Censorial Branch. The Constitution will be more readily amended to decrease the powers of government or increase the rights of the people. We further provide for the reaffirmation of this Constitution by each successive generation, so that affirmation is not made solely by acquiescence. Constitutional amendments delegating additional or expanded powers to the government will require a two-thirds supermajority vote of the people and a majority vote of the full Legislature. Amendments withdrawing or limiting any right of the people will require a supermajority vote of three-fourths of the people and a two-thirds supermajority vote of the full Legislature. Other amendments may be adopted by simple majority votes of both the people and the conjoined Legislature. Both the people and the Legislature may initiate amendments by procedures established by the Censorial Branch.

Article 1

Limits on Corporations

In order to contain the abuses of corporate oligarchy, to purge and free markets from government-assisted corporate abuse, to limit the prerogatives of mindless capital, to relocate the ethical unit of society in the sovereign individual, to control the appetites of artificial beings and provide them with an analog of conscience, we here assert that we will not be slaves to things not alive, and declare the following:

By this Article we alter and supersede all previous law, precedent, and common law to redefine the nature, status, privileges, immunities, and accountabilities of corporate entities, these being companies or groups of people licensed at the national and state levels to act as a single entities. Individuals, sole proprietorships, partnerships, private companies, unions, contractual entities or alliances, cooperatives, guilds, and communities are not corporations. Contractual entities are private, and public only in the adjudication of disputes between parties or damages outside the contract.

In addition to governments and their agencies, corporations may be: 1) non-profits, composed of members; 2) private corporations, composed of members; 3) public corporations, composed of their shareholders and boards of directors; and 4) public utilities, composed of either members or shareholders. All limitations placed by this Constitution upon corporations apply also to governments, government corporations, and agencies.

Corporations will be structured according to charters approved by national and state agencies, except governments and their agencies, whose charters will be approved by both the Voters and the Censorial Branch. Corporations doing business other than purchases in other states and nations will be chartered nationally. Corporations will be managed by boards of directors which will meet on regular schedules and all individual votes will be recorded. Any charters for international corporations will either be acceptable to the Nation and in conformance with this Constitution, or else a separate sub-charter will be drawn up and approved specifically to regulate all business conducted within this Nation.

A corporation is not a person, and possesses neither sovereignty nor rights. That a group of individuals may be analogous to an organism does not bring it to life or awaken sentience. There is no such organ as a group mind or conscience, and the government is not to be regarded as the brain of the body politic. In lieu of rights, a corporation is granted a limited, specified, and conditional set of privileges which may behave as rights until rescinded or suspended by Judicial decision or Censorial action. Every corporate entity will be at liberty to seek legal privileges which are equal in scope and extent to rights retained by individuals, but no authority will be claimed by any artificial entity which is not accompanied by an equal or greater measure of accountability. Before the law, however, all corporations will be entitled to benefits of doubt, a presumption of innocence, and due process of law.

No articles of incorporation will be accepted for filing which do not acknowledge acceptance of the same Bills ratified by the citizenry at large, and of the supremacy of this commitment over corporate, member and shareholder profits. Charters for for-profit corporations may stipulate member and shareholder profit as one primary function and purpose of incorporation, but they will also stipulate that profit will not be “at the expense of the environment, human rights, public health and safety, dignity of employees, and the welfare of the communities in which the company operates” (Hinkley, Code for Corporate Citizenship). The maximizing of shareholder value will not supersede working conditions, employee wages, the public welfare, or health and

retirement benefits in importance. There will be no encouragement of economic exploitation at home or abroad. No corporation, privately or publicly owned, will be construed as possessing the legal status of a nation, state, or municipality, nor will any law be established making provision for such. Governments and their agencies are also prohibited from claiming any sovereign immunity, whether civil or criminal.

The corporate ownership of property will be accompanied by an analog of property rights, but as with individual rights, this is conditional, and particularly on lawful behavior. Civil liability is limited to the value of member and shareholder investments, together with any other company assets and property. Criminal liability will extend to company managers and/or CEOs and directors on record as voting in favor of the criminal act. Environmental degradation may be either a civil or criminal act, according to law. Insolvency, dissolution and liquidation of assets will be determined by a court of competent jurisdiction. Fines will be as established by law, but all penalties will at a minimum be twice as great as the profits to be gained by non-compliance with the law. Proceeds from the sales of assets will be applied to restitution first and then legal penalties that are payable to the government. The names of all responsible parties will be publicly disclosed in all successful civil lawsuits and criminal prosecutions.

No corporation may be granted any form of monopoly by law or regulation, other than a public utility for a period not to exceed three years, when competitive bids will again be solicited. However, public utility monopolies will not prohibit private communities, as defined below, from providing their own independent services. No corporation may be exempted by the government from anti-trust laws, but monopolies will be restrained primarily to prevent predatory behavior or to provide necessary levels of basic human needs, such as medicine or insurance. Professional licensing will be monitored for protectionist practices, and guild monopolies may be broken up for this reason. Public utilities will maintain a separate and severable ownership of their utility infrastructure to ease transfer between older and newer operators, and to provide a fair basis for system rentals, wheeling charges, reimbursements, and similar rates. The establishment and enforcement of rates for public utilities operated by firms holding concessions will be conditional upon their approval by the Nation or state and the Censorial Branch.

Corporations will pay an income tax, at rates to be established by law, based upon net profits after payment of dividends, but prior to any bonus compensation for CEOs or reinvestment. Dividends paid to members and shareholders are taxed separately as personal income. International corporations will deposit profits in banks within the Nation until taxes are paid in full.

Non-profit corporations are tax exempt, but their payrolls will be taxed as individual income. Churches may be organized such that the portion of their operations that are dedicated to charitable works may be regarded as non-profit. Otherwise, church income will be taxed as corporate income.

Corporations will not be subsidized by the government or taxpayers, nor be provided with special privileges, immunities, tax relief, or bailouts, except as specified herein. Corporations will succeed or fail on their merits alone, as befits a free market.

Corporate financial contributions to political campaigns and lobbying the Legislature, however disguised, will constitute bribery, a felony.

Corporations advertising on network media and the public airwaves will bear the responsibility of truth in advertising.

Individuals, private companies and private communities, as specified herein, may discriminate and exclude unwanted persons, but non-profits, private and publicly

traded corporations, public utilities, and governments may discriminate only by education, merit, and related qualifications.

Article 2

Bill of Rights

“Ignorance, neglect, or contempt of human rights, are the sole causes of public misfortunes and corruptions of Government... . Political liberty consists in the power of doing whatever does not injure another. The exercise of the natural rights of every man, has no other limits than those which are necessary to secure to every other man the free exercise of the same rights; and these limits are determinable only by the law.” Thomas Paine, *The Rights of Man*.

"Right" will mean a person's constitutional entitlement to have, obtain or not have something, or to behave or not behave in a certain way. This "Bill of Rights applies to all law, and binds the legislature, the executive, the judiciary and all organs of state." (South Africa). Any law infringing upon enumerated rights is void. Rights may be explicitly waived in contract between sovereign individuals, but only individuals may consent or contract to explicitly waive rights or hold them in abeyance. This is without limit and includes even the right to life. No right will be assumed to be waived by silence or inaction, or extinguished by a long acquiescence.

Because we have, at this moment of ratification, no government but our own individual and collective wills, we declare it to be unnecessary to construct a theory of god-given, creator-endowed, scriptural, natural, or inalienable rights. Our rights are those that we demand and lay claim to, be they personal, social, civil, or political. We do not need to reason, argue, apologize, or plead for them. The question of which rights are natural and which are legal is moot within in this Constitution. Neither do our rights belong to our society, which is an abstract with neither life nor sentence. This is a claim to a property based upon sovereign first possession. We also found these claims upon our own collective assessment of human needs and necessities, that we might pursue our fulfillment both individually and as a cultured and civilized society.

The limit of a right will be found at only the point where its exercise trespasses on the rights of another, or as determined by a court of competent jurisdiction upon conviction for a crime or settlement of a lawsuit. Certain rights will have original limits described herein. Due process of law will be defined in terms of respect for rights and not of government convenience. Rights are rights against the state, the law, the police power, corporations, the majority, society, injustice and, by mutual consent, against the actions of other people. The common law and all precedent will bend as needed to accommodate this enumeration of rights.

The right of any one person will in nearly all cases be the right of any and all others. It is not in our interest to encourage victimized classes to construe victimization as a claim to special privilege. But notwithstanding a general equality of rights, there are herein special rights specific to women, children, parents, spouses, seniors, indigenous people, and other members of long-persecuted minorities. It is to be understood, however, that an equality or equalization of rights means an equality of opportunity and not an equality of outcomes. The world remains competitive, and the results of such competition provide quality information. But in order to do this well, the playing field must be leveled with equal opportunity. There is a natural aristocracy, on a gradient of care, vigilance, and charity, and an equality of opportunity is the proper way to discover this.

Historical attempts to enumerate rights only briefly have failed, in part because any government that can cultivate an insecurity can convince its people to vote away any liberty. We will, nonetheless, restate that the enumeration of certain rights will not be

construed to deny or disparage others retained by the people. The courts will show no cowardice, nor cite any slippery slope, in addressing or accepting this stipulation. The Nation also will also accept the validity of any rights that are named in treaties and international conventions that it has also signed or ratified. "Classification of the rights established in this Constitution does not determine any hierarchy or superiority of some rights over others." (Bolivia). Aliens, whether undocumented or not, whether resident or not, will be presumed to have all of the rights necessary for their well-being.

Any references to the infringement or derogation of rights according to a "least restrictive means" or in deference to "laws of general application," or any similar contortions of logic, will be stricken from the law. Rights will not be infringed or derogated, period. Attempts to derogate the rights of the people following the declaration of a national or state emergency, or any attempt to enact laws or orders permitting such infringement or derogation in cases of emergency, or attempted justifications citing issues of national security, will be prosecuted as treason.

A. Personal Rights

- Rights to Life
- Rights to Liberty
- Rights to Innocence and Trust
- Rights to Agency
- Rights to Risk
- Rights to Consequences
- Rights to Die
- Rights to Voluntary Action
- Rights to Consent
- Rights to Personal Contract
- Rights of Free Inquiry
- Rights to Information
- Rights to Education
- Rights to Experience
- Rights to Belief
- Rights to Opinion
- Rights of Free Speech
- Rights of Free Expression
- Rights of Association
- Rights of Assembly
- Rights to Reputation
- Rights to Dignity
- Rights of Conscience
- Rights of Revolution

B. Familial Rights

- Rights of Women
- Rights of Spouses
- Rights of Parents
- Rights of Children
- Rights of Seniors

C. Rights of Communities

- Rights to Join and Depart
- Rights of Exclusion
- Rights to Community Property

Rights of Ecovillages
Rights of Self-Organization
Rights to Organize Local Labor
Rights of Indigenous Peoples

D. Property Rights

Rights to Work and Occupation
Patent Rights
Copyrights
Rights to Compensation for Takings
Rights to Seek Changes in Zoning
Rights to Minimum Property Allowances
Rights to Bequeath and Inherit Property

E. Rights of Citizenship

Rights of Abode
Rights of Travel
Rights of Jurors
Rights of Suffrage
Rights to Hold Public Office
Rights of Minorities
Rights of Indigenous People
Rights to Petition for Information
Rights to Petition for Redress of Grievances

F. Rights against Others

Rights of Victims
Rights to Privacy
Rights against Force and Aggression
Rights to Keep and Bear Arms
Rights against Fraud and Breach of Contract
Rights against Theft
Rights against Trespass
Rights against Nuisance
Rights against Negligence

G. Rights against the Police Power

Rights to Compensation for Injury
Rights to Privacy
Rights of Suspects
Rights of the Detained
Rights of the Accused
Rights of the Convicted
Rights of Compelled Witnesses

H. Socioeconomic Rights

Rights to Work
Rights to a Living Wage or Income
Rights to Farming and Ranching
Rights to Free Trade
Rights to Fair Housing
Rights to Health Care
Rights to Social Security
Rights to Social Infrastructure

Article 2, Section A

Personal Rights

All rights have their origin in the sovereignty of the individual. No right will be infringed except where it trespasses upon the rights of other sovereign individuals, or upon conviction for a crime, or as otherwise specified and accepted herein. We assert the following rights to life, security of person, dignity, liberty, justice, peace, the pursuit of fulfillment, the enjoyment of happiness, an equality of opportunity, and the standing to demand a better world for posterity. No government may require a license for the exercise of any right. All persons are equal before the law, no other distinctions being recognized between them except those of merit, talent, diligence, and virtue. We declare and claim the following Personal Rights:

Rights to Life, to meet all needs which are preconditions to survival and good physical health. Activities which are injurious to the health and well-being of individuals, including violence, menacing, cruelty, reckless endangerment, and unmitigated toxic pollution of the environment are prohibited. All persons are endowed by nature with ascertainable minimum needs and have a right to unfettered access to the means to satisfy those needs. Every person has a right to physical, psychological and sexual integrity. No person may be subjected to medical or scientific procedures or experiments without their informed consent. Anyone sentenced to death will have the right to appeal, or to seek pardon or commutation of the sentence.

Rights to Liberty, to come or go, to act or not act at will, subject to the rights of others. Specific behavior may only be proscribed pursuant to constitutionally delegated powers, and liberty may be impeded only by lawful arrest and detention under delegated police powers, or otherwise as declared by a court of competent jurisdiction. No one will be deprived of liberty for an inability to repay a debt or to fulfill a simple contractual obligation. Personal needs and choices need not be generally claimed or publicly recognized, and meeting them need not contribute to the general public welfare.

Should a government agent claim authority over a citizen in order to compel some behavior, the agent will be required to provide the document wherein either that citizen or a court specifically granted that authority. Further rights to liberty are declared in Rights Against the Police Power, below.

Rights to Innocence and Trust, to an expectation that acts of force, fraud, or theft will not be committed against one. Conversely, all persons have initial rights to a presumption of innocence and benefits of doubt, and to a presumption of equality of potential, though they may later disprove these. A sovereign person may hold any intent: there is no such thing as unlawful intent. Only intent expressed in the planning of a crime actually executed may aggravate a criminal charge.

Rights to Agency, to self-determination, to make any and all decisions with respect to the course of one's life. All persons have a right to vote with their entire lives, with their activities and their purchases, and not merely to vote on occasion in public elections. Embargo, boycott, sanction, inaction, insubordination, and strike are all legitimate acts of a sovereign, but remain subject to the terms of contracts. No behavior may be deemed compulsory except as narrowly specified below in our Bills of Responsibilities. Non-behavior or inaction cannot be a crime, although it can be a civil

problem. Citizens are agents of their own sovereignty. Public restraints on individual action are only allowed as prescribed herein, or in adopted laws proceeding from these declarations.

The most valuable benefit of freedom is to obtain good information out of accountability. Self-organizing systems require inputs of information and energy. Citizens in a democracy cannot be assumed to be irresponsible, or else they become so. All persons have rights to try new things in order to learn about them first hand. Fear of novelty is no excuse for preemptive legislation. Risk has an educational value that must be acknowledged. It is how we learn about the new. Those who fear an activity are not required to enter into it. "By self-determination people freely pursue their economic, social and cultural development. All persons may, for their own ends, freely dispose of their natural wealth and resources" (UN - Covenant, adapted).

Rights to Risk, to put one's own safety, personal security, fortune, life and mental health in jeopardy. Risk may be managed only where actual consequences prove a burden to society by encroaching upon the rights of others. A right to risk is not a right to risk others. Rights to risk are rights to consequences. It is not the function of society to intervene to cover the costs incurred by risky behavior. A person injured while trespassing may not claim attractive nuisance, but must be held accountable for the expenses of that decision. A person developing lung cancer from tobacco use may not blame tobacco manufacturers or their advertisers. Tort reform will be guided by this acknowledgment of the personal responsibility and the accountability that accompanies voluntary actions.

A philosophy of liberty is inconsistent with a victim mentality. We are here prohibiting legislation against victimless crimes. Holding risk takers accountable for their decisions is a necessary correlate of this. Only those laws may be enacted which protect the public from clear and present danger or reckless endangerment. Insurance against every conceivable risk is a fundamental conceptual error, besides being a source of ever-diminishing returns. No insurance may be issued which is not based on an assessment of relative risk for an activity. Flood insurance will be based on the likelihood of flooding, auto insurance based on individual driving performance, deposit insurance on the integrity of the bank. The move to socialize all risk must be reversed. We must relearn confidence in our ability to take care of ourselves.

Rights to Consequences, to be fully culpable and responsible for one's own actions, whether or not influenced unduly by intoxication, passion, or insanity. Diminished capacity will not be a legal plea, but an argument for alternative programs of incarceration or restitution. Consequences of folly may mean guilt, shame, pain, fear, criticism, and first-hand experience. The point of liberty, as a social good, is education, and education means facing the consequences of risky behavior. In order to learn from freedom, we may risk death. The effect of this on humanity's gene pool is also life's form of learning. Where none but ourselves are harmed, the laws and regulations that would protect us from risks and hazardings, and the lessons they bring, do not serve the longer arcs of our evolution. Half of the value of liberty lies in what its exercise teaches us. Therefore, governments are absolved of all responsibility for the consequences of choices made by consenting adults.

Rights to Die, to end one's own life voluntarily, to choose a pleasant death with dignity, to choose the time, place and manner of one's own end, which will include the right to contract with other sovereign individuals to assist, or to effect their deaths directly, regardless of medical qualifications. Reasons or motives for electing death

may not be questioned or overturned by government or its agents. Said contract may also be by living will or advance directive, which will not be contested, even for reasons of mental competence. No government body or corporation, or any agent of these, may participate in such an activity, but private places of business may be established where people may go to die. Doctors there may harvest organs and perform medical experiments during the process. Such establishments may also handle wills, or provide final counseling, or offer environmentally friendly burials.

Rights to Voluntary Action, to say yes to any constitutional and lawful thing and no to any thing not required by this Constitution. No person will be obliged to do what the law does not require, or be prevented from doing what it does not prohibit. All persons are the sole owners of their own hours and labor. No one will be held in a condition of slavery or servitude or be required to perform forced or compulsory labor, except as a punishment for crime, whereof the party will have been duly convicted, or in military service in which one has voluntarily enlisted.

Certain limited exceptions may be made explicit in laws which compel cooperation with the police power in states of emergency, or in calamity threatening the life or well-being of the community, or in cooperation with a court order to secure the fulfillment of a constitutional obligation prescribed by law. There will be no compulsory military service for any reason, nor any compulsory work or service forming a portion of civic obligations. Certain civic privileges may be withheld where service has been requested of the public at large, but no enumerated right may be withheld, infringed or impaired. No government has the power to compel any behavior which implies consent. Any legal sanctions for acts of omission will be limited to negligence.

Rights to Consent, or to withdraw consent. Consent, as used here, is the verbal form of a contract, and also given in contracts. When cooperation is deemed to signal consent, then the withdrawal of cooperation must be construed as withdrawal of consent. Consent may be made in specified degrees.

It will not be claimed that consent of a population has been obtained if it has not. Consent given by an individual to a corporation or government is invalid unless it is found in a written contract. Succumbing to a sense of collective powerlessness does not imply consent. Tacit acquiescence or silence do not imply consent, nor does prior behavior giving the appearance of such a waiver. No person may be presumed to have given consent to the waiving of a right.

To make this explicit, an oath of acceptance is taken to support the Constitution when full citizenship and voting rights are claimed, but any consent by individuals is conditioned thereby upon the security of all of their rights. New citizens may at this time register protest against any portion of this Constitution. This register will be reviewed annually by the Censorial Branch for trends suggesting constitutional improvements and amendments. Adulthood, as defined under the Rights of Children, will determine the age of consent. Impairment of capacity may only be decreed by a court of law, and any such decree will be periodically reviewed and renewed annually at a minimum.

Rights to Personal Contract, to make written agreements between individuals and any non-corporate others, per the definition of community used herein. Except where binding arbitration or adjudication is requested by contracted parties, contracts are outside the powers of government interference. Settlements by arbiter or court will be confined to property seizure, which will be limited only by guarantees of rights to a

minimum property allowance. Injury will be in fact and not in theory or prospect. It is forbidden to governments to impair, interfere, or intervene, by legislation or action, with contracts between any number of individuals, or with the options, opportunities, and behaviors in which they consent to participate. This also means an exemption from taxation for trade and barter based on monetized value. Just causes for the termination of employment will be stated in all contracts

Consenting adults are free to define any relationship between them, and this may entail the voluntary waiver of any right or privilege, but only for the duration and within the scope of the contract. Consent obtained under conditions of duress, extortion, or extreme hardship is null and void. The rights of the people to their own rights, privileges, time, and labor are out of first possession and absolute. Contracts may formalize any exchanges of time and behavior for any goods and services. It is the right of an individual to perform work for less than the minimum wage or to exchange labor for experience. However, duress, coercion, blackmail, monopolistic advantage, extortion, usury, and fraud, or the exploitation of any person in severe economic or political distress, may both invalidate a contract and incur criminal penalties. A proof of minority, insanity, or incompetence may invalidate a contract and the preferred resolution in this case will be simple rescission.

Rights of Free Inquiry, to freedom of investigation and study, and to question authority. No assumptions will be made by any police power based upon the nature or content of the material a person reads or studies. No warrants will be issued permitting investigation of a person's inquiries, nor will the content of any study be admitted as evidence in court. All persons have a right to attend any educational event or inter-locutory salon without assumptions or conclusions being drawn by the police power based on the nature or content of the material being examined.

Every person doing scientific research has the right to draw conclusions without government guidance or censorship, even where said research is government funded.

Every person is free to attend and report on public trials, hearings and meetings, except that the privacy rights of certain classes of victims will be preserved, and the proceedings of crowded events may be broadcast or made available online.

Rights to Information, and to access any official and public documents. Every person has a right of free access to information, and freedom from government censorship. Airwaves and electronic bandwidth will not be licensed or leased to private or corporate entities without there being an equal reservation for free and uncensored alternatives. The people have a right to free, publicly-funded media which is unaffected by pressure from political influence, or higher socioeconomic strata, or private and corporate ownership. Public means of communication will not form any monopoly. All public education classes, other than required labs and group activities, will be made available electronically at no charge.

Censorship is a power specifically prohibited to the government. All electronic public information, or other information held by the government, will be available free of charge, and particularly information referenced within public law, regulation and ordinance. Printed information will be available at the actual cost of printing, without markup. All copyrighted information is available pursuant to the terms arranged by the copyright owner, except that copyrighted material developed within public schools and universities, or supported at any public expense, will be made available electronically at no cost.

Everyone has the right of access to any information that is held by the government, corporate entities, or any other person, if this is required for the exercise or protection

of rights, although law may in cases require an expedited subpoena. This includes the right “to reliable information about the characteristics and contents of the products they consume and of the services they use” (Bolivia). In cases of dispute, the Censorial Branch, which will have access to documents of the highest classification, has the power of discovery. No public decision or action will be hidden, redacted, or classified except by permission of the Censorial power, which will maintain a prejudicial bias towards transparency. Whistle-blowers exposing crimes by government agents will not be prosecuted or persecuted in any way. The privacy rights of victims of crime, however, will be maintained. Access to information on other people will be fully constrained by the rights of privacy of others. All persons have the right to discover whether their names appear on any watch, no-fly, or suspect lists. The failure of any government agent to provide public information on demand and petition, within a reasonable period of time, will be grounds for dismissal.

Rights to Education, to be provided with free and open access to public institutions of learning, or compensation, on the basis of need, to assist with private, home, and self-education. Free assistance will be available to all persons for preschool and kindergarten, primary and secondary education, and higher education will be provided free at public institutions on the basis of student qualification. Technical, trade, agricultural, STEM and liberal arts educations will be available as electives for secondary education. Free, lifelong, public education will be available for adults. Public education will be provided only in those languages recognized by law as national.

Publicly funded accommodation will be made for autodidacts, the self- taught, and the home-schooled, such that accreditation is available to all following periodic testing for competence. Free public accreditation will be made for all higher education subjects and degrees, including doctoral degrees. No person will be restrained from proceeding through the school system at their own pace. Public school vouchers may be obtained to defray the cost of alternate schooling, but not to exceed three-fourths of the average cost of public school per student. Support for education by corporations will be without strings or bias. No military influence will be permitted, particularly in STEM. Apprenticeships and internships in any field for which a license is required will be fully paid positions and will have a free challenge program as an alternative to time spent in service.

“Education shall promote civic-mindedness, intercultural dialogue and ethical ... values. The values shall incorporate gender equality, non differentiation of roles, non-violence, and the full enforcement of human rights. Education shall have as its objectives the full development of persons and the strengthening of social conscience that is critical in and for life. Education shall be directed toward the following: individual and collective development; the development of the competencies, attitudes, and physical and intellectual skills that link theory to productive practice; the conservation and protection of the environment, biodiversity and the land to assure well being” (Bolivia).

We recognize the need for a standardized core curriculum, particularly in STEM subjects, but we have learned that it is more important to learn how to think than what to think, and this demands that a good portion of the core curriculum be dedicated to learning skill sets, such as critical thinking, as much as specific content. For these portions, the subject being taught should be the student, not the curriculum. We are ready to renounce the factory model of education. The educational system will fully accommodate both students with learning disabilities and those with extraordinary gifts

and aptitudes. All teachers will receive a dignified salary, with bonus pay conditioned on the basis of merit.

The specific rights of children to education are declared with the rights of children, and the structure of the public system is outlined with recitals for the Cabinet Department of Culture.

Rights to Experience, to cognitive liberty, to experience alternative modes of inner experience and consciousness, and to cognitive self-programming and self-design in the pursuit of self-actualization and transcendence. Cognitive liberty is defined as “the right of each individual to think independently and autonomously, to use the full spectrum of his or her mind, and to engage in multiple modes of thought.” “Cognitive liberty demands the government refrain from non-consensually interfering with an individual's cognitive processes, and allow individuals to self-determine their own inner realm and control their own mental functions.” (Center for Cognitive Liberty and Ethics). Every person has a right, when in private or among consenting adults, to procure, share, and ingest such substances as alter perception. Every person has a right to experience bodily and erotic joy.

Every person has a right to experiment with biotech, nanotech, and infotech enhancements, and conversely, a right to refuse the use of any technologies or substances that directly interact with the brain. While the use of chemical and other cognitive technologies may be, and historically has been, justified by religious freedom exemptions and exemptions for therapeutic medical practice, the rights of experience will not be limited to these. These rights may be exercised by personal choice and purely for the personal enhancement of experience or cognitive function.

Rights to Belief, to spirituality, religion, or cult, to accept or follow any doctrine or doctrines of choice, whether religious or secular, and to engage in any prescribed ritual, exercise, observance, or practice which does not trespass on the rights of others or threaten public safety. Religions and non-religious traditions will be equal before the law. The Nation is secular and will not support the establishment or promulgation of any religion or category of religions. No religious test will be required as a qualification to any office or public trust. All persons have a full right to privacy and confidentiality about their beliefs or convictions, even in courts of law and under oath.

A religion may be deemed a religion if it has only a single member. The leader of a religion may be an uncertified monk or student. The government will have no power to define, authorize, accept, or reject it, but where its exercise and practice suggest that the rights of others may be violated, agents of the government may require duly filed documents. Personal religion will be limited only by laws against the endangerment of others, the violation of their rights, or interference with the exercise of powers duly delegated to the government. Any claim of compelling interest to interfere by the government will bear a prior burden of proof and prior evidence, and this will be subject to Censorial review.

The Bills of Responsibilities ratified here will also be accepted in writing by any church seeking any special status, acknowledging that this constitutes a secular ethic which has broad application to members of the church. Moral standards for members of the church may be higher still, but no persons outside of any particular congregation, including non-consenting children, will be required to comply.

Unwanted proselytizing and the imposition of moral standards on others may be prohibited by law where found to trespass on the rights of others. The government and its agents will be prohibited from requiring religious education or any other religious

activity. However, objective education courses in comparative religion will be permitted, subject to Censorial review of the curriculum.

No oath, motto, government building, monument, or currency will bear reference to a religion or deity. No law will cite any religious or scriptural justification or authority. Religious observances may be conducted at government facilities, provided that all public rules of conduct are followed, admission is free of charge, and access to facilities is open to any faith.

Religious traditions may be recognized by law where these concern the legal status of individuals, such as naming, rites of passage into adulthood or emancipation, marriages, and divorces. Marriages may be concluded under any tradition, or system of religious, personal, or family law. This will include polygamy and polyandry. However, legal recognition will not support any inequality of the sexes, violation of the rights of children, or alter general laws concerning the disposition of property or estates.

“It is forbidden to decry other sects; the true believer gives honor to whatever is in them that is worthy of honor” (Asoka, 3rd Century BCE).

Rights to Opinion, to hold any philosophy or thought as true or above others, and to hold any ethical conviction stronger than that assented to in the Bills of Responsibilities herein. The value of philosophical or ideological diversity will be recognized in law.

Every person has the right to hold two or more mutually exclusive or contradictory opinions or points of view at the same time. Every person has a right to change opinions and points of view over time. Prior beliefs or statements thereof will not constitute legal evidence.

No person will be required to cite a religious conviction or belief to justify an act of conscience or a status as a conscientious objector.

Where used in court or legislative testimony, all claims of scientific understanding will abide by the internal rules of science. This means that belief and certainty are irrelevant to such claims. However, the weight of consensus in the scientific community may be considered. Widely accepted rules of logic and principles of critical thinking may be used to test and dismantle public assertions and testimony, and also to assess the quality of material presented in PK-12 public education.

Rights of Free Speech, to use words, whether spoken, written, printed, or sung, to express any idea, belief or opinion, without prior censorship. Neither what is said nor what is heard will be censored. Every person has the right to access the published content of any free press or publication medium. Communication between consenting persons will not be impaired. Other than voluntary confession and eye-witness testimony, speech will not be admitted as evidence of a crime. In all cases, regardless of any issues of security, a free press or media outlet has the right to protect its sources of information from discovery. Mental health professionals and religious confessors have a right to maintain oaths of confidentiality, which will be at their discretion upon the death of the client in question.

Speech may be held in violation of the law only after the fact, and only where inciting to actual violence or war, or violating rights of reputation by slander, libel or defamation, or creating a physical danger in crowds, or committing fraud, or black-mail, or violating another's right to privacy, or plagiarism, or the sharing of classified information with hostile forces, or abusing children emotionally. Anonymous speech may be prosecuted under these conditions where its source can be proven. Limits notwithstanding, but within these limits, every person has the right to use speech to

rouse a crowd to movement and action, or to stir others to anger, resentment, or alarm, or to offend the powers that be. There is no crime in *parrhesia*, outspokenness, or in criticizing the government or its agents. The verbal expression of ideas will not be the subject of any government investigation.

No commission regulating airwaves or electronic bandwidth will censor broad- or narrow-cast content wherever parental content controls are freely available. No law or authority may require a bond from authors or printers.

It is understood that free speech may have personal economic and social costs. It is the right of a private employer, for example, to terminate employment for reasons of incendiary speech. It is also the right of a private community to evict such a speaker unless a written contract clearly states otherwise.

When testifying under oath, every person has the right to tell the whole truth, according to the oath, and their response will not be censored or narrowed by any judge or attorney. No person may be coerced to divulge any idea, belief or opinion, except that facts, as personally understood, may be demanded under oath in legally compelled testimony, with rights against incrimination of self and close relatives excepted.

Rights of Free Expression, to use actions or media to express any idea, belief, or opinion without prior censorship. Free expression includes works of art and performance art, on- or off-stage. Action is not symbolic speech, except as demonstration. To find the natural laws worth obeying requires a free marketplace of ideas and responsive action. The compulsion of moral behavior is morally wrong: even devils must persuade a man to sell his soul. No person has a right to not see naked persons, or their breasts, in public places.

Certain expressive actions may be prosecuted after the fact pursuant to criminal law. The circulation of photographs and video recordings may not violate another's right of privacy, or be used in blackmail. However, the recording of any public or police action will not be prevented by any agent of government, including judges. Prosecution for child pornography may be expedited. Any public performance or expression leading to the physical injury of others may be prosecuted. There is no crime in *Satyagraha*, or civil disobedience, except that the minimum allowable sentence, and only the minimum, may be imposed for the law which has been disobeyed.

Rights of Association, to meet, interact, and communicate freely with others. Every person has the right to associate with unpopular social, political, or religious groups, so long as individual or group actions do not violate the rights of others. No one may be compelled to belong to an association. All persons have the right to dissociate from others at will, to refuse to belong to any group, and to refuse to subscribe to any service or utility.

Every sub-culture has a right to self-identification. All persons who are members of any minority have a right to form institutions and organizations to protect that minority's identity.

Conspiracy between persons which does not lead to a crime will not be prosecuted as a crime. However, convicted felons on parole may be still prohibited from association with other known felons.

The rights of association will carry no stigma or presumption of an official membership in a group. The right of association is also the right of cultural, social and political education. No government agent will make assumptions that what is being taught or shared is what is being learned.

Associations may be formed, without prior permission, for any lawful purpose, including political causes and trade unions. Every trade union, employers'

organization, and employer has the right to engage in collective bargaining. Collective bargaining may be legally regulated for public safety. Political parties may be broken up by law into smaller units to facilitate political diversity and proportional representation, and anti-trust laws may break up large monopolies and unions, but in any case, smaller associations may coalesce or form explicit coalitions over specific issues.

An association may not be dissolved by an administrative decision. The activities of an association found to be in furtherance of unlawful objectives may be prohibited and the association may be dissolved only by a court of competent jurisdiction. "Freedom of association may be limited only in respect of organizations whose activities are of a military or quasi-military nature, or constitute persecution of a population group on grounds of ethnic origin, color, or other such conditions" (Sweden).

Rights of Assembly, to assemble, peaceably and unarmed, to march, demonstrate, picket and present petitions in groups of any size, regardless of any requirement for prior permits. Non-violent crowds will not be met with violent police action. Crowd control methods will not use lethal technologies or weapons. Unarmed and peaceful assemblies in public places will not be regulated by law, except to maintain public access and prevent the obstruction of emergency services. There will be no arrest or harassment where there is no harm to persons or damage to property.

Every person has a right to join a group to take collective action in pursuing the interests of its members. Even paid, registered, or official memberships, however, will be understood from outside the group to be *ad hoc* memberships.

Any restrictions placed on the exercise of these rights which may claim reasons of public safety, prevention of civil unrest, rioting, public health, national security, or protection of the rights of others, will be subject to a test of reasonableness and burden of proof, before they are imposed, and where found to be imposed improperly, may incur criminal charges against any public entity imposing and enforcing these restrictions. No prohibition of assembly will claim decency or morality as a justification.

Rights to Reputation, to all deserved honor, repute, and credit where due. This right limits the right of free speech and expression of others, but not by any prior restraint. It is recognized, however, that public humiliation or shame might be deserved or warranted. No person has rights against a truth that is witnessed and established by admissible evidence. Blackmail is a felony whereof suspension of rights of communication with others may be a penalty.

All persons have rights against defamation of character, slander, and libel. All persons have exclusive rights to their own mental health and medical records. No false or misleading information will be presented publicly or published as fact. Complaints against publication of false or exaggerated personal information may be taken directly to criminal court where civil suit is not a sufficient remedy.

Any person framing another for a crime they did not commit, including police and public prosecutors, may be found guilty of aiding and abetting the criminal who committed the crime.

All felony arrest records, following acquittals and failed prosecutions on felony charges, will be erased immediately from the public record. Court records may be retained only for their relevance to double jeopardy and the reimbursement of court costs. Records of successful felony prosecutions may remain for life, or as established by law. Laws may specify erasure with evidence of redemption of character, as demonstrated by responsible civic service and charity work. All persons will have

misdemeanor records expunged after seven years from conviction.

Rights to Dignity, to recognition everywhere as a sovereign person before the law, to have earned character and virtue respected and protected, and to maintain all deserved self esteem and self worth.

All persons have a right to a private life, and to a private family life, both social and civil, free of public censure for commission of any legal act. Activities shared with other adults, whether by consent or contract, or in community are defined herein, are not public concerns. No person's fame or notoriety may justify violations of privacy and rights against trespass and invasions of personal space. All persons who are victims of crimes have a right to confidentiality. All persons have a right to be left alone.

All persons have rights against unwarranted surveillance, the data mining of their communications, and the collection of personal information from private commercial transactions, library usage, and internet searches. Persons sharing databases of information gathered on individuals will be held accountable for violations of privacy rights. Rights to privacy against the police power are enumerated elsewhere.

No person will be subjected to false imprisonment, extraordinary rendition, torture, kidnapping, extortion, dehumanization, violence, or any other severe or humiliating treatment or punishment.

Peerage, castes, and titles of nobility will not be recognized by the law. Special status or credentials owing to exceptional personal character, merit, or achievement may be recognized, but will not be inheritable.

Rights of Conscience, to live according to personal ethical principles and standards higher than society or politics demand. Higher purpose, where life is lived substantially in service to forces greater than oneself, will be recognized. Higher laws which guide such a life and service, will be recognized as well. As higher laws and purposes may be subject to delusion as well, any required test will be whether the world is made better or worse in the long term by these. Personal rights of conscience may at times supersede the law, and even run afoul of powers constitutionally delegated to the government. Claims of conscience may mitigate the commission of crimes, but the exercise of conscience may not violate the rights of others.

Acts of civil disobedience are equivalent to acts of self-defense where obedience would be detrimental to mental health. Citizens have a right and even a duty of disobedience when law or policy contradicts the ethical basis of their citizenship obligation.

The strength of a person's conscience will not be subjected to any religious measure or test. Acknowledgment of a right of conscience will not be conditioned upon a religious affiliation, training, or a commonly held set of beliefs. Aside from the Bills of Responsibilities, as specified herein, there will be no referenced material to articulate what constitutes a conscience.

Every person has the right to act or participate in any collective action according to the dictates of conscience. Every person has the right to refuse to act or participate in any collective action for reasons of conscience. Every citizen has the right to support a social or political system which is believed to be a replacement for the system being protested.

"All persons have a right to live and work as bid by conscience" (Gorbachev). Ethics must begin with liberty. The freedom to disobey the rules of good behavior is the foundation of good behavior. People are otherwise deprived of the ability to learn about life first hand. As at Nuremberg, the difference between persons of conscience and others is what they know. It may be our duty to know more. When we have truer

knowledge of what is occurring, we become more responsible for this. Compliance is not an option when it is morally or ethically abhorrent.

Every person has a right to retain a sense of personal responsibility for the misdeeds of their government. Can we say "I am designing, building, testing and stockpiling thermonuclear, chemical and biological weapons of mass destruction"? All people have a right to send the future the message that they had no part in such actions. It is troubling enough when we cannot commit crimes against the forces that are destroying our world, but we cannot then be compelled to support these forces.

Public officials are obligated by contract to perform the specified duties for which they were elected or hired. They are employed to serve the people and the will of the people. They are agents, and not free agents, within their positions. Regardless of stands on personal conscience or belief, except when invoked in direct defense of the Constitution, a failure to perform contractual duties are a breach of contract, and just cause for removal from office, whether elected or appointed. Questions of any personal interest or religious belief are irrelevant in the performance of a public duty. Any person serving in public office, or a militia, may without penalty, demand to be relieved of duty where orders prove abhorrent to conscience.

No action or pattern of behavior that is required for acquisition of a special civil privilege or license will be without an alternative action or pattern of behavior, of equal effort, provided for those with ethical scruples.

Rights of Revolution, to band together to transform the basic principles of government, to depose tyrants and unseat agents who would abuse their delegated powers, to repudiate unjust laws or to disobey them. The right of revolution may also be narrowed to revolt against a single law. Revolution may be peaceful, as the revolutions of the earth from day to night to day again. *Satyagraha*, the term used for non-cooperation and conscientious civil disobedience, simply means "to hold true." It is an inalienable right of the people to withhold cooperation (Gandhi). If we are not to cooperate with evil, we must also determine for ourselves what evil is, and not to rely upon being told what this is.

Every person has the right, if not the duty, to overthrow a government that acts against their common interests in any pervasive violation of its Constitution's enumerated rights, or delegated and prohibited powers. It is the right, where not a duty, of the people to seize, depose, and try tyrants, both large and petty, for crimes against the people, and where crimes are multiple and in violation of the Constitution, the charges may include treason.

We have one life in which to make our marks. We do not only mark ballots. Rights to vote do not end here. It may be incorrectly assumed that, in modern times, democratic governments can be overthrown by popular vote, and thus the right of the people to remove a government has become embedded in the political system. But extensive corruption has been shown capable of escaping such a check on abuses in delegated political rule.

Civil non-cooperation is distinguished here from civil disobedience. Non-cooperation is a right of conscience to refuse directives or orders. A person must first have actively or contractually subordinated oneself to be considered insubordinate, and this applies only to members of the militia and to oaths of government service.

"Individuals have international duties which transcend the national obligations of obedience. Therefore individual citizens have the duty to violate domestic laws to prevent crimes against peace and humanity from occurring" (Nuremberg trials, 1945).

Every person has a right to claim and practice *Satyagraha*, non-violent resistance to

law, and non-cooperation, but only where the law that is being violated is itself the focus and target of protest. The failure to perform a required act or meet the terms of a regulation will not constitute a crime. A right to refuse is a right to not permit oneself to be compelled. Lawbreaking should serve a higher value to society than that of the law it breaks, and an obligation to society is what frames lawbreaking's legitimacy. Acts of civil disobedience may be prosecuted according to the laws being violated, but restitution, penalties, punishments, and sentencing will not be increased or maximized for punitive reasons, and will, wherever reasonable, be subject to the minimum penalties.

Constitutions are not the source of the people's rights but their security, and the collateral for this is the delegated power to govern. Individuals are the only source of conscience that a group can have. The power to govern may be withdrawn by a sovereign people, along with the consent of the governed. Time may be required to gather a critical mass that is sufficient to overturn an injustice. To have tolerated an unjust law while waiting for this is not to have endorsed or submitted to it. Citizens may demand their rights as a precondition of compliance. It is hypocrisy to insist that those who are denied rights have any obligations that are based upon having received them.

Every person has a right to look at their place in deeper time, their place in history, and in broader contexts, and to act accordingly. Embodied in both the Bill of Duties and Proxy Rights is a right to represent and act on behalf of nature, posterity, other life forms, and the global commons. Every person has a right to protect their place in history, their reputation for good conscience and character, and their worthiness as an ancestor. Citizens have the right to consider the cumulative effect of light and transient causes in assessing larger dangers to liberty.

Every person has a right to go rogue or *ronin*, to survive in social exile or excommunication. There is a right to go shrug, to go underground, to non-participation, but there is also also a right to not starve or die in the process. Rights to a basic standard of living are not sacrificed. Any right to withdraw one's consent to be governed is an analog to the withdrawal of diplomatic recognition. But this still obligates a concern for the rights of others, or else conscience cannot be demonstrated.

Article 2, Section B

Familial Rights

“The family is the natural and fundamental group unit of society and is entitled to protection by society, [the Nation] and the State” (UN). Notwithstanding a general equality of rights, there are herein special rights specific to women, spouses, parents, children, and seniors, rights that are relative to a person’s position in a family, or specific to gender or age. In most cases, matters of familial rights will be adjudicated at state level, but constitutional questions may be appealed to national courts. We declare the following:

Rights of Women, to an equality with men to enjoy all personal, social, cultural, civil, sociopolitical and socioeconomic rights. Legislation may be enacted with intent to eliminate prejudices, exclusions, customs, restrictions and practices based on the idea of the inferiority or the superiority of either of the sexes or on stereotyped roles for men and women.

Women have a right to any public employment or vocational training available to a man, and to equal pay for equal work, assuming comparable qualifications, subject only to reasonable and obvious exceptions (such as a sports coach for pubescent boys).

Women have rights of “access to agricultural credit and loans, marketing facilities, appropriate technology and equal treatment in land and agrarian reform as well as in land resettlement schemes” (UN Women, 1981).

Women have equal rights to bank loans, mortgages, and other forms of financial credit. However, where real inequities exist, some institutions may be established which provide micro-loans available to women only.

Women have the rights to “freely choose a spouse and to enter into marriage only with their free and full consent” (UN). It will be the woman’s decision whether or how to change her last name following marriage.

All women have rights superior to those of men in making personal decisions concerning sexual intercourse, family planning, contraception, abortion and reproductive health. Family planning services will be made available, at public expense if necessary, and will include adequate nutrition during pregnancy and lactation. Women have the right to decide on the number and spacing of their children and will have access to the information, education and legal means to enable them to exercise this right. Women are also entitled to greater lengths of paid leave than men to care for their newborns. “Dismissal on the grounds of pregnancy or of maternity leave and discrimination in dismissals on the basis of marital status is prohibited” (UN).

Women have exceptional rights against gender-based violence, spousal abuse, rape and other non-consensual sex. It will be a felony for any public official to ignore or deny a rape complaint, or fail to process evidence with due diligence. Women prisoners have a right to be supervised by female prison guards only. Women have rights against sexual harassment, which will be regarded as aggravated if tolerance of this is made a condition of employment. Harassment, however, will be rationally defined by law and in employment contracts.

Widows and divorcees with children have rights of access to social services for day care, nutritional, educational, and financial assistance. Historically, this has been abused by single mothers who continue to produce offspring, seemingly either without regard for social responsibility or for the sake of additional public assistance. Consequently, a court may limit assistance to aid for two children only, with others subject to removal from the home into foster care. However, while public and taxpayer

support may end at two children, private charity need not, and in cases where churches encourage large families, these entities should also be assuming their burden.

Women have equal rights to an education and educational assistance. This includes “access to the same curricula, the same examinations, teaching staff with qualifications of the same standard, and school premises and equipment of the same quality” (UN). Interference with this right to education will be prosecuted as a felony. Applications for education and subsequent employment may still be denied on a basis of poor qualification and incompetence.

The law “shall take into account the particular problems faced by rural women and the significant roles which rural women play in the economic survival of their families, including their work in the non-monetized sectors of the economy.” (UN). “Unpaid work of self-sustenance and care-giving, carried out in the home, is recognized as productive work” (Ecuador). Unpaid domestic labor will be valued where necessary at no less than the minimum wage.

Women have “equal rights with men to acquire, change or retain their nationality. They shall ensure in particular that neither marriage to an alien nor change of nationality by the husband during marriage shall automatically change the nationality of the wife, render her stateless or force upon her the nationality of the husband” (UN).

Rights of Spouses, to an equality of rights and responsibilities, and in their relations with their children, as to marriage, during marriage, and in the event of its dissolution. No marriage, and particularly no plural marriage, will be entered into without the free and full contractual consent of the intending spouses. Any two or more persons of consensual age, or minors with parental consent, may enter into a marriage.

Every person has a right to marriage equality. Assuming that all parties involved are adults or emancipated minors and have consented to a marital relationship, the government will not prohibit any form of marriage that is traditionally practiced by human tribes around the world. This includes homosexual marriage, polygamy and polyandry.

Women and men have “the same personal rights as husband and wife, including the right to choose a family name, a profession and an occupation;” and “the same rights for both spouses in respect of the ownership, acquisition, management, administration, enjoyment and disposition of property, whether free of charge or for a valuable consideration” (UN). Women and men have the same rights and responsibilities during marriage and at its dissolution, except as provided herein under Rights of Women.

“The free unions or *de facto* unions [common law marriages] which meet the conditions of stability and singularity and that are maintained between [persons] without legal impediment, will have the same effects as a civil marriage, both in the personal and property relations of the couple as well as with respect to adopted children or to children born to the couple” (Bolivia). Dissolution of such marriages will be by a mutual cancellation of the marriage contract, with all final settlements, distribution of assets, and custody of dependent children, stipulated therein and filed for public record, or else dissolution will be by court decree or binding arbitration.

Women and men are guaranteed the exercise of sexual rights and their reproductive rights. Conjugal duty will not be considered a duty in law, but its neglect may be regarded as grounds for divorce and may excuse charges of marital infidelity in divorce proceedings.

“Spouses or cohabitants have the duty, in equal conditions and by common effort, to attend to the maintenance and responsibility of the home, and to the education and development of the children while they are minors” (Bolivia).

“With regard to choice of spouse, property rights, inheritance, choice of domicile, divorce and other matters pertaining to marriage and the family, laws shall be enacted from the standpoint of individual dignity and the essential equality of the sexes” (Japan).

Rights of Parents, to make all decisions necessary for the raising of minor children, and to plan and enact plans for future children, subject only to limitations declared herein. In cases of dissolution of civil or contractual marriage, special provision will be made for the necessary protection and best interests of minor children. Women and men will have “the same rights and responsibilities as parents, with regard to guardianship, wardship, trusteeship, and adoption, without regard to marital status; in all cases the interests of the children shall be paramount” (UN, paraphrased).

The state will “ensure that a child shall not be separated from his or her parents against their will, except when competent authorities, subject to judicial review, determine, in accordance with rights and applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence... all interested parties shall be given an opportunity to participate in the proceedings and make their views known” (UN).

Parents will have a general right to make health care choices for their children. Interventions by the state may be warranted where the life of the child may be endangered, and national intervention may be warranted in cases of life-threatening, infectious and communicable diseases.

Parents have equal rights to due process in all interventions by the state in matters regarding their children. Any supervision by the state will be in accordance with specific warrants issued by the courts. Parents have a right to call for ombudsman services, and free legal services if necessary, in dealing with family interventions by state social services and personnel. Parenthood will not be regarded as a revocable privilege granted by the state, but as a right subject to intervention only on behalf of the Rights of Children, enumerated below. Custodial rights in separation or divorce will be by written agreement of the parents or by a court decision that is subject to automatic periodic review, which will in all cases include interviews with the child or children and assessments of their well being.

“States shall ensure that family education includes a proper understanding of maternity as a social function and the recognition of the common responsibility of men and women in the upbringing and development of their children, it being understood that the interest of the children is the primordial consideration in all cases” (UN).

Divorced and separated parents have rights to assistance from the state in collecting decreed or contracted child support payments. Child support enforcement, however, will not be prejudiced or abusive, and will require burdens of proof on the state. In any case, there will be no sovereign immunity for the state or its employees for abuses of process. Child support arrearages may incur liens and garnishment, and even demands for paid public service, but not imprisonment.

Parents, both married and unmarried couples, have rights to make their own family planning and reproductive health care choices, including contraception, prenatal nutrition, and abortion services, at public expense if necessary. Any abortion will be legal in the first trimester. Abortion after the first trimester will be limited to cases of hazard to the mother's health, fetal deformity, rape, or incest. The proper recognition of abortion as the worst form of birth control will not be a cause for prohibition, but rather for increased availability and public support for contraception.

New mothers will have a right to 2 months of paid maternity leave and one month unpaid. New fathers will have a right to two weeks of paid paternity leave and one week unpaid.

Parents have a right to make decisions regarding the disposition of gametes and embryos, including disposal, genetic correction, genetic alteration, and genetic enhancement. Genetic disadvantaging, however, as with a case of deaf parents wanting deaf children, will be prohibited. Genetic engineering imposed on children-to-be without their consent will be limited to low risk, proven technologies, and will be entirely directed towards normal, improved, or enhanced function.

Modification of the sexual organs of children will be limited to circumcision for young boys only. Surgical alteration of girls, or of intersex children with ambiguous genitalia, will await the child's decision, which will not be made before puberty, unless anatomical irregularities imperil the child's physical health.

There will be a public or publicly sponsored network of infant, toddler, and child-care facilities available to all working parents who require this prior to the minimum age and criteria for enrollment in public preschool.

Both parents have equal rights to choose the kind of education to give to their children, subject to national and state standards for compulsory education or alternative accreditation. Minimum public standards will be provided for private and home schooling as well as public school. This right will be subject to intervention based on the investigation of complaints to the state made by the child, or from multiple citizens expressing concern with the child's mental health or competence. Children will be informed of their right to make such complaints.

Rights of Children, to the basic necessities of life, including adequate nutrition, clean water, sanitation, shelter, clothing, basic health care, complex play space, activities in nature, excursions beyond the home town, and free public education or its equivalent. Children will receive equal treatment under all laws regardless of gender, race, status, or parentage. Every child has a right to a name and nationality from birth, with records and certifications stored in no less than three locations. All children, whether born in or out of wedlock, within or outside of a marriage, whether natural or adopted, will enjoy the same social and parental protection. All children have the right to know who their parents are, if known, and if adoption records are sealed, they will be opened on demand when the child attains majority. "The activities of children and adolescents within their families and society shall be directed to their full development as citizens, and they shall have a formative function. Their rights, guarantees, and the institutional mechanisms for their protection shall be the object of special regulation" (Bolivia).

Children have a right to protection from neglect, degradation, exploitation, physical abuse, and emotional abuse, and have a right to claim sanctuary or asylum. They have a right to petition the state and courts for dissociation from parents and family. They have a right to know that there is safe recourse, medical care, and psychological care available. They have a right to appeal to the state for assistance in matters of neglect and abuse, and, at their discretion only, to meet with social workers independently of parental attendance. While it is a right of parents to direct upbringing and education of children, it is the right of a child to opt out with state support and court permission.

The state "shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child" (UN). A burden of proof will be taken up by the state prior to disrupting a family. No state intervention in the life and affairs of a child will be without review at intervals determined by the court, and at least annually.

The residence of parents or guardians in different states will not affect legal or contractual awards of custody or visitation. Children have a right to thoroughly vetted foster or adoptive care when removed from their homes, and a right to request a legal practitioner assigned to them by the state, at state expense, in civil proceedings affecting the child. The state “shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests” (UN).

In cases of state intervention, children have a right to maintain contact with separated siblings. However, the state will make every effort to keep siblings together.

The state “shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child” and “the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child” (UN).

No religious belief held by parents will compromise a child's right to safety, health care, or education. Injurious or invasive religious indoctrination by parents or relatives may be a legitimate cause of complaint to the state.

The use by minor children of such substances as alter perception, or of medically approved biotech, nanotech, and infotech enhancements, will be with parental consent and under the supervision of trained or licensed adults.

“No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honor and reputation” (UN). This will include actions taken *in loco parentis*, as by a public school. Agents of government will respect the right of the child to freedom of thought, conscience, religion, association, and assembly. “The child will have the right to freedom of expression; this right will include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice” (UN). Children have a right to access any public media or broadcast, subject only to parentally controlled censorship of pornography and violence for the first twelve years.

Children have rights against sexual predation, exploitation and abuse. The age of sexual consent is 14 with parental consent, 16 without. Felony statutory rape means penetrative sex with a child before the age of consent, where the age difference is greater than three years, or sexual contact of any kind with a parent or close relative. Non-penetrative sexual contact with a child will be prosecuted as sexual child abuse, proportionate to the nature of the act. The age of marital consent is 16 years with parental approval and 18 years without. Children over 14 years have rights to public family planning services and medical privacy with respect to contraception and abortion without parental consent.

Children have a right to protection from exploitive economic and labor practices, and from performing any work that is likely to be hazardous or harmful to their health or physical, mental, ethical and social development. No child will be made to labor in order to maintain a family's minimum standard of living. This does not mean that a child cannot take a part-time job at a minimum wage, but work will be appropriate to age and will allow sufficient free time for play, education and social activities. The income of working children will be their own, to save or spend at their discretion.

Children have rights to adequate sleep, rest and leisure, to engage in play and recreational activities appropriate to their age, and to participate freely in cultural life and the arts. Publicly funded activities will be conceived and organized around the best available science of childhood development rather than educational fads, and these will give all respect due to the value of play and of risk.

Every child has a right to a universal, free, public, PK-12 education. The timing of educational curricula will be designed to take advantage of biological and developmental optima. PK will focus on play and child development over academic achievement. Grades 1-8 will be a general education with a balance of STEM, liberal arts, and physical education. These programs will also develop a basic knowledge of the history of human government, with stress on cooperation and tolerance, will and lay an adequate foundation for critical thinking skills. Self-schooling, home schooling, tutoring, and cooperative parental home schooling are all acceptable substitutes, provided that children will be examined for their progress on an annual basis. Testing will test adaptive intelligence more than rote memorization, except that fundamental facts of science and history will be included.

Children will be both allowed and encouraged to move through the educational system at their own optimum pace, whether more slowly or more quickly than the median for their age. Children will not be advanced ahead of their level of achievement or competence, but efforts will be made to diminish any social stigma attached to this. School attendance, or its equivalent, will be mandatory until the age of 18, unless a student has graduated from secondary school prior to that. To incentivize a quality education and dedication to learning, children will be rewarded according to merit for exceptional performance in school, and if warranted, with earlier acknowledgement of the rights of adulthood, citizenship and suffrage.

The public educational curriculum will include development of the child's personality, talents and mental and physical abilities; development of respect for human rights and duties; development of respect for the child's parents, his or her own cultural identity, language and values, for national values and for civilizations different from their own; preparation of the child for responsible life in a free society; and development of respect for the natural environment. (Paraphrased UN, Rights of the Child, Art 29).

Children have rights to choose elective forms of secondary education, including technical, trade, agricultural, STEM and liberal arts. They have a right to a free elective education that includes both critical thinking skills and constitutional literacy, such that passing this course would qualify them to be an Elector in the voting process.

"In places where ethnic, religious or linguistic minorities or persons of indigenous origin remain, their children will not be denied the right, in community with their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language" (UN Covenant, 1966, Art 27).

All children may apply for driving privileges and licenses at 16 years, provide that they are first certified in driver's education.

Children have rights to seek emancipation. They may petition the courts for emancipated status, provided that they have no criminal record and have completed the national primary education requirements for their age in good standing. Emancipated status will be granted by the courts with parental consent. Without parental consent, the court will determine the case on its merits. Emancipated status will incur and entail all adult rights and duties, including voting rights, rights to contract, and consent, and liability for prosecution as adults for crimes. Adult status by emancipation will be regarded as a rite of passage, an incentive to move through the educational system in good standing, and encouragement to mature in character and ethical development.

Children have a right to a system of law enforcement and justice which accounts for their age. Imprisonment for juvenile crime may be a lower intensity analog of adult incarceration, but in any case, intervention will seek the optimum means to reintegrate delinquent juveniles into society as functioning and ethically responsible members. Due process may parallel that of adults in respect of all rights and punishments. The law will "recognize the right of every child alleged as, accused of, or recognized as

having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society" (UN). "Accused juveniles shall be segregated from adults and be accorded treatment appropriate to their age and legal status, and brought as speedily as possible for adjudication" (UN).

The state "shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision" (UN).

Children have a right not to be used directly in armed conflict, and to be protected in times of armed conflict. No child may serve in any military capacity unless first emancipated.

The Nation will take measures to combat illicit transfer and non-return of children abroad or between states, on either national or international authority. The Nation "shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance" (UN).

Rights of Seniors, "to a dignified old age that has quality and human warmth. The [Nation and states] shall provide an old age pension within the framework of full social security, in accordance with the law. The State shall adopt public policies for the protection, attention, recreation, rest and social occupation of elderly adults, in accordance with their capacities and possibilities. All forms of mistreatment, abandonment, violence and discrimination against elderly persons is prohibited and punished" (Bolivia).

We did not evolve to live as long as we do. Life found it useful if we could help our children to raise theirs for their first few years, before they grew self-sufficient. Beyond that, it is no surprise that selection does not favor longevity. Now, being civilized, we must make proper provision for our living ancestors, regardless of the degree of wisdom they may or may not have attained. The adult children of seniors are expected to be their primary caregivers, or to provide funding for caregivers.

Seniors have a right to retire at a universally accepted age, at which they may claim any accumulated retirement funds and benefits. This will be no less than 16 years prior to the average life expectancy for their National age demographic. A diagnosis of terminal illness may warrant immediate retirement with access to funds and benefits. All seniors have a right to retirement assistance according to their need. This will mean social security funds and all appropriate social assistance to minimum subsistence levels where seniors are unable to support themselves and their dependents.

Seniors have a right to universal, single-payer health care, which must include programs to ensure adequate safety, nutrition, clothing and shelter.

Seniors have a right to social stimulation, which may require publicly funded retirement and activity centers. In traditional human societies, elders have a role in caring for their grandchildren while the children's parents hunt and gather. This practice will be explored for both day care and public education.

"The State shall adopt the necessary measures to prevent, eliminate and punish sexual and generational violence" (Bolivia). Defrauding seniors of retirement savings or

equity, regardless of cognitive impairment, will incur double the ordinary penalties for fraud.

Funds established by the government for the later provision of social security are off limits and forbidden to government borrowing. Funds will be invested only in low-risk, low-yield bonds and similar instruments, in strategic materials, or in raw land with development potential. Funds will not be invested in confidence in the economy or in any debt-based notes. Retirement funds operated by businesses and corporations will invest with a similar level of security, and funds will in no way be spent, invested in the same business or corporation, or collateralized. The whole of business and corporate assets are security for such funds. All retirement funds will be fully moveable or transferrable to accommodate changes of employment without loss. All funds will be structured with an emergency plan for means-tested distribution to prioritize a guaranteed minimum income for qualified seniors in the event of a national economic downturn.

Article 2, Section C

Community Rights

“The township is the only association so well rooted in nature that whenever men assemble it forms itself” (DeTocqueville).

“Functions that people as individuals and as communities are able to carry out on their own should be left to them to do as individuals and communities” (Charles Murray).

Communities are voluntary, informal, or contractual groups of people either living in one place or sharing a common activity. They are not corporations as conceived herein, and require no public charter or license to exist. For our purposes here, these are groups larger than the nuclear family, and up to 128 individuals. This is the scale of the extended family, ethnic group or clan, neighborhood, hamlet, village, ecovillage, township, enclave, congregation, grassroots community group, intentional community, tribe, local labor union, or unincorporated company. The decentralizations, or devolution or subsidiary functions of government, work at their best with full participatory democracy, and this is strongest at the community level, where representative governors are the least necessary and people who wish to speak up may be heard.

A community, as understood here, here is a consensual and contractual relationship or alliance, whether verbal or written, and is generally beyond government oversight. It remains subject to the same Bill of Rights, Bill of Duties, consensual ethic, and criminal code as individuals, with the Rights of Contract between consenting adults excepted. Other obvious limitations will also apply, and remain matters of jurisdiction for the Nation and its subdivisions, such as protection of the rights of children, the elderly, the disabled, and the proxy rights of non-human, sentient beings. Purely social or cultural associations, and indigenous peoples in any numbers above 128, will be exempted from any limitations with respect to this number.

Evolutionary psychologists and other researchers have long suggested that human beings evolved over hundreds of millennia to live in groups of less than 100 to 150 individuals. Due to complexities of social interaction and stresses, we tend to divide or schism beyond this number. The figure is referred to as Dunbar's Number or the Monkeysphere, due to its roots in our natural history and primate behavior. It is "the upper limit for a simple, self-contained, sustaining, well-functioning commons" (Edney). Since this is a function of complexity in interaction, we here adopt the closest power of two, or 128. Beyond this, too many voices compete for limited attention. Beyond this, the experts must be called in, special predatory consultants adapted to feed on the confusion. This grassroots, human, and personal level is where the new marching orders for human governments need to begin. If we want to ask "What has it taken to make increased centralized power so acceptable to people?" we need to start asking this here.

In ecological terms, a community is a population occupying a niche. As in ecology, we regard it both desirable and necessary that communities differ from each other, and not be formed from the same mold or template. Intercultural character and cultural diversity are to be sought out for as long as humans are seeking to learn optimum lifestyles or ways to live. We regard it as tragic that local laws and zoning ordinances have prohibited the free development of many types of communities within local government boundaries, by such means as laws prohibiting unrelated persons to inhabit the same property. It is unacceptable that the tribal form of our cultural organization, arguably the original human form and way of life, has in so many places been made illegal by misguided laws and ordinances.

The rights specified in this section are intended to remedy culture-wide problems, a lack of fraternity, social identity and belonging, while the reservation of powers by the larger society will be needed to address the problems of isolation, territorial aggression, xenophobia, inbreeding, recruitment, nepotism, schism, fission, and inter-tribal warfare that have plagued humanity's original tribes. The larger organizations also maintain the broader benefits of defense, institutional organization, economic markets and commerce, national and state infrastructure, and information networks.

Rights to Join and Depart. The right of any adult or emancipated minor to choose to live in or exit any community, as defined herein, will not be abridged. Departure from the community will at all times remain an option for the individual, although the individual's contract may specify that any prior investments may be forfeit. The problem of temporal transience, the fact that a community may only be one's perfect home for a limited period of time, is an important dimension to address in contract. It is the hardest lesson for many communities to learn, but this is a fact of our global culture and civilization.

Rights of Exclusion, to reject an application or request for admittance or membership, for any reason whatsoever. Communities are private and not public. While governments, their agents, and their legal subdivisions, together with corporations formed, licensed, or chartered under them, are forbidden to discriminate, a community has and must retain the power to exclude potential members for any reason, including race, nationality, age, gender, religion, sexual preference, status, wealth, means, ability, or disability, as long as its members assert these rights on the community's behalf. Freedom of association must include freedom of disassociation as well, although discrimination is limited to within neighborhood-scale boundaries. Corporations, being creatures of the public, state, and Nation, have no such rights.

Exclusivity will not be actionable under either civil or criminal law or procedure, or regarded as a hate crime, unless violations of personal rights are involved. While it is recognized nationally that diversity is a primary desideratum, it is also understood that diversity occurs at varying scales in populations, and that one of its most educational functions lies in failure. It is important that community members be allowed to risk the failure of their community's mission, goals, and objectives by making incorrect or maladaptive decisions for the sake of homogeneity or conformity. It is a good and useful thing to witness a community of narrow-minded or bigoted people fail, or thrive less well than more tolerant groups. This exploration of diversity within the larger society is an important way that human collectives learn adaptive fitness. We should not attempt to preclude it with meddlesome laws. To live and let live is to live and learn.

Communities functioning as businesses will therefore have the right to refuse the provision of goods and services to any person for any reason. Government is not invested in this business and has no business micro-managing here. Exchanges here are simple matters of contract between individuals. The greater public does, however, retain the ability to respond to any offensiveness or injustice with negative press and boycott.

Clearly there will be problems with constituting such a right in nations and states where bigotry and intolerance are on the rise, and particularly where these are driven by faiths as bigoted and intolerant as the Abrahamic. Realizing that securing rights of exclusion could backfire, and encourage segregation, bigotry, and intolerance, instead of the feedback of boycott, certain exceptions would need to be made. Exceptions to rights of refusal should certainly be made where health is at stake, and this must

include mental health and reproductive rights. Professions requiring public licensing may be another exception. An unincorporated private business, having a workforce of less than 128, shouldn't be permitted to discriminate in employment opportunities or hiring practices wherever it represents a significant proportion of the total employment opportunities in the local population, county, or municipality. A further compromise might be made where there is no local alternative access to the service or product being provided.

Rights to Community Property. Communities occupying contiguous parcels of land may erase internal property boundaries by the simple act of filing a plat and lot line vacation, and will not be subject to subdivision regulations concerning the alteration of internal property boundaries. Parcels aggregated in this manner will retain all original permitted land uses and total unit densities, together with easements and setbacks on perimeter boundaries. Alternative easements and setbacks on the interior may be required. There will be a community association formed by contract with all consenting participants which will have the power, without incorporation, to hold title to the land and manage relations between the community and the region.

“We hereby recognize, protect and guarantee rights to communitarian or collective property, which includes rural native indigenous territory, intercultural communities and rural communities. Collective property is indivisible, may not be subject to prescription or attachment, is inalienable and irreversible, and it is not subject to agrarian property taxes. Communities can be owners, recognizing the complementary character of collective and individual rights, respecting the territorial unity in common” (Bolivia).

Rights of Ecovillages. We affirm that ecovillages are expected to be experimental in nature, local experiments in living sustainably on the land. Within the limitations of overall zoning densities and of general zoning requirements for project mass and scale, extraordinary leeway will be granted in the permitting of unconventional and experimental technologies in habitat construction, infrastructure development, alternative energy use, and agricultural methods. Locally adopted building codes will not be applied in any more than an advisory manner, except that the minimum requirements for emergency access and fire protection will be observed. Local governments are absolved of all responsibility for mishaps due to such experiment. Offsite pollution, physical nuisances, and wildfire safety hazards may be regulated by local governments. The Nation and state will continue to regulate issues of water rights, usage and quality. Sanitary sewage regulation will be initially permissive and not require redundant systems, but this will not preclude monitoring, and intervention where actual health hazards are discovered. Aside from issues of water rights and offsite pollution or physical nuisance, the right of any community to farm or ranch will not be abridged.

Rights of Self-Organization, to organize and govern the community as its members see fit, whether socially, politically, or ethically, around any stated mission or intention. Beyond community boundaries, all members remain subject to local, state and national law. Within perimeter boundaries, full self-determination will be protected by law. Communities may contract with local emergency services, and with local law enforcement to assist with internal rights and contract violations. Unwarranted harassment or persecution of community members by persons beyond the community boundaries, which is based upon the population's appearance, customs, dress, or beliefs, will be actionable as hate crime.

As long as personal relationships remain consensual and contractual, communities may organize socially and politically as they see fit, including such forms as academy, adhocacy, anarchy, aristocracy, church, commune, communism, cooperative, cult, dictatorship, hierarchy, indentured servitude, matriarchy, meritocracy, monastery, participatory democracy, polyandry, polygamy, retreat, sociocracy, theocracy, and university.

Communities may also organize themselves culturally as they see fit, including their own rituals, trials, initiations, rites of passage, holy days, forms of worship, languages, funerals, burials, agriculture, and health care practices.

Local governmental entities may regulate the minimum amount of land required for such a community to occupy, but in no case will this be greater than eight hectares per four persons in rural settings, or one residential single-family lot or unit per four persons in urban and suburban settings. Adequate water rights and septic disposal systems will also be required. Other than this, no government, or subdivision thereof, or government agent may prohibit or refuse to permit community as defined herein.

Rights to Organize Local Labor, to form groups, labor unions, and trade associations; to bargain collectively on issues such as pay, working conditions, and a safe working environment; and to strike without fear of reprisal. This does not apply to the civil and public service, which will be governed separately by law. Collective agreements cosigned by labor and management will have the force of law. Employers will have corresponding rights to organize and to lock out employees. The presence of coercion and violence authorizes use of the police power.

Rights of Indigenous People, to freely uphold, develop and strengthen their identity, sense of belonging, ancestral traditions, and their original forms of social, cultural, economic and political organization. All tribal members preserve their rights to their original religions, medicines, burials, artifacts, sacred sites, ceremonies, languages, use of entheogens, legal systems, common law, and forms of property ownership, subject to only to constitutional protection of the rights of women, children and elders. Members of long-persecuted ethnic and racial minorities will enjoy the same protections. All such persons are entitled to expedited relief from the courts for acts of persecution and rights abuses, both from and by the police power.

“All forms of appropriation of [tribal] knowledge, innovations, and practices are forbidden” (Ecuador). No patents will be granted outside of indigenous tribes for the applications of traditional cultural wisdom and medicine. No patents granted internationally for same will be recognized or honored.

Tribes will control all tribal lands to manage as a usufruct, and may not sever mining or mineral rights for the benefit of non-tribal interests. Tribes will maintain absolute control of natural resource use and exploitation on their lands, subject only to constitutional protections of natural resources nationwide. All prior, external transfers, leases and agreements made prior to this constitution are null and void. Tribes will “keep ownership, without [being] subject to a statute of limitations, of their community lands, which shall be unalienable, immune from seizure and indivisible. These lands shall be exempt from paying fees or taxes” (Ecuador).

Tribes will have legal standing in all national environmental affairs and lawsuits, and extraordinarily on neighboring lands. Tribes will “be consulted before the adoption of a legislative measure that might affect any of their collective rights” (Ecuador). Any militia activities and training, and other incursions in their territories, are prohibited except by invitation.

National and state police and courts will have no jurisdiction on tribal lands, except by invitation, or for violations of the rights of women and children, or environmental laws. Tribal police and courts may enforce their local laws against visiting non-indigenous persons. Complaints of coercive intervention by National and state agents will be taken directly to the Censorial authority.

Free public education will not require long commutes or any relocation of indigenous children. Competent public health services will be free and locally available. Aggrieved tribes will have a right to reparations as needed to elevate necessitous members to a national minimum standard of living.

Tribes will have representation in the national Legislature proportionate to their aggregated populations, with one seat at a minimum in both House and Senate, or more as proportionality demands. All individual tribes will have one seat at a minimum in both House and Senate at the state level, or more as proportionality demands.

“The violation of these rights shall constitute a crime of ethnocide, which shall be classified as such by law” (Ecuador).

Article 2, Section D

Property Rights

All persons, families, communities and tribes, or combinations of these, have the right to acquire, own, sell or otherwise transfer property, without discrimination for any reason. Corporations, including governments, are only conditionally empowered to acquire, own, sell or otherwise transfer property. In all cases, individual persons, corporate officials, corporate offices, or specific public offices, will be named as responsible, accountable and liable parties.

Property rights, or their equivalent, mean the power to transfer and sell property, and the right to rent or lease property. Property may be acquired by warranty or quit claim deed, by first possession, invention, creation, accession, discovery or salvage. Ownership and liens will be certified by recorded legal title for real property, by bill of sale for chattel, or by patent and copyright. The right to sever, sell or lease mineral, timber, grazing, water, or hunting rights may be limited by legislation conserving natural resources for posterity under Proxy Rights. The right to own property in fee simple is subject only to rights to non-possessory interests, easements, severed rights, and covenants. All restraints on alienation and perpetuities will be as specified in contract and not by statute. It will be the buyer's responsibility to negotiate the ability needed to alter these. Conservation easements, contrary to common law, are granted in perpetuity unless otherwise specified. Severed mineral rights, or rights to any extractable resource, will expire if unused within 20 years. Where used, the land will be restored to approximate its original condition within three years.

The ability to borrow funds to acquire property will not be challenged by lending institutions for any reason other than a likely inability to repay borrowed funds. "The State must take reasonable legislative and other measures, within its available resources, to foster conditions which enable citizens to gain access to land on an equitable basis" (S Africa). A person, family or community whose tenure of land is legally insecure as a result of past racially or sexually discriminatory laws or practices is entitled either to tenure which is legally secure or to comparable redress and restitution.

No law may permit an arbitrary deprivation of property. The penalty of confiscation of property may not be imposed for reasons of any political nature. No seizure of property pursuant to a civil judgment or criminal conviction will encroach upon the minimum property allowances specified herein.

State law will clearly define property rights and their limitations by prescriptive easement or adverse possession.

The right to occupy leases and rentals under contract, pursuant to the terms of contract, is subject only to terms of eviction specified in the contract, or to statutory interventions made strictly to prevent unfair rental practices. Statutory interventions will clearly specify any rent controls, and the rights of both landlords and tenants, and will not be made retroactively applicable to any ownership or tenancy.

Owners and tenants of real property have rights of quiet enjoyment of that property, subject only to realistic expectations of nuisances related to population density and time of day.

Water rights will be subject to regulation by the Nation, but in no case will an occupant's right to use an aggregate of domestic water, surface water, groundwater, or rainwater catchment be less than 52 cubic meters per year in total (0.0042 acre-feet, roughly half of US domestic per capita use, comfortably attainable with conservation).

Benjamin Franklin made this error in 1789: "Private property is a Creature of Society,

and is subject to the Calls of that Society, whenever its Necessities shall require it...” This perspective makes the power to create private property into a power or right to claim it. We reject this assertion. Private property is firstly a creature of its first possession by sovereign individuals, by virtue of their ownership of their own time and efforts. Private rights to property, which are transferrable to successors and assigns, will be subject only to those conditions and limitations voluntarily specified herein. Neither society nor its governments will have any prior claim. Governments have by law established minimum rights in property in a roundabout way by determining what can be kept in bankruptcy and what is safe from garnishment. Here these are made constitutionally explicit.

Rights to Minimum Property Allowances. All non-corporate entities holding residential property will have a right or be entitled to minimum property allowances, to be calculated on a per capita basis, with the term “household” meaning four persons. This minimum will not be subject to seizure for any reason, including bankruptcy, or to taxation in any form, including local assessments. These minimums are to be deducted from all total seizure demands and tax assessments. Foreclosure may be on a whole property, but where this threatens homelessness, state courts and social services will first locate and prepare relocation to alternative minimum housing provisions. Minimums are as follows:

In land: The first 250 square meters of land per household in urban areas, 1000 in suburbs and 4000 in rural areas. No area of land will be subject to taxation which is in current agricultural use, which has attached and current irrigation rights, or is fallow for not more than seven years. Underdeveloped parcels will be taxed at a lower rate. Minimum land allowances may be increased pursuant to local voter demand for properties of below average agricultural productivity.

In structures situated on real property: The first 50 square meters of gross residential space per person, but not to exceed 150 square meters per household.

In monetary funds and chattel combined: Personally selected items with a realistic appraised value of 800 times the current minimum wage, or half of this amount for court ordered restitution in criminal convictions. This includes the book value of a transportation vehicle.

Above this minimum property allowance, total taxes and assessments on land and its improvements will not exceed one-quarter of one percent of appraised value in any year.

Rights to Work and Occupation. The hours of all persons are theirs alone, to spend or exchange where and how they will. Every person has the right to choose a trade, occupation, vocation or profession freely, but the right to trade or practice a profession may be limited by law to citizens and duly registered aliens.

Professions where malpractice may be lethal may be regulated by law, but legal regulations may discriminate only on the bases of experience and competence. In each state, the law will determine which professions will require a degree to be practiced, the requirements for such degree, and the appropriate authorities to issue it. However, all states will provide an optional path to licensure for the self-taught, and no organized guild may claim a monopoly in its practice. Guild racketeering and price fixing are prohibited.

No trade or profession will be limited where practiced solely between consenting or contracting adults. Every person has a right to participate in a free market, to contract freely for goods and services, and to trade in an atmosphere of freedom from unfair competition and domination by monopolies at home or abroad. This will include the

right to barter goods and services outside any system of taxation. Where money or a similar medium is not exchanged, acts of barter will be treated as contracts between consenting individuals, and not subject to impairment by government. While this presents a potential deprivation of public revenue, it also renders non-local wholesaling of goods and services problematic by confining acts of barter to specific transactions.

All persons have a right to equal pay for equal or comparable work. All persons have a right to overtime pay, but working overtime will be optional. "The work during extraordinary hours must be remunerated with fifty percent more than the stipulated incomes or salaries" (Costa Rica). All persons have a "right to rest and leisure, including reasonable limitation of working hours and periodic holidays with pay" (Bhutan), which "in no case will include less than two weeks for every fifty weeks of continuous service" (Costa Rica). All persons have a right to dignified work under occupational health and safety standards. All persons have a right to paid leave for the care of newborns and sick family members.

All persons have a right to a minimum hourly wage, which may be waived in private contract for vocational or other experience, except in cases of duress or hardship. Said minimum will not be less than 1/2000 of the annual poverty level income for a household of four persons. (This is $\$24,250/2000 = \$12.13/\text{hr}$ tax free, US in 2015). The minimum wage will be exempt from income tax and withholding.

While a state may act to protect stability of employment, the right to work remains subject to adequate work performance and ethical standards. Termination of employment on grounds of incompetence or malfeasance will not be prohibited. Toward this end, contributions to retirement funds will remain moveable without penalty.

Persons with permanent disabilities have a right "to work in appropriate conditions, consistent with his or her possibilities and capacities, with fair remuneration that assures a dignified life" (Bolivia).

Work weeks between 16 and 32 hours long are to be encouraged and even incentivized to permit and encourage job sharing. Any two qualified applicants may apply to share a single, full-time job.

Public service and public works jobs at the minimum wage will be made available by the Nation and states (after the model of the US CCC, TVA and WPA) to both able-bodied and disabled workers, which will be in lieu of unearned government support wherever possible.

Workers will have an option to purchase or right of first refusal when their employers' businesses fail. "The workers, in defense of their source of work and to safeguard the social interest, will, in accordance with the law, reactivate and reorganize enterprises that are in the process of bankruptcy, insolvency or liquidation, or closed or abandoned unjustifiably, and they shall form communitarian or social enterprises. The state shall support the actions of the workers" (Bolivia).

"The workers in small urban or rural productive units, or who are self-employed, and guild members in general, shall enjoy special protection on the part of the state through a policy of equitable commercial exchange and fair prices for their products, as well as a preferential allowance of financial economic resources to promote their production" (Bolivia).

Patent Rights. All persons have a right to the benefits of scientific progress and its applications, and to exclusive temporary ownership and enjoyment of the patents and profits from inventions and innovations of their own design, new and practical applications of scientific discoveries and engineering principles. Patent ownership for employees will be as specified in employment contracts, except that the courts may

favor the inventor in fact when an invention is made outside a company without company resources. Inventions, with their patents and profits, which are made within the public education system will be shared equally between the inventor and the public. No patent will be awarded, or international patent respected, for any lethal or primarily military inventions.

Life which is, was, or could be naturally occurring is not property or patentable. No patent will be granted, or international patent respected, for any living organism, for any hybrid intra-species offspring, or any sexually viable inter-species hybrid, or any extinct species, or any organ, component, tissue, simple chemical extract, or genetic sequence thereof. Genetically modified or transgenic organisms may be patented, but will not be sold or released into any natural environment without sufficient testing and labeling which specifies which genes have been altered, how, and for what reason.

Only medicines which do not occur in nature may be patented. Where the cost of patented medicine threatens grievous medical suffering or real financial hardship for sufferers, the Nation or state may intervene to prevent unaffordable pricing, but this will be done with fair compensation to patent holders for research and development costs, including for failed research done towards this same end.

Patent rights will run for a period of twenty years, and will then be renewable by the original owners, their successors, or assigns, for another twenty. Censors may intervene in counterproductive patent wars and disputes and force adjudication or arbitration.

Copyrights. All persons have a right to enjoy the benefits of cultural creativity, and the copyrights and profits from literary and artistic works, music and song, trademarks, trade names and logos.

Rights to publications which are produced within the public education system will be shared equally between the author and the public. Academic and scientific papers supported in any way by public funds may be digitally produced and made available to the general public free of charge, or at the actual cost of printing and distribution by government printing offices.

Copyrights will run for a period of twenty years, and will be renewable by the original owners, their successors or assigns, for another twenty.

Rights to Compensation for Takings. No one may be deprived of their property, nor of its permitted uses at the time of its acquisition, except under due process of laws of general application, for a public purpose, or in the public interest, and not for private benefit. No persons will be deprived of their property arbitrarily, nor for any private benefit, regardless of the level of compensation. Takings will require just compensation, the amount of which, and the time and manner of payment of which, have either been agreed to by those affected or decided by a court.

Appraisals of appropriated property will also examine values for three years prior, and if appreciating in value, the three-year rate of appreciation will be added to the value. "Whenever expropriation is ordered for reasons of public necessity or utility, the property owners will be indemnified for loss or damages they may suffer on account of delay, whether the expropriation is actually carried out or not, including those incurred because of variations in the value of the currency" (Uruguay).

No downzoning will take place in a municipality or county without a favorable popular vote among affected property owners. In all land developments, the original densities and land uses may be concentrated onto smaller land areas by protective easements and conservation overlays. Added restrictions to potential land use will in

all cases be weighed against the economic benefits of implementing higher land use standards.

All regulatory takings, except for reasons of environmental defense, will be authorized by popular vote, in which arguments will be put forward that net benefits equal the costs, or are justified by the Bill of Duties and Proxy rights therein. Regulatory takings wherein a legislative or executive action retroactively impairs an ongoing or pre-existing land use is, or where there is significant reduction in appraised property value, will be compensated according to the reduction in appraised values.

Civil asset forfeiture without conviction for a crime, or out of proportion to a criminal conviction, is prohibited.

Notwithstanding guaranteed rights of ownership, the state is granted the power to declare a specific property ownership a usufruct where there is a threat of irreparable long-term damage to the viability of the land and its soil or ecosystem, or unmitigated damage severe enough that abandoned land cannot self-repair within 20 years. Ownership will there be understood as a duty of stewardship as well as a right.

Rights to Seek Changes in Zoning. Variances from statutory zoning, or special uses, spot zoning, and planned unit developments will be permitted only where a property owner accepts a burden of proof to show a net public benefit to a proposed development, which benefit will be to the public in general. New educational facilities, increased socioeconomic diversity, and additional population density for affordable housing may be considered benefits. Developers have rights to profit from such provision where profit is proof of demand.

Rights to Bequeath and Inherit Property. "Un-seizable family assets are recognized in terms of amount and on the basis of the conditions and limitations provided for by law. The right to give in legacy and inherit is recognized" (Ecuador).

Income from property acquired by escheat will be used to fund or support low-income social programs.

We recognize that there are levels of personal effort and merit involved in the acquisition of property, in addition to luck and good fortune. The strongest level is acquisition by labor, including the effort of obtaining education and skills. In the middle is investment of capital and profits therefrom, where money does much or most of the work. The weakest is gain by inheritance. In this we find some rationale for a method of wealth redistribution. In addition to increasing levels of socioeconomic unfairness due to accidents of birth, there are also steady increases in the unnecessary impacts of discretionary lifestyles on global resources. We elect to derive a part of the public income through taxation, and to schedule tax rates according to these values.

While first possession most properly defines the property right during a lifetime, and while the conscientious and diligent have a right to provide for their own posterity, fortune cannot be consigned entirely to accidents of birth. Further, as Thomas Paine reminds us, "When we are planning for posterity, we ought to remember that virtue is not hereditary." The people making this Constitution assert a right to create a compromise solution to redistribute a portion of inherited wealth for the purposes of greater fairness and equality of opportunity, and to make partial corrections in unmerited wealth inequality. Some right of first possession must be available to each new generation. Otherwise we contribute to the disenfranchisement of future generations, which violates our Proxy Rights.

The minimum property allowances, as structured above, may in all cases be inherited with no tax or attachment. Rates for inheritance taxes above these minimums will be progressive and as determined by law. These laws may be challenged by the Censorial

Branch or by popular referendum. Unparsed sums of inheritance may be treated as an annual income and taxed at higher rates than paced trust funds distributed over time.

Article 2, Section E

Rights of Citizenship

All persons naturalized, or born of two legal immigrants, or born in any country with at least one citizen parent, or found as an infant with unknown parents are citizens of the Nation, and of the state wherein they currently reside. Any person may apply for citizenship following five years of legal residence, passing a written or oral test, and taking an oath, as established by law. No citizen may be deprived of their citizenship, which must be voluntarily renounced. There is no prohibition against dual or multiple citizenship. Nationality is not lost by naturalization in another country, nor because of marriage or its dissolution. All persons have the right to a nationality and may not be arbitrarily deprived of their nationality, nor denied the right to change it.

All citizens have the right to a presumption of individual liberty and sovereignty. Foreigners have the same individual and social rights and duties as national citizens, with exceptions and limitations specified herein, and except for rights specific to citizenship. Rights of citizenship are not granted by the Nation, which has only the delegated power to certify citizenship, which certification opens these rights, making them available to the grantee. All rights are granted and reserved by the sovereign individuals who have either constituted the national government or assented to its Constitution.

The acquisition of citizenship status by any person at an age of consent to contracts, including emancipated minors and natives who wish to enjoy the full rights of citizenship, will require a written acceptance of the national Constitution, and with particular reference to the Bills of Responsibilities. Any person may at this time register written and public objections and exceptions to acceptance their acceptance of this charter, and these statements will not incur any civil or criminal penalties.

Some rights of citizenship may be conditioned upon the fulfillment of constitutionally specified duties. Some of the rights of citizenship may be suspended, according to laws approved by the Censors, upon a court's certification of mental incompetence, or upon conviction for a felony.

Rights of refuge and asylum, and rules for detention and deportation of unsuccessful immigrants, will adhere to accepted global conventions, whether or not the Nation is a signatory to said conventions. "Persons requesting asylum or sanctuary shall not be penalized or prosecuted for having entered the country or for remaining in a situation of irregularity" (Ecuador). "Everyone has the right to seek and to enjoy in other countries asylum from persecution. This right may not be invoked in the case of prosecutions genuinely arising from non-political crimes or from acts contrary to the purposes and principles of the United Nations" (UN). Lawful aliens under threat of deportation have rights of appeal to present their cases in a national court or to bring their cases to the Censors.

Rights of Abode. All citizens may reside where they will, in any state or territory, on land zoned for residential uses, or temporarily on public land as provided by law, except that communities as defined herein may deny residence to any person for any reason within their boundaries.

The names, photographs and current addresses of all persons who have been duly convicted of armed or violent felonies, murder, rape, or child abuse, will be placed on a public register indexed by location.

Evictions and foreclosures will be executed under terms specified in lease agreements and as regulated by state law, but in no case will a law or condition be enforced which took effect after the tenancy began.

Collective expulsion or deportation of legal aliens is prohibited. All actions taken against legal immigrants will be on the merits of individual cases. Any extradition from one state to another will be as ordered by a national court or by interstate agreement.

Rights of Travel. All citizens and legally admitted immigrants may travel where they will throughout the states and territories, and if financially and otherwise able, may up residence there.

Travel may be restricted by a court pending adjudication in a criminal case. Witnesses may not be similarly detained in any state, nor bond be required, but witnesses may be deposed and give sworn testimony to both prosecution and defense before being released to travel, with all inconvenience and accommodation being fully compensated.

Persons placed on watch lists impeding air travel and border crossings have a right to know their status and its reasons, and to demand that public agencies show just cause for this listing. Censorial ombudsmen may be called, and these may demand expedited relief and compensation under rights to petition for information and redress for grievances.

All citizens have a right to freely leave and re-enter the nation on a national passport, or conditionally on a foreign one, or to emigrate or expatriate, except when on parole or probation, under a suspended sentence, or fleeing felony prosecution. Persons accused of certain crimes specified by law may appeal for emigration to another state or country where the act in question is not a crime.

Rights of Jurors. While citizens have a duty to serve on a jury when called and able, jurors and prospective jurors retain certain rights. Jurors having served once have a right to apply to join a paid, professional, standing jury, should state law permit, which may be made available to defendants as a matter of choice.

Potential jurors will have a right to be excused for reasons of unusual hardship, such as family illness or financial distress. Potential jurors may also be excused for reasons of conscience. Any such excuses will leave them first in the queue for the next round of summonses. Permanent excuses may be applied for through the courts on grounds specified by law.

Jurors will be advised to not have an open mind: they are expected to be prejudiced towards the defendant's innocence. The burden of proof will always be on the plaintiff or the prosecutor. In both civil and criminal cases, jurors have the right of nullification and will be informed of this by the judge, although a judge may also instruct jurors to avoid this as a matter of general preference. Jurors will be empowered to judge the laws upon which complaints or charges are based as well as the guilt or innocence of the defendants, and they may make exceptions and modifications to a law as well as nullify its effect. A law may be deemed by a jury to be inappropriate or inapplicable only to the case at hand. The prosecution itself may be deemed frivolous or malicious by a jury. Jurors will not be subject to punishment or censure for verdicts returned. In short, jurors are permitted to act as Censors *pro tem*. (See Chief Justice John Jay, *Georgia v. Brailsford*, 1794).

Jurors may alter the oath they take before serving if this is necessary for reasons of conscience or faith. Oaths will not be taken on religious texts except by believers in that faith.

During a trial, the jurors will have the right to take notes, examine recordings and transcripts of both trial and grand jury proceedings, and ask questions of both prosecution and defense in front of other jurors.

Jurors have a right to minimum-wage compensation and reimbursement for travel and other reasonable expenses. However, where employed by corporations, jurors will receive paid leave during the first week of trial.

Rights of Suffrage. In a republic, suffrage is the primary expression of the people's right of self-determination. "Everyone has the right to take part in the government of his country, directly or through freely chosen representatives. The will of the people will be the basis of the authority of government; this will will be expressed in periodic and genuine elections which will be by universal and equal suffrage and shall be held by secret vote or by equivalent free voting procedures" (UN).

All citizens who are 20 years of age, or graduates of PK-12 education, including emancipated minors, have a right to vote, except those currently serving a sentence for a felony conviction or on subsequent parole or probation, or who have been judged mentally incompetent by a court of law. No citizen will be denied a vote for any reason of race, sex, age, national origin, property, economic status, literacy, or level of education. Absentee ballots will be available for all persons who require or request them.

National and state Voter registration will be automatic for all citizens with the issuance of any form of registered identification in any state, provide this has a photograph and a physical address. Recognizing that citizens lacking in care and enthusiasm for the democratic process are also less likely to remain informed on current issues and concerns, voting will not be mandatory.

Every adult citizen or emancipated minor who is qualified as a Voter has the right to apply to serve and vote as an Elector. The sole qualification for this registration is the ability to pass a written examination, prepared and administered by the Censorial Branch, which demonstrates a working knowledge of the Constitution and its principles, together with a basic proficiency in critical thinking. The test may be taken in a language of choice if that language has a prevalence of five percent or more in the general population. This certification will entitle the Elector to a vote in the election of Censors, and to a second vote in all general elections. This is intended to provide an extra weight against degradation of the Constitution, arrogation of powers not delegated, and abrogation of enumerated rights. This right to seek a higher status of suffrage is a step in the direction of meritocracy that is open to any citizen who cares enough to study how the government works and what its obligations are to the people. The Electoral exam will be calibrated such that a passing grade may be earned by the median applicant after one hundred hours of serious study. This curriculum may be taught and the test administered within any educational system or it may be challenged by autodidacts of any age.

Every adult citizen or emancipated minor who is qualified as a Voter has the right to apply for another additional vote in all general elections, to be called a Service Vote, by demonstrating and verifying service to the population at large through charitable works that are clearly independent of religious proselytizing. Qualification must certify a contribution to society of four hundred hours in the prior two years, which labor will assist the people, without charge, in meeting basic or subsistence needs such as food, clean water, clothing, shelter, transportation, health care, infant care, education, vocational training and apprenticeships. Contributions of money in lieu of service, or the hiring of persons to perform such service in one's stead, will not qualify a Service Vote. This right takes democracy yet another step in the direction of meritocracy by

further empowering engaged citizens who demonstrate compassion for others and care for the well-being of their society. Where such *noblesse oblige* may be found among the fortunate, merit should be rewarded with greater political power.

Rights to Hold Public Office. All persons who have been citizens for ten years and have never been convicted of a felony have a right to stand for election and hold public office, regardless of age. States and their subdivisions may establish their own residency requirements. Offices of the Censorial Branch may only be occupied by Electors with two years of college-level courses in constitutional law and critical thinking skills, with academic honors, and the continued maintenance of Service Voter status for humanitarian or charitable service.

Paid advertising, campaign fundraising, and staged news events for any elected office will be prohibited. Candidates will comply with public Voter information regulations established by law and the Electoral Commission of the Censors.

“Public officials shall be in the service of the Nation and not of a political party. Any activity alien to their duties is prohibited and political propaganda on their part at their offices or during office hours, shall be considered unlawful. They may not organize groups for propaganda purposes by using the names of public agencies or any connection their positions may bear to membership in such organizations” (Uruguay).

There will be no limitation on the number of terms that officials may serve, except where specified herein, since it is the will of the people to maintain them in office. Actions taken by officials to impede or prevent competition for their offices in fair elections, or to otherwise cement their positions using public resources, will be actionable in criminal court as malfeasance in office. Legislators will be required to withdraw for one term after serving two, but may then return to office.

Rights of Minorities. The law “should be the same to all, whether it protects or punishes; and all being equal in its sight, are equally eligible to all honors, places, and employments, according to their different abilities, without any other distinction than that created by their virtues and talents” (Paine, Rights of Man). But opportunities and rights must be equal. “The law, in its majestic equality, forbids the rich as well as the poor to sleep under bridges, to beg in the streets, and to steal bread” (Anatole France). Minorities must not be forced to adopt victimization scenarios and coalitions to recover their lost rights. We assert here that the victimization stance itself is toxic to an equality of rights. Wherever such injustices may be found, legislation may be permitted insuring a greater fairness of opportunity and right. Such laws will not be made at the expense of the rights of the advantaged, but will have as their sole object the amelioration of conditions of disadvantaged individuals, and will not exceed the necessary and sufficient minimum in scope. Equality of treatment may be achieved by competent public legal assistance. Equality of opportunity will remain subject to criteria of merit and competence.

“No Government or subdivision thereof, no public authority, and no corporation formed, licensed or chartered under them, may abridge the rights and privileges of any member of any minority of any kind, whether by race, nationality, language, age, gender, religion, pregnancy, maternity, marital status, sexual preference, status, wealth, means, ability, disability, or other, will be identical to those of the majority, and neither lesser nor greater. All citizens and legally admitted immigrants will be guaranteed equal treatment and opportunities under the law. Everyone is equal before the law and has the right to equal protection and benefit of the law. To promote the achievement of equality, legislative and other measures designed to protect or advance persons, or

categories of persons, disadvantaged by unfair discrimination may be taken” (S Africa).

Sovereign individuals, and limited communities as described herein, cannot be constitutionally or legally prohibited from practicing forms of discrimination against any minorities listed above. This protection applies only against governments, or any subdivisions thereof, and corporations formed, licensed or chartered under them. Public notice of discriminatory practices may be given by aggrieved parties without censure for injury of rights of reputation. Boycott is a legal response.

“Persons belonging to a cultural, religious or linguistic community may not be denied the right, with other members of that community, to enjoy their culture, practice their religion and use their language; and to form, join and maintain cultural, religious and linguistic associations and other organs of civil society” (S Africa).

Members of minorities in large enough numbers may elect, at their own collective expense, to have public materials translated into their own tongue. Any required public education courses and examinations, including educational, professional, and political, may then be taken in that tongue. The entire curriculum of a public education program may be made to fit this condition.

Rights of Indigenous People. In nearly all countries, indigenous people been conquered and had their lands appropriated. They may be granted extraordinary rights in view of their losses. “The World Conference on Human Rights recognizes the inherent dignity and the unique contribution of indigenous people to the development and plurality of society and strongly reaffirms the commitment of the international community to their economic, social, and cultural well-being and their enjoyment of the fruits of sustainable development.

States should ensure the full and free participation of indigenous people in all aspects of society, in particular in matters of concern to them. Considering the importance of the promotion and protection of the rights of indigenous people, and the contribution of such promotion and protection to the political and social stability of the States in which such people live, States should, in accordance with international law, take concerted positive steps to ensure respect for all human rights and fundamental freedoms of indigenous people, on the basis of equality and non-discrimination, and recognize the value and diversity of their distinct identities, cultures and social organization” (UN, 1993).

Indigenous peoples will enjoy every right “to their cultural identity, religious belief, spiritualities, practices and customs, and their own world view; to self-determination and territoriality; to the collective ownership of land and territories; to collective ownership of the intellectual property in their knowledge, sciences and learning, as well as to its evaluation, use, promotion and development; [and] to the practice of their political, juridical and economic systems in accord with their world view.... Their traditional teachings and knowledge, their traditional medicine, languages, rituals, symbols and dress [shall] be valued, respected and promoted” (Bolivia).

Under this Constitution, all treaties made with indigenous peoples by prior governments will be reviewed and, where practical, enforced, or else some compensation or restitution will be made to recognize any violated rights of first possession.

Rights to Petition for Information. All citizens have a right to petition the government for any and all public information, which will be provided without any unreasonable delay. A petition in writing may be brought by a single individual and will require no special counsel, or format, or filing fee. To exercise this right, the only requirement is to identify the petitioner.

The government may not charge any fee or price for the electronic forms of any public information, including adopted laws, regulations and standards, and it may recover no more than the normal commercial price of copying for hard copies of such information.

All citizens will have unlimited access to any and all personal files and information pertaining to the petitioners and their immediate families, whether this be held by the government or by another person. Access will be expedited if this is required for the exercise or protection of any rights. This access will include any criminal investigations and any records of suspicions, photographic and audio surveillance, wire taps, and inclusions on watch lists.

Information may be demanded of any Branch or Department of the government, including Defense. The Censorial Branch will have unfettered and immediate access to all information classified by the government, with a special council being appointed by a general council to review the most sensitive classifications, including all technological, military and diplomatic matters of state, without exception. Petitions for information so classified may be made directly to the council, but may be denied by same. Full and un-redacted transparency will be the default condition and prejudice.

The Censorial Branch, at all levels of government, will maintain an ombudsman in order to move vertically and most effectively through the hierarchical levels of bureaucracy. It is understood that this is intended to improve the efficiency and cost effectiveness of the government bureaus as well.

The documents of corporations, as well as governments, may be subpoenaed, but internal memoranda will not have the evidentiary force of documents dispatched or released with required signatures.

Frivolous use of this avenue of redress, where it may be used to harass, intimidate, or beleaguer an agency or its agents, will be actionable against the petitioner, who will be required to pay all associated costs.

Rights to Petition for Redress of Grievances. All citizens have a right to petition the government for a redress of any grievance where petitioners' rights have been violated, or government's powers have been exceeded. A petition may be brought by an individual, orally or in writing, and will require no special counsel, format, or filing fee. To exercise this right, the only requirement is to identify the petitioner. A petition for redress requires only one signature, which will be a necessary and sufficient cause for an investigative action. All citizens may petition for redress on behalf of their families, communities, other citizens, children, resident aliens, posterity, non-human sentient beings, the commons, or nature itself.

"Any person whose rights or freedoms as herein recognized are violated shall have an effective remedy from a competent authority, notwithstanding that the violation has been committed by persons acting in an official capacity, who shall be held to account as individuals and agents" (UN).

Civil and criminal complaints registered against individuals, families, communities, or non-governmental corporations will be presented through the appropriate civil court in civil matters, or the police power in criminal matters. In neither case will any plaintiff be deprived of a timely hearing due to lack of funds, ignorance of proper procedure, or legal representation. Should satisfaction be delayed by government inaction, appeal may be made to a Censorial ombudsman. Censors may also refer the complaint to binding arbitration rather than the public courts.

All citizens have a right to bring complaints against national, state and local governments, their agencies or agents, without fear of punishments or reprisals. Complaints will be brought directly to the Censors. Complaints may be for any

violation of rights or any arrogation of powers not delegated and for either actions or inactions. In no case will 72 hours pass, weekends and holidays included, before a hearing is convened, but in matters of felonious crimes and *habeas corpus*, hearings will be held and actions taken within 24 hours. Petitioners may seek the dismissal of any appointed agent of the government or a change in any law or regulation. Judges of the civil and criminal courts are not exempt from Censorial actions. Dismissal of elected officials will be either by direct action of the Censors or by way of recall petition and election. Plaintiffs have a right to seek restitution and compensation for damages. Governments will be prohibited any power to ignore such a petition, or fail to respond in a timely manner, or to make any claim of sovereign immunity.

When a petitioner's claim to a right is disputed, the burden of proof will fall on the government, which must show either interference with a granted power, or the right of a specified other. Any subsequent decision will not set a legal precedent.

Frivolous use of this avenue of redress, or where it may be used to harass, intimidate, or beleaguer an agency or its agents, will be actionable against the petitioner, who will be required to pay all associated costs. Fabrication or distortions of charges by petitioners will incur criminal charges.

Article 2, Section F

Rights Against Others

Rights and duties are reciprocals. The free exercise of one person's rights defines the limits and duties of another's. That one person may choose to not exercise a right has no relevance to or bearing on that right being held by others.

The basis of all legislation will be: 1) the security of the Bill of Rights and penalties for their violations, 2) the enactment of the Bill of Duties and administration of their obligations, 3) the implementation of the Delegated Powers and penalties for their impairment, and 4) defense against the use of Prohibited Powers and consequences for their arrogation.

Rights against Others secure the Bill of Rights against their violation or infringement by other persons or groups and by agents of corporations and governments. In any penal code this will be the largest section, and its codification may blur some of the traditional distinctions between civil and criminal law. Generally, civil matters will be brought before a civil court. Governments will establish special civil courts for smaller petitions, claims and complaints to keep legal expenses in time and money proportionate to grievances. Criminal matters will be brought to court by way of the police power.

"No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks" (UN).

While no person acting alone has a right to assume the burden of law enforcement, or an adjudication and administration of justice, exigency of circumstances may warrant the exercise of shopkeeper's privilege, or the performance of a citizen's arrest. "Any person found in flagrant commission of a crime may be arrested by any other person, without a warrant. The sole purpose of the arrest shall be to bring the person before a competent judicial authority, who must resolve their legal status within a maximum period of twenty-four hours" (Bolivia).

There will be a limited right to vigilante justice where justice and rights have been denied, and a petition for redress of grievance has been ignored. This will not excuse such an act, but sentences may be modified in the extreme in allowing for mitigating circumstances.

Rights of Victims. Penalties for infringement of rights will be applied first to restitution for aggrieved persons and restoration of the promised conditions. Restitution or reparation will be the first line of sentencing, which may require indentured servitude in a penal system. Remuneration will be exacted from the convicted prior to any penalties being imposed to satisfy the State. "The law shall set forth agile procedures to enforce redress sentences" (Mexico). In most cases involving individual parties, neither the state nor the rule of law may be regarded as the victim. Restorative justice, where applied, will focus on the rehabilitation of the offender through reconciliation with victims and/or the community at large.

"The victims of criminal offenses shall benefit from special protection; guarantees shall be provided to them for preventing their re-victimization, especially in obtaining and assessing the evidence; and they shall be protected against any threat or other forms of intimidation [including threats of retribution following unsuccessful prosecutions]. Mechanisms shall be adopted for integral reparation, which shall include, without delay, knowledge about the truth of the facts and restitution, compensation, rehabilitation, guarantee of non-repetition, and satisfaction with respect

to the infringed right. A system for the protection of and assistance to victims, witnesses, and participants in the proceedings shall be established” (Ecuador).

“The victim in a criminal process shall be able to intervene [in all proceedings] in accordance with the law, and shall have the right to be heard before each judicial decision [including parole hearings]. In the event that he or she does not have the necessary economic resources, he or she will be assisted free of charge by a lawyer appointed by the State” (Bolivia).

“The victim has the right to receive legal council, to be informed about the rights that this Constitution grants to his/her favor; and whenever he should so require it, to be informed about the state of the criminal proceedings... The victim has the right to receive urgent medical and psychological assistance from the moment the crime was committed.

“The judge must keep in secret victim’s identity and other personal data in the following cases: minor involved; rape, trafficking in persons, kidnap, organized crime; and when necessary to protect the victim, always respecting the defendant’s rights. Prosecution ... shall ensure the protection of victims, offended parties, witnesses and all others who take part in the trial. The judges are obliged to oversee proper compliance with this obligation” (Mexico).

The Nation and states will provide adequate paths to sanctuary and refuge for victims of crimes and endangered witnesses.

Rights to Privacy. Every person has a right to a domain of privacy of person, family, community, home, property, identity and secrets, giving that person the right to choose “which parts in this domain can be accessed by others, and to control the extent, manner and timing of the use of those parts ... to disclose” (Yael Onn). It is fundamental to individual sovereignty to have a place of refuge and sanctuary from social pressures for conformity and obedience, in which to explore individuality, self-definition, and its options. Within oneself, family and community are domains to which no government may have unauthorized access. Rights to Privacy refer here to Rights against Others, persons and groups, and corporations or their agents. Another set is enumerated under Rights against the Police Power, with respect to government and its agents.

“No one shall be subjected to arbitrary interference with his privacy, family, home or correspondence, nor to attacks upon his honor and reputation. Everyone has the right to the protection of the law against such interference or attacks” (UN).

The exterior property line of the home domain, whether it is owned, borrowed, or leased, defines the first limit to trespass on privacy. Only privately authorized persons may pass a property fence, particularly with a prohibitory sign, except for emergency service personnel, or by statutory authorizations permitting access only from a public right of way directly to a front entrance, or access to public utilities from a right to way to service lines and meters. In no case will any information gleaned from such legal trespass be published or made admissible in a court, under penalty of law.

Every person has a right to privacy of personal information which has not been disclosed in any public document or by an agreement permitting the sharing of information. Freedom of Silence is a correlate of Freedom of Speech. However, the withholding or distortion of information which is promised in a contract is a breach of that contract. Personal information may be regarded by a court as a property right. It is understood that access to certain social and business transactions may be legally denied where information is withheld, but no right will be denied or infringed. Entities which report information that is potentially damaging to individuals, will be held to a high

standard of accuracy and responsiveness to complaint, and will be held financially accountable for damages.

The gathering and public disclosure of embarrassing private facts will be punishable by law, and the gathering itself will warrant a search and possible seizure of all information in the possession of the offending person. This may be on grounds of suspicion of blackmail, identity theft or defamation. Private investigators may not commit trespass and may disclose discoveries only to their clients. The confidentiality oaths of medical and mental health professionals, journalists, and clergy, will be preserved, and violations are actionable offenses.

“Upon complaint the State will take steps to protect the telephonic, electronic, postal or other communications of all persons from unlawful interception or interruption” (Bhutan).

Fame or celebrity do not entail any automatic waiver of the rights of privacy. The defamatory misuse of photography, audio recordings, and sensationalist journalism are not protected under rights of free speech and expression. Trespass of investigative journalists or stalkers onto private property is actionable as criminal trespass, and into personal space as criminal menacing.

Rights against Force and Aggression. All persons have the right to safety within a personal bubble of proxemic space. There are degrees of person-to-person distances which may be used to define spatial rights: Intimate Space to 0.45m (1.5 ft), Personal Space to 1.2m (4 ft), Social Space to 3.6m (12 ft), and Public Space to 7.6m (25 ft). All persons have rights to defend themselves against home invasion as though the home itself and the Social Space around it were Personal Space.

All persons have rights to defend themselves against aggression and force and within Personal Space, and to come to the aid and defense of another in this condition. Aggressive personal harassment will be actionable as menacing. Where there is immanent threat of personal injury or death, a person has a right to use lethal force, by hand, handy object, or concealed weapon. The necessity of such actions may, however, be questioned after the fact by persons bearing a burden of proof. Agents of the government, and particularly, agents of the police power and the militia, will in all cases be held fully accountable for any unnecessary use of force or lethal weapons, and private persons may be exonerated for acts of self-defense against them. Lethal force may also be used if threats are made with firearms within Social Space. An urgent and exigent need for self-defense confers an *ad hoc* police power and a right to make a citizen's arrest.

Both citizen and police intervention may be justified in cases of homicide, attempted homicide, mayhem, assault and battery, armed robbery, rape, sexual assault, child abuse, domestic abuse, elder abuse, menacing, kidnapping, human trafficking, false imprisonment, and transferred intent. Lethal force may be allowed only under a real threat of serious injury or death. Matters strictly for the police power are extortion, duress, blackmail, reckless endangerment and infliction of emotional distress. Criminal negligence and vehicular homicide are decided only after the fact by courts. Private investigation is permitted in all cases, but evidence gathered will be subject to court rules of evidence.

Rights to Keep and Bear Arms. All persons have rights to carry and conceal non-lethal weapons. Only persons serving on the police force or in the militia may keep and bear firearms as a right. All other persons may apply for a license to keep and bear arms as a revocable privilege, for purposes of legal hunting, sport, or self-defense. Such a license will require a course and subsequent examination in firearm safety and

laws related to weaponry, a background check showing no convictions for any felony or act of violence, and no history of mental illness or incompetence leading to acts of violence. The examination will be roughly equivalent in difficulty to a driver's license test. Special conditions may be attached for the legal concealment of lethal weapons. The failure of a law enforcement officer or militiaman to pass this exam and background check, or inappropriate use of lethal weapons resulting in wrongful injury or death, will result in their dismissal or suspension. Sales or transfer of weapons to unlicensed persons will be a felony.

The open carrying of arms may be prohibited in private places and in places of public assembly. Arms used or carried on person during offensive and violent crime, including unloaded weapons and lookalike toys, will incur triple the penalty of the non-aggravated crime.

Rights against fraud and breach of contract. Simple breaches of contract involving no misrepresentation for gain, as from lack of capacity, simple deviation, frustration of purpose, or tortious interference by third parties, are matters for civil court, which will decide between civil trial, binding arbitration, or simple rescission. Breaches of contract involving forgery, willful misrepresentation with forethought, or deliberate concealment of important facts, for purposes of financial gain or unilateral advantage, will be tried as fraud in criminal court, but with the victim, and not the state, as the plaintiff. Parties in contract are expected to perform due diligence in investigating other parties beforehand, under a *caveat emptor*, and this includes requiring all proper identification, evidence of age of consent, evidence of contractual capacity, and conducting criminal records searches. We realize and affirm that trust and confidence are the real currencies in both business and social interaction, but for government to practice non-interference in personal and private contracts, or to intervene only in matters of disputes, it must be assumed that any person entering a contract is an adult having reached an age of consent and is able to enter into contracts with open eyes.

Rights against Theft. Willful theft will be prosecuted in criminal court as a felony. In order of severity, the charges may be armed robbery, robbery, burglary, larceny, and embezzlement. Arson and willful destruction of property will be prosecuted as felony theft because the value of the thing destroyed is taken by force, as is the cost of cleanup. Intellectual property theft may be prosecuted as a felony if damages exceed 40 times the minimum wage. Theft below 40 times the minimum wage will define misdemeanor petty theft. Charges of felony theft will be tried in criminal court. Petty theft, shoplifting, dine-and-dash, and defrauding of innkeepers may be tried in civil or municipal court as misdemeanors, and perpetrators caught *in flagrante delicto* may be apprehended by citizen's arrest.

Issues of simple conversion or appropriation without legal authority, but without dishonest intent, are matters for a civil court, which will decide rights to claim and recovery, by detinue, replevin, or trover, or refer the matter to binding arbitration.

Felony charges for possession of stolen property will require a proof of defendant's knowledge of the facts. Otherwise, this will be charged as a misdemeanor, with imposed fines being no greater than the value of the stolen property seized.

Rights against Trespass. All persons, families and communities have rights against trespass or any warrantless entry onto any of their private properties, whether owned, borrowed, or leased. Trespass may only be tried as a misdemeanor if the property is not fenced and legibly posted. Only authorized persons may pass a property fence, particularly with prohibitory signs, except emergency service personnel, or by statutory

authorizations permitting access from a public right of way directly to a front entrance, or access to public utilities from a right to way to service lines and meters. In no case will any information gleaned from such trespasses be published or made admissible in a court.

Trespass into building will be prosecuted as unlawful entry, or breaking and entering if security measures are broken or disabled, in addition to other charges which may be brought.

Unfenced and un-posted boundaries may only be defended with verbal warnings and non-lethal weapons. Property boundaries posted with legible prohibitory signage may be defended by guards armed with lethal weapons or by high-voltage electric deterrents.

Trespass on personal space is defensible by force or with non-lethal weapons, except in public places where crowding is inevitable. Where there is an immanent threat of personal injury or death, lethal measures may be taken.

A Right to Trespass on another's property will be recognized if in flight from immanent harm in search of safety.

Rights against Nuisance. All persons have rights to the quiet enjoyment of their homes and properties, whether owned, borrowed, or leased. This includes rights against all unreasonable light, noise, vibration, air pollution, odors, hazards to health, and vocal or digital harassment, which trespass across a plaintiff's property lines. Quantified baselines or standards of reasonableness for all such potential nuisances will be established by ordinance, statute or law, according to expectations for time of day, zoning classification, and neighborhood population density.

Property rights do not include uses that unreasonably interfere with the property rights of a neighboring property owner or tenant. Nor do they include uses which jeopardize public health and safety. Nor do they include the right to injure neighboring property values by abuses of the land and failures of maintenance. Arguments for public morals or convenience may not excuse the violation of a property right. The use of pride of ownership and pride of place will be encouraged over regulatory authority.

Charges of creating a public nuisance or disturbance must be regarded as aggregated or multiple counts of private nuisance complaints and will require complaints from individuals rather than from government. This requires a greater degree of offensiveness than crossing private property boundaries and baseline expectations for public spaces will be considerably higher.

Rights against trespassing vegetation, pets and livestock will be treated as nuisances by law. Real damages may be recovered in local courts. Menacing behavior by aggressive pets at large may be met as self-defense with deadly force, regardless of local laws against the discharge of firearms.

Fines levied for nuisances will progress in increments for each separate occurrence. Orders for complete abatement will be issued by local courts following a specified number of complaints.

Rights against Negligence. All persons have rights against specific actions and inactions of others which are harmful in effect but not in intent or *mens rea*. All persons have rights to expect that others will exercise a reasonable amount of care in their actions and inactions, and account in their decisions for potential harm that these may cause to others, though the harm may be caused by carelessness only. Injuries or losses sustained must be the direct result of these actions or inactions, as direct or proximate causes, or there will be no grounds for complaint or legal action. We must come to understand and accept that accidents happen.

Complaints of negligence may be brought against companies and corporations marketing products which are under-tested and significantly more harmful than promises made regarding their safety or reliability. Only intentional harm or loss may incur punitive damages, but indirect effects may be judged intentional, such as by manipulation of statistics or scientific studies to diminish the appearance of potential harm. Awards here may be made punitive to discourage the discounting of complaints not brought to trial in business risk assessments.

Complaints of professional malpractice must allow that some errors and omissions will be present in any human endeavor, and that no persons contracting for such services may expect perfection. Some degree of gross carelessness or negligence must be shown.

Certain actions that recklessly endanger the health and safety of others may be halted by the police power with or without a prior complaint. Driving a vehicle while impaired or intoxicated, or discharging a firearm in a public place are examples.

We will not recognize some determinations of negligence which have gained traction in common law. This is because citizens are expected to assume a degree of responsibility for their actions. A person is expected to use care and vision in walking forward, or moving in the direction of what might be regarded an attractive nuisance, or when ordering a hot beverage. A person is expected to investigate products and practitioners before using them, and to study a contract before signing it.

There are also limits to reasonableness in expectation. One person has a duty to rescue another, but not by endangering their own life. The belief of one person in the promise made by another to cure their disease cannot be considered a reasonable expectation if credentials are not investigated or if the cure rate is known to be low.

Negligent entrustment will only be actionable where the entrustee can be shown to warrant a suspicion of unreliability when handed a potentially destructive instrument.

Harm or loss must be measurable in order to claim specific damages. Emotional distress must have quantifiable effects in loss of income, mental health counseling, or other consequences.

Article 2, Section G

Rights against the Police Power

“A public force being necessary to give security to the rights of men and of citizens, that force is instituted for the benefit of the community and not for the particular benefit of the persons to whom it is entrusted” (Thomas Paine, *The Rights of Man*).

With due regard to the hazards of providing strangers with power, authority, and weaponry, and for the lessons of history regarding the mutual attractiveness of such offices and corruptible persons, we carefully set forth protections of the rights of the people against abuse of these powers, and this in the interest of justice.

A well-enumerated and articulated Bill of Rights helps form an ethical foundation and justification for the use of police power, while at the same time setting its limits. Contrary to much of global law, this suggests that nearly all charges against individuals for rights violations should name specific victims as plaintiffs and that the rationale for punishment should move first towards restitution.

“Personal liberty may only be restricted within the limits set forth by [constitutional] law to assure the discovery of the true facts concerning acts in jurisdictional processes” (Bolivia).

All persons are entitled to a fair and public hearing, by an independent and impartial tribunal, in the determination of their rights and obligations and of any criminal charge against them. In all proceedings concerning the enforcement of law against individuals, there will be an ombudsman on call, whether provided by the court or the Censors, to ensure both due and effective process. Costs may be assigned to a defendant if this office is used frivolously.

The use of deadly force, including force used by agents exercising the police power or acting under color of law, will not be more force than is necessary, and used only in defense of any person from unlawful violence, or in order to effect a lawful arrest, or to prevent escape of a person lawfully detained, or in action lawfully taken for the purpose of quelling a riot or insurrection.

Decriminalization of an act between its alleged commission and the completion of a sentence following conviction will be cause for immediate release and expungement of all criminal records. “No law will have retroactive effect in detriment of any person” (Mexico), while changes in the law may work retroactively to their benefit.

All persons have rights to call witnesses to any government encounters, meetings with agents, to record any such meeting, or any public event or activity involving government agents, and to record such events and activities on behalf of others. It will be a felony for any government agent to interfere with this right.

No persons will be compelled to render warrantless admission of any kind, whether to their homes or private places of business, to the police or the militia, or to permit these properties to be used for the staging of police operations or the quartering of troops.

Rights to Compensation for Injury. All persons have rights to file and press criminal charges for police and prosecutorial misconduct, including suppression of exculpatory evidence, racial stereotyping, unequal protection of the law, and malicious prosecution. Aggrieved individuals may press criminal charges for the injury or death of suspects. All persons may sue the public authorities for compensation for damages or injuries, including for false imprisonment. Full or partial reimbursement or recovery of legal defense fees and costs upon acquittal may be demanded of the prosecution through the Censorial office.

The behavior of all agents acting under color of law will be closely monitored and held to a high ethical standard, with accountability for rights violations entailing “aggravated” status rather than leniency. “Victims of violations of their rights are granted the right to timely indemnification, reparation and compensation for damages and prejudices. In the event that a sentence requires the State to repair damages and prejudices, it shall interpose the same action against the authority or public servant responsible for the act or omission that caused the damage” (Bolivia).

Every person has a right to the immediate return of all property seized and held as evidence. Civil asset forfeiture is prohibited, except upon a conviction and only where proportionate to the offense. Violations will be actionable offenses, with full restitution plus penalties and interest.

Rights to Privacy. All rights of privacy enumerated as Rights against Others are Rights against the Police Power as well. Every person has the right to be left alone. Every person has a right to the privacy of personal information which has not been disclosed in any public document, or by an agreement permitting the sharing of information, or in any legal or criminal record. Mandatory citizen registries will be limited to felony convictions, licenses, voter registration and the census. Freedom of silence is a correlate of Freedom of Speech. Every person has the right to respect for their private and family life, home, property, possessions, vehicles, papers, records, electronic communications, and correspondence. There will be no interference by a public authority with the exercise of this right except in accordance with constitutional law and with the execution of a warrant, in cases of clear and present danger to public safety, or for the immediate protection of the rights and freedoms of others.

“General warrants, whereby an officer or messenger may be commanded to search suspected places without evidence of a fact committed, or to seize any person or persons not named, or whose offense is not particularly described and supported by evidence, are grievous and oppressive and [shall not] be granted” (Virginia 1776). No warrants for search, seizure, or arrest will be issued “but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized” (US). Surveillance of communication, whether electronic or by mail, and including metadata, will be prohibited except where pursuant to such warrants. Where warranted, information gleaned will be held permanently in confidence, except where a public disclosure is required in trial, and defendants will have access to all information in prosecutorial hands. “Information and proof obtained by violation of correspondence and communications, in whatever form, has no legal effect” (Bolivia).

It will be a felony for any agent of the government to violate these rights to privacy. To ensure transparency, every person has a right to inspect the full dossier held on them by any government agency, on demand, and no later than 24 hours from petition. This includes electronic video and audio recordings, photographs, search warrants, and presence on any watch lists. Correction of errors will be immediate and be accompanied by an adjacent notice of correction and an apology naming, wherever known, the party responsible for the error.

Rights of Suspects. All persons have a right to demand and examine search and arrest warrants, subpoenas, writs, and proper identification from persons claiming authority, before being required to submit to any police action. All suspects have rights to the benefit of doubt and a presumption of innocence, and to be treated with the dignity accorded the innocent.

Any person being questioned or detained must be advised: 1) of their right to keep silent and refuse to answer question; 2) that anything they do say can and may be used against them in court; 3) that they have the right to have an attorney present, or to have a competent attorney appointed at public expense, both before and during the questioning, and that they may terminate an interview or interrogation at any time to consult an attorney; 4) that, if they are not citizens, they may contact their country's consulate prior to any questioning. Detainees will then asked whether or not they have understood this advice. The original Miranda Rights are per US *Miranda v Arizona*, 1966. Suspects have a right to question any court appointed attorney's competence or dedication to the case.

All suspects have a right to know the cause or reason for suspicion and the identity of their accusers. Legal investigations cannot be initiated on anonymous tips and evidence obtained in this manner will be inadmissible.

All suspects have rights to call witnesses to their interrogation and to record the proceedings. The exercise of the right to remain silent will not be taken as an admission of guilt, or used as a threat, nor will any "nothing to hide" argument be made. The practice of promising a lesser charge for information unrelated to the specific criminal act in question is forbidden. Extortion, duress, medical intervention, deprivation of sleep, unusual detention, and torture are forbidden, and the definition of these will be made by both the Censors and international conventions. All confessions will be signed at least twice, with a minimum of 72 hours between signings. Any confession will be substantiated by a plausible degree of evidence in support, but not necessarily to a standard beyond reasonable doubt. Evidence obtained in any manner that violates any right must be excluded, excepting exculpatory evidence. No charges may be filed or prosecuted based in any part on evidence so discovered.

Rights of the Detained. Remedies of *amparo* and *habeas corpus* will not be compromised for any reason. No person may be deprived of liberty or freedom of movement without just cause, or evidence of their having committed a crime, nor be detained for more than eight hours without a charge. No person will be held under preventive detention. All detention will be pursuant to a warrant from a court, subsequent to a grand jury hearing in cases of infamous crimes, except in the case of captured fugitives, or persons wanted in other states and nations for extradition, or persons caught *in flagrante delicto*. In all cases they must come before a judge for arraignment within 24 hours. No oath or confession may be made or taken prior to an arraignment. All Rights of Suspects continue in force and effect.

Excessive bail is inconsistent with a presumption of innocence. Bail bonds will be minimal wherever a crime is non-violent and the median sentence is less than a year, or the median fine less than a median annual income. Judges will set reasonable bail or other guarantees to appear, while considering the means of the accused. Censors may intervene in bail amounts. Full restitution of all bail expenses, including fees charged by bonding institutions, will accompany all dismissals and acquittals.

"Deprivation of communication [to detainees] is prohibited. Any limitation of communication may only take place in the context of investigation of the commission of crimes, and shall last a maximum of twenty four hours" (Bolivia). Detainees will retain mail, reading, and library privileges, and computer access which may be limited to read-only research and email communications. They may demand unfettered access to the applicable laws and all relevant case law, should these be unavailable at their place of detention.

The incarceration of detainees will be secure and safe, and protective isolation or separate detention facilities will be provided, consistent with a presumption of

innocence. "Accused persons shall, save in exceptional circumstances, be segregated from convicted persons and shall be subject to separate treatment appropriate to their status as unconvicted persons" (UN). Sufficient clothing, bedding and adequate nutrition will be provided. Medical treatment will not be withheld. Light-proof and soundproofing headgear will be provided on demand.

Visitation will not be denied to immediate family and spousal partners, but may in cases be limited to weekly visits. Daily visits are permitted for medical and mental health practitioners, clergy, and legal representatives.

Rights of the Accused. "Everyone charged with a penal offense has the right to be presumed innocent until proved guilty according to law in a public trial at which he has had all the guarantees necessary for his defense" (UN). The accused will not be obliged to prove their innocence.

Grand jury proceedings will be fully recorded, made available to the defense, and be admissible as evidence at trial. Withholding exculpatory evidence and presenting constitutionally inadmissible evidence to grand juries will constitute crimes. Prosecutors must not name people as co- conspirators without proof. Persons summoned for grand jury duty, or to serve as witnesses, will be given 72 hours notice, and will be fully informed as to rights and duties. Grand jury witnesses will be given transcripts of their testimony.

All persons charged with a criminal offenses have the right to be informed promptly, in detail, in a language which they understand, of the nature and cause of any accusations against them. All persons have a right to the free assistance of an interpreter if they cannot understand or speak the language being used. Trials are only on the specified charges set forth in the indictments. Alterations in charges during trial proceedings will not be permitted.

Defendants have the right to a jury trial where the maximum penalty for the stated criminal offenses is greater than 90 days, or in civil cases, the maximum award is greater than a thousand times the minimum wage. Defendants may request that juries be pulled from Electors, and not the population at large, or that paid, standing, professional juries be called. Defendants may petition for alternatives to trial, declarative judgment, adjudication, binding arbitration, or negotiated settlement.

All persons charged with a criminal offense have the right to defend themselves in person or through legal assistance of their own choosing or, without sufficient means to pay for legal assistance, to be given it free or discounted when the interests of justice so require. Defendants may demand a change in judge or venue where prejudice can be shown.

Rights to a speedy trial will include an arraignment within 24 hours, including weekends and holidays, and trial within one week unless this right is waived by the defendant. Only the defendant may determine what constitutes adequate time and facilities to prepare a defense. A defendant may call for summary judgment at any time, beginning at arraignment, with a demand that the prosecution show cause and present evidence, that the court may decide without delay on the lawfulness of the detention and order a release if the detention is not lawful. Criminal trials *in absentia* are prohibited, except that flight from prosecution under a bail agreement constitutes a waiver of this right. Defendants have a right to be present at all phases of their trial, including sidebars.

No person may be tried or judged more than once for the same act, or charged with new crimes for an act following acquittal. The right to protection against double jeopardy will be on the broader set of offenses related to the same act set forth in the

arrest warrant, and not the narrower or specific charges. No person who has been acquitted in criminal court may be pronounced guilty of that same act in a civil trial.

Any negotiation for a plea bargain, and any agreements to turn state's evidence, will be reviewed and accepted by a Censor prior to signature. Versions of these activities may be prohibited by law. Statements made in a negotiated confession prior to signature are null and void. No testimony will be rewarded by a complete immunity from prosecution.

Trials will be public except that exposure may be controlled in cases of minors involved, rape, trafficking in persons, kidnapping, and organized crime, and when otherwise and similarly necessary to protect the victim. The names of vulnerable witnesses and jurors may also be withheld.

Defendants have the right: of access to prosecutor's files, discoveries, and disclosures; to examine all evidence; to depose and cross-examine all witnesses; to adduce and challenge evidence; to not be compelled to give self-incriminating evidence; to not testify during proceedings; and to have compulsory process for obtaining witnesses on their own behalf at public expense. Witnesses may be referred to as professionals, but no witness may be called an expert.

Defense against false charges is an unfunded mandate. The falsely accused will have an enforceable right to full compensation, with interest, to reimbursement for legal fees, and time served in all dropped cases and acquittals, and compensation for police and prosecutorial misconduct and negligence, together with immediate expungement of all records of the case, and published apology from the prosecuting entity. The aggrieved will party have a right to file criminal charges for police and prosecutorial misconduct.

Rights of the Convicted. Punishment for crime will be a suspension of specified rights and privileges, according to classes of misdemeanors and felonies. This is justified in terms of a "social contract" to live together in a society. When such a contract is not explicit, it is left to the people in a republic to articulate what constitute a crime and what punishment it merits. Specification of the social contract is made here as a Bill of Duties or responsibilities, or a secular ethic, a necessary counterpart and complement to a Bill of Rights.

All punishments, penalties, fines, and forfeitures of rights will be as specified by the law and this information will be made readily available to the public. "No sanction of deprivation of liberty may be imposed for debts or property obligations" (Bolivia). The convicted have rights of appeal to, or review by, a higher court, based upon errors of commission or omission, incompetent representation, and procedural errors made during the original trial, but there will be no appeal of a conviction by a jury without newly discovered and convincing exculpatory evidence. All time spent in detention will count as time served towards sentence obligations. Parole will be earned by positive action demonstrating rehabilitation and not merely by an absence of bad behavior.

The right of citizenship is always retained, except where the right to life itself is forfeit. However, in lieu of a sentence, the convicted will have a right of exile from the Nation, or from one state to another, provided that the crime is not a crime in the nation or state of exile, that this nation or state consent to the immigration, that exile be permanent, that any monies owed are repaid, and that any victims are first made whole to their own satisfaction. It is assumed that heinous offenses will not be legal anywhere.

Imprisonment and fines will be limited and proportionate to the actual damage done. Sentencing upon conviction will weight the circumstances of the criminal act and state

whether or not the crime was also aggravated or mitigated. All mandatory sentences for specified crimes will be based upon punishments and penalties for mitigated crimes. To avoid imposition of cruel and unusual punishment, certain rights cannot be forfeit. These include the rights to several basic necessities: physical safety, clean air, food, water, shelter, clothing, sanitary facilities, sleep, and health care. The deprivation of all human contact in solitary confinement will be closely monitored. To the end of rehabilitation, read-only information will always be available via the internet and a library. Some form of data storage medium will also be available for recording and communicating thoughts, in lieu of free speech, although this might not be allowed a right to privacy.

The government alone may maintain and operate penal facilities. Sexes will be segregated along with their guards. Separate facilities will be provided for inmates warranting the highest security, violent criminals, nonviolent criminals and the criminally insane. There may be a progressive isolation for violent criminals according to their behavior, and convicts may be transferred to stricter or more lenient facilities according to their behavior.

Types of incarceration and rehabilitation may be adjusted where a defendant has successfully pled passion, temporary insanity, mental illness, diminished capacity, or intellectual disability, but none of these may excuse a crime and the duration of sentences will not be shortened.

The convicted will have the right to a painless and humane execution for any conviction whatsoever upon written request, wherever attested by competent witnesses.

"The penitentiary system shall comprise treatment of prisoners the essential aim of which shall be their reformation and social rehabilitation" (UN). Restorative justice is "a system of criminal justice that focuses on the rehabilitation of offenders through reconciliation with victims and the community at large" (OED). It considers crime and wrongdoing to be an offense against an individual, the community, or the society at large, rather than the state, and may seek apologies and forgiveness, restoration of stolen property, community service, and incarceration conjoined with an involuntary servitude in repayment of debts. The preferred sentence for nonviolent offenders will be community service and restitution or reparation to victims, which may require a denial of rights against involuntary servitude.

Fines and awards of restitution will allow the convicted to retain the national minimum of property and income. Prisoners may retain one half of the minimum wage for prison labor where monies earned are used for victim restitution. The prison system may use the other half of the minimum wage to offset the provision of basic necessities.

The convicted have a right to restoration of all rights surrendered when their sentence has been fully served and parole or probation has expired, except that the right to keep and bear arms will be permanently denied for convictions involving firearms or violent crime. "It is the responsibility of the State to reinsert into society the persons deprived of liberty" (Bolivia). "The system's priority is the development of the capabilities of the persons sentenced to exercise their rights and fulfill their responsibilities once they are released" (Ecuador).

In *lex talionis*, the law of retaliation or retribution, a punishment will resemble the offense committed in kind and degree, or otherwise in ways intimately related to damages done to a victim. Many of these penalties have been codified since Hammurabi. Some of the best known examples are the death penalty for aggravated or multiple murders, and castration for aggravated or multiple rape. In such extreme examples as these last two, which still retain significant public support, the most serious question of conscience is mistrust in the legal system's ability to convict the

right person. DNA testing has done much to assist proof beyond a reasonable doubt, but has not always been used effectively enough in acquitting the wrongly convicted, due to a stubbornness built into the justice system and its participants. One solution, if such extreme penalties are to continue, is to require proof beyond any doubt whatsoever. Therefore, no sentence of capital punishment or castration will be given where there is any doubt whatsoever of the guilt of the convicted, a test more serious than reasonable doubt. This will require multiple witnesses to the event, or solid evidence recorded *in flagrante delicto*, or two confessions made thirty days apart. Even an apprehension made in hot pursuit, but with a momentary loss of contact, would not qualify. Certainly such penalties ought to be eliminated entirely where the specifying laws are subject to change, one example being the political crimes of espionage and treason, since governments come and go, or for religious crimes, such as fornication and adultery, since many religious morals may change or disappear with a culture's maturity.

Rights of Compelled Witnesses. No witnesses will be obliged to testify against themselves, their spouses, or close relatives to two degrees of civil or genetic consanguinity. A witness who testifies in any proceeding will not have that testimony used against them in any other proceedings except in a prosecution for perjury or for the giving of contradictory evidence.

A witness testifying against persons with reasons to intimidate them, cause them harm or retaliate, has rights to as much protection as may be reasonably deemed necessary, or to witness relocation. In such cases, a witness may decline to give any testimony unless fully confident in the promised protection.

Witnesses have rights to an interpreter who is competent in all tongues in use. Witnesses have a right to alter their oath according to their beliefs and conscience.

Witnesses have the right "to speak the whole truth and nothing but the truth," meaning to answer any questions put to them fully and to their own satisfaction, regardless of leading questions asked, and without censorship by attorneys or judge. They also have rights to withhold any answer that is not asked of them. They have no right to give false information under oath, under penalty of perjury.

Article 2, Section H

Socioeconomic Rights

We come together as sovereign individuals to build a society, that we might develop the potentials of our species by our collective action. We recognize that, in order to do this, we cannot have great numbers of us in suffering and want. We must create a world where the least advantaged of us can, by their efforts, meet their basic needs, enjoy some discretionary spending power, choose what to do with their lives, and have sufficient leisure to do things other than labor. We must provide for the public welfare, but this is not the same as providing the public with welfare. A restoration of self-reliance will be the goal of welfare wherever this is attainable. While some nations experiment with a universal basic income that is guaranteed to all, we assert here that human dignity requires earning this by personal effort wherever this is possible.

The economy exists for the benefit of all of its participants, and not the reverse, yet economic entities and policies should be still judged by how well they serve the needs and common good of their larger communities. The government does not exist for the sake of the economy, but it may help to ensure that stable economic performance is maintained. The satisfaction of real needs is our goal, not unlimited growth and profit. Free global trade may benefit all of the globe, but the promotion of global trade, or

aspects thereof, must not be detrimental to the national standard of living. We declare any trade agreements permitting such detriment to be null and void.

In 1944, FDR proposed an "Economic Bill of Rights," which meant: 1) The right to a useful and remunerative job in the industries or shops or farms or mines of the nation; 2) The right to earn enough to provide adequate food and clothing and recreation; 3) The right of every farmer to raise and sell his products at a return which will give him and his family a decent living; 4) The right of every businessman, large and small, to trade in an atmosphere of freedom from unfair competition and domination by monopolies at home or abroad; 5) The right of every family to a decent home; 6) The right to adequate medical care and the opportunity to achieve and enjoy good health; 7) The right to adequate protection from the economic fears of old age, sickness, accident, and unemployment; 8) The right to a good education. We affirm and expand on these here.

Rights to Work. Every adult has a right to work. Every able-bodied adult has an obligation to work wherever income is needed and public assistance might be sought. Refusal to work in this case may be grounds for denial of public assistance, except where a long-term, radical displacement in residence is demanded. The Nation and state will provide employment location services, employment counseling, vocational training, and public works projects which create and maintain the National and state infra-structure. Small business loans and micro-loans, at low interest, will be made available by private institutions with security guarantees by the Nation and states.

Work weeks between 16 and 32 hours long are to be encouraged and even incentivized to permit and encourage job sharing. Any two qualified applicants may apply to share a single, full-time job.

Persons electing to live low-budget, alternative lifestyles have rights to do so, whether for religious or spiritual purposes, or to live in voluntary simplicity in order to be left alone, or to live below taxable levels, or to withdraw from civilization for reasons of conscience. Government zoning will not forbid such alternatives or refuse to provide a safe place for them. These persons have rights to occupy substandard housing with

substandard construction, to dwell in mobile homes, tiny homes, tents and aboriginal housing. Such structures may be disallowed in some but not all districts. They may barter goods, services, and labor, and scavenge food which might be otherwise be wasted. They may still take advantage of public health care and sales tax rebates, but they will remain subject to any work and training requirements if other forms of public assistance are sought.

Rights to a Living Wage or Income. "Necessitous men are not free men" (FDR). All persons have a right to meet a standard of living which provides for their minimum needs and those of their families. There will be a dynamic, ongoing determination of what these minimum needs are and what funds and resources may be needed to meet them with thrifty and responsible management. People require public safety, shelter, food, clean water, clean air, clothing, heating, sanitation, employment, transportation, health care, legal assistance, infant and child care, education, recreation, communication, leisure, and retirement. The annual cost of these minimum requirements for families of various sizes will be known as the Poverty Line, which will be indexed to the Cost of Living and adjusted annually. No government may interfere with an individual's capacity to attain this economic floor.

Together we create these rights to ensure that these needs will be met, either by the diligent efforts of able-bodied persons, or by our public and private charity or support where illness, disability, maternity, widowhood, orphanhood, injury, farming risks, unemployment, mental illness, old age, and geriatric infirmity require. We here affirm these rights as contributing to the overall security of Nation and state.

The Nation and state may supplement personal property and income such that all basic needs may be met with prudent resource management. Total public benefits, combined with a beneficiary's personal property and income, will not exceed the minimum property allowance and a poverty line income. Court-ordered exactions for delinquent taxes, bankruptcy, criminal penalties, and child support obligations may cut this deeply but no deeper than this. At the state's discretion, there might be no compensatory relief where a family's size exceeds two children, other than for family planning and foster care services. Larger families propagated for religious reasons are the responsibility of the church that is urging this behavior.

Rights to Farming and Ranching. Every person has a right to raise, consume, trade, and sell farm and ranch products locally, without undue interference from regulatory agencies, regardless of operation size. Private, community, and dacha gardens will not be regulated. Animal husbandry may only be regulated locally in suburbs and urban areas for water use, sanitary sewage, and nuisances of odor or noise. Federal and state agencies may respond locally only to actual health hazards and not to theoretical ones.

All of the cultivated portions of parcels of land which are in current agricultural use, or which have attached and current irrigation rights, or are lying fallow for not more than seven years, will be exempt from property taxes. Disaster relief for drought and storm damage will be available, which at a minimum will reimburse for costs of seed and plowing. However, farm subsidies, particularly those paid for not growing crops, will be prohibited.

State Universities will establish regional agricultural extension offices according to local demand and provide a library, technical assistance, local seed banks, and tree planting programs. A one-person office for this must be justified by a half-time job. Free food hazard testing will be made available here for local food production and distribution, and for local meat and dairy processing. There will be no fee assessed for organic or natural certification anywhere in the Nation, but a free analysis will be required prior to certification and advertising.

Rights to Free Trade. Individuals, families and communities have rights to establish local economic programs, including informal systems for cooperative purchasing, and the bartering of goods and services, which lie outside any system of taxation. Local currencies backed by local goods, services, and labor may be established independently of government regulation. Contractual agreements between individuals, families, and communities may not be impaired by any government interference, but may be mediated and enforced by local courts upon the request or demand of contracting parties.

Rights to Fair Housing. “Everyone has the right to have access to adequate housing. The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realization of this right” (S Africa). All persons have rights to tax-exempt land amounting to 250 square meters per household in urban areas, 1000 in suburbs and 4000 in rural areas, and to structures situated thereon amounting to 50 square meters of gross residential space per person, but not to exceed 150 square meters per household. No zoning law, deed restriction, or covenant may establish minimum residence sizes.

Municipalities will provide zoning and other incentives for affordable housing in starter homes, condominiums, apartments, and rentals. This may be accomplished by districting, inclusionary zoning, or planned unit developments. Affordable housing will be defined as costing 33 percent or less of minimum wage income for space and utilities after any low-income subsidies. No service-sector employees or workforce will be required to commute more than 15 minutes to work. Programs to develop affordable housing should make use of private sector resources in preference to public funding, which requires that developers make a reasonable profit. All municipalities will provide protected areas for the homeless, transients, campers, migrant workers, and squatters as circumstances require, and a refusal to provide same will not be used as a deterrent to homelessness.

The purchase of starter homes for first-time buyers will be supported by National and state agencies with low interest loans and assistance with loan security. “These [programs] shall be directed preferentially to families with scarce resources, to disadvantaged groups and to rural areas” (Bolivia).

No legislation may permit arbitrary evictions. Conditions permitting eviction will be specified in tenancy agreements.

Rights to Health Care. All persons will have access and rights to the National Health Service (NHS), a public, taxpayer-funded, single-payer health care system controlled by democratically elected local boards. As an alternative, all persons have rights to vouchers redeemable within private healthcare delivery systems, which will be valued at two-thirds of the average contribution to the public system. No form of health care provision which functions as a for-profit business will be without a publicly funded alternative. Profits are not to be made at the cost of health inequality. All persons who are eligible for relief due to sub-minimal property and income allowances have rights to free health and medical care and prescription medicine, exempt from all copay requirements for the general population. The public health care system will include prescription drugs, with generic versions preferred, which may be purchased from within any nation on earth, verified for quality, and imported in order to manage costs. “The right to access medicine shall not be restricted by intellectual property rights and commercial rights” (Bolivia).

Within the NHS, there will be a separate, minimal care system, with its own facilities, to treat routine medical checkups, common complaints, common contagions, easily diagnosed conditions, dental care, optical care, audiological care, physical therapy,

substance abuse assistance, and mental health counseling. Special appeals may be made available at added personal costs for more intensive diagnostic and treatment procedures.

Within the NHS, there will be a separate well-care system, with its own facilities, in which preventive health care, nutrition, herbal medicine, traditional medicine, and exercise programs are provided, together with reproductive health, family planning and early pediatric care.

“No one shall be submitted to surgical intervention, medical examination or laboratory test without his or her consent or that of legally authorized third persons, except when his or her life is in imminent danger. No one shall be submitted to scientific experiments without his or her consent” (Bolivia).

Participation in physical education, exercise programs, and optional sports will be a component of all education curricula. The Nation will designate and provide assistance as needed for training in any Olympic or Special Olympics event. Sex and reproductive health education will be mandatory and made part of any school progress exams. No child will be exempted for their parents’ religious reasons.

The Nation will maintain a Care Quality Commission, which will closely monitor health care costs, coverage, quality, patient care provider options, accessibility, waiting times, and other measures of the system's efficiency, and in comparison with the programs of other nations, such as Northern Italy, France, and Japan in 2015, making continuous recommendations for system improvements. Censors will monitor budgets, costs, and prices. A national database of health care information will be made publicly available through Ministry of Culture resources.

All persons have rights to adequate nutrition, which will include food of sufficient quality and quantity to ensure nutritional health and the ability to participate normally in society. Public water systems will be tested regularly for potability. Water systems will not be privatized, and the first 52 cubic meters of water consumption per capita per year will be free of charge.

It may serve a productive purpose to incorporate some form of health care surcharge or higher copayment for persons who habitually engage in behavior that is inimical to good health, unless it can be shown that ill- health is disincentive enough.

Death-related services, including abortion, euthanasia, private suicide assistance, physician-assisted suicide, mortuary programs, crematoriums, cemeteries, and green burials will private, lie outside of the NHS, and interact publicly only with the police power for death certificates, autopsies, probate, and related legal procedures.

Rights to Social Security. Seniors have a right to retire at a universally accepted age, at which they may claim any accumulated and tax exempt retirement funds and benefits. This will be no less than 16 years prior to the average life expectancy for their age demographic. A diagnosis of terminal illness may warrant immediate retirement with access to funds and benefits. Seniors have rights to retirement assistance from Social Security according to their need. This will mean Social Security funds and appropriate social assistance to minimum property and income levels where seniors are unable to support themselves and any remaining dependents. This will guarantee a minimum level of income at the poverty line with no requirement to work.

Social Security funding may be generally assessed across the entire range of income which lies above the poverty line, with no ceiling. Monthly payments may be specifically assigned to individuals by means testing, or according to need. Social Security funding will be out of the general income tax revenue and will be paid out of general budget funds. Funds will not be borrowed from or against, or used by the

government for any other purpose. Ponzi schemes burdening future generations are forbidden.

Social Security funding will also be available for long-term injury, permanent disability, terminal illness, and intractable physical or mental illness. Additional funding allowances may also be available for geriatric infirmity, assisted living, nursing homes, and hospice care.

Rights to Social Infrastructure. All persons have rights to use the social public infrastructure. Fees for normal use will be waived where personal resources do not exceed the minimum property allowance and poverty line income.

Public transportation systems, in diverse modalities, and running on regular schedules suited to commuting, will be available at discounted rates, or free to those who have need. This assumes a reasonable degree of cost- effectiveness. Ride-sharing and carpooling will have public encouragement and may warrant incentives or economic support.

Public education will be available to persons of all ages, as well as legally resident foreign nationals, and to this end, evening and night classes will be provided as and wherever demand warrants. Digital information networks and non-premium public broadcasts and communication will be available at all times of day, including holidays. At a minimum, this may be achieved using all-season lock-off rooms at public libraries.

All working parents, whether single or married, will have access to free infant and toddler care, where needed, from one hour before work to one hour after.

All persons, including legally resident foreign nationals, have rights to access Social Services, which will include adoption, foster care, domestic abuse prevention, child protective services, child support collection, rape counseling, suicide counseling, family crisis intervention, poverty relief, education counseling, vocational guidance, homeless shelters, utility assistance, food assistance, geriatric assistance, disability assistance, and legal aid. More broadly, social services will be a network of partnerships between government agencies and private charities that are funded by tax deductible contributions. Additional help may be sought from police and emergency hotlines and responders, and the National Health Service.

Article 3

Bills of Responsibilities

“Everyone has duties to the community in which alone the free and full development of [their] personality is possible. In the exercise of [their] rights and freedoms, everyone shall be subject only to such limitations as are determined by law solely for the purpose of securing due recognition and respect for the rights and freedoms of others and of meeting the just requirements of ... public order and the general welfare in a democratic society” (UN). The word “morals” was deleted from this quote, for reasons explained below.

These Bills of Responsibilities should work to ensure that our sovereign citizenry: 1) acknowledge and respect the rights retained by other people, whether we ourselves choose to exercise them or not; 2) stand against any encroachment or derogation of our rights by others, including all acts of corporations and governments; 3) acknowledge and support the exercise of the powers duly and constitutionally delegated to the government; and 4) stand against any arrogation of undelegated or prohibited powers by corporations and governments, and against any violations of their legitimate charters.

The past exercise of our human liberties around the world has by now taught us much about looking to long-term consequences of our collective actions. Many of our effects on the world around us have been disastrous for nature and its resources, for the web of life and its biodiversity, for other sentient forms of life in their experience as living beings, and for the future generations of our own species, to whom we leave innumerable depleted resources. We therefore elect to take action here in our Bill of Duties, and take a stand as proxies on behalf of theses four, in a bill of Proxy Rights. With this Constitution, we create these rights on their behalf, accept duties of guardianship and stewardship, and bind our governments to act for their protection. These Bills of Responsibilities are therefore an environmental ethic as well as a secular ethic or social contract.

Duty is the Reciprocal of Right. Duty or responsibility can be regarded here as the reciprocal or complement of right, a respect for the rights of others. Each freedom that a citizen enjoys will prescribe a corresponding responsibility to not diminish or violate the same in others. This is an acknowledgment that our personal rights must end where another's begin. One's right to move freely about, unencumbered by rules, must end at the neighbor's property line. One's right to hear loud music at night ends with the neighbor's right to sleep next door. This institutes our tolerance, as a doctrine of “live and let live.” Seeing others succeed with behaviors differing from our own helps us to recognize that the majority is not always right and that there is an adaptive value in encouraging a diversity in human behavior. We maintain diversity for the depth and health of the cultural system, as we do in ecosystems, and this demands that others make choices that we ourselves might not make. Flexibility in behavioral response is one of the definitions of intelligent action. Intelligence often finds multiple right answers to its questions. Multiple perspectives in our own vision gives us an added dimension of depth.

No one should claim that certain of our human responsibilities must be fulfilled first, by individuals or a community, before we can claim human rights. These two will function and learn as a pair. We cannot pass laws to micromanage human ethical behavior or ban whole classes of action where only a small percentage have negative outcomes. To legislate against what people are bound to do is only bound to fail:

prohibition only organizes crime. Legislating morality for another only shows disrespect for the rights of the other. It is not leadership by worthy example.

A explicit Bill of Duties, enumerated in the same detail as the Bill of Rights, is not necessary to complement a Bill of Rights, since much of this can be defined simply in terms of the latter. But the concept should be stated clearly and at least at an adequate length, because this defines what it means to be a citizen, and it also provides the central justification for law and its enforcement.

Morality and Ethics. *Quid leges sine moribus?* What are laws without morals? It is important to draw a distinction early on between morality and ethics. Human society developed mores, customs and conventions, and unspoken moral codes first, and later wrote them down, and later still, engraved them on tablets as law. Importantly, these came to be seen as proceeding from some kind of authority, rather than from their original source in peer pressure. We do not always know which parts of our moral sense or conscience are learned and which are innate. Ethics evolved later, as the branch of philosophy in search of the original rules for proper behavior, as well as their source. The term therefore implies a degree of examination, reflection, and reasoning.

Contrary to some beliefs, society has no original or inherent claim on any part of our individual lives. It is by social agreements, unspoken and unwritten at first, that we live together and resolve conflicts. But these agreements seem to follow rules, and even some universals. Self-interested individuals are moved behaviorally along predictable paths into altruistic behavior, often to self-detriment. Probabilities in game theory can often be expressed mathematically. Human behavior seems built on an evolved behavioral substrate that we share with other primates. This evolved out of our interdependence.

Distinct from both moralists and ethicists, we now find a new breed of zoologist, looking for clues in evolved social behaviors in mammals and primates, looking for the first laws in what seems to be natural law. We find an understanding of what we are in what we do, not in the poet's praises: human is as human does. We need to look to this first. We are not blank slates. There is a human nature, or a set of behavioral and even ethical characteristics that have been evolving along with us, since long before we developed elaborate cultures and technologies, and even before we lost so much of our fur and climbed down out of the trees. We are working to discover the dimensions of this, through newer fields of inquiry such as neuroscience and evolutionary psychology. We are asking what laws have been around for a thousand centuries. One of our greatest failures has been in developing ethical systems around fantasies about who we wish we were, or what the politicians and priests want us to be, rather than who we really are. We are not what the poets, priests and philosophers tell us we are. We are what we do, the sum of our actions in this world. Ethics is the study that looks at the appropriateness of those actions. To separate ethical values from biological facts is folly.

It comes readily to mind that the least of us at least deserves a fair chance to live life. This is necessary even for a social Darwinian: we never get a fair look at someone's adaptive fitness if the system is both heavily and arbitrarily handicapped against them. This means making room for an equal opportunity to thrive, which in turn means that culture or society should not discourage or stand in the way of someone exerting themselves towards meeting their most basic or Maslovian needs. We apply what we know of our needs that we may meet them and move on to our higher endeavors. We do the most necessary things first. This is what it means to provide for the general welfare, which is not same thing as saying "provide everyone with welfare." It is

perfectly appropriate that equal opportunities lead to unequal outcomes. The question is one of fair beginnings.

Even the term fitness, as used in evolutionary biology, illustrates how we bring our human delusions along with us, even into a science of ethics. Herbert Spencer coined the phrase “survival of the fittest.” Most people jump to the conclusion that this means that might makes right, or the strongest survive to make the rules and write the history. But what he meant by fitness was the adaptability that we need to fit ourselves successfully into our environmental niches and change along with them as the need arises. Only sometimes does this mean strength or power. And at times it means a compassion that will cement our tribe together, to solve our problems as a community or family.

Incorporating Morals. Since this Constitution is strictly secular, we wish to adopt a secular ethic and not a religious moral code. This does not prevent any religious practitioners from exercising their own, stricter brand of morality. It merely prevents them from forcing their own versions of moral conduct onto others by law. We must fully grasp the need for cultural diversity, texture, and vibrancy, as these will give our culture depth and resilience, just as biodiversity will strengthen living systems. The development of more stringent morals within individual religions might be seen a magnet for those who wish to observe those stricter standards and look smugly down on the rest, or claim extra credit, or better spots in heaven for better behavior. Religious rules should apply only to consenting members. It follows from this that a secular ethic will be more permissive than most religious morality. It must be recognized that others are still allowed by law to be sinners. But what we require here is a necessary minimum degree of agreement on our common values, standards, and basic attitudes, some consensus on binding behavioral standards that we can use to underpin our laws. Neither secular ethics nor rights need require a creator's endowment or endorsement.

We can no longer institute victimless moral crimes. There are, however, aspects of religious or spiritual moral codes that we can maintain as building blocks in a secular ethic. This must be done without defining what spirituality is, and in a way that most religions will concur. The criterion is simple: that they be universal enough to strongly recommend themselves as expressions of natural law. These are some worthy candidates:

The Golden Rule, an ethic of reciprocity, is king, of course, and just about universal in human religious teaching, if not well-practiced. From Kongzi (Confucius, Analects 15:24) tr. Muller:

子曰：「夫仁者，己欲立而立人，己欲达而达人。」
Zi Gong asked: “Is there a single concept that we can take as a guide for the actions of our whole life?” Confucius said, “What about ‘fairness’? What you don't like done to yourself, don't do to others.” Judeo-Christian tradition added to love others as we love ourselves (Lev 19:18) and seek forgiveness for our trespasses as we are able to forgive, with the operative word being “as.” Buddha urged us to avoid: killing or injuring, stealing, sexual misconduct, deceit, and insobriety. There seem to be few disagreements with these, in theory at least, if not in the all-too hypocritical practice of believers.

In 1993, the Parliament of the World's Religions penned a “Declaration of a Global Ethic,” which was explicitly an attempt to establish a common ethical ground that few could oppose. Offered verbatim:

“We are interdependent. Each of us depends on the well-being of the whole, and so we have respect for the community of living beings, for people, animals, and plants, and for the preservation of Earth, the air, water and soil.

We take individual responsibility for all we do. All our decisions, actions, and failures to act have consequences.

We must treat others as we wish others to treat us. We make a commitment to respect life and dignity, individuality and diversity, so that every person is treated humanely, without exception. We must have patience and acceptance. We must be able to forgive, learning from the past, but never allowing ourselves to be enslaved by memories of hate. Opening our hearts to one another, we must sink our narrow differences for the cause of world community, practicing a culture of solidarity and relatedness.

We consider humankind a family. We must strive to be kind and generous. We must not live for ourselves alone, but should also serve others, never forgetting the children, the aged, the poor, the suffering, the disabled, the refugees and the lonely. No person should ever be considered or treated as a second-class citizen, or be exploited in any way whatsoever. There should be equal partnership between men and women. We must not commit any kind of sexual immorality. We must put behind us all forms of domination or abuse.

We commit ourselves to a culture of non-violence, respect, justice, and peace. We will not oppress, injure, torture, or kill other human beings, forsaking violence as a means of settling differences.

We must strive for a just social and economic order, in which everyone has an equal chance to reach full potential as a human being. We must speak and act truthfully and with compassion, dealing fairly with all, and avoiding prejudice and hatred. We must not steal. We must move beyond the dominance of greed for power, prestige, money, and consumption to make a just and peaceful world.

Earth cannot be changed for the better unless the consciousness of individuals is changed first. We pledge to increase our awareness by disciplining our minds, by meditation, by prayer, or by positive thinking. Without risk and a readiness to sacrifice there can be no fundamental change in our situation. Therefore we commit ourselves to this global ethic, to understanding one another, and to socially beneficial, peace-fostering, and nature-friendly ways of life. We invite all people, whether religious or not, to do the same.”

For components of an ethical infrastructure, we might start with one that the world’s religions are willing to sign off on, assuming consent from the non-theists. Beyond that, we have an absolute right to determine or define the nature of evil for ourselves.

Other groups have also been pursuing similar comprehensive and consensual ethical agreements. There also exists “A Universal Declaration of Human Responsibilities” and the numerous UN Conventions as well. These projects, and others like them, might all have particular statements worthy of incorporation in a constitutional social contract or a consensual ethic. It remains important, however, that these behavioral commitments be restated as needed in terms of the rights being secured by the people, and police powers delegated to the government for the purpose of securing these rights, rather than authorizing the prohibition of specific behaviors with no regard to specific violations of rights.

Liberty and Accountability. “Liberty is the power that we have over ourselves” (Hugo Grotius). There is a moral law: to respect the rights of others. What moralists don’t understand is that moralizing on behalf others is the very opposite of this. We still have our rights to our egos and our selfishness. Where arguments must be put forth to justify liberty, as when reforming the constitution of a standing government, the best

argument is that consequences and accountability are the best teachers of the most well-learned and permanent lessons. It is vital here that we recognize the importance of liberty as an educator: this is the freedom to make instructive errors in life. We best learn what “hot” means by touching the stove, or “ouch” by poking the fan. It should be obvious that all options ought not to be open to liberty: life is an exercise in locating our boundaries, or defining our identities and restricting our behavior accordingly. Here we do not need to argue before a seated authority. We need only state that half of freedom is consequence. We need a middle ground that is still well shy of libertinism, that recognizes that others will want to do things that we will not, or things that we already have too much good sense to even contemplate doing. We must respect the rights that we don’t care to exercise, considering that we may want to do deeds that are sure to incur the disapproval of others. The freedom to disobey the rules of good behavior is a foundation of good behavior. Otherwise we are deprived of the ability to learn.

Some behaviors in moral categories are more likely than others to threaten an encroachment on the rights of others, but legislation can and must occur on the “protected rights” side of the issue, which is a different approach from historical attempts to generally outlaw a particular behavior itself. This is the only proper way to accommodate a prohibition on the infringement of the rights of the people. For instance, our right to drink alcohol becomes a crime of reckless endangerment when we drive a car unsafely, even when we do nobody any harm. Our right to have sexual intercourse with the consenting adult of our choice does not permit us to assault this person by knowingly exposing them to an STD. Our right to free speech ends where we lie to ruin another’s reputation.

Half of the the value of liberty lies in what its exercise teaches us, often the hard way around, about taking responsibility for our choices, and about respect for the rights of others. Where none but ourselves are harmed, any laws and regulations that would protect us from these lessons do not serve the longer purposes of our evolution. We must assume our own sovereignty, and in doing so, dismiss the victim mentality wherever we are able. As sovereigns in a republic, phrases like “we were only following orders” or “we were only doing our jobs” are tantamount to saying “our puppets took charge, pulled our strings and made us do it.”

A significant problem remains here. Liberty teaches us so well because it teaches us that we are individually accountable for the consequences of our actions. If we are encouraged to spread these consequences to society as a whole, have we really learned anything? For example, if we choose to chain-smoke tobacco cigarettes because this is our right, what percentage of our lung cancer treatments do we have a right to pass along to the greater society’s health care system? It might actually be fair for a government to practice a little tough love in these matters, as long as there has been fair warning. Similar right-specific exceptions might be made where a right is enumerated.

Social Contract. This Bill of Duties explicitly affirms a social contract that embodies and gives a degree of force to a secular ethic. It is beyond a simple exhortation to develop good character and look for this in others. Trust might be the only currency that we need in a truly great society, the confidence of one in the basic goodness of another. But we cannot yet fully obligate even ourselves to such good and decent character, much less each other. We would need to wear only one face, to set examples of good behavior, to make our best efforts, to keep our word, to do what we say we will do and when, to not gossip or backbite, to want everyone else to thrive, to empower others to develop their talents, to recognize traits superior to our own, to be

tolerant of opinions different from our own, to not make hasty assumptions, and to look again at others when we find ourselves in doubt, which is how we get the word respect. Human beings are weaker than this, and too little motivated to self-improvement.

An unspoken and unwritten social contract has only the force that courts choose to give the common law and what society chooses to apply in the way of peer pressure. We can be more explicit than this, and choose to do so here. In lieu of trust, we can at least demand of the courts a presumption of innocence and the benefits of doubt. Many have little choice but to see consent to a social contract as implied for any persons freely exercising their protected rights, and to assume that the price of this protection is consent to corresponding duties and responsibilities. But we make that an explicit consent here. We declare and articulate a fundamental consensus concerning binding values, irrevocable standards, and fundamental ethical attitudes. We can further contract with each other that violations of the rights of others, or interference with the performance of duly delegated powers, must imply a price to be exacted in either a forfeiture of rights or in additional compulsory duties. The law that emerges from this is a contract, wherein duties may be imposed only on the basis and within the bounds of law, assuming that a respect for rights is maintained.

Consent of the governed, then, is given in writing by those who ratify this Constitution, and also by a minority of dissenters who have agreed to defer to a democratic process. It is unfair, however, to assume an implied consent to those who were minors or unborn at the time of this ratification. Consequently, all persons, upon receiving the full adult rights of citizenship, including voting rights, will vow and sign an oath of allegiance to the Constitution, affirming the delegation of powers and the Bills of Responsibilities. Any person may at this time, and with impunity, register their exceptions and objections of conscience to specific sections or clauses of this document. These will be collected and reviewed on an annual basis so that amendments may be considered for unpopular stipulations and outgrown ideas.

A Bill of Rights is also necessarily a bill of the rights of others, and an acknowledgement of the necessity to delegate powers to government to defend those rights, and an acknowledgement of a duty to hold the line on powers prohibited to the government, and an acknowledgement of the necessity of law to stitch the whole fabric together. Thus a Bill of Rights necessitates Bills of Responsibilities to respect these conditions and to conduct our lives according to this social contract.

Article 3a

Bill of Duties.

We here declare and accept the following Bill of Duties. We challenge ourselves, to the best of our abilities, to know, respect, protect and defend the Constitution, the rights claimed herein, the duties assented to, the values contained, and the principles acknowledged, and to work for a culture of local and world peace and the flourishing of all life on a thriving world.

Duties to Others. Our first duty to others is to respect the whole of their rights, as enumerated herein, and any other, unenumerated rights which may warrant our acknowledgement. Any decision we make to not embrace or exercise a particular right does not diminish the value of that right for others. We have no right to make such choices for others. Our duty here is the price that we have chosen to pay for our own rights.

We owe all of the rights that we claim to others, and others owe all of the rights that they claim to us. Others may not want them. Others may want rights that we do not. Rights are secured for the public good, but not always the public's pleasure, and certainly not for the majority's pleasure. Prerogatives of the collective are in no way superior to those of individuals: the collective is not alive and things not alive have no rights, except for those rights claimed on Nature's behalf, below.

We accept a duty of tolerance. It is our responsibility to manage our own disapproval of others who are acting within their rights and to restrain ourselves from unwarranted or retributive action. Where we seek to change the behavior of others, our first duty is to set a better example, or to practice what we deem to be better behavior.

We must acknowledge that we are not even potentially equal in our strengths, virtues, or talents, but in order to determine fairly just what our abilities are, we at least need a fair chance to prove or develop ourselves. We cannot achieve this without assuring equal rights and opportunities to all.

We do not exist to serve others or our society, but when we serve, we benefit, and we have lesser and diminished lives without these benefits. In this we find a shared ethical basis for laws of restraint and obligation. We accept that we are interdependent, that we rely on the advancement of culture and its contributors. This is a sum, and it wants functioning parts. We reap the benefits of culture and its infrastructure, and expect to be asked to give something in return.

We accept that trust between individuals is our society's most valuable currency. For our own sake, we owe a presumption of innocence and the benefits of doubt to others, until such time as our trust may be betrayed. Betrayals of trust diminish us all.

We accept a duty to work as needed to meet our own needs, and those of our dependents, family and community, and not be a burden to others, to our society, or our governments, without cause or reason. We have a duty to expect success in life to correlate with efforts made and education earned. We accept the need of our greater society to care for children, the aged, the disabled, and the underprivileged, and a duty to support these efforts, at a minimum where required to do so by law. We accept that not showing an appropriate level of care or concern for others who are in desperate need or distress, or in danger to life or limb, may lead to charges of negligence.

We encode our values in our laws. It is in the public interest to ensure that all violations of the rights of others entail avenues for redress, whether civil or criminal, and consequences, whether fines, surrender of one or more rights, or even imprisonment. The Bill of Rights will provide the primary foundation and method of

organization for a national codification of law. Values such as truthfulness are encoded in laws against fraud, values like fairness, in laws requiring various contributions to the general welfare, and values like human dignity, in interventions against trespass. Any violation of our rights, or those of another, is an unlawful act, whether performed as an individual, a family, a community, a corporation, or a government, or by agents acting on behalf of any of these, including acts in law enforcement and under color of law. Agents acting on behalf of a government or agency will have no sovereign immunity from prosecution under the law, as individuals, even when acting under orders from a still higher authority. Rights violations will entail restitution to individual victims before any monetary penalties are paid to the public.

Duties of Personal Vigilance. We have a duty to defend our own rights and the rights of others against encroachment by private individuals or the agents of public entities. We have a duty to report violations, particularly those involving or made by force, fraud, theft, negligence, recklessness, nuisance, and trespass. Free speech and a free press may be used to voice complaints. Departments of justice and police exist to take complaints and petitions for redress. Civil and criminal courts exist to remedy grievances. Where such procedures are too expensive, time consuming, or cumbersome, ombudsmen and legal aid will be available. Where these fail to yield an adequate justice, the Censors may be called, and where justice is denied, the Censors may take action, including criminal prosecution of judges. We take these steps not only for ourselves, but also to establish a reliable pattern and habit of justice. We have no duty to assist others in the exercise of their rights, but we do have a duty to defend their rights and maintain ourselves as a vigilant citizenry.

A regard for the rights of others is the only excuse for a derogation or infringement of an individual's rights. Where rights are violated, a charge of failure to support the government's delegated powers will be regarded as moot. The derogation of rights is prohibited to the government, and all prior limitations on rights are discussed where they are described.

We have a duty to intervene, or appeal for public intervention, on behalf of the abused, endangered children, the elderly, the disabled, and the underprivileged, asserting our own rights helps others. We have a duty to speak out against injustice, but with the understanding that it is still wise to pick our battles. To the extent that we stay silent, we also remain complicit, although silence does not imply consent.

Duties to the Delegated Powers. We acknowledge government as the primary general instrument of decisive collective action and the execution of national and state law. We herewith accept certain civic duties in order to support the powers we delegate here to government.

We acknowledge a duty to defer to limitations to our individual rights that we ourselves have set forth within our Bill of Rights. And we acknowledge a duty to acquiesce to the powers that we ourselves have delegated to our governments in general, and to the Legislative, Executive and Judicial Branches in their respective Articles below. We need not defer to any act or command of the Censorial Branch, except as we act as agents of government, since this Branch is granted no power whatsoever over our sovereign individuals, our families or our communities.

We acknowledge the power to codify civil and criminal law, and to make appropriate and proportionate regulations for the enactment and enforcement of those laws, which are subject to their necessity, propriety and specificity. We recognize that obedience to the law is a lesser substitute for conscience. We agree to sublimate retaliatory urges and defer to the police and public power. We acknowledge that there may be penalties

of gene death or loss of life for heinous crimes against others, but only where proven beyond any doubt whatsoever.

We reap the benefits of a national infrastructure of utilities and services, and in acknowledging this as a real common need, we expect to be required to contribute our fair share in return. We acknowledge a need for a national infrastructure to be maintained in working order, and hence a duty to pay taxes at rates and under the terms set by proper legislation, in proportion to our economic capacity, in proportion to our impacts, and above allowances for minimum property and income not subject to taxation.

We acknowledge a duty to participate in the democratic process by voting in regular elections for elected offices and on referendums. We do not regard this as a compulsory obligation for the apathetic.

We acknowledge a duty to sit on a jury when summoned, or to appear and show cause for a deferment of this duty.

We acknowledge a duty be educated, to take tests and obtain licenses for the exercise of specified privileges or the engagement of specified rights of our citizenship such as driving a motor vehicle or carrying firearms.

We acknowledge a duty to defend the Nation and its states within the national borders from enemies foreign and domestic and from the effects of natural and manmade disasters. We acknowledge a duty to provide aid as necessary in cases of natural disaster and other contingencies, and submit to quarantine in health emergencies. To this end, we owe support to a system of ready state militias, coordinated at the national level and maintained by a standing force of no greater than ten percent of readily available manpower. Any actions beyond our own borders will be strictly voluntary and only in conjunction and full cooperation with an alliance of other nations in defense against an active or aggressive threat. In lieu of service in a militia, a civil or non-combatant form of paid public service may be required. No required service will exceed 4000 hours on duty, or two years in length.

Duties of Civic Vigilance. Every person will have the duty to uphold justice and to act against corruption in government and corporations licensed to operate by government. Every person has a duty to oppose the arrogation of undelegated and prohibited powers by governments and by corporations. The rights to petition for a redress of grievances will also constitute a civic duty. The right to access the powers of the Censorial Branch for its intended purposes is also a civic duty.

We acknowledge the right of juries and jurors to nullify law, to weigh any allegations of criminal activity against the spirit of a law, to decide on the applicability of the law, and to decide against the constitutionality of a specific law in the case at hand.

Transparency being a duty of government, and unwarranted secrecy a prohibited power, we acknowledge the duties of impeachment, public accusations of wrongdoing and corruption, whistleblowing, and public censure of public agencies and their agents.

We acknowledge a duty to supervise and control the chartering of our governments and corporations and to secure all needed constitutional protections therein. Where errors and omissions concern us, we have a duty to report these to the Censorial Branch.

Information obtained by sovereign individuals against public agencies and their agents by illegitimate means will nevertheless be admissible as evidence in court and in the court of public opinion. Whistleblowers who expose crime, corruption, malfeasance, or acts of ecocide with sufficient evidence for successful prosecution will not be charged or tried for their actions.

Article 3b

Proxy Rights

“A man is measured by the expanse of the moral horizon he chooses to inhabit”
Sandor McNab

There is a category of rights that might only be eagerly claimed by persons of maturity, compassion, and conscience, and on behalf of others whom they may never meet. These are the rights connected to a sense of stewardship. They require that people step up and claim rights on behalf of other entities and living processes unable to speak for themselves. Here we call these Proxy Rights. In simplest terms, these are the rights of Nature, as the simplest name for our origin, our interrelations, our interdependence, our greatest teacher, and our utter vulnerability. All human rights will come to nothing if the ground of our being is destroyed. It is odd that we need to say that this makes Nature more fundamentally important than we are.

“The human community is an element of the Earth community, not the other way around. All human endeavors are situated within the dynamics of the biosphere. If we wish to have sustainable institutions and enterprises, they must fit well with the processes of the Earth... . The health of the life-support systems - the ecosystems on our continent - is of paramount importance. Inherent in the efficient dynamics of those ecosystems is a vital profusion of biodiversity. Therefore, [we] call for a halt to the destruction of habitats, which are being sacrificed to unqualified economic expansion. We humans have a moral responsibility to all of our relations, many of which are facing extinction because we carelessly and permanently halt their long evolutionary journey” (Green Party Platform).

Governments, corporations, and individuals have for too long been unaccountable for damages done to our environment. We assert that all three of these will require enforceable regulation to supplant the maturity, compassion, and conscience that humanity has failed to develop. A citizen's rights to a healthy environment will be sufficient standing for lawsuits on environmental issues, whether filed against governments, corporations, or individuals. Any person has standing if standing on behalf of endangered ecosystems. A government may not exempt itself with claims of sovereign immunity, even in defense of activities of the militia.

We have, on the whole, been horrible ancestors. Human beings access and abuse nature, the biosphere, other sentient beings and even the future generations of humankind as claims, properties, chattel, and resources subject to monetization, as things to be exploited. Our own descendants are being asked to repay our enormous debts. The strip-mined products of nature and life have been regarded as income rather than at-risk capital and we will be centuries in repairing this grievous error. We must take another approach, assigning rights to Nature and the unborn, and standing up as their proxies and stewards. Without this we will not survive, and all that we have struggled to build and create will have been built and created in vain. While the religious may keep praying for an end of days and Armageddon, this is a wholly secular constitution and requires that humanity at least cover a contingency that the future will be better if life on Earth continues.

Those who work with the greater horizons of time and space, such as historians and archaeologists who study humanity, primatologists and evolutionary biologists who study how we got to be humankind, and geologists and astronomers who reach for the biggest pictures of all, are all more likely to remember that nations will come and go, and that they are not as important, in the long run, as the world we live in. Patriotism is

a far pettier cause than global citizenship and our larger human responsibilities. The Earth belongs to neither the dead, nor the living, nor the unborn. The Earth is not property. Within our own borders at least, the survival of the Nation will not be deemed more important than the survival of life on this Earth, its biosphere, or its biodiversity.

We acknowledge a need to look boldly, honestly, and unflinchingly at sustainability in terms of deep time, with care and reasonable concern even for distant consequences, whether seven generations on or ten millennia. We must begin to use honest language in describing our activities and their consequences. By definition, an unsustainable behavior leads to the extinction of that behavior. The time remaining to the next election has for too long driven our shortsightedness. Humans have enough of a challenge deferring our daily gratifications. We need the legal means to demand a longer vision. No use which depletes or destroys a finite resource in any way will be called or referred to by the government or by any corporation as sustainable, and lies told by corporations regarding sustainability may be prosecuted as fraud.

We must defund and refuse to support any economic subsidies for any unsustainable practice or the exploitation of any scarce or non-renewable resources. Public subsidies will only be used for emerging technologies promising a healthier environment. Where regulation and its enforcement are costly, reason demands that we fund this as much as we can with fines and assessments for unlawful and damaging practices. We must promote ecological literacy and the study of a true sustainability as essential to education at all of its levels.

We must protect and defend our natural resources, for our sake and for their own, and demand that any use be harmless in order to provide for posterity and preserve the rights of future generations. We must protect and defend an environment that is suitable for, and conducive to, the continued development of all living beings. We must do our best to clean up our own mess, pay our rent, set a good example, and leave a better world than the one we found. We must obligate ourselves to “manage the use of renewable resources such as water, soil, forest products, and marine life in ways that do not exceed rates of regeneration and that protect the health of ecosystems” (Earth Charter).

Every person has a right to timely and complete information about the state of the environment and natural resources. Distortion of information, misleading terminology, and the perversion of science by government agents will be actionable as criminal offenses. “The population has the right to participate in environmental management, and to be consulted and informed prior to decisions that could affect the quality of the environment Any person, in his own right or on behalf of a collective, is authorized to take legal action in defense of environmental rights, without prejudice to the obligation of public institutions to act on their own in the face of attacks on the environment” (Bolivia).

We are constituting a government here, not reforming one. As we have done with our rights, we need not apologize or plead a case for conservation with any standing government, or with any previously vested interests. We do not need to manage our resources by assigning them economic value or commodify our necessities in any way. There is no need to justify these protections primarily in terms of our human rights, market values, or quantified environmental services. We name the rights and duties that we elect to name, and then we assert them. This is our right as sovereigns in making this Constitution.

Proxy Rights of Nature and the Commons. The idea of public stewardship is sometimes called the Public Trust Doctrine. This is the principle that certain resources

are preserved for reasonable public use, and that government is required to maintain them. While this has evolved around the public use of waterways and tidal zones, the idea is expanded here to include the commons and natural resources. Conservation for resources for posterity, and not exploitive or multiple-use, is all the justification needed for the Nation holding title to large tracts of land. This should be stripped here of any economic justifications, for reasons now painfully learned.

The commons will include: 1) water, in its quality, quantity, and dependability; in clouds, rain, snow, runoff, rivers and tributaries, glaciers, groundwater, aquifers, lakes, ponds, wetlands, sloughs, bays, reefs, and the ocean itself; 2) earth, in soil, clay, silt, siltation, erosion, sand, salinization, stone, minerals, mineral fertilizers, ores, strategic minerals, gemstones, radioactive isotopes, geothermal energy and storage; 3) air, atmosphere, breathable air, the energy in wind, climate stability, soil gasses, and greenhouse gasses; 4) energy, sunlight, electromagnetic and radio spectra, primary production, cellulose and lignin, and fossil fuels, 5) life itself, the gene pool, the biosphere, and its biodiversity; and 6) outer space, Earth orbits, and Lagrange points.

Some may regard Nature, or this world, as a deity, some as a living being, some as an intricate, self-organizing and self-correcting energy and nutrient system with strongly emergent properties. At the very least, it is the latter. It is this that has been called Gaia. The Gaia hypothesis presumes neither the deification nor the self-consciousness of our world or Nature. It presumes only an evolved, balanced, and self-organizing system that has behavioral aspects resembling adaptive intelligence. And yet Gaia, or Nature itself, is still more than metaphorically our mother, and more than symbolically that which sustains us. The most atheistic or materialist scientist still might have good reasons to regard this as sacred and worthy of a reverent respect. Even outgrowing our nature will require our growing out of this Nature.

In the way we use Nature, "the activities of exploration, exploitation, refining, industrialization, transport and sale of nonrenewable natural resources shall have the character of State necessity and public utility" (Bolivia). One who "violates the constitutional regime of natural resources" "commits the crime of treason against the country" (Bolivia).

"The exploitation of natural resources in a determined territory shall be subject to a process of consultation with the affected population, called by the State, which shall be free, prior in time and informed. Citizen participation is guaranteed in the process of the management of the environment, and the conservation of ecosystems shall be promoted, in accordance with the Constitution and the law. In the nations and rural native indigenous peoples, the consultation will be carried out with respect given to their own norms and procedures" (Bolivia).

We affirm, with Edward Abbey, that "growth for the sake of growth is the ideology of the cancer cell." We state unequivocally that a steady-state relationship between humanity and the environment is our necessary goal, and not endless or unlimited growth or profit for their own sakes. We acknowledge that this means opportunity costs, or profits forgone, and requires deferred gratification of some of the wants of human civilization. "Sacrifices" made for the benefit of the commons are only opportunity costs when based on limited time horizons and our blindness to the needs of posterity. We must cease all cost-benefit calculations that discount the future.

Any claims of title to any non-renewable resources will be regarded a usufruct, and will be forfeit upon abuse, unmitigated exploitation, or use to the long-term detriment of the resource. Claims may not be used as security or regarded in any financial transaction as chattel. Deposits or bonds against damages, including liens and title to a corporation's properties, might be required. Our natural resources belong to themselves, our world, to the world itself. "The State shall participate in profits earned

from the tapping of [publicly owned] resources, in an amount that is no less than the profits earned by the company producing them. The State shall guarantee that the mechanisms for producing, consuming and using natural resources and energy conserve and restore the cycles of nature and make it possible to have living conditions marked by dignity” (Ecuador).

The Legislature “may, by law, declare any part of the country to be a National Park, Wildlife Reserve, Nature Reserve, Protected Forest, Biosphere Reserve, Critical Watershed and such other categories meriting protection” (Bhutan). Property and in-holdings seized or regulated in this manner will require just compensation, but evaluation for this may consider damages done. Land that is used for a specific purpose will be used with due consideration for other and greater purposes and uses, both now and in the future.

Minimum in-stream flows for aquatic ecosystems will prioritize the health of the natural systems over human use, even where this means constraining human population levels and regional development potential. The second priority will be clean, potable water, and the third, responsible use in agriculture. Fossil water aquifers may only be drawn upon at their rate of replenishment. Pollution of aquifers is a felony, and fines may be levied against polluting corporations that are sufficient to bankrupt the corporation and seize all of its assets.

“Water resources in all their states, surface and subterranean, constitute finite, vulnerable, strategic resources, and serve a social, cultural and environmental function. These resources cannot be the object of private appropriation and they, as well as water services, shall not be given as concessions and are subject to a system of licensing, registration and authorization pursuant to the law” (Bolivia).

“The different forms of energy and their sources constitute a strategic resource; access to them is a fundamental and essential right for full development and the social development of the country; and they shall be governed by the principles of efficiency, continuity, adaptability, and environmental preservation. It is the exclusive authority of the State to develop the chain of energy production in the phases of generation, transport, and distribution, by means of public, mixed enterprises, non profit institutions, cooperatives, private enterprises, and community and social enterprises, with public participation and control. The chain of energy production may not be held exclusively by private interests, nor may it be licensed. Private participation shall be regulated by law” (Bolivia). “Energy sovereignty shall not be achieved to the detriment of food sovereignty nor shall it affect the right to water” (Ecuador).

Proximate rights of nature and the commons obligate the Nation, and all entities and corporations licensed to do business within national boundaries, to participate in both national and global efforts to secure the health, safety, resilience, and productivity of the commons for future generations. The global commons are a trust that may demand as much or more of us in maintenance costs as they produce in revenue. However, such an obligation cannot be construed as a requirement to participate in programs that are not cost effective, or that are merely driven by promotion, political rhetoric and public opinion. Hard and scientific cost-benefit analyses will be required.

The costs of maintenance and conservation of the commons, their repair and remediation, and the prevention of pollution and ecological degradation, may be borne at least in part by ecologically sustainable development and wise use of natural resources, but we must now bear in mind that resource means “to source again,” which in turn means renewability. Economic growth and development can no longer be the only driving dynamic in the human use of nature. Even in economic terms, Nature is capital, not income.

The fragmentation of national and state regulatory frameworks must be addressed eventually by more comprehensive global conventions supported by international law, and this Nation will be obligated to participate in a productive manner with commitments to research and cooperation.

Proxy Rights of Life and the Biosphere. It is often said that human beings are posing no long-term danger to the Earth, at least relative to the danger we are posing to ourselves. This much is true: Life will recover and slowly regain the full breadth of its biodiversity should we at last drive our own species to extinction. But even with this perspective, we fail to do justice to two important concerns: 1) between now and this future state of recovery lies the unimaginable suffering of uncountable other sentient beings, and 2) uncountable species, which have been struggling like us for hundreds of thousands to hundreds of millions of years, will succumb to a permanent, tragic, and unnecessary extinction. We assert here, on behalf of life and the biosphere, that human beings have no right to do this. We assert, instead, that this is parasitic exploitation and a criminal mindset.

“The resilience of the community of life and the well-being of humanity depend upon preserving a healthy biosphere with all its ecological systems, a rich variety of plants and animals, fertile soils, pure waters, and clean air. The global environment with its finite resources is a common concern of all peoples. The protection of Earth's vitality, diversity, and beauty is a sacred trust” (Earth Charter). Biodiversity must be maintained in order to maintain the health, resilience and robustness of the biosphere, and it is fundamental to that goal to protect individual niches. We must promote the recovery of endangered species and ecosystems, and work to minimize the invasions of non-native species or else help turn them to Nature's advantage.

We acknowledge a duty to adopt, protect, and defend the rights of life on Earth, to work for life's continued ability to regenerate, persist, thrive, and evolve, well into the distant future. Natural life on Earth will not be commodified, monetized, or regarded as property, or used as security or collateral in any transaction. Living beings may not be patented if they occur, or potentially could occur, in Nature. The biosphere has a right of restoration and recovery, and a right to human assistance wherever its health has been compromised by human action. The term biosphere will mean the collective regions and ecotones of the earth's surface, subsurface, atmosphere, and hydrosphere which are occupied by living organisms.

“All persons have the right to a healthy and ecologically balanced environment. For that, they are legitimated to denounce the acts that infringe this right and to claim reparation for the damage caused” (Costa Rica). “Environmental conservation, the protection of ecosystems, bio- diversity and the integrity of the country's genetic assets, the prevention of environmental damage, and the recovery of degraded natural spaces are declared matters of public interest” (Ecuador). Life and the biosphere have legal standing in lawsuits over matters of resource and environmental conservation. Lawsuits may be brought against governments, corporations and individuals by proxy plaintiffs on their behalf. In bringing suit, it is understood that any predictive extrapolation of anticipated damages will require sufficient and compelling scientific evidence.

“The development, production, ownership, marketing, import, trans- port, storage and use of chemical, biological and nuclear weapons, highly toxic persistent organic pollutants, internationally prohibited agrochemicals, and experimental biological technologies and agents and genetically modified organisms that are harmful to human health or may jeopardize food sovereignty or ecosystems, as well as the introduction of nuclear residues and toxic waste into the country's territory, are forbidden” (Ecuador).

Generalizations in environmental law will respect individual biomes and ecotones. Conservation, management, treatments, and developments in specific areas will consider both integral systems and edge effects. Programs will not be wholly centered around a single species, whether keystone, threatened, endangered, game, or charismatic, but will consider all critical interrelationships, guilds, and mutualisms. Respect will be given to all elements that form an ecosystem, including decomposers, detritivores and scavengers, soils ecology and mycorrhizal systems.

Environmental impact analysis will, in all cases, consider the carbon, nitrogen, and nutrient cycles, conservation of biomass, trophic levels, population dynamics, habitat fragmentation, assimilative capacity, adaptive capacity, system resilience, nutrient budgets and exports, invasive species, communicable diseases, alterations of natural cycles, long-term system degradation, and extinction potentials. Full life-cycle and external cost analyses will be included in all public computations of resource impacts. The production of materials will account for all embodied or embedded energy, carbon, water, non-renewables, non-recyclables, and persistent toxic materials.

Exploitive uses of land such as agriculture, silviculture, grazing, and aquaculture will be guided by the best available science with the goal of undiminished productivity and extended ecosystem health. Public education in resource extraction practice will not be provided or funded by resource extraction industries. Forfeiture of property rights, or the conversion of a fee simple property right to a usufruct may be regarded as appropriate restitution or penalty for ecological abuses and crimes. "In cases of severe or permanent environmental impact, including the ones caused by the exploitation on non-renewable natural resources, the State will establish the most efficient mechanisms for the restoration, and will adopt the adequate measures to eliminate or mitigate the harmful environmental consequences" (Ecuador).

"The State will apply precaution and restriction measures in all the activities that can lead to the extinction of species, the destruction of the ecosystems or the permanent alteration of the natural cycles. The introduction of organisms and organic and inorganic material that can alter in a definitive way the national genetic patrimony is prohibited" (Ecuador).

We "recognize that illicit dumping of toxic and dangerous substances and waste potentially constitutes a serious threat to the human rights to life and health of everyone" (Vienna). Aggregated totals of non-point-source pollution will be assessed as though they were point-sourced. Manufacturing companies will be held fully accountable for waste and packaging products that litter or pollute the environment. The production, import, distribution, use, and final disposal of any materials that are toxic and hazardous to persons or the environment, or which have not been adequately shown to be safe, will be closely regulated at the national level. All foods, medicines, personal care products, and household maintenance products which have been treated or made with with potentially toxic materials, or which contain transgenically modified organisms, will be labeled for the benefit and education of consumers.

Any corporation licensed by the Nation or state to exploit a biological resource will be subject to rights of the people to monitor or inspect, rights to report on activities, and rights to bring a complaint, charge, or suit by any citizen on behalf of the impacted resource. Burdens of proof will be as required by law. Public servants who are responsible for monitoring will be held accountable for failures to monitor as job descriptions require.

Economic demand for a biological resource will be weighed in terms of the necessity of using that particular resource, and not solely in terms of cost, expedience, or what the consumers are willing to purchase.

Proxy Rights of Sentient and Self-Aware Beings. We accept and affirm a duty to adopt, protect and defend the rights of sentient and self-aware beings. We accept duties of compassion, kindness, respect, and understanding. "Just as human beings have human rights, all other beings also have rights which are specific to their species or kind and appropriate for their role and function within the communities within which they exist" (Bolivia). In this context, protection of rights for plant and other species and colonies may be included.

Pursuant to the Cambridge Declaration on Consciousness, 2012, we accept and affirm that "The absence of a neocortex does not appear to preclude an organism from experiencing affective states. Convergent evidence indicates that non-human animals have the neuroanatomical, neurochemical, and neurophysiological substrates of conscious states along with the capacity to exhibit intentional behaviors. Consequently, the weight of evidence indicates that humans are not unique in possessing the neurological substrates that generate consciousness. Nonhuman animals, including all mammals and birds, and many other creatures, including octopuses, also possess these neurological substrates.

The neural substrates of emotions do not appear to be confined to cortical structures Wherever in the brain one evokes instinctual emotional behaviors in non-human animals, many of the ensuing behaviors are consistent with experienced feeling states, including those internal states that are rewarding and punishing Birds appear to offer, in their behavior, neurophysiology, and neuroanatomy a striking case of parallel evolution of consciousness."

We have learned to accept the need to leave room on this world for beings other than human, including sufficient room in wilderness and natural conditions. We must grasp that our function with respect to nature has shifted gradually from a symbiotic mode to a parasitic one. We now take far too much and give too little back, and with numbers as large as ours have grown, we must begin to address and correct our population problem in its several dimensions. Universal availability of family planning, to those not completely constrained by religious beliefs, and universal availability of education, regardless of religious constraints, must be fully supported with sufficient public expense.

Any living being which is capable of communicating by a show of emotion, or demonstrating altruistic behavior, or bonding with another species in a relationship of play, mutual comfort, affection, or regular companionship, will be known as a sentient being. The list of these is growing as we ourselves mature. All have a right of access to water and food, and a right of protection from frivolous predation, physical abuse, adverse genetic manipulation, and pollution. Captive breeding programs for endangered species may be publicly funded at any zoo or refuge. Wild animals will not be killed by individuals, corporate agents, or government agents in order to protect agricultural profits. Pest control using predators may be implemented, and programs for capture and relocation of natural predators may be used.

Animal species which are specifically bred, kept and raised for human consumption, including fowl, are at a minimum entitled to play when young, a comfortable existence, a good experience of life, socialization, freedom of movement for the full span of life, and an end to life which is quick, painless, and free of suffering. All such animals have a right to respect in advance of our gratitude. No animal with cognitive abilities or neurocortices greater or larger than rats may be used for any medical or cosmetic research, but even rats and mice will not be subjected to needless suffering. Animals kept as pets have rights to intervention and protection by the state from cruelty, physical abuse, bestiality, and other forms of exploitation.

Hunting and fishing done solely for sport will be regarded as illegal malpredation wherever the best examples of a species are sought, rather than the slowest and weakest, as natural predators hunt. Hunting primarily for trophies is prohibited. All legalized hunting programs will be implemented for the long-term benefit of the species hunted, will require licenses or permits, with quotas, and sufficient educational programs in population ecology, prior to the issuance of any hunting or fishing license or permit.

Any living being which is capable of self-awareness, which might be indicated by exceptional problem-solving ability, mirror recognition, use of language, or similar tests indicating a separate and objective sense of self, will be referred to as a self-aware being, or a non-human person. This designation includes chimpanzees, bonobos, gorillas, orangutans, elephants, and species-specific mysticetes, odontocetes, cephalopoda, elasmobranchii, corvids and parrots. This list may grow as humans mature in our outlook on Nature.

Wild animals have rights against poaching, harvesting for body parts, illegal capture, illicit trade, and smuggling. Poaching of any endangered or threatened sentient species will be a felony punishable by not less than a year in prison for each animal killed. Poaching of any self-aware species will be a felony punishable by not less than five years in prison for every animal killed.

Self-aware beings may be fenced or contained in sanctuaries, wildlife refuges, captive breeding programs, and extensive zoo habitats which approximate their natural environments. Voluntarily accessible refuge from the stresses of interaction with humans will be available at all times. The development of stereotypic behaviors or any other signs of neurosis will immediately trigger investigation and remedial action. Cetaceans may not under any circumstances be held captive in tanks, but they may be accommodated in open lagoons where they are shown that they have freedom to come and go at will.

Proxy Rights of Future Generations. We acknowledge and accept the rights of posterity, the future generations of humanity, to a habitable world with plentiful resources, a healthy biosphere, and to a meaningful culture. "As parents, we can have no joy, knowing that this government is not sufficiently lasting to ensure any thing which we may bequeath to posterity: And by a plain method of argument, as we are running the next generation into debt, we ought to do the work of it, otherwise we use them meanly and pitifully. In order to discover the line of our duty rightly, we should take our children in our hand, and fix our station a few years farther into life; that eminence will present a prospect which a few present fears and prejudices conceal from our sight" (Thomas Paine, *Common Sense*).

The Nation will be subject to an explicit Public Trust Doctrine, which means that the government is a trustee to protect the Nation's and Earth's natural and cultural resources for multiple generations to come. This obligates the government to protect resources essential to the survival of all generations. The common good includes the future. Government activities which can be shown to be injurious to future generations will be deemed unconstitutional. To survive, we must come to view our era from the perspective of our descendants. The ancient practice of reverence for ancestors had a point that has escaped us: we ourselves must learn become worthy ancestors, and not have descendants who will curse us for our shortsightedness and greed.

Public Trust is deferred gratification writ large. It may be the only way to get a longer vision and respect for posterity back into any government resource management and the law. Many nations have bankrupted their own posterity in their greed, shortsightedness, and failure to defer gratification. Politicians were permitted to limit

their vision to the next election and its funding. Much of this has been done with dishonest accounting. Public debts are termed "unfunded liabilities" to keep them out of columns labeled "debt." Revenues derived from the extraction of finite resource capital are treated on the books as free income instead of raids on resource equity. Such dishonest accounting will henceforth be treated as felony fraud. The government must not be permitted to bankrupt a generation that is not yet permitted to vote. Ponzi schemes, depleted resources, runaway population, and public debt will not be passed to future generations.

We here acknowledge and fully accept the "Bill of Rights for Future Generations," Articles 1-4, as originally promulgated by Jacques Cousteau: 1) future generations have a right to an uncontaminated and undamaged Earth and to its enjoyment as the ground of human history, of culture, and of the social bonds that make each generation and individual a member of one human family; 2) each generation, sharing in the estate and heritage of the Earth, has a duty as trustee for future generations to prevent irreversible and irreparable harm to life on Earth and to human freedom and dignity; 3) it is, therefore, the paramount responsibility of each generation to maintain a constantly vigilant and prudential assessment of technological disturbances and modifications adversely affecting life on Earth, the balance of nature, and the evolution of mankind in order to protect the rights of future generations; and 4) all appropriate measures, including education, research, and legislation, will be taken to guarantee these rights and to ensure that they not be sacrificed for present expediencies and conveniences."

One generation has no right to bind another to any obligation. Future generations have a right to default on, repudiate, or disavow any and all debts and obligations made upon them by the previous generations without their consent. This stipulation is made in order to weaken or destroy public confidence in any current administration's ability to incur and repay any debt beyond its own tenure. Future generations which have not arrived at an age of consent cannot be assumed to have cosigned or authorized any current loans.

Future generations have legal standing in lawsuits over matters of resource and environmental conservation. Lawsuits may be brought against individuals, corporations, and government agencies by proxy plaintiffs on their behalf. Plaintiffs may be children. It is understood that predictive extrapolation of anticipated damages will require compelling scientific evidence.

The term "sustainable" will be understood as an activity or use that may be continued indefinitely, even for millennia. No use which depletes or destroys a finite resource will be referred to by any government or corporation as sustainable. There will be no rule against perpetuities in matters of conservation for future generations, regardless of precedents in common law.

Formulae for discounting the future will not be used by the government in calculating the long-term effects of environmental exploitation and resource extraction. No cost-benefit analyses will be permitted without adequate lines for unexpected or contingency costs. The timely techno-logical fix to anticipated problems will not be assumed in government projections. We must acknowledge here that the automatic and thoughtless application of "precautionary principles" can be just as hazardous to the future as deregulated experimentation. Within reason, potential consequences of government and corporate actions warrant examination by the best available science, regardless of a lower probability of their occurrence. While a blind use of precautionary principles is often ill-advised, we must insist that the proponents of technologies with far-reaching implications accept both a reasonable burden of scientific proof and a proportionate degree of accountability.

Resource extraction and use must move as expediently as possible to fully renewable energy and materials. No subsidies whatsoever will be offered to the exploitation of non-renewables. Non-renewables will be taxed and burdened with surcharges proportionate to the hazards of their depletion. The rise in potential profits from the extraction of increasingly scarce resources must be countered with post-production surcharges in consumer pricing. Recycling will be mandatory for all materials possible, even where subsidies may be required to fund the reuse of materials.

Properties in danger of permanent or multi-generational damage will be deemed a usufruct and seized if sustainable uses are not implemented. Usufruct means the right to utilize and enjoy the profits and advantages of something belonging to another, so long as the property is not damaged or altered. The seizure of abused land is analogous to a seizure of abused children. In this context, property rights will become privileges instead. Seized properties will be rehabilitated prior to any further use. Transfers of ownership by public entities will not be made for any private gain.

Some redistribution of accumulated and disproportionate wealth will be regarded as justified in ensuring resource availability and equity for future generations. Specified degrees of wasteful affluence and conspicuous consumption may be deemed by law to be harmful to future generations. Since “first possession” is such an important consideration in establishing a property right, future generations, latecomers, and descendants are placed at distinct disadvantages. Children and posterity are the primary justification for the public redistribution of wealth. As such, revenues from progressive levels of taxation should be specifically dedicated to provision for future generations. This will include socioeconomic rights and education. Given this, however, special consideration should also be given to the wealthy for exemplary demonstrations of *noblesse oblige*, stewardship, conservation, charity, and philanthropy.

Article 4

Powers Delegated and Denied

“The legitimate object of government is to do for a community what they need to have done, but cannot do at all, or cannot so well do for themselves in their separate and individual capacities. In all that the people can individually do as well for themselves, government ought not to interfere” (Abraham Lincoln, 1854).

“State authority may be asserted only in cases and within the bounds provided for by law and only in the manner prescribed by law” (Czech). The powers prohibited or not delegated to the Nation or states by their constitutions are reserved by the sovereign people. The courts will show no cowardice, nor cite a slippery slope, in respecting this stipulation.

General Delegations. The powers constitutionally delegated to the national and state governments will be as described below, or separately under the Articles for the separate government Branches. National and state governments are herewith granted all powers which are necessary and proper to the implementation of this Constitution. Necessary will mean that laws will not overreach delegated powers, or exercise prohibited powers, and will meet no greater than the minimum requirements for these ends. Proper will mean that the Bill of Rights will not be compromised, infringed, or derogated in any way.

The creation of national and state franchises and privileges will be according to laws first deemed constitutional by both the Constitutional Court and the Censorial Branch. All issuance of documents of limitation and empowerment will be *ad hoc* and time limited.

Where jurisdictional disputes between the Nation and the states, or questions of devolution of function arise, the matter will be resolved by legislation in the national Senate.

It should be understood that while powers remain delegated here which have historically led to excessive government growth and gross infringement of the rights of the people, there are far greater safeguards emplaced here, particularly in the form of the Censorial Branch, and a better informed electorate. We have delegated powers where it is in our individual self-interest to do so. An arrogation or an incidental acquisition of powers, no matter how common historically, no matter how entrenched or acquiesced to, is not the same as a delegation or grant, and will not be permitted here. Implied powers will not be derived except by proof of necessity and propriety in conformance with this Constitution and approved by the Censors on an *ad hoc* basis, without setting any legal precedent.

General Prohibitions

No Violations of the Constitution. No act of Congress, or Executive order, or Judicial ruling may authorize a violation of the Constitution, even in a national emergency or for reasons of national security. To subvert the Constitution from any office will entail a felony charge of treason.

No means No. Statements that a right will not be abridged, infringed, or derogated, are written in English and mean what they say. There is no compelling government interest or law of general application that may excuse a rights violation or limit a right, other than those already stipulated herein. The rights of military personnel are necessarily constrained for the sake of the military order, and all constraints will be as specified in full disclosures made prior to enlistment in any militia.

No right of any kind is vested in government, nor is any power to grant or deny any right, except as specified herein. There will be a presumption that all powers not granted herein have been prohibited or denied.

No tax, fee or other exaction will be made on the exercise of any right. No special privilege granted by government will require the surrender, waiver, or abeyance of a right. No required enabling licenses specified herein will require any fee for registration. No right may be deemed waived or surrendered in exchange for any privilege or immunity granted by government.

No Metastasis. Success in arrogating power without a public protest does not constitute a legitimate grant of power. The power to do "whatever is not expressly prohibited" is denied to governments, but is reserved to the sovereign people. The propagation of law, law enforcement, and legal adjudication across the boundaries of necessity and propriety is prohibited.

No Suspension of Writs of *Habeas Corpus* or *Amparo*. Both the Nation and the states are prohibited from denying these writs, including in times of war and national emergencies.

No Letters of Marque and Reprisal. Both the Nation and the states are prohibited from issuing letters of marque and reprisal. The use of civilian mercenary forces is prohibited both at home and abroad. Black or off-book operations and black sites are prohibited at home and abroad.

No Rights or Sovereignty for Governments or Corporations. No legislation or judicial decree may name a right of any governments or corporations, or refer to their sovereignty. All claims by government of sovereign immunity are invalid. All agencies and their agents may be held civilly or criminally liable for damages for actions taken in violation of the rights of sovereign individuals.

No Opacity. Transparency will be standard practice in all government operations, except in extreme and unusual circumstances acknowledged by the Censorial Branch. The Censors will have non-redacted and declassified access to all information used by government. Neither will there be any manipulation of figures, statistics, terminologies, or spreadsheet categories in order to conceal, confuse, or conflate the information available made to the people.

No Unequal Treatment Under the Law. No category of persons is entitled to a different treatment under the law, with exceptions as specified herein, as for the rights of children. All persons will enjoy equal rights without distinctions other than for merit, virtue, education, skill, and talent. Governments will have no power to grant any monopoly or exclusive advantage of commerce to any person, family, community, guild, company, or corporation. Protective tariffs and embargoes may be used only for the general benefit of the Nation and not for private benefit.

No Private Profits at Public Expense. Government support of private, individual, or independent businesses is prohibited. All contracts will be awarded following a full and open bidding process with unbiased criteria for bid qualification. Bailouts, except as fully collateralized, interest-bearing loans, are prohibited. Tax breaks will not be used as subsidies except for specified emerging technologies which promise public benefits and solutions to public problems in values exceeding the amount of tax breaks. Public lands and resources are not to be used or degraded for private gain except with still greater net public benefit and posted bonds securing full remediation.

No Involuntary Servitude. Involuntary servitude is prohibited, except as restitution or punishment following a civil court award or criminal conviction, and except that: 1) short-term service may be demanded by emergency service personnel in emergencies; and 2) in times of national and state emergencies, programs of national service may be implemented, requiring minimum-wage participation for a maximum of 4,000 duty

hours or two years duration. Any such conscription will allow options to service in the ready militia, in non-combatant positions, or in alternative civilian service, with no religious test required for conscientious objectors.

Article 5

The Legislative Branch

The Legislature, or Congress, is constituted to draft, codify, modify, or repeal the laws of the land, in conformity with this Constitution, and also to draft and ratify the regulations needed to exercise powers delegated to the government, and to approve the annual budget. There will be two Houses, or Chambers, to the Legislature: 1) the Assembly, representing the people, apportioned according to state population, and 2) the Senate, representing the state and local governments, territories, and indigenous tribes, also apportioned according to state population. Each house will seat a maximum of 128 legislators.

Legislators will sit for three-year terms of office, may hold their office for two consecutive terms, and then may return to office after a one-term absence. The purpose of mandatory sabbaticals is to return a legislator to a life among the people represented and not to prevent competent and popular legislators from longer service. Each legislator will have an elected assistant who will attend all votes and functions missed due to illness or travel. Both Houses will be seated for a minimum of two ten-week sessions and two two-week sessions per year. A permanent Recess Committee, consisting of twelve legislators or assistants from each House, will be available during recess, and will have all of the necessary authority and powers of a full, sitting Legislature.

Each House will establish its own rules pertaining to internal discipline, meetings, and procedures, subject to Censorial review, and may punish members for disorderly conduct. In order to expel a member, a majority of two-thirds of members present must pass a resolution thereon.

“Proportional participation of the nations and rural native indigenous peoples shall be guaranteed in the election of members of [both Houses of Congress]” (Bolivia). The Censors may draw district electoral boundaries demographically, or non-geographically, to allow for proportional representation for minorities. Every indigenous tribe larger in population than the smallest state is entitled to seats in both Houses of the Legislature, and for political purposes, smaller tribes may coalesce to gain seats.

Salaries of legislators are limited to five times the minimum wage. Allowances for housing and transportation will be provided in values and rates not to exceed the national median. Upon retiring, legislators will forgo any pensions if moving into a private sector job related in any way to their actions in Congress.

Divisions of the Legislature into committees will follow the structure of the Cabinet and its agencies. Committee members will be qualified for the committee’s task, as determined by the Censors.

Bills will be read aloud in their entirety prior to any vote. No legislator or assistant will be permitted to vote on a bill who has not attended a full oral reading of the full bill. This reading may be heard privately if attested by two witnesses. All bills are subject to at least one public debate on the floor of Congress. Deliberation in each House will be public and also recorded or transcribed for the public. Secret or executive sessions are permitted in wartime only, following a resolution for this by a two-thirds majority, but these will be open to all four Branches of government.

A business quorum is one-half of the legislative body. A voting quorum is two-thirds of the legislative body. Simple majority votes will suffice on most bills, but extraordinary majorities of two-thirds of the quorum are required when overriding the

veto of a bill, or overriding a budget line item veto. In case of a tie, the presiding officer will decide the issue. Votes and their voters will be recorded and public.

Bills requiring approval of both Houses will be voted on with a single vote by a combined house seating up to 256 legislators. They will not be approved by Houses independently, although preliminary or straw votes may be taken there.

All laws will stipulate their intent and spirit, which will be weighed in court coequally with their letter, stating the goals and objectives to be achieved by its passage, so that mitigating and special circumstances may be considered by the courts. All laws and regulations will also allow for alternative modes and methods of compliance which meet the intent, spirit and the stated goals and objectives. A rule of law, while attempting to establish fair and impartial justice for all, has failed at this where it fails to consider special or mitigating circumstance, and where its blind application overpowers reason. Law will not be regarded as wholly black-and-white or binary in nature.

Laws will be written as clearly and simply as possible, with reason and logic commanding respect, using an adopted vocabulary referenced within them. Everything which is not prohibited by law is allowed. When laws are passed that people cannot respect, it undermines all law. When laws cannot be consistently and reliably enforced, this only undermines enforcement and encourages non-compliance. While obscurity and complexity support the revenues of legal professions, to which legislators frequently belong, the people here demand a more straightforward approach.

Government regulations, however adopted, will not have the force of law against individuals. Regulations regulate corporations and government entities, and elsewhere will be regarded as advisory.

Budget appropriations will be for the year in question only. No agency will be funded for more than one year at a time. Budget baselines for consideration of the following year's budget will be zero. Entities will be deprived of any sense of having a life of their own. Agencies exist *ad hoc* for purposes outside of themselves.

The Electors, by initiative ballot, may introduce a bill, or seize a bill under consideration, or enjoin a bill already passed by Congress, and subject it instead to a direct vote of the people. A decision of the Censorial Branch, or a popular vote of the people or the Electors may abrogate or derogate, in whole or in part, any law enacted by the Congress. A decision of the Censorial Branch, or a vote of the Electors may remove any legislator from office.

Powers Delegated for Joint Senate and Assembly Action

To legislate out of necessity. Pursuant to necessity, Congress may make a law only if the inability to do so would cripple its ability to exercise one of its enumerated powers and this exercise does not infringe on the rights of the people. Any argument for a compelling government interest will meet a burden of proof for both criteria.

To approve, approve with modifications, or reject the budget, contracts outside the approved budget, the acquisition or liquidation of government property and assets, economic development plans, and social development plans presented by the Executive Branch.

To summon members of the Executive Branch, corporate directors, and individuals to appear at hearings and give testimony, whether for legislative or investigative purposes, to investigate activities of the Executive Branch, and bring requests for impeachment to the Censorial Branch.

To make laws that are clear, simple and succinct. "Law sufficiently complex is indistinguishable from no law at all... . An essential element of lawfulness is law which is simple, objective and consistently applied" (Charles Murray).

To draft and maintain a criminal code. The criminal code will specify crimes, and their punishments, for violations of the rights of the people, whether by other individuals, corporations or agents of the government. Congress may designate crimes other than crimes against the rights of others, as crimes against the public, such as malfeasance in office, reckless endangerment, assaults on public agents, corporate crime, bribery, perjury, compounding, embezzlement, smuggling, tax evasion, tax fraud, misprison, obstruction of justice, espionage, and treason.

To define due process of law. There will be a simplification, digest, and codification of due process in courts of law, for both civil and criminal proceedings, describing the proper execution of the police power, the standards of prosecutorial conduct, and court procedure. Said codification will not exceed one million words in length. A general housecleaning and organization of the law, and of the relevant assumptions built into the body of precedent and common law, will be regarded prerequisite to the proper functioning of the Judiciary.

To enlarge the Nation, to approve the creation of new states or territorial units and to establish their boundaries, pursuant to the Constitution and the law.

To initiate amendments and approve amendments to the Constitution. Constitutional amendments delegating additional or expanded powers to the government will require a two-thirds supermajority vote of the people and a majority vote of the full Legislature. Amendments withdrawing or limiting any right of the people will require a supermajority vote of three-fourths of the people and a two-thirds supermajority vote of the full Legislature. Other amendments may be adopted by simple majority votes of both the people and the joint Legislature.

Powers Prohibited to Both Senate and Assembly

No violation of the Constitution. No act of the Legislative body may authorize the suspension or violation of any part of the Constitution for any reason whatsoever, including times of war, natural disasters, and other emergencies. No right may be curtailed, and no power may be expanded. Any attempt to subvert the Constitution from any office will entail a felony charge of treason.

No bribery. Lobbying, gifts, campaign finance contributions, and other indirect private or corporate influence on the Legislature is prohibited, and subject to criminal charges of bribery. Legislators will perform their own independent research on relevant issues and are expected to ask for their constituents' opinions after presenting multiple sides of relevant arguments. Franking privileges are granted, but will not be used for advertising or for campaign purposes.

No political parties. Political parties, party leadership positions, party whips, and aisles separating factions are all prohibited. Factions will naturally continue to exist. Fairly distributed representation will be the goal of any geographic districting effort or electoral commission.

No strategic games. Filibusters, walkouts, boycotts, partisan polemics, delay tactics, and holding unrelated actions hostage, are all prohibited.

No immunity or special privileges. Legislators will be subject to the same laws to which they subject the people. However, while still subject to prosecution for malfeasance or criminal activity while in office, "members of the [legislature] ... may not be criminally processed for their opinions, communications, representations, requests, questions, denunciations, proposals, expressions or any legislative act or act of reporting or control, which they formulate or undertake while performing their functions" (Bolivia). "Members ... shall not be held liable outside the House for speeches, debates or votes cast inside the House" (Japan).

No legislation against associations. The Legislature may not determine that a group or association is guilty of a crime.

No over-legislation. Without safeguards against over-legislation built into a Constitution, attorneys will run amok. It is natural that lawyers willingly write and adapt to an increasingly complex body of law. Legal and accounting professionals will have also use for the law's obscurity and obtuseness, not its clarity and directness. But this is evolution without selection. The Rule of Law can, in this way, become the Rule of Lawyers. Legislation, regulation, and ordinance come too easy and cheap, and too few stand ready to prune this growth back. A cost must be exacted for such overgrowth, to add scarcity and competition back into the equation, and break the stranglehold that confusion can have on the legal process. The legislative log jams created by special interest groups, professional priesthoods and guild monopolies must be regularly broken up. The government must not be allowed to act as the brokers of special privileges and costly licenses.

No long bills. Bills must be read aloud on the floor of the Legislature prior to a vote, and only those present at the reading, or certified to have studied the bill, may cast a vote. This necessarily limits the length of bills. The volume of bills in other nations is largely driven by unrelated amendments inserted in compromise, concessions of pork, and appeals to special interests. The requirement that bills be read aloud is made in part to keep legislation succinct, to the point, and of general application.

No riders or amendments. Bills will not be burdened with riders or amendments unrelated to the spirit or content of the overall bill. All laws and bills will stand or fall on their merits alone. The bargaining and compromise required to bring a law to a vote will be conducted around the central issue and not involve *quid-pro-quo* trading of extraneous favors. No appropriations of pork barrel spending or promise of special favors to any district will be considered in any negotiations for the passage of bills and budgets.

Limited volume of law. The aggregated volume of both enacted law and adopted regulations will have an upper limit of forty million words, including glossaries. (This is roughly the size of the last *Encyclopedia Britannica*). Once this limit is reached, new laws may be passed only by eliminating or consolidating old laws. Legislatures have proven all too energetic in growing the body of law, but shown little but lethargy and inertia in pruning it back. This stipulation adds scarcity and competition to the evolution of law, which otherwise preserves anachronisms, like life preserves junk DNA. The founding legislators will organize, delegate and conduct a comprehensive survey and housecleaning, simplification, and re-codification of the world's bloated corpus of laws and regulations. The adoption of boilerplate will be incisively questioned. The results will be subject to the approval of the first Councils of Censors.

No laws in perpetuity. There is no power granted to bind the following generations with any law, or to saddle them with any debt. A generation will be defined as a 20-year interval from a point in time, such as the founding of an agency or the passage of a bill. All laws will sunset no later than twenty years from passage. No law will remain in effect for more than twenty years without repeating a full legislative process. Conservation dedications, grants, and easements are excepted and may be dedicated in perpetuity. Government will be regarded as *ad hoc*, rather than standing, a thing upheld not by itself and its own inertia, but by a continuous act of the governed in response to current needs. When it can be shown that the reason for a law or agency has ceased to exist, that law or agency will also cease to exist.

No hidden, unfunded mandates. All bills will disclose all anticipated costs and funding sources. Costs are to include unfunded mandates on the lower levels of

government and on the people. This includes such examples as building design requirements and tax accounting regulations.

No emergency legislation. Except in case of true national emergencies, such as natural or infrastructure disasters or war, there will be no contrived acceleration of the legislative process. There will be no legislation by Executive order. Bills will not be rushed through due process by declaration of an emergency. Laws must be officially published six weeks or more prior to vote. Burdens of proof will answer to both criteria of necessity and propriety. No law or regulation will given any retroactive effect. True emergency action will *bead hoc*, given temporary effect, and only be implemented concurrently with six-weeks of public notice and due process.

No legislation of morality. Prohibition is the chief creator of organized crime and the black market, and accomplishes almost nothing beyond giving governments an excuse to grow. Prophylactic law for the prevention of moral vice and immorality is prohibited. There are a number of common behaviors that governments must be prohibited from legislating against, and that citizens should be prohibited from interventions against, other than allowing free-speech expressions of disapproval. "When laws cannot be complied with, individual officials, who supposedly have no discretion, have complete power" (Philip K. Howard). Governments may share information with their people regarding what may be inimical to a person's well-being, health, or safety, but any legislation creating victimless crimes is prohibited. The over-criminalization of common human activities merely makes humans into subjects, subject to arrest and control. Among the behaviors that government simply needs to allow, rather than legalize, we have: issues of religious preference, including heresy, blasphemy, apostasy, and witchcraft; issues of cognitive liberty, involving any technology or chemistry used to alter mental states; issues of marriage, including multiple spouses and adultery; issues of consensual sexuality, including prostitution, pornography, homosexuality, and promiscuity; issues of sexuality, including reproduction, abortion, family planning and birth control; issues of purely personal risks; issues of gambling; and issues of euthanasia by contract or consent.

No rigid definitions of crime or sentences. In the criminal code, all crimes will have mitigated and aggravated dimensions. There will be no mandatory minimum sentences except where these are established based on mitigated status.

Equality under the law. No law will include one group of citizens and exclude another, except under circumstances already stipulated herein, as for rights of children. No law will grant special subsidies, immunities, exemptions, privileges, or rights to any person, class, corporation, guild, or government entity. Rights are for the living: corporations and government entities have no rights. These entities may acquire conditionally delegated powers and privileges analogous to the rights of individuals, provided that such privileges be subject to forfeit upon conviction for felonious acts. Individual members of boards of directors who vote to engage in a criminal act, including ecocide, are to be held criminally liable for that act. No law or regulation may require the waiver or the surrender of any natural or civil right in exchange for either privilege or immunity. No monopolies will be granted to specific professional unions or guilds, including medical doctors, nurses, attorneys, accountants, architects, engineers and surveyors. No corporation or utility will be exempt from antitrust laws.

The Senate

The Senate is concerned with international affairs and all levels of intergovernmental relations, international conflicts, global commerce, the coordination of the state militias, the apportionment of taxes within limits on total taxes, and ambiguities in polycentric law. Senate seats will be made available to territories and to indigenous

tribes, in proportion to their population. Senators will be elected by state legislatures. "The law shall define the special districts of the rural native indigenous peoples, in which population density and geographical continuity shall not be considered as conditional criteria" (Bolivia).

Each state will be apportioned either one, two, or three Senators, according to their total populations.

The Senate will concern itself with the principle of subsidiary function, the devolution of government towards the most practical grassroots level, from the national to state to local governments, together with polycentric law and the apportionment of concurrent, concentric and exclusive legal authorities. The government monopoly should be broken up wherever possible. No social task should be delegated to entities larger than necessary to do the job. Government growth cannot be permitted to destroy, replace, or in any way undermine important civil and social institutions, such as charities and voluntary service organizations, that help to keep the society healthy and its people self-reliant.

Powers Delegated

To work with the Executive Cabinet Departments of Defense, Internal Relations, Justice, and State.

To ratify or reject international treaties, diplomatic protocols, alliances, conventions, trade agreements, and economic partnerships.

To recognize with public honors those who are deserving of them for eminent service to the Nation.

To resolve conflicts and boundary disputes in the delegation of powers to the Nation and the states.

"To approve the armed forces that should be maintained in peace time" (Bolivia), to approve expenditures for militia training and national military supply and strategic material reserves, and to call up and gather the state militias under centralized national administration for *ad hoc* deployment in defensive war, or for national emergencies, and crises in the condition of the national infrastructure.

To approve the structure and function of the lower national courts and coordinate their function with the state and local courts.

To accept or reject appointments to specified offices, including the Constitutional and Supreme Courts, Executive Cabinet heads, ambassadors, and the highest ranks of the militia, as nominated by the Executive Branch. Appointments during congressional recess are made by the Senate Recess Committee.

The Assembly

The Assembly is concerned with relations between the people and the various levels of government, and will be the primary body representing matters of taxation and suffrage. Representatives will be apportioned among the several states according to their respective populations, counting the whole number of persons in each State (US Am. 14), but each state will have at least one representative. Assembly members are elected directly by the people to represent districts drawn or redrawn by the Censorial Branch following each 5-year Census.

Powers Delegated

To work with the Executive Cabinet Departments of Commons, Culture, Economics, and Services.

To ratify the monetary system, the systems of measures, and similar national standards, and to regulate banking, lending and borrowing.

To establish rates of taxation. The Assembly is delegated the power to determine the rates of taxes, duties, imposts and excises, to authorize payment of national debts and provide for the general welfare of the Nation, except that the Senate controls the funding of the Defense Department. All monetary exactions, including income and use taxes, but excepting state and local tax districts, will be uniform throughout the Nation and will be established by a national law that is codified in not more than ten-thousand words.

To borrow money and initiate bills for raising revenue. To borrow on the credit of the Nation in limited amounts or for limited terms, by sales of bonds to fund the Defense Department for not more than two years in war and disaster relief, and not more than seven years for critical infrastructure improvements.

To impeach any official in any Branch for official misconduct, which will be tried before the Supreme Court.

To fill, by appointment, with a simple majority, any government offices other than those requiring Senate approval.

To appoint a Speaker of the Assembly, who will conduct the affairs of the Assembly and be fourth in succession to the Premier.

Article 6

The Executive Branch

Office of the Premier. The Executive Branch is presided over by the Premier and two Deputy Premiers. The Premier is the Chief Executive, the President of the Executive Cabinet, and the civilian Commander in Chief of the national militia. The three top Executive offices will be occupied by the three candidates winning the most votes in a popular election held every five years. The candidates will run on a larger, non-partisan ticket. All candidates will be adult citizens, born or naturalized, who have gathered signatures on a election petition amounting to one percent of the voters casting ballots in the prior election. All three will swear an oath of uncompromised allegiance to the Constitution prior to their assumption of office. Terms are limited to four per lifetime, but only two in succession. All eligible Voters may vote for three candidates. Citizens eligible to vote as Electors or Service Voters may cast the same three votes two or three times, as eligible.

The two Deputy Premiers will serve as substitutes for the Premier during absence, and in various functions as needed, one as presiding officer of the Senate, and one as chief ambassador to the international community. The decisions of the Premier may be overridden by the two Deputies in unison. These are the first two in line of succession to the Premier.

Powers Delegated

To enforce the Constitution as the supreme law of the land, with its Bill of Rights and Bills of Responsibilities by exercising the government's delegated powers and not exercising the prohibited powers.

To execute the laws passed by the Legislative Branch, according to the regulations and procedures attached thereto.

To approve and sign bills of resolve from the Legislature, or to veto them and refer them back for reconsideration, revision, or a veto override by a two-thirds vote. The Premier may also refer a bill to the Constitutional Court or the Censorial Branch for review and opinion.

To summon the Legislature to special sessions, including one per year to hear a report on the state of the Nation.

To coordinate the preparation of an annual national budget and present this to the Legislature for approval.

To appoint special commissions of inquiry and investigation into the efficacy of government and the wisdom of altering the laws.

To prepare and initiate legislation, and to call for national referenda on issues being debated in the Legislature and on proposed amendments to the Constitution.

To enforce the decisions of the Judicial Branch, and to follow the court rules and procedures established by that Branch.

To submit to investigations by the Censorial Branch and to comply with its decisions, which may include actions as extreme as the removal of a Premier or Deputy from office, the dismantling of an Executive agency, or the rescinding of a declaration of war.

To make international treaties and agreements, with the advice and final consent of a two-thirds vote of the Senate.

To either comply with or explicitly repudiate international treaties or agreements, in whole or in part. Explicit repudiation will have a reasonable Constitutional basis confirmed by the Senate.

To receive and recognize foreign diplomatic and consular representatives and to establish embassies and ambassadors abroad.

To nominate candidates to specified offices, including the Constitutional and Supreme Courts, Executive Cabinet heads, ambassadors, diplomats, plenipotentiaries, and the highest ranks of the militia, subject to approval by the Senate.

To secure the Nation against enemies both foreign and domestic, to declare national emergencies, and to call up and employ the militias of the states in response.

To confer special honors on persons for distinguished service to the national well-being or culture.

To grant amnesty or pardons or commute sentences for crimes against the Nation or state, but no amnesty or pardon will be granted for crimes against sovereign individuals other than to correct a miscarriage of justice or false conviction.

To administer the Executive Cabinet, being the organ of the majority of government action, which will consist of eight Departments. Each Cabinet Department is empowered to structure itself and its bureaucracy, and to write its own internal rules and procedures, where not specified herein, subject to Censorial review. The Cabinet Departments are also empowered to establish regulations, but not laws to which any sovereign individual may be subject. All regulations are subject to veto by the Censors.

Powers Prohibited

No Martial Law. Notwithstanding the Executive power as the civilian Commander in Chief, any suspension of the Constitution, or any of its rights or provisions, or any declaration of martial law for any reason or emergency, will be prohibited. No persons other than militia soldiers will be subject to any martial law. There will be no emergency powers, war powers, or national security expedencies. There will be no mandatory disarmament of any person licensed to keep and bear arms except under the terms of said license for specific violations or upon a felony conviction.

No Legislation by Executive Order. No special order issued by the Executive will have the force of law, nor any lasting force or effect beyond its intended and stated purpose, which will be subject to Censorial review.

No Independent Agencies. The Executive office will not create any independent agency, state-owned corporation, or enterprise lying outside of the eight Departments of the Executive Cabinet. Every such entity will be assigned a place within a Cabinet Department and receive its funding out of this budget. There will be no hidden or off-budget accounts. (In the US this would affect the CIA, EPA, FERC, FTC, GSA, NLRB, NRC, SEC, SSS, SBA and the USPO).

Regulation Regulated. All regulatory actions will state their intent and intended outcomes and will allow alternative strategies for the attainment of stated objectives. A bureau's presumptive standards will not be binding upon any person or group who can demonstrate a better idea or address a specific, local problem. Obsession with standardization, bad cost-benefit analysis, overly conservative or unfounded precautionary principles, excessive safety factor multipliers, and generalizing of all risks to worst-case scenarios are all prohibited as overregulation.

No Unfunded Mandates. There will be no charges, unfunded mandates, licensing fees, or required insurances for states, local governments or individuals, without Legislative authority and Constitutional support. The regulatory function of agencies, where these are not preventing harm to the commons, may be regarded as no more than advisory to the general public, unless stipulated as binding by law. The rating of a product will set

no enforceable minimum standard for that product, but no private rating system or company may be prevented from publishing private test results.

Bureaus will not grant or assist the formation of monopolies, and may regulate monopolies to prevent predatory behavior. National and state licenses to professionals are for informational purposes only. They will not determine who may practice a profession. It is the consumer's job to investigate credentials, references and expertise, or else assume risks. Insurance agencies may review a professional's reputation for competence and adjust rates accordingly. Private agencies will be allowed to publish performance reviews.

Article 6, Section A

Department of Commons

“And I brought you into a plentiful country, to eat the fruit thereof and the goodness thereof; but when ye entered, ye defiled my land, and made mine heritage an abomination” (Jeremiah 2:7).

The Department of Commons is charged with enforcement of the Proxy Rights of Nature and the Commons, the Proxy Rights of Life and the Biosphere, the Proxy Rights of Sentient and Self-Aware Beings, and the Proxy Rights of Future Generations, described in the Bills of Responsibilities. The Department will set standards for conservation, protection, mitigation of impacts, and rehabilitation of damages; will levy assessments and fines for violations of all standards adopted as law; publish notice of violations of standards not adopted as law; and refer violators to the Justice Department for prosecution as needed.

The commons include: 1) water, in its quality, quantity, and depend- ability; in clouds, rain, snow, runoff, rivers and tributaries, glaciers, groundwater, aquifers, lakes, ponds, wetlands, sloughs, bays, reefs, and the ocean itself; 2) earth, in soil, clay, silt, siltation, erosion, sand, salinization, stone, minerals, mineral fertilizers, ores, strategic minerals, gemstones, radioactive isotopes, geothermal energy and storage; 3) air, in atmosphere, breathable air, the energy in wind, climate stability, soil gasses, and greenhouse gasses; 4) energy, sunlight, electromagnetic and radio spectra, primary production, cellulose and lignin, and fossil fuels, 5) life itself, the gene pool, the biosphere, and its biodiversity; and 6) outer space, Earth orbits and Lagrange points.

The Department of Commons will share work and investigative tasks with the Department of Culture and its Science Office. The Department’s rules and standards will not be generalized to the Nation as a whole, nor be founded primarily on worst-case scenarios, but will be adapted to real conditions in individual bioregions.

For individuals, the consequences of risky behavior are the best lessons in responsibility and accountability, but the Commons, the environment, and the future, require a more global perspective and a sense of long-term consequences that individuals tend to lack. Others who are uninvolved in economic exploitation of the environment are affected by the outcomes and their lives are impacted by the costs. Newer metrics must include such dimensions as population health, natural beauty, intrinsic value, biodiversity and ecological resilience, and not base environmental decisions on tourist economics and monetized environmental services. Conservation must be a broader public effort with a wider and longer-term vision. The Proxy Rights are intended to phase environmental regulation into an an environmental ethic. To this end, the Department of Commons is delegated the following powers:

“To require and ensure that “those who carry out activities that impact the environment must, at all stages of production, avoid, minimize, mitigate, remediate, repair and make compensation for the harms caused to the environment and the health of persons, and shall establish the security measures necessary to neutralize the possible effects of environmental contamination and damage” (Bolivia).

To Enforce Environmental Law. The Department has the power to police the environment for violations of environmental law, to enter and inspect corporate facilities which are exploiting natural resources, to require environmental impact assessments prior to accepting resource development proposals, to issue cease and desist orders on non-compliant resource development projects, and to refer violators of the civil and criminal law to the Justice Department.

To Fund Regulation with Penalties and Fines. An effective regulatory program will prey on the problems it seeks to reduce. With such a program, levies, assessments, penalties, and fines should equal the cost of compliance or cleanup divided by the rate of successful enforcement. The income may be used to defray further regulatory costs. While the government may not “deserve” this payment to cover the externalities, the efforts that this will support do merit such funding. The Censors will monitor the percentage of regulatory and remediation funding spent on attorneys and administrators and correct problems of inefficiency as needed.

To Use Resource Pricing to Effect. Etymologically, re-source means renewable, sources we can re-turn to. Non-renewables are capital, not income, and demand a higher value than the cost of their extraction. If not, we consume our seed corn. This Department is empowered to ensure that fees and pricing for all public utilities are raised sufficiently to cover all environmental costs, and yet carefully scaled to encourage and reward the conservation efforts of individuals, private businesses, and corporations. Some manipulation of free market supply and demand is needed to account for external costs, cradle-to cradle costs, resource scarcity, free-riders, non-excludability, and non-rivalrous consumption. A purely market view of the natural resource economy, as with monetizing the services of nature, is not necessary with a new Constitution.

To Critique National Research and Development. The Commons Department may attempt, by petition to the Legislature and the Judiciary, to limit government R&D spending to truly sustainable new technologies, to prohibit subsidies for extraction of scarce or diminishing resources, and to cut all funding for environmentally damaging practices. The Department itself may fund research into new sustainable practices. The model of all primitive peoples living in ecological harmony is a false assumption, and one that we cannot aspire to return to, although the ancients still have much to teach us. This Department will explore both approaches.

To Declare Property a Usufruct. This Department will acknowledge and be bound by a Public Trust Doctrine, a duty of all official public bodies to hold resources in trust for our future generations. The commons and public lands will be presumed a usufruct, but even private lands may be designated as such by this Department if long-term and non-remediated damage is a real threat. Such takings may be subject to adjusted compensation, although the destruction of a tract of land will not be considered a property right. Portions of damaged lands may be sold to fund reclamation efforts. Damaged lands may be taxed as fully developed or pristine land until fully restored.

The Power to Manage Public Lands and Resources. All resource extraction and licensed uses on public land will be for the public benefit and that of posterity. Resource extraction that cannot be sustained indefinitely, as for millennia, will not be referred to as sustainable or permitted without full and fully bonded mitigation. Sustainable will not be interpreted to mean a non-diminishing flow of commodity outputs, although maximum potential productivity of the land is a valid metric. Mineral resource extraction will leave the land in a fully restored condition. The final retail pricing of all fully processed resources will reflect the full costs of the extraction, material transportation, processing, and wastage. If necessary, this may be achieved with severance taxes. Public lands managers will be accountable for land mismanagement. This Department will “administer property rights over natural resources on behalf of the ... people, and ... exercise strategic control of the productive chain and industrialization of these resources” (Bolivia).

To Manage National Parks. The Department will have the power to propose designation for new wilderness, parks, and protected areas, to declare moratoriums on the development of all undeveloped or roadless areas, and to eliminate roads and other

impacts in order to restore wild areas. Systems of wild lands will be planned to maintain interconnecting migration corridors, and not merely isolated niches.

“The profits obtained from the exploitation and sale of the natural resources shall be distributed and reinvested to promote economic diversification in the different territorial levels of the [Nation]. The percentage of profits to be distributed shall be approved by the law” (Bolivia).

To Negotiate in Treaties Concerning the Global Commons. All international treaties regarding or affecting the global commons will be negotiated with the full participation of the Department of Commons, together with the Department of State. This will include rainforests, oceans, rivers, Antarctica, the climate, atmosphere, outer space, the gene pool, biodiversity, soils, and aquifers.

The Biodiversity Commission. This Commission is empowered to protect the genetic heritage of the Nation's flora and fauna, to defend threatened and endangered species, regardless of their status as game or charismatic species, and to combat noxious and invasive species. Wildlife management will be a national operation only. The Commission will manage both the wildcrafting of native flora and the hunting of native fauna, and may run replenishment programs. Public participation in these activities will require education, licensure, and program supervision. Predator control will not be used solely to protect agricultural and ranching profits. Conservation of biomass, net primary production, and biodiversity will be universal metrics in all impact analyses. The commission will have input authority on all projects involving biological experimentation and genetic manipulation for agricultural, pharmaceutical, industrial or any other purpose, with the specific concern for their potential encroachment into the natural gene pool. New genetic combinations which are unlikely to occur in nature are not prohibited, but they will be examined by this commission for potential hazards prior to the issuance of patents.

The Water Commission. The Commission will monitor and apply laws concerning water quality, quantity and dependability. This covers fresh and salt water, navigable streams and all their tributaries, reservoirs, ground-water, aquifers, wetlands, sloughs, flood and erosion control, and watershed protection. Water will not be privatized, other than conditional permits for water usage issued by the Nation, and not the states. Water rights will be only as specified under Property Rights. All toxic substances, whether point-sourced or not, will be regulated through this commission, except direct air pollution.

The Oceans Commission. This Commission will regulate saltwater fisheries and aquaculture in a responsible manner and will patrol human impacts on the general ocean environment and depredation on all threatened and endangered ocean species.

The Energy Commission. This Commission will regulate the capture, generation, and storage of grid-scale energy, but will have no authority over the independent systems of individuals, families, and communities except to establish standards and terms for net metering. The Department of Defense will manage the grid infrastructure. Energy conservation will be a primary concern, including the local elimination of unnecessary light pollution.

The Nuclear Commission. The Commission will regulate all things nuclear, including medical applications, soil radon, mining, ore processing, usage, power generation, and waste storage. No person may sit on this commission who cannot pronounce the fucking word. Long-term nuclear waste storage requires ten to a hundred millennia of vision and should not be planned by politicians with less than two years of foresight.

The Mining and Minerals Commission. This Commission will regulate all mining permits on public and private property, mining operations, materials transport, and land reclamation. Reclamation commitments will require bonding with irrevocable security.

Of special concern are strategic minerals and inorganic fertilizers. Permanent or unmitigated damage to land will not be permitted.

The Fossil Fuels Commission. This Commission will work to prevent any subsidies or R&D funding for non-renewable sources of energy, and will add sufficient post-production costs to raise retail prices to incorporate and reflect the actual environmental costs. Post-production levies and surcharges are intended to quiet increasing profit-taking pressures in exploiting increasingly scarce resources, while simultaneously encouraging conservation.

The Air Quality Commission. This Commission will regulate and enforce laws against air pollution of all kinds, whether point-sourced or not. This includes automobile and truck emission standards and testing, and industrial atmospheric discharges. "We hereby agree to phase into effect, as quickly as practically possible, measures to fully and transparently account for the costs of developing, producing, transporting, selling and consuming those products generating greenhouse gases and to honestly and fully factor the costs and impact of all such emissions, including all future downstream 'negative externalities,' into the costs of these products" (an open letter to COP21 attendees).

The Agricultural Commission. This Commission will work to optimize, rather than maximize, agricultural production nationwide. Priority will be given to seed bank conservation, genetic oversight, topsoil production, carbon sequestration, rational water usage, mandated composting, disease management, and integrated pest management. Free range grazing will be favored over feedlot production. Intensive fertilizer inputs, wasteful irrigation, fuel-intensive mechanized farming, insecticides, fungicides, rodenticides, and other pesticides will be regulated where not prohibited. The Commission may determine sustainable methods of farming and animal husbandry on both public and private land, and even require such methods as necessary. Farm subsidies are prohibited, but agricultural lands in active production will not be taxed, and national insurance will be available against the vagaries of climate and weather. Cloud seeding activities will require coordination with the Air Quality Commission. The corporate agricultural industries will have no voice in the determination of agricultural product labeling. Certification of food products as organic or natural will require inspections, but processing will be expedited and require no fee or license. Home gardens will not be prohibited by any local regulation except those concerning pollution and water consumption.

The Forestry Commission. Forestry policy will preserve all hitherto uncut forests. Currently roaded areas may be restored to their natural conditions and placed off limits to further silviculture. Priorities of forest management will be full post-harvest reforestation; sustainable harvests on managed tracts; and the conservation of soil health, structure and nutrients in forested areas.

The Soil Quality Commission. Commission priorities will be soils conservation management, revegetation efforts, erosion control, stormwater runoff and capture, carbon sequestration, *terra preta*, soil nutrient capital, soil structure, and mycoculture.

The Conservation Easement Commission. This Commission will manage all conservation easements at a National level. Where these easements are granted in perpetuity, they will remain in force as long as the Nation survives.

The Waste Management Commission. The Commission will work to minimize the disposal of all forms of waste by managing waste streams to advantage. This will include a national recycling effort, including powers to mandate recycling programs with fines for non-compliance, to provide public consumer programs through the Culture Department, and to outlaw all non-recyclable packaging. Mandated composting will be coordinated through the Agricultural Commission. National and

state regulations against industrial waste and toxic materials which escape such management will be enforced by the Water Quality Commission. Existing waste dumps of all varieties may be redesignated as mines.

No Dishonest Economics. All terminologies and accounting methods which seek to minimize the appearance of impacts to the commons are prohibited. If we were being fully honest, the declared environmental costs of a product should even include consumers working at environmentally damaging jobs to get the money to buy their products. Taxation that subsidizes unsustainable behavior is compulsion to collude in harming the environment, and conscription in the war on the environment.

No Power to Sell or Degrade Public Lands. Trades may be made to consolidate holdings and acquire alternative properties more suited to the agency's goals. The natural resources attached to public lands will not be severed. Any resource extraction will be performed for a net public benefit without harm to posterity.

Article 6, Section B

Department of Culture

The Department of Culture is charged with the collection, curation, and communication of the knowledge and understanding of the culture and civilization. Culture is understood in its broadest sense as the collected and transmissible human achievements in cognition, arts, and sciences, our human database of information. The Department's Education Office will work to maintain an informed population and electorate. Its Accreditation Office will ensure that the people receive all due and necessary credit for what they have learned. The Library Office will house and share the national database of public domain and copyrighted materials; and the National Museum, of cultural artifacts. The National Printing Office will distribute hard copy and electronic materials to the public. The Science Office will investigate the nature of the world and our place within it. The Statistics Office will monitor the economic and demographic state of the Nation and serve as a clearinghouse for legal information and affairs. The Standards Office will manage the national system of technological research and development, weights and measures, and the standards for materials, production, manufacturing, food safety, and drug safety.

The Nation and states "shall recognize culture as an evolving dynamic force and shall endeavor to strengthen and facilitate the continued evolution of traditional values and institutions that are sustainable as a progressive society" (Bhutan).

Regulation by Informed Choice. Legal remedy will not be the only constraint on human behavior: we also have publication, boycott, and social sanctions, subject to rights of reputation and laws against libel and slander. Blacklists and boycotts require the rapid dissemination and correction of target information. This will remain a function of the private sector, but will be subject to government oversight for accuracy and accountability. The government will also respond to complaints from targeted businesses.

Consumer Reports. Wherever feasible, easily accessed consumer information on both goods and professional services will replace regulatory and licensing laws. Consumer testing, certification, and reporting agencies may and should be a mix of public and private, but all information may be made centrally available through the Culture Department. This may entail fees, but only for commercial ventures and reports. Efforts to cultivate smart consumption will still be protected by laws against false advertising, concealment of risk, misrepresentation, and fraud. Isolated lemons and defects which are statistically inevitable will remain matters for provider warranties and disclaimers by resellers. Government remains empowered, and if by law, required, to issue *caveats emptor* and require disclosure in labeling. Wherever this is applied to professional services, any partial deregulation will be explicitly intended to break up guild monopolies and credentialism. Guilds may stand on their own repute, but may not lobby the legislature to lock others out. In some fields, licenses may be issued, but not required for practice.

Freedom of Scientific Information. The people will have unfettered and unconditional access to all publicly beneficial technologies and scientific research where development was paid for in any part by national funding, subject only to reservations for copyrights and patents.

Transparent Operations. The government will not operate behind closed doors. Whistleblowing is encouraged except in times of declared war, or under a narrowly defined understanding of national security. Otherwise the government will at all times be exposed to public scrutiny and vigilance. Secrets will not be held under weak

excuses. Censors will have full access to the most highly classified documents and will decide, in favor of the public interest, which National and state secrets may be kept.

Access to Dossiers. The Justice Department will be permitted to keep warranted dossiers on individuals and groups, which will be centralized and not spread across numerous, separate agencies. These will be maintained securely by the Department of Culture. However, individuals and group members have parallel rights to examine the full content of these dossiers and to challenge the accuracy of information therein, whether in the courts or through the Censors, as necessary. This applies to watch lists as well.

Tiered Information. The Department will continually explore ways to sort information for value, while respecting the need for diverse opinions and avoiding censorship. It may seek to reduce the duplication of data online with central links to the National Library. Information glut in an information-driven society is an ever-growing problem. Sought data may be overwhelmed by raw data. While much of the glut of information may need to be retained, that of higher value may be maintained in more readily accessible and carefully catalogued systems.

No Misinformation. Willful distortion, propaganda, suppression or withholding evidence, delay or sequestering of information, engineered consent, production of biased research, manipulated statistics, innuendo, bureaucratic doublespeak and bafflebarg, junk science, tortured logic, and manipulation of the press are forbidden. The Censors will oversee this prohibition with a commission especially versed in critical thought. The role of private funding in the shaping of public opinion or awareness will receive neither censorship nor public support or encouragement, while corporate funding may be regulated by law. The products of think tanks and commissioned government studies will be presented to the public wherever possible alongside alternative opinions or opposing views. The government is forbidden to spend money to sell its programs, to advertise itself, to cover up error and malfeasance, or to do damage control. Disinformation will be regarded as fraud.

The Education Office. There will be a system of free, secular, public instruction available to all, from preschool and kindergarten through a twelfth grade (PK-12). Public education is a public and national good, and therefore merits as much funding provided by the childless as from parents. Home schooling, self schooling, private study, accredited work experience, and private education will not be discouraged. Public education is a lower priority than public accreditation. This system will look to successful educational outcomes rather than a standardized process. The goal is a functional adult mind, capable of adapting to a dynamic world with an intelligence able to recognize and correct errors. There are many kinds of children and many ways to reach this goal. We still have much to learn about the progress of an individual's cognitive development, particularly throughout childhood. We have a vital need to recognize and adapt to our individual differences in youth. "Responsible individuation should be considered a component of intelligence. It is the most adaptive practical response to the world" (William A. Henry).

It may be that no aspect of human culture merits as much attention, care, and ongoing reassessment as the education of the young. Yet nowhere do we see fads come and go as quickly as the latest educational theories. When a system can take something as innately insatiable as a human child's mind and make it not want to learn, something is very wrong and that system needs to change. But education is not a function of school programs as much as it is a cultivation of the student's appetite for learning and training in learning skills. Having a subject learning is more important than the subject being taught.

We know this much: the factory model of public education, with its delusional attempt to regard equality as sameness, needs to be dismantled, while at the same time we must respect the need for a common ground and curriculum of culture in order to live together. Education should not be regarded as an agency of socialization or a force for conformity. We have to live together and function as a society, but a useful balance must be struck between socially functional and self-possessed individuals.

We share a common culture, and a common cultural literacy, and linguistic competence is vital to its function. Before humankind developed its transmissible hive mind of culture, we were lucky to come up with one new stone tool every thousand years. We aren't nearly as intelligent when we do our work in a vacuum. There is, therefore, some need for a common core curriculum, a shared plenum to add to and draw upon. Since Han Dynasty China, with its civil service examinations and attempt to build a meritocracy, we have learned much and failed to learn much as well. Many lessons center on who selects the curriculum, who devises the tests, and what happens when creative or adaptive intelligence yields to a focus on rote memorization and pat answers.

It is the task of the Curriculum Commission to decide the educational content and develop a core curriculum, which may be relatively universal in early years and diversify as greater differences emerge. By grade nine, some students may enter advanced placement prep, others, vocational tech, arts and humanities, or STEM studies (science, technology, engineering and mathematics). We know that there are areas of basic knowledge where specific structures, content, and formulae are nearly invariant, especially in STEM. To a lesser extent, this includes several social sciences like history, economics, and psychology, where independent and creative thought also remain important, even when acquiring the basic rules and principles. A mix of approaches is needed, and so a variety of approaches to varieties of intelligence must be addressed in the tests. While qualification for degrees or credentials may still require the absorption of many facts and formulae, cognitive skills might still be emphasized over cognitive content. Critical thinking, creative thinking, adaptive intelligence, problem solving ability, improvisation, and especially unlearning might all be tested. There should also be a series of classes in good research skills, study habits, and time management.

PK (preschool and kindergarten) may begin following basic language acquisition and toilet training, typical of any child able to walk and talk, and this may satisfy some needs for a public daycare system. Progressive advancement will be adapted to developmental stages, with strong emphasis in the earlier years on play, experiential enrichment, music, sensorimotor development, art, and the benefits of risk in the early years, along with an appropriate enrichment in language skills. The babysitting, daycare, and *in-loco-parentis* functions of early childhood education ought not to be underestimated. The child will leave home one day and will benefit from exposure to alternatives to the family prejudices and points of view.

Education should not be uniform, but differences will be based on aptitude rather than on age group. It will be policy to allow all children to proceed through the system at their own pace. This will clearly serve the gifted and highly motivated children. But it is also important that slower and less motivated children not be prematurely advanced into increasing frustration, and this must be done without stigmatizing the slower rates of progress. There are anti-competitive movements in the field which would eliminate both grades for performance and grades of advancement, and generally distribute equal portions of unearned self-esteem to all students, but this approach serves only the factory paradigm, and the non-existent, perfectly average student.

The gifted child is an underappreciated social resource and an asset to be developed. Incentives such as accelerated progress, early graduation, early suffrage, emancipation, and other privileges may be made available to encourage a child's progress through the system at a more exhilarating pace. Self-paced education is especially important. "People smart enough to want to learn are smart enough to tune the selector button to the channel that has what they want" (Mary Ruwart). Grading, or at least honest appraisal, is also important both for earned self-esteem and encouraging others to open doors for them to higher education and more rewarding employment.

The troubled child must learn the consequences of disruptive behavior, and all schools, including public, may reject pupils for poor performance and bad behavior. Children will be left behind, and many will come to no good. These are facts of life. But it is equally important that such a policy be made clear and that counseling and alternative placement be available. Ultimately, it is not the parents, or the school, but the children who are responsible and accountable for the quality of their education. They need to know this. Apathy, rebellion and denial will take roughly the same time and effort as drive and acceptance. Sometimes this can be taught.

A balance must be struck between the need to ingrain habits and skills that may not offer gratifying rewards for many years to come, and a supply of learning materials that has the immediate relevance so necessary to our young, investigative appetites. We will need clear examples to show that the unmotivated will be hungrier later and regretful of wasting the present opportunity to make use of time spent in school.

Self-schooling and home schooling will be encouraged as long as a child is maintaining an age-appropriate level of educational competence. The Nation or state will not question the method of a child's education as long as standards are met. Even within the public school system, regular school attendance will not be compulsory as long as all testing, lab work, and special events requirements are met. Education is the requirement, not school attendance.

Home schooling, and tuition for private education, magnet schools, and charter schools may be paid for with shop-able vouchers issued out of public education funds, but these will be redeemed at two-thirds of the public's annual cost of education. This is a modest redistribution of funds intended to benefit the public schools, and also an incentive for public schools to compete for better students.

Adult students may acquire the knowledge they require in any manner they choose. The only requirement for degrees or credentials is to meet the conditions and pass the examinations for accreditation.

Elector Training will be conducted by the Education Office, jointly with the Censorial Branch, and these will determine the core curriculum for Elector testing and qualification. Primary components will be constitutional studies and critical thinking. The effort required to pass will be approximately what a median student would spend with one hundred hours of serious study. Particular political views will not be evaluated. Critical thinking will survey the cognitive mechanisms of both public deception and self-deception, including cognitive biases, defense mechanisms, coping strategies, and logical fallacies. Other subjects may include ethical competence, secular values, and game theory. A lighter version of the core Elector curriculum, or primers in political responsibility, the duties of citizenship, and vigilant learning will be taught throughout grades six through twelve, and this is assumed to be prerequisite study to the more intensive curriculum. Even outside of the Elector training, there is a responsibility to ensure an educated citizenry capable of participating in the political process and general suffrage.

The Accreditation Office is charged with the assignment of academic credit wherever it is due, whether earned by progress through the public schools system, or on-the-job training, or studying at home alone. This office will award nationally accepted credit for any individual courses and any academic degrees, including PhDs requiring committee approval and defense of theses. The testing procedures and content will be developed as necessary by the Curriculum Commission of the Education Office. Private schools may continue to offer their own grades and degrees as desired. Public accreditation will be free of all fees and testing costs.

Any ten teachers or professors offering a new course may develop course content collectively and then develop accreditation requirements in collaboration with the Curriculum Commission of the Education Office. Complaints of reluctance of the Commission to accept a new course may be brought to the Censors, who may rule for either party.

National testing standards for every public school grade and major academic interest will be established at the national median competence level of the fiftieth percentile student. Failure may be determined for any student below the twenty-fifth percentile. Testing for competence and accreditation in any course or degree may be requested by any person at any age and at any time of year.

In all cases, the individual courses may be graded according to the student's individual preference, with three choices available: pass-fail, advanced-proficient-basic, and A+ through D- and F. Degrees may be awarded with designations of pass-fail, advanced-proficient-basic, grade point average, and percentile in graduating class.

Public accreditation will be accepted for all corporate and public employment, and sufficient to satisfy qualification criteria for any professional license or certification. However, additional vocational, field, and laboratory experience may be required of those who have studied only theory.

The Accreditation Office will also be charged with the collection and assembly of online and digital educational materials, lecture videos, and interactive programs. It will also provide a clearinghouse for the acquisition of new and used textbooks in physical and digital form. In the interest of assembling materials in a single place, the Office may collect commercial fees and costs for commercial materials, to be remitted to copyright holders.

The teachers whose lecture videos and electronic public school classes are selected for inclusion in online curricula will be awarded merit pay of not less than three years' salary, tax exempt. Other public school teachers may be awarded merit pay according to procedures established by state law, but in no case will less than ten percent of the teachers in a school receive less than a twenty percent annual bonus, and another ten percent receive a ten percent bonus.

The Library Office. The National Library will collect books, papers, periodicals, records, documentation, video and audio recordings, and the National Archives. Wherever possible, all physical materials will be maintained in duplicate, to be held in widely separated physical locations. The Librarian will endeavor to collect all of the major redactions of the classics and reputable translations of all books. Wherever possible, materials will also, upon receipt, be converted to high quality electronic format and made freely available. Copyrighted materials may be offered through the National Library system for fees, by arrangement with copyright holders, in order to consolidate these aspects of human culture in a single location.

There will be at least two current backups kept of all electronic library files, maintained on air-gapped servers and shielded from potential EMPs and Carrington-level CME events.

No Special Access for Public Data. No adopted law, code, regulation, standard, or full compilation thereof may be withheld from the public pending payment of any fee. No legal record or recording, or any data in the public domain, may be stored on public servers which is not made available to the public electronically and free of charge. Private or personal data will be protected from all unwarranted public access.

The Copyright Office will verify and register new literary and artistic works, music and song, trademarks, trade names and logos.

The National Printing Office will make all nationally owned research and educational materials, academic papers, and scientific research papers available to the public at no cost for electronic versions and at its cost of production for hard copy. All government publications will employ fact and logic checking.

The Museum Office. The National Museum will caretake historical and culturally significant artifacts, and preserve historical monuments and places. The Museum Office will cultivate and curate the arts and cultural treasures in all forms other than printed material. This will include art museums, public art projects, theatrical productions, and musical concert productions, together with the management and maintenance of their physical public venues.

The Science Office. The National Science Office is charged with the coordination of the national culture's scientific efforts and their exchanges with scientific efforts and technological developments around the globe. It will be responsible for maintaining the scientific and technological content of the National Library. This Office will subscribe to the Heidelberg Appeal of 1992. The Science Office will be secured by the Censorial Branch against political control and interference. Science will not be subjected to democratic voting in determining its validity. Science is a set of methods of inquiry, not a set of beliefs. Persuasive science and the manipulation of results is prohibited.

The Science Office will maintain several agencies, including agencies dedicated to STEM, Biology, Agriculture, Oceans, and Space. This is the home of the space program, the observatories program, climate studies, soils studies, and oceanographic research. This office will centralize all data concerned with environmental protection for the benefit of grassroots groups.

The Science Office will be responsible for coordination of all public scientific research and technological development and the qualification and issuance of government research and study grants.

The Patent Office will verify and register vested interests in innovation and invention. No life forms may be patented which could conceivably evolve under natural conditions, nor may any medicines made from simple extracts and their simple combinations.

All scientific or technological research in military weapons will be confined to non-lethal defensive weapons only. Advanced weapons systems and weapons of mass destruction, including all nuclear, chemical and biological types, are prohibited, under penalty of treason.

The Communications Office. The national Communications Office is charged with managing the usage and freedom of content of all of the Nation's information infrastructure, separately maintained by the Defense Department. "National legislation must establish an independent authority to regulate broadcasting in the public interest, and to ensure fairness and a diversity of views broadly representing [National] society" (S Africa). This includes all telecommunications, both cable narrowcast and broadcast, radio and television, telephone lines, cable networks, satellite networks, the internet, and the the Post Office. This office will secure sufficient portions of available spectra

against corporate ownership and control of the media, so that all voices may find outlet or expression insofar as rights of free speech and expression are secured. Net neutrality is guaranteed.

The Linguistics Agency will compensate for the adoption of an official language by making translations of any legal and public documents available in any language spoken by five percent or more of the population.

The Statistics Office. The national Statistics Office is charged with the maintenance of the Nation's economic and social metrics. Economic metrics will include labor statistics, CPI, CPI annual changes, NNP, NDM, Poverty Line, income distribution, disposable income, farm parity manipulations, consumer confidence, and currency values. Other, more subjective metrics may be developed and promulgated here, such as Bhutan's Gross National Happiness, leisure, dignity, intrinsic natural value, and security. Where the value of human life must be calculated for reasons of compensation, the figure will not be less than expected remaining lifetime earnings at minimum wage compounded at the prime rate. Injuries will be compensated at the cost of treatment and rehabilitation.

Social metrics, and the collection of demographic and census data, is the responsibility of the Censorial Branch, but the database will be maintained here. All but personal or individual data is made available here. Information collected and maintained by this Office will be made publicly available through the Library Office.

The Standards Office. The national Standards Office will be charged with the national system of metrics, weights and measures, materials and manufacturing, construction, and safety standards, sanitation regulations, agricultural standards, food safety standards, and drug safety standards.

The delegation of drug safety standards will include the responsibility for prescription drugs testing, approvals, regulation, and quality control.

All listings for materials will include all true costs of materials, the mining of raw materials, raw material transport, all embedded or embodied materials and energy, and the disposition of production waste.

Article 6, Section C

Department of Defense

The national Defense Department will organize and coordinate the ready militias of the states, which will at all times be in strict subordination to the civil power. Standing armies are prohibited, but a minimal standing force will be supported, and be responsible for coordinating the militia training, non-combatant support, organization, discipline and disciplinary action, intelligence, standardization, purchasing, engineering, medical facilities, food service, collective weapons acquisition and distribution, and armories. The standing force may be maintained at a level not to exceed 5% of the total ready force at the national level and 5% at the state level.

Congress may prescribe uniform organization and discipline among the state militias and coordinate the deployment thereof. Readiness training will require a minimum of 200 hours and 20 hours annually.

This being a Nation dedicated to peace and diplomacy, the Defense Department will also be charged with the national response to large-scale emergencies and the planning, construction and maintenance of the national infrastructure. All training will emphasize vigilance and competence, and will incorporate programs of physical exercise and health. All positions will be paid at the minimum wage at a minimum.

Should national or state military orders offend reason or conscience, any militia as a whole, or any member thereof, may refuse to comply for clearly specified reasons of conscience.

The national system of emergency readiness and disaster management will include standby plans for cooperation between national, state, and local governments in conjunction with NGOs and private institutions. Plans for emergency broadcasts and the rapid dissemination of information and instructions will be in place. Plans for the rapid deployment of emergency food and water rations, shelter, sanitation, and medical assistance will be in place, with all needed materials deliverable from caches and armories within one day.

Powers Delegated

National Defense. To defend the national borders from invasion, and the Nation from enemies foreign and domestic. Suppression of domestic insurrections will only occur with the full support of the Censorial Branch, which is also authorized to seize command of the militia from the Premier. The Censors are empowered to dismantle any government agency acting in violation of its constitutional authority.

To regulate manufacture, permits, and ownership of firearms, subject to rights to keep and bear arms. General public disarmament programs will not be proposed.

Emergency Response. To organize and provide the national emergency response and relief efforts, including those to famine, refugee management, natural and manmade disasters, and centralized contagious disease response and control. This includes the power to quarantine populations of humans, animals and plants. Emergencies are defined as limited in duration and not representing chronic or continuing problems. The Defense Department of the Nation or any states may support the efforts of NGOs abroad, on a voluntary basis, in environmental, humanitarian, disaster relief, and rights causes, with armament used solely in defense of these civilian operations and with the consent of the host nation.

National Infrastructure. To plan, organize, oversee and maintain the national utility infrastructure, including: 1) transportation, air traffic control, sea ports, trucking, railways, aviation, navigation, and interstate highways; 2) renewable energy

production, energy storage and distribution grids; 3) fossil fuel development and rationing; 4) waterways, both navigable and tributary, reservoirs, and municipal, agricultural and industrial diversions; 5) communication and other information networks, cables, transmitters, towers, and satellites; and 6) strategic materials management. Water resources will be jointly managed for quality, quantity and dependability by the Department of Commons. The information and communication networks, together with the allocations of their spectra and use, will be managed by the Culture Department. The Defense Department will have no control over information content other than on the channels reserved for emergency broadcasts and the guarding of military secrets in a time of war.

Powers Prohibited

No Standing Army. We assert “that a well-regulated militia, composed of the body of the people, trained to arms, is the proper, natural, and safe defense of a free State; that standing armies, in time of peace, [shall] be avoided as dangerous to liberty; and that in all cases the military [shall] be under strict subordination to, and governed by, the civil power” (Virginia, 1776). The militias of the several states will be called together militarily for defensive purposes only. Actions abroad are limited to voluntary contributions of the states to international efforts against aggressive threats. No military force of this nation may be used to help set up or tear down any foreign government. No foreign aid will be extended to any nation in the form of arms or funds to purchase arms.

“No appropriation of money to [military] use will be for a longer term than two years” (US 1.8).

No Undeclared War. A state of war may not be entered for longer than one day without a formal declaration of war by the Senate, which will name both an aggressor and an act of aggression committed on national soil. There will be no general authorization for the Executive to use military force or resources.

No Conscription. As there will be no standing army, there will be no military conscription. Any requirement made for training and service in the militia will have parallel options for conscientious objectors scrupulous of bearing arms, either in infrastructure maintenance, social services, or non-combatant functions. All such positions will receive at least the minimum wage.

No Quartering of Soldiers. “No Soldier shall, in time of peace be quartered in any house, without the consent of the Owner, nor in time of war, but in a manner to be prescribed by law” (US Am. 3).

No Open Foreign Theater. The national coordination of state militias will exist to fight defensive war within the national borders. States may only loan volunteer efforts of their militias to coordinated international efforts against active aggressors. Contributions will in all cases be subordinate to international peacekeeping efforts. Military bases posted on foreign soil are prohibited. Foreign military bases posted on national soil are prohibited. Offensive war and preventive war are prohibited.

No Open Military Budget. Total military expenditures of the national or state governments will not exceed five percent of the total annual national or state budgets, except when a Congressional declaration of defensive war is in effect.

No Military Aid to Nations. It is prohibited to offer military training, aid, or weapons to any individual nation, or to any alliance of nations that is smaller than two-thirds of the United Nations membership.

No Mercenary Forces. Private military contractors and military support for hire will not be used to augment the militia.

No *Posse Comitatus*. The use of any militia as a domestic police force or *posse comitatus* in any state or local police action is prohibited, but the militia may be called upon for domestic assistance in national disasters and infrastructure defense and emergencies. The militia will not provide lethal weapons, combat training, or military equipment to local law enforcement, surplus or otherwise. Civilian law enforcement will make every effort to remain non-lethal. Militia members may still be deputized individually by local sheriffs and marshals and, if confronted by any organized armed force greater in number than half of the local police force, deputized militia members may access and use their militia's weapons and equipment.

No Offensive Military Posturing. Government propaganda for war is prohibited. All willful distortion, delay or sequestering of information, production of biased research, manipulation of the press, or saber rattling in efforts to exacerbate international conflict is prohibited. There will be no cultivation of problems or enemies to justify increases in military power. Military parades are prohibited. It is sufficient for other nations to know that we have a ready militia. It serves no useful purpose for them to know how ready or how well-equipped we are.

No Aggressive Recruitment. Militia enlistment will not be promoted as providing an education, vocational training, or any pathway out of poverty. No Weapons of Mass Destruction. The design, manufacture, testing, storage, transit and use of chemical, biological and nuclear weapons is prohibited, under penalty of treason. The Defense Department will energetically participate in international accords to eliminate these weapons entirely.

No Black Operations or Black Sites. Actions of the military beyond the national borders will be in daylight and transparent. National security is not an excuse to violate this prohibition.

No Abandonment of Veterans. Veterans will receive all of the benefits promised at their enlistment, including high quality medical and psychiatric care. Deficiencies in veteran care are criminal offenses, applicable also to legislators who withhold adequate funding for veteran care.

No Environmental Exemptions. The National and state militias will not be exempt from compliance with environmental laws and regulations.

Article 6, Section D

Department of Economics

The Department of Economics is charged with the Nation's monetary and fiscal policies, its funding, its budget, the production and regulation of its currency, and the regulation of the banking industry. "The integrity of economic space, free flow of goods, services and financial resources, support of competition, and the freedom of economic activity shall be guaranteed" (Russia). "The operation of the economic system [shall] not result in the concentration of wealth and means of production to the common detriment" (India).

The Department of Economics will engage in a continuing reexamination of what it means to value, and will work to reclaim a degree of control over the human power to value. This is an antidote to the artificial creation of unnecessary needs.

The government does not exist to serve the economy and will have no specified function to promote economic growth. We recognize the dangers of continuous economic growth and its impacts on social health and finite resources. We therefore are not averse to a steady state or sustainable economy, a floor of predictable or stable economic activity in which the real needs of both humanity and nature are met. We are aware that this will discourage international investment and the exploitation of our resources. Government spending will not be regarded as a gyroscope or flywheel with the purpose of economic stabilization. Although government programs may have this effect, they will be implemented only where they carry their own loads, supporting infrastructure and socioeconomic well being. The Nation may intervene in the economy for stabilization in economic downturns, but only where downturns are not normal or natural economic adjustments.

A sitting Fiscal Commission, as a council of seven economic advisors, will be appointed by the Department of Culture and will have the mission to promote economic health over economic growth. The commission will be competent to advise on domestic and international financial, monetary, fiscal, trade and tax policies, and will remain in close communication with the National Banking Commission. The aim of fiscal policy must be the encouragement of investment in knowledge and human resources, in productive facilities in business, in public infrastructure, in the protection of nature, and in securing the rights of future generations. Government meddling in the national economy will not give rise to claims to a portion of the wealth in circulation.

No Pork Barrel Negotiations. Budget requests and presentations will not incorporate pork barrel trades and favors. Claims of unfair distribution of national funds and funded projects may be argued independently of budget considerations in the Senate or presented to the National Courts. Line item vetoes may be allowed. In the budget approval process, each line item will stand alone in theory and will be subject to a line item veto or nullification, separately requiring a two-thirds vote of the legislature to override the veto.

No Peacetime Increase in Debt. There will be no borrowing on government credit except in amounts to be repaid within a year, or for sales of bonds to fund the Defense Department for not more than two years in war and disaster relief, and not more than seven years for critical infrastructure improvements. Among its other problems, long-term debt will lock out necessary changes in government.

No Private Benefit from Public Funds. "No man, or set of men, is entitled to exclusive or separate emoluments or privileges from the community, but in consideration of public services" (Virginia, 1776). Corporations will not be subsidized by the government or taxpayers, nor be provided with special privileges, immunities,

tax relief, or bailouts. Corporations will succeed or fail on their merits alone, as befits a free market. Public investments in corporations may only be permitted where they are interest bearing and fully collateralized.

No Subsidies or Price Controls. Prices of goods and services will not be artificially reduced, except as provided herein. Emerging technologies promising net economic benefits to the public or the environment may be temporarily subsidized provided that economic self-sufficiency can be reliably projected and subsidies do not exceed necessity. The consumption of scarce, diminishing, or finite resources will not be subsidized. Product prices may be increased by national legislation in order to incorporate external costs to the social and natural environments into consumer pricing.

No Discounting the Future. "Economics, the handmaiden of business, is daily concerned with "discounting the future," a mathematical operation that, under high rates of interest, has the effect of making the future beyond a very few years essentially disappear from rational calculation" (Garrett Hardin). No Executive accounting practice will discount the future or undervalue resources by assuming any improvements in conditions or technologies which are not already in play.

The Revenue Agency is granted the power to lay and collect taxes and duties, as limited constitutionally and by law, to establish a national revenue fund, accessible to the Executive and other Branches only through acts of the Legislature. It has the power to bring charges of tax fraud and tax evasion to the Justice Department, but will have no police power or court of its own. "The debts for economic damages caused to the state never expire" (Bolivia).

Charitable contributions of money and valuable property which directly assist the underprivileged in meeting their basic needs, including higher education, will be fully tax deductible. This applies to persons, families, communities, private businesses, corporations and churches. Churches will be subject to income taxes on net revenues other than their secular and non-proselytizing charitable contributions and works. Church buildings are subject to property taxes.

In order to incentivize efficiency, deductions for contributions to tax exempt charities will be adjusted according to the percentage of their income which reaches their intended beneficiaries. Where direct gifting in charity is shown to be significantly more efficient than government relief, certain forms specified by law may be regarded as tax credits rather than deductions. There will be no tax exemptions for donations to think tanks organized to shape public opinion, other than for rights advocacy and environmental conservation efforts.

All taxes will be incrementally progressive. Resistance to the frivolous or conspicuous accumulation of wealth should increase non-linearly, like aerodynamic drag. The larger ecological footprints entail increasingly unnecessary social and environmental costs. No taxes will be laid on minimum property and income allowances. Money needed to simply to stay alive will not be taxed as income. Entities levying sales and use taxes applied to all purchases will incorporate plans for annual tax rebates for those who are below minimum income and property allowances. The Revenue Agency will withdraw the poverty line deduction at incomes greater than seven times the poverty line.

The first priority in developing tax policy will be to tax what the Nation wants to have less of, and to avoid taxing what ought to be encouraged. Incentive and disincentive as basis of tax policy helps to make the method of taxation a statement of the national goals. Any requirement to pay taxes that subsidize war and other unsustainable

behavior is compulsion to collude in harming the environment, and an unconstitutional conscription into a war on nature.

The Nation may tax certain behaviors that create a need for government growth, enforcement, or greater tax expenditure. To the extent possible, the economic burden of government should be borne by those who most necessitate government. Convicted criminals may be put to work at the minimum wage, but portions of their income may be collected to defray the expenses of incarceration. Taxes on the exploitation or consumption of finite resources, and other taxes on environmental impacts, may be regarded as the opposite of subsidies, intended to drive prices upwards to incorporate external costs without increasing available profits for exploiting resources in increasingly higher demand.

Socioeconomic justice necessarily entails a degree of confiscation or redistribution of wealth for reasons beyond simply holding revolution at bay. Accumulated economic power translates to political clout, and is contrary to both democratic and meritocratic principles. A progressive tax rate and luxury taxes may be regarded as corrective measures for unwanted socioeconomic inequality, intergenerational inequity, conspicuous over-consumption, and planned obsolescence.

Bureaus will give priority to the funding of regulatory functions out of fines and penalties, or other income generated by the creators of the problems that a bureau is charged with solving. Such a predatory function will not entail civil asset forfeiture without due process of law, except upon conviction for a crime. Fines will be proportionate to actual damages, but real damages should be equivalent to the costs of compliance or cleanup divided by the rate of successful enforcement.

Pollution taxes, including carbon dioxide and methane assessments, will aggregate all point and non-point sources, and will be equal to the cost of remediation or sequestration. Environmental cleanup may be funded initially out of fines. Severance taxes on non-renewable resources will be as steep as the market will bear and will be set to provide urgent incentive for development of renewable alternatives. While the government cannot be said to deserve windfall revenues from such environmental taxes, future generations will benefit from these exactions.

No Complicated Codes. The tax code will be brief, simple, and without loopholes. Tax law may draw a distinction between earned and unearned income, or remuneration for labor and profits from the investment of capital or capital gains. These may be taxed according to different schedules. Earned income more generally reflects a personal investment in socially and economically desired skills.

No Hidden Taxes. Taxes will remain visible, even painfully so, in order to maintain a more vigilant public. Laws will require a full disclosure of all taxes and exactions incorporated into the final prices of goods and services in order to maintain the full extent of these costs in the public awareness. This includes the cost in hours in performing mandated behaviors, such as keeping records and preparing tax returns. It is also important to remind the people that taxes embedded in the early stages of production get marked up *en route* to retailers along with the costs of production. The reseller will profit from the taxes paid on a manufacturer's income.

No Interstate Taxes. "No taxes may be created that encumber goods, economic activity or patrimony outside of their territorial jurisdiction, except revenues generated by their citizens or enterprises outside of the country. This prohibition extends to fees, certificates and special contributions" (Bolivia).

No Taxes on Rights. Nowhere will there be a tax on the exercise of any right, or any fee for a permit enabling the exercise of a conditional right, such as required permits for driving or firearms.

Property taxes will be restricted to use by local governments. In local and rural areas where property values are rising faster than the CPI, rural or agricultural property assessments will be based on the acquisition cost of the property adjusted for CPI. This allows preservation of rural land where real estate development threatens dominance. The portion of any agricultural land under cultivation is tax exempt.

Sales taxes will be restricted to state and local governments. Sales taxes are levied on consumption, not wealth. Baseline amounts of sales taxes based on poverty level consumption of necessary and generic staples will be rebated on an annual basis to persons living below the poverty threshold. No sales tax will be paid on generic or local food, medicine, and other necessary generic commodities.

Use taxes will be used to fund the infrastructure supplying the use and only within the region served by the infrastructure. Fuel taxes for roads are a straightforward example. Use taxes will be sized proportionately to the use's burdens, damages, and impacts. Utility usage fees and taxes will be based on actual usage to encourage conservation and responsible use; for example, fees assessed for water quantities actually used, or trash actually hauled. Flat fees for utility services only socialize the costs of waste and inefficiency.

Environmental impact taxes will first be used to fund the regulation of those particular impacts, or they will otherwise be cycled back into environmental programs. Funds collected beyond these costs will be used in some manner to ameliorate or mitigate the external costs of the impact. Taxes may be used to incorporate the external social and environmental costs into the final price of goods and services.

Inheritance taxes must respect a reasonable right of individuals to leave a personal legacy and provide for descendants or heirs, but not at a cost of society-wide intergenerational inequity. Redistribution in inheritances will be progressive and scaled up to draw upon extreme wealth inequality. Escheats will be used as off-budget contributions to local charities.

Exactions for Social Security and the National Health Service will be integrated into the income tax but may be itemized separately. They will be subject to the same laws and deductions.

Personal income taxes for families will allow three primary and equal deductions: head of household, spouse, and children, regardless of number. This incentivizes one-child families and discourages three or more, and does not penalize marriage. Deductions for itemized expenses will also be allowed for elder, disabled, and adopted dependents. Court-ordered child support costs will be deductible in their full amount. All spending mandated by government will be deductible, including insurance and bookkeeping, and required time expenditures valued at minimum wage. Barter, locally distributed agricultural production, and local currency will not be monetized or taxed.

The procedural and filing requirements for income tax purposes will not require the surrender or waiver of any rights of privacy or rights against self-incrimination.

Where permitted to be monetized at all, the Nation's natural resources will not be regarded as sources of revenue, income, or new wealth to be spent, but as capital to be saved, managed, or invested wisely.

The Budget Agency is charged with managing the Nation's finances, the expenditure and investment of public revenues. The Department of Economics will propose an annual national budget for submission by the Premier to the Legislature.

"In order to provide for unforeseen deficiencies in the budget, a reserve fund may be authorized by [Congress] to be expended upon the responsibility of the Cabinet" (Japan). Additionally, Congress will maintain a contingency fund, amounting to five

percent of the annual budget, for emergencies, to be accessed only by majority vote in the Assembly.

All individual agency budgeting processes will begin with assessment of available revenues from agency operations. Budgets will begin at zero for each year and not be based on formulaic increases in the budget for the previous year. The default condition will be regarded as zero government and budgets should reflect this. An agency is not an end in itself, running on its own paperwork, or a self-licking postage stamp. There will be no penalty for agencies returning unused appropriations, but some returnable funds may be used as incentives to keep budgets low. Agencies will not grow by ratchet effect. All bureaus will regard themselves as instituted *ad hoc* to make problems go away, not to maintain their own function, or the reason for their function in perpetuity. Bureaus may, however, exist to anticipate crises and prepare responses.

No Budget Deficit. To prevent the squandering of the country's wealth, the begging of the people, and the betrayal of public trust, the Legislative and Executive Branches will, on an annual basis, arrive at a balanced national budget. No funds will be borrowed except as described herein.

No Open Budgets. Government in aggregate may be bound by a vote of the Electors to a gross size and maximum income stream, or to a percentage of the Net National Product, to force prioritization of individual line items. It will be the responsibility of the Senate to determine apportionment of shared revenues between the Nation and the states. The requirements for a balanced budget will not simply mandate higher revenues to cover a growth in expenses.

No Unfunded Mandates. Annual budgets will not incorporate economic demands or expenses on state and local governments, corporations, private businesses or individuals, which have not consented to such expenses by any democratic process.

No Misdirection. It will be a crime to misrepresent the budget by means of categories, terminologies and appearances. The budget will not be balanced using dishonest figures and terms. All real costs of government will be honestly represented. An unfunded liability will be referred to as a debt. The metrics used in all national affairs will be standardized by the Department of Culture for purposes of precluding deceptive analysis and reporting. NNP and NDP will be the largest metric in use, and not GNP and GDP.

No Funding of Religion. "No public money or other property will be expended or appropriated for the use, benefit or maintenance of any religious institution or association, or for any charitable, educational or benevolent enterprises not under the [supervision] of public authority" (Japan).

No Retail Purchasing. No agency will purchase supplies, bulk goods, or services at or above normal retail prices. Product purchasing, specification, and standardization will be adapted to purchase readily available, private-sector products wherever this is feasible.

The Treasury Agency is charged with the production and regulation of the nation's currency, coinage, bonds, and stamps, and the policies by which these are exchanged for other currencies. A general inflation or devaluation of the Nation's currency will be considered a last resort which may only be implemented by a joint resolution of the Legislature and the Premier. This agency will annually and publicly disclose the total currency in circulation.

The National Mint will coin the national currency, and regulate the specie thereof. It has the power to bring charges of counterfeiting to the Justice Department, but will have no police power of its own. The states may not print their own currency, but local currencies outside of the purview and regulation of government are allowed.

No Debt-Based Currency. National reserve notes will not be based on debts or future tax revenues. The government's ability to tax will not be used as collateral. The national indebtedness will not be monetized, since by this system, prolonged periods of increasing debt are the only way that debt economies can appear to prosper. Fiat currency makes the economy into a confidence game. Currency will be resource-based and backed by any combination of strategic materials or human labor. We are re-grounding our sense of wealth in things more durable than our confidence and faith in government.

The Banking Agency is charged with the management and regulation of the banking systems nationwide. There will be a seated National Banking Commission which will closely and continuously monitor the banks and banking systems around the world, noting their strengths, weaknesses, and resilience. The agency will propose improvements, new regulations and laws accordingly.

There will be no national bank. A national reserve system may be employed to oversee the currency, but will be subject to full transparency, monitoring, and regulation, and to regular audits by any Branch of the national government.

Pension funds and personal retirement accounts of all varieties and sorts, including reserve funds for national Social Security, will be centrally protected by conservative regulation and limited to sound investment. Investment may include seven-year bonds for public infrastructure. All individual pension and retirement accounts will be transferrable on demand between banks to facilitate flexibility in employment options. Retirement funds may be borrowed against by their owners only for the limited purposes of higher education and down payments on starter homes of minimum property allowance proportions.

Fractional reserve and minimum capital requirements will be initially limited to no less than twenty-five percent of assets. National deposit insurance will initially insure no more than fifty percent of bank deposits. Increases in deposit insurance coverage may be conditioned on the soundness of individual banks. These restrictions may be eased only as the law permits, and subject to Censorial and Fiscal Commission review.

There will be a special administration established for the cultivation of small businesses, and funds made will be available at reasonable rates to incubate them. The upper limit on the size of loans will be two-thousand times the minimum wage per partner; there will be no lower limit.

There will be a special administration to facilitate entry-level purchase of modest residential properties and funds available at reasonable mortgage rates to finance their acquisition. Preferential treatment will be given to properties at or below minimum property allowances. Credit in this regard is regarded as a public utility. Its extension may either be operated by the government or licensed through public bid, and in both cases for a modest but reasonable profit.

Rules and regulations for bankruptcies will be as determined by law, with minimum property and income allowances as specified herein.

No Rate Fixing. No insurance or banking rate may be unregulated or permit collusion in pricing where insurance is required by any government law or regulation.

Article 6, Section E

Department of Internal Relations

The Department of Internal Relations or Interior Department is charged with the management of interrelationships between the Nation and its subdivisions, states, territories, and indigenous tribal nations or lands, and also between these subdivisions and others. The Department will also regulate incorporations of all kinds, approve articles of incorporation and monitor compliance with the law. This includes the national approval and registration of international corporations. This is the Executive counterpart to the Legislative Senate. The equivalent in State cabinets will manage relationships between the State and its subdivisions, local governments, counties, wards, and municipalities, and also between these subdivisions and others, and will coordinate operations with the State Senate.

Large, politically independent tracts of national lands will be managed separately by the Department of Commons.

“The [Nation] shall guarantee to every State in this union a republican form of government, and shall protect each of them against invasion; and on application of the Legislature, or of the Executive (when the Legislature cannot be convened) against domestic violence” (US IV.4).

This Department may apply to the Senate to modify the division or apportionment of powers between levels of government, to legally redefine their concurrent and exclusive authorities, and to alleviate problematic competition between jurisdictions, subject to all Constitutional limitations.

This Department will establish rules for intergovernmental tiering, polycentric government, subsidiarity or devolution of function, and issues of state and regional autonomy, subject to confirmation by the Senate, and will direct National funds to their intended agencies and local projects.

This Department will have a special commission to further affordable housing and urban development, which may set less restrictive building and construction standards than more generally applicable building codes.

This Department will establish rules for the interstate reciprocity and portability of professional licensing. This grants the department a necessary degree of oversight on rules and standards of professional guilds. Similarly, the Department will manage interstate transfers of state licenses. Matters of birth and death certification and residence identification are in the purview of the Censorial Branch, and matters of extradition, in that of the Justice Department.

Powers prohibited to the Department Internal Relations are as follows:

No Impairment of Interstate Commerce. Regulatory consumer protection will be limited to proven issues of health, public safety, and environmental protection. Otherwise, commerce will be facilitated rather than regulated by this department. Efforts at standardization will be implemented by recommendation rather than enforcement. Consumer protection may be more conveniently and affordably provided in the form of consumer information, supplemented by private product testing and by laws against supplier and manufacturer negligence and fraud. The Nation may publish verifiable cautionary information on products and services, while being accountable for accuracy, and recommend common standards and measures to facilitate interstate and international manufacture and trade, but these will not be subject to national enforcement. The Nation may act to facilitate interstate commerce, where economical

or necessary, but the power to regulate commerce between the several States, as understood in US law as runaway regulation for its own sake, is prohibited.

Interstate shipping may be regulated only for physical impacts on the national infrastructure, as for safety considerations in toxic or dangerous materials shipment, and for such health considerations as food refrigeration in transit or the spread of agricultural pests.

No Taxes or Duties in Interstate Commerce. Commerce between the states will not be taxed by the Nation or the states. "No tax or duty shall be laid on articles exported from any State. No preference shall be given by any regulation of commerce or revenue to the ports of one State over those of another: nor shall vessels bound to, or from, one State, be obliged to enter, clear, or pay duties in another" (US I.9).

Subsidiarity or Devolution of Function. No social task will be assigned to an entity that is larger than necessary to do the job. No national agency or authority will exist where all needed functions may be performed by states alone and where coordination between the states requires no national assistance. Recommendations for standardization of consumer goods or specifications for materials may be handled by Department of Information clearinghouses. Local autonomy will not be impaired except in the necessary exercise of a national constitutional power.

No Unfunded Mandates. The Nation will not pass down the costs of implementing national legislation to the states, nor will the states similarly burden local governments, or local governments, the people. Any mandated assessments or insurance payments will be regulated as public utilities against monopolistic practices and price fixing. The department, in conjunction with the Senate, will develop an anti-commandeering doctrine, giving states license to refuse to enforce or implement specified types of national programs.

No Prior Authority over Indigenous Tribes. The default governmental status of indigenous tribal nations or territories will be the full powers of self-organization, self-determination, and self-government. The Nation will provide resources in response to every reasonable request or upon demand where arising out of any standing treaty. Indigenous tribes will have and maintain full authority over natural resources, which will not be severed from tribal lands, but resources will nevertheless be subject to national laws for resource conservation.

Article 6, Section F

Department of Justice

The Department of Justice is charged with national enforcement of the Constitution, the laws passed by the Legislative Branch, and all legally enforceable national regulations. The department will administer and exercise the police power, subject to all enumerated Rights Against the Police Power. It will investigate actions contrary to law, interrogate, accuse, and detain suspects, and bring them before a impartial criminal courts within the Judicial Branch. Following convictions, it will administer the judgment of the courts, whether this is supervised probation, restitution, incarceration or parole. The Justice Department will own and operate the national prison and corrections system, together with its facilities. Private contractors will not be employed for these purposes, except for construction, waste management, and meal services. The department is created to right injustices in a consistent and reliable manner. It is not created to do the work of society or to make a better world.

The Attorney General is the head of this department and the director of public prosecutions. This office and its delegates are empowered: 1) to represent the Nation, and its Legislative and Executive Branches, before the Judiciary; to represent the Nation in controversies and conflicts with the states; “to provide legal counsel and binding responses to legal queries from public sector bodies and institutions on the interpretation and application of the law, on those issues where the Constitution or the law does not grant competencies to other authorities or bodies; [and] to monitor, subject to the law, the documents and contracts signed by public sector bodies and institutions” (Ecuador).

The Justice Department will establish a national security and police force, to defend the rights of the people, the law, and the peace against non-military threats. Lethal response to threats will be limited to lethal threats. Militarization of the domestic forces is prohibited. The department will enforce all rights of sovereign individuals named in this Constitution. Other enforcement powers include natural resource and environmental laws, mail and shipping fraud, patent and copyright protection, organized crime, antitrust laws, banking and security laws, and the tax code. No case will be brought before any tribunal lying outside of the Judicial Branch, including courts martial. The department will have jurisdiction over civil rights violations at the hands of others and by corporations, but violations by the national and state governments will be enforced by the Censorial Branch.

The Justice Department will form a joint office with the State Department to cooperate with transnational conventions and police efforts against organized and international crime. The joint office will also manage immigration enforcement and deportations.

The elimination of victimless crimes will go far in undoing established organized crime syndicates, but there remain a number of lucrative areas for these enterprises, especially arms smuggling, kidnapping, extortion, illegal immigration, human trafficking, bribery, embezzlement, fencing stolen property, forgery, counterfeiting, graft, identity theft, money laundering, obstruction of justice, witness tampering, and monopolistic practices.

Deprivation of life may occur within the law: a) in the execution of a sentence of a court following conviction of a crime for which this penalty is provided by law, subject to strict standards provided herein and by law; b) in defense of any person from unlawful violence; c) in order to effect a lawful arrest of an armed individual; d) in order to prevent the escape of a person lawfully detained; and e) in actions lawfully

taken for the purpose of quelling a riot or insurrection. In b) c) and d) above, the burden of proof will be on the police power that non-lethal force was not an option, and failure to meet this burden will result, at a minimum, in charges of criminal manslaughter.

The national intelligence database, both foreign and domestic, will be centralized and limited within this single agency. It will consist only of information made public by open publication or broadcast, or discovered or recorded in public places, or legally obtained through duly executed warrants, or filed for a record of criminal court proceedings subsequent to a conviction, or otherwise publicly disclosed by private parties with their full knowledge and consent, or else gathered in accordance with international conventions regarding espionage.

All law enforcement divisions will contain an independent Internal Affairs Division and will also be subject to any investigation demanded by the Censorial Branch. Discretionary police powers will be spelled out carefully in the law, and be both approved and monitored by the Censorial Branch. The word “may” in the authorization of a power will not be presumptively interpreted to mean “will” or “shall.” Reasons and rational justification will be required.

Tribal justice for indigenous people will only be at the request of tribal leaders, except that the Censorial Branch will settle disputes between tribes and the national government, with a prejudicial preference given to standing treaties over more recent national laws.

The national Justice Department will supervise and manage interstate extraditions and prisoner transfers. It will have authority to police interstate fugitives, kidnapping, human trafficking, and the smuggling of contraband.

No Poisonous Fruits. No evidence may be submitted in court which has been obtained by any unconstitutional or illegal means, including turning state’s evidence, duress, torture, warrantless search, or entrapment.

No Violation of Rights. Rights Against the Police Power are absolute, but powers prohibited are not limited to these. Abridgment, infringement, or derogation of any right of sovereign individuals is a crime. Agents acting on behalf of government or under color of law will be held personally accountable in criminal court.

No Adversarial Stance. Belligerent posturings such as “zero tolerance” and other aggressive or offensive approaches to sovereign citizens are prohibited. That the police are “just enforcing the law” does not excuse such behavior. Proactive or preventive enforcement of law is prohibited.

No General Surveillance. Unwarranted general surveillance of the people, their persons, their communications, or their private property is prohibited. No evidence obtained by unwarranted general surveillance, or proceeding in any way from same, may be admissible in court, or authorize warrants or further investigations. Evidence obtained while in active pursuit in an unrelated event is inadmissible. Evidence and testimony given during plea bargaining and turning states evidence is inadmissible, and agents using these methods of investigation may be prosecuted for extortion. The law will determine the legality of these methods of investigation and all instances of their use will be subject to Censorial review and approval. Preemptive or preventive investigations are prohibited, including such fishing expeditions as roadblocks, general area sweeps, and general sting operations. Agents violating this provision may be tried for invasion of privacy. Sting operations may, however, be used by the Censorial Branch on the Justice Department.

No Power to Dismiss Petitions. Every petition, brought by one or more persons, for redress of grievances, information, ombudsman assistance, or legal aid, will be granted due process, under laws and procedures approved by the Censorial Branch.

Restrictions on Civil Asset Forfeiture. No private assets will be seized except upon conviction for a crime and in values proportionate to the crime. The allurements of forfeiture and confiscation will be balanced by felony penalties against government agents for abuse. No bill of attainder will be authorized.

No Impairment of Contract Obligations. No government or agency may interfere with the obligations of contract, except to adjudicate or arbitrate disputes upon the request of one or more parties if these remedies are specified in the contract. Parties to contracts are the owners of themselves, their persons, their time, their labor, their lives, and their rights and they may obligate any these to another party. Individuals, families and communities are not assets of the collective. Powers of impairment begin only with incorporation and are subject to terms in the articles of incorporation and the law.

No Delay Tactics. Given the guarantee of defendants to a speedy trial, delay tactics are forbidden to the prosecution.

No Malicious Prosecution. Malicious prosecution, including withholding and tampering with evidence, will be a crime deemed proportionate to the crime that is being tried, and victims will be compensated for damages. The government may call specialists to testify in court, but no testimony may be referred to as “expert.”

Loser Pays. Upon acquittal by a judge or jury, prosecutors may be held liable for all of the defendant’s court costs, including the non-refundable fees of bail bondsmen.

Restitution Paid First. Restitution will be paid to victims before fines, fees, and expenses are paid to the government. This includes remuneration from the proceeds of prison labor.

Records of the Innocent Expunged. Investigative, arrest, and trial records will be expunged from both public and police access upon acquittal or dismissal of charges. Such records may be held only for purposes of restitution of court costs and future security against double jeopardy.

Article 6, Section G

Department of Services

The Department of Services is charged with all activities related to labor in exchange for monetary compensation, and all government activities empowered to assist the population in meeting or funding the most basic human needs. Service agencies include the Civil Service, the National Health Service, Social Services, National Service, and Labor Services.

Civil Service. Government employment, on the global scale, has often been analogous to big stinky fly traps baited with tainted meat. It isn't so much that power corrupts: it's that this kind of power, combined with promising degrees of anonymity and unaccountability, attracts the most corruptible people, while the better minds, greater talents, and stronger integrities gravitate to the higher pay in the private sector. Power becomes vested in an assembly of petty tyrants on the take. The Censorial Branch is created in part to prevent this and is therefore given all of the power it may require to act against corruption, malfeasance and incompetence. Civil service is thereby solely at the will and pleasure of the people. There will be no vested interest in Civil Service tenure.

"Admittance into public service, advancement, and promotion in the administrative career stream shall be by competitive, merit-based examination, as provided for by law, except for public servants who are elected by universal suffrage or whose appointment and recall are discretionary. Failure to observe the above shall lead to dismissal of the appointed authority" (Ecuador).

The terms "civil servant" or "public servant" will accompany all titles and job descriptions to remind the Civil Service where the sovereignty lies. Public service is defined in terms of accountability. Hiring criteria will be generally open to all, subject to experience, education, and competence, except that potentially disruptive or damaging psychological traits and conditions, such as a passive-aggressive personality disorder, may be screened against in applicant selection. Entrenched positions involving the interpretation and enforcement of codes and ordinances, particularly with limited accountability, will be especially attractive to passive-aggressive personalities, who can hide behind rules and take satisfaction in telling others what they may not be permitted to do. Agencies and their agents will not impose personal agendas or adopt offensive or adversarial stances towards their constituents. Attitudes such as "zero tolerance" are prohibited. "All public officials are servants of the whole community and not of any group thereof" (Japan).

Violations of the oath of office will be grounds for dismissal from both elected and appointed offices. Oaths will state that public servants have no private agendas. It will be a crime, in addition to grounds for penalties or dismissal, to violate the rights of citizens or groups under color of law. The civil service, as a labor union, will be accountable for rights violations, but liability will stop at a named individual agent.

Agencies will not be captured by the industries or corporations that they are intended to regulate. Revolving door hiring policies are prohibited. Educational requirements for a civil service office will not be met by a university curriculum funded by industries regulated by that office. For example, national forestry personnel may not receive academic credit for courses created or sponsored by the timber industry.

The Civil Service may self-organize, but there will be a Public Service Commission in the Censorial Branch appointed to oversee its compliance with this Constitution. No agency will be instituted without a clearly stated mission defining its limits.

Bureaucrats will be entitled to make regulations effective only within their bureaus. Bureau policy will not be regarded as law.

Bureaus will generally be deemed unnecessary where the private sector can do the same job as well at a lower cost, except where issues of rights are involved, as with issues of Justice. Redundancy of function, duplication of effort, micromanagement, and hyper-regulation may all be targeted for elimination by the Censors.

All appointed officials and employees who interact with the public are subject to review and report by public clients. Public officials are obligated by contract to perform the specified duties for which they were elected or hired. Questions of personal belief and interest are irrelevant when they are serving their public functions. Protests against orders from above for reasons of conscience will be reviewed by the Censors on Constitutional and legal grounds only.

No Indefinite Appointments. All elected and appointed offices will be for specified terms, although appointed offices may specify conditions for uncontested continuance of employment, or require only regular votes for retention in office.

No Rigid Protocols. No agency will be without procedures or sufficient ombudsmen to facilitate appropriate access to, and progress through, its bureaucratic process.

Civil Service not Shielded. Policies protecting the civil service from the consequences of on-the-job misconduct or incompetence are prohibited. Civil service retirement funds will be transferrable to any public or private retirement account to facilitate the termination of employment, except that retirement savings may be attached to pay civil or criminal fines or court-ordered restitution.

Accountability of Agents. "The crimes committed by public servants that are perpetrated against the patrimony of the State and cause serious economic harm, are not extinguishable, and no immunities are to be applied" (Bolivia 112). "No public servant shall be exempt from being held accountable for [their] actions in the performance of [their] duties or for [their] omissions and shall be held liable administratively, civilly, and criminally for the management and administration of public funds, assets or resources" (Ecuador).

Limits on Remuneration. The Legislature may limit the salaries of any elected or appointed public office. It will itself be limited to five times the poverty income, plus allowances for housing and transportation in values and rates not to exceed the national median. There is no need to provide public servants at any level with luxury salaries, housing or transportation.

Bureaus will be permitted and encouraged to step outside of the normal 40-hour work week model to create a range of part-time jobs and other job sharing opportunities. Job benefits will be scaled for part-time workers and not eliminated.

Health Service. The National Health Service will be a public, taxpayer-funded, single-payer health care system that is controlled by democratically elected local boards and a Care Quality Commission to monitor inter-national systems and incorporate best practices. This will be augmented as market forces allow by private healthcare delivery systems.

Within the NHS, there will be a separate, routine or minimal care system, with its own facilities, to treat routine medical checkups, common complaints, common contagions, vaccinations, easily diagnosed conditions, dental surgery, optical care, audiological care, physical therapy, substance abuse assistance and mental health counseling.

There will also be a separate well-care health system, with its own facilities, in which preventive health care, simple checkups, general dentistry, nutrition, herbal medicine, traditional medicine, and exercise programs are provided, together with reproductive

health, family planning and early pediatric care. (Refer also to Article 2h, Rights to Health Care). "It is the responsibility of the State to promote and guarantee the respect for, and the use, research and practice of traditional medicine, rescuing ancestral knowledge and practices created from the thinking and values of all the nations and the rural native indigenous peoples" (Bolivia).

The NHS will maintain a minimum standard ratio of physicians and nurses to the population served, based upon ongoing assessments of both effectiveness and cost-effectiveness of international systems. There will also be varying degrees of licensure and specialties as demand requires. Collective bargaining is permitted. Health Service professionals and support workers may negotiate for pay and working conditions, but strikes will not compromise the health of the public.

Veterans of service in the militias and other emergency services who have placed their lives at risk for the public good and benefit will have a priority access to public health care in consideration of their service.

Larger than normal copayments may be required for persons with histories of voluntary high-risk behavior such as excessive drug, alcohol, or tobacco consumption, or reckless driving, where medical complaints are the direct result of such behaviors. Otherwise, all eligible persons will receive the same level of coverage.

The obligations of the Health Service to perform extreme and heroic measures will be constrained by personal living wills and medical powers of attorney. Euthanasia is a Personal Right, regardless of prognosis. Late term abortions are the sole decision of the pregnant mother in cases of risk to the mother's health, fetal defect, rape or incest. Denial of service by the NHS, including organ transplantation, will not be based on or related to any ability to pay, although transplants may be denied on the basis of ongoing high-risk behavior.

Rural voluntary emergency services will be provided by the public, as needed, with the equipment and infrastructure they require.

Medical response to epidemic outbreaks, emergencies, and disasters will be coordinated with advance planning and training exercises in conjunction with the Defense Department.

There will be a National Board of Medical Ethics which will remain firmly independent of political, social, and religious pressure. Arguments citing precautionary principles will offer demonstrable substance. Private medical experimentation will be regulated only for rights violations and public risk. Innovation in medicine will be publicly funded as needed. All information produced by this board, together with the best available information on medicine and medical procedure, will be made publicly available to and through the Culture Department.

Social Service. The National Social Service is charged with the coordination of state efforts to ensure that the fundamental needs of the people can be met, and with the management of Social Security funding for qualified individuals and families. Beyond those needs addressed by the Health Service, this includes access to the minimum basic income and property allowances, security and safety in the domestic environment, adequate nutrition, and access to emergency shelter supplied with heat, potable water, and sanitary facilities. There will be a public as well as private systems for troubled, abused, abandoned, violent, and orphaned children, as well as for the infirm and the aged. Where possible, children and the elderly will be encouraged to care for each other in the manner and custom of traditional and indigenous peoples.

Providing for the public welfare does not mean to provide the public with welfare. It means that government should both encourage and not interfere with the meeting of what is needed in order to fare well, and to give support where this alone is not enough.

An equality of outcomes is not the goal of welfare: its function is to provide a floor of met needs for greater equality of opportunity. Every able-bodied adult has an obligation to work where income is needed and public assistance might be sought. An earned self-esteem is vital to self-reliance. Refusal to work in this case is grounds for denial of public assistance, except in cases where a long-term, radical displacement in residence is demanded.

The Nation and the states will provide employment location services, employment counseling, vocational training, and public works projects which create and maintain the national and state infrastructure. It is the goal of welfare to cultivate self-sufficiency, debt management, competence, and productivity in individuals, and ultimately to benefit rather than burden the society. Poverty is more expensive both socially and economically than efforts to establish solvency. When government seeks to provide instead of empower it will fail its underprivileged. Insert the Department of Teaching Men to Fish here.

Social Services will also conduct the non-medical aspects of veteran affairs, including financing, employment assistance, housing, transportation, education, and vocational retraining.

Social Security Administration. The national Social Security fund will be collected out of the general income tax. This fund will be itemized separately, but subject to the same laws and deductions, and will have as its first priority the guarantee of minimum income and property allowances for retired seniors, and persons with long-term injury, permanent disability, terminal illness, and intractable mental illness. To this end, its distribution may be means-tested, with surplus beyond the highest priority needs to be apportioned according to scale. Social Security is not regarded here as an entitlement, as it is in the US and elsewhere, but is subject to qualification according to need. Personal retirement accounts and pension funds will be supervised by the Social Security Administration, managed by the National Banking Commission, and policed by the Censorial Branch. These funds are permanently unavailable to employers, are severed from employer assets, and will lie outside of bankruptcy proceedings.

Recognizing that, in many nations, more than half of the welfare dollar goes to its management and redistribution by the welfare agencies and associated industries, welfare efficiency will be closely monitored. Charities performing the same function as the Nation or states but with significantly greater efficiency may warrant tax credits instead of deductions. Charities will be encouraged wherever possible for the personal and social benefits of volunteerism.

National Service. The National Service Administration is charged with the temporary employment of citizens by governments and their agencies. This includes public works projects, particularly with emergency relief efforts; the development, improvement and maintenance of the national infrastructure in conjunction with the and Defense Department; and environmental cleanup and conservation projects in conjunction with the Department of Commons. Relief for the unemployed or the indigent may entail a requirement for public service, at the minimum wage, or a paid apprenticeship to learn a marketable skill.

National Service may also reward participants with access and title to the minimum property and housing allowances, since the housing affordability problems emerging from growth management, exclusive markets, rent control, zoning restrictions, local regulation, and building codes all limit the availability of inexpensive housing. National services may partner with private developers to develop affordable housing for whatever modest profit might engage or attract private participation.

Labor Service. The National Labor Service is charged with a function of mediation in relations between labor and management in companies doing business in multiple states, and the enforcement of laws and regulations securing occupational health and safety. State divisions will manage the same for intrastate businesses and corporations. The Labor Service will also stand for the rights of non-unionized workers. Other supervisory functions will include corporate contracts, equal opportunities, apprenticeships, wrongful termination, unemployment insurance, sexual harassment, workers' compensation, vocational rehabilitation, migrant labor, work visa approval, efficiency studies, and labor statistics. The Labor Service will also investigate and report legal violations to the Justice Department, but subject to prohibitions on the impairment of the terms of contract in which individuals may surrender rights to unincorporated others in negotiating with other contracting parties. It is understood that under contract law, a person may hire out at below the minimum wage to a partnership or private company in an internship, apprenticeship, or other entry-level training, subject only to prohibitions against being made to do so under duress or economic hardship.

The current values for the Net National Product, Net Domestic Product, Poverty Line, Consumer Price Index, and similar metrics and labor statistics will be calculated and maintained by Labor Services. This Service should work to develop superior measures for a standard of living that better serve society and posterity, such as disposable income, recreation, community, health, security, and leisure. To an extent, economic security can be found in the meeting of needs more than in their creation, and need reduction combined with budget management can be developed as an alternative to economic growth. These figures, plus the comprehensive current database of labor statistics and job training materials, will be made available to and through the Department of Culture.

Labor services will also monitor and manage the provision of benefits other than remuneration, such as vacation time, sick leave, and maternity or paternity leave.

The exploitation of labor is prohibited nationwide. Interference with the free formations of unions is prohibited. The right to strike is preserved, but only to strike without pay or benefits. The rights of management to lock out strikers and hire substitute laborers are also preserved.

Article 6, Section H

Department of State

The State Department is charged with the management of global and international affairs, treaty compliance, the establishment of embassies and employment of ambassadors, and the mission to the United Nations. The Nation “shall endeavor to promote goodwill and co-operation with nations, foster respect for international law and treaty obligations, and encourage settlement of international disputes by peaceful means in order to promote international peace and security” (Bhutan).

The negotiating and signing of all international agreements is the responsibility of the national Executive, with Senate approval. The Nation is not bound by international agreements which were binding on the previous Nation replaced by this Constitution. Treaties and debts will be honored only insofar as they are consistent with this Constitution, the goals of the new Nation, and the will of the people. If the new Nation has signed an international agreement or treaty which establishes different rules from those stipulated by National law, then the rules of the international agreement or treaty will be applied, provided they do not conflict with this Constitution. No treaty or trade agreement will have effect where obligating the Nation to a foreign court or a judgment which in any way violates this Constitution. No international treaty may override any national or state environmental protection or public health and safety laws. All treaties concerning the global commons will be negotiated with the full participation of the Department of Commons.

All alliances made for military defense of the Nation will be formed through the United Nations. The Department will recognize and respect political diversity and will not attempt in any way to politically convert other nations to another form of government. Paradoxically, the world’s national borders, as the source of so much warfare, also provide the world with pockets of needed diversity, and there remains a benefit to competition between political ideologies.

The National Ambassador is the head of this Department. This is the first Cabinet position in line of succession to the Chief Executive.

A joint office formed with the Justice Department will manage national immigration enforcement, deportations, extraditions, and efforts against organized international crime. However, extradition and the confiscation of property will still follow all rights and rules for the presumption of innocence, such as warranted surveillance and obtaining proper evidence for indictment.

A Diplomatic Corps will oversee the establishment of embassies abroad and the employment of their ambassadors with Senate approval, as well as the location and establishment of foreign embassies on home soil.

A Foreign Intelligence Office will monitor the political activities of other nations and their agents, supply counterterrorist efforts with intelligence, and collect information on international criminal activity. Espionage will be limited by international agreements. The Office will supervise arms control treaty verification and compliance.

A Foreign Assistance Office will assist the people of other nations in meeting their basic needs, family planning, disaster relief, ecological protections, pandemics, family planning, and refugee assistance. *Quid pro quo* international aid is prohibited. Political and military actions and their financial support are forbidden, except through international efforts which represent at least two-thirds of the United Nations.

An Immigration Office will manage both immigration and emigration or expatriation of national citizens, and will patrol the national borders. The Nation assumes a discretionary power to set immigration standards for ability, talent, intelligence, health,

personal legal history, and education, even when accepting refugees and seekers of asylum. Standards for permanent naturalization will be as approved by the Censors. The Nation will be unable to maintain sustainability and population goals with wide open borders lacking such standards.

A Travel Office will issue passports to national citizens; review the passports of international travelers and visitors; issue travel, work and education visas; and grant other visitation permits for specified purposes. The office will respect all rights of citizenship related to spouses and family ties. The office will maintain a presence in all international airports and sea ports.

A Maritime Office will manage seaports, shipping, and the monitoring of ocean traffic. It will maintain a non-militarized Coast Guard with limited domestic police powers, but this may allow a presence of officers belonging to the national militia. The office will refer matters of maritime law to the Department of Justice.

A Trade Office will manage relations with extra-national corporations, and international commerce and trade agreements, subject to their conformance with this Constitution. The office will manage monetary exchange, customs and import inspections, duties, and tariffs, and will monitor trade balances. No national or office policy will be established for the financial benefit of private or corporate financial interests, but the Trade Office may work in general fashion to open markets abroad and develop new trade opportunities. The office will also maintain a presence in the National Postal System, run by the Information Department, as well as private parcel carriers and delivery systems, to inspect for contraband. No agency for international development will work to compromise socio-economic or environmental protections in other nations.

The counterpart in state cabinets, the Department of National Affairs, will manage relationships between the state and others, and with the Nation, and will coordinate its operations with the National Senate. “No State shall enter into any treaty, alliance or confederation [or] grant letters of marque and reprisal” (US). “No State shall, without the consent of the Congress, lay any imposts or duties on imports or exports, except what may be absolutely necessary for executing it's inspection laws: and the net produce of all duties and imposts, laid by any State on imports or exports, shall be for the use of the treasury of the [Nation]” US “No State shall, without the consent of Congress, lay any duty of tonnage, keep troops, or ships of war in time of peace, enter into any agreement or compact with another State, or with a foreign power, or engage in war, unless actually invaded, or in such imminent danger as will not admit of delay” (US).

No Foreign Tax Havens or Shelters. No foreign-owned businesses or international corporations may be exempted from national tax laws on profits made within national borders. Domestic profits will be deposited in nationally regulated banks until all taxes are paid in full. International corporations are subject to banishment for violation of these conditions.

No Communications Censorship. No controls will be placed on information crossing national boundaries by broadcast, narrowcast or internet. Internet neutrality is protected. No special allocations of any broadband metric will be permitted.

No Violation of International Accords. The Nation will comply with all stipulations of international treaties and accords to which it is a signatory, except where these have been determined to violate this Constitution. There will be no violation of the Geneva convention and related rules and principles of international law prohibiting violations of human rights.

No Trade Agreements for any Private or Corporate Benefit. Treaties favoring corporate profits and liberties over national regulatory authority are prohibited, even where net economic benefit to the Nation may be demonstrated.

Article 7

The Judicial Branch

The highest tiers of the Judicial Branch are the Constitutional Court and the Supreme Court, each of which will have nine judges, nominated by the Executive Branch and approved by both the joint Legislature and the Censorial Branch. Justices will serve for twenty-year terms. It is recognized that a longer tenure for judges is needed to allow freedom to dissent from current political pressures. The Constitutional Court will review matters of national, state and local law with respect to the Constitution, and “must declare that any law or conduct that is inconsistent with the Constitution is invalid to the extent of its inconsistency” (S Africa). The Supreme Court will hear appeals on matters of national interest, disputes between States or between the Nation and states, and all international affairs.

Below the highest national courts are the Circuit Courts, the District Civil Courts and the District Criminal Courts. Tribunals inferior to the two highest courts will have judges nominated by judges in the tier above and approved by the Senate and the Censorial Branch. The state courts will have a parallel structure: Constitutional and Supreme Courts, County Civil and Criminal Courts, and municipal courts. Appointments will parallel the national rules.

Any judge on any tier may be removed by the Legislature for official malfeasance through an impeachment process established by law, or by the Censorial Branch for misinterpretations or violations of constitutional principles.

The national courts will settle disputes between the states, indigenous tribes, corporations, communities and individuals on appeal in matters of national law. Jurisdiction over matters of taxation will fall to the Civil and Criminal Courts of the Nation or states, as appropriate.

The Civil Courts are concerned with regulatory authority; acquisition and disposition of property; enforceability of promises; malpractice and product liability arising out of contracts; creation of national and state franchises and privileges; and registration and administration of corporate charters. In civil matters, courts may grant extraordinary awards for forgone pleasures of living, medical expenses, lost earnings, emotional suffering, and punitive damages, but awards are subject to Censorial review for proportionality.

The advocacy system, or adversarialism, whereby expensive litigators do battle with exaggerated half-truths, does not favor justice. Consensual alternatives must be provided, where simple truths full of shades of gray might be candidly spoken, even without attorneys on hand. In any civil case, “arbitration, mediation and other alternative procedures for dispute settlement are recognized. These procedures will be applied subject to the law in those areas where, because of their nature, compromises can be reached” (Ecuador). “At any stage of the proceedings, the Court may place itself at the disposal of the parties concerned with a view to securing a friendly settlement of the matter on the basis of respect for human rights” (Europe) or refer the matter in question to binding arbitration. Private courts may be used in arbitration or mediation, where acceptable to both parties in a dispute. Outcomes will be fully enforceable under contract law, but appeals will be expedited and heard under a loser-pays condition.

In addition to options for arbitration and mediation, gridlock in the courts may also be broken by use of court ombudsmen and by abbreviated forms and procedures for routine matters. Free range or independent judges may be considered, hearing cases outside of a courtroom, or making house calls with recording equipment and contracts

in hand. In addition to civil cases, misdemeanor criminal offenses involving an injured private party and awards of restitution may also be referred to an expedited system.

County and municipal courts are concerned with arraignments and prosecutions of state laws and local ordinances; property law; family law; and the determinations of minority, incompetence, and insanity. County courts may issue search and arrest warrants.

The Judicial Branch will have a separate judicial system created for military tribunals or courts martial, subject to its own rules of procedure and evidence. The military police and penal system will be managed by the Department of Defense.

Indigenous tribes may create their own systems of justice, for crimes and conflicts occurring within the tribe, but this remains subject to the constitutional rights of women, children and elders, and to constitutional provisions for environmental protection.

Rules for juries may allow a conviction with a single dissenting vote, except in trials for capital offenses, where decisions to convict must be unanimous.

Justice and due process will be construed as a proper respect for rights and the proper application of power, and not as pursuits of the general good. When problems of interpretation arise, rights will be construed liberally and powers conservatively. The court may consider no interest of the government as compelling unless that interest is necessary to the exercise of an enumerated power and also infringes upon no right.

Rights not claimed will not be considered waived. No right will be assumed to be waived by silence or inaction. Any law or act of enforcement infringing on enumerated rights is void unless rights are explicitly waived in contract with the individual.

Motions for recusal or change of venue must be determined outside of the court in question, which will assume a burden of proof for claims of objectivity. All criminal trials will be held in the state where the crimes has been committed or in the lowest tier of the national courts. Should the state be a party in a trial, the defendant may demand that a trial begin on a national tier.

Determining the Force of Law. Custom will not have the force of the common law, nor common law the force of court precedent, nor precedent the force of law, nor any law the force of the Constitution, which is the highest law of the land. The functions of common law and precedent are advisory only. Summaries, restatements and digests of the common law may be submitted to the Legislature for approval and adoption as law.

Stare decisis, the accumulation of precedent that binds lower courts and sets default interpretations on the levels of judicial review where they were first decided, will require special and vigilant monitoring. The ratchet effect of precedent in the arrogation of powers and the erosion of rights is well known. Decisions may be overturned by the Council of Censors at any time for Constitutional reasons. Preferential consideration will be given to any registered dissenting opinions of the court of origin.

Constitutional Legislative Review. Judicial committees will perform a preliminary review of the constitutionality of laws under consideration in the Legislature, and approval will be granted before any act proceeds to the Executive Branch for approval. The opinions of this committee may be overridden by the Censorial Branch.

The Rule of Law. The rule of law means that that every citizen will be subject to the same law, including the legislators who enact the law. Any law which binds one person and not another is not a law. Unless explicitly excepted by law, this also applies also to special privileges and licenses. Law which is overbearing, overreaching, overly complex, vague, overly standardizing, enforced on targets for social, economic or political reasons, or enforced haphazardly, invites only an arbitrary rule by interpreters. It gamesmanship or sophistry rather than wisdom. Ignorance of laws which are not

“well-defined and established” may in fact be an excuse. The rule of law itself needs careful ruling if this is to be avoided.

Self-Organization. The courts are delegated all needed powers of self- organization. Each tier of the courts may write its own formalities, rules of order, procedure, and evidence, where not specified herein, but these will be established by laws, and these laws are subject to Censorial review and approval. All pretrial matters of jurisprudence may be referred to an ombudsman. Powdered wigs are prohibited. “The procedural system is a means to carry out justice. The procedural standards shall embody the principles of simplification, consistency, effectiveness, immediacy, swiftness and procedural economy and shall ensure the effectiveness of the guarantees for due process of law. Justice shall not be sacrificed because of the sole omission of formalities” (Ecuador). Court procedure will be reduced a simple handbook. Court procedural formalities substituting ritual and mystique for respect, only multiply the cost. Getting pomp and arrogance out of the courts ought not diminish respect for the courts.

Judicial Conformity. “All judges are responsible before the law for the slightest infringement of the rights of individuals as well as for deviation from the established order of procedure in that respect” (Uruguay).

Judicial Review and Activism. Judges may base their decisions on their own determination of the constitutionality of the law in question, or of its applicability to the questions or case at hand, but such determinations may only establish legal precedent in the Constitutional and Supreme Courts of the Nation or the state enacting the law. It is expected that the Censors will free the courts from most temptations to judicial activism, leaving the courts free to simply apply the law.

Judicial Opinion. Any judge, in deciding any challenging or controversial case, may articulate the reasons for the decision, or offer a dissenting opinion, which will be attached to the record.

Any court may assess fines and penalties against plaintiffs for filing nuisance or frivolous suits, or actions taken for purposes of harassment, and may in fact be encouraged to do so. A judge may determine the matter as early as the first hearing and award all court costs to date to the defendant.

Any court of the proper tier of jurisdiction may receive oaths of office and allegiance.

Any court of the proper jurisdiction may set bail; determine sentencing where authorized; overturn or modify awards, declare mistrials or order retrials; admit or exclude evidence or arguments; determine the universe of discourse for the prosecution; issue citations for contempt of court; and issue subpoenas, warrants, injunctions and restraining orders. Appeals against these actions may be made through the Censorial ombudsman.

Powers Prohibited

No Trespass on Rights. To assume that people have no right to violate the law must presume that the law has no right or power to violate the people. In fact, the law must have no rights, and rights, by definition, are rights against the law.

No Violations of the Spirit of Law. The spirit of the law, which is required to be stated by the Legislature with any new law, statute, or ordinance, must be maintained, regardless of its letter. A few factors demand regularity in behavior: factory work, for instance. Justice, oddly, does not. Regularity is not the same as fairness. We cannot ask what the law is and not also ask whether it is also justice. “The law, in its majestic equality, forbids the rich as well as the poor to sleep under bridges, to beg in the streets, and to steal bread” (Anatole France).

No Power over the Content of a Defense. Judges will have no power to frame the content of a defense, only the the content of the prosecutorial evidence, questions and arguments.

No Censorship of Witnesses. If a witness before the court has sworn to tell the whole truth, then the response may not be censored or abridged. Judge and jury will also swear to hear the whole truth.

No Courts Outside of the Judicial Branch. Beyond the Nation, state, and local court tiers within each Judicial Branch, there will be no parallel systems of justice, separate jurisdictions, or independent courts or tribunals. Non-military trials by commission are prohibited. “No extraordinary tribunal shall be established, nor shall any organ or agency of the Executive be given final judicial power” (Japan).

No Abridgment of Jurors’ Rights. No rule or judge in any court may abridge or speak against the rights of jurors, enumerated under Rights of Citizenship in the Bill of Rights, under penalty of dismissal or removal from office. Jurors will be advised of their rights when they receive a summons to jury duty.

No Overturning a Jury’s Finding. A judge may overturn a jury award in a civil case, or modify a jury’s sentence in a criminal case, but may not overturn verdicts in civil or criminal trials. Appeals of jury convictions may be made upon discovery of rights violations or new exculpatory evidence.

No Undisclosed Settlements. All court proceedings are to be public, including final settlements, except that the privacy rights of victims of crime, jurors, and witnesses will be secure.

Article 8

The Censorial Branch

We should not want to design a new government in a climate of hope for a brighter tomorrow, or trust in an older-but-wiser people. Every bit of hard-earned suspicion that can be held towards the ethically inferior history of human self-government should now be brought to bear on this effort. If we have learned anything, we should give no quarter to optimism here. To effectively police the police, we require the equivalent of the dreaded Internal Affairs Division. To fully question ourselves from all angles, we need the equivalent of an *Advocatus Diaboli*, or Devil's Advocate, set apart and outside the box, to ensure that tyrants don't get canonized. We need a powerful immune function to fight metastatic government growth.

Our attempt to solve this problem here is the Censorial Branch of government. While it is unfortunate for our purposes here that the term "censor" has come to refer to an arrogant busybody enforcing a legislated morality on behalf of a government, against its people, James Madison clarified the issue when he said that "the censorial power is in the people over government, not the government over the people." The term is an ancient one, and we return it to its ancient meaning. Councils of Censors have been tried in other countries in recent decades, and were even present in US State constitutions like Pennsylvania and Vermont, but these have been far too halfheartedly empowered and did not survive.

The Censorial Branch is charged, to any extent necessary, to serve and protect the Constitution, to control the excesses of the government, to weed out official corruption, and to safeguard the sovereign people against the infringement of their rights and the government's arrogation of undelegated powers. This is the institutionalization of watchdogs and whistleblowers and the empowerment of vigilance. It has no power whatsoever over the people, except in their capacities as agents of the national, state and local governments. It is the enforcement arm of the people and its power over the government will be nearly unlimited: it may dissolve any agency that is not authorized by this Constitution, or reduce the size of one that is. It may seize control of the militia and declare an end to any war, it may nullify any law of the Legislature, it may vacate any decision of the Judiciary, and it may remove any person from office, including judges of the highest courts and the duly elected Premier.

This Branch has the delegated power to enforce the Constitution, and in particular, the limitation of government actions to those necessary to the function of enumerated powers, and to those proper to the security of the rights of citizens and guests of the country, whether these rights are enumerated or not. It has the general powers: 1) to establish procedures for constitutional amendments and to veto accepted amendments; 2) to declare unconstitutional and thus to annul or abrogate any of the products of the Legislature, the acts of the Executive Branch, and the decisions and precedents of the Judicial Branch; 3) to intervene in any government action on behalf of the commons and posterity; 4) to impeach, bring civil and criminal actions against, and expedite the recall of elected public officials; 5) to overturn acquittals of government agents, even by juries, and punish officials who have escaped prosecution by pulling political strings; 6) to demand, facilitate, and hold referendums and recall elections; 7) to approve procedural standards for petitions for redress of grievances and to demand or expedite action on such petitions; 8) to act as ombudsman in any and all bureaucratic processes; 9) to alter, redefine, expedite, and enforce due process at all levels of government; 10) to deny claims of sovereign immunity, to deprive the government and its employees of immunity for damages to individuals, groups and the commons, and

to levy fines against budgets, salaries and pensions to restore and make whole the victims of rights violations; 11) to override, reverse or modify declarations of war and implementation of force by the military, the several militias and the police; 12) to control unwanted or inappropriate government growth; 13) to downsize any branch or agency of the government; 14) to monitor and question the efficacy of government programs in general; and 15) to generally serve as the primary immunological and regulatory function of the body politic.

Censorial offices are paid positions. Prerequisite qualifications include two years of college-level courses in constitutional law and critical thinking skills, with honors, and the continued maintenance of Service Voter status for humanitarian or charitable service. Terms are not limited. Elections of Censors will be held every three years, to fill vacant seats, and to decide for retention in office. Decisions will be made by a majority vote of the Electors, who have demonstrated both a working knowledge of the Constitution and critical thinking skills, rather than by the general Voters, who need understand nothing of the limitations or responsibilities of government. Censors may be impeached or removed from office by a unanimous vote of the Censorial tier above them, or by a vote of seven out of nine in the highest tiers.

No council or committee will consist of less than three Censors. No law may be nullified or agent's employment terminated by a vote of less than two out of three Censors. All high commissions will seat nine Censors, with a two-thirds majority being required for action. Other than prosecution for malfeasance in office, requirements for a majority vote among Censors will be the only immediate check on Censorial power, except that the question of their continuation or retention in office will be put to the Electors every three years.

Any crime committed by a Censor involving abuse of the office and its powers will be prosecuted by the Justice Department within the national criminal courts, will be regarded an aggravated version of the offense, will carry double any penalty established for that crime in other Branches and populations, and prosecution will entail an additional charge of treason. It is imperative that Censors remain impeccable in official conduct, beyond reproach, and that they set the highest possible standards for accountability.

To ensure government transparency, there will be a special council of Censors commissioned with access to all government documents, regardless of their classification, and this commission will be the final authority in all classifications, state secrets, or proposed redactions. No public decision will be hidden, redacted, or classified except by permission of the Censorial power, which will maintain a strong and prejudicial bias towards full transparency. A sub-council within this commission may be appointed to review the most sensitive documents and information.

Every commission and committee within this branch will be an anti-corruption commission. Its direction will begin with the UN Conventions against Corruption. Censors may conduct undercover investigations of government agencies and set traps to ensnare corrupt agents.

While the Censorial Branch may not prosecute or take action against any private citizen, it may refer to the Justice Department any unsubstantiated, frivolous, defamatory, or fraudulent complaints by citizens against the government. Prosecution here may be as simple as a loser-pays system, requiring a filing fee that is refundable to the successful plaintiff. Such a system will need to establish a burden of proof and rules of evidence to be borne by a plaintiff.

Where the Electors demand, the Censorial Branch may seize control of the state militias and their national coordination, and move against domestic enemies, including

the national and state governments, as if these were foreign invaders. This power is prohibited to the national Executive as a *posse comitatus*.

Citizenship oaths of allegiance will include the opportunity to register a citizen's issues and objections of conscience. The Censors will manage this register with an eye to improving the government and amending the law or the Constitution.

The Censorial Branch will have branches with analogous powers and duties at both the state and local government levels. In every commission and at every tier, this branch will maintain ombudsmen to optimize efficient movement through the political and bureaucratic process or system.

The Electoral Commission is tasked with the discovery of the *volanté générale*, the general will. The commission will perform a national census every five years. It will also maintain an official national database of birth, death, marriage, divorce, nationalization, citizenship, education and residence certification. It will secure the registration of Voters, Electors, and Service Voters, and apportion their voting districts without regard to political affiliation. It will also register coalitions of minority voters into non-geographical districts, while preventing redundant district assignments, in order to secure a degree of proportional representation. Other than non-geographical districts, gerrymandering is prohibited. In both Senate and Assembly, seats for populations and districts will be apportioned according to the lowest, middle and most populous thirds, such that the most populous state or district has three times the representatives as the least.

Any non-geographical group large enough to make a voting district may form one. This represents a compromise since these districts will use 100% of their votes instead of a simple majority. No group can call this unfair to the others, but these minority groups will at least, and at last, get their voices and causes into the Legislature. Proportional representation is necessary to expand the universe of discourse beyond black-and-white fallacies and polemics. There are more than two sides to questions, and more to logic than either-or. Factions will form. We desire them to remain small, but free to coalesce on issues of common interest. We are trying to finding our way back to *Baihua Jia*, the Hundred Flowers School and the free marketplace of ideas.

Censors are delegated the power to review and enforce laws against political campaign financing and lobbying in the Legislature. Recipients of these illegal contributions will be removed from office by the Censors and charged by the Justice Department with accepting bribes.

In considering the optimum functioning of a democratic society, we ought always to remember that, urbanization notwithstanding, the tribe, community, township, hamlet, neighborhood, village, or crew is the original and proper home of mankind. It is the most effective place to practice participatory democracy. Jefferson suggested: "Divide the counties into wards of such size as that every citizen can attend, when called on, and act in person." This nucleus should be made the basis of grassroots democracy, the nomination of representatives, or their recall, and initiation of legislative proposals.

Since all two-party political systems are prohibited here, primary party elections will not be held, but runoff elections will be common in their place. It is the Censors' task to secure and guarantee the necessary and sufficient distribution of informative candidate platforms, and to organize debates between all candidates who have significant initial support. They may use the full resources of the Culture Department in this. Tax-exempt campaign financing will not exceed the cost of bus travel to campaign appearances and the lowest twentieth percentile of restaurant food and overnight accommodations. The various private media may conduct public debates, provided that the top five candidates for an office or seat are represented. Governments

will provide free public forums available online and through the public libraries, in which any candidate, political faction, minority, or other group seeking to register voters for their proportional representation may present his or her platform in ten-thousand words or less. Such a platform may be prefaced by an abstract, and illustrated by up to six photographs and up to six ten-minute videos. Such forums will be open to any person or entity with a petition from more than 0.1% of the voters in the previous election. Non-governmental organizations may provide the same type of forum. Campaign advertising which utilizes paid media slots, special bulk mailing rates, and unsolicited electronic mail is prohibited. The public airwaves will not be hired out for political ends. Candidates' exposure will be based on the merits of their ideas.

The Electoral Commission will establish and supervise all election procedures to secure against manipulation and voter fraud. No system of electronic voting will be without a fraud-proof, secondary system of verification. "In all elections, secrecy of the ballot shall not be violated. A voter shall not be answerable, publicly or privately, for the choice he has made" (Japan).

Voter registration will be automatic with any public identification card bearing a photograph. It will be a felony for any elected or appointed official to attempt to disenfranchise any Voter, Elector or Service Voter, or any group of persons, or to impose any form of additional voter qualification or poll tax. Emancipated minors may vote, as may any person who has graduated the 12th grade, regardless of their age.

The Commission will establish the criteria and tests for Elector qualification. It remains every person's choice to remain politically ignorant, but we must account for that person's role in governing the lives of others. It is also an ignorant person's right to vote, but that person's vote ought not to have the same weight as one who cares enough to learn how government works and how to distinguish fallacious rhetoric from rational ideas.

The Commission will maintain registers of Service Voters and establish their humanitarian and charitable qualifications.

The Commission may refer any law, existing or proposed, to either the Voters or the Electors for a referendum. It may also put recalls of elected agents to an expedited vote.

The Legislative Commission is charged with ensuring the constitutionality of the behavior and acts of the Legislature, and is delegated the powers: 1) to act as *advocatus diaboli* on the floor of the Legislative body; 2) to preempt legislation on constitutional grounds before it becomes law; 3) to assess proposed law on questions of necessity and propriety; 4) to assess proposed laws for infringement on the proxy rights of nature and posterity; 5) to approve or deny grants of special licenses and privileges; 6) to approve or deny issuance of documents of limitation and empowerment; 7) to approve or deny Legislative rules and procedures according to their constitutionality; 8) to qualify or disqualify Legislative committee and sub-committee members according to their fields of expertise and competence therein; and 9) to impeach Legislators or remove them from office for official misconduct or unconstitutional behavior.

The Executive Commission is charged with ensuring the constitutionality of the behavior and acts of the Executive, and will form additional sub-commissions for each Cabinet Department. It will have the delegated powers: 1) to impeach or remove any executive officer, whether appointed or elected, for official misconduct or unconstitutional behavior; 2) to terminate the effect of Executive orders; 3) to approve or deny nominations to the courts and the chairs of the Cabinet; 4) to form a Public

Service Commission to approve or deny any proposed structures and procedures of the Cabinet departments; 5) to approve or deny regulations established by the Cabinet departments; 6) to establish minimum requirements for the scope and content of the articles of incorporation used in forming any non-living corporate entity, including local government and municipal charters; 7) to dissolve corporations for charter violations, except that only the Justice Department may seize and reallocate corporate assets; and 8) to intervene in the rate schedules of public utilities.

The Commons Commission is charged with ensuring the constitutionality of the actions of the Commons Department, and is delegated the powers: 1) to monitor government, corporate, and individual actions affecting the Commons for violations of the Proxy Rights of Nature and the Commons, Life and the Biosphere, Sentient and Self-Aware Beings, and Future Generations; 2) to act directly, or through the Justice Department, against government and corporate violators; 3) to refer individual violators to the Justice Department for prosecution; 4) to ensure that real impacts and scarcity are valued correctly, and not concealed or subsidized; 5) to ensure that external costs are sufficiently represented in the consumer pricing of goods and services; 6) to monitor the efficacy of spending on regulation and remediation and minimize administrative and legal costs; and 7) to require objective and independent scientific analysis of conservation programs and their necessity.

The Culture Commission or Ministry of Information, is charged with ensuring the constitutionality of the actions of the Culture Department, and maintaining an open and honest dialog between the government and the people. No information may be withheld from the Commission by any government entity, for any reason, regardless of its level of classification. What hides in the darkness under secrecy and lies is rarely the Nation's security: it's the moral equivalent of pus, and daylight is antiseptic. This commission is delegated the power: 1) to question and correct government misinformation and bad science, and to ensure that all pertinent sides of arguments are heard and not suppressed; 2) to declassify any information held in secret by the government and to redefine the standards for the classification of information in terms of national security; 3) to ensure and enforce the free flow of information, the freedom of the press, the freedom of the airwaves, and the freedom of speech; 4) to openly publish complaints and grievances against the government and its personnel; 5) to review, challenge, remove, or expunge unfavorable entries in the public records, dossiers, and watch lists naming private citizens, groups and corporations without due process of law; 6) to require responsible, honest, and public accounting for all expenditures of public funds and to demand the full disclosure and cost-benefit analyses of government programs prior to their enactment, including analyses of the costs of all resource and capital depletion, and the costs of their renewal; 7) to monitor the public education system and curriculum for political or religious bias; 8) to intervene in counterproductive patent wars and disputes and force adjudication or arbitration; 9) to monitor and support the development of new public education courses; 10) to monitor the quality and accuracy of information provided to the people by the government; 11) to maintain the database of social metrics, and the collection of demographic and census data shared by the Culture Department; 12) to establish the educational curriculum and testing criteria for Electors; and 13) to establish the educational curriculum and testing criteria for Censors.

The Defense Commission is charged with ensuring the constitution- ality of the actions of the Defense Department in its three roles of defense and militia readiness,

emergency response, and the national infrastructure. It is delegated the powers: 1) to monitor the operations and expenses of the Defense Department and the national and state militias; 2) to monitor the military tribunals or courts martial for due process and respect for the contractual rights of military personnel; 3) to question the suppression of domestic protest and insurrection and determine whether these be exercises of the rights of the people to assemble and protest; 4) to ensure that all emergency response efforts in exigent circumstances preserve the people's rights up to their constitutional limits; and 5) to ensure that public works projects employing individuals and private contractors also meet the needs and criteria of Social Services.

The Economics Commission or Budget Ministry is charged with ensuring the constitutionality of the actions of the Economics Department. It is delegated the powers: 1) to enforce balanced budgets and the timely repayment of all public debts; 2) to revise the economic models used to measure economic success; 3) to stay the hand of the government in its management and insuring of private risk; 4) to require candid and honest accounting and appropriate names for assets and liabilities; 5) to make and keep visible to the people all of the true costs of government, including embedded corporate tax costs, import duties, regulatory compliance costs, licensing fees, mandated insurance, and all other taxes; 6) to concentrate regulatory compliance costs on the taxation of undesired byproducts such as waste, pollution, overconsumption and planned obsolescence; 7) to prevent the subsidization of non-renewable, scarce and strategic resource extraction, so that the laws of supply and demand can return to more natural regulatory functions; 8) to prioritize *laissez-faire*, free-market economics while taking all necessary steps to internalize all external costs in consumer pricing of goods and services; 9) to monitor any changes in the tax code for fairness and loopholes; 10) to intervene in the artificial stimulation of the economy by the government wherever this represents a net expense to the taxpayers; 11) to monitor the Revenue Agency for compliance with tax law; and 12) to audit the books of the Executive Budget Agency and those of private-sector entities that dispose of government resources.

The Internal Relations Commission is charged with ensuring the constitutionality of the actions of the Internal Relations Department. It is delegated the powers: 1) to monitor interrelations between the nation and the states and the operations of the Senate in these affairs; 2) to supervise the division or apportionment of powers between the several levels or tiers of government, the devolution of function or subsidiarity, and the relative apportionment of government funds and revenues to insure that this is fairly supported; 3) to monitor interstate commerce for needless inexpedience arising out of government interference; 4) to settle disputes between the indigenous tribes and the national government, with a prejudice towards standing treaties and the Rights of Communities; 5) to prevent coercive interference by the Nation or states with the affairs of indigenous peoples and tribes; 6) to maintain the distinctions between regulation and recommendation with respect to national standards; 7) to monitor interstate reciprocity and portability of professional licensing; and 8) to intervene in the imposition of unfunded mandates by higher tiers of government.

The Justice Commission, or the Ministry of Rights is charged with ensuring the constitutionality of Justice Department actions. It is delegated the powers: 1) to monitor violations of the Bill of Rights by national, state and local governments, and wherever the Justice Department fails, by corporations; 2) to monitor violations of the Proxy Rights, an empowerment that is shared with the Commons Commission; 3) to

monitor the national intelligence database for compliance with constitutional limitations; 4) to monitor government compliance with transparency requirements; 5) to expedite processing of both civil and criminal complaints where there exists pointless inexpedience; 6) to refer personal complaints to mediation or binding arbitration; 7) to intervene in bail amounts; 8) to review, amend, or negate pretrial plea bargains and agreements, where these are permitted by law; 8) to supervise and intervene in the conducting of grand juries; 9) to require full and immediate restoration of all court costs upon the acquittal of a defendant; 10) to supply the legal definitions of such terms as extortion, duress, medical intervention, deprivation of sleep, unusual detention, extraordinary rendition, and torture, and to apply these to individual cases in court; and 11) to refer persons to the Justice Department for frivolous use or abuse of the Censorial Branch or its ombudsman.

“The Office of the Human Rights Ombudsman shall have as its duties ... 1) to support, by virtue of its office or at the request of a party, the actions of protection, habeas corpus, access to public information, habeas data, noncompliance, citizen action and complaints for poor quality or improper provision of public or private services; 2) to issue measures of mandatory and immediate compliance for the protection of rights and to request trial and punishment from the competent authority for their violations; 3) to investigate and rule, in the framework of its attributions, on the deeds or omissions of natural persons or legal entities that provide public services; to exercise and promote surveillance of due process of law and to immediately prevent and stop all forms of cruel, inhumane and degrading treatment” (Ecuador).

The Service Commission is charged with ensuring the constitutionality of Services Department actions. It is delegated the powers: 1) to supervise the self-organization of the Civil Service for constitutional compliance; 2) to exercise any power it deems necessary against corruption, malfeasance and incompetence in office; 3) to remove any persons from public office for corruption, malfeasance and incompetence; 4) to nominate persons to serve in any appointed office; 5) to receive oaths of office and allegiance; 6) to monitor the budgets, costs, allocations, and prices of the Health Care Quality Commission; and 7) to review personal qualifications for Social Service benefits and hear appeals on denial of benefits; 8) to receive, interpret, and refer labor complaints to the appropriate authorities; 9) to intervene in the public enforcement of private contractual labor agreements, subject to Rights of Contract and to the specific terms of contracts.

The International Commission is charged with ensuring the constitutionality of State Department actions. It is delegated the powers: 1) to co-negotiate, amend, or reject international treaties, trade agreements, and other commitments for reasons of constitutional compliance; 2) to ensure that the Nation abides by the terms and conditions of any UN or inter- national convention to which it is a signatory; 3) to monitor international intelligence and espionage for compliance with the Constitution and inter- national agreements; 4) to propose, approve, reject, or remove ambassadors and other diplomatic personnel, and supervise their behavior in office; 5) to demand the deference or redirection of hostile or antagonistic diplomatic efforts to peaceful solutions; 6) to define, establish, and maintain national standards for extradition, deportation, refugee status, sanctuary requests, and permanent naturalization.

The Judicial Commission is charged with ensuring the constitutionality of Judicial Branch activities. It is delegated the powers: 1) to approve or deny proposals for structural organization of the courts, their formalities, and their rules of order,

procedure, and evidence; 2) to impeach judges at every tier of the judiciary, to remove them from office, suspend their tenure, or to decide for non-renewal; 3) to act against the both the Judicial Branch and the Justice Department where justice is denied; 4) to overturn judicial decisions of the civil and criminal courts in light of mitigating circumstances; 5) to reverse acquittals of government agents, even where acquitted by a jury; 6) to act at will as *amicus curiae* in the courts; 7) to review and revise civil case awards for proportionality.

Article 9

State and Local Government

This Article details “the relationships between organs of government in the three “spheres” – national, provincial and local. It lays down a set of principles requiring them to co-operate in good faith and to act in the best interests of the people. It also requires them to attempt to settle disputes amicably before resorting to the courts” (S Africa).

It is desired, but will not be mandatory, that state constitutions follow the structural pattern of the Nation, and that the states maintain a parallel organizational structure. The State Senate represents local governments, counties, municipalities and tribes, and is similarly tasked with subsidiarity and devolution of function to these local governments. The Internal Affairs Cabinet Department represents local governments, statutory and home rule municipalities, rural county populations, and indigenous tribes, and the Federal Affairs Cabinet Department is the analog of the national State Department.

New state constitutions will be certified by the Voters of the state, the national Constitutional Court, the Senate, and the Censorial Branch by simple majorities in each. The certification of local government charters is at the State level and is analogous to the national.

No state may abridge, disparage, abrogate, or deny any nationally guaranteed right, nor shall it interpret those rights more restrictively than the Nation may. No state may arrogate any power which is not delegated in this national Constitution, nor will it construe those powers more liberally. The term “state’s rights” will not be used, since incorporated entities have no rights. States have limited and enumerated powers.

“The State shall recognize, respect and grant individual and collective ownership rights to land, as well as the rights to use and enjoyment of natural resources” (Bolivia).

In most cases the delegations and prohibitions of powers described in this Constitution apply to National, state and local governments. In others, the limitations are set forth where the power is described. The Senate is the National body where questions of subsidiarity, jurisdiction, and polycentric law are legislated, and the national court is where they are adjudicated. At their own discretion, however, the Censors may assume final judgment. The states will have functions relative to local governments, counties, and local municipalities that are analogous to the Nation’s relation to the states and the tribes.

“Power and authority shall be decentralized and devolved to elected Local Governments to facilitate the direct participation of the people in the development and management of their own social, economic and environmental well-being” (Bhutan).

The Nation and states will compete for their share of the total tax revenues, and there will be limits to what the people will bear. By design, this burden is made more perceptible by exposing all of the taxes embedded in consumer goods and services. The tolerance of the people will thus have an intended function in the Nation’s checks and balances.

“Full faith and credit shall be given in each state to the public acts, records, and judicial proceedings of every other state. And the Congress may by general laws prescribe the manner in which such acts, records and proceedings shall be proved, and the effect thereof” (US IV).

“The citizens of each state shall be entitled to all privileges and immunities of citizens in the several states. A person charged in any state with treason, felony, or other crime,

who shall flee from justice, and be found in another state, shall on demand of the executive authority of the state from which he fled, be delivered up, to be removed to the state having jurisdiction of the crime” (US IV).

“New states may be admitted by the Congress into this union; but no new states shall be formed or erected within the jurisdiction of any other state; nor any state be formed by the junction of two or more states, or parts of states, without the consent of the Legislatures of the states concerned as well as of the Congress” (US IV).

“The Congress shall have power to dispose of and make all needful rules and regulations respecting the territory or other property belonging to the [Nation]” (US IV). All inhabitants and occupants of national territories and properties will enjoy the same rights and duties as inhabitants within the Nation’s borders.

The judges in the courts of every state and territory will honor and be bound by this Constitution and by all international treaties and agreements.

Powers not delegated to the Nation are not thereby reserved to the states. The are reserved by the people. The people of the states must elect to delegate new powers within a state constitution, and powers prohibited in the national Constitution shall not be delegated to states in any state constitution.

The states and local governments are delegated the powers:

- To manage the chartering of counties and municipalities
- To manage the contractual obligations of communities
- To charter local corporations doing business only within the state
- To charter in-state banks
- To manage rural settlements and affairs
- To plan urban and rural development
- To adopt zoning, land use, and building codes
- To manage affordable housing plans and projects
- To attract businesses to the state and stimulate productivity
- To solicit and accommodate local tourism
- To manage local amenities, assemblies, parks, and sports facilities
- To develop public outdoor recreation
- To construct and maintain local roads and transportation
- To manage public lighting against waste and nuisance
- To manage potable water projects and wastewater treatment
- To manage composting, waste, and recycling programs
- To participate in conservation of the Commons
- To preserve public use of beaches, waterways, lakes, and reservoirs
- To manage watersheds for both usage and conservation
- To construct and maintain flood control facilities
- To hold radical or allodial title to land
- To issue and record title and transfers of title to land
- To record title to chattel
- To exercise eminent domain, but solely for public benefit
- To manage probates and trusts
- To spend revenues from escheats, but solely on social services
- To lay and collect taxes, except on corporate and personal incomes
- To levy and collect property taxes
- To levy and collect sales taxes on non-essential goods
- To create separate tax districts and mil levies to fund local activities
- To form and regulate a state militia

- To exercise the police power, statewide and locally
- To enact state codes of criminal and civil law
- To maintain a competent public defender's office
- To manage local emergency services
- To regulate proven and specific hazards to public health
- To regulate proven and specific hazards to public safety
- To manage local agriculture and animal husbandry
- To supervise the health and safety of livestock
- To regulate slaughterhouses
- To manage local wells, but water rights are national
- To plan, build, operate, and maintain irrigation systems
- To foster regional food security
- To license motor vehicles
- To issue drivers' licenses and other personal identification documents
- To manage safety enforcement for alcohol, drugs, gambling and sex
- To manage pets, pet safety and domestic animal rights
- To construct and maintain facilities for health care
- To construct, establish, and maintain facilities for public education
- To develop day care programs prior to PK-12 public education
- To house, implement, and provide PK-12 public education
- To establish and run state colleges and universities
- To construct and maintain public libraries and cultural facilities
- To license professions where required by national law

The states and local governments are prohibited the powers:

- To enter into international treaties or establish foreign polices
- To declare war
- To regulate or tax interstate trade
- To make copyright or patent laws
- To form alliances or confederations with other states
- To regulate firearms, except within the state militia
- To regulate water rights
- To regulate wildlife
- To print or coin money

Links to Reference Texts

[The Constitutions of the World, Complete Collection](#)

Some Good Examples:

[Bhutan](#)

[Bolivia](#)

[Ecuador](#)

[Japan](#)

[South Africa](#)

[Uruguay](#)

[United States](#) [Annotated](#) [Wiki](#)

[UN Universal Declaration of Human Rights, 1948](#)

[UN Convention on Biological Diversity](#)

[UN Conventions and Human Rights Treaties \(Collection\)](#)

[UN Convention Against Corruption, 2003](#)

[UN Convention against Transnational Organized Crime, 2004](#)

[Vienna Declaration, World Conference on Human Rights, 1993](#)

[FDR's Second Bill of Rights, 1944](#)

[Eisenhower's Farewell Address to the Nation, 1961](#)

[The Heidelberg Appeal of 1992](#)

[Declaration Toward a Global Ethic, 1993](#)

[Petition for the Rights of Future Generations, 1992](#)

[The Cambridge Declaration on Consciousness, 2012](#)

[A Universal Declaration of Human Responsibilities, 1997](#)

[Green Party Platform, US, 2012](#)

[The Earth Charter Text, multilingual, 2001](#)

[Universal Declaration Of The Rights Of Mother Earth, Bolivia, 2010](#)

[Convention on International Trade in Endangered Species](#)

[Jurors Rights, from Georgia v Brailsford, Chief Justice John Jay, 1794.](#)

[The Constitution \(Gayanashagowa\) of the Iroquois Confederacy](#)

[Magna Carta](#)

[Liberty Fund, Online Library of Liberty](#)

Other Related Resources at Hermetica.info

[An Oncological Model of Government Growth](#)

[Carrying Capacity – Our Wickedest Problem](#)

[Site-Built Affordable Housing - A Primer](#)

[Resource Links & Lexicon - Ecovillage and Intentional Community Design](#)