

Richardson Studies Government Anthologies

# Joel Skousen's Philosophy of Law & Government



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# 1. A Principled Approach to Law

## IN DEFENSE OF A PRINCIPLED APPROACH TO LAW

by

Joel M. Skousen

### **PREFACE**

At first glance one might well ask, Why would anyone object to a *principled* approach to law? Why the need for a defense? The answer lies in two facts: 1) a logically consistent, non-conflicting set of principles governing law and government does not now exist, notwithstanding the great leap forward by the founding fathers of the US Constitution in establishing that liberty rests by right in the people--not by special grant of government authority. Our present legal system, is a combination of common law legal precedents and free-market traditions intermixed in the 20th century with a variety of modern social and political ideologies, which are often contradictory and conflicting. 2) Each of these two major ideologies, liberty and Socialism, have large constituencies vying either to be free from government intrusion or to harness governments power for personal and group gain. A consistent set of principles, providing powerful restraints upon the improper powers of government or the ability of politicians to buy votes with benefits, would be very unpopular with many groups who now enjoy majority status in legislative bodies.

Frankly, I dont expect Socialists (including those Republicans who arent willing to admit that what they often propose is merely a watered-down version of Socialism) to like the restrictions of these principles. Once in

power, benefit-corrupted people and politicians never voluntarily relinquish their majoritarian powers over the redistribution of other peoples money. They arent my target audience. My interest is in building a unified consensus for just law and government among ***conservatives, libertarians and honest, non-coercive liberals*** who are currently factionalized into hundreds of small and medium-sized organizations--none of which have any real power to stop the forces arrayed against us. Christian conservatives are at odds with regular conservatives over not putting God to the forefront of every proposal. Social conservatives are at odds with libertarians over how much personal liberty to allow when it leads to personal corruption that has public or indirect private effects on society.

Conservatives of liberty cant possibly win the current battle nor even govern properly unless key issues that divide us are worked out while we can still assemble and debate in relative peace. If we wait till the next crisis of war or depression (when our liberties are in a free fall) we will still be arguing while the left comes forth with their well-worn, ready-made, benefit-corrupting solutions. The left already controls the legal and governmental agenda we currently operate under, so even now our conservative sons and daughters, who are dutifully trying to work within the system, are enticed into tinkering and modifying Socialist systems. Who is going to teach them how to implement solutions that foster liberty? We need to step back and regroup as a movement and chart a new course for liberty based upon consistent principles that are capable of unifying all good people.

In terms of *unity*, we are at a **real disadvantage** up against the left. It only takes one thing in common for liberals to unite. It only takes one difference of opinion for conservatives to divide. To reverse that propensity among conservatives and forge a larger unified whole, we must step back from the illusions of nice-sounding generalities about God, Country, and family values and tackle the tough issues I will raise here. It will take hard work, argumentation, and conversion to hammer out our differences. I dont pretend it will be easy or pleasant. Changes--even minor ones on core issues--are always difficult to achieve. All too

often few conservatives or honest liberals demonstrate the patience, tolerance, or ability to do the tough thinking it takes to argue differences of opinion. Most would rather rely on the well-worn stock phrases previously mentioned--most of which dont hold up in the detailed world of law where the real power of government is manifest. There is a way to accomplish much of what social conservatives want to do, but it must be done on a basis of consistent principles that do not violate fundamental rights. Thats what this proposal is all about.

I invite you to join with me in going through some basic arguments on the major issues relating to these proposed principles. If you disagree, address the arguments--dont just restate generalized dogma--which doesnt ever lead to a resolution. Many Christian conservatives dont like argumentation, which they find synonymous with contention. But there are ways to argue without being contentious. One of the best ways to avoid contention is for both sides to stick to sound thinking, and to be humble enough to accept correction when thinking patterns are illogical or incomplete.

Let me give a quick example to illustrate. I often come up against the ***authority argument***--a flaw in thinking where one relies exclusively on someones reputation or authority to support an issue rather than address the specific argument in dispute. Conservatives will often fall back on what they consider the ultimate authority--what the *founding fathers* said--as their first line of defense against any principle that may differ from the original Constitution. The trouble is, there really never existed a unified voice of the founding fathers. Even Alexander Hamilton, who drafted a majority of the Federalist Papers defending ratification, only did so because he saw the Constitution as a stepping stone to greater federal authority later on. What we call original intent is really a combination of the best ideas from both federalists and anti-federalists, who had wide and heated differences of opinion during the Convention of 1787 and afterward. Taken as a whole, what the founders accomplished was a *miracle* considering the extreme factions they had to deal with. But that miracle of sage compromises did not mean the Constitution was perfect or that it even came close to creating a solid barrier against

government encroachments on liberty, especially at the state and local level.

The founders who prevailed at the convention got done what they could during a time of grave weakness and instability in government--and it was a wonderful beginning. However, there were many gaping holes in the document that would be used in the ensuing years by statist to continually expand the power of government. These are the issues that must be addressed today--not because we do not honor the Constitution, but because we must shore up and give increased support to the basic outline of liberty they provided. I have spoken of the disunity among many of the founding fathers, especially on principles and issues that were left unresolved--which were many. That disunity was so great that it caused many of the victorious Federalists to view each other as enemies during the next twenty years. Some died harboring bitter feelings one against another due to their failure to work out crucial differences early on. Lets not make the same mistake. Now is the time for greater unity. Unfortunately, unity today will be much more difficult to achieve than in the days of the founders. Law has developed a complexity that will never go away--no matter how much we may wish it so. Additional principles are necessary to bring order and resolution to todays diverse and wide-ranging conflicts.

The ultimate misuse of the authority argument is when some decry even the attempt to improve upon what the founders did, as if that would impugn our reverence for their work. This kind of thinking simply doesnt help resolve anything. It is irrelevant to the core issues and counterproductive as well. As revolutionary as the Constitution was at limiting government power, it was a pragmatic document filled with many compromises. We have 200+ years of history behind us to judge the merits of everything the founders did, from the language they used, to the basic concepts. The core is solid and there is nothing that I am going to propose that will undermine that. But, if the founders were present today they would be the first to issue a call for tighter language to clarify their intent. The cold fact remains, someone has to finish the job the founders started in the quest to preserve liberty. Why not our generation



who stands at the brink--watching our own pragmatic leaders compromise and destroy what remains of our freedoms?

Many dismiss these efforts as impractical since existing legal tradition has so much momentum. That is an issue of **strategy**, which cannot be appropriately addressed until we first decide upon the principles of truth we need to defend. Frankly, our chances of taking a benefit-corrupted majority of people back to the restrictions of the Constitution of 1789 are almost nil, and if we did, the lawyers would have us back to our present dilemma within a few years because most of the loopholes they used to subvert limited government would still be there. If we are going to take the trouble to fight at all, lets do it for the sake of building up a remnant of solid thinkers who can truly defend liberty without contradictions and over-generalizations. Lets put our efforts on the solid ground of principles so that, whether we win or lose politically, we will have laid a foundation so powerful and inspiring that it will be impossible to suppress.

## INTRODUCTION

The proper purpose of **law and government** is to protect fundamental rights, maintain mans agency to choose (when not violating others rights) and to resolve conflicts between individuals and groups in a fair and just manner. Unfortunately, the enforcement powers of government have most often been used to restrict fundamental rights and provide special privileges and benefits to groups less than the whole. Legalized government tyranny has taken many forms, including dictators, oligarchies and even democratic majorities (who use the power to vote and tax to extract benefits from the most productive classes of society). Such deviant forms of government have been far more common than the ideal forms precisely because the underlying premises used to establish governmental authority over others have been based upon arbitrary, conflicting or insufficiently precise assumptions (might makes right, Divine right of kings or even common law).

The **United States Constitution** came the closest to establishing a limited government based upon individual rights, but failed to define

those rights, leaving the courts and legislatures free to introduce new privileges and false rights that have given rise to our present benefit-corrupted citizenry, who prosper on government intervention and redistribution of wealth. These and other loopholes in the broad and trusting language of the founders have allowed the enemies of liberty to bring us to the point where almost every true fundamental right is severely curtailed, and the restoration of original intent is nigh unto impossible--whether by the ballot box or an appeal to our representatives.

The purpose of the proposed ***Principles of Just Law and Government*** is to set the groundwork for a new and more formidable wall of protection for fundamental rights. It incorporates all the best principles of the US Constitution and declares additional principles as necessary to fill the gaps in law and philosophy which the original founders wrestled with but were not able to resolve under the exigencies of their own crisis period. These proposed principles provide the hope that we might once and for all resolve the core issues of law and government and provide a stable and comprehensive basis for unity--at least among those who view themselves as conservatives of liberty.

### ***THE DEVELOPMENT OF SOUND PRINCIPLES***

This process is begun by first developing a **workable definition of fundamental rights** that allows all men to easily distinguish between true rights (which allow the maximum of liberty while separating each persons just claims) and false rights (which require that others be partially enslaved to serve anothers needs). Second, we establish **criteria** for the development of principles, based on these fundamental rights. Those criteria must be internally consistent, non-conflicting, and comprehensive in scope, so as to provide guidance to lawmakers for difficult questions of law. If laws are to be adjudicable in a fair and just manner they must be based upon a consistent set of principles that judges can use as a basis for interpretation. In the adjudication process, judges can refer back to basic principles so that conflicts can be resolved on non-arbitrary grounds.

It is not sufficient to simply make a list of nice sounding virtues and platitudes and call them principles. In general, a proper set of principles must be capable of providing a logical basis for both the structure of government and each element of a constitution, statute or law. **Principles** are not the law themselves, but are more general pronouncements of reasoned truths that provide this logically consistent basis for law and simultaneously restrict or limit the writer of the law to the appropriate concepts. A good set of principles also helps people see dangers in bad laws that, at first glance, might seem reasonable or even beneficial.

For example, many people support **seat belt laws** because seat belts save lives. Its true, they do--but that isnt the only point to consider. Underlying every specific law is a legal principle or *generalization of the law*, either right or wrong. In this case the underlying and generalized legal principle is not only wrong but extremely dangerous: that a majority has the power to dictate what is good for others, even when failure to comply does not affect the rights of the majority. This improper legal principle opens up a major pathway of intrusion that is used to justify other good for you proposals like fluoridation of water supplies and motorcycle helmet laws. Why not Titanium chaps to protect motorcyclists? Or three glasses of milk a day? These kinds of laws result in what I call an **unlimited extension of lawmaking power** which should never be allowed in good constitutional law. Once we allow the majority to start dictating what they think is *good for others*, we create a legal form of intrusiveness into the realm of self-responsibility that is only limited by the willingness of the majority in power to restrain itself, which is never a safe way to limit government and protect rights.

## ***CORE FOUNDING PRINCIPLES***

Some principles are more basic than others because they establish the non-conflicting playing field, which allows men to form a government without violating others rights from the outset. They also provide the basis for bringing all good persons to a potential meeting of the minds. The fact that all men wont ultimately agree doesnt make the

quest for proper principles less valid, as long as the principles do, in fact, provide a basis for the greatest peaceful interaction between people in the context of government and law. Some people will resist being bound by principles for a variety of reasons. Some may not like doing what is right. Some may simply be incapable or unwilling to think things through--indeed, developing principles is a rigorous mental process. [Once the difficult process of determination and testing of principles is complete, a basic, *shorter version of condensed principles* is appropriate to help facilitate acceptance and understanding.] Finally, some may object simply because they want to preserve their privilege to fund their own pet projects with other peoples taxes, or even violate others rights in more obvious ways. If, however, the principles preserve everyones fundamental rights, are logically consistent and non-conflicting no one has a good reason not to agree. Thats the key point, and that is my goal--to develop something that is logical, right, and practical that solves the historical conflicts in law and government between competing groups of good people once and for all.

This non-conflicting, comprehensive criteria is what distinguishes good principles from bad ones, or even incomplete ones. Good principles simply dont allow anyone to justify creating laws that permit the taking of life, liberty and property or the forcing of others to serve their needs. That isnt to say principles, all by themselves, stop men from using force to enforce evil, but it does remove any presumption of legitimacy as well as the excuses people use to justify the modern forms of tyranny--like democratic or Fabian Socialism, which allows private ownership but controls property by regulation, and control). Ultimately one must forge a cooperative form of government with enforcement powers in order to stop violations of rights.

Here are what I consider the **core non-conflicting principles**, which will be explained in greater detail later:

1. Each individual, capable of being self-responsible, can rightfully claim as **fundamental rights** any action or state of being that all others can simultaneously claim without forcing others to serve their needs.

2. **Individual sovereignty** is the underlying authority behind every legitimate form of cooperative government.

3. **Families** have a special, temporary form of **sovereignty** over the health, welfare and education of their children until those children are capable of being responsible for themselves.

4. The only proper way to establish a government among free and sovereign individuals, with police powers of enforcement, is by **initial mutual agreement** of all parties, and the subsequent agreement, on the same terms, of all those joining the compact at a later date.

5. Nothing done under government authority has any validity if it **violates or limits a fundamental right**, unless such limitations have been specifically agreed upon by all citizens participating in the governmental process.

Before proceeding into a discussion of the other principles derived from the foregoing, let me address three of the most common objections raised by others relative to individual rights, authority, and efficacy of our existing Constitution. I do so because these objections are so persistent in some conservatives minds that they tend to cloud their ability to be objective as they read the principles, or even to see that what I have proposed here does not threaten what they value most dearly. Lastly your ability to understand the careful wording of the principles will be enhanced after working through these three basic controversies.

## ANSWERING THE OBJECTIONS:

### GOD, SOCIAL RIGHTS, AND THE CONSTITUTION

#### **1. GOD: THE PROBLEM WITH RECURRING TO GOD AS THE BASIC AUTHORITY**

Those of us who believe in God and acknowledge his ultimate sovereignty in the universe may be tempted to make Gods sovereignty the basis of authority for earthly government. There are several major problems with this strategy. **First**, it violates Gods purpose in creating this earth as a proving ground for man. **Second**, despite interpretative claims to the contrary, we do not have any definitive revelation from God, common to all believers in God, that establishes either fundamental rights or an outline of secular government. Even the concept of fundamental rights is missing from the Bible. Many have tried to extract such things by strenuous interpretation of scripture, but its not clear enough to allow Christians to agree among themselves, let alone gain the agreement of non-believers or other religions. **Third**, God has never supported the concept of enforcing purely religious punishments upon non-believers by secular government.

Since God is sovereign, he has the power to intervene at will in earths affairs. His historic reluctance to do so must, therefore, be taken as evidence that God is holding back to enhance the testing purposes of this earth, demonstrating as well that He has a greater interest in preserving mans agency to believe or disbelieve, than he has in proving his existence (at least for the present). If God has declined to enforce a recognition of his own sovereignty on earth (or at least postpone such enforcement till the judgment day), how can we claim to be authorized to enforce that recognition upon other non-believers by making it the basis of authority in a civil government meant to protect the rights of both believers and non-believers? God Himself has not only refrained from establishing an earthly secular government, by revelation, but he has given every indication that He wants to remain in the background as much as possible so as to maintain a level playing field. Even the powers of Satan are both permitted and limited by God so that good and evil can compete for adherents.

Many Christians mistakenly look to the **Old Testament as an example that God established an earthly government**. He did establish an earthly kingdom, it is true, but it was clearly a covenant religious society, not a secular government intended to be implanted upon the rest of the

world against their will. While both secular and religious laws and punishments were found in the Mosaic Law, such strict laws and punishments were only binding upon those agreeing to be part of the Lords covenant people. Only those violations of life, liberty and property were prosecuted outside the boundaries of the covenant society. From this we can see that even God had some type of line of demarcation between the proper bounds of secular and religious government. Secular government can only prosecute violations of basic fundamental rights related to protecting life, liberty and property. When groups wish to live by more restrictive standards that dont violate a fundamental right when the standard is transgressed, they can only enforce those higher punishments upon those who have covenanted to abide by such punishments from the beginning. This standard allows non-believers to be free to live their own values as long as all refrain from violations of actual fundamental rights. The doctrine of fundamental rights provides a clear and easy-to-administer dividing line, in most cases. Ill address the exceptions shortly.

The fact that **Jefferson** and others referred to **God-given rights** does not make it a suitable basis for law in a pluralistic society. Its a statement of faith and an appropriate expression of religious opinion, but improper as a source of authority on rights except for a unified religious government--which didnt fully exist even during the founding era of America. Part of the problem is that we think we must have some ultimate authority to proclaim rights, which isnt really true. As long as our definition is inherently non-conflicting each of us can simply claim proper rights and defend them without recurring to any other authority--except that which we may form by mutual consent to protect our rights. This is one of the basic tenets of cooperative government, that we create our own authority to defend rights. Such authority is legitimate as long as the governmental compact is approved by all participants voluntarily and that it does not violate the rights of others who dont wish to join.

In summary, I do believe that God has an interest in promoting liberty, but He wants us to do it in a way that doesnt force others to accept His existence as a pre-condition of participation, and that is why I am

opposed to using God as the stated basis for rights--even if it is true. To believe in Gods sovereignty, or even to openly declare that one believes rights come from God, does not violate Gods testing purposes, but making the acceptance of that belief a basis for participation in a pluralistic earthly government does violate Gods purposes, in my opinion.

Lastly, it is not necessary to enforce the recognition of God upon non-believers or even upon the legal system for religion to flourish or for the law to protect the freedom of belief. All of Gods religious purposes are preserved merely by making sure government can play no favorites, either by enforcing restrictions on religious beliefs or by taking peoples tax money to promote others beliefs. What is necessary is to establish a level playing field where all belief systems are free to compete with adherents--with none having the power to harness the authority of government in their behalf.

Currently, the playing field of competition for moral values is not level. In fact, it never has been. In the early history of America, Christians used the power of government to establish official churches, finance ministerial salaries and promote various Christian causes using taxpayer money. Christians controlled public education for a time in many states, as well. Some European nations still have state-sponsored religions which is a violation of the property rights of those who must pay for the establishment and teaching of values they oppose. Non-Christians rightly felt imposed upon because their tax moneys were being used to support the promulgation of values that were not within the purview of governments taxing authority.

Today, we have a new state religion in America--that of atheism and evolution. While claiming to be scientific and neutral (in its denial of God), it is anything but neutral--it is still a value-oriented system of belief that goes beyond the defense of fundamental rights, and therefore is an inappropriate function of government taxing authority. While Christians are eager to retake control of the public school system, they fail to realize that it is always inappropriate for any majority to control education for all. All forms of education have values (even science) and those values



should always be competing--never monopolized by majorities lest the minority's property rights be violated. The only way to accomplish this is complete **separation of schools and state**. All education must be private, or, if run by government, 100% funded by user fees so that it competes on a level playing field with private education.

As we shall see in the following principles, a system of laws based upon fundamental rights does not require that God be banished from all public expressions as is becoming the rule in our ACLU-distorted legal system (which only defends a portion of individual rights). In a system that establishes the full range of fundamental rights, both believers and non-believers have all the freedom they need to declare their beliefs to willing listeners. In the public arena only the direct expenditure of taxes would be restricted from being used to promote non-coercive values or religion. Leaders can rightfully express their personal and religious feelings as part of their leadership responsibility. Religious groups can use public property on the same basis as any other group of private citizens--paying only appropriate user fees to cover any administrative costs of government in managing public properties and keeping order.

## **2. SOCIETAL RIGHTS: THE SOCIAL CONSERVATIVES ATTACK ON INDIVIDUAL RIGHTS**

As the left has succeeded in carving out a lop-sided and incomplete concept of rights, defending only the right of personal corruption, but denying other key rights (like the right the rest of us have to make discriminating choices against that corruption), certain social conservatives have reacted by attacking the whole concept of individual rights and replacing it with a sloppy and poorly thought out doctrine of ***societal rights***--the supposed communal right to have a moral society. Their basic premise is that since government cannot long exist without a moral people, society as a whole has the right to enforce a community standard of moral conduct upon all citizens, even if those standards violate individual liberty. The implicit assumption here is that religious-based societal standards are superior to individual rights since society has the right to defend itself against internal

corruption. Proponents claim that the societal rights system of law holds out the promise of being able to defend moral agency, the family and religious values. I will demonstrate that it does no such thing. Not only do these imprecise and generalized societal rights not provide the legal basis for defense of family values, but that they provide the very color of law that is currently being used to destroy religious values today.

The essential flaw in this whole premise is centered around the question of who is going to decide what religious or moral standards become community standards? Proponents respond that the *majority* has the right to decide--confidently assuming that we, the religious community, are the majority. This is very short-sighted at best and lethal to religious liberty at worst. Without the limiting role of a doctrine of individual rights, this majoritarian power that social conservatives grant to themselves has the unlimited power to destroy liberty. ***If any majority has the power to impose community standards upon others, then surely the day will come when Christians will lose the majority and be forced to become subject to the values of a new majority, hostile to religion.*** The only safe way to run a government is to make sure that no majority has the power to enforce moral values on others--except in the area of violations of fundamental rights. [*Note: fundamental rights, as defined in this proposal, differ from some libertarian versions of individual rights in that they include a form of family sovereignty that remedies one of the major deficiencies of an individual rights doctrine*].

Societal rights only live in the world of idealized and generalized concepts--they simply don't work (in terms of consistency and fairness) when you get down to specific legal challenges. They are awkward to adjudicate in court because there is no single entity present in court either as victim or proponent. What is present is someone claiming the authority to represent all of society, even though they are, in fact, only representing a portion of society that happens to control the majority of votes in some governing body. Minorities and dissenters from the majority position are never represented--unless they can take power--which is why this system always leads to class conflict. Sadly, no one has

any rights unless they capture the majority in a winner-take-all democracy.

A lot of conservatives insist they aren't using force when acting by majority rule, but it is force just the same when the power of government is used by majorities to take away life, liberty, or property as part of the disciplinary system. The existing majoritarian control system builds class conflict and is the source of eternal wrangling among factions and political parties. To repeat, societal rights are a form of unlimited democracy, which is what makes them so dangerous. The same doctrine of law that allows Christians to implant their moral restrictions upon atheists can be used by atheists to implant their religion upon Christians--depending on who controls the majority.

The entire basis of the American system is that this nation should NOT be a democracy--or even a representative democracy. The best of our founders were adamant that they did not want the majority, no matter how well intentioned, to have power over individual rights. They came upon the radical and correct idea of forming a constitutionally limited, representative democracy within a federation of sovereign states (called a **republic**)--and the limits they would impose concentrated on not allowing government to violate fundamental rights, no matter how big the majority that controlled government. [*If only they had been able to define rights, and apply them to the sovereign states, the constitution would have more fully accomplished the job they originally intended it to do*]. Even though the majority of founders were anti-democracy, they failed to foresee the variety of novel ways in which majoritarian forms of democratic rule would later evolve to improperly regulate and control the lives of others.

In contrast to a majoritarian system, a carefully defined system of fundamental rights, does not allow any person to use government to promote its personal values or attack other values--unless there are specific violations of someones rights. Every faction is free to compete peacefully in the private sector or try to gain the *bully pulpit* of public leadership to make their case, but neither can use direct government

funding to do so. In fact, the entire public school controversy over restrictions on religious values would quickly evaporate if we did only one thing--take away the public school monopoly on tax funding and put all schools on the same user fee basis as private schools. Within a very short time, everyone with differing values would start forming schools that served their personal values, and no ones rights would be violated.

Lets take one specific **example in law** to demonstrate the difficulties the courts would have in dealing with a doctrine of societal rights. I will use the issue of private use of discrete pornography. We could just as well choose prohibition of alcohol, or mandatory seat belt laws. The issues are similar. Fundamental rights proponents argue that as long as there is no specific violation of rights or *imminent threat* to life, liberty and property (as in drunk driving) people must be allowed to take risks or otherwise corrupt themselves. Social conservatives, in contrast, argue that because there are indirect, long-term effects of personal corruption on families and even society, government should have the power to prohibit personal corruption. They cite increased rape from pornography, increased spousal abuse from alcohol abuse, and increased burdens to public health care systems and welfare from auto accidents where seat belts are not used.

Let me dispose of the public health care burden argument first. To do so, we need to recur to a specific concept in jurisprudence to see the inherent flaw. Lack of seat belt usage really is a victimless act, even though it certainly is risky and unwise. But many things in life involve risk and controversial judgment. Allowing government to mandate safety restrictions for persons knowledgeable of those risks and willing to take them is a very dangerous form of lawmaking power. Using the excuse that the public is a somehow a *victim* simply because government has decided to treat indigent accident victims *without charge* is totally fallacious. In the first place, government health care is an unconstitutional and Socialist government program which improperly takes money from all to deliver benefits to a few. But even if we set aside the redistribution violation of property rights, public-funded health care is a non-binding unilateral contract and unenforceable as a means of control and regulation. This is the key issue in jurisprudence.

**Unilateral agreements** are not generally valid in law. It would be as if your neighbor agreed to voluntarily pay for your health insurance-- without your specific consent. The neighbor is certainly free to provide this gift in a unilateral manner, but he has no right whatever to bind your actions because of his gift or dictate to you what you can or cannot do on the grounds that it will increase his self-imposed insurance premiums or his liability. Governments self-imposed offer to treat indigent people of accidents cannot be used to bind all automobile users unless the government has a specific agreement with each driver. Neither is it sufficient to say that everyone is bound because the health care system provisions were determined by majoritarian government. As in the case of two wolves and a sheep voting on dinner, majoritarian rule without the initial consent of all the government is always a violation of the basic law of individual liberty. That is what this document of principles is all about-- to establish a basis for law and government that allows for the greatest amount of liberty while still protecting all valid rights from infringement.

Fundamental rights proponents would agree that there are **indirect effects of personal corruption**, but that it sets a dangerous precedent in law to proscribe personal liberty on the imprecise grounds of indirect effects. The more sure ground of law lies in prosecuting people when they actually cross the line to direct effects and commit a crime. Simply put, not all pornographers become rapists, so prosecute the rapist. Not all alcohol users become drunk drivers, so prosecute drunk driving. Not all alcohol users abuse their family, so prosecute abuse when it occurs. In any system of liberty, some abuse will go undetected for a while, so a **strong deterrence** is necessary to control indirect effects *before* they become direct violations of rights.

Social conservatives complain that our current system protecting the individual right of private corruption hasnt acted as a sufficient deterrence to crime. This is true, but the reason is because of a permissive judicial system, controlled by sociologists who resist strong punishment. Even though strong punishments are possible under existing law, they are rarely used and criminals know this. Worse, our welfare-state type prison system has its own brand of evil and corruption that

embitters prisoners and provides no restitution for victims. None of this can be blamed on the failure of an individual rights doctrine to provide deterrence. Clearly there needs to be established increased deterrence by dramatically increasing the severity and swiftness of punishment once people cross the line and commit a crime. A **point system** that effectively keeps track of chronic predation, leading to an eventual death penalty, on points alone, would also increase deterrence across the full range of criminal behavior.

To use indirect effects to justify restrictions on personal liberty, as the social conservatives suggest, creates this dangerous **unlimited extension of lawmaking power** that all good constitutions are designed to prohibit. Majority rule is always an unlimited power to rule, unless it is restricted by a constitution that specifically limits majoritarian powers in a way that cant be changed at will. Such restraints should not be arbitrary if they are to avoid conflict--and we cannot avoid being arbitrary if we allow the use of *subjective* value judgments, not related to actual violations of rights, to take life, liberty or property. Our current constitution itself is not a fool-proof barrier to unlimited majority rule since any and every portion can be amended by that majority. The fact that amendments require a super majority wisely increases the level of protection, but hasnt prevented the majority from making some serious errors in the past. If the majority becomes corrupted (as it always does) it must be restrained by law from acting to destroy others rights. Not allowing any constitutional amendment to violate a fundamental right is that essential limitation.

You will notice in the principles presented below, I have made the case for **separate family rights** as well as individual rights. This would give families a basis to prosecute any intrusion of family sovereignty by pornography and seduction from outside the family unit, without permission. The basis for prosecution of crimes is thus kept on a sound basis of parental rights to be free from being acted upon, harmfully, within their own property.

There remains another issue, however, which cannot be solved so easily - the issue of offensive **public behavior** or offensive private behavior that spills over (through sound or sight) to other peoples property. This behavior is offensive to people of high moral values but difficult to prove as harmful without using subjective criteria. Examples of these problems are, public nudity, sexually suggestive billboards, outdoor theater screens with R-rated movies, and loud music, etc.

A fundamental rights doctrine permits people to act in self-corrupting ways, as long it stays private and when no one elses rights are violated. But now we must deal with the leakage effects of corrupt behavior when they can be seen or heard by others, who dont wish to be influenced, and where its hard to prove damage or harm. A lot of bad conduct in public is fairly easy to handle. Noise can be limited by a scientific standard of loudness. Smoke or other toxic airborne waste is also subject to fairly objective scientific standards. Other things like morally offensive conduct in language, nudity, or suggestive behavior is difficult to define without being arbitrary, let alone distinguish harm. We can use fundamental rights doctrine as the basis for proscribing public behaviors that can be shown to be harmful. But, if we attempt to lower the barrier of what defines a violation of rights from provable harm to merely being offended by someones conduct, we get into an even bigger problem. To claim a right not to be offended may give someone a right to control almost everything any other person does--which would be a violation of our basic non-conflicting definition of a fundamental right. To include an excessively broad definition of offensive views as a violation of rights would create a nightmare of legal conflict as people would then begin to claim the right to control whatever they can see even beyond the borders of their own property. How does a court adjudicate a right to a view that can be claimed by more than one person? It cant be done. One person may love the color pink for a house, and others may feel offended.

Fundamental rights are based upon non-conflicting criteria that work best at resolving conflict when each person can define his own boundaries, interests and property. Conflicts are resolved by the courts by being able

to separate yours and my rights and property. However, in this public dilemma we are dealing with people interacting together, without specific legal boundaries and contractual obligations, without any clear distinction of yours and mine, and in the absence of easily definable harm to anyone's rights. For the gray areas of law relative to offensive public conduct, we must look to another solutions--and they are less than perfect under many circumstances

There are two possible solutions. The first is to use the current **community standard** of conduct imposed on all by a majority of voters--but only where the offense or corruption is public--not private. It has worked pretty well for two centuries, except as it has intruded into the realm of personal privacy. The ever-present danger is that this doctrine allows an evil majority to take control and strip away all current community standards against public corruption, and replacing them with another. In other words, community standards by majority rule are completely mutable and do not offer permanent safety.

The second alternative would be the use of a variety of **citizen compacts** to gain the voluntary agreement of citizens, either as a whole or as members of local jurisdictions. The first is in place now, and as it deteriorates, people can begin to fall back on the second method--not unlike choosing to live in certain neighborhoods that have covenants and restrictions, agreed upon by each person as they join the neighborhood. These restrictions are purposefully made difficult to change because of the fact that everyone has to sign on as they move into the city or neighborhood where these are in effect. It has been suggested that a slightly lesser standard than absolute unanimity be used to make changes--to avoid allowing any one person to act as a lone holdout.

This second alternative can also be used on a larger scale, even in forming a new government, or a new state. It uses voluntary principles of inducements (trading public limits on behavior for citizenship or other privileges) to establish a national or state standard across a broad sovereign territory. Those that choose to establish even higher standards



would be free to do so, as long as it was done by mutual consent within a contiguous land area. Each time a new state or city is created it would have the right to accept the basic national standard or create a new set of covenants that could be more or less restrictive than the basic national standard. The higher or lower community standards would be binding only upon those who choose to live in that jurisdiction. People can then choose the degree of community standard restriction they want in public affairs by the community they select. Private liberties would still be protected everywhere, as long as they stayed private. Over time, the *covenant community* system leads to a more peaceful set of diverse but internally homogeneous communities. In contrast, as we are seeing in the present, the majoritarian system leads to increasing class struggle within each city as competing ideologies seek to control the majoritarian levers of power.

### **3. WHY ISNT THE CONSTITUTION SUFFICIENT TO PROTECT OUR RIGHTS?**

The Constitution was a wonderful, great leap forward in limiting government power. It provided a mechanism that slowed down the inexorable march of majoritarian power and corruption for at least 100 years. As a matter of historical fact, however, the Constitution was under assault to expand the powers of government from the moment it became the law of the land. In its present interpreted and amended form the Constitution is much changed from the original, some things for the better and many changes for the worse.

As to the question of how we can use the present Constitution to restore the full range of liberties, we come face to face with several complex problems. The first is the question of which version of the Constitution best represents the founders intent or preserves liberty? Do we go back to the original version with no Bill of Rights, or do we accept the second version with the first 12 Amendments--a partial Bill of Civil Rights? But keep in mind that the second version with the Bill of Rights possessed the fatal flaw of exempting the states from adhering to those rights. For the next 100 years the states were the prime violators of rights, engendering

a huge public demand for expanded federal powers to control state predation. Or do we accept the 1868 version, with the Fourteenth Amendment, including the incorporation doctrine--the strained interpretation by the courts that brought the states under the requirements of the Bill of Rights? While this did curtail much state mischief, it also allowed the courts to add new rights paving the way for government programs mandating the right to an abortion or public access, without discrimination, to private business property. How about the version of law after 1913 giving us the onerous income tax? You see the problem. There is no single time or version when the Constitution served as a fully effective shield. The earlier versions had more loopholes, and the later versions allowed for more false rights and government power.

What is most critical to our constitutional dilemma is the fact that the founders failed to come up with an adjudicable definition of fundamental rights. No document can protect for long what it fails to define. There were no listings of definitions of anything in the document. As to rights, the founders were fearful of listing any rights lest they leave something out (as directly expressed in the 9th Amendment), which is a consequence of not having a working definition. They relied, instead, on the **limited delegation of power** concept imposed upon federal government to act as the primary wall of protection. However, as the anti-federalists predicted, and as history has confirmed, this turned out to be entirely inadequate in light of interpretations by an activist Congress and Supreme Court.

The first 10 amendments of the Constitution, termed a **Bill of Rights**, were added as the first acts of the new Congress, but many of these were not true fundamental rights, but merely a listing of the *common law civil rights* that Madison and others (particularly George Mason) had extracted from British law. While not complete, they did offer specific protections against common historical abuses at the time, but were far from comprehensive. Even worse, without a restraining definition, the courts continue to add other rights by interpretation that, in fact, turn out to be violations of real fundamental rights.

Consider the **tenth amendment** which was specifically written to shore up the founders intent to restrict the expansion of federal powers: 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*. It hasnt held up for two reasons. **First**, it has generally been outright disregarded by Congress and an activist Supreme Court. Sadly, the founders system of checks and balances did not anticipate the numerous factions and conspiracies that government power would both facilitate and harbor. These powerful groups have effectively controlled all three branches of government for many years, thus eliminating the substance of the separation of powers. **Second**, the 10th Amendment failed to delineate between the residual powers reserved *to the States...or to the people*. Naturally, the states would have grabbed most of those undefined residual powers and left nothing for the individual had it not been for the Supreme Court. Regardless, the line of demarcation between states rights and individual rights cannot be determined without a working definition of fundamental rights, which the founders did not attempt. The courts have carved out some clarification of rights for the individual--but without any guiding principles, what we have ended up with is a partial list of civil rights mixed with left-leaning political interpretations and restrictions.

There were other major holes in the wall of constitutional protection. Besides the major flaws already mentioned other deficiencies are:

A **federal revenue system**--originally dependent wholly on tariffs and duties, and now upon income taxes, that violates a host of economic and privacy rights. Tariffs violate economic rights by distorting prices unfairly between external and internal commerce.

The granting of a virtual monopoly to the **federal postal system** making it immune from competition.

Failing to properly **define and limit fiat money** (except for the states) and prohibit fraudulent banking practices by government--a serious

omission leading to the first major constitutional crisis after ratification.

Allowing for **unlimited amendments** to the constitutions, such that there are no ultimate protections against a corrupted majority attacking essential liberties by amendment.

Failing to provide for any **requirements of citizenship** except for immigrants. Without a basic knowledge of the principles of liberty coupled with a sworn commitment to uphold the Constitution, politicians and public education has bred an increasingly ignorant and benefit-corrupted electorate that continues to vote for representatives who do not understand or who are hostile to many aspects of liberty.

A **judicial system**, which has taken advantage of the general language of the Constitution to erode property rights, economic rights, the rights to association and disassociation, to take risks, to be responsible for ones own safety, and the rights of families over the matters of health, welfare and education of their children.

One of the greatest problems we face in taking a strictly constitutional approach to reform is that the Constitution fails to limit, at the state and local level, the governments power to mandate the taking of everyones private property to fund **welfare schemes** and **public education**. Public education has turned out to be the Trojan Horse that has slowly corrupted, culturally and politically, the majority of citizens. Armed with doctrines of social democracy, modern citizens regularly use the power of the vote to improperly harness the property of others for their own pet purposes. Conservatives who think they can take back government fail to realize that there is a **huge constituency** for this kind of bad law, doling out special privileges in education, racial preferences, and environmental takings--things which can no longer be overturned by the electoral process since they have the majority. There is no substitute for constitutional restriction against majoritarian tyranny--and those restrictions can only be born out of universal principles--not

social values that should remain in the realm of free debate.

## **DISCUSSION OF THE PRINCIPLES**

**Explanatory note:** The principles are presented in italics and my commentary in regular type in brackets.

### *Principle #1: SOVEREIGNTY OF INDIVIDUALS.*

*A. Governments can only derive their just powers from the sovereign powers of their individual members.* [There are two basic forms of authority to initiate government: 1) force (man or God) or 2) voluntary mutual cooperation. Since God has not intervened to mandate a secular government and we reject the imposition of force by man as a proper basis of initial authority, we are left with mutual cooperation as the basis for government. Inherent in the concept of voluntary cooperation is the fact that all the forming parties come to the table on an equal basis--each person sovereign in his claims of liberty insofar as those claims do not force others to serve his needs].

*B. All persons are rightfully sovereign over those affairs, which do not infringe upon the rights of others.* [This is the basic criteria for a non-conflicting cooperation. Notice that I do not use the words harm other people, or conflict with other people. There are examples where peoples exercise of their freedom can do economic harm to or conflict with people without violating any rights. For example, painting your house a wild color can potentially lower the value of your neighbors house, but since your neighbor has no right to any predetermined value on his home, no rights have been violated. Economic values are determined in the eye of the beholder and by negotiation with potential buyers, so the seller does not have a right to enforce a fixed value on others. If we were to use the words harm or conflict in limiting sovereignty, there would exist many unsolvable legal challenges to sovereignty. By tying sovereignty to a distinct definition of rights (Principle #3), more protection is afforded against arbitrary claims of offense].

*C. All persons reaching an age and ability to take care of themselves and be responsible for their actions can claim status as sovereign individuals.* [This provides the basic criteria for determining who can exercise sovereignty. Its wording is general, which is sufficient to guide lawmaking, but not so specific as to cause problems. For example, if I had chosen an age and ability to be completely self-sufficient one might be able to attack anyones claim to be a sovereign individual. Who can be totally self-sufficient indefinitely? Responsibility for actions is an essential part, however. Sovereign entities must never be able to use sovereignty to evade compensating others for damages that occur as a result of their use of liberty. This criteria will also serve as a basic guide to lawmakers who may wish to define a specific minimum age or responsibility level when children can claim independent status from their families and join the ranks of sovereign individuals].

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*Principle #2: SOVEREIGNTY OF THE FAMILY.*

*A. Families, composed of a man and a woman and their natural or legally adopted children, act as a special sovereign unit over the health, welfare and education of their children until such children reach the age or capability of exercising individual sovereignty and self-responsibility.* [It is precisely due to the existence of children, who cannot yet exercise individual sovereignty, that we must carve out a special form of sovereignty for the family. If we do not give families sovereign status, there is no basis in individual rights theory to stop the state from asserting a preeminent caretaker status in the guise of protecting children--as it does in our current legal system. Even though the definition of the family is becoming fuzzy with artificial insemination of children, I feel we must rely on the basic biological fact that no child can be engendered without the male and female components, which are traceable in origin to the parents for purposes of sharing

responsibility. This definition is not intended to say that families only exist when both parents are present, but that only a man and a woman having a child trigger the creation of a family unit. All other artificial forms of the family are creations of the state, and liable to the state. The family unit, including the subsequent responsibilities of parents, still exists and is binding upon both even if parents separate or never live together in the first place. Marriage that doesn't involve children does not need this separate form of sovereignty since both parties to a marriage are protected by the individual *right of contract*. Unfaithfulness to the marriage covenant under this doctrine would be prosecuted as a breach of contract].

*B. Families, therefore, possess the ultimate authority over the health, welfare and education of their children unless the actions of the parents constitute an actual or imminent threat to the life of the child.* [This principle confronts the major question of who has the ultimate authority over children, the parents or the state--and if parents, what are the limits of that sovereignty? I believe it is always dangerous to give the state the ultimate authority over children, short of a life-threatening situation--especially in areas of normal health and education. Despite the growing problem of abuse or the potential problem of neglect, if we are going to allow leeway in the law, we need to defer to the family. Recent patterns of state intervention in families are showing an increasing hostility toward parental freedom to choose in areas of physical discipline, rejection of establishment medical procedures (including psycho-therapeutic drugs), and religious indoctrination.

The state even claims, under the guise of the **state interest** doctrine, that it can control the education of children, which is extremely dangerous to parental rights. As one tough-minded home schooling parent told a judge, I don't care if the state claims an interest in my children's education, I have the ultimate interest and authority! The growing hostility of the courts to this simple doctrine is disturbing and needs reinforcement in a founding principle of law. I am proposing raising the barrier of state intervention into the family to actual or imminent

threat to the life of the child. It is a high barrier, and it will permit some mild abuse. If there is any doubt or suspicion, judges almost always defer to state authorities. Parents are often forced to meet arbitrary requirements as a condition of regaining custody--often including consent to questionable psychological counseling and drug therapy for their children. The courts should never be involved prescribing treatment--only prosecuting actual violations for serious abuse or life-threatening neglect. Because there is a growing hostility of establishment authorities to family rights and strict religious upbringing, the burden of proof for abuse or neglect should always remain upon the state. There is an addition safety valve against abuse as well. Children have the clear right to leave an abusive home at any time, and seek voluntary foster care, before the level of abuse approaches life-threatening consequences. This is an important option in problems of sexual abuse].

*C. Once new life is conceived, in a consensual relationship, a family unit is formed, and both parents must accept responsibility for the care and upbringing of the child until it reaches the age and ability of exercising individual sovereignty.* [This principle establishes a new and formidable barrier against abortion and neglect. It bases the requirement for parental responsibility on the principles of **liability for consequences** of consensual acts. Individual right-to-life arguments are valid even for a fetus, in my opinion, but they get mired down in the question of whether or not the fetus is an individual capable of claiming rights. In the liability argument all that has to be shown is that the consensual act engendered a new living entity and that the persons responsible must bear the consequences of their actions. Just as a person who impacts another persons property with his car is not free to walk away from the responsibility, so a man and a woman, engaging in a consensual act that creates new life, are not free to walk away from that responsibility or otherwise destroy that life, unless the life of the mother is truly endangered. This argument avoids the issue of when the life is viable. Initiating a new life marks the beginning of the resultant liability.



Under this doctrine, rape does not trigger any liability on the part of the victim--only upon the perpetrator. In the case of the mother and child where neither party is at fault, we do have a conflict of rights. The solution to abort a child would not necessarily have the sanction of law, however. The case should be judged on a different standard of law--one that addresses the *relative burden of harm* to each party when there is a conflict of rights and no one is at fault. Note that the impact of the fetus upon the innocent mother is only temporary and not generally harmful, whereas the impact of an abortion on the innocent fetus is permanent and fatal].

Principle #3: **RECOGNITION OF FUNDAMENTAL RIGHTS.**

*A. Fundamental rights are those rights that **all persons can claim simultaneously without forcing others to serve them.*** [The definition does not require a fixed listing of rights, but rather provides a two-prong test which can be applied to any action that someone claims as a right. The first criteria is simultaneity of action. Even though this rarely happens in life, it establishes a theoretical and mental framework to more easily determine if conflict will result from competing claims. The second criteria fulfills the core element of non-conflicting rights--no one being able to claim a right that requires some form of involuntary servitude, whether personal, financial or use of someones assets. I have purposely chosen involuntary servitude as the standard rather than harm or conflict. It is more precise and easy to determine, as mentioned earlier, and does not create false rights based upon the sometimes ethereal concept of harm. Physical harm is not too difficult to define but aesthetic, spiritual or psychological harm are hard to prove and requires considerable judgment.

The most common false rights claimed by democratic socialists are the rights to a **job**, an **education** or **health care**. But each of these clearly violates the definition. All people cannot simultaneously claim any of these without forcing others to provide the facilities, the salaries and the working materials.

In contrast, the most commonly derived true rights from this definition are **life, liberty and property**. Each of these traditional rights qualifies under the definition, as long as certain non-conflicting conditions are added. The universal qualifier is: *as long as the rights of others are not violated*. The right to life therefore is not absolute. If a person is engaged in attacking another without justifiable self-defense, the aggressors life would be rightfully in jeopardy. The right to life does not mean that society is obliged to keep you alive--that would violate the second criteria. It only assures that no one can rightfully take it from you, as long as you are not acting so as to violate any other persons rights.

**Personal liberty** of action is a universal right until one begins to infringe on anothers right. All persons can claim property and hold physical assets as long as these things were acquired by voluntary contractual relationships or the application of unique labor and improvements to unowned land (not first claimed by others).

As far as **categorizing rights**, a good logician could probably extract all necessary rights from one--the right to Life, but the mental gymnastics would be somewhat tedious and difficult for the common person to follow. We must also avoid the temptation to add so many categories that it becomes complicated. I will list two more categories to the basic three already mentioned, which I consider essential to thwart common violations by government--excessive intrusion into family affairs and the denial of private arms for self-defense.

Having a right to **family sovereignty** over the affairs of children is essential to avoid trying to carve out a complete doctrine of individual rights for children, having no ability to be independent nor responsible for self. The right of **self-defense** is essential to the existence of all other rights. No claim to a right is meaningful without enforcement power--first and foremost by the person possessing the right. No person should have to rely totally upon others, including government, for defense of his rights. A suggested definition of this right should include the right to possess private arms in the defense of self, family and others; and the right to use the appropriate force necessary to eliminate the threat.

**Corollaries** to the right to life would be the right to be free from physical attack by others (when not engaged in criminal behavior) or even freedom from harmful pollutants emanating from another's property (if shown to be harmful).

Corollary rights under personal liberty would be the right of contract with willing parties, the right to take risks, and the freedom to engage in any economic endeavor as long as others' rights are not violated.

Corollary rights of private property are interesting because certain rights that are normally considered absolute (like freedom of speech) are actually not absolute except when linked to private or contractual property rights. Property rights would also include the right to freedom of association or disassociation on your own property, freedom of expression, privacy (including freedom from search and surveillance when not violating any person's rights), and freedom from physical or regulatory takings of property by government. Notice that there is no unrestricted freedom of expression on other people's property or even on public property. Personal actions on public property are governed by fundamental rights or, in cases of indeterminate rights, by rules and norms of the local citizen compact or community standards as determined by mutual consent of the governed.

*B. Fundamental rights are superior to all other earthly law and should never be made subject to majority rule. No law or claim of state sovereignty to enforce a law is valid if the law constitutes a violation of any fundamental right. [If a right is truly fundamental, then no other person or government can rightfully violate it, even by law. A constitution alone would be insufficient to protect those rights if that constitution is capable of being amended by majority rule. Rights must never be subjected to a vote. They must be declared and agreed upon by **mutual consent**].*

*C. Fundamental rights are best secured by a **citizen compact** where all parties agree to recognize and defend those*

*rights.* [Since it is improper to subject fundamental rights to a vote, the only way to secure those rights is by forming a unanimous covenant of all participants, akin to the **Mayflower Compact**. In this case, I use the term *citizen compact* since it would be the basic signature document that all citizens would have to agree to upon when forming a government. In terms of practical implementation, it doesn't mean that a government can't be formed until every possible person agrees, but rather, that we form a government with the largest possible circle of agreement we can achieve at a given time and place, and treat other non-participants as free foreigners, inviting them to join when they want the benefits of the protections that the new government offers. Any new society that truly protects the broadest range of fundamental rights will eventually win out over competing societies that violate rights. This will be described more fully in Principle #10.

A variety of citizen compacts, all emanating from one basic national pact can also resolve the major differences in ***religious background in a pluralist society***. Most conservatives recognize that this nation was founded as a Christian nation. This is true, for the most part, even though there were many non-religious people who were part of the American Revolution. Today, imposing the concept of a Christian nation upon non-believers would be highly resisted and improper. Religion has lost significantly more ground in recent years, and every group who perceives itself as the silent majority is struggling to control the majoritarian system that gives almost total power to whoever controls the electoral process. If a national government is formed with a basic compact that only sets out basic, bare-minimum community standards for public behavior, and each religious section of society is allowed to establish more restrictive religious covenants, by mutual agreement in contiguous territory, then a variety of differences in society can be accommodated without each one trying to oppress the other.]

***Principle #4: GOVERNMENT AS AN EXTENSION OF INDIVIDUAL SOVEREIGNTY.***

*A. The formation of a government with enforcement powers is an extension of two specific fundamental rights--the right to contract with willing parties and the right to act in self-defense of fundamental rights. [This concept is derived from the assumption that the only legitimate form of government (in the absence of a clear, divine mandate to all people on earth) is a cooperative government formed by free men possessing equal fundamental rights. A cooperative form of government cannot possess any right that its individual members do not possess].*

*B. In forming and authorizing a government to enhance the right of self-defense, the individual does not cede nor limit any fundamental rights except as specifically agreed upon. [This statement counters one of the prevailing doctrines of those opposed to the right to bear arms--that there is a presumed *social compact* entered into by each person who is born a citizen. Proponents say the **implied** contract dictates that, each citizen relinquishes his right of self-defense to government, for the sake of order. This sounds nice, but it is bad doctrine. Presumed social compacts are whatever the government says they are. Only specific agreements entered into by all citizens can rightfully limit the exercise of fundamental rights. Otherwise, who is to decide what rights are presumed to be limited in a social compact?]*

*C. Thus, a government that is granted enforcement powers and is governed by majority rule should only be formed by **initial unanimous consent** of those to be governed by such. [This point was previously explained.]*

*D. A proper government is controlled by a **constitution** that limits majoritarian powers and establishes a **sovereign nation** composed of **sovereign states** that jointly and severally protects our rights through a **republican form of government**. [A **Republican form of government** is a government ruled by elected representatives of the people, within a federation of*

several sovereign states, whose majoritarian powers are strictly limited by a constitution to the defense of fundamental rights. This principle expresses the American concept that lawmaking power should be limited by a constitution and that power should be diffused among sovereign territories (states) under a federal government that, in turn, takes its place as a sovereign nation among the nations of the world. This system provides a federation of cooperating sovereign entities. Each sovereign state has the right to establish a unique citizen compact for its members, with community standards of public conduct that may differ from state to state. Even though the principles herein espoused eliminate most of the conflicts within law, there is still a role for the concept of competing governments, that attract adherents according to the specific judgments and standards developed under the overall umbrella of fundamental rights, guaranteed nationally. When there are multiple competing sovereign states, like multiple private schools, citizens can choose the state and local community that best represents their taste in community standards and efficiency in governmental administration.]

Principle #5: **LIMITATIONS ON GOVERNMENT POWERS.**

*A. A governments only proper role of enforcement power is to **defend the fundamental rights** of the persons joining together to form, authorize and support such government. [This statement forces all law to seek its basis in fundamental rights and effectively prohibits government from drifting off into areas of regulating and protecting people from themselves and from other harmful decisions that dont involve violations of fundamental rights. It also declares that non-participants dont qualify to have their rights protected, except by their own fundamental right of self-defense. This is one of the inducements to join in a cooperative government and help pay for its legitimate expenses.]*

*B. All levels of government must be strictly **limited** in their respective legislative and enforcement powers to those powers specifically granted to them by the citizens of each jurisdiction*

*which do not violate the fundamental rights of individuals.* [In other words, there must exist no unlimited powers of lawmaking in any portion of the Republic. All levels of government must trace their just powers to a grant by all of the citizens of each jurisdiction, and that grant of power is always limited by the doctrine of fundamental rights.]

*C. Governments may also act as a **cooperative enterprise** in behalf of any portion of its citizens, as long as such services are provided exclusively on a user-fee or voluntary donation basis.* [Under this doctrine, governments may provide cooperative schools, hospitals, or engage in business ventures as long as no public funds are used to fund them in any way. Government, when not acting in its enforcement role, is no different than any other business co-op--as long as it is funded with user fees and private donations. In this manner government isn't unfairly competing with the private sector.]

Principle #6: **GOVERNMENT SEPARATION OF POWERS.**

*A. Within the proper limitations of government powers, an effective government will be structured so that representation will reflect both territoriality and population.* [This point reflects the wisdom of the founders in the *great compromise* dividing representation between territoriality for the Senate and population for the House of Representatives.]

*B. In addition, to avoid concentrations of power, at each level of government, there should be a separation of **executive** powers, **legislative** powers, **judicial** powers, and those oversight powers retained by the citizens.* [This principle acknowledges another of the founders' great principles--the *separation of power* at the federal level--but also suggests that such a separation be implemented at the state level as well. It also directly addresses oversight powers of the citizens themselves so as to be able to override potential collusion within the 3 branches of government, which is particularly threatening at this time.]

*C. Each separate jurisdiction of government, including citizens, should have investigative and enforcement powers to ensure access to truth, expose corruption, and enforce compliance within their proper and respective realms of authority.* [One of the weaknesses of the Constitutions separation of power is the lack of enforcement and investigative powers on the part of the Judiciary. Even the Congress has no enforcement powers except that of impeachment. The bar has been raised so high on impeachment that Congress has little power to enforce its investigative authority.]

In one particular case, President F. D. Roosevelt took direct advantage of the judiciarys weakness by refusing to abide by one of its rulings. It set the world on notice that the court had no power to enforce any of its rulings, or do basic fact-finding on issues of compliance. As for citizen oversight, citizens have been given (by Congress) a minor power to investigate government through the Freedom of Information Act (**FOIA**), but are powerless to break through the governments improper use of secrecy to hide all illegal acts from discovery through ultimate control of the FOIA procedure. The courts almost always refuse to assist the citizens in penetrating this control.]

*Principle #7: JUDGMENT AND PUNISHMENT FOR CRIMES.*

*A. In criminal proceedings, equal justice through due process of constitutional law should be provided all citizens and residents. Due process should always include the right of the accused to have ready access, in person, to a representative of his choice to prepare a defense, the right to a speedy and public hearing on the cause for detention, and timely trial not to exceed a certain time limit from the time of detention.* [This principle sustains the two bedrock principles of traditional law--equal justice and due process for every accused person. The language establishing the rights of the accused are important to ensure that each prisoners condition is capable of being known outside the justice system, and that a speedy and public trial is mandated. The time limits for a speedy hearing and trial are



essential to avoid the grave injustice of wrongful imprisonment or refusal by the government to yield up the prisoner (Habeas Corpus).]

*B. The accused should be considered as **innocent** as the current level of credible evidence permits.* [Even though everyone thinks we presently act under the dictum of *innocent until proven guilty* this is not completely true. Judgments about *bail, tendency to flight, and danger to society*, always involve some determination of the credibility of the evidence, and the seriousness of the crime at the initial hearing. This replacement language states the conditional principle of innocence more plainly.]

*C. **Access to the courts** to defend ones fundamental rights, in criminal cases, should never be denied due to inability to pay, although the assessment of reasonable user fees and fines are appropriate once guilt and blame are established. Access to the courts for civil proceedings may be limited to those who sustain and support the legal system. It is inappropriate for the Courts, in either criminal or civil matters, to grant court-approved representatives the exclusive power to represent persons before the court.* [While access should not be denied due to inability to pay, neither does this principle mandate unlimited taxpayer support for court-appointed attorneys, which have less than a stellar record for fair representation. There are other partial solutions, such as in D below, where the judge himself is responsible to make sure the rights of both parties are secured. Other solutions would include a loan fund for the indigent accused that would be paid back by the user in prison-work fare programs, so as not to present a burden to taxpayers. The support qualification mentioned in civil proceedings is important so that non-participants cannot claim the same level of access to the system as citizen taxpayers. A fair user fee would be the appropriate remedy.]

*D. **Punishment** for infractions of law should be uniformly applied to all offenses of similar threat to fundamental rights. Punishments should be fair, proportional to the offense, provide deterrence,*

*provide restitution to victims by the perpetrators, and remove permanently from society chronic offenders who refuse to control their predation upon others.* [The principle of uniformity, qualified by the violation of rights test, differs from the current danger to society test, which often is used more today to heavily penalize anyone who presents a challenge to the government or court system itself (tax protesters, constitutionalists, government whistleblowers), instead of focusing on criminal threats to the public. The list of criteria herein for proper punishment is meant to establish fairness and increase the deterrent effect of the judicial system. The principle of removing chronic offenders of any category permanently from society can mean life imprisonment, the death penalty or even banishment. Providing an ultimate penalty for recidivism, even among petty criminals will have a powerful deterrent effect as well. To facilitate victim restitution and reduce the burden on taxpayers, a vigorous **prison work system** should be instituted.]

*E. All prosecution of criminal acts should be tried before a **judge and citizen jury**, trained in the applicable law, where the judge is responsible to ensure that rights of all parties are protected and the jury has the power to judge the facts of the case, the applicability of the law to the particular case, and the appropriate punishment. Access to a jury trial should be an absolute right for all criminal cases and an absolute option for civil cases, where the parties to the case are willing to accept their share of the appropriate user fees.* [It is my belief that both judges and juries should be trained in the applicable law, so that those who make the final judgments on guilt are less likely to be influenced by bad arguments on sophisticated issues outside their area of expertise. The history of jury manipulation and excessive control by judges through restrictive jury instructions leads me to the conclusion that juries must possess the ultimate authority to judge both the application of the law to the situation and the facts of the case.]

Principle #8: **PROPER FUNDING OF GOVERNMENT**

*A. Government should be financed by **general taxes** only for universal services that are directly related to the defense of fundamental rights of all and that render no specific benefit to an individual or group constituting less than the whole. [This one principle would do more to stop the power of government to redistribute wealth than any other. It would also provide a major obstacle to political corruption since no politician would be able to promise direct benefits to any individual or group. This principle was the basis for the original general welfare clause of the Constitution--which had nothing to do with welfare benefits and everything to do with restricting government to those things which related to the defense of everyones rights.]*

*B. **User fees** must be employed to cover all costs, and only those costs, for any direct government services or benefits to individuals, groups, and such user fees should be applied to those same services, which produce the fee. [The principle of user fees allows government to offer cooperative and selective services to less than the whole, as needed, without violating the property rights of the general taxpayer. Restricting user fees to actual government costs effectively prohibits legislatures from tacking on new and unrelated taxes and calling them user fees.]*

*C. A **mix of general tax revenues and user fees** is appropriate to support a single government service which provides both a general protection of rights and a specific legal or other service to an individual or group. [This is most appropriate for civil trials in the judicial sector, as well as where there are mixed-use benefits to public commercial enterprises like seaports, airports, and use of the commons--oceans, airwaves, and space, etc.]*

*D. The **type of taxation** employed should be directly levied upon the persons or properties protected by government services. [The two primary entities protected by the military and police powers of government are people and property (which includes land, buildings, factories, and farms). A truly fair tax system will directly tax those entities*

in proportion to how much they benefit from government defense and administrative services. Any other form of taxation, no matter how convenient to tax is a violation of someones rights.]

*E. **Taxation** should never be allowed on commerce, income, inheritance or gifts. Neither should taxes be hidden within an economic price, interfere with or distort economic processes, or force any person to pay a higher proportion of taxes when no higher protection is required from government services. [The greatest way to keep government expansion in check is by keeping the cost of government up front and painful to the taxpayer. The prohibition against todays common forms of taxation effectively forces government to tax openly and directly the people and property directly protected.]*

*F. There must be **no taxation without representation** and no form of taxation voted upon with majoritarian powers should be valid unless applied to all citizens and residents. [The intent of this principle is to stop the human tendency to tax the other guy by seeking to add other types of taxes on products that have no majority constituency in the legislature to protest.*

*G. No state should be allowed to incur a **budget deficit** and no deficit should be allowed at the national level except in time of declared war. All government liabilities and expenditures should be included in the budget. [Government should only be allowed to spend what the citizens are willing to pay for each year. A nation must have the power to save itself in wartime, even if it means extensive borrowing, but that deficit should be limited to the principles of debt in H. Todays governments distort and hide their real financial condition with a variety of accounting tricks. Everything should be up front and transparent.]*

*H. Total **indebtedness** should not exceed a certain percentage of total annual tax revenue of any government entity (perhaps, 10%) and every separate debt issue should be retired within 10 years so that those who vote for it pay for its retirement. No tax burden*

*should be shifted to the next generation through debt or unfunded entitlement programs. [Debt is a form of future taxation and is an insidious form of government funding because it makes the expenditure seem less painless than it is. A tight time and quantity limitation on debt is important to avoid the threat of exceeding a nations solvency, or violating the prohibition against transferring a debt to the next generation without their consent.]*

*Principle #9: LIMITS ON POLICE POWER.*

*A. **Military and police power** of government should only be used to prosecute and punish actual violations of fundamental rights of its citizens, or imminent threats to those rights, whether foreign or domestic. [This language restates the basic principle that all police actions must be tied directly to the defense of someones rights or the rights of the nation as a whole. Military intervention prior to enemy action is appropriate under the very limited circumstances of imminent threat--a strict legal term meaning that a lethal threat poses a real and present danger.]*

*B. Citizens should be secure in their **privacy** from government search, intrusion, surveillance, and seizure except when credible evidence exists of a crime against fundamental rights or an imminent threat to liberty. [This presents the basis for constitutional language that would require that a warrant be issued by a judge before a search or seizure could take place. It should also be required that police must have the warrant available for inspection, naming a specific person or place to be searched and detailing the evidence justifying the warrant. Too often, the Constitutions strict language on warrants is totally disregarded. Surveillance is also routinely conducted without any warrant. Thus, government agents must be held strictly liable for the violation of these limitations on police intrusion.]*

*C. Government power to enforce secrecy should not be applied to the specific knowledge any person may have concerning crimes*

*committed by government officials.* [This principle directly addresses the major reason why government illegal activities continue unabated despite numerous attempts to discover them--laws and penalties for violating a governments national security mandate are entirely one-sided, aimed at suppressing the testimony of any agent who threatens to blow the whistle on illegal activities. Despite lip service to whistle blowing laws, agents have little effective recourse to overturn or object to secrecy orders covering government illegal activities when the courts often refuse to side with government critics.]

*D. Officers of government should not have **immunity** from acts committed by themselves or by others under their knowing supervision that violate the fundamental rights of others.* [Immunity, coupled with excessive powers over secrecy, allows powerful forces for evil to grow up under the mantel of government enforcement. The excuse that police or military are *only following orders* has lead to historys greatest human holocausts. Military command and control is important but it must never be used to create a cadre of abject yes-men, as was the case in Germany, Russia, and now America. There is no substitute for ample training of every government agent, including military personnel, to know when their actions constitute a violation of fundamental rights. Only the threat of personal liability will make sure each is motivated to learn the law and keep it high on his list of priorities.]

*E. In **Foreign affairs**, any assistance in behalf of liberty given to other nations or peoples, where a significant threat to this nations rights cannot be demonstrated, should be encouraged and allowed by government, but carried out by voluntary measures.* [This principle prohibits tax-payer assisted military involvement in foreign wars where no direct threat to our nations liberties can be demonstrated. It also establishes the right of volunteers to help with private arms and manpower. Presently the US uses the *Neutrality Act* to prohibit all private assistance to freedom movements.]

*F. No citizens or residents of this nation should be allowed to use the shield of government protection of fundamental rights herein to **undermine the efforts** of other foreign persons seeking to establish similar fundamental rights. [This point does allow government to prohibit US citizens from using this nation as a base of operations to foment or assist revolutions against liberty.]*

***Principle #10: CITIZENSHIP BY COVENANT AND QUALIFICATION***

*A. Citizenship should be by **covenant** and **qualification** rather than by birth alone, whereby the fundamental rights of citizens, voluntary limitations on those rights, and the duties and responsibilities of both citizens and government are clearly specified. [The concept of citizenship by qualification solves the greatest and most persistent internal threat to liberty--an **ignorant populace** with the power to vote themselves benefits without any understanding of the law or the principles necessary to maintain liberty. The two most prevalent causes of citizen ignorance are a controlled media and a controlled system of public education. By requiring all potential voting citizens to pass a test on law and government, each person has an inducement to get whatever education is required to pass the test.*

Without such a test, conservatives have to compete with Socialists for **control of education** in order to ensure a knowledgeable voting public. But with a test of understanding, citizenship itself serves to induce all people to seek out the necessary information on liberty in order to qualify. I believe strongly that linking knowledge of liberty to citizenship is a more viable solution than trying to control peoples education, which in and of itself, is a violation of liberty. Besides, the battle to control education has not been successful and shows little hope for improvement, given the high percentage of the public (including conservatives) that has become addicted to the tax monopoly funding of public education. This welfare benefit allows their children to receive

education funding for lavish buildings and programs far in excess of the taxes they personally pay.

The **citizenship test** needs to be extensive and complete so that all citizens understand the full range of what constitutes bad law and illegal actions. But it need not be tricky, complex or difficult. The questions can even be known in advance so that people can openly prepare for the test. The tests purpose is not to stop good people from becoming citizens, but to ensure no one becomes a citizen with the power to vote without having the requisite understanding of how to maintain liberty.

There are other essential things that can be done in the context of a citizenship compact that are equally useful in establishing a government that maintains fundamental rights and moral values without doing so through the dangers of majority rule. For example, the citizenship compact is the appropriate place for all citizens to sign on to the recognition to fundamental rights, to take a pledge not to violate those rights, and agree to some voluntary limitations of those rights, for example, taking part in jury duty, a citizen militia or a limited military wartime draft; accepting some very limited eminent domain takings of property for public purposes (with compensation); and agreeing to basic community standards of decency in public. Each of these functions I have listed are problem areas when implemented by the force of law without the consent of those whose lives and property are used involuntarily or taken by government.]

*B. It is, therefore, proper to establish other classifications of residence for the protection and training of those not yet qualified for citizenship.* [The purpose of this form of citizenship by qualification is to offer citizens a higher level of protection and privilege in society in exchange for a higher level of knowledge and commitment to preserve liberty. Since this form of citizenship is not imposed upon unwilling participants, it must be structured to offer inducements for others to join so that the circle of supporters is ever-increasing. Citizenship privileges offer one of the major inducements for people to join and qualify. It is



therefore appropriate to have lesser categories of *resident* or *visitor* for those who have not yet qualified or who do not wish to do so.

**Residents** and **visitors** would not have a free ride, however. They would pay different types of taxes and user fees than most citizens if they wanted to have access to any public services or public property. In like manner, not having joined the covenant as a citizen, they most likely would not have access to any public property governed by the new government unless they at least agreed to the community standards on public behavior and paid appropriate user fees. There must, of necessity, be some disadvantages to remaining in a resident status so that people have the incentive to move up to citizenship, but the differences must not be so onerous as to make being a resident a non-viable choice. I think there is even room to allow residents to have some limiting voting rights on local issues (especially taxes) that directly affect them, as well.

One of the most important differences between citizen and non-citizen might be a restriction from owning titled property, a privilege only extended to citizens. Residents and visitors could own the full range of normal goods but would have to rent housing, cars, businesses or certain investments that are defended by legal title. This is not an onerous difference since all responsible people can easily become citizens should they want to own titled property. What the restriction does do is induce all industrious people to qualify for citizenship and to link increased privilege with increased responsibility for maintaining liberty.

This is simply an overview of the basic concept. The details of implementation would require much careful thought and discussion. Non-participants with the new government always have the full range of private fundamental rights that all men possess that pre-date any new government, including property rights, but they would not be able to have those property rights defended by the new government unless they agreed to come into the compact as a citizen. Those who chose to stay completely outside the system would be considered foreigners and have to rely on their own fundamental right of self-defense.

This form of citizenship also helps solve one of the major problems in a world of open markets and free trade, where an unequal **balance of payments** results between different trading countries. Currently foreign holders of dollars evade purchasing American products and choose instead to buy up portions of America itself: government debt, land, capital and business enterprises. Since all of these are titled property, under this new proposal they would be restricted to citizens only. Foreign buyers would not be able to buy up the capital assets of America unless they became citizens. In this way, either they become committed to our version of liberty through the citizenship qualification process, or they apply their excess dollars to American products. In both cases, liberty wins.]

*C. Children of citizens fall under the protection of their parents citizenship until reaching an age or ability to become self-responsible, or they become disqualified by criminal or rebellious behavior.* [Children of citizens (or residents, for that matter) automatically come under the respective category of protection that their parents possess. Thus, children are fully protected under the umbrella of their parents citizenship, but are not considered citizens themselves until they qualify. Once reaching the minimum age to apply for citizenship, they would become residents until they otherwise qualify for personal citizenship status.]

Principle #11: **CITIZEN ACTIONS FOR SELF-DEFENSE.**

*A. All citizens should be free to own and possess the means of effective personal protection and to use appropriate force to protect life and property from harm when police forces are not immediately available or willing to help.* [This language is extremely effective in recognizing a broad degree of power for the individual in the exercise of his right of self-defense. It does not specifically limit the types of arms a person may possess, though a citizen may agree to do so in the citizen compact. It allows the use of force to defend both life and property, and is not contingent upon permission from police.]

*B. Citizens acting in self-defense of fundamental rights should use only the force necessary to eliminate the perceived threat.* [This presents the basic principle of how much force is appropriate. It focuses on the issue of the threat, as seen through the eyes of the one threatened. Naturally, specific kinds of force would be more clearly defined in constitutional and statutory law.]

*C. A privately armed citizenry also serves as a proper counter-force and deterrence to government tyranny.* [This principle recognizes the legitimate role that an armed citizenry has in deterring government tyranny. This is essential since the threat of government tyranny is very real today, but carefully hidden.]

*Principle #12: **FREELY COMPETING, NON-COERCIVE VALUES.***

*A. All non-coercive values should be free to compete for adherents in both private and public domains, with government serving only in its role of maintaining public order.* [This principle establishes that government is not to promote or detract from the private or public competition of ideas, but is only to ensure public order and to ensure that neither side has use of the public purse nor enforcement powers to promote its position as stated in B.

*B. Government should never use general revenues or its lawmaking power to establish or promote any system of belief except that which directly protects fundamental rights or which is agreed upon by all participants in a citizen compact covering community standards of public conduct.* [This principle adds the concept that governments can only go beyond fundamental rights to enforce some limited community standards of public conduct (not private) as long as all citizens who form the government have agreed to those standards. In this case fairness would dictate that only a reasonable set of community standards is going to be capable of engendering wide support. That is why excluding private conduct is an important element of gaining wide acceptance among people who are not totally moral by Gods standards,

but recognize the wisdom of keeping such conduct to themselves and not flaunting it in public. One must be careful to implement a citizen compact while there still exists a majority of people at least sensitive to these moral issues, otherwise the best that a compact can do is govern a break-away sector of good people who declare their freedom from the corrupt majority.]

*C. Officials should not be restricted, however, from making statements of personal belief, including **religious references** to a duty to God or a belief in a Supreme Being, or praying publicly to God, as long as such pronouncements are stated as their own personal beliefs or feelings, represent part of his or her leadership role to constituents, and do not require mandatory acceptance by others.* [This principle establishes that even though officers of government are paid employees, they may express their personal convictions about politics, philosophy and religion etc., as long as those expressions are part of their leadership responsibility, are not at odds with their official capacity requiring fairness and justice, and are stated as their own personal opinions or feelings. Leaders are paid to lead, and not simply parrot mechanistic rules. If a leader oversteps the bounds of propriety in this area, there are other checks and balances, including the election process or legislative censure that can serve to counterbalance excesses.]

*D. Private citizens should not be prohibited from using public property on a temporary basis, without cost to the government, for religious or other celebrations of belief as long as such activities are voluntary and coordinated with other normal public needs.* [Religions are no different than any other association of belief. All such associations (that do not threaten fundamental rights, or the community standards established by voluntary compact on public comportment), ought to have free access to public property, even to promulgate their beliefs--as long as any costs to the taxpayer for administration or maintaining public order is reimbursed.]

*E. Officials should not, in an official capacity, publicly disparage the beliefs of others, unless those beliefs violate fundamental rights.* [Again, the criteria for official criticism of a belief system must be strictly limited acts or intentions that violate or present an imminent threat to fundamental rights--not mere dislike or disagreement for the belief system that is otherwise voluntary. Naturally, criticism can be leveled at beliefs or actions of the group that may violate the agreed upon standards of public comportment as well--especially since even those members agreed to those standards.]

## **SUMMARY**

The key elements of this system of principles, that distinguish it from our present system, are these:

It provides a workable legal definition for fundamental rights that effectively stops the creation of false rights that always accompany Socialist demands.

It limits the powers of enforcement to the defense of fundamental rights so that law enforcement officers and citizens can better know the proper bounds of police action.

It provides a basis for forming a government or covenant societies within that government based upon initial unanimous consent so that no persons rights are violated at the onset.

It provides a mechanism to keep the voting public bound to the principles of liberty, without having to control the education system or the distribution of information.

It provides a system that allows for a variety of covenant compacts to govern matters of community standards for public behavior, avoiding the dangers of putting such powers in the hands of majority rule.

It provides for a system of government funding that absolutely prohibits the use of general tax revenues to support the redistribution of wealth, property, or belief systems (other than the defense of fundamental rights).

All of the above are so significant in their potential for restoring and preserving liberty that they deserve the attention of all good men and women. There is room in this system for widest possible expressions of belief and action for both religious and non-religious people and groups. This system also allows for a variety of different covenant societies so that strict uniformity is not mandated throughout the nation.

No system completely eliminates the myriad of conflict possible between human beings, but this system establishes a stable foundation that eliminates the most serious disagreements on basic issues for all those who endorse liberty instead of government redistribution or control. The principles will not end conflict with those who want to harness government for their own power, but they do at least give us reasonable and fair grounds upon which to challenge their moral pretensions. Only raising up a strong majority of people dedicated to stop the improper use of government power will solve this battle, ultimately. While my readers may have differences of opinions on specific implementation, I would hope that we can come to an agreement on basic principles. I appeal to each of you to help in the quest to perfect these principles in the spirit of non-conflict, rather than tear them down. We have the finest historical legacy of liberty anywhere in the world. Let us build upon it for the restoration of the full range of our liberties.

Joel M. Skousen April 6, 2001



## 2. Principles of Government

### Principles of Government

- **PRINCIPLE #1**: ALL PERSONS ARE RIGHTFULLY SOVEREIGN OVER THEIR OWN AFFAIRS WHICH DO NOT INFRINGE UPON THE RIGHTS OF OTHERS.
- **PRINCIPLE #2**: FAMILIES SHALL BE SOVEREIGN OVER ALL FAMILY AFFAIRS WHICH DO NOT INFRINGE UPON THE RIGHTS OF OTHERS OR PRESENT AN IMMINENT, PHYSICAL THREAT TO THE LIFE OF INCLUDED CHILDREN
- **PRINCIPLE #3**: FUNDAMENTAL RIGHTS ARE SUPERIOR TO ALL EARTHLY LAW AND SHOULD BE SECURED BY A CITIZENSHIP COVENANT DOCUMENT THAT IS ACCEPTED BY UNANIMOUS CONSENT AND NEVER MADE SUBJECT TO MAJORITY RULE
- **PRINCIPLE #4**: GOVERNMENT SHOULD ONLY BE FORMED BY INITIAL UNANIMOUS CONSENT OF THOSE TO BE GOVERNED BY SUCH, FOR THE SOLE PURPOSE OF PROVIDING MUTUAL DEFENSE FOR THE FUNDAMENTAL RIGHTS OF ALL CITIZENS.
- **PRINCIPLE #5**: CITIZENSHIP SHOULD BE BY COVENANT AND QUALIFICATION RATHER THAN BY BIRTH, WHEREBY THE FUNDAMENTAL RIGHTS OF CITIZENS, AND THE DUTIES AND RESPONSIBILITIES OF BOTH PARTIES (GOVERNMENT AND CITIZEN) ARE CLEARLY SPECIFIED.
- **PRINCIPLE #6**: EQUAL JUSTICE (not results) SHALL BE GUARANTEED FOR ALL CITIZENS UNDER CONSTITUTIONAL LAW THAT STRICTLY LIMITS THE SCOPE OF ALL LAWMAKING POWER TO THE DEFENSE OF FUNDAMENTAL RIGHTS.



- **PRINCIPLE #7:** GOVERNMENT SHOULD BE FINANCED BY USER FEES FOR ALL DIRECT SERVICES TO INDIVIDUALS AND GENERAL TAXES FOR UNIVERSAL SERVICES (DEFENSE, JUSTICE, ADMINISTRATION, AND LEGISLATION); THE LATTER SHOULD BE UNIFORM AND EQUAL FOR ALL CITIZENS.
- **PRINCIPLE #8:** MILITARY AND POLICE POWER OF GOVERNMENT SHOULD ONLY BE USED WHERE THERE EXISTS A DIRECT THREAT TO THE FUNDAMENTAL RIGHTS OF ITS CITIZENS, AND TO ENFORCE LAWS WHICH ARE CONSTITUTIONAL AND BASED UPON THOSE RIGHTS. ANY ASSISTANCE FOR LIBERTY GIVEN TO FOREIGN NATIONS WHERE A SIGNIFICANT THREAT TO THIS NATION CANNOT BE DEMONSTRATED SHOULD BE ENCOURAGED BY GOVERNMENT BUT CARRIED OUT BY VOLUNTARY MEASURES.
- **PRINCIPLE #9:** CITIZENS SHOULD BE PRIVATELY ARMED NOT ONLY FOR PERSONAL PROTECTION AGAINST CRIME, BUT TO ACT AS THE ULTIMATE FORCE AGAINST POTENTIAL GOVERNMENT TYRANNY AND AGGRESSION AGAINST THE FUNDAMENTAL RIGHTS DETAILED IN THE CITIZEN COVENANT.
- **PRINCIPLE #10:** GOVERNMENT MUST BE STRICTLY LIMITED IN ITS POWERS, ESPECIALLY IN THE FOLLOWING THREE AREAS OF UNLIMITED INTRUSION:
  1. PROVIDING ANY SPECIFIC BENEFIT TO ANY PERSON OR GROUP, FINANCED BY ANY FORM OF TAXATION, NOT CONSTITUTING A USER FEE.
  2. PROTECTING PEOPLE FROM NATURAL DISASTER, SAFETY HAZARDS, RISK TAKING OR ANY OTHER DIFFICULTY NOT CONSTITUTING A THREAT TO FUNDAMENTAL RIGHTS.
  3. PROSECUTION OR MAKING ANY ACT A CRIME IN THE ABSENCE OF A SPECIFIC COMPLAINANT OR VICTIM, EXCEPT IN CASES INVOLVING IMMINENT THREAT TO LIFE

**PRINCIPLE #1:**

ALL PERSONS SHALL BE SOVEREIGN OVER THEIR OWN AFFAIRS WHICH DO NOT INFRINGE UPON THE RIGHTS OF OTHERS.

All persons have the right to be equally free and independent, and to possess equally the full range of fundamental rights, which are those powers to act or be, which all persons can possess simultaneously without exercising compulsion upon another.

There are only **four** truly **fundamental rights** that pertain to individual or personal sovereignty: These are the rights of

- LIFE, LIBERTY, OWNERSHIP, SELF DEFENSE.

Each of these rights has certain conditions which limit their application in a way that does not trespass against others equally asserting the same rights. There are also many corollary rights which are derived from these basic four. These have all been discussed in the previous section and detailed listing of fundamental rights.

Lets now take a brief look at the principle of sovereignty which will allow us to discuss individual, family, and national rights.

THREE AREAS OF RELATIVE SOVEREIGNTY: INDIVIDUAL, FAMILY, NATION

Sovereignty refers to the possession of ultimate authority within a certain framework of law. When one is sovereign in a certain area, there is no higher authority. He or she has the right to make all judgment and carry them out. In the context of liberty within a nation, we will be referring primarily to individual and family sovereignty relative to governments and other individuals or groups. Associations, including governmental associations, are merely extensions of the sovereignty of the individuals composing such associations.

The individual is sovereign (meaning the possession of ultimate earthly authority) over all his personal affairs which are not in direct and harmful conflict with the fundamental rights of others.

The family has certain sovereign powers distinct from the individual by virtue of the presence of dependent children who, having been brought into the family as a consequence of parental procreation, must be accorded special protection and

training by those parents who engendered the child. While parents have given up a portion of their individual sovereignty by engendering a new child, they must also be accorded a special form of sovereignty with ultimate earthly authority over those children, short of acting in a way which presents an imminent and pernicious threat to the life of the child. The reason for this "balance" of authority and responsibility will be detailed later in the section on family sovereignty.

Lastly, individuals may group together and form associations by initial unanimous consent which also may act in sovereign matters relative to other persons or groups. A government is simply a large form of such an association of individuals, as will be explained later. The government association is never sovereign relative to its individual members (who constitute the creators and controllers of their government association), but is sovereign relative to other separate nations, or groups.

## **PRINCIPLE #2:**

### **FAMILIES SHALL BE SOVEREIGN OVER ALL FAMILY AFFAIRS WHICH DO NOT INFRINGE UPON THE RIGHTS OF OTHERS OR PRESENT AN IMMINENT, PHYSICAL THREAT TO THE LIFE OF INCLUDED CHILDREN**

#### **FAMILY SOVEREIGNTY AND RESPONSIBILITY OVER FAMILY AFFAIRS**

There exists a natural covenant relationship between parent and child, beginning at conception, that is binding upon the parents and requires them to assume the ultimate responsibility for child care, safety, and education until the child arrives at an ability or desire to be responsible for himself.

In deference to the voluntary covenant relationship which generally involves the sacred act engendering a child, governments should never be granted power to intercede in the affairs of parents and children as long as parents are not proven guilty of gross cruelty or extreme negligence which threatens the life of the child, as clearly defined in constitutionally restricted law, and in no case against the will of the child, when that child is of sufficient age to express that will and understand the alternatives.

In order to preserve family sovereignty from the slow, steady encroachment of government, parents must have full discretion over the care of children unless

they reach a point which we may easily describe as imminently and perniciously threatening to the life of the child (e.g. child beating that is life threatening). While children have many times had to suffer from the poor decisions of parents, that seems to be one of the necessary prices to pay for freedom.

To allow the government to scrutinize the decisions of parents at any lower level than imminent (not the mere possibility of) threat to life, is to allow the government total ultimate authority over instruction, safety, discipline, nutrition and medical care. In short, all children become "wards of the state" which, besides being impractical, is a violation of the fundamental rights of parents. The specter of uniform state guidance in the care and upbringing of all children only guarantees an intellectually sterile generation, devoid of moral values. Agents of the government may be knowledgeable as to the things of the world, but they will lack the understanding and moral courage to defend freedom and personal moral and religious values of the individual family.

As a fundamental premise, the state can only legitimately interfere in family affairs in protection of the right to life. A child, as long as he remains in a dependent relationship, living off his parents, does not, and cannot claim his other rights. To do so would make the parents or their property the slaves of the child. Those rights are synonymous with being an independent person, qualified for citizenship.

The child is free to declare his rights and become independent at any time he or she may be capable of meeting the qualifications of citizenship, but in doing so he can no longer claim his dependent relationship. The implicit reasoning behind this is based upon the child's superior standing as to the covenant nature of the family. The parents engendered an automatic obligation, which they cannot break without harming the child. The child is the only one that can dissolve the bond since he had no choice in the act which brought him into the covenant relationship, and does no damage to the parents by dissolving their obligation to care for him. This concept does not attempt to make light of the emotional pain such separations may cause, only to indicate that disappointment and emotional pain usually cannot and should not be construed as adjudicable damage.

This aspect is worrisome to some families who have become accustomed to using the power of the state to compel a child to stay at home until reaching the **legal age of maturity**. Upon close examination, it is clear that the setting of an age for "maturity" or independence is quite arbitrary. There is no basis for

it in principle. In fact, by handing over such powers to government determination, parents have unwittingly given justification to the state to enter into some REGULATION of family affairs, when dependent children have become independent and are not allowed to exercise that independence.

I believe I can demonstrate, to those who are worried about children being enticed away into evil paths through the exercise of independence, that such true freedom is less likely to induce a child to leave and is more beneficial to family relations in the long term, but only if we possess a complete structure of covenant government as explain in this work.

First, it must be remembered that, under these principles, there would be no permissive government welfare or social structure available to induce children to leave home and find a "free life." In a contractual government, every member of society would be required to have legal standing as a citizen, or be under a contract with a citizen, either as an employee or a dependent. The citizen would be responsible for the conduct and welfare of all non-citizen employees or dependents under his or her care. If a person wanted to establish independent citizenship, he would have to either sign the Constitutional covenant and become a citizen (obligating him to participate in citizen responsibility, including the payment of his share of legitimate taxes). Thus, leaving home would require a high degree of responsibility--not a welcome prospect unless the child was properly prepared or possessed some compelling reason to leave.

Given a high level of evil influences in a pluralistic society, most good parents would exercise their freedom to form covenant societies with other like minded people in order to shield their children from many of these harmful influences.

In such a society, if there were sufficient justification for a child wanting to leave home, for protection, he would probably have little trouble finding refuge with other good people. On the other hand, a rebellious child would have difficulty finding refuge within a small covenant group of like minded, good people. If he or she chose the non-covenant world for a first try at independence, the child would find the world fairly harsh under the full weight of self-responsibility and citizenship that may require a hefty examination and certification of financial responsibility. These factors would hardly be conducive to leaving home except under proper preparation.

Remember also that any act of rebellion against a parent's wishes which do not constitute the limits of cruelty is a form of declaration of one's independence. Such rebellion automatically relieves a parent of the obligation of support. While this would be technically defensible, I doubt if many parents would jump at the chance to stop support so quickly. Even if they did, the child could always bring himself back under covenant protection by complying with the wishes of the parent, as long as such erratic behavior did not become a tool of manipulation. This definition diminishes the danger of so-called "children's rights." Equating rebellion with independence is important because it protects a parent against a tyrannical child who would otherwise go to state authorities to force his parents to provide his wants while he refuses to help around the house.

But more importantly, it is better for parents to realize that THEY are responsible to ensure that they protect their developing children from influences that they deem harmful. Religious parents who allow their children to be constantly exposed to mindless television and the pervasive undisciplined bad behavior of public school children, or who live in an unsavory neighborhood, can hardly complain when their children develop problems. When parents rely upon the secular state to force their children to stay at home, the parents have either failed to properly attend to the upbringing of the child, or the parent's life is alien to the child (sometimes rightfully) or the child is simply innately rebellious.

Even in the latter case of full rebellion, the child will more quickly learn the folly of his ways by becoming subject to life's consequences than by continual pampering at home. Certainly, constant parental permissiveness of slothful conduct and acceptance of rebellion is not a proper solution. Removing a tough teen from your home may be tough to handle emotionally, but sometimes it is the only way that some children will learn. As in almost all areas of life, parents or individuals become better in their tasks when government does not attempt to secure them from their own errors. Government's only task is to prevent wrongful compulsion by others.

Lastly, one of the unique aspects of these principles is the final element which safeguards the family from intrusion by government. When there is a gray area concerning whether a certain family action is "life threatening" or "grossly negligent" and the state rules to take the children from the parents, the children can refuse to go with the state. More than any other safeguard, this effectively deters a state from declaring a family's religious beliefs as "gross mental cruelty" or spanking as "physical cruelty".

While I am aware of some cases of children who, even after child abuse, have desired to return to the parents, who are we to say that the child does not legitimately view life in an unknown foster home as a worse alternative than home? Often only one parent's care is enough to keep the child desiring to return home. In such cases, where a child prefers to stay at home, the government would have just cause to continue surveillance or even prosecute the parents. In view of the total picture, both for and against, I am convinced, that no normal child is such a glutton for punishment that they would not desire to leave after it becomes apparent that the parents are constant abusers. If the child is clearly and certifiable mentally deranged due to the abuse, the parents or parent responsible should go to jail and the child should be given over to proper private foster care. However, the simple act of desire to remain at home should never be allowed as the sole determination of mental incompetency in the child. However the final determination should be by a jury of parents rather than by government officials or psychologists.

This whole question would not be such a problem to adjudicate if there were not such an entrenched hostility in social working circles toward spanking and physical punishment in general. Many view any type of physical punishment as "cruel and unusual" and are constantly attempting to convince legislatures and courts to outlaw firm physical discipline. Since it is nearly impossible to distinguish in law between a justified spanking and what social workers persist in calling "child abuse", I prefer to defer, short of "imminent threat to life" to family sovereignty. I think the damage has to be fairly rough to qualify as abuse-- enough to cause bleeding, deep bruising, intentional burns or broken bones and the like, to be viewed as imminently threatening. I say this not because I am a callous person, but because we must remember that there are numerous circumstances in which children do wild things themselves which result in these injuries, and if the standard is set too low, the parents become suspects of abuse, every time a child goes to the hospital for an accident. There are also cases in which the parent is giving a well-deserved spanking and the rebellious child, in fighting back, may hit his head on something, or pull away and be injured without the intent of the parent. We don't want reasonable parents going to jail on an accident of mixed causes like this. Rabid anti-spankers will claim that the parent shouldn't have been struggling with or trying to spank the child in the first place. But when a parent is faced with really abusive children who prey upon their young siblings or in other ways severely threaten the order of the home, very strong action is required. Of course, I am of the opinion that if a parent has let things get this far, he or she has been way too permissive for too

long anyway. But, parents must be free to take the full range of measures, short of physical harm, necessary to bring a tough teen into compliance.

Remember, the potential for long term damage to children is small given the principle which allows a child to voluntarily leave at any time.

There are obviously some gray areas in this discussion, which will of necessity have to be left up to human judgment. What I have attempted to do here is to secure a firm base upon which parents can control, to the largest extent, their family affairs. It is said that tough cases make bad law. We all have qualms about any injustice being done to children, but let us be wise, and also realize the magnitude of injustice that is possible if we allow the state to exercise the type of social control over the family as occurs in other socialist societies. Some mistakes and suffering do occur in freedom, but they are always the exception when compared to the all-powerful state.

**PRINCIPLE #3:**

**FUNDAMENTAL RIGHTS ARE SUPERIOR TO ALL EARTHLY LAW AND SHOULD BE SECURED BY A CITIZENSHIP COVENANT DOCUMENT THAT IS ACCEPTED BY UNANIMOUS CONSENT AND NEVER MADE SUBJECT TO MAJORITY RULE**

**THE SUPERIORITY OF FUNDAMENTAL RIGHTS OVER EARTHLY LAW:**

By the fundamental character and essential nature of freedom, the inviolable, fundamental rights of man shall never be made subject to political confirmation. They exist regardless of the nature and institution of governments on earth, and cannot therefore be denied, rightfully, even by a majority of persons using democratic powers. While they may be listed for reference and voluntary approval in a constitution, they are not, by nature, subject to the ratification or amendment process.

**PRINCIPLE #4:**

**GOVERNMENT SHOULD ONLY BE FORMED BY INITIAL UNANIMOUS CONSENT OF THOSE TO BE GOVERNED BY SUCH, FOR THE SOLE PURPOSE OF PROVIDING MUTUAL DEFENSE FOR THE FUNDAMENTAL RIGHTS OF ALL CITIZENS.**



## THE COMMON CONSENT DOCTRINE AND SUCCESSION

Within the society of citizens, laws enacted by majority rule are limited to those issues which directly and harmfully affect members of the majority, thus maintaining the free will of individuals and other minorities from democratic tyranny. Laws passed outside these and other constitutional bounds are null and void, and without effect.

In the act of forming a government, men do not cede their right to withdraw from the pact unless specifically stated in the citizen contract (which I would not recommend). Wisdom would dictate that freemen must never relinquish the right to revolution, which is: that men are free to reject any governmental association, at any time, if not afforded these essential fundamental rights, or in the absence of initial voluntary consent. This last phrase acknowledges the right of those who live under a non-contractual government to leave such government since majority rule-making was imposed upon them. I know of no true contractual government established by true common consent in existence today.

The foregoing doctrine points out two historical deficiencies in our constitutional Republic: First, the absence of full common consent in the beginning of the Republic, and second, the absence of a written citizen contract which each new citizen would be required to sign in order to be on an equal and unanimous footing with existing citizens.

The original founders of the American constitution were doctrinally committed to the concept of initial unanimous consent--what they called "common consent." The doctrine of the citizen compact goes back to Anglo-Saxon days, and was manifested at varying times, including the time when the original Pilgrims formed their Mayflower Compact. In essence, common consent meant that no man could be compelled to submit to the rule of the majority unless he voluntarily consented. Refusing to consent meant that he was still a "freeman" acting alone and free insofar as he did not tread on others' rights.

Under this common consent doctrine, the founders of the Constitution in 1787 knew that it would be improper to force any of the colonies to submit to the Constitution, even if a majority had ratified it. But unanimous consent did NOT mean that no state could implement the Constitution unless all agreed, it simply meant that it was only binding upon those that ratified it. In fact, the majority of colonies began to act under the Constitution's provisions before all had ratified it.

The non-ratifying colonies were simply treated as separate sovereign nations. Eventually, the other Colonies saw that the advantages of joining outweighed the dangers they perceived in the document, and they joined in the union.

Unfortunately, while the founders correctly refrained from compelling other states to join the union, the states themselves failed to obtain the unanimous consent of their citizens. Once again, this doctrine did not require that they delayed acceptance of the Constitution until every citizen was in agreement, but it did require that those who did not agree were not bound by its provisions until they gave their consent. In essence the states voted by majority rule to force a minority to accept the majority's jurisdiction over certain aspects of their fundamental rights.

The danger of this is not so apparent until one envisions what kinds of laws the majority can implant upon a non-consenting minority. Suppose that the majority at that time were non land-owning peasants, and had voted to install a state and national constitution giving them the power to confiscate all lands over 500 acres "for the public good." The fact that all large land-owners would refuse to consent points out the virtue in requiring initial common consent from all.

If a state wants to attract the best people, the constitution must guarantee justice and fairness to the highest degree. The more arbitrary and capricious a constitution is, the less potential for universal support.

In reality there were certain aspects of the new Constitution that were dangerous, such as the lack of protection of the full range of fundamental rights, and the "necessary and proper" clause under which the Supreme Courts would allow massive intrusions of Congressional authority upon individual and state's rights. The Constitution possessed the seeds of monetary debasement in giving Congress the power to "regulate the value" of currency, and clearly avoided any language which would declare slavery a violation of human rights.

All of these objections were real and proper. Many people believe that majoritarian ratification was justified because of the rapid attainment of unity that it brought, but it was this very question of whether majority power could impose its will upon non-consenting states that brought us to the brink of destruction in the Civil War. As to the ultimate principles of government, the Confederacy was correct on one basic fundamental right: secession from the

Union. They were wrong on one of the objects of that right--the defense of slavery.

Secession was an important doctrine for maintaining the essence of common consent. If we begin from the proposition that fundamental freedoms cannot be taken away by majority rule--they can only be ceded by individual voluntary consent, then we derive the fundamental premise that a majority cannot implant any system of government upon other freemen without their initial consent. This then implies that those who consent to majority will still possess the right to leave the group at any time, if the compact is broken and if the majority begins to encroach upon freedoms specifically not ceded or limited in the original agreement.

If the Supreme Court declares certain acts constitutional which a state believes is a violation of the original compact, it can simply disregard it under the doctrine that unconstitutional infringements on state or individual sovereignty (involving fundamental or contract rights) are null and void, and unenforceable. If the highest court rules the law constitutional and government decides to enforce the law with police powers, the state has to choose between compliance or secession, involving the loss of certain benefits as members of the union--primarily a matter of facilitated trade and joint protection powers. On all non-criminal matters, severance of relations with a state would be the only consequence of law--no jail terms for state officers would be proper or permissible.

Secession does not have to mean war, only that each body's ultimate sovereignty be respected. The northern states clearly violated the sovereignty of the southern states in forcing them back into the union. Such use of force clearly sets a precedent that no matter how tyrannical the Federal government becomes, no state or individual can leave. The peaceful right to secession should be stated in the constitution, and it should protect the fundamental rights of citizens both ways. In other words, no state could secede by majority rule, unless it continued to allow individuals who wished to remain part of the union to do so, without territorial integrity. This is a great difficulty, but not insurmountable.

No matter how pragmatic we all view the historical benefits of the union, the precedent of forced repatriation is no less onerous than the use of power in the Soviet Union to keep its conquered peoples within its dominance.

## GOVERNMENT BY INITIAL COMMON CONSENT, IN DEFENSE OF FUNDAMENTAL RIGHTS:

As an extension of individual liberty, all men have the right to form a governmental association with others in the pursuit of a more effective defense of their fundamental rights. Furthermore, they may establish independence from all other governments in the pursuit of these fundamental rights.

This can only be rightfully accomplished through a covenant association, where ALL the governed consent to abide by the rule of law as enacted by elected leaders and officials, under pre-determined constitutional limitations on majority rule.

Within the covenant framework (which would include a Bill of Fundamental Rights, a Constitution, and a citizen signatory contract outlining duties and penalties for failure to comply), there are certain limited areas of authority delegated to the government for future determination. A citizen joining the national compact, or any special sub-unit thereof, agrees to abide by the laws enacted by elected representatives, and interpreted by the appropriate courts, insofar as such laws do not violate the initial compact defending fundamental rights.

Since it is improper to force someone to join a governmental association against his will, the enactment of laws and the enforcement thereof, by a government of majority rule, can only have effect upon those specifically consenting to such majority rule.

How would one possibly form a government under unanimous conditions? Unanimous does not mean "all at once." It means that whoever joins in the movement signs on voluntarily with full understanding and not through coercion by the majority. That is how the US Constitution began--only those states that agreed where part of it to begin with. Others joined later as they realized they would be greatly disadvantaged by not be a part of the whole. What I am saying is that individuals themselves must sign on--not just state governments--because states are controlled by majorities, and the minorities would not have been represented at all since the very inception of government.

But unlike former times, when there was a lot of unclaimed land on the earth, it is now impossible to start a new form of government without dealing with an

existing government--and there are virtually no existing governments that are going to let anyone be free from their power to start a new one without the force of arms. So, there are only two possibilities short of revolution. **First**, men who want real liberty must wait for the occasional window of opportunity when the horrors of war or some other form of destruction destroys or brings an existing government to a crisis, and then try to control the majority influence in forming the new one. Or **second**, they must work, while under the umbrella of an existing government to gather enough people willing to sign on to a covenant government (while having no actual power) till they become a significant enough force to gain permission to start an enclave of freedom within the nation.

The first is essentially what happened in America--the loose federation of states was floundering in financial crisis right after a war of independence, that forced the need for a convention to remedy the government structural problems. But I think this highly unlikely today for two reasons.

1. The American revolution was unique in history, being a revolution of the higher, educated class of people. A much larger percentage of the educated, landed class that has ever existed before or since were well schooled in the English traditions of law and liberty. Very few of the leaders we have in power today have that same allegiance to liberty. A Constitutional convention today would be controlled by those who believe in raw democracy and many forms of socialism.

2. The colonists were coming from a weak, confederated form of government, which by its very nature, considered each state sovereign and independent from the others. So it was much more tolerant of the idea of each being a covenant society. Today we have an ever more powerful centralized government that has already demonstrated in the Civil War their intolerance for sovereign enclaves.

The second possibility is the only choice short of revolution. Convincing a majority to join in regaining freedom would seem at first glance an easy task, but it is not for this reason: the majority of people in every nation are on the other side--they either want and receive government benefits or they have become convinced that there is no harm in this. The historical tendency of human nature demonstrates that those who are corrupted by benefits will never give them up voluntarily unless they become enlightened by higher religious values--and they never come to those without war, death and destruction, and often not even then! Those that ignorantly sympathize with socialist benefits are

almost as hard to change because the victims and dangers of socialist wealth transfer programs are hidden. In addition, almost all citizens of all nations are cut off from critical information by government controlled education and socialist control of the information media. I realize this is discouraging.

With all that said, I believe the only course of action is to set upon a course of establishing on paper a specific ideal form of government, and then set about the converting people to it, and refining the system, ideologically as we progress and interact with the best and brightest of those who desperately want a return to liberty. If we are successful in converting a significant body of citizens who can wield enough electoral power (would have to be at least 25% of the nation and more preferably a full 33%, as well as an absolute majority in at least one state) then there would exist either a possibility of pressuring a larger party to enter into a coalition for governance that would allow for a freedom enclave within the existing structure. Or, if a crisis of government arose, the liberty movement would be sufficient poised to negotiate an enclave status from a new form of government. Now, I realize this is a very difficult task given the level of benefit corruption today. This group and their sympathizers constitute a large majority, which is growing yearly. On the other end of the spectrum, the increased tension within the American nations is increasing the liberty side of the spectrum as well. But it is very undereducated due to the dominance of public education. A larger and larger portion of the youth are lost to socialism each year due to bad education. Those who consciously view themselves as conservatives of liberty are probably less than 10% of the nation and are heavily factionalized. So, there is much work to be done.

This enclave must involve a specific territory at least as large as one entire state (the state where that covenant body could control the majority in the legislative body), and where complete tax exemption from all levels of social and welfare taxes is granted to those who join the enclave. State citizens who are not part of the covenant would still pay welfare taxes and would continue to receive welfare benefits. There would, however be a tremendous incentive for every small business owner to join the enclave, since they would be free from all the onerous employee regulations and taxes that weigh so heavily upon entrepreneurs.

The essential ingredient to providing for the viability of a truly free, competitive society is not only receiving some minimal agreement on the right to a establish self-sufficient, self-directing governing enclave within the national federation, but also the right to expand it by voluntary consent of those adjoining the area. As

the results of dynamic liberty become demonstrable and new people are converted and move into the enclave, the socialist model will begin to lose what productive class it has, and will have less and less wealth to confiscate and transfer to others. Hopefully the liberty enclave can then convince the suffering masses in the majoritarian, democratic-socialist sector to vote away their benefits and expand the covenant of liberty to themselves. Now, I am not naive enough to think this could happen without a severe crisis. Neither am I unaware that this large, corrupt majority would try every legislative maneuver to attach the wealth of the enclave to further service their benefits.

The proper way to expand liberty in an enclave system is by individual conversion one by one. You have to sell each person on the benefits of mutual defense of fundamental rights. Only those who join and become citizens would have the full range of protection of rights, and exemption from the burgeoning federal tax load. Here are some specific ways in which a citizen covenant would work:

**PRINCIPLE #5:**

**CITIZENSHIP SHOULD BE BY COVENANT AND QUALIFICATION RATHER THAN BY BIRTH, WHEREBY THE FUNDAMENTAL RIGHTS OF CITIZENS, AND THE DUTIES AND RESPONSIBILITIES OF BOTH PARTIES (GOVERNMENT AND CITIZEN) ARE CLEARLY SPECIFIED.**

THE CITIZEN CONTRACT: One of the ultimate safeguards of individual freedom is the use of a signature document for becoming a citizen of a constitutional republic. Since every relinquishment of one's fundamental rights, even though partial, necessitates a voluntary contract, it is indispensable that this process be formalized in a signature document.

Under this doctrine, no person, not even children of citizens, are recognized as citizens unless they have met the requirements of citizenship, are financially responsible to the contractual support obligations of government and commit to such in writing. This does not mean, however, that only citizens can live in the nation and enjoy the benefits of freedom. What it does require is that each non-citizen be contractually attached to a citizen. Thus, children have rights under the citizenship of their parents because of the obligation of parents to care for such, within the previously stated conditions. Leaving the home, therefore, is a major step--one which requires real preparation and serious consideration. Few

would do so for flimsy reasons, therefore enhancing a teenager's sense of responsibility to prepare himself for citizenship, and to act as a responsible family member prior to stepping out on his own.

In like manner, any citizen is free to hire any person in the world, of whatever nationality (as part of his right to contract and dispose of assets) as long as he assumes full responsibility for the person under his contractual care. This system solves most problems involving unwanted illegal aliens. The liabilities of citizenship coupled with a citizen's desire to protect his status as a citizen would serve as an incentive to bring only competent, good people into this nation. There would be no welfare problems, as each person would be linked to a citizen for responsibility. Any person without such a link would be punished and deported. Punishment for illegal entry is important as a deterrent. Deportation alone is like getting a free and regular tour of the various border crossing areas-- at taxpayer expense. There would be little excuse for good persons of foreign nationalities to attempt illegal entry given the ease of meeting the legal requirements through employment with a citizen.

People working under the protection of a citizen would not have a free ride. The citizen would have to pass on in lower wages the costs that he would incur to accept responsibility and head taxes for non-citizens, which would only be fair. This would provide an excellent inducement for persons of solid character and industry to apply themselves toward gaining the privileges and responsibilities of citizenship.

The concept of a citizen contract would solve many other current problems as well. For example, a military draft is improper involuntary servitude, except under the pre-agreement of a citizenship contract where the limits of such service are defined beforehand. Also, strict limits upon government power, and taxation should be pre-agreed upon thereby eliminating coercive government policies as presently instituted. Citizenship might even be contingent upon exercising one's right to vote. It might also require an extensive examination in order to ensure that all applicants understand the principles of law and government that preserve liberty. I would strongly suggest the requirement that a person agree not to assist foreign governments that take others' property involuntarily (socialism). A uniform knowledge of the national language may also be appropriate.



The inducement to become a citizen would be obvious to those working hard enough to exercise their right of ownership. No one should be able to own property that required title protection (land, buildings, or other expensive, serialized assets) unless they became a contracting citizen agreeing to support the government set up to defend those rights.

### **PRINCIPLE #6:**

**EQUAL JUSTICE (not results) SHALL BE GUARANTEED FOR ALL CITIZENS UNDER CONSTITUTIONAL LAW THAT STRICTLY LIMITS THE SCOPE OF ALL LAWMAKING POWER TO THE DEFENSE OF FUNDAMENTAL RIGHTS.**

JUSTICE FOR ALL UNDER CONSTITUTIONAL LAW:

The purpose of **law** is to define, codify and specify penalties for harmful behavior, and to do so in a uniform manner for all persons so that arbitrary and prejudicial behavior is removed from governing processes.. The purpose of a **constitution** is to set up the structure of government institutions and define and limit lawmaking and law enforcement power. There are good constitutions and bad constitutions. The best type is the one which sets up a structure that allows for speedy trials, judgments and penalties for legal infractions to be determined at the local level, and at the same time centralizes the powers of the federated local governments in national legislative, executive and judicial institutions. These institutions provide a basic and uniform body of law applicable to all citizens, a system of federal and appellate courts, a Constitutional Supreme court for ruling on the validity of laws, and an executive branch for enforcement of these laws. In addition, the national government has uniform powers of dealing with foreign policy matters. In this manner, there is a uniform body of basic law which all citizens everywhere can depend upon to defend fundamental rights uniformly, and, in addition, a fast reacting national defense force is provided so that the nation does not fall victim to an aggressor while internal debate is on going.

PRINCIPLES of Constitutional law:

all government functions involved in legislating, administering, interpreting and defending laws which require uniform application and interpretation to all citizens, should be handled at the national level.

Determination of applicability of law to specific circumstances, trial procedures, and enforcement of the law should occur at the lowest level of government having jurisdiction in the matter.

Legislative, Executive, and Judicial powers of the National government should reside in separate institutions with appropriate cross-checks between these institutions to prevent any institution from infringing upon the fundamental rights of citizens.

The fundamental rights of man are only the basic elements of freedom. The implementation of freedom, where interaction with others is involved, requires a mutual compact or agreement on the rules of government. Unfortunately, in the exercise of their fundamental rights, men may ignorantly form a constitution where they give away all of their rights to government authorities under the enticement of the supposed benefits of state security and control. Thus, the illumination of fundamental rights in no way ensures the outcome of a great constitution. For this reason, principle #6 is a statement of the proper GUIDELINES for a constitution which guarantees justice for all and the preservation of fundamental rights. The following principles of justice are essential for a government charged with the defense of liberty:

**UNIFORMITY AND PREEMINENCE OF BASIC CONSTITUTIONAL LAW EXCEPT WHERE MEN UNANIMOUSLY AGREE TO ABIDE BY MORE RESTRICTIVE COVENANTS:**

All men are entitled to the uniform application of constitutionally limited law, where similar circumstances exist pertaining to such law, and where men have not voluntarily agreed to abide by more stringent covenants.

Simply put, this means that the Federal government shall defend basic fundamental rights everywhere within the nation, but that such defense constitutes a minimum and maximum standard for majoritarian government, but not a maximum rule of law for covenant enclaves within the federal system. Present "public policy" rules which prohibit men from making private contracts constitute a violation of federal lawmaking powers and would not be legal under this doctrine of law.

Such application of the law shall be exercised without regard to class distinctions except where such the law is specifically addresses the special circumstances of

a particular class. This means that matters of race, creed, and sex, for example, could be taken into consideration in the adjudication of law, but only if such class distinctions were directly relevant to the circumstances of the case, and specifically limited in application. Class distinctions, though a private fundamental right, are prohibited in all criminal cases where the nature of the crime is no matter who commits it. Class distinctions could not be used arbitrarily to declare a person guilty because he is a member of that group classification. Neither can class distinctions be used to exempt a group from a crime (such as youth offenders) when the crime meets the same standards of violence and vicious intent. In contrast gender differences could cause types of sexual offenses to be treated differently.

## **PRESUMPTION OF INNOCENCE**

All men should be deemed innocent until proven guilty by the verification of evidence and testimony.

This is the basic law of liberty and should be applied to both criminal and civil cases. However, this doctrine should not be used as a means to justify release of dangerous prisoners pending trial. It simply means that there must be presented sufficient and credible evidence of a crime to at least justify the internment. Habeas Corpus (a legal demand by representatives of the accused to bring forth the accused before a tribunal for review of the charges) is an essential right necessary to preclude indefinite and arbitrary imprisonment without charges being filed or brought to trial.

A police officer's sworn testimony of his personal knowledge of a violent crime or the sworn testimony of an eye witnesses should be sufficient preliminary evidence to establish internment. In order to avoid abuse, this concept has to be coupled with another principle making government officials personally responsible for false statements.

## **CRIMINAL PROSECUTION SHOULD ONLY BE INITIATED WITH THE CONSENT OF A CITIZEN GRAND JURY:**

By placing a jury of the people at the beginning of criminal proceedings and at the end, for the final determination of guilt, we allow the citizens themselves to determine the appropriateness of both the law and the facts surrounding the case. If either are deemed to be improperly applied or unjust, no prosecution will

commence. This procedure keeps a tyrannical official from doing damage to others for unjust reasons, which may involve the excessively strict application of the law in unwarranted circumstances. In order to be effective, grand juries should be completely independent and not subject to intimidation by persecution or judges. Jurors should have the power to make charges against judges or prosecutors who purposefully withhold evidence or manipulate the jury by legal threats.

### **DETERMINATION OF GUILT BY DUE PROCESS OF CONSTITUTIONAL LAW WITH THE BURDEN OF PROOF UPON THE ACCUSER**

Due process means that the process of guilt determination should be uniform for all circumstances and codified in a manner not subject to arbitrary or retroactive changes. In this manner, the government cannot pass a law to prosecute people for something which is presently legal. The new law can only have affect on actions that take place after enactment.

The burden of proof must always be on the accuser. This doctrine would also apply to civil cases and would invalidate large portions of the tax code where the IRS is given arbitrary and unconstitutional powers to simply declare a person's presumed income, assess the tax and a penalty, and then make the accused prove that the IRS is wrong.

### **IN ANY COURT PROCEEDINGS, JUDGES SHALL BEAR THE ULTIMATE LIABILITY TO ENSURE THAT THE FUNDAMENTAL RIGHTS OF ALL PARTIES TO CRIMINAL AND CIVIL PROSECUTIONS ARE PROTECTED.**

This doctrine avoids the expensive and unjust procedure where the taxpayer is forced to pay for an attorney for the accused. This is not to say that lawyers would not or could not be used--only that the highest and most competent officer of the court would be charged with the protection of each party's rights, regardless of the financial condition of either party, rich or poor. Judges would be liable for showing any bias or allowing any arbitrary or one-sided procedure in court which unduly placed one party at an unjust disadvantage.

Judges are and always have been required to be impartial. Under this system, with both sides watching carefully for any favoritism, there would exist maximum incentives to remain fair. Judges have also been selected (presumably) because of their superior knowledge and long experience with the law. There is no valid

reason why they ought not to exercise that impartiality and experience in ensuring the rights of both parties regardless of the presence of an attorney. This would tend to decrease the growing number of suits brought by defendants, claiming they were represented by an incompetent lawyer. While the possibility exists of incompetent judges, being far fewer in number than lawyers, they would be more noticeable and more quickly eliminated by this procedure.

**THE ACCUSED IN ANY JUDICIAL PROCEEDINGS SHOULD NOT BE REQUIRED TO GIVE TESTIMONY AGAINST HIMSELF, NOR BE DENIED LEGAL COUNSEL AT HIS OWN EXPENSE.**

The right against self-incrimination should be held inviolate throughout the full range of judicial proceedings, especially where life or property may be in jeopardy. The right to legal counsel at one's own expense is also essential even though, in this system, the judge is ultimately liable for the protection of both party's rights.

**THE ACCUSED MAY DEMAND EITHER A TRIAL BY A JURY OF HIS PEERS, OR A TRIAL BY A JUDGE. JURIES AND JUDGES SHALL HAVE THE POWER TO JUDGE THE VALIDITY OF THE LAW AS WELL AS MATTERS OF FACT.**

It is absolutely essential that judges and juries be able to judge the validity of the law--both as to its constitutionality and its applicability to the case at hand. While juries have traditionally been viewed as the ultimate safeguard against government abuse, I believe there is sufficient potential of public prejudice and ignorance that a person ought to be able to avoid a jury trial if he feels he may not gain a fair trial. The possibility of a criminal using this procedure to "shop" for a sympathetic judge is reduced by the liability the judge would carry to be impartial. The prosecuting attorney would challenge any attempt by the judge to distort the law in favor of the criminal. While a judge may declare a law void or inapplicable in a particular case, his justification must be on a solid ground of principles in order to avoid prosecution for breaking his oath of Constitutional allegiance and impartiality. Jury nullification would only apply to the case at hand, and to no others.

**PUNISHMENT AND RETRIBUTION IN PROPORTION TO THE SERIOUSNESS OF THE CRIME**

All laws governing the protection of the fundamental and contractual rights of the citizens should have a punishment affixed that is proportional to the seriousness of the act, taking into consideration the actual harm done and the restitution, if any, afforded to the victim.

The basic principles of effective punishment dictates that punishments should be sufficiently harsh and final so as to deter nearly all crime. A deterrent only stops criminal activity effectively when it is viewed as sufficiently unpleasant that potential criminals avoid even the approach to a crime. Thus criminals would cease to test the legal limits of permissive action and stay well clear of any offense.

The death penalty should be employed for serious and malicious crimes where permanent damage occurs that cannot be remedied by restitution. In my opinion, it should also be employed for all types of violent crimes after the third offense. There is no principle of justice that demands that taxpaying members of society have an obligation to support the lives of chronic criminals in prisons--especially with the luxuries now demanded by the courts.

If the death penalty does anything, it is the ultimate deterrent to a criminal's own future propensity to commit a crime. The one who dies will never kill again.

The multiple offending criminal likewise has demonstrated his unwillingness to respect the rights of others and should die or be exiled from the country if another country will voluntarily accept him. Those that violently deny to others their rights, including life, liberty and property can no longer claim those same rights. He or she is only left with the right to a fair and speedy trial. Even ownership rights should be taken away, to the extent necessary to pay any victims. A proper constitutional government has the right to take life as an extension of the fundamental right of self-defense, in accordance with the seriousness of the crime.

It is, however, a matter of legitimate disagreement among principled people as to what punishments should apply to various crimes. My opinions are a derivation of the principle of proper deterrence.

While the death penalty is more properly justified when there is clear evidence that a person is STILL a threat to other's rights, it is less so once the crime is over and the criminal shows no more disposition to evil. At this point we must

recur to the doctrine of restitution and retribution, by prior agreement through the citizen covenant.

The doctrine of retribution states that each crime must have a punishment affixed, solely in response to the evils of the act--regardless of repentance of the criminal (obviously after the fact). Otherwise, a person would easily decide upon a crime, knowing that he could escape punishment by feigning sorrow for the act. Retributive punishment must be carried out so that every violation of rights has a just consequence--even if restitution is made. For some, crime would be very tempting if the only possible consequence was to simply repay--if caught.

Causing a criminal to repay 3 or 4 times the value is a form of punitive retribution, as well as restitution. While punitive punishment does not undue the act any more than sorrow, it does serve as a better deterrent than simple restitution.

However, as indicated earlier, punitive punishments should be limited to criminal cases. I am against all use of punitive punishments in civil tort cases unless malicious intent can be proven. The awarding of large punitive judgments in cases of injury to people for defects in products that not done with bad intent is ludicrous and puts a chilling effect on all new product development. I would, in general, be opposed to all damage claims to accidents where no direct fault of another is capable of being determined.

## **PRIOR RESTRAINT ONLY UPON IMMINENT THREAT TO LIFE OR LIBERTY**

Laws regulating or restricting individual action prior to any harm occurring should be allowed only in exceptional conditions where the threat to the life or liberty of someone other than the actor is imminent and extremely dangerous. Otherwise prosecution and punishment after the crime is preferred in order to secure liberty against progressive intrusion by regulation.

This doctrine is intended to make void almost all regulations of conduct prior to an offense, except those that meet the "imminently and extremely dangerous to others" test. As previously stated, vigorous prosecution of the offense after the fact, coupled with high penalties, can have a high deterrent effect that can accomplish the original aims of regulation--but without dangerous government powers.

## **THE INTENT OF THE LAWMAKER SHOULD ALWAYS BE ACCORDED PRIMACY IN THE INTERPRETATION OF LAW**

Documented statements of intent produced by the lawmakers should be considered concurrently in the consent process for law, as well as in subsequent interpretations by judicial authority.

## **ALL LAWS ENACTED IN VIOLATION OF CONSTITUTIONAL RESTRAINTS OR IN VIOLATION OF THE FUNDAMENTAL RIGHTS OF MEN ARE NULL AND VOID, AND UNENFORCEABLE.**

The burden of proof is upon government to establish the validity of law in any challenge to its constitutionality. No enforcement can proceed prior to a ruling on its constitutionality. This does not preclude additional challenges by individual, who may disagree with the court's opinion.

As previously covered, this is a restatement of the doctrine of nullification--the power to disregard unjust laws. The presence of such a doctrine is to maintain an atmosphere of respect only for JUST law--not all law, which can often be tyrannical.

### **PRINCIPLE #7:**

## **GOVERNMENT SHOULD BE FINANCED BY USER FEES FOR ALL DIRECT SERVICES TO INDIVIDUALS AND GENERAL TAXES FOR UNIVERSAL SERVICES (DEFENSE, JUSTICE, ADMINISTRATION, AND LEGISLATION); THE LATTER SHOULD BE UNIFORM AND EQUAL FOR ALL CITIZENS.**

Thus, it is proper to tax the use of roads to provide for their construction and maintenance, but not to tax everyone for schools not used by everyone. Public schools should be funded by user fees of those who use them, leaving others free to apply their money to competing education.

Under this principle, there are three basic forms of taxation: User fees (for everything that is directly tied to a benefit or service that can be applied to the individual using it), property taxes (for direct services protecting property---fire, police, national and state defense), and people taxes (head taxes---because



people are the other major factor needing protection: police, state and national defense etc.

Property taxes should be graduated only in classes, and not based upon valuation---which penalizes beautification and fix up. Residential housing, no matter how ugly or beautiful should be taxed at a certain sq. foot price, equal for all. Commercial a still higher price, and Industrial a higher per sq. foot price. Thus the only factor affecting taxes is size, not value, which greatly simplifies taxation and evades the conflict.

**PRINCIPLE #8:**

**MILITARY AND POLICE POWER OF GOVERNMENT SHOULD ONLY BE USED WHERE THERE EXISTS A DIRECT THREAT TO THE FUNDAMENTAL RIGHTS OF ITS CITIZENS, AND TO ENFORCE LAWS WHICH ARE CONSTITUTIONAL AND BASED UPON THOSE RIGHTS. ANY ASSISTANCE FOR LIBERTY GIVEN TO FOREIGN NATIONS WHERE A SIGNIFICANT THREAT TO THIS NATION CANNOT BE DEMONSTRATED SHOULD BE ENCOURAGED BY GOVERNMENT BUT CARRIED OUT BY VOLUNTARY MEASURES.**

**A PROPER FOREIGN POLICY:**

The implicit assumption behind all government endeavors, in accordance with these principles, is that they must be based upon the defense of the fundamental rights of the citizens. This also applies to foreign affairs.

Citizens are free to trade and negotiate with any foreign person, except where such trade would aid an enemy of these rights.

In the case of a nation which had a socialist regime, (which by disposition violates the ownership rights of its citizens), it is doubtful if such a regime would constitute any direct threat to the freedoms of American citizens--unless it was trying to internationalize its system. If it were only a local violation of rights, our government could not prohibit citizens from trading with that government, as long as the citizen contract does not explicitly prohibit such trade. The suggested citizen compact previously described may appropriately require that all citizens agree to refrain from such trade.

Even if individuals were bound to withhold trade from socialist governments, they could still trade with individual citizens of that government as long as such trade would not aid the offending government. There is no reason to penalize the very people who are being oppressed by the socialist regime by denying them trade, which may even include the means to resist their oppressors.

In the case of a nation which is Marxist, operating under the doctrines of class warfare and world enslavement, any trade with such a government would constitute a threat to security. As such, it would justify an absolute prohibition of trade, though not necessarily to specific citizens of that nation who need assistance in overthrowing tyranny.

Additionally, both defensive and offensive military measures against such a government would be justified. We must never relinquish the right to launch out against any known aggressor who has stated his intention to "bury us" at any time and at any place, as long as another innocent party's rights are not infringed. In this regard, it is my philosophy that most of the populace and most of the young people pressed into military service in a Marxist regime are innocent, oppressed people. Our defensive measures (which includes offensive measures) should be aimed at the leadership responsible for the oppression as much as possible. There is no principle of good government which justifies giving criminal political leaders any diplomatic immunity or any other special protection from the consequences of the evils they have perpetrated.

However, that does not mean that it is necessarily proper or wise to fight every battle in every place in the world. Such decisions are the proper realm of representatives at the national level. Good men may differ about strategy, tactics, and the severity of the threat. The original American constitutional separations of power are appropriate here. The President is the Commander in Chief of all military forces but only has the power to action defensively to repel an imminent threat to the nation's actual territory. Military use for any other reason, including declarations of war must reside in the legislative branch of government. This system allows to enemy to attack a nation during legislative indecisions, and yet it keeps any single individual from sending men to war or as "peace keepers" or any other offensive activity.

In none of these cases would the national government be justified in doling out tax funds as foreign aid to other countries. Remember that the basic underlying principle is that general tax revenues can only be used for the unanimous benefit

of all those providing the taxes--not for special interests. International welfare is just as much a violation of the property rights of taxpayers as coercive welfare is within the nation. The decision to give assets to another person or nation must stay strictly within the bounds of voluntary giving, in the absence of unanimous consent. I do believe that if the cause were just, many Americans would voluntarily give foreign aid in defense of liberty (assuming they had a much lower level of taxation).

Long term basing of troops in foreign countries for protection would also be improper. If a threat exists, it should be eliminated rapidly and swiftly, and the troops should be brought home and be released to civilian occupations.

In summary, this is not a isolationist or pacifist doctrine, but rather, a restrictive one that requires every act of government be justifiable as a defense of our liberties--all other government actions must be through the exercise of leadership and voluntary measures.

- **PRINCIPLE #9:** CITIZENS SHOULD BE PRIVATELY ARMED NOT ONLY FOR PERSONAL PROTECTION AGAINST CRIME, BUT TO ACT AS THE ULTIMATE FORCE AGAINST POTENTIAL GOVERNMENT TYRANNY AND AGGRESSION AGAINST THE FUNDAMENTAL RIGHTS DETAILED IN THE CITIZEN COVENANT.
  
- **PRINCIPLE #10:** GOVERNMENT MUST BE STRICTLY LIMITED IN ITS POWERS, ESPECIALLY IN THE FOLLOWING THREE AREAS OF UNLIMITED INTRUSION:
  1. PROVIDING ANY SPECIFIC BENEFIT TO ANY PERSON OR GROUP, FINANCED BY ANY FORM OF TAXATION, NOT CONSTITUTING A USER FEE.
  2. PROTECTING PEOPLE FROM NATURAL DISASTER, SAFETY HAZARDS, RISK TAKING OR ANY OTHER DIFFICULTY NOT CONSTITUTING A THREAT TO FUNDAMENTAL RIGHTS.
  3. PROSECUTION OR MAKING ANY ACT A CRIME IN THE ABSENCE OF A SPECIFIC COMPLAINANT OR VICTIM, EXCEPT IN CASES INVOLVING IMMINENT THREAT TO LIFE. dedication to a renewal of liberty and justice for all.



### 3. Essential Principles for the Conservation of Liberty

## ESSENTIAL PRINCIPLES FOR THE CONSERVATION OF LIBERTY

by Joel M. Skousen

### **INTRODUCTION**

WHY DO PEOPLE FAIL TO PRESERVE LIBERTY?

WHY DO PEOPLE HAVE SUCH A DIFFICULT TIME RECOGNIZING ITS LOSS?

In response to these difficult questions regarding the loss of liberty, I have felt compelled to author this booklet. All free men need to determine just what are the essential principles that are necessary to conserve and defend individual, family, and group liberty from the slow, cancerous destruction of socialist, collectivist, and totalitarian tendencies of man.

The primal importance of this work lies in its fundamental premise: that there exists certain fundamental rights (life, liberty, ownership, and self-defense) that all men possess by virtue of their God-given standing as free-agents here on earth, which are superior to any government, constitution, or law which may be enacted by man to the contrary. While this idea is certainly not unique among the annals of jurisprudence, it has always been a rather nebulous idea that has found little consistent implementation in constitutional law. In all the many and varied attempts to define and construct a free society, this is the single most pressing issue upon which men have rarely been able to agree. Fundamental rights are difficult to define and even more difficult to list without fear of

leaving something out, or worse yet, including things that are not true rights, but benefits or privileges granted by misguided governments.

Even the attempt by George Mason and other founding fathers of the American Constitution, to make a listing or "Bill of Rights" was limited to the worst abuses current at that time. The essential corollary rights and economic freedoms that they failed to specifically mention were some of the first fundamental rights to be lost to a hostile 20th century Supreme Court.

This work is an exposition and commentary on ***essential principles***- those fundamental expressions of doctrine that support a comprehensive philosophy. In this case, the subject is liberty and the principles that I will attempt to illuminate and clarify are the fundamental and basic doctrines which, by either God-given mandate, or by time honored irrefutability, have been shown to be absolutely essential to the preservation of freedom. It is my basic purpose to establish the universal doctrines which lead to the establishment of proper civil governments and just law.

#### HOW DO THE PRINCIPLES OF LIBERTY DIFFER FROM A CONSTITUTION?

Both a document of fundamental principles, and a constitution are necessary to establish and preserve liberty. The principles are built upon the foundation of the fundamental rights of man and establish the doctrinal justification for earthly law and governments. A constitution establishes the STRUCTURE OF GOVERNMENT and the general LAWMAKING POWERS OF THE NATION which, when properly formed, should both enable and restrict governmental power to the defense of those fundamental rights. In short, a constitution is a LAW GOVERNING LAWMAKING. A constitution should not contain specific laws or statutes, but rather only the laws which govern and restrict the specific lawmaking process. The only exception to this is where certain specific laws are included that the founders desire to come under the restrictive amendment powers of the constitution.

Some have questioned the need to declare these principles, stating that all such principles are found in the Constitution of the United States of America, generally considered the greatest constitution of liberty yet devised. But this is not true. Almost no principles are enunciated within the text of the Constitution, although it is very clear that specific principles and ideas guided the majority of the Founders in their deliberations. But there were also many false principles and bad ideas declared during the constitutional debates, some of which found their way into constitutional language or compromises.

Other times, true principles had to be obscured in general language so as not to offend the states who desired to uphold the institution of slavery, one of the most flagrant violations of the fundamental rights of man. The ultimate evidence of this intent to violate fundamental rights was the failure of the first Congress to ratify one of the proposed amendments, originally included in the "Bill of Rights" which would have made the "bill of rights" binding upon the States as well as the Federal Government.

Most of the representatives had a strong distrust for national government, and felt at the same time a high degree of trust in the willingness of the states to protect people's rights. After all, it was leaders in the separate states or colonies that had risen to fight British tyranny . This trust in the benevolence of the states was a natural, but somewhat naive assumption reflecting their own trust in themselves--the representatives of the States who were forming the new Constitution. They failed to see into the future, however, the inevitable rise of influence based politicians, rather than statesmen, who would rise to the temptation of buying votes with benefits and suppressing the rights of some in order to favor others. Some of state representatives voted against this amendment not only for its inherent implication of distrust for state governments, but because it would have prohibited certain acts inherent in slavery. In modern times, it has become obvious that state legislatures are as prone to violate fundamental rights as the Federal government.

The naive notion that certain forms of government regulation and control are acceptable as long as they are done at the "local level" is flawed and dangerous. State governments have become filled with large, imposing bureaucracies, and an even larger percentage of unprincipled politicians (especially Governors) buying votes with benefits and paying off political debts with government jobs and lucrative contracts for friends. Neither do state officials and legislators campaign on the wide range of political issues and ideas that Congressmen do--the only positions directly relevant to State offices are local city--county--state issues which tend to revolve around what each legislator has "done for his constituency". Certainly this is a part of national politics as well, but at least there exists a myriad of higher issues that can raise the national debate to the level of universal principles more easily.

Only the clear enunciation of the fundamental rights of man--rights which no man, or government can rightfully violate (even at the "local" level) will stand as a permanent bulwark against the slow erosion of liberty.

Let me clarify at the outset that this work is not attempting to discredit what I consider the inspired work of the majority of the America's constitutional founding fathers. My purpose is to clarify the work of those who really understood liberty, and reestablish the correct principles they did discover by rewording them in more formidable language that cannot be so easily reinterpreted by those with bad intent. I will also attempt to elucidate the errors of compromise that were made due to the "political realities" of 1779, and track the history of judicial interpretation which began to erode the American Constitution from its very inception.

The American system of government never was designed or intended to be a democracy. It was specifically designed as a **constitutionally limited, representative federation of sovereign states**--a restrictive type of REPUBLIC, where the powers of majority rule were exercised by and through elected representatives, and were limited to specific constitutionally delegated authority that protected the fundamental rights of all, including minorities (except slaves), from improper majority rule. The Supreme Court would not have been able to take such license with



the constitutional wording had the founders been more precise in their language, and had established a primal document on principles such as the one you are about to read. Of course, if they had, the constitution would in all probability never been ratified by the states--there were too many vested interest involved in violating a few fundamental rights (especially slavery).

**THE KEY TO LIBERTY IS THE UNIVERSAL RECOGNITION OF TRUE FUNDAMENTAL RIGHTS BY THE PEOPLE THEMSELVES, COUPLED WITH A WILL TO DEFEND THOSE RIGHTS BY FORCE OF ARMS.**

These principles are only a strong deterrent to judicial and legislative misconduct where there exists sufficient historical background of democratic and majoritarian tyranny engraved upon the minds of a sufficiently large portion of the populace to cause them to be ever vigilant and distrustful of democracy. Unfortunately this is very difficult to achieve and maintain because the errors and damage from socialism and democracy are hidden errors, often appearing as failures of the free market. It takes a highly educated and wise majority of people to be able to sift through the obscuration of pseudo-educated liberals who throw out benign appearing and lofty concepts of compassion that secretly destroy other's rights. The psychological enticements of these corrupting philosophies will be discussed in more detail later.

The principles are not, in and of themselves, a specific list of prohibitions on evil forms of law or government--though they can be used to produce such a list. What the principles accomplish is to establish the legitimate basis for a government association (the defense of fundamental rights), and thereby requires that all government actions be justified as a defense of one or more of the fundamental rights of man. They also provide a short concise learnable set of ideas that can help people recognize bad law more easily. We must never underestimate the importance of keeping a simple set of mental tools before the common citizen so he can easily recall them to mind, and employ them to dismantle and analyze the ever-

increasing sophistication and sophistry of modern law and judicial interpretation.

A good constitution should make clear reference to fundamental rights as the ultimate purpose of constitutional law, though the listing of fundamental rights must be beyond political confirmation, as I will discuss later. Thus, the existence of the principles, when acknowledged as the ultimate authority by its citizens, requires that constitutional interpreters look back to the fundamentals for their interpretive substance, which makes obvious distortions of constitutional law much more difficult.

Even with all this, the ultimate defense against the erosion of liberty has to reside in the personal arms of those free spirits who cherish liberty above indolence, pleasure and government enticements. A well armed citizenry is thus the only ultimate deterrence to both democratic or totalitarian tyranny, as long as it is coupled with the wisdom and zeal to know how to use the right of self-defense appropriately. And in the final analysis, as we are now observing throughout the western world, none of this makes any difference in the real world if people are too complacent and pleased with their worldly security to defend what is universally right for all. I fear we only see a fervor to fight for individual benefits and divisive ethnic interests in the modern world--all masked in the "sacred" name of preserving democracy.--that doctrinal anesthetic that puts men's mind to sleep with the illusory promise of equal rewards and benefits for all. Nothing could be more preposterous than that illusion, and nothing more deadly to the natural incentives of man to rise above his weaknesses.

#### FUNDAMENTAL RIGHTS ARE NOT SUBJECT TO POLITICAL CONFIRMATION:

Fundamental Rights are those rights that we can derive from a universal non-conflicting criteria that allows all men to exercise their maximum free will without infringing on others rights, equally claimed, nor forcing others to serve their needs. These non conflicting rights are inviolable, and superior to all forms of human government, and therefore NOT

SUBJECT TO POLITICAL CONFIRMATION. This is a radically new concept to those schooled to believe that the highest form of justice comes by democratic means. It becomes clear, under the concept of "inviolable rights" that fundamental rights should never be subject to ratification, even in a constitution, though they should be recognized and referred to by it. To do so would subordinate one's fundamental rights to the will of a majority--those who will vote for such fundamental rights, or worse yet, to deny them legal status by voting against them.

The latter case is very likely due to the fact that the fundamental rights prohibit popular government welfare schemes by holding the right to private property, among others, inviolate. Most of the constitutional founders did not favor democracy, knowing that raw, unlimited democracy could be totalitarian in nature. Their views were vividly confirmed as the world watched the tyrannical excesses of the democratic French revolution, a few years later. The clear historical propensity of democratic majorities to vote themselves benefits from other people's pockets was the prime reason why they selected a representative form of democracy (the Republic) and put strict limits upon the exercise of majority rule powers. As Jefferson put it, there was a necessity to "bind government down with the chains of the Constitution."

The requirement that elected representatives, rather than the people directly, have legislative powers is the essential element that constitutes a representative Republic. It is a tacit recognition that a fair amount of education and sophistication is necessary to sift through the sometimes difficult and subtle issues involved in making laws. But because of the potential for personal corruption in leaders, as well as other foibles of man (intellectual arrogance, excessive deference to people etc.) it is never enough to trust even a majority of representatives to safeguard fundamental liberties. The genius of the original American system was to actually limit the majoritarian powers of the people's representatives. This way, even a bad or corrupt majority could not make an unjust law--such laws were either prohibited outright by the constitution or put off-limits by the "enumerated powers" clause (that the government only possesses specific enumerated powers, and nothing more). If strictly construed, it

leaves no room for government to assume new powers. If it isn't specifically listed, they can't do it, no matter how popular. But sometimes bad law (especially of the social spending variety) become so popular that the representatives are pressed upon to amend the constitution to add such powers to the enumerated list. This is why it is clearly not a sufficient safeguard to place one's fundamental rights under the ratification and amendment process of a constitution.

Most Americans labor under the mistaken assumption that our Constitution safeguards all fundamental rights in the Bill of Rights. But this is not true. The founders were very fearful of making a list, concerned that something might be left out. So they left all "residual rights" to either the States or the individuals--a dangerous piece of general wording. Naturally the states took all the rest since no single individual has the power to demand and defend his residual rights, not being as powerful as an organized institution. At the same time, through poor education, we have almost universally lost all recognition of fundamental rights. No formal criteria or definition is found in the Constitution. Perhaps, even worse, people have also become accustomed to view existing law or interpretations of law as if they are the absolute "law of the land," rather than look to the Constitution--or beyond--to the ultimate law, in order to judge the validity of any law. There is a further sense of futility when one sees official injustice fortified and ratified by the very courts whose original function was to be a safeguard against such oppression.

In a judicial sense, another purpose in recognizing the supremacy of fundamental rights over statutory law, even exceeding constitutional interpretation, is to reduce the propensity of government officials to rely upon former legal precedents to justify the continued suppression of such rights. This declaration of rights puts all government officials on notice that all laws which violate fundamental rights are simply null and void, and that the burden is upon government to prove that such laws are in accord with fundamental rights. Most importantly, public officials should be aware that they are PERSONALLY LIABLE for any infringement of another's rights, and that men may ultimately and rightfully defend their

fundamental rights with appropriate force, when no practical or fair legal recourse is possible.

#### NATURAL RIGHTS OR GOD GIVEN RIGHTS:

The occasional reference I have or will make to the ultimate sovereignty of God over man is not meant as a coercive statement which one must accept prior to accepting these principles and fundamental rights of man. The principles and rights listed are sufficiently self-evident that a man who chooses not to accept God may still accept them as "natural rights." They are protected regardless of their recognition of the source, though I have personally chosen to recognize God as the ultimate sovereign and giver of basic freedom---though nowhere in the scriptures do we find a clear listing of fundamental rights. God champions liberty in principle but leaves it to man to find the inspiration to properly implement righteous law.

In like manner, we could attempt to justify the recognition of family sovereignty based upon the "nature of man" which indicates that the family unit is the most practical way to raise children. I have chosen the theological basis that God is the spiritual creator and father of all mankind, and thus has the ultimate right to delegate that trust to parents, and to require an ultimate accounting of that trust. Once again, each is free to choose the basis for evidence of sovereignty as he sees fit. However, only the most enduring doctrine will produce sufficient fire in the minds of men to cause them to fight for these rights amid increasing democratic tyranny.

#### FUNDAMENTAL RIGHTS:

You will note that I have not used the traditional words "inalienable rights." The reason is simple. The founders used the word (incorrectly, I believe) to mean that government could not rightfully violate those rights. But the word "inalienable" comes from a flawed religious doctrine that implies that man cannot give away or alienate from himself anything given from God---such as rights. This, however, is not true, as applied to

fundamental rights. A person CAN give up these rights, as long as it is done under the terms of voluntarily contract.

One may enter into a contract, for example, to put himself into a non-free condition. This does not constitute slavery when it is done voluntarily, although the results may appear similar. We do it, to a degree, every time we sign a mortgage where we place our income and our property in jeopardy for a specific time. Or, as in a prepaid contract for performance, (where one accepts a large sum of money advance of performance), one would be obligating himself to serve the other party till the contractual obligation is complete. This is a type of temporary bondage we enter into voluntarily because we receive mutual benefits. These other benefits compensate for our temporary lack of freedom. In other words, we choose to temporarily trade some of our freedom of action in order to gain other benefits. Whether such exchanges for "rights" for benefits are done wisely is another question, but the freedom to do so is clear.

The key to understanding what constitutes a true fundamental right is to focus on this essential criteria: for a right to be true, it must be non-conflicting with all others simultaneously claiming such right, and must not require that anyone else serve your needs in exercising that right.

FALSE RIGHTS: There are many false rights being promulgated in today's society, mostly due to the politician's attempt to entice voters to view benefits as if they were rights. Three of the most popular are the so-called "right" to a job, "right" to medical care or the "right" to an education. Let us apply these claims to the definition of a true fundamental right and see if they qualify. Remember that the main criteria that determines whether or not an action or state of being is protected as a right is whether or not all men can simultaneously possess the "right" in question without compelling anyone to perform a service in their behalf.

In the case of education, we cannot all receive an education without compelling someone to teach, provide the facilities, the curriculum and the books. Thus education, through others' efforts, must be a benefit

based upon contractual mutual obligations, and not a right--no matter how essential it is deemed by the users thereof. On the other hand, self-education would be a right as long as no one was compelled to assist you involuntarily.

As to the "right" to a job, we may ask, in like manner, if all people can claim a right to a job without compelling someone to provide that job and the money for a salary. Obviously not. In reality, a job is the exclusive property of the employer who owns the money and the facilities. The labor portion of the job is the exclusive property of the laborer. The negotiations as to the rate of exchange for the owner's money and the laborer's efforts must be left to the arena of free contract. Neither has a "right" to attach the others' property or effort--each can only voluntarily exchange what he owns for what he perceives the other offers in return.

Medical care can never be a fundamental right, either, as it would clearly force doctors, nurses and hospital owners to become slaves to those who demand the benefit. You may think they are not slaves because they are being highly paid. But if you, the patients, are not paying, then someone else is, and that person (even if a group of taxpayers) are partially enslaved for the beneficiary's sake. Someone is always partially enslaved whenever the direct beneficiary of any service doesn't have to pay, and someone else or some group is not voluntarily paying the bill.

A more complete analysis of all the fundamental rights of man are given in the next section

## THE FUNDAMENTAL RIGHTS OF MAN:

### FUNDAMENTAL RIGHT #1: LIFE

**The RIGHT TO LIFE itself from conception to natural death except as a consequence for a crime against the rights of others.**

This most basic of all rights, the RIGHT TO LIFE, is defined as broadly as possible in order to preserve innocent life from external attack. After

much contemplation, I believe that life should be protected FROM CONCEPTION since there is, at the very least, a unique life IN THE FORMATION PROCESS. While others would attempt to deny any "right to life" to the fetus because of lack of full and positive scientific proof of "independent life", it is my belief that where there is doubt, or where error is probable, relative to life, we ought to ERR IN DEFERENCE TO LIFE, not against it.

Some also dwell on the fact that there is doubt as to when the fetus becomes independent life from the mother. But even a new born baby is not fully independent to sustain life. It would seem more appropriate to base one's protection of life from conception based upon the fact that unique life, a separate and distinct entity from the mother and father, is IN THE FORMATION PROCESS. It is not particularly relevant whether it is independent yet of the mother or not.

**ABORTION:** Let's consider the case of abortion carefully. As in all the most difficult cases of law, we are faced with an apparent conflict of rights here, between the mother and the child. But upon close analysis, there is no such conflict, for each party to the conflict is exercising rights during different time frames. First, both mother and father, under voluntary circumstances, have already exercised their right when they chose to engage in marital relations--which was previous to the new child's existence. Like all other rights involving positive acts, freedom may, and usually does, become linked to consequences which the acting parties are bound to accept as part of the responsibility for those actions as they affect others. This is always true where an innocent third party is directly affected by such an act. In this case, because a child has been engendered, the parents are both obligated (not just the mother) to the engendered child in nurturing him or her to the point of self-sufficiency.

Since the child is the innocent affected party, being engendered by the acts of others, his right to preservation must be held superior to any desires of the parent or parents to terminate the pregnancy, especially for reasons of mere personal convenience. There is no right to terminate the pregnancy any more than there is a right to terminate any



other voluntary contract or involuntary consequence of a responsible act which affects an innocent third party. Therefore, there is no "right" to an abortion of convenience, though there may exist some circumstances where the prosecution of this violation of the right to life can be distinguishable both in seriousness and intent from murder.

There are certain instances where there IS a legitimate conflict between the rights of the mother and those of the fetus. In the rare case where the life of the mother is clearly in danger due to the pregnancy, the mother, having a fully developed existence in life already, should be accorded the superior standing.

The cases involving rape, involuntary incest or other violations of rights of the mother, which results in pregnancy, are not so clear. What is clear is that where there is no attributable responsibility for the pregnancy to the mother, she cannot be forced to bear the consequences. Put another way, the fetus is a direct result of a crime, though not a knowing participant in the criminal act. The fetus is still as innocent as the violated woman and thus does not necessarily deserve to lose its standing to the right to life. Here then is a clear conflict of simultaneous rights. But the resolution of the problem is not so conflicting. In most cases the fetus is acting upon the mother in a manner which is only inconvenient and laborious, and yet on the other hand, an abortion against the fetus would be FATAL. The fact that she has previously been wronged does not necessarily justify the killing of the fetus, especially when the mother is not facing a commensurate conflict to her right to life.

Most arguments surrounding this issue stem from desires to be rid of any remembrances of the evil act. Though I do not want to denigrate the reality of such emotional pain, I believe it is resolvable in almost all cases without abortion. While I would clearly favor the bearing of the child, with the option of placing the baby in an adoptive home, I would not favor the prosecution of a mother who chose not to bear the child in this case. Because there are such closely conflicting rights, it ought to be left as a matter of conscience, leaving the final judgment to God. This is an

example of an area of legitimate difference between people who still agree on these basic principles.

**CAPITAL PUNISHMENT:** As to other ramifications of this right to life, this right may be placed in jeopardy when a person is engaged in violating another's rights. The second part of the statement stipulates the essential condition upon which one may lose his life involuntarily. The right of self-defense can sometimes justifiably end another's life or a capital crime may be punishable by death after prosecution by the due process of legitimate authority, as determined by constitutional law.

This first fundamental right does not preclude the use of capital punishment. All of the fundamental rights of man are only valid insofar as one is not acting to violate another's right. Since one clearly has the right to defend oneself to whatever degree necessary to eliminate the threat, the possibility of death being meted out as the consequence for aggression is also clear. One cannot claim all of his fundamental rights while in the process of destroying another's rights. That is why treason is usually a capital crime when acting to destroy a government which is legitimately defending fundamental rights. Revolution against a tyrannical government, however, is not treasonous.

The larger question in capital cases surfaces when the aggressor is caught after the fact, and he is no longer in the act of aggression. Death can and should be applied insofar as the criminal is still a threat to the right to life of others. It is clearly the most complete deterrent to this person acting again to violate another's life. Surety about a criminal's future disposition to do evil is difficult to determine except by multiple, competent witnesses to such threats. However, a fairly clear predisposition to criminality is demonstrated by the occurrence of a second offense. Imprisonment should only be used for criminals with clear remedial potential and should be self supporting by the labor of the inmates so as not to act as a violation of the property rights of law abiding citizens.

There are certain **COROLLARY RIGHTS TO LIFE** that are related to man's innate characteristics surrounding life: the ability to think, believe, and reason--all in some ways distinguishable from rudimentary life itself. Every person has a right to his own mind, to believe, reason and think as he wishes. Only his actions based upon those thoughts can bring him into conflict with others, and make him subject to consequences. In reality it is nearly impossible to deprive a person of his beliefs, or his thoughts. Therefore, one may ask, why state them as rights if they can't be violated?

The answer is found mainly in the grave dangers associated with new developments of mind control. The use of mind altering drugs and electronic manipulation of certain physical and emotional characteristics of the body are becoming more prevalent in totalitarian societies. Such physical threats, or other involuntary bombardments or harassment of the mind are a violation of the following corollary rights to life. However, the use of psychological devices to induce a response to advertising is not a violation since it is not involuntary. If you choose to watch television programming and its advertising, you shouldn't complain if you are affected by them. Open public advertisements, especially on public highway systems does not qualify as strictly voluntary and can be regulated, since one cannot easily avoid looking at it.

### **COROLLARY RIGHTS:**

A. The right of free **THOUGHT** and **JUDGMENT** on the individual worth of ideas, people and things.

The very essence of freedom is the ability of men to make judgments concerning the relative merits of the ideas, people and things we encounter in life. Man is not completely self-sufficient and is therefore constantly searching for favorable items to enhance and provide for life. Despite our reluctance to accept the judgmental nature of our minds, we do, in fact, make thousands of judgments automatically each day. Our minds classify everything we see, hear, and feel about people, ideas and things, within seconds of input, without much conscious effort. Because

there is a natural tendency from insecure elements of society to demonstrate hostility toward this freedom of judgment, it must be duly protected by law. Let me take a few moments to explain the nature of this hostility, that is rooted in socialist thought:

#### EGALITARIAN HOSTILITY TO PERSONAL JUDGMENT:

It is essential to your understanding of the threat to freedom to realize how socialism is made appealing to the majority. It all centers around the concept of judgment, and how the socialist breeds envy against those that have achieved high results. That inequality exists is undeniable. It will always exist because no two people are or ever will be exactly alike. Whether such inequality came about by just or unjust means is the only proper question.

The underlying assumption of socialism is egalitarianism--that all men are equal, and since we do not now have equal results it must have been due to exploitation. Let us analyze this proposition against the concept of RELATIVE INDIVIDUAL WORTH.

Every individual is unique, possessing different capabilities and personal characteristics that vary from time to time according to the correctness of one's thoughts, desires and actions. The sum total of all these characteristics and skills determines our TOTAL TRUE WORTH. The concept of truth worth is powerful. It brings to mind immediately questions of "what am I really worth, as a person." Each person has a fairly good idea, at any given moment, what his true worth is relative to two things: how he compares himself to others and how he compares to what he thinks he SHOULD be. Each person is in a constant struggle to get others to recognize his worth AT LEAST AS HIGH as he esteems himself. Note that very few people protest being esteemed higher than how they perceive their own true worth.

If you doubt that people possess such a concept of total true worth, try treating someone who you esteem highly as if he were of little worth. His negative reaction to such treatment should be enough to convince you.

One's total true worth is really a composite of numerous specific worths in different talents and skills plus a vital factor reflecting one's general moral character. In other words, people may possess high worth in numerous skills and yet be so offensive in personal character that hardly anyone will accord them high TOTAL worth.

Not all people are honest enough to accept their low true worth as a reflection of their own failures or weaknesses. Rationalization and excusing of one's weaknesses, or blaming them on childhood abuse or environmental influence are common everywhere. There are legitimate ways to improve one's worth, but most people are enticed into the new and popular social doctrines proclaiming that "I'm OK and You're OK"--everyone accept us as we are. This is like a mutual compact of blindness where everybody sees, but pretends not to see, or at least, not to tell. It is only a game for fools and manipulators who make money by telling people what they want to hear.

The more people become intimidated into playing like they never judge another's worth (which is impossible) the more people feel they have a "right" not to be judged. This is dangerous. People stop changing and improving. People begin playing games with reality, trying to alter people's perception of true worth instead of working to improve. One of the most common games is where people try to cover up their low worth in one area of character by promoting and emphasizing some other more narrow, but successful skill or worth they possess. For example, some high ranking military or government officers with low character have found great difficulty in maintaining any respect after retirement, when their rank is no longer visible. They fail to realize that their previous honors may only have been an illusion based upon respect for the rank--not the person. These are the type that in desperation to hold onto their former prestige get very offended, even after retirement, if you do not address them by their former rank. They may keep symbols and titles on their mailbox, on their cars, and on every wall of the house just to ensure that the illusion of honor is maintained.

People with low or partially low true worth, who fear the consequences of others' free judgment (concerning them), are the first to embrace the doctrine of egalitarian socialism. The doctrine of egalitarianism has been growing across academic and religious circles for many years. As mentioned before, the egalitarian proclaims that "all men are created equal" and that any inequality of men is due to exploitation and prejudice. The concept that all men were "created equal" or that they will ever be absolutely equal is patently false. Not even the egalitarian academics believe it, having presumed that they are wise enough to set themselves up above others as world planners. Jefferson didn't even believe that when he wrote it in the Declaration of Independence. He took George Mason's phrase "all men are created equally free and independent" and shortened it, perhaps assuming that everyone would know he was referring to equal freedom before the law and God, rather than absolute equality. But poor public education (which Jefferson promoted) quickly ensured that these essential assumptions were lost from public consciousness

Egalitarianism possesses a high degree of hostility to personal judgments of others. It has even obtained a large foothold within the Christian community out of a false understanding of Matthew, Chapter 7, verse 1: "Judge not that ye be not judged." But is it clear from the wording alone that it is not a blanket prohibition against judgment, which is mentally impossible, but rather a severe caution against IMPROPER judgment. In the ultimate sense the correct interpretation must be construed even more narrowly, since it is obvious that even if a man judged unrighteously, God would not stoop to return unrighteous judgment upon him. I believe the word judgment here refers to ultimate CONDEMNATION of the soul of man, which must be left to God. In other words, he that condemns totally, and unjustly, shall also be condemned.

But all of this points to a major feature relating to freedom of judgment: just as in the free market of economics, we demand our right to judge the value of a product and offer value accordingly, so there is an identical free market in the judgment of other people and their relative worth. That is what you do when you judge the relative worth of another's

service potential. Services are the reflection of our desire to work together in the sharing of specialized skills--as a way of improving our leverage over the insecurities of life. The fact that specialization exists as a natural outgrowth of free labor is prima facia evidence of the innate inequality of man. In reality, it is a blessing, not a curse, due to the wide variety of labor tasks needed in the world.

When you are bidding for labor or a service, you are actually bidding for at least a portion of that person. You are making a judgment mostly pertaining to his specific worth related to the service, but his total true worth can also play a large role. Many an employer has selected a man of lower specific skill as a welder, for example, because he manifests a good personality, is honest and appears to have a stable personal family life. While others may protest vigorously that their personal life has nothing to do with their welding skill, the employer would disagree, as is his right. He doesn't want the hassle of hiring people every month or so. The more stable the lifestyle of a person, the more cost efficient is his investment in the laborer. Simply because the employer may not be able to legally define what he views as "a stable lifestyle" does not detract from the reality that he can recognize things that he believes, even subconsciously, are representative of stability. That brings us to class judgments.

### **CLASS JUDGMENTS:**

A person's mind, as part of its self-protective function, classifies certain characteristics he views in others as good or bad, safe or dangerous, etc. We place people who share common characteristics with others into generalized groups, or classes, to facilitate quick recognition of those same traits if they should appear again in someone else. This is what constitutes a "class judgment." Everyone makes them, even those who try their best not to consciously recognize that fact.

Class judgments are not necessarily evil. They can be either good, bad or in between, depending on the accuracy of the person making the judgment. Being open minded or non-prejudicial is not fooling oneself into thinking he doesn't make class judgments, but in consciously being

open to new input, and constantly "cross checking" with other input to either confirm or revise one's opinions. A fair minded person always recognizes that no matter how consistent certain classes of people seem to be, there are always exceptions, inducing him to keep an open mind.

Personnel managers and employers use highly sophisticated class judgments constantly to enhance their ability to select new employees. When a certain manner or way of dress shows a history of instability, a competent personnel manager consciously or subconsciously begins to avoid selecting those types for interviews. While some may protest that he is forming prejudices, let us remember that his time to interview and make decisions is limited. When an employer is prohibited from making class judgments, such as requesting a certain class of people from an employment agency, he is robbed of his time, which is money, which is property; the ownership of which is a fundamental right. He is then forced to interview many more people than he normally would if he were free to pre-select generalized classes of applicants that, by experience, promise a higher rate of success.

**THE RIGHT TO MAKE PRIVATE DISCRIMINATIONS:** The benefits of making class judgment are clear to the person who is busy and far outweigh the mistakes that occur in closed-minded people. But no one has a right to demand that he or she be judged according to any certain standard--this is always a matter of conversion and negotiation. You have to convince others of your worth. Even though some won't give you the time to do so, you do not own his time and cannot force anyone to give you an interview--no matter how "unfair" you think it is. You can always go elsewhere and usually find someone who is willing to recognize your true worth. Remember that people of really high worth are rare and high worth employers are always on the look out for them. The trouble comes when a person may have high general character worth, but he is seeking a common job where there is a lot of equally qualified competition. It is easy to get lost in a big sea, no matter how valuable you may be. So upgrade your skills and find a smaller niche.



There is a reason why anti-discrimination laws are damaging to minorities in the long term. The more government tries to force employers to hire minorities, the more strongly employers are convinced minorities are an undesirable class of employees. Even if government prohibits the free exercise of judgment, it can never stop people from making those judgments in their mind. When government tries to enforce equality of results in the name of "opportunity", freedom of choice is quickly replaced by reverse discrimination.

Unfortunately, the more the judgment process is driven underground, the more mistakes people make in those judgments. Eventually both employers and minorities are harmed as business suffers from bad employment decisions and other employees become hostile to the reverse discrimination, widely mandated by liberal courts.

Laws which deny to a person the right to act upon his class judgments, especially concerning race, and gender have wide acceptance. But whether or not you agree or disagree that a person can come to some rational, general distinctions about people relative to race, religion, or sex, is irrelevant. The essential point relative to freedom is whether or not it is proper for government to restrict private judgments in this or any other area where no rights are violated. Once we allow government, by law, to attack some judgments, there is no way to protect any other class judgment from attack.

When government has the arbitrary power (and it is ARBITRARY) to select which class judgments are evil and which are acceptable, there is absolutely nothing to prohibit politicians from expanding that list to protect fat people, crazy people, aids infected homosexuals or Marxists from private class judgments. Note that while the principles of liberty allow people the freedom to engage in private, voluntary evil practices, it also protects the right of others to judge them as evil, even for their private acts, and to exclude them from employment or association. Neither does the public sector have to accept all forms of conduct. Like any other association, it can set down guidelines and rules of conduct based upon the limits of the originating by-laws agreed to by the majority

of citizens. Nobody has a "right" to a government job any more than a private one.

The favorite target for the prohibition of our right to make discriminatory class judgments involves labor. Labor unions, feminists, homosexuals, and every other purveyor of false minority rights has been in a desperate struggle to use the power of government to make it illegal, first to judge by classes (but only their class) in the selection of labor for jobs. Jobs are first improperly defined as a right, which they are not. Next, they assert that no one can be denied a "right" because of race, color or creed. But that is a non-sequitor. A true right cannot be abridged for anyone--whether by race or any other reason, except aggression against the rights of others. But the real point is that a job, as previously explained, is NOT a right of the worker. It belongs to the EMPLOYER as an extension of his property rights. The only right the laborer has is to offer or withhold his labor--which he can do regardless of his race, color or creed.

Thus, while it is almost impossible, short of damaging or drugging the mind, to stop a person from making judgments, man has sought, by use of improper law to stop the exercise of free judgment. When the exercise of free judgment, even when discriminatory, is prohibited, the essence of free thought is lost as well. In the final analysis, the prohibition of the exercise of free judgment is generally a violation of the following rights involving freedom of action.

## **FUNDAMENTAL RIGHT #2: LIBERTY**

**To ACT without external or prior restraint when those actions are not in direct and harmful conflict with the rights of others.**

This is the basic law of freedom--the right to do anything in the pursuit of "life, liberty, and happiness", including that which others may think dangerous, or harmful to SELF, as long as others' fundamental rights are not infringed in the process.

I want to make it perfectly clear that I do not condone or approve of the evil actions that some persons perform with their freedom to act, but we must clearly defend their freedom to fail, to make wrong or even evil choices, so long as others are not compelled to participate. The price of freedom is that we must allow people the liberty, within these bounds, to make poor judgments.

Incidentally, the foregoing explains why freedom is not a utopian system except when the average true worth of the citizens of such a society is high. Why? Freedom is the NON-SYSTEM which, by individual negotiations for worth, allocates (over time) to each product, service, person or idea the results most correctly correlated to its actual true worth.

What is the self-regulating nature of this negotiation for worth? The fact that nobody minds getting rated higher than how he perceives worth, but that he will vigorously protest when rated lower. In the absence of legalized coercion by private or government sources, each person acting as the guardian of his own worth tends to force all values to eventually move toward their actual worth. All deviations from true worth are temporary and will adjust towards reality over time.

Let me emphasize again, if the man of high worth cannot convince a prospective employer of that worth, or cannot get a fair hearing, he searches for another who will. If he runs out of time or money and cannot afford to wait, he may accept a low paying job temporarily, but he will be inwardly searching for more reward for his worth. All of this leads to higher supply and demand of things and people of value in society-- leading to higher efficiency and prosperity to all. Any other forced system of restricted free judgment leads to lower supply of both competency and quality of people and products, with a commensurate higher price for diminishing quality.

The result is that when people's true worth, as a whole, is high (which includes an assessment of their character) freedom produces magnificent results. Where low true worth is predominant, either generally, or in

major classes of persons, freedom will produce justifiable class differences at best, and justifiable failure at worst--in either case, freedom allocates the highest degree of justice according to real worth.

That is why freedom ultimately only works well with good, moral people. That statement is not a license to demand that we enforce righteousness upon everyone, but it is a warning of ultimate consequences for a nation that disregards divine promptings and warnings that come to all through conscience.

The key to the success of liberty, given these human liabilities, is not in surrounding men with regulatory edicts which subject all actions and desires to prior restraint and control of others, but in the vigorous prosecution (just consequences for their actions) when they cross that delicate line between voluntary, self-degenerate practices and harmful consequences to others. And I think the punishments ought to be very severe for harm done under the influence of drugs or alcohol--especially for second offenses.

Additionally, I do not wish to concentrate on the adverse consequences of freedom except to point out that one must be willing to accept a fair amount of "victimless" consequences of man's poor judgment in order to preserve the freedom of those who exercise good judgment. Private drunkards will fail to care for their families properly and children will suffer. But governments must be limited in their ability to intrude, except in cases of verifiable abuse. To do otherwise, that is, to give GOVERNMENT the power to decide what is good exercise of freedom and what is not--in the absence of visible and harmful damage to others--is to court totalitarian control. One of the most pervasive evils of our day is the government notion that it has the right to protect us from ourselves, even when no victims are caused. I will cover this in more detail under the right to self-responsibility.

**VIOLATIONS OF GOD'S LAWS:** Some Christians have mistakenly tried to make the point that there are no victimless crimes, and that we therefore ought to have government control of self-debasing acts

between consenting adults. Certainly God commands that people abstain from these immoral acts--why shouldn't government? While it is probably true that personal corruption eventually affects others, especially the family, the law can only "see" what is tangibly visible and distinguishable from proper acts. When we allow law to enter the domain of judgment over voluntary acts (that do not violate the right of any other) , there is NO WAY TO DISTINGUISH (in law) those acts from other voluntary acts without giving government the dangerous and arbitrary powers of specifying which are "approved" or "disapproved" actions. That kind of power can work against good morals as well--especially when immoral people become a majority, or at least rise to positions of power.

I wish to again emphasize the extreme danger here: In order to vest in a ruling body the POWER to declare certain voluntary acts illegal when no victim is clearly distinguishable, when no direct harm or damage (to fundamental rights) is claimed by any individual, one has to allow that ruling body, presumably elected by the majority of citizens, the power to JUDGE ALL VALUES, and to attack those out of favor with "public policy" edicts. Christians, who are the most frequent champions of such government power, should realize that vesting such a power in the majority allows for the possibility that other persons opposing Christian moral values may someday gain the majority and use that same power to declare Christian values illegal or against "public policy." That may happen sooner than we think.

Before you dismiss this presumption out of hand, think carefully whether we, even today, possess such a majority. I personally don't believe we have such a majority. Even if we did,

**we should never take upon ourselves majority rule powers which we would be unwilling to allow others to equally exercise, should they become the majority.**

This way all are protected. Most active Christians have become concerned because Christian values and prayers have been outlawed from public schools. But they forget, that the real evil is that these are not "our"

schools--they are government schools, which take everyone's tax money (which is wrong) and thus any values promulgated will always be at the expense of others left out or undermined. The solution is not for one majority to force their values upon anyone else, but to let each faction support the kind of schooling values they want. Let all schools, public and private be funded only by user fees--then everyone is free to pay for the education values they want. Then no one can complain that his personal values are not represented by his own money. As you can see, law can be either good or evil. It has no virtue in and of itself. Let us wisely consider and limit its potential use by evil men.

The Bob Jones University controversy is a case in point--a perfect example of how the government is beginning to declare certain religious tenets in violation of the beliefs of the majority. The US Government specifically singled Bob Jones out for attack because it had a policy which the government believed would not find wide support from other churches and schools. Each student attending the university signed a contract agreeing that they would not participate in interracial dating as a condition of their attendance. Whether you agree with the religious tenets such agreements were based upon is irrelevant. What is relevant is that this was an example of a miniature covenant society which chose, by UNANIMOUS CONSENT, to enforce a different standard of conduct than the world around them. There was no harm to any person, not even to the minorities that attended. No minority brought suit against the school since they were all there by prior agreement with the policy. Those that didn't like the policy simply went elsewhere for an education. They recognized no "right" to be educated at Bob Jones. The US Treasury Department (IRS) attacked its tax exempt status, claiming its racial policies were a violation of national "public policy." Most other Christian faiths were wise enough to support Bob Jones, knowing that if the government won its case, "public policy" hostility could easily spread to encompass "fundamentalist" Christians, then mainline Christians, and traditional Jews. The government won its case, and now the evil precedent is strengthened...ready to strike again at the next denomination that opposes the "public will."

**USING STRONG DETERRENTS FOR EVIL BEHAVIOR:** How, then, does a society of partially righteous people protect themselves from the slow and pervasive evils of consenting immoral acts? Part of the answer is to allow consenting evils, but to vigorously prosecute the participants when they cross that line where they begin to visibly and harmfully affect others. This involves the use of harsh punishments as a deterrent. Since people realize that their faculties are slowed and impaired by the use of alcohol and marijuana, and that the risk is high of making mistakes that could injure others while under the influence, these persons would be most reluctant to use those substances, in the presence of heavy potential penalties. I'm not referring to the token slap on the wrist such as drunk drivers presently receive. I would support very serious consequences, such as treble damages for property damage, and loss of driving privileges as long as the victim was permanently impaired--which could be for life! I would even evoke the death penalty for multiple offenders involving the death of another. This would act as a much more effective deterrent to the harmful results of consenting evil actions than the present costly and ineffective prohibition on sales.

**PRIOR RESTRAINT.** I am opposed to giving prohibition powers of prior restraint to the untrustworthy and amoral state. Prior restraint is only appropriate when IMMINENT threat to life or property is present. Under this doctrine, a driver of a vehicle could still be stopped and arrested for driving "under the influence" of either alcohol or drugs, since his lack of coherence constitutes an imminent threat to life and property. Imminent means it could happen at any time--a clear and present danger.

**MORAL LEADERSHIP ENCOURAGED;** Another part of the answer comes from understanding the proper role of leaders in a principled, constitutional system. In brief, while government is prohibited from enjoining voluntary acts, good or evil, leaders are not prohibited from leading and guiding their constituency away from evil. There is no principle of good government that mandates that government leaders cannot pray in public, sermonize, or in any other way lead--as long as no coercion or public tax funds are used to directly subsidize such beliefs (other than the leader's own salary). Leaders are hired to lead (within the

bounds of constitutional limits)--not to poll the constituents on each issue. If the people don't like that brand of leadership, they vote for someone else or use the impeachment process for removal in the case of severe violations of law or abuse of power. But while in office, the leader must be free to speak his will. Only a leader's actions on behalf of government power are limited.

**COVENANT SOCIETIES:** The most effective answer to the question of isolating consenting evils comes from the establishment of COVENANT SOCIETIES. This document of principles provides for the establishment of mini-sovereign states, called "covenant societies" which effectively allows for people of strict and uniform beliefs to join together, by prior unanimous agreement, in the enforcement of higher laws than the national government could enforce--consenting moral views, if you will.

This then, is the proper way for the various religious denominations to have the high moral societies they wish, and it does not require that others be coerced to believe and live as we may wish. The reason these covenant societies are justified in legislating personal morals is that such societies are formed by initial UNANIMOUS consent. Since ALL agree to abide by the higher moral restrictions, and the associated penalties, they can be rightfully enforced. The right to form covenant societies is merely an extension of the right to contract.

However, by the nature of the diversity of people and belief on the NATIONAL level, the initial unanimous citizen compact of the nation (the Constitution) must be broad enough to encompass all non-coercive beliefs, allowing competition and freedom to determine which values will prosper. That is why these principles do not attempt to define any particular faith or statement of belief, other than to provide a non-coercive, platform of universal laws and rights which allows for all men to pursue religious freedom. This is the same standard the founders of the US Constitution followed. While most were devoutly religious, they did not see the need to force God down the throat of non believers. So, while God is not mentioned in the Constitution, they still attempted to give the people the Godly form of the universal law of liberty.



This way all good men possessing diverse beliefs can unanimously agree and rely upon these principles for a peaceful existence, each having the level of protection from evil that he desires, and all being protected from compulsion and aggression by others, both foreign and domestic.

### **FUNDAMENTAL RIGHT #3: OWNERSHIP**

TO OWN, DISPOSE OF, AND CONTROL ALL PROPERTY AND ASSETS WHICH ARE EARNED BY THE HONEST FULFILLMENT OF VOLUNTARY CONTRACTS, RECEIVED AS A GIFT, INHERITED, OR EARNED IN PROPORTION TO THE APPLICATION OF ONE'S LABOR TO UNOWNED PROPERTY.

The above stated right is generally regarded in the classical sense as the right of PROPERTY. I have chosen to designate it with the term ownership since property in the modern sense usually connotes land, which is an essential but only partial form of ownership.

It is of some interest that, in man, there is only a partial hostility toward ownership. The basic nature of man manifests a tendency to want to keep the product of his labor. Our labor in this insecure world is sufficiently laborious to preclude any casual disregard for work. It is therefore only natural that man does not wish to labor in vain. The concept of wanting to retain the value of the product of labor seems to be innate with man as long as the effort is difficult. In fact, the larger the price in effort and risk, the more dear becomes one's sense of ownership.

So everyone loves the concept of ownership--for himself. It is YOUR ownership that is up for grabs--at least among unenlightened men. Men and women who have become wise in an understanding of the "golden rule" do not seem to manifest this type of selfish resentment. They understand that hostility toward another's ownership will ultimately undermine their own. Once again, let's take a closer look at why socialism is hostile to ownership.

SOCIALISM AND OWNERSHIP:

The politics of envy as practiced in every dispensation of time (by collectivist intellectuals) is to accentuate the inequality of ownership of man; obscure the relationship between ownership, effort and true worth; and hype the rhetoric of exploitation. For the socialists, there are always sufficient examples in the free world of legal, but amoral, exploitation to fuel the fires of class resentment (although the most notable examples usually occur under government protected monopolies or in the presence of other official intervention inhibiting the expansion mechanism of the free market--such as early feudalism).

Socialism gains most of its adherents with the initial attraction and claim that it provides a "more just" distribution of the products of "society"--albeit by coercion rather than by voluntary mechanisms. Upon close inspection however, it can be shown that socialism is always a violator of justice, when viewed in the context of universal and fundamental rights.

The illusion whereby socialism successfully blames freedom for all the ills of society works like this: In the exercise of economic freedoms, man is often tempted to be lazy, speculate, gamble, and/or extend himself beyond his real capabilities. The natural consequences of such errors of judgment, ignorance and greed lead to occasional economic problems, often engulfing innocent investors. These problems are not cyclical, as many economic texts ignorantly assert. They occur in direct proportion to the enlightenment, morality, and character of the free populace. This is to say that a highly experienced, enlightened and moral society, working with the maximum incentives of freedom, and listening to the warnings of conscience, would experience few, if any, economic reversals short of nature's unpredictable intervention.

On the other hand, people UNSchooled in these essential principles of liberty look to the highest immediate power for relief of their problems which results in controls and regulations which, in turn, distort the economy. With each distortion of the natural incentives of man to work and produce, some dislocation of employment and entrepreneurship occurs. The economic hardship of unemployment, if sufficiently widespread, induces special interest groups to call for direct government

welfare compensation which in turn causes further distortions in the economy as the productive class is burdened with more taxes. These increased taxes, coercively derived, to pay for such wealth transfers are, in essence, a violation of ownership rights, and a "tax" on a producer's existence. It is like an employer having to hire other people who do no work.

**GOVERNMENT INTERVENTION AND DEPRESSIONS:** Here is where socialism produces injustices in the name of justice. Much of the original dislocation and slowdown of economic growth came first from government induced but false economic growth (usually through fiat money or credit expansion.) Then, due either to inflationary fears or outright conspiracy to foreclose on speculative property, the government cuts back on phony monetary expansion and adds more regulations and controls. Depression comes and the "free market" is to blame. It is, partially, for being stupid enough to go along with government "easy money and credit". In any case, the socialist points to every new unemployed person as if he were the product of the failures of the free market, rather than from the intervention of government. And, in reality, it looks like that is true. Every unemployed person can look to an individual employer who severed his job ties. Thus, in the act of championing the cause of the "unemployed" and calling for welfare transfer payments, which increases taxes (or inflation), the socialist induces greater unemployment, which in turn is made to appear the failure of the free market. These mechanisms are so subtle, diverse, and hidden that only the most well-trained Austrian (free market) Economists can trace them effectively. The common person becomes a sucker for every false economic excuse thrown before him.

**AFFECTS ON MARGINAL BUSINESSES:** In reality, at any given time in a free economy, there are thousands of marginal businesses in existence at the periphery of the job market. It is upon these new, or old marginal businesses that new taxes and regulations impact most. Most of these new business endeavors also happen to be the prime source of new jobs. But their failure to stay alive is complex, and never obviously attributable to a few dollars more in taxes or a few more regulations. Government

deficit spending may deny him loans at reasonable interest rates. Inflation may eat away at profits which he cannot tolerate amid more efficient competition. Much of the time, it is simply the discouragement of all the paper work necessary to stay in business, acting as an unpaid government tax collector for the IRS, or being an unwilling benefit provider for the unemployed, that makes good people quit or retire early.

But for whatever reason, each portion of government intervention takes its toll upon growth, and provides MORE VICTIMS than BENEFICIARIES, of welfare and transfer payments. The ratio of jobs destroyed to jobs provided by government is always a negative relationship, in the range of at least 1.2 to 1, and as high as 3 to 1 depending upon the bureaucratic overload and the disincentives to production as viewed by the employers.

It is in this concept of higher net victims than beneficiaries that we disprove the so-called "justice" of socialism. The ultimate proof that this phenomena of higher victims to beneficiaries is not transitory, but an inherent propensity of socialism, is found in the utter lack of historical success of any fully socialized economy and the disastrous correlation between the degree of socialism in any mixed economy and its economic problems. Even from the highly touted pragmatic view of end results, we can also demonstrate that socialism is, in fact, incapable of sustaining net production in society, and that it ALWAYS degenerates into a net consuming society. There are virtually no historical examples, either past or present, of fully developed socialist societies that are net producers (the ability to produce net growth with no further indebtedness).

There is no free market government today, and virtually all governments are increasing their debt load each year. Even those partially socialized nations such as the United States, Taiwan, Korea, and Hong Kong are feeding upon the high net production of the remaining private section, which IN SPITE OF the negative effects of socialist taxation and regulation, continues to show an overall net production. But the government sector in each nation continues to increase indebtedness. The demand for increased benefits never diminishes voluntarily Worst of all, in all mixed-socialist economies, the governments are all heading

inexorably toward bankruptcy. Some have been able to slow the march into debt but once heavily socialized, no one has been able to reverse it. Insofar as governments continue to apply more controls and government spending, rather than less, couple with increased welfare, and social benefits, the resulting economic deterioration is inevitable.

Only the presence of a continual flow of western capital from net producing nations keeps the other socialist nations under the appearance of viability. What happens when the mixed economies like the United States reach the point where it becomes a net consumer and can no longer bail itself out? Interestingly enough countries don't collapse economically--the people (when the borders are sealed) just keep on working at a subsistence level. What always happens, eventually, is war and destruction--that's the irrevocable lesson of history.

#### THE LEGAL PRETENSES OF COLLECTIVISM:

The ability of the socialist to obscure the violation of ownership rights is enhanced by the use of government to do the violating. If a neighbor were to come to my house and demand, at the point of a gun, a monthly sum of money for his personal welfare and support, he would be viewed as an extortioner and thief. When he and the majority of other benefit-hungry people go to the legislature to accomplish the same thing by the rule of law, suddenly we who resist such expropriation of lawful ownership are viewed as criminals.

In like manner, modern governments rarely admit to open expropriation of property. They simply obscure the theft by calling it taxation in support of our "duty" as citizens. In reality, the official view of property rights is that they are secure to the individual only insofar as they do not conflict with the "public good." In other words, property rights become subordinated to public needs, which are INFINITE. Such public "needs" become arbitrary when "public" ceases to be defined as ALL the people, and comes to be viewed as satisfaction of some minority need, as if that minority represented all of us in that same "potential" situation.

Here again is another fallacious case of so-called "shared rights." The government claims both private and public sectors have a "compelling interest" in these property rights. But the only pertinent question is who has the ULTIMATE INTEREST. I don't care who has a passive interest in my affairs, I only want to know who has the ULTIMATE authority if there is a conflict in that interest. If the state has the ultimate authority, then I possess no rights--only a PRIVILEGE granted me by the government, as long as it doesn't need what I am using.

**EMINENT DOMAIN:** I am so concerned about the subtle and slow erosion of ownership rights, that after long and careful deliberations, I have concluded that legitimate ownership to property and assets must be held as near to absolutely inviolate from forced confiscation as possible. The concept of "eminent domain" is very dangerous, and almost presupposes that government has the highest, or most "eminent" claim on property. This must not be allowed. At best, the government can be given very limited and specific powers of taking, but never general powers of taking for the ever-expandable "public good". Now, before you go into a frenzy of questions about how we could possibly have such orderly roads and bridges without the power to 'TAKE' property by force, albeit with compensation, let me state the basic danger.

What difference is there in FACT (not degree) between the full subordination of private property to "public needs", and a little bit of taking? There is none, really, except the voluntary willingness of government powers to be "reasonable"--which is dangerous to rely upon.

There is simply no way to distinguish, in law, the progression from a little bit of "taking" for "reasonable" purposes and a lot of taking of property for unreasonable purposes. As long as government possesses ultimate authority to declare some taking by eminent domain as "reasonable", there are no ultimate rights reserved to the owners of property. It is just that simple. The 1984 Supreme Court decision upholding the Hawaii statutes providing for the forced transfer of private land holdings to other PRIVATE owners for the "public good" is an ample demonstration of this

inevitable progression from selective use of "eminent domain" to total eventual confiscation.

Do not be dissuaded from the danger inherent in this situation by some small, historical view that local leaders have heretofore been reasonable. That isn't the point. First, the leaders legally do not have to be reasonable at all, as long as they at least declare that what they do is in the "best interest" of the public. Almost anything can be justified by the "public interest" or "reasonable" standard if the judicial system becomes packed by political "yes-men." Second, even if leaders are fully accountable to the majority of citizens as to their reasonableness, it is not even within the rightful purview of the majority to determine what is the "reasonable" taking of another's property. That is for the owner to decide either by initial unanimous consent to constitutional provisions for taking or in a voluntary form of contractual citizenship where they specifically cede some limited property rights.

Without entering into a necessarily long treatise explaining how an orderly transportation system can be derived through a system of inviolate property rights, I would encourage you to consider that the development of the so-called "order" in which we now live took place not at any single time, in a stroke of a master planner's pen, but one decision at a time, mostly by free choice, as man made a conscious attempt to harmonize what went before with the future. For that matter, there is still a lot of order to be worked out. Though the free market always takes longer than the power of arbitrary government edicts, the results are always more just.

With all that said, I am fully aware that there are not a few greedy people that would see that their property is the key piece necessary to finish a long highway project--perhaps one that passes through a narrow canyon, where no other route is possible--who would set the price astronomical high sufficient either to deny the viability of the project or even worse to have their price acceded to and set off simultaneously a wave of hatred all property rights, or even a contagious fever of greed on the part of others hoping to do the same in the future. One solution is to make some

carefully controlled concessions to public taking with compensation in the citizen covenant, whereby all signers agree to yield property rights in exchange for market value compensation for a very specific list of things (such as major transportation and utility corridors, as narrowly defined as practicable, with the burden of proof upon the government to demonstrate that they have selected the route with the least infringement upon existing developed property).

I would never suggest any broad "public purpose" language as a compromise. Property rights are simple too critical to liberty. This same type of restricted taking of property with compensation could be written into a constitution, but it would be a more dangerous compromise since once you crack open the door of government takings, it is nearly impossible to restrain it from constant erosion. Certainly, placing it in a constitutional framework with stiff amendment requirements (at least 2/3 majority), rather and in ordinary statutory law will help hold the line.

While we, the living, have trouble looking at what exists and envisioning how it could be reproduced without the coercion of property rights, it can be done, with only few exceptions--where the terrain is so unique, and where it leads to few or no alternative transportation and utility route, or where critical water rights, are concerned. The secret of resolving much of the current planning problems involving critical resources is found partially in the necessity of all citizens and officials to know IN ADVANCE the strict limits of public takings of property, and the full nature of compensation required. Thus all levels of government are forced to plan further ahead and choose with greater foresight optimum areas for critical public works and other areas for alternative development when the costs or the obstacles of an ideal area are too high.

In roads for example, I would limit the power of taking to only major highways. These are the only ones where fast speeds and zig-zags around property holdouts would be very difficult to implement efficiently without the power of taking with compensation. In the case of smaller, slower roads, those who won't ever sell rarely hold up progress since there are very few instances where only a single route is possible, or



when the road can't wait to go through later on after the person holding out passes away or moves on. Even in such cases, if the cause is just, do not forget the power of persuasion generated by wide public support for community projects that do not involve wrongful taxing authority. Nothing adds insult to eminent domain injury more than having to pay through increased taxes and bonding for the taking of your own land.

**WATER RIGHTS:** In the delicate area of water rights, I feel it is a general necessity to make water rights highly divisible and flexible so as to accommodate the maximum use of critical water supplies to the most users that increasing technology can apply them to. This is particularly applicable to dry locations where water is a scarce resource. But I feel it important to restrict these public controls of water rights to the very minimum required to deal with drinking and crop irrigation functions.

First, when a river crosses numerous different property boundaries, the water rights of the flow at any given time should be equally distributed among the properties along the entire length of the river combined with some factor involving the amount of agricultural land physically connected to the river, out to a specified limit. When such a rule is applied uniformly and equally to all adjacent river owners, they are then free to sell unused portions of their water rights to other users not directly connected to the river. Distant cities would either have to own some river property or negotiate with river property owners to secure water from such a source.

Second, when a water source does not exit a property, except on rare overflow conditions, the water rights should be not subject to any public allocation. Natural lakes should also be in the full control of the property owners without public say. However, man-made lakes should be subject to approval of the structural elements of the dam in order to protect the rights to life and property of the landholders downstream of such a dam. In any case, no government body overseeing a 'public safety' issue such as this should have the right to prevail in a dispute, when all of the other owners downstream (whose rights would be affected by a breakage) agree in writing to allow the dam above them. This is based on the

universal principle that people should always have the right to accept agreed upon risks without government interference.

Third, fish and wildlife rights should be limited in their ability to impinge upon property rights. A case can be made for the public right to maintain "free passage" for fish and other aquatic wildlife up and down a river or lake to which they were native. But there should be no "free passage" allowed for members of the public who wish to hunt or fish. This would allow excessive access of the public to private property and would make it nearly impossible for an owner to secure his property against unwanted intrusion. Thus the public would be free to fish and hunt by contractual agreement or by the public purchase of access (if done with an appropriate use fee and no general tax funds). Naturally, since barriers would not be allowed to be erected that prohibited fish movement (dams without fish ladders, for example), the public would still have fishing privileges, though more limited than present.

WELL WATER: Well water, where it was drawn from a water table that can be demonstrated to affect other well water users, would have to be controlled by either a contractual association of well users or a representative body of such users. It is never proper for a broad based public regulatory body to regulate something that can be controlled by a legal association of the property owners directly affected. I understand that no one is perfectly able to determine the limits of an underlying water table, but certainly there are situations where it could be determined without a reasonable doubt that a certain well or well would not have adverse effect beyond a certain general range. For example, a ranch that occupies an entire valley with its own aquifer table should not be subject to state or county well permits. For a ranch the size of the King ranch in Texas (hundreds of miles square) an unlimited well access would be appropriate, we may presume within 25 miles of its boundaries. This would generally ensure that other adjacent owners would not be adversely affected by the unlimited water use within the larger ranch's core area. Border areas would be subject to regulation as to number of wells and amounts pumped. The burden of proof in taking regulatory

control of well use should be on the agency--not on the well user to prove he isn't affecting someone else.

TAKINGS BY CONTROL and REGULATION NOT ALLOWED: Note carefully the completeness of the ownership statement in the statement of property rights and principles. It is not enough to have title alone. One must have the control of the property and the right to dispose of it. Many land-use laws today have violated the value of property by allowing someone to maintain title and pay the taxes but deny the owner the right to build on it, farm it, mine it, or sell it. Even those land-use laws that allow such uses still require prior approval, with the land-use authority holding the ultimate authority. Not infrequently such ultimate authority results in outright denial of use--the same as if the property had been taken--only THE OWNER STILL PAYS THE TAXES. Obviously, ownership is a liability under those conditions, not an asset. Such actions are totally prohibited by the foregoing statement of rights except where the use of property would infringe on another's right. For example, burning noxious or hazardous materials on one's own property could be a direct violation of another's property rights if harmful fumes were to travel across property lines and cause illness or air pollution. The same would apply to toxic chemical or fertilizer leakage into a stream that passes through other's property or into the water table.

NO SUCH THINGS AS "VISUAL RIGHTS". On the other hand, unsightly visual uses of construction on property would not be a violation of another's rights, since no one can possess a right to a particular view, whether scenic or otherwise. The reason is simple. A view can be seen by numerous separate property owners at once. Each person cannot possess the same rights to that view simultaneously with the others. There is no way that the law can arbitrate between differences of opinion on the relative merits of a shack, for example, on someone's property. A shack to one person may be another's "historical relic."

Furthermore, even if all other surrounding owners could agree on the merits of a view, to be given the power to control the view, would require the power to control the physical elements constituting that view--

meaning the private property itself. That would give every property owner control rights to every other property around him, within view, which would be an impossible situation of interminable conflict.

That is precisely why, in the relatively new area of law dealing with protecting scenic areas, no rights are really afforded either to the surrounding property owners or the public. All effective powers go to the arbitrary, appointed commissions (panels of laymen and "experts") who make the final decisions. Do not be fooled by the environmentalist promotion that the "public" controls the view under scenic protection laws. The "public" may have input to the authorities, but only the ultimate authority has any power. Such a commission or panel has full power to totally disregard the public input, which is never uniform anyway. For purposes of political justification, however, these panels can always find or induce someone to provide "public input" which matches whatever outcome the commission wants to enforce.

There are no scenic rights except to he who owns the property on which the scene exists. To state otherwise would give every traveler conflicting rights with every other traveler over every piece of land deemed too pretty for private ownership.

The ultimate result of the absolute protection of property rights is that new property buyers would make their purchases with the full realization that whatever view surrounds them can change, and that they cannot control that change without either outright purchase or restrictive covenants signed beforehand by all area property owners. The restrictive covenant is nothing less than a partial form of a covenant society, covering little more than aesthetic aspects of property rights.

In the final analysis, remember that without ownership rights, few other rights exist. How can one act with any autonomy if he does not own or control the property upon which such action rests? How can one contract if nothing is owned? Without ownership there is no way of establishing or maintaining the concept of just possession. Without a sense of possession, men lose the incentive to work.

COROLLARY RIGHTS to FREEDOM OF ACTION that are dependent upon **property rights**:

INTRODUCTION: There are many corollary rights relating to the freedom to act, which are limited to participation in property rights. Throughout the following discussion of corollary rights, you will note the use of the word "contractual property." This simply refers to property which, by either verbal or written contract or permission, you have use or control.

Under these principles, "public" property would refer to the property owned by the association of all the citizens who have formed a certain government entity, whether city, county, state, or nation. Each level of government can, like any other association, purchase and hold property as long as it is done without coercion, and only by the use of the funds of the covenant members themselves.

Under this contractual concept, public property is not free, nor is it able to be used in an uncontrolled manner. Since it is governed like an association, there are rules and by-laws which establish some type of representative majority rule. That body, in accordance with the bylaws, can set rules pertaining to the use of that property, including limits to any of the following rights, which are always dependent upon property use rights.

- **To BE FREE FROM BEING ACTED UPON or involuntarily influenced, in a harmful manner, when on one's own or contractual property and not directly and harmfully affecting the rights of others.**

This conditional right, which is the reciprocal expression of the freedom to ACT--declares one's freedom from being ACTED UPON when not interfering with others. In this fundamental right is found the essential justification for all laws prohibiting aggression and compulsion by either individuals or government when one is acting within his own sovereign area of ownership or control, and other's rights are not infringed.

It is carefully worded so as to preclude the false interpretation which would lead one to believe he has the "right" to make all other human beings disappear from the face of the earth "because they are influencing me." Such influence must be harmful, and against your rights (not will or desires alone) while on your own, or contractual property.

In the case of public property, one does not have all the same rights that may be possessed on one's own private property. When on any contractual property (including public property or in any activity governed by the rules of an association or contract) one has only as many rights as have been contracted for, or retained while under that temporary jurisdiction.

For example, under a proper governmental association, public roads could exist as long as they were developed by voluntary contractual principles (using user fees and specific road taxes). Those paying the appropriate individual toll or yearly fee, to use the roads, would be considered contractual owners, and would have the right to not be involuntarily and harmfully influenced from such a vantage point, as long as the contract for participation in the public system did not preclude such rights.

Here is how this would work in a few specific areas: This principle could prohibit the showing of outdoor drive-in movies where persons, not contracting to view the show, could accidentally view material that would be directly harmful to them, or their children. An objection could be lodged against a theater showing sexually explicit material since it can be demonstrated to be harmful to the proper moral development of children, and even harmful to adults who wish to maintain a mind free from corrupting thoughts or memories. Even if it could not be "proven" to be harmful, property rights include the protection to be free from acted upon adversely by other's actions. Certain sexually explicit material is acting adversely upon those who do not wish to view it. This is especially an appropriate objection when the offender can easily avoid or ameliorate the unwanted intrusion.

JUDGMENT ON CERTAIN MORAL CONFLICTS: It is not my intent to delve here into the difficulties of determining in law what constitutes "explicitly harmful sexual material." As in this case, there are aspects of prosecution such as the determination of "harm" and "intent" which must remain in the realm of judgment, since they cannot be explicitly defined in words alone. It is true that such concepts can be guided by legal criteria, but the ultimate judgment will probably always remain in human hands, imperfect as they are. That is why we still have to have judges in law, though we try to avoid giving them wide discretion. If sexually explicit material could not be legally shown to be harmful, those objecting, or who still believe it harmful even in the absence of legal proof, would have to seek the protective exclusion found only in a **smaller covenant society**, where high levels of protection from voluntary influence can be had by mutual agreement

Liberty can best be preserved in these areas requiring human judgment if the specific determination of what is harmful influence is made at the local level, by an elected judge, and where those judgments are not given any judicial weight outside the local jurisdiction, and where private viewing of such materials is not infringed. This allows a majority in a local community, through the exercise of their franchise (voting for a judge), to indirectly influence a portion of the rule of law (the determination of "harm"), without being subjected to uniform federal or state interpretations, other than general constitutional restraints on the protection of private actions.

This is not to say that LOCAL majorities should be given unlimited license to make any law, as if it possessed some virtue by being only local in scope. As I expressed earlier, there are many types of law which are violations of fundamental rights whether they occur at the local or national level. Here we are referring to those areas of law (such as judgments on "harm") which are valid exercises of majoritarian law, and recognize that certain aspects of those laws cannot be totally defined by words, thereby necessitating human judgment by local courts of law.

As long as the majority and minority opinions do not become excessively divergent, communities do tend to coexist in peace without falling back on the more exclusive covenant societies. The latter are more protective of uniform beliefs but are more difficult to form since they require initial unanimous consent.

Certain minorities will "vote with their feet" (that is, move away) if they have serious disagreements with the standards constituting what is harmful, and if they are unsuccessful in gaining the assent of the courts selected by the majority. Thus, the ultimate protection of liberty is gained by the freedom to set up a unanimous covenant society for the absolute protection of certain non-compulsive moral values not held by the society at large.

This concept provides the least conflict between different moral values since each major group representing different moral values would tend to seek their own local autonomy rather than compel others to meet their own particular standards. When conflict is reduced and free competition is encouraged, the several groups are more inclined to cooperate in areas of common concern--if a national structure exists that allows for fair and proportional representation on national issues.

The foregoing discussion of control over an outdoor theater is not a contradiction with the discussion on scenic "rights", wherein I concluded that no one can "own a scene" not on his own property. In the "scenic pollution" conflict of a neighbor building a shack, no rights are violated since there is no right to a view, nor was there any direct damage to the person himself, moral or otherwise. Now, there are those who claim he has been directly damaged by lower property values. But the so-called "damage to property values" argument is fallacious since there is no right to a certain value of a property. Values are matters of opinion, not fact. They are determined by the free negotiations between other prospective buyers and the owner. The potential buyer is a third party, may or may not see it as a detraction of value to this or other neighboring properties for sale. And it cannot meet the test of being both direct and harmful to any victim, even the prospective buyer since the third party buyer doesn't



own the shack or the property next door. If he doesn't like it, he can buy property elsewhere, or lower his bid to reflect his poor assessment.

There is no way to determine fixed property values in law--therefore they are not adjudicable. However, in the case of the drive-in theater, the damage is direct since sexually explicit material can adversely and directly affect the development of a child, and even the emotional stability of some adults. If the offending shack had obscene words painted on it, one might have cause to declare it directly harmful, but not the shack itself, since the relative beauty or lack thereof of a building cannot be shown to be adversely damaging to the neighbor's mind.

In a similar manner, **billboards** can be regulated--but not on the normal basis that they are "ugly". Even if that were the case, nothing can be regulated because of beauty--as subject far too subjective for public judgment. But when billboards can be seen and read beyond property boundaries they touch upon the right of others not to be unduly or adversely influenced or acted upon on their own or contractual property. So morally offensive materials would be subject to regulation. Size or placement would only be an issue of traffic safety. Potential distraction of certain types of lighting, or wild movements could be regulated if an adverse threat to contractual obligations of the roadway could be proven.

The laws defending fundamental rights should be uniform throughout the nation, being set by the constitution, but individual localities are free to make more explicit or restrictive standards in the area of non-coercive values if done by initial unanimous consent of all citizens in the local community. Lacking unanimous consent, legislation by lawmakers and judgment by the courts is limited to defining and restricting harmful acts to individual and family rights. We must remember that judgment, in the absence of any unanimous local citizen agreement, is strictly limited to protecting fundamental and contractual rights, determining whether direct harm or intent to harm has occurred, and providing just consequences for the guilty and restitution to the victims.

This potential conflict between liberty and harmful influence upon others is one of the difficult areas in law to properly resolve. By deferring toward liberty when in doubt, and only exercising legal judgment where harm is clear, we hopefully avoid any real substantive conflicts in an open, majority ruled community. What moral value conflicts still remain are then best resolved by smaller subdivisions of the community being formed, under the unanimous consent provisions of the law, to clearly prohibit undesired conduct within areas under the new subdivision's jurisdiction.

THE RIGHT NOT TO BE ACTED UPON (continued):

#### SELF RESPONSIBILITY FOR RISK

- To be solely RESPONSIBLE for one's own health, life, education and safety. It is, therefore, not the right or duty of other men, whether by individual or government force, to coerce men to act in any way they may deem BENEFICIAL for another's welfare, when failure or refusal to so act will not directly or harmfully affect others' rights outside covenant and contractual relationships.

In this principle we find one of the simple "self-evident" truths about life. Almost everyone would agree that we should all be free to accept responsibility for our actions. /But there are many well-meaning individuals who have taken it upon themselves to act as the almighty protectors of mankind. In this, I am not referring to those who desire to protect people from the compulsion and aggression of others, but those who arrogate to themselves the power to protect people from themselves--using the coercive power of government.

They busy themselves in attempts to keep people from doing things which they may deem unwise and foolish--which is commendable, but only in the voluntary sector. However, when voluntary awareness programs fail, or a major accident happens, they often go to government

crying for a new law mandating that people be forced to do something that presumably would ensure such an accident never happens again.

Worse yet, when government agencies hire a full time employee as a fire Marshall or safety officer, for example, each fire or accident in the community becomes a reflection on his job performance. Thus the nature of the responsibility induces the officer to go before elected officials and request additional codes and regulations to control what he feels are unsafe private actions. Freedom becomes the code enforcer's "enemy" and he, unknowingly, becomes freedoms worst enemy.

Laws such as motorcycle helmet requirements, mandatory seat belt use, and building codes are all violations of this principle. Conservatives have a most difficult time seeing the evil in these laws, simply because they involve safety habits which most of us do voluntarily anyway. Besides, they appear so "beneficial."

We tend to confuse one fundamental aspect of law when we support health and safety legislation that we view as beneficial. We confuse our feelings of support for the beneficial action being mandated, with the fact that it is **IMPROPER TO MANDATE** such actions **BY LAW**.

People say, "I wear seat belts, and I think everyone should," which may be true. But there is a distinct and very real difference between saying everyone SHOULD versus **MUST, UNDER PENALTY OF LAW**. We fail to remember that the artificial penalties for transgressing a law inflicts pain and suffering and very real damage, in the form of fines or even potential imprisonment if one resists on principle.

Thus, we must **never use law as a means of coercing people to do things that we simply feel are beneficial for them**. Once we enter that arena, where we give government the power to determine what is BENEFICIAL for people, we have opened the floodgates for virtual total control of our lives--all in the name of health, life, safety and good judgment--all violations of the fundamental right to be responsible for our own safety.

Remember that being responsible for our own safety means the requirement of accepting the CONSEQUENCES of one's own poor judgment, and as a society of having the courage to see people's bad judgment hurt them **without rushing to the legislature to stop personal freedom to fail**. That means, frankly, that mistakes will occur and that it is our own responsibility to accept those consequences. The presence of occasional consequences is what causes most people to learn by their errors. Judgment increases and people become more wise. The more that government intrudes to "ensure" private safety, the more non-thinking people depend on that supervision, and the poorer their judgments become. Do not take lightly this concept of deteriorating personal judgment in the face of excess codling. It is similar to the unarrestable evil that comes upon society as it shields people's bad judgment in health and financial matters with welfare and disability payments.

In all of this, I am not denying the legitimate role of government in restricting those private actions which damage other people's rights. That is the proper role of government. But, as a general rule, I prefer deterrence for private bad judgment through letting people suffer the consequences without a government safety net, or "a priori" restraint upon liberty. Additionally, the same restrictions upon government's intrusion upon family risks apply here as well in order to keep a clear demarcation between family sovereignty and government delegated powers protecting fundamental rights. Some suffer of wives and children must be tolerated in society to shield liberty as a whole from the "ought-a-be-a-law" crowd who would eventually attempt to "license" parents according to some "pristine" sociological model.

My final point on this right is to clarify the language which says that it is not the right or duty of men to coerce others to do what they deem beneficial WHEN REFUSAL OR FAILURE TO DO SO WILL NOT HARM OTHERS OUTSIDE OF COVENANT AND CONTRACTUAL RELATIONSHIPS.

The emphasized wording provides the essential test that restricts a group of citizens, even if in a majority, from imposing their will upon others.

Simply put, if refusal to do the recommended or mandated action does not directly and harmfully affect members of that majority, they have no right to mandate such action.

**Fluoridation of water supplies** provides an ideal example. In this case, if I fail to fluoridate my teeth, and I get additional cavities, this in no way harms another or affects the rights of any other person. Since failure to fluoridate does not directly affect other members of the majority, the majority has no right to legislate its view of what is beneficial for my water supply. This is properly done under voluntary contract rights in a association of private water users, or by unanimous consent of public system users.

Do not be tempted to rely on the flawed argument that government welfare services are increased as people neglect to take care of themselves. Because government illegally improperly attempts to use tax money to give health care to certain persons, in no way gives government the power to start regulating everyone. **A one-sided contract, however well intentioned is not binding, nor gives that person control over another**. It's like a person who, on his own volition, starts paying for your health insurance, and then tries to control everything you do because he is paying for something which you never solicited! In a court of law, you could be free to accept his largess for as long as you wanted and he would still never have any power to control you--simply because it is a one-side offer.

To carry the benefit argument to further extremes, giving government the power to mandate "beneficial" conduct would also allow government to mandate that everyone drink three glasses of milk a day--simply because it may be deemed beneficial. Again, government can only defend against the infringement of rights, it cannot mandate positive benefits or mandate beneficial actions.

**Motorcycle helmet laws** fall into this same category. Failure to use a helmet only direct affects the user, and thus the majority has no right to mandate its use. If they did have such a right then safety requirements

could be expanded in unlimited ways to include special boots, anti-skid brakes, armored clothing and a host of very expensive additions to an inherently unsafe vehicle.

Safety experts can sometimes get indignant when citizens complain about the costs that must be borne to satisfy their demands. "How can one put a PRICE on safety?" they retort. Actually, the price is irrelevant to the fact that even a "free" mandatory safety item would be a violation of the right to be self-responsible in areas which do not affect others directly. But in another sense the price is relevant in that mandatory safety equipment represents a "taking" of property (money). The bigger the cost, the bigger the violation of the property right. While most safety experts are considerate of costs, they are under no legal obligation to act with such restraint. Reasonableness is only a reflection of their desire to keep people from rising up against this type of benevolent tyranny.

Why not ban motorcycles altogether, as some have suggested? The reason is simple: it is each person's fundamental right to take risks and assume the consequences for his own "unsafe" actions as long as others' rights are not infringed. Using a vehicle recklessly in the presence of other innocent bystanders is infringing on others' rights, but refusal to wear a helmet is not.

This area of legislative action I have just described is the most insidious type of lawmaking because most Americans, especially those who use seat belts, and wear helmets, and build homes properly, see nothing WRONG with the law. They fail to realize that what is PROPER FOR THE VOLUNTARY ARENA is NOT PROPER FOR GOVERNMENT to mandate by law. We are dealing here with mandating "beneficial acts" wholly outside the limits on government power.

For the pragmatists who are always asking, how would we protect ourselves against houses and buildings from collapsing and other effects of poor judgment, simply look back into history. The US capitol building was designed and built by unlicensed architects and builders--the free market. At least four of our US presidents, including George Washington,

had no formal education--no credentials. Houses are still being built today without any building codes, and they have no greater incidence of problems. People in Oregon and Maryland (as of 1990) don't get annual safety inspection on their cars, and have no higher incidence of safety-related accidents than states with rigid laws.

Most importantly, when the market is free, and people rely less on government to restrict their liberty to fail, personal judgment increases (through going through the school of "hard knocks") and people become better at seeing competency. When people find themselves in situations where they do not feel competent, experience will eventually induce them to hire an outside expert to check it out, to use good contracts to ensure quality, and to assess liability if errors should occur. Granted there will always be those in society who will fail to exercise caution, fail to hire experts, and fail to get self taught about a subject where they can't afford an expert. But there is little excuse for this slothfulness. Let them pay the consequences, I say. Fortunately, there are still enough examples of the proper use of freedom to prove my point. It is imperative that we learn to distinguish between a good idea (safety) and the evil of letting government enforce it by penalty of law.

Remember also, that the ultimate force behind every law is the taking of life and property. One should ask himself, before supporting any law, is the violation of this law worth taking away a man's life or property should he object to it? In most safety laws, we must come to a negative conclusion. As law moves into mandating landscaping and beautification, the answer is even more emphatically negative--but those laws are on the books in certain cities today because well meaning people failed to see the danger in allowing government to mandate that which they deem beneficial.

Probably the biggest single motivator towards intrusion into this area, despite sound arguments is when little children are adversely affected by the bad judgment of their parents. This is indeed tragic. But it really isn't any different when an adult gets killed by some unwise decision of another. Both are tragic, but neither can be stopped by "a priori"

regulation. Even if you could demonstrate that less house fires are caused by building codes--you could never show that on balance the net cost to society is less. When you total all the additional costs involved with compliance with building codes, (increased housing and rental prices, material costs, compliance costs, litigation, liability trials, bureaucracies, designer's and builder's time and cost keeping up with the code, etc., etc.,) the costs far, far exceeds the outright losses from fire or safety that would have occurred in the absence of codes. These are the hidden costs to society. And for all these billions in hidden costs, there are thousands of jobs that aren't created and small businesses on the margin that don't make it because money is siphoned off into safety areas. These hidden victims are never counted by the "safety" cheerleaders.

Safety does have a net benefit when implemented carefully and voluntarily within the restraints of good business practice, but those net benefits quickly disappear when mandated nationwide, or statewide by broad brushed bureaucracy and enforcement divisions--as the number of horror stories from small business can attest since the establishment of the Federal Occupational, Safety and Health Administration (OSHA).

**The right to take PERSONAL RISKS without prior restraint as long as others, not bound in a voluntary contractual relationship, with knowledge of those risks, are not involved**

Simply put, this principle restrains lawmakers from PROHIBITING dangerous risk taking, including financial risks, when each person involved has a knowledge of the potential harm and has voluntarily accepted those risks. This effectively would prohibit such government agencies like OSHA from interfering with employees who voluntarily chose to work under hazardous circumstances. The allowances of this principle would induce workers to be more careful in the contracts they signed, and to exercise due caution themselves. It would also put government financial regulators like the SEC out of the interference business, except to investigate fraudulent practices upon actual evidence or complaint.



Again, as in all areas of freedom, there are those people who may choose to not exercise due caution or properly scrutinize investment or employment conditions where risk is involved. We must not let such failure to make good choices lead us to take away all men's right to take risks, and turn over such judgments to government bureaucrats. Employers who failed to openly warn workers of certain hazards when they were known by the employer and where the employee had requested to know all hazards subsequent to the contract, could and should be prosecuted for fraudulent practices.

Note that these rights of self-responsibility make reference to being free to take risks as long as OTHERS OUTSIDE OF COVENANT AND CONTRACTUAL RELATIONSHIPS are not involved. This simply means that one's risk taking (which infers some danger) cannot involve non-contracting parties. Parties who are joint partners with the risk taker, by contract, with a knowledge of those risks, cannot claim to be involuntarily harmed by the effects of the risk taking.

But what about children and family members? These are the COVENANT relationships referred to, since the act of having children engenders an automatic covenant for child care until the child reaches an ability or desire to be self-sufficient. Almost every major decision that parents make involves not only risk to themselves but to their children. Simply getting in a car and driving somewhere is an example. But the mere presence of risk is not sufficient reason to give the state the power to easily intervene in the decisions of parents relating to their children--all of which involve some risk. The risk taking by the parent must be **imminently threatening to the life of the child**, or represent grossly negligent conduct, that clearly presents a physical risk (starving a child qualifies, but failure to use an "approved" government feeding formula would not) for external intervention by government to be justified. It must also be pernicious in nature, that is, a reoccurring problem, with bad intent, more than a mere one-time case of poor judgment.

For example, driving on public streets and highways cannot qualify as imminently threatening to a child. It is POTENTIALLY life threatening, like most things in life, but not IMMEDIATE since there is such a low percentage of accidents per miles driven. Even if it did become imminently threatening, it would not be appropriate for government to enter with piecemeal regulations like child restraint laws. Such "least restrictive" doctrines only invite constant government intervention until parents find themselves without ultimate authority for child care. It is better in the long term to provide for government custody intervention only at the most pervasive and abusive end of the scale in order to make the line of demarcation between parental and government authority as clear as possible. The potential of total loss of custody plus other heavy penalties will generally serve as a strong deterrent to gross negligence.

For example, if a parent had a habit of taking a non-consenting, young child with him on a dangerous stunt car circuit, where there were numerous fatal accidents, that could be judged as imminently threatening, it may be appropriate for government to intervene and at least threaten to transfer the custody of the child to another more responsible person if such life-threatening conduct does not cease. If, however, the child was older and more knowledgeable of the risks and desirous of taking them, the state could not intervene, no matter how dangerous.

**To engage in voluntary CONTRACTS, written or verbal, without restriction or regulation except where direct and harmful non-contractual consequences to others occur; and to enforce such contracts, where real consideration in the form of labor, assets or other property is given.**

The **right of contract** is one of the most important of our fundamental rights. It does have certain conditions by which it is properly exercised. The right to contract is an extension of our fundamental right to act, as long as both parties are acting voluntarily, and where fraud or deception is not present. Contract rights are also linked to ownership rights, since one cannot contract with that which he does not own or control.

I prefer a very free approach to the rights of contract, with strict penalties and restitution for breaking contracts, despite the fact that many people will, through ignorance and lack of caution, enter into contracts that will cause them regret and suffering.

The question arises as to when a contract is valid. The above language, stipulating the conditions surrounding contract rights, indicates that a contract is binding only when "consideration" is given (meaning something of value), whether in the form of labor, or assets, from both parties.

In other words, a promise to give someone a gift is not a binding contract, because the intended receiver has not exchanged anything in value, for which he could claim damages, should the giver change his mind. When a person promises to marry someone, and that person spends money on preparations for the marriage, many states consider this a valid contract. I do not, unless written--and if it has to be written, it's a bad marriage to start with. In dealing with marriage, both parties should realize that nothing is settled until it is really settled. Making marriage preparations should always be done modestly and at each party's own risk. I would not support forcing any couple to marry if one did not want to, but certainly it would be appropriate to require financial responsibility if a child was engendered by the couple.

The presence of fraudulent or deceptive statements would certainly tend to negate the validity of a contract. The only major question that arises is whether the presence of a very minor deceptive statement should invalidate the entire contract--especially if it would result in greater harm and damage to either one of the parties. One would not want to entice people to search for a tiny exaggeration of a claim and turn it into a "fraudulent" contract. While lack of honesty should generally be a good reason to back out of an agreement, damages or settlements should be awarded according to the principles of fairness, each being restored as much as possible to his original position.

. Generally I favor a fairly harsh approach to contract enforcement which puts the maximum burden upon the one signing the contract to ask the proper questions and read and understand the entire document. Although it is the contracting party's responsibility to ask pertinent questions, it is the primary obligation of the more experienced party offering the service to explain all of the risks and complexities involved. These complexities should be part of enforceable contracts. Any withholding of major factors that would have affected the judgment of either party involved could be grounds for abrogation of the contract. But it should be a significant factor, which, of course, would be a matter of judgment that a judge would have to decide. I grant that this is difficult territory. Once we allow a judge to decide what each party should have told the others, it becomes difficult to enforce a contract. No one can possibly remember everything about every detail that may be someday involved in a contract, but certainly the most critical issues can be determined by a specialized judge, using experience judicial criteria.

The greater danger is in the contract that is made ignorantly by people of low intelligence without wisely inquiring into all the pertinent details. Everyone has the right to take the document to a more experienced person for clarification and review. But as a practical matter, this costs money and the poor, the aged and infirm or the ignorant of low intelligence, would either be ignorant of where to find help or would be unable to afford it. I think there is a very real possibility of charitable legal services emerging to help the poor with free advise. But in any case, we need to address what to do with those who intentionally prey upon ignorance and get older people, for example, to sign away their homes for insurance annuity contracts of little value, etc. I would only favor the invalidation of contracts where it could be determined that a clear imbalance between mutual benefits was engaged without having that disadvantage clearly explained in writing and initial. Much as doctors can be required to explain to patients the risks, so the risks of contracts ought to be part of a binding contract. I also think a 3-day cooling off period is productive. With many people, who sign something on the spur of the moment, conscience successfully begins to get through to them those nervous feelings about impending error, only as they think about it later.

A 3-day abeyance of contract validity goes a long way to help people back out of bad deals. As long as all parties are aware of such delays in validity, business can properly plan ahead. In all cases of contract set-asides, however, I would favor having the side backing out have to pay for any actual bone fide use they derived from such a contract before abrogation. Expenses of the pusher of the contract should not be allowed, however, unless the abrogating party made the first approach without being invited to do so by the other.

The foregoing has been only a cursory view of a multi-faceted and complex area of law. My intent is to accentuate the basic principles of human action which avoid litigation and place the maximum incentive on the individual to improve judgment. As in the area of risk, the more responsibility placed upon the enforcement of contracts, generally, the more careful people will become. A heavy reliance upon government to protect people from their own ignorance, will only result in greater incompetency and dependency, not less.

However, where a particular promoter shows a history of high pressure tactics designed to induce ignorant persons to sign contracts without a full understanding of the results, a court should have some discretion to designate such tactics as "intent to deceive" and prosecute accordingly. The legal criteria for such judgments would be difficult to determine, but should be carefully designed to deter savvy lawyers from devising ways to break contractual agreements for cursory, or dishonest reasons.

CONTRACTUAL RIGHTS, continued:

1. To engage in any ECONOMIC ACTIVITY desired as long as such activity does not involve compulsion upon others or the assistance of an enemy of these fundamental rights.

a. To unrestricted SELECTION and PURCHASE of all available goods and services desired, whether deemed good or bad by others, whether domestic or imported, except where such purchase, possession or use will infringe upon the rights of others, or assist an enemy of these rights.

b. To circulate and negotiate any tangible asset or sworn evidence thereof as money or a MEDIUM OF EXCHANGE as long as it is voluntarily accepted by another and fraud and misrepresentation are not present.

The foregoing language asserts the basic economic freedom which has been so totally emasculated by the US Supreme Court. This language allows natural monopolies (meaning one company that dominates the market because it is so efficient and unanimously popular), and cut-rate competition, as long as all actions are voluntary. The only "unfair advantage" in the market place is the advantage government grants to some and not to others. This is the only type of monopoly that would be prohibited.

This is not to say that a contractual government, like any other association, cannot set up some type of business, school or service, like the postal service. But it must not use general tax funds to do so, and it must act as a free enterprise, charging user fees, and allow all others to compete freely.

However, the right of people to protect themselves against an enemy supersedes this economic right. No one has the "right" to aid and trade with an enemy. This must be construed very specifically, however. The enemies are often the LEADERS of a nation, not the individual people. Unless government could demonstrate that the transaction will assist specific enemies, a merchant should be free to trade with specific individuals, just as he would be free to assist them in their cause of gaining freedom.

This same principle applies to the purchase of goods. As long as the results of certain purchases cannot be shown to be supporting an enemy of freedom, one would be free to buy such products. The burden of proof should be upon the government. There is a gray area here in determining at what level of mixed free-enterprise and socialism does a government become enough of an enemy to warrant prohibition of trade in the name of self-defense. That would be another judgment call to be made by one's elected leaders and the courts.

Also, just as there is firm support in the principles for prohibiting the importation of goods made with slave labor, there is some justification for prohibiting the distribution of foreign goods made with government subsidies. Subsidization represents a partial enslavement of a people living under a socialist regime. They are being partially coerced into producing something against their will, by having a portion of their tax funds involuntarily transferred to an industry or to wages.

In both cases, however, the national government could not prohibit such trade unless the totalitarian actions of the foreign government against their own citizens were a real threat to our own freedoms. In the case of Soviet slave labor, this is not difficult to establish, on two counts: first, they have openly stated their intent to enslave us, and the partial enslavement of their own population is in furtherance of that goal. Second, there are or have been at least 5000 Americans in Soviet slave camps.

In the case of subsidized goods, it would be hard to make the case that such subsidization is a direct threat to our freedoms. If it could not be determined that such a threat existed, then the boycott of those goods would have to be voluntary, or be made part of the unanimous citizen contract, wherein all agree not to buy subsidized goods.

#### HONEST MONEY:

The right to negotiate anything as "money" is a simple extension of the right to contract. As long as the other person willingly accepts one's medium of exchange, and no deception is present, who is the government to say it is not "good" money. This language on free money prohibits any government activity in the control of money except to prosecute for fraudulent practices. Ironically, governments have always been the biggest perpetrators of fraud in issuing paper currency, without backing--the same thing they condemn as "counterfeiting" in the private sector.

People complain about the potential problems of lots of different "funny money" floating around, if everyone had the freedom to issue their own. That view does not match history, nor does it consider the beneficial example of personal checks issued from a variety of banks. The paper issued is only as strong as the buyer views what the paper promises to pay upon redemption. The best and most valuable money becomes the standard of ease in exchangeability. That is why people select credit cards that have near universal acceptance. We note that no one company has a monopoly, but all of the top contenders meet a relatively high and uniform standard of service and acceptability in the marketplace.

The existence in the markets of millions of personal checks is strong evidence that non-government money works, even with the potential of fraud and insufficient funds. The presence of high penalties for issuing a bogus check is sufficient to deter most. Where "big risks" are present, smart businessmen require more SECURE forms of money than personal checks. Such a hierarchy of surety money would quickly form in a free money society. As in most free market problems, the advantages far outweigh the disadvantages, and experience in the market place usually keeps most people out of trouble. Also characteristic of everything in the free market, ignorance is penalized and skill and trust are rewarded.

In the final analysis, there are absolutely no arguments that one can give for government monopoly of currency that cannot better be handled by the free market, as long as government does a proper job of prosecuting for fraud. All the current proposals about taking the printing power of money away from the Federal Reserve and giving it to Congress are woefully flawed. The nation's politicians are certainly the last that we can expect to be fiscally responsible. We need only look to the spiraling national debt and the indiscriminate spending by government for evidence. This is not to say I favor a continued role of the Federal Reserve.

Neither are the arguments valid that the supply of money must be increased each year to match the growth of the economy (as indicated by the Gross National Product (GNP) or other indicator). That's more bad



economic theory that most conservatives have ignorantly accepted. Actually, one could freeze the existing supply of money, and prices would simply begin to fall as the GNP increased. The economy can be operated on nearly any quantity of money, as long as prices are free to change relative to the demand for that money, and if sufficient numerical subdenominations of the unit of currency exists to accommodate a high value for scarce money.

By freezing the present supply of paper currency (replacing only worn out bills), its value would gradually increase, except where it had to compete with "real money" like gold, silver or some other valuable commodity. These latter types of money have both intrinsic value AND certification value (meaning the money implies or certifies that the holder had previously exchanged something of value in order to possess it). Paper money only has certification value, which is only as good as people's confidence in its relatively fixed supply. As people see excess dollars entering the market place (by way of rising prices), they begin dumping dollars (rapid buying) in order to beat the next price rise, or natural devaluation of the dollar. Gold is much more resistant to such devaluation because of its relative scarcity and intrinsic value.

#### FREEDOM OF ASSOCIATION:

The RIGHT To ASSOCIATE with other persons without coercion as long as that association is desired by all parties, does not constitute a direct and harmful threat to another's rights, and where such association is not in violation of the desires of the property owner.

Here, the right to associate with other people of mutual choice is stated, with one important limitation: such association must not be a direct threat to the rights of others. Thus, groups associating together for treasonous purposes could be enjoined from doing so. The actual prosecution would have to be on the treason charge, rather than on the association itself, which could not be a crime. But, if there is substantial evidence of treason, further association could be enjoined during the process for determination of guilt. This would prevent military or even

mob groups from using freedom of association to mask their intent to gather and strike.

The following are some limiting conditions about the nature of associations. Like other rights in this section, they are corollary rights to property rights. Even on contractual property, you only have the rights you were allowed under the voluntary conditions agreed upon.

**Associations possess all the fundamental rights of individuals, but never exceed individual fundamental rights by virtue of being an organization.**

This concept keeps government (a citizen association) from assuming it has more rights than individual citizens by virtue of its association power. Even the defense function of government is possessed simultaneously by each citizen. The notion that the state has been given a "monopoly" on the use of power is not true. It is given the first priority in the use of power to defend universal rights, but the citizen never should relinquish his ultimate right of personal self defense, nor the right to join in general self-defense against tyranny. In the citizen contract, each citizen agrees not to exercise his defense rights except in an emergency when recourse to government defense is not immediately available, or when the government ceases to be the servant of rights and becomes a tyrannical extension of majoritarian rule. The governmental association may possess more POWER than an individual, by greater numbers and resources, but that must not be confused with greater RIGHTS. The government is always the employee, not the master, except over those who violate other's rights.

**Individuals may PEACEFULLY ASSEMBLE in groups without criminal or treasonous intent as long as private property rights and free movement on public (association) property are not infringed or impeded.**

This doctrine essentially solves the problems of public demonstrations which, in a busy metropolis, can disrupt all other activities. Obviously,

people are free to assemble on private property with the permission of the owner. But properly understood, public property is nothing more than a large neighborhood association that owns a park, for example. People using the park, members of the association, are limited by what the rules and regulations set by the elected ruling body. In like manner, government has the right to regulate conduct on public property, by virtue of its charter to establish rules and regulations of conduct.

In other words, no one has full set and use of all fundamental rights except on his own property. When he moves, voluntarily, on to another's property (even the association's) he moves into a tacit agreement to abide by some else's rules or covenant restrictions. Obviously, men would be foolish to give total and arbitrary powers to government in establishing rules of conduct, but that is, in fact, what often happens out of a mistaken trust in democratic processes--the failure to envision the potential corruption of the majority, and the subsequent misuses of majority rule to deny fundamental rights of the productive class.

Unless careful restrictions are placed on citizen-government contracts, all basic rights in a democracy can be limited by the elected officials on public property, including speech, assembly and economic activity. The only limiting factor in democratic law is the majority will.

In a normal, non governmental association, persons who cannot or do not desire to abide by the association rules are free to go elsewhere--and take their money with them. This would be a novel approach to local governments--if people had the power to form competing government entities for basic services, and pay their tax moneys to the one that performed the best. This allows for maximum justice and plurality of belief and action--the ultimate power to escape the oppression of the majority and retreat to a smaller, separate unit of government for greater protection or less personal restrictions. Naturally if competing local governments were permitted, over time the best two or three would prevail. One alone might prevail if it was good enough as compared to the competition. Certainly it may not be practicable for the entire range of services, but it does provide the possibility for the productive class to

pull out of local taxing authority that is becoming more and more engaged in improper welfare services. Competing local governments would eventually end up as user fee associations--and the ones who promised the most improper benefits would go bankrupt the soonest.

It is interesting to note in this regard that regulations and restrictions increase exponentially with the density of population in any given place. The more people, the greater the friction and interaction that appears to require government regulation. Also, voluntary cooperation decreases in proportion to lack of personal acquaintance people have with others, which is very low in large cities. For this reason, the creation of smaller, more personal government entities is beneficial and more responsive to the individual. The incentives to form unified smaller divisions of government, as provided herein, tend to keep cities from becoming excessively large. Voluntarism is increased due to a higher level of personal acquaintance among the community and a higher level of uniformity in values. Both of these factors, working together, tend to decrease the propensity to demand socialist forms of intervention and regulation in the community. Large units of government do just the opposite. They foment a sense of futility about individual effort and induce citizen dependency upon the "all powerful" state. Worse yet, individual action tends to give way to class consciousness as minority groups clamor for control.

The only real down side to smaller units occurs when overall military defense is needed. Small factions tend to be very difficult to unite until the crisis is so large and the threat so great that it is often too late.

**To DISASSOCIATE with other persons without public reason or justification and to exclude all persons not desired from one's own property.**

This is the basic right to exclude people, for whatever reason one desires, but is limited to property controlled by you. This concept runs at variance with present-day civil rights legislation, which prohibits private discrimination. Private discrimination should always be legal. To do

otherwise is to say that government has the arbitrary power to decide who you will associate with or who you will do business with. There is no substance to the government argument that a business "open to the public" is a public business. Making an offering to the public to buy does not presuppose the loss of right to select with whom one will do business--nor does it establish any legal linkage to regulation and control. Regulation and control can only come at the threat to a fundamental right. Since no individual has a right to force any one to engage in business with him, there is no damage to fundamental rights when someone declines to sell or offer you their services.

The invitation to the public is not a license to buy, but an invitation to negotiate, and can be withdrawn or declined by either party at will. The businessman, right or wrong, must have the power to limit the invitation in any way he wants--even to race, color, creed, size, weight, or anything at all. While I would not agree that there was such a need to be so bias in most cases, I would defend his right to do so. Clearly there are cases when gender, weight, or size can be significant factors that an employer has to have the right to consider. While race is almost never a valid criteria for private discrimination, once you allow government to start making a prohibited list of discriminatory actions, what color or law allows you to limit that process. There is no limit once you allow government to enter this area--so we must never allow it to enter and prohibit discrimination.

Remember, to limit a person's ability to discriminate (to make a class judgment) is to violate one's right to act on his judgments, when such judgments do not violate the rights of others. Remember, there is no right to buy, only the right to accept an offer if tendered. There is no right to not be judged, only to judge others and to act on those judgment, within one's fundamental rights. A person's class judgment, and subsequent desire not to deal with that class, is not violating anyone's right--it is merely the restricted exercise of his own right. The power to invite or not to invite is inherent in the right to control entrance to one's property.

Congressional civil rights legislation of the current type is only appropriate for matters of federal contract. Any association may choose to limit their right to discriminate, but they cannot limit others by majority rule--only by unanimous voluntary covenant. In like manner, state legislatures could prohibit discrimination in state contracts, but neither legislative body can rightfully prohibit private discrimination, since that is a violation of the private citizen's fundamental right of association, and disassociation.

## **FREEDOM OF SPEECH**

**To PUBLISH, or make any other written or VERBAL EXPRESSION, on property within one's ownership or control, whether for personal or commercial intent, without prior restraint or restriction of the distribution thereof, except when acting so as to destroy or deny to others these fundamental rights. All persons have the right to state anything labeled as their own opinion or personal belief as long as such statements are directly accompanied by such qualifying remarks.**

The foregoing statement is the basis for free expression, both written and verbal. Again, the basic condition of one's realm of ownership and control applies. One does not have the right to say or publish anything on someone else's property--this must be done by mutual agreement and contract. Thus no one has "free speech" rights in another's house, or on his property, or in another's business.

Even on "public property" (of a true, contractual government association), one would be subject to the rules that had been pre-agreed upon in the by-laws of the governing unit--which may or may not have some limits on free speech. These regulations may be either open or restrictive, but in any event, they would usually be dependent upon some type of majoritarian control. If competing local governments were allowed, and one didn't like the rules of the association, he would be free to try to change the majority opinion, or withdraw from the association and not participate in the benefits of public property, nor pay any of the taxes. That is not, however, as simple a choice as it sounds, as will be

discussed in a later section--notably because there are issues of territoriality involved in government. But in any case, under this doctrine, one can always retreat to the private arena to criticize government if there are excessive limits in the public arena.

### **LIBEL AND SLANDER:**

When we come to the sticky area of libel (written defamation) and slander (oral defamation), I am in favor of allowing the maximum possible freedom to state negative opinions about others--especially since such criticism is essential for the preservation of freedom and justice. But I would be reluctant to allow continued lying about provable facts, with bad intent. I do not favor the establishment of a tenuous difference between public servants and private people, as in present law, trying to establish different rights for different groups. But I am cognizant of the need to allow a person to prosecute others for lying about matters of purported FACT which the purveyor knows are malicious and untrue, which cause demonstrable harm --however difficult that may be to prove.

I believe that the resolution lies in the difference between matters of fact and opinion. No one has a right to have a fixed value on his true worth--that is a matter of opinion, and each is free to judge another's worth as he sees it. No one has a "right" to be viewed by all as "honest, upright, moral, or good." Those are all matters of general opinion by others as they view another person and are subject to change. Each person should have the right to make general--non fact-based statements as his own opinion, as long as his comments are stated as such. This disclaimer sufficiently weakens any statement and leaves room for enough doubt to encourage others to reserve judgment.

Nevertheless, there are matters of fact surrounding a person's property, which include himself, which are inseparable from the rightful use and exercise of self and property. There is no conflict of rights in recognizing the ownership of facts since all men can own truthful facts simultaneously without being in conflict with one another. By definition, a truthful fact is one which does not conflict with any other fact about the same subject.

The key problem in libel and slander is in matters of opinion where there is no DIRECT, physical attack on the victim, except perhaps in the mind and intents of the perpetrator--which is hard to prove. The effect of the negative comment is upon how OTHERS may view your reputation. There is a difference between something being harmful to your reputation, and being harmful to your rights. No right to a certain reputation exists--only to provable facts of history surrounding your person or property. So the only damages that should be allowed to be recoverable are those which cause financial loss or loss of employment loss based upon the promotion of falsehoods done with malicious and willful intent.

No one can prove he should be esteemed by others in a certain manner. This must be determined by individual negotiation. It cannot be a right since it would be in direct conflict with another's right to make a free judgment about your true worth as he perceives it. Furthermore, would you dare give government the power to regulate or determine how others view you? Or worse yet, demand, as do the egalitarian socialists, that all people are forced to accept all others at equal worth--and therefore, equal pay. That is unjust as well.

In general, my purpose in seeking a means of attacking libel and slander (without endangering free speech) is because these often constitute acts generated by real malicious intent to destroy a person's reputation or economic livelihood. Even true economic competition can exist without malicious intent, and I think it can be distinguished from predatory practices. So, if we can distinguish malicious intent without destroying all beneficial criticism, or beneficial natural monopolies, then we will have a more peaceful society. Allowing malicious intent to grow under the protection of freedom is only tolerable in very minor amounts--especially since bad judgment and actions always increase the demand for "another law" to protect someone, which often in the end restricts everyone's freedom. So, I believe there is a significant purpose in seeking ways to target malicious intent while still preserving all essential freedoms.

One possible way of attacking the problem of libelous speech is to differentiate between words that can never be accusations of fact (hence



are always opinions) and those that always imply factual knowledge. For example, calling someone a rogue, a bum, ugly, amoral, stupid, or unscrupulous would never be grounds for liable. These words are all derogatory, but all unspecific. There is no way to know precisely what the grounds are for such appellations. However, descriptions such as immoral, liar, thief, and traitor, are words that underlie specific actions or facts that can be discerned by law. One can challenge each of these with a question seeking a specific fact: with whom and when did the immoral act occur?...what was the lie?...what was stolen and when? etc. These accusations are traceable and should be open to scrutiny. General accusation with no traceable basis in a specific fact should be open for use, without fear of having to back them up. It is true that one can ask a person using unspecific, derogatory words to give us some back up, but he should not be required by law to do so since the answers could be valid, but still composed of general observations, none of which could be traced to any specific illegal or morally reprehensible act.

But how can we distinguish between one type of negative attack that is malicious and untrue, and another which is even more devastating but true? Let us take the economic case first. We cannot say that a reporter's negative (but true) criticism of someone's product is harming the producer. Each has an equal right to true facts. If it is true, the actions of the producer, which were sloppy or deficient, are causing harm to himself. The reporter in drawing attention to the facts does not create the harm. But if the statement is false, and stated as a fact, then damages could be awarded if malicious intent is proven. In the absence of malicious intent, but where one can prove the allegation is false, the perpetrator should be required by law to make a correction of equal publicity. The refusal to correct a proven falsehood would be a strong indication of malicious intent.

How about the case where a reporter incorrectly, but without malicious intent, maligns a product with a negative opinion, rather than fact, and destroys sales? While no one's fundamental rights have been damaged, financial damage has occurred in loss of returns on investment capital. Should the plaintiff be able to recover damages? Probably not, as long as

the report was concerning opinions and not facts. Unless one can show that untrue facts were presented, with malicious intent, not just ignorance, we must rely here upon each person's right to campaign for his own position.

One of the ways to show bad intent is for the offended party to send by certified delivery facts, evidence and arguments refuting the charges. If the perpetrator continues to publish the same falsehood, without specifically countering each and all of the arguments and evidence sent to him, he would be held liable for damages henceforth, if a court of law found those facts provable. Obviously one would not have to respond to fallacious arguments or evidence which would not stand up in court. These procedures would not, in my opinion, have a chilling effect on argumentation--in fact, it would enhance it--since the perpetrator could not be "selective" in only choosing the arguments he could easily challenge. If he left out some (of those sent to him by certified delivery), that could be proven to be valid in court, it would demonstrate bad intent, in the face of provable facts, and damages could be awarded. This would effectively eliminate one of the most common of all ways in which people obscure truth in public debate--they simply avoid answering the critical issues and avoid mentioning critical evidence that would deny or at least shed unfavorable light on their position. The establishment media uses this all the time, and would become liable for these knowing obscurations of truth once they had been served notice. Under this new color of law, there would still be almost unlimited freedom to speak one's mind--especially the first time. But once served with notice of provable error, he or she would be required to set things right, argue the issues, or disregard them if they were sure they were without substance.

Of course, there would be greater protection in stating anything as your own opinion, and the more general the opinion, the better the level of protection. But, my present inclination lends me to favor even employing the "Certified delivery of evidence" rule to specific attacks by opinion. Making an accusing party (even under the guise of opinion) responsible to air the counter evidence (with his rebuttals) if he deems it provable in

court is good for debate and places the burden of balanced argument (not ultimate proofs--which belongs to the court) on the accuser.

On the other hand there are the types of attacks, usually on reputation, that cannot be disproven by certifiable facts. For example, one could not send any certifiable proof to counter certain types of charges like "Mr. so and so has been unfaithful to his wife." But in such cases, the accused could demand that the accuser provide the basis of his evidence, or cease and desist. I would not favor prosecution for the first statement--only the subsequent attacks where the attacker could not produce evidence. I would be fairly lenient on evidence as well in this regard. If one could name the source of the information, he should be free to quote that source without having to prove its veracity. The accuser would then have to go after the source. For matters of moral turpitude, I would favor the source being free to stand upon anything he claims he was an eye witness to, without having to prove it. However, if at that point, the accused can prove that the claimed eye witness was not present, he could claim damages from him for defamation of character. The basis in rights, is not that anyone has a right to be esteemed in any certain light, but that he has a right to defend an truth about himself, when that truth is specifically attacked by another for malicious intent. Malicious intent mean the will to do harm--even if it is not physical, and therefore damages of a fairly limited amount (but enough to be a deterrent) should be allowed.

Books are a little different than television, or even newspapers since it takes a lot more time and money to get something in print. The burden of having to make corrections or retractions would be a costly one. If, therefore, it became law that publishers would be responsible for attacks of fact against another, habits would naturally evolve to avoid unnecessary correction expense. Accusers of people or products would probably have to send their manuscripts for comments to the accused parties in order to avoid having to publish a later clarifying work. As long as the accusing party addresses all issues presented to him by the accused, and avoids attacking provable truth, he should be free to proceed without fear of damages. My initial feelings are that this system

or something similar offers the best balance between being about to present some forms of hearsay evidence, which one believes to be true without having to prove it in court at the same degree of evidence that apply to criminal law.

It is sad to be unable to remedy every area of damage because the injustice cannot be proven to exist, when bad intent is not visible. The interesting alternative that I present in this new proposal is that one doesn't concentrate on proving the past malice, but one provides new certified evidence upon which future malice can be proven if the accuser proceeds to attack in light of provable facts or evidence. The present alternatives seems to be a worse--allowing unlimited attacks on everyone regardless of provable truth, or the making of every speaker or publisher liable for every statement he makes, with the burden of proof on the accuser. The latter would have an extreme chilling effect on free speech. This would not only place a severe restriction on one's ability to speak (since few things we ever say are fully provable), but it would also destroy our ability to criticize tyranny or malicious conspiracy in government.

For example, suppose you know something about a government official that is improper and dishonest. You saw it with your own eyes and are sure of what you saw. However, there were no other corroborating witnesses, so it is your word against his--you cannot prove your charge under a court's rules of evidence, other than to serve as your own witness. Under the criteria of having to prove one's statement as true, or be subject to someone's libel or slander charge, one would be unable to warn others without suffering unjust damage from the other's libel suit. But being free to stand on one's own testimony without being forced to prove it allows for an open attack against evil. The opposition could only stop you from saying subsequent statements if they were capable of proving you were not present and had no other evidence. Even then, the maximum penalty would be a cease and desist order.

So, under these principles, there is a simple solution. The man possesses a fact, by right, since he saw it himself. As long as a person can claim to

be an eye witness, he must be free to declare those facts, and no one can charge libel or slander, unless they can prove he is lying. An eye witness has a right to the facts--they are part of him. He can only be prosecuted if the other party can prove he is lying, not simply mistaken. This alternative allows for the maximum freedom to criticize known facts, without placing the burden of proof on the speaker--which would be an intolerable burden to free speech since so few things in life are provable even when seen by an eye witness.

I would also apply the same standards of free speech to leaders in government. They would not be able to attack individuals or legislation without having to respond to arguments and evidences of truth presented by the opposition.

## **FREEDOM OF THE PRESS**

As to the freedom of the press, I think it is sufficient to look at published material as a free and voluntary contract between publisher and subscriber. Today, we erroneously think of the newspaper as a public medium. It is not, as long as every paper is sold on a private contractual basis--without use of tax funds. All aspects of the news media, as well as private television should be considered private communication, despite the fact that it may be available for sale in open areas. The only thing that would be subject to prosecution would be a violation of the fundamental right NOT TO BE INVOLUNTARILY ACTED UPON IN A HARMFUL MANNER. This would entire an attack upon character (after demand for evidence or the sending of certified evidence to the contrary) or visible material on the cover or screen, open to public view that would be morally offensive and harmful to children. In other words, one could only petition for a cease and desist order and damages if you could view objectionable material from a public sidewalk or from your own private property. You could not claim harm or damages, however, if you chose to go inside a private bookstore or viewing area, since you entered the domain of someone else's rights. Where there is an open invitation to enter a business, some appropriate warning of the presence of offensive materials could be required.

## **FREEDOM OF BELIEF**

Any person is free to believe anything he wants, good or evil, without restriction. In fact, there is no way, known to man, of knowing what a person believes unless he expresses such beliefs. Generally, limitations may be placed upon the exercise of belief, only when actions, based upon such beliefs, violate the rights of others. That is fairly straightforward. But what about the expression of beliefs that are viewed as an INTENT to violate others rights?

I believe that it is within the defense rights of all persons to apply prior restraints to those who intend to harm others, or in other ways violate their rights. The problem arises in finding clear and distinct evidence that such intent is real, imminent, and potentially dangerous to rights--not simply because you dislike or disagree with it.

Those are not easy criteria to satisfy. Generally, one would have to rely upon witnesses, which presents difficulties about who is telling the truth. But neither is it sufficient to wait until the person strikes and does his damage. Prosecution is of little consolation to one that has lost his life or been permanently damaged. Restitution is insufficient in areas where no restoration is possible. Concerned for justice, as we may be, this is one of the gray areas of law, which unfortunately cannot be satisfactorily written in statute. In general, the issues of intent to do damage must be left to the judgment of a jury. Juries can usually sense when a witness is lying, and must be given sufficient freedom to declare such. But there is a troubling trend in jury selection now--the picking and choosing of dumb, emotional, manipulable people and screening out all of those capable of critical analysis. I'm not sure if such juries are reliable anymore.

I am not so concerned about the potential for leniency in these few gray areas of the law, as long as strong measures are present to deter the actual acts, if they should be proven to have occurred. It is when we show excessive leniency toward the determination of criminal intent, combined with permissive prosecution of the crime, and liberal parole policies, as we now have, that evil criminal conduct fails to be deterred.

## THE RIGHT TO PRIVACY

**To act in PRIVACY, within one's own or contractual property, free from search, seizure, regulation and internal surveillance except when acting to infringe upon, or destroy another's rights.**

In this section, the right of privacy is assured, with two conditions. One, that the right only exists on one's own property, or on property that he controls. However, it is incumbent upon the person to provide his own shielding when he is in plain view of others who may be on some else's property. Second, no one has a right to privacy when acting and planning to infringe upon another's rights.

The issue of secret surveillance has an interesting result under these principles. The implication of these principles is that the actions and the thought processes OF THE PERSON CLAIMING PRIVACY determine whether he possesses the right or not. If he is in the process of planning or acting in a treasonous manner (defined as working to destroy others' fundamental rights) he, at that moment, or in any subsequent actions related to that intent, HAS NO RIGHTS TO PRIVACY.

In other words, if a government agent is eavesdropping on him and discovers the intent to violate rights, his eavesdropping is valid. If an agent is discovered by the owner and prosecuted for invasion of privacy and cannot produce any evidence of infringement of rights, then the officer could be held liable for a violation of privacy and property rights. If there were external evidence sufficient to secure a time-limited warrant from a judge to engage in the a search for evidence, the officer could not be rightfully prosecuted since the probability of treason had already been established by some evidence. The judge would be liable for issuing any search warrant with insufficient. Officers of the law should be held personally liable for falsify such evidence to a judge. But none of these cases should be allowed to taint actual evidence of a crime. They should be prosecuted as separate offenses.

Under this doctrine, both accidental discovery of evidence can be used to convict as well as evidence by warrant issued under probable cause.

## **FREEDOM OF RELIGION**

**To be free to WORSHIP God according to the dictates of conscience, as long as any actions stemming from such worship do not violate the rights of others or covenants individual members have made with government. It is also the freedom not to be compelled to worship or give allegiance to any deity, object, person or government except by voluntary covenant.**

At issue here is the concept of ultimate sovereignty. But sovereignty must always be stated relative to other claims to power. It is my personal belief (which I do not desire to force upon others) that the Creator of this earth possesses the ultimate sovereignty over earthly affairs--regardless of man's recognition or lack of recognition of God's existence. Because of my recognition of God as the Creator and ultimate sovereign over the affairs of the earth, I can only give partial, conditional allegiance to any earthly power.

There is a distinct propensity in evil man, especially those bearing high earthly powers, to become enraged at the thought that certain religious persons refuse to recognize the absolute powers claimed by government. Throughout history, they have taken great delight in inflicting pain, suffering, and even death upon innocent persons, trying to coerce them into submission. This declaration is an open warning to such persons that no such involuntary allegiance can be rightfully justified.

But neither are these professions of belief grounds for demanding that all give allegiance to God. I believe that the grand Creator of earth wants men to be free to choose whom they will serve. Thus, men are free to give as much voluntary allegiance to earthly institutions as they wish and, in contrast to the foregoing, religious men cannot rightfully compel others to withhold such allegiance from earthly institutions in deference to God.



Because of the temporary autonomy given to man on earth, and the potential abuse of government power, I believe it is in the best interest of all good men (including peaceable, but non-religious persons) to join together in establishing good government for self-protection. In doing so, we do not necessarily give such government total allegiance. It is perhaps more prudent to look upon our allegiance to country and even good government as conditional--that is, to the degree that government does not infringe upon fundamental rights.

Such a government protecting every person's right to worship or not to worship, as he or she may see fit, can and must allow for the free expression of religious feelings by its elected leaders--with one limitation. They must not use general tax funds to promulgate religious teachings, symbols or prayers. A leader may pray publicly or privately, but it would be improper to pay a minister to pray at a public gathering. He could do so without pay, as long as the selection for the program followed what the majority decided. Leaders have to be given full powers of free speech in order to lead. But beyond that they cannot use general tax funds to promulgate values. Values must always be competing, and the only way to accomplish that in a free society is to make sure no one has to subsidize anyone else's values with public funds. That's why prayer and even "generic" religion is improper in public schools--because the government schools improperly take everyone's money. Now, if government schools were financed exclusively user fees, then if the majority wanted to pray that would be acceptable. Those that objected would be free to choose schooling elsewhere with no financial penalty.

4:

## **SELF DEFENSE AND REVOLUTION**

**To DEFEND one's person and property against any overt and imminent threat, and to use the minimum, appropriate force required, of the alternatives immediately available at hand, to eliminate such threat, when no immediate recourse is available to assistance or constitutional adjudication. This includes the**

**right to defend oneself against the aggression of other persons acting unconstitutionally as a majority within a government with the intent to take assets without prior consent or otherwise deprive any person of these fundamental freedoms.**

There are two inherent dangers involved in the fundamental right to self-defense. First, it must not be viewed as a total license to kill for small and petty reasons. But on the other hand, it must not be so restrictive that it forces a person to calculate a myriad of legal alternatives when he is under dangerous, threatening and uncertain circumstances.

As we discussed earlier, we join together to form governmental associations in order to enhance our capability to deter and prosecute crime, and to use large scale defensive military force when appropriate. We also place voluntary limits upon our own powers of self-defense, by deferring to the judicial process for prosecution rather than taking personal retribution and revenge. The only exception is when the threat is so imminent, dangerous, or uncertain that there is no safe opportunity to summon law enforcement officers. In such a case each person is free to rely on his fundamental right to defend himself.

Such self-defense should give every benefit of the doubt to the one who is being threatened--not the aggressor. This principle is specifically worded to not give the type of legalistic aid and comfort to criminals as is presently provided by the myriad of legal restrictions surrounding the use of "deadly force" by a citizen.

A homeowner who is threatened by physical force should be free to select the best weapon, of that which is immediately available, that HE or SHE determines is necessary to eliminate the threat. There are circumstances that may well even justify shooting a violent attacker as he is fleeing, under the very real presumption that he is likely to come back and try again. It also means that a person isn't restricted from using fast and deadly force against an attacker simply because he cannot visibly see a weapon. In many circumstances, at dark and at night, the presence of an intruder who refuses to respond to your demands to identify himself or

otherwise stop his approach warrants the use of deadly force, from as safe a distance as possible. The only weapon that is usually suitable under such criteria is a stand-off weapon, such as a handgun, which demonstrates one of the prime reasons why a citizen's right to self-defense is severely handicapped if handguns are prohibited.

The last part of the statement expands the self-defense role from the individual threat to the more onerous threat of tyranny by improper government force, as is quite common even in our society. In essence, it defines the right of legitimate revolution against government tyranny.

Instead of reaching for a gun to go next door and rob people, when in need, people have been enticed to believe it is appropriate to "reach for their legislator" instead of the gun. The legislator, along with a majority of the other representatives, performs the violation or theft, but he does so in the name of the law and taxation. That is why social welfare laws are improper and a violation of the fundamental rights of ownership. Government asserts the power to do what the individual citizen does not have the right to do--take from the productive and give to those that claim a need. But government, like any other association of men, cannot possess greater rights than those forming the association. If individuals do not have the right to take money from another without a voluntary exchange, neither does government.

Government has the power to tax, but only under contractual circumstances where the citizens have agreed to pay for services they assign a government to perform. The power to tax should be nothing more than an extension of the individual power to contract. After receiving a contractual service, the individual can be forced to comply with the terms, meaning "pay up." Unfortunately, we have many types of government taxes which are forced upon people who have never contracted for the service. This is improper. In fact the entire formation of a government without initial consent of all the governed is a violation of a major principle of liberty.

When sufficient violations of this nature occur, and when there is no further recourse to peaceful change, the people may well be justified in exercising their right to revolution. Usually this is only necessary when the majority of voters have begun to participate in the benefits of government theft, and refuse to repeal the improper laws, voluntarily. Only when an oppressed minority has lost, in whole or in part, its fundamental rights and there no longer remains any ability to gain redress for grievance by democratic means is it justified in disregarding the law (nullification), leaving the government (secession), resisting compliance by armed defense, and throwing the rascals out of power (by revolution).

Granted, this is a dangerous and unpleasant course, and as stated in the Declaration of Independence, should not be done for "light and transient causes." Nevertheless, it must be universally taught and defended as the fundamental right that it is. (Such instruction of citizen's rights should never be allowed to justify a mandatory government school system--only that it may be view as a mandatory prerequisite of understanding for each person applying for citizenship. Where and how he learns it is up to the individual, as is discussed in the area of contractual citizenship. The citizen contract is found at the end of the Constitution.

## 4. Philosophy of Government Compared

# Principles of Conserving Liberty Compared to Present Law

### HOW THESE PRINCIPLES WOULD AFFECT PRESENT LAW:

These principles, which ensure the preservation of liberty, would prohibit many forms of existing law. The following examples of unjust law are provided, accompanied by the various fundamental rights which are violated by the enforcement thereof:

#### ECONOMICS:

1. Any printing of paper money, private or public, without 100% asset backing (violation of the right of OWNERSHIP of those holding existing currency having previously exchanged real assets for such currency).
2. The existence of the Federal Reserve, with bank regulatory powers, and debt monetization powers (violation of right of free CONTRACT to form independent, unregulated banks; debt monetization functions are a corruption of OWNERSHIP rights of holders of existing currency).
3. Commerce commission regulations restricting free entrance into any business pursuit, fixing of prices, and controlling routes (violation of rights of CONTRACT and OWNERSHIP).
4. Anti-trust laws, when mutual cooperation and joint action is purely voluntary (violation of CONTRACT rights).
5. All laws regulating employee-employer conduct, that is not fraudulent, or mandating benefits or taxes as a condition of employment (violation of LIBERTY, CONTRACT, and OWNERSHIP rights).

6. Union shop and forced collective bargaining laws (violation of employer's right of CONTRACT and OWNERSHIP rights, as well as right of LIBERTY of non-employed persons to freely bid for a job invitation).

7. Health and safety regulations, as a prohibition of business activity and where enforced by coercion, where non-consenting persons are not affected (violation of right of SELF-RESPONSIBILITY to take risks, and the right of CONTRACT to accept risk).

8. Restrictive licensing as a requirement to engage in professional services (violation of the right of right of the purchaser to be SELF-RESPONSIBLE for the risks of dealing with unlicensed persons; also a violation of both party's right to CONTRACT). Prosecution of fraudulent practices in violation of professional contracts would be encouraged by these principles.

9. Any wage, price, rent, or interest rate controls (violations of LIBERTY, CONTRACT and OWNERSHIP rights).

10. Any government restriction of international or interstate trade between willing partners, except where such trade would assist an enemy of these rights (violation of rights of CONTRACT and OWNERSHIP).

11. Any involuntary taking of property for so-called "eminent domain" or "public purposes" (violation of right of OWNERSHIP).

12. Any government mandated zoning or land-use restrictions not involving direct damage to other's property rights (violations of OWNERSHIP). Voluntary restrictive covenants would be proper under the principles.

13. Any laws giving powers to form cities which coercively include properties of non-consenting owners (violation of OWNERSHIP, LIBERTY and CONTRACT rights).

14. Any law prohibiting a US citizen from hiring foreign persons as long as the citizen is willing to accept the full responsibility for that person (violation of right to CONTRACT).

TAXATION:

1. Any taxation without a citizen-government contract (violation of LIBERTY, OWNERSHIP, CONTRACT and ASSOCIATION rights).
2. Any laws mandating that persons or business entities collect taxes for the government without compensation (violation of LIBERTY, OWNERSHIP, CONTRACT rights).
3. IRS tax code, Income tax laws (violation of right of PRIVACY, DUE PROCESS. The latter representing the taking of PROPERTY without contractual consent).
4. Use of tax funds to benefit special interests (job training, unemployment compensation, welfare, food stamps etc. ) without the consent of the giver (violation of CONTRACT, OWNERSHIP).
5. Inheritance taxes (violation of OWNERSHIP, and right to dispose of one's property without penalty).
6. Involuntary participation in Social Security taxes (violation of right of OWNERSHIP, CONTRACT, and SELF-RESPONSIBILITY for retirement).
7. Any tax law that is not completely uniform to all users of the service (violations of the principle of equal JUSTICE under law).
8. The use of tax funds to promote partisan views not held by all of the taxpayers (violation of rights of OWNERSHIP, BELIEF)

#### CRIMINAL AND CIVIL LAW:

1. Any law excusing criminal action by reason of insanity (violation of SELF-DEFENSE rights of members of society). This does not mean they are necessarily subjected to the same punishment as crimes committed with full intent, but rather, that members of society can demand restrictions upon the future actions of those insane persons who have violated others rights.
2. The involuntary incarceration of mentally ill or insane persons who have committed no crime or who do not represent an imminent and pernicious threat to others (violation of LIBERTY, PRESUMPTION OF INNOCENCE).

3. Any laws releasing criminals from responsibility for their acts when technical violations of the rights of the accused occur (violation of SELF-DEFENSE rights of the people, and the citizen-government contract to uphold those rights). The better solution is to prosecute both the criminal and the officer who violated his rights, but to each according to the seriousness and damage caused by the respective offense.
4. Bankruptcy laws (violation of CONTRACT and OWNERSHIP rights of the creditors).
5. Limitations on prosecution of treason to a declaration of war (violation of SELF-DEFENSE rights of every individual citizen).
6. Laws prohibiting capital punishment for those proven to be an imminent threat to others by multiple or heinous offenses (violation of SELF-DEFENSE contract implicit between citizen and government).
7. Laws restricting the right of victims to restitution (violation of principle of JUSTICE that victims be restored to prior condition to the greatest extent possible).

#### FOREIGN POLICY:

1. Any foreign aid, loans, or loan guarantees to other nations (violation of OWNERSHIP rights of non-consenting taxpayers). Voluntary contributions would be acceptable.
2. Any military incursions outside national boundaries not in verifiable defense of the fundamental rights of US citizens (violation of the defense purpose of Government and the OWNERSHIP rights of those non-consenting persons who were forced to pay in taxes for the military action). Defending the rights of others would have to be on a volunteer basis unless the threatening power had also shown its intent to ultimately violate US freedoms.
3. Any monetary support or future commitment, with taxpayer funds, of international organizations who are in any way hostile to our national sovereignty or these fundamental rights (violation of defense role of government).



4. Any treaty or agreement which would subject our laws, citizens, or properties to international arbitration without the specific consent of the US parties directly affected (violation of the citizen government contract to defend citizen rights).
5. Any treaty or agreement failing to defend US citizen rights and properties from any threat, foreign or domestic (violation of defense role of government).
6. Any public or private trade with communist governments or persons under the influence of such governments that has openly expressed opposition to these rights (constitutes aiding and abetting an enemy and is a violation of defense role of government).

#### PERSONAL RIGHTS:

1. Civil rights legislation prohibiting private limitations of association for any reason (violation of right of CONTRACT, ASSOCIATION, BELIEF and free JUDGMENT).
2. Any law mandating public or private preference for special minorities not merited by free negotiation between contracting parties or uniform standards of performance (violation of equal JUSTICE under law).
3. Any restriction on the right of any association of belief (including religious beliefs) to influence government to the degree such influence is exercised by the equal rights of all citizens (violation of right to act on the right of BELIEF when not treasonous or coercive).
4. All laws prosecuting individuals for voluntary actions where no victim is capable of being specifically defined and visible to the law (violations of LIBERTY, CONTRACT and ASSOCIATION)
5. Any laws prohibiting persons from taking health, safety or financial risks, or laws mandating that persons take certain actions for their own benefit when failure to do so does not coercively affect others (violation of right of SELF-RESPONSIBILITY and freedom to fail).
6. Any restriction on the unlimited right of persons and associations to financially or otherwise support political causes and candidates, not of a treasonous nature (violation of LIBERTY).

7 Any restriction on the free movement of citizens not guilty of treason or criminal actions.

8. Any support or funding of abortions of convenience (violation of right to LIFE).

9. All compulsory school attendance laws, school and teacher certification laws (violations of rights of PARENTAL or SELF-RESPONSIBILITY FOR EDUCATION, and rights of LIBERTY, and CONTRACT).

10. All laws giving public schools a monopoly on the use of property taxes or other taxes from the general funds of state or federal governments (violation of principle prohibiting use of general taxation for special interests, the fundamental right of OWNERSHIP, the freedom to CONTRACT with other schools without financial penalty, and the right not to subsidize the promulgation of objectionable beliefs and values taught therein).

#### CONCLUSION:

These principles of liberty and statements of the fundamental rights of man should leave you with a great sense of hope and inner peace, knowing that we are capable of discovering, with the help of God, those ultimate standards which will enable us to live at peace with other men of good will. But, with all the progress represented here, these principles do not yet place all the difficult questions of law into fixed legal language. There are still many conflicts in life that will have to be decided by human judgment. We must take great care in the training and development of wise men to serve as legislators and judges.

In an even larger sense, we must never fail in our sacred obligation to train up our own children in the defense of these principles. I know of no school, public or private, where the full range of truth in these matters is taught. Shallow references to patriotism and nice stories about American history will not suffice in the sophisticated and piecemeal decline in liberty that we presently suffer.

Toward the restoration of our liberties, I submit to you, in conclusion, a Declaration of Sovereignty, setting forth in the classical style of Thomas Jefferson, the essential elements of freedom, our general grievances against tyrannical government, and a declaration of our individual and family sovereignty. It is a signature document, and I encourage you to sign it as a

personal pledge toward our mutual understanding and joint dedication to a renewal of liberty and justice for all.

## **THE FUNDAMENTAL RIGHTS OF MAN**

Joel M. Skousen

DEFINITION:

**Fundamental rights** are those rights to act, or to be, which all persons can do or possess simultaneously without compelling any other person to provide a service or tangible asset.

1:

### **RIGHT TO LIFE**

**THE RIGHT TO LIFE ITSELF FROM CONCEPTION TO NATURAL DEATH, EXCEPT AS A CONSEQUENCE FOR A CRIME AGAINST THE RIGHTS OF OTHERS.**

COROLLARY RIGHTS relating to man's innate ability to think, believe, and reason:

A. The right of **FREE THOUGHT and JUDGMENT** on the individual worth of ideas, people and things. Every individual is unique, possessing different capabilities and characteristics which may vary from time to time according to the correctness of one's desires, thoughts and actions. Therefore, in a free society, individuals must be free to judge another's worth according to the merits as he alone perceives them, without restraint or coercion, and to act upon such judgment in each person's rightful economic, social and intellectual arena.

B. To **BE FREE to BELIEVE** according to each person's conscience, without restriction, except when actions based upon that belief would violate the fundamental rights of others.

2:

### **LIBERTY**

**THE FREEDOM TO ACT WITHOUT EXTERNAL OR PRIOR RESTRAINT  
WHEN THOSE ACTIONS ARE NOT IN DIRECT AND HARMFUL CONFLICT  
WITH THE RIGHTS OF OTHERS.**

COROLLARY RIGHTS:

A. To be solely **RESPONSIBLE for one's own health, life, education and safety**. It is, therefore, not the right or duty of other men, whether by individual or government force, to coerce men to act in any way they may deem beneficial for another's welfare, when failure or refusal to so act will not directly or harmfully affect others outside covenant and contractual relationships. This includes the right **to take PERSONAL RISKS** without prior restraint as long as others, who are not bound in a voluntary contractual relationship with knowledge of those risks, are not involved.

B. **To engage in any ECONOMIC ACTIVITY** desired as long as such activity does not involve compulsion upon others or the assistance of an enemy of these fundamental rights.

1. To **engage in voluntary CONTRACTS**, written or verbal, without restriction or regulation except where direct and harmful non-contractual consequences to others occur; and to enforce such contracts, which are unfulfilled, where real consideration in the form of labor, assets or other property was given.

2. To **unrestricted SELECTION and PURCHASE** (from a willing seller) of all available goods and services desired, whether deemed good or bad by others, whether domestic or imported, except where such purchase, possession or use will infringe upon the rights of others, or directly assist an enemy of these rights.

3. To **circulate and negotiate any tangible asset or sworn evidence thereof as money** or a **MEDIUM OF EXCHANGE** as long as it is voluntarily accepted by another and fraud and misrepresentation are not present.

4. To **PUBLISH** any written, photographic, or electronic material, as long as others are not involuntarily exposed to such material on their own or contractual property.

5. The **right to state any opinion** about another person or product without providing proof or evidence as long as such statements are labeled clearly as opinion.

C. **To ASSOCIATE** with other persons without coercion as long as that association is desired by all parties, does not constitute a direct and harmful threat to another's rights, and where such association is not in violation of the desires of the property owner.

1. Individuals may **PEACEFULLY ASSEMBLE** in groups without criminal or treasonous intent as long as private property rights and free movement on public property are not infringed or impeded.

D. **To DISASSOCIATE** with other persons without public reason or justification (but one cannot expel anyone from his presence except on his own or contractual property)

E. To be **FREE to WORSHIP** God according to the dictates of conscience, and to extend one's highest allegiance to Him. No individual or government power may, therefore, rightfully coerce a person to subordinate his ultimate allegiance to God to any earthly power, though an individual may voluntarily do so. In the opposite sense, no man may be compelled to acknowledge God or worship him.

3:

## **OWNERSHIP**

**THE RIGHT TO OWN, DISPOSE OF, AND CONTROL ALL PROPERTY AND ASSETS WHICH ARE EARNED BY THE HONEST FULFILLMENT OF VOLUNTARY CONTRACTS, RECEIVED AS A GIFT, INHERITED, OR EARNED IN PROPORTION TO THE APPLICATION OF ONE'S LABOR TO UNOWNED PROPERTY.**

COROLLARY RIGHTS relating to or restricted to ownership and property rights:

A. To **BE FREE FROM BEING ACTED UPON** or involuntarily influenced in a harmful manner, when on one's own or contractual property and not directly and harmfully affecting the rights of others.

B. **To exclude all persons** not desired from one's own property.

C. To make **any WRITTEN OR VERBAL EXPRESSION, on property within one's ownership or control**, whether for personal or commercial intent, without prior restraint or restriction of the distribution thereof, except when acting so as to destroy or deny to others some fundamental rights.

D. **To act in PRIVACY**, within one's own or contractual property, free from search, seizure, regulation and internal surveillance except when acting to infringe upon, or destroy another's rights.

**4:**

## **SELF-DEFENSE**

**TO DEFEND ONE'S PERSON, RIGHTS, AND PROPERTY AGAINST ANY OVERT AND IMMINENT THREAT, AND TO USE THE MINIMUM, APPROPRIATE FORCE REQUIRED, OF THE ALTERNATIVES IMMEDIATELY AVAILABLE AT HAND, TO ELIMINATE SUCH THREAT, WHEN NO IMMEDIATE RECOURSE IS AVAILABLE TO ASSISTANCE OR CONSTITUTIONAL ADJUDICATION.**

This includes the right to defend oneself against the **aggression of** other persons acting unconstitutionally as **a majority within a government** with the intent to take assets without prior consent or otherwise deprive any person of these fundamental freedoms.**5:**

## **FAMILY RIGHTS**

**FAMILY POSSESS TOTAL SOVEREIGNTY OVER FAMILY AFFAIRS THAT DO NOT INFRINGE UPON OTHER'S RIGHTS AND THAT DO NOT CONSTITUTE AN IMMINENT THREAT TO THE LIFE OF THE CHILDREN THEREIN**

There exists a natural covenant relationship between parent and child, beginning at conception, that is binding upon the parents and requires them to assume the ultimate responsibility for child care, safety, and education until the child arrives at an ability or desire to be responsible for self.

However, in deference to the voluntary covenant relationship which generally involves the sacred act engendering a child, governments should never be granted power to intercede in the affairs of parents and children as long as parents are not proven guilty of physical abuse, or extreme negligence which threatens the life of the child, as clearly defined in constitutionally restricted law, and in no case against the will of the child, when at a sufficient age to speak and have knowledge of the facts, he or she expresses an uncoerced desire to remain with one or both parents.

Children have the right to demand of their parents, minimum CARE, AND PROTECTION until reaching an ability, or desire to be self-sufficient--as long as the child is not acting in rebellion with the requirements of his parents which do not constitute extreme physical cruelty, or gross negligence, as defined in constitutional law. Such definitions shall not include normal physical discipline such as spanking which does not break the skin or cause permanent physical harm.

Parents have the right to ultimate RESPONSIBILITY and AUTHORITY for the health, education, and welfare of their dependent CHILDREN without interference or prior restraint from government, except when proven guilty of gross physical cruelty, or gross negligence, as defined by constitutional law, and where the child does not object to such government interference, as provided above.

## 5. Citizen Compact

# CITIZEN COMPACT

### PROPOSED DIFFERENCES BETWEEN CITIZENS AND RESIDENTS

#### CITIZEN

##### Requirements:

**Minimum age**, 12 years old

Must pass the **uniform language test** of the national language(s),

Must pass a basic **test on constitutional law and fundamental rights**.

Must agree and sign the **Citizen Compact** and covenant not to act or promote the undermining of these rights (see below).

Must pay an **annual Citizen tax**.

Must maintain a **registered vote** in all national and state elections of primary residency unless incapacitated

Males must agree to receive 6 months **military** training (by private or public means meeting uniform standards)

Males must agree to serve a minimum of two years active duty (only during a declared war by Congress where there is a direct threat to the liberty of this nation). All other military service to be voluntary with pay.

Must agree to **limited eminent domain takings** by government w/fair market compensation (strictly limited to major highways; transportation, communication, and utility corridors; and military and police facilities) only in critical geographical locations, where no other viable, economical alternative is available. Burden of proof on government



Must agree to the following **Limitations On The Right To Bear Arms:** That the Citizen will not possess weapons of mass destruction capable of killing or maiming large numbers of people simultaneously.

Agrees to **lose citizenship** (reduced to Resident) upon conviction of the following:

- Conviction of unjustified Murder (loss of citizenship is permanent)
- Convicted of a violent crime, causing permanent injury to another, or any total of 3 other criminal actions. (Can only become a Resident thereafter after paying full restitution to victims).
- Conviction of Treason (permanent loss of Citizens, and/or exile)
- Thrice failing to maintain an active vote, without excuse (can recover citizenship after 4 years)
- Failing to pay lawful tax, or work off back taxes two years in arrears (can recover citizenship upon full payment)
- failure to abide by the citizen covenant.

### **Privileges of the Citizen:**

Can purchase and hold things requiring **title registration and protection** (land, building, vehicles)

Has access to **patent, trademark and copyright protection**

Can serve as a **corporate officer, judge, military officer, police officer**

Can **Hold Public Elected Office** (As Long As Does Not Hold Dual Citizenship)

Has the right to **unrestricted movement and residency** on non private land w/out permission within nation.

### **RESIDENT**

#### **Requirements:**

Any person other than a citizen who is a natural born child of a citizen or person of lawful entry into the country with one year's continuous residency of good behavior under a citizen contract of sponsorship.

Must pass minimum conversation and reading test in the national language(s) (understanding emergency situations, directions, asking questions, answering questions, and reading signs, basic instructions, filling out forms)

Must pass a limited test to ensure resident knows the basic laws of normal conduct (not as comprehensive as Citizen test)

Must pay first year annual Resident tax--a general tax for national defense and nation and local judicial system.

Must commit to 2 year non-combat duty during a declared war.

### **Privileges**

Can rent or lease titled property held by a citizen

Can own outright any thing not requiring a registered title (generally, all goods except land, buildings, motor vehicles)

### **Restrictions**

Can only vote in local elections pertaining to residency

In order to change permanent residence he/she must obtain residency permit from the intended state of residence (which may not be denied except for criminal conduct)

May travel at will within the nation, but may not reside temporarily outside his resident state for more than 3 months without a permit.

Cannot hold public elected office, serve as a judge, be a military officer, or a police officer.

Cannot own land, or a vehicle requiring protection of title, but may rent or lease all such titled property.

May serve in military posts, if accepted.

Possess all the fundamental rights **except** the full rights of titled ownership stated above and the right to own certain lethal arms. Definition of "lethal arms" shall not include knives, bows and arrows, non-poisonous darts, clubs, BB and Pellet guns and rifles (under a muzzle velocity of 1000 fps).

**NON RESIDENTS AND TOURISTS** can only remain in the country in excess of 3 months in any single year by sponsorship of a citizen in good standing.

All citizens must sign and covenant to defend the following declaration and recognition of fundamental rights:

## **THE FUNDAMENTAL RIGHTS OF MAN**

### **Condensed Listing**

Proposed by Joel M. Skousen

1:

### **RIGHT TO LIFE**

**THE RIGHT TO LIFE, from conception to natural death, except as a consequence for a crime against the rights of others.**

COROLLARY RIGHTS relating to man's innate life-related ability to think, believe, and reason:

A. The right of **FREE THOUGHT and JUDGMENT** on the individual worth of ideas, people and things.

B. To **BE FREE to BELIEVE** according to each person's conscience, without restriction, except when actions based upon that belief would violate the fundamental rights of others.

C. To be **FREE to WORSHIP** God according to the dictates of conscience.

2:

### **LIBERTY**

**THE FREEDOM TO ACT WITHOUT EXTERNAL OR PRIOR RESTRAINT when those actions are not in direct and harmful conflict with the rights of others.**

COROLLARY RIGHTS:

A. To be solely **RESPONSIBLE for one's own health, life, education and safety.**

B. **To engage in any ECONOMIC ACTIVITY** desired as long as such activity does not involve compulsion upon others or the assistance of an enemy of these fundamental rights.

1. To **engage in voluntary CONTRACTS**, written or verbal, without restriction or regulation except where direct and harmful non-contractual consequences to others occur;

2. To **unrestricted SELECTION and PURCHASE** (from a willing seller) of all available goods and services desired,

3. To **circulate and negotiate any tangible asset or sworn evidence thereof as money** or a **MEDIUM OF EXCHANGE** as long as it is voluntarily accepted by another and fraud and misrepresentation are not present.

4. To **PUBLISH** any written, photographic, or electronic material, as long as others are not involuntarily exposed to such material on their own or contractual property.

5. The **TO STATE ANY OPINION** about another person or product without providing proof or evidence as long as such statements are labeled clearly as opinion.

C. **To ASSOCIATE** with other persons without coercion as long as that association is desired by all parties, does not constitute a direct and harmful threat to another's rights, and where such association is not in violation of the desires of the property owner.

1. Individuals may **PEACEFULLY ASSEMBLE** in groups without criminal or treasonous intent as long as private property rights and free movement on public property are not infringed or impeded.

D. **To DISASSOCIATE** with other persons without public reason or justification

3:

## **OWNERSHIP**

**THE RIGHT TO OWN, DISPOSE OF, AND CONTROL ALL PROPERTY AND ASSETS which are earned by the honest fulfillment of voluntary contracts, received as a gift, inherited, or earned in proportion to the application of one's labor to unowned property.**

COROLLARY RIGHTS relating to or restricted to ownership and property rights:

A. **TO BE FREE FROM BEING ACTED UPON** or involuntarily influenced in a harmful manner, when on one's own or contractual property and not directly and harmfully affecting the rights of others.

B. **To exclude all persons** not desired from one's own property.

C. To make **any WRITTEN OR VERBAL EXPRESSION, on property within one's ownership or control**, whether for personal or commercial intent.

D. **To act in PRIVACY**, within one's own or contractual property, free from search, seizure, regulation and internal surveillance except when acting to infringe upon another's rights.

4:

## **SELF-DEFENSE**

**TO DEFEND one's person, rights, and property against any overt and imminent threat, and to use the minimum, appropriate force required, of the alternatives immediately available at hand, to eliminate such threat, when no immediate recourse is available to assistance or constitutional adjudication.**

**5:**

## **FAMILY RIGHTS**

**Families possess total SOVEREIGNTY OVER FAMILY AFFAIRS that do not infringe upon other's rights and that do not constitute an imminent threat to the life of the children therein**

**Children** have the right to demand of their parents, minimum CARE, AND PROTECTION until reaching an ability, or desire to be self-sufficient--as long as the child is not acting in rebellion with the requirements of his parents which do not constitute physical cruelty, or gross negligence

**Parents** have the right to ultimate RESPONSIBILITY and AUTHORITY for the health, education, and welfare of their dependent children without interference or prior restraint from government, except when proven guilty of gross physical cruelty, or gross negligence, as defined by constitutional law, and where the child does not object to such interference.

## 6. New Constitutional Proposal

# NEW CONSTITUTION OF LIBERTY

by

Joel M. Skousen

### PREAMBLE

We, as sovereign individuals and citizens of (*the United States*), having entered into a voluntary and unanimous covenant for the mutual defense of our fundamental rights, as described in the Citizen Compact, do hereby establish and empower a new government to secure those rights, and do establish this Constitution as the supreme law of the land, providing appropriate limits to lawmaking and enforcement powers of all governmental entities herein constituted by this mutual agreement.

### ARTICLE I

#### GENERAL FORM OF GOVERNMENT

A. The FORM of government we establish is a constitutionally limited, representative democracy (hereafter referred to as a "**Republic**") with strict limitations on the powers of majority rule, so as to limit the actions and purposes of government to the defense of the fundamental rights of all members, and to certain cooperative services and functions paid for and provided solely by user fees.

SOVEREIGNTY. This constitution establishes a sovereign claim to **nation status** in the world. This Republic is a federation of sovereign states. States may also contain one or more smaller covenant societies who, by unanimous consent of the members and property owners, may agree to form a closed boundary community with covenant legal standards more strict than the basic national legal structure protecting only fundamental rights.

B. AMENDMENTS This constitution outlines the structure of government and the minimum limitations on lawmaking and enforcement power of all branches of government. This Constitution is amendable by a 3/4-majority of either the Congress or the States. However, neither the Constitution nor any amendment to it can violate or overrule any provision of the unanimous Citizen Compact listing the fundamental rights of man.

Amendments to the Constitution may be proposed by the President, either house of Congress, State Legislatures or any group of citizens gaining ten percent (10%) of the signatures of their fellow citizens. A proposed amendment shall require first, the certification by nine (9) Supreme Court Justices that the fundamental rights of man, as listed in the Citizen Compact, are not violated by the proposal. Final approval shall be made by either the consent of three fourths (3/4) of the members of both Houses of Congress, or three fourths (3/4) of all State Legislatures. Any State or house of Congress may rescind its approval of an amendment up to the time that the required approvals are obtained.

C. CITIZEN COMPACT: This governmental system is founded upon the precept that there are universal fundamental rights of all men, that exist even when no form of government exists. The recognition of these rights is not properly determined by majority rule, but rather the unanimous consent of those agreeing to be governed by a mutual association to defend those rights. Such rights, in the absence of a specific declaration from God, can only be properly derived by careful analysis and selection of rights that can be ***simultaneously claimed*** by all persons, ***without engaging in the use of force or compulsion*** against any other person. All persons are thus invited to reason together and join in a mutual and unanimous agreement thereon. The Citizen Compact delineating the fundamental rights of members and residents is universal declaration of rights, binding its signatories to such recognition and agreeing to join together in a mutual compact for its defense. The Citizen Compact can only be changed by unanimous consent of all living Citizens who are not incapacitated, or by a three-fourths (3/4) majority of citizens so long as the change provisions are certified by the Supreme Court as causing no harm to the fundamental rights of any of the original signers. A change in the requirements of citizenship shall require that all citizens requalify in order that all may remain on an equal standing.

D. RATIFICATION: This constitution shall be in full force and effect only upon those individuals consenting and upon state governments that ratify it by a two-thirds (2/3) majority of the members of their respective Legislative body. No



individual or state shall be forced to join the union, but States not ratifying the Constitution shall be considered separate and sovereign foreign nations without any privileges to have commercial contact with member states except by the consent of Congress.

E. SUPREME LAW OF THE LAND. All laws not justifiable in every point of the fundamental rights of man are of no lawful effect and citizens are under no obligation to give them heed. Any attempt to enforce unconstitutional law by force shall be a crime punishable by law.

F. NO GOVERNMENT IMMUNITY. Responsible, individual officials at all levels of government shall be held strictly liable for their actions that violate fundamental rights. All government, police or military officials charged with enforcement powers shall be required to know the law, the limits and consequences of wrongful enforcement. The burden of proof is upon the government to demonstrate compliance with this constitution.

G. RIGHTS OF VISITERS AND DISSENTERS. This constitution recognizes the fundamental rights of all men, even when not members of this compact. No person visiting or living within the proposed national boundary prior to enactment of this Constitution shall be forced to join in the Citizen Compact, or accept this constitution. However, such visitors or dissenters shall not be allowed to violate any of the fundamental rights of members of this compact. Neither shall they be accorded any protections under the law without paying a user fee equal to the actual cost of all services received, when specifically requested. No enforcement officer under this government compact shall knowingly permit any citizen or national resident to violate the rights of a dissenter, but such officers of the law have no charge to provide any positive protection for dissenters. Citizens or residents under this compact shall be free to engage in any natural contract with any foreign or dissenting person as long as those persons are not attempting or planning to undermine the rights herein afforded. However, dissenters and visitors shall not be allowed free access to public provisions, roads, water or airways even with a Citizen's invitation, without payment of an appropriate user fee.

## ARTICLE II

### CITIZENSHIP

A. **CITIZENSHIP:** Citizenship shall be by qualification and covenant rather than by birth to ensure that this Constitution and the Citizen Compact are maintained by unanimous consent of those who desire to be members and take an active part in its maintenance and defense. The qualifications for citizenship are part of the **Citizen Compact**. Persons not qualifying for citizenship will may qualify for "resident" status by separate covenant document, the **Resident Compact**. Children and dependents of citizens shall be accorded the same legal status and protections as "residents", without having to qualify for citizenship until reaching the age of 20 years, as long as they remain under the guardianship of their parents or other guardianship by a Citizen. Except for reasons of mental or physical incompetence or incapacity, all dependent persons must, by the age of 20 years, either qualify for Citizenship on their own or qualify individually as new "Residents". Such qualifications, privileges, limitations and responsibilities of both "Citizenship" and "Residency" are specified in the appendix to this constitution. Dual citizenship is allowed, but persons holding such shall be ineligible to hold public office.

B. **IMMIGRATION:** All persons immigrating to this nation, seeking either permanent residence or temporary work shall only do so with a written contract with a citizen in good standing, wherein that citizen agrees to be responsible for the conduct, welfare, and whereabouts of that person for a limited period under conditions and penalties specified in law. The responsibilities of the citizen shall not be relieved until the immigrant qualifies for "resident" status in accordance with law or leaves the country. No government entity shall prohibit a citizen from exercising his right to contract with any foreign national except when the government can demonstrate beyond a reasonable doubt that such persons constitute a threat to public health or represent a clear and present danger to the rights of citizens.

### ARTICLE III

#### GOVERNMENTAL STRUCTURE AND JURISDICTION

Governmental units will be composed of federal, state, and local entities. This constitution will completely control the federal structure, but will only provide minimum structural guidelines for state and local governments for the sole purpose of ensuring a uniform defense of fundamental rights, a nationwide territorial defense and a uniform structure for collecting taxes in support of administration of justice and national defense

## A. FEDERAL STRUCTURE:

The Federal Government shall be composed of three branches:

- Executive (President, Vice President, Executive council, and national defense structures),
- Congress (Senate and House of Representatives)
- Judiciary (Supreme Court and Lower Federal Courts, with appropriate enforcement powers).

1. The Federal government shall have jurisdiction only in those areas of law directly pertaining to the nation as a whole, including Federal Courts, National Legislature, national defense, national boundaries, new territories, foreign relations, international law, international travel, national and regional transportation corridors and defense against threats to public health that transcend one or more States, qualifications of Citizens, and arbitration of disputes between States.

2. Federal laws enacted to ensure freedom of movement and commerce shall not mandate any specific positive measures, nor dictate restrictions on content of that movement, except in matters pertaining to a clear and present danger to public health, provable threat of agricultural disease requiring quarantine, or clear and present threats to national defense.

3. Federal law shall be uniform in principle for all states and all citizens and shall ensure that no State or Local government jurisdiction shall violate any of the fundamental rights of any person lawfully residing in a given sub-jurisdiction of the Republic.

4. Only the federal government may enter into international negotiations regarding issues between sovereign nations. However, neither the federal nor state governments shall prohibit any matters of trade between individuals across international borders unless such trade represents a direct, and clear and present danger to national security or public health, the burden of proof being upon the government.

## B. STATE GOVERNMENTAL STRUCTURE:

1. **FORMATION OF NEW STATES:** Laws determining the qualifications and conditions of statehood shall be uniform for all states, and shall not be changed unless all states requalify under the new standard. Groups of persons petitioning for statehood under this federal Republic shall first select by majority rule a committee to represent all the proponents in the Statehood proceedings. Each person shall have one vote and the top 5 candidates shall form the committee. The size and specific boundaries shall be determined by the national congress, but shall not take affect until the proposition is approved by a 2/3 rds majority of the residents of the proposed state. The national government shall not reserve to itself any land area within a state as a condition of statehood. In the case of certain lands already in use by the federal government, said use shall be renegotiated during or after the state formation prcess. The national congress shall also have the ultimate authority to arbitrate boundary disputes between adjoining nations or states which may be impacted by a new state's formation, but only if such disputes cannot be resolved among the state representatives. Any voluntary resolution between the affected parties shall take precedence over a federally arbitrated solution..

State governments shall be uniform in general structure and voting procedures so that all State residents may enjoy uniform rights and privileges. States may establish their own detailed procedures, where not otherwise prescribed by this constitution.

2. **STATE OFFICERS:** All states shall elect a **Governor** and **Vice Governor** by direct majority election by citizens at intervals determined by the states. Each state shall establish a bicameral legislature composed of a house of State Representatives, elected according to an equal division of population, and a State Senate with two Senators from each state district who garner the highest and second highest total of citizen votes in any election. The State Judiciary shall be governed by a State Supreme Court which shall be the court of highest appeal for state legal issues. State Supreme Court Justices shall be appointed to terms and conditions determined by the legislature. The Supreme Court of each State shall determine the qualifications and appointments of all lesser judges within the states, with the consent of the State Senate. The State shall have no power to determine or interfere with the selection of judges within local counties or other incorporated communities and covenant societies.

3. **STATE LEGISLATURE** shall be composed of a Senate and a House of Representatives. The State Senate shall have two Senators from each State

District or County. Numbers of district or county divisions in any State shall not exceed 50. Covenant societies with a state shall take the place of any district when such a society envelopes the boundaries of such a district. State Senators shall be elected two to a district following the pattern established for the national Senate. The State House shall follow the pattern of elections (100 majority representatives and 33 minority representatives) as outlined in the National House of Representatives below).

4 State Governments shall have **jurisdiction** to establish specific statutes and punishments for criminal acts, torts, liability, corporate and business law, that are not addressed in this Constitution as long as such statutes abide by the limitations of Constitutional law. States have complete jurisdiction to set the terms and conditions of both temporary and permanent "residency" requirements, in accordance with general uniform Federal Constitutional standards, itemized herein. States shall have jurisdiction to determine the disposition of vacant land through appropriate homesteading laws, but may not take any land exclusively for state use except by purchase through voluntary donations, in a competitive bid with private citizens. The purchase and maintenance of public facilities not directly related to services to all the citizens of the state is permitted, only only through user fees.

5. Local **sub units of government**, such as counties, cities and towns, shall be formed by uniform and reasonable procedures and conditions established by State Legislatures . State rules for the establishment of local government entities shall only apply to communities formed by majority rule procedures. No State or Federal law shall prohibit any group of 10 or more property owners from establishing their own covenant society by unanimous consent.. Communities utilizing initial unanimous consent to establish standards and punishments that are more strict than State and Federal laws governing personal conduct are exempt from all State and Federal laws to the contrary, except those requiring the minimal enforcement of fundamental rights. Covenant societies may enact laws that are more strict than the basic law of the Citizen Covenant and the Constitution, and may expand to any adjoining land that consents to all the conditions of the Covenant Community without prior permission from any other level of government. Neither Federal nor State Governments shall have the power to interfere with the affairs of such covenant societies except to ensure that any person wishing to leave such a society and return to the basic protections of national citizenship shall be allowed to do so, as long as valid contractual obligations are enforced or compensated for, and that no criminal

behavior recognized on the district, state or national level shall escape punishment.

6. State Courts shall try all matters related to state law that do not involved a federal constitutional conflict, or a conflict with another State. When a federal-state constitutional issue is raised, that specific issue shall be handled by the Federal Court having appropriate jurisdiction. Trials at the state level may proceed, but final disposition shall be delayed until any Constitutional challenges are resolved.

6A . The trial of all crimes at the state level, shall be by jury; or by a judge within the appropriate jurisdiction, as the accused may request. A trial by jury is an absolute privilege of any accused person. Such trial shall be held in the State where the crimes shall have been committed. When crimes by a single person or group of individuals shall have taken place in multiple States, the accused shall be tried for each crime separately in the state where it occurred unless the victim (or proxy of the victim) relinquishes right to prosecute locally or joins his rights with other victims in another state trial. Trials concerning a single criminal act involving numerous simultaneous victims in multiple jurisdictions shall be tried in one consolidated trial in a location to be determined by the majority of victims. The State wherein the prisoner resides or is held prisoner, shall extradite the accused to any other state wherein a duly authorized grand jury has issued an indictment for trial, unless there is reasonable cause to believe that the grand jury made the indictment under false information or prejudicial intent.

#### D. GOVERNMENT COOPERATIVE EFFORTS:

1. All government entities may establish cooperative service enterprises as long as such enterprises, including the costs of development, construction and administration are run solely on a user fee basis. Specifically, the faith and credit of the no government agency may be used to secure any indebtedness to begin or operate such enterprises. Only voluntary groups of citizens may offer their faith and credit for cooperative government indebtedness.

#### ARTICLE IV

#### FEDERAL ELECTIONS AND DIVISION OF AUTHORITY

A. VOTING: Only Citizens in good standing may vote for National and State elections. Residents above the age of 18 may vote for local elections, only. Only members of Covenant communities may vote in covenant society elections, but covenant members who are also citizens and residents may vote in National and State elections respectively.

REGISTRATION OF VOTE: All citizens are required to vote as one of the agreed upon stipulations of citizenship. The vote may be registered at the National Registry or any of its regional offices, at any time and may be changed by written notice received by the registry any time prior to the end of the election day. Citizens are registered to vote at the time they receive citizenship designation. Citizens must re register only when changing their state of residence. Residents are registered to vote at the time of yearly registration for residency, and only within their State of their registration. Minor-child residents or minor children of Citizens may register to vote as local residents when they reach the age of 18 years. Residents are not required to vote. Citizens not desiring to vote for any candidate available shall register their vote in a "protest" or write in category.

B. The EXECUTIVE shall be composed of a President and Vice President, elected together by popular majority vote for a 4 year term of office. Only those citizens in good standing and who have reached the age of 40 on or before the election date are eligible for this office. The President shall have the power to appoint all heads of Executive departments, and other persons in policy making positions. All other government employees shall be hired by free and open competition after publication of the qualifications and duties required.

The President shall have the following duties:

1. To serve as the Commander-in-chief of the armed forces for national defense. To appoint General officers of the military. Such appointments may be overruled and/or removed by a 2/3rd vote of Congress.
2. To propose legislation, funding provisions, and Constitutional amendments for the consideration of Congress.
3. To address the entire Congress in joint session on matters of vital national interest

- 4.. To call upon Congress to meet in emergency session to consider matters of urgent national importance
5. To give national leadership to encourage citizens to come voluntarily to the aid of worthy causes that may not be proper to fund with general tax revenues, and which do not violate any fundamental rights of man.
8. To represent the Republic in all international matters, and appoint Ambassadors to foreign nations, with the consent of Congress.
9. To negotiate treaties and agreements with foreign governments which shall only be valid when 2/3rds of the members of Congress concur. Such treaties shall be subordinate to all provisions of this constitution
10. To oversee a security investigation force whose duty is to provide internal and external intelligence relative to national defense. It shall not have any authority to investigate citizens or residents not engaged in any activity hostile to fundamental rights.
11. To give account to a select committee of the members of Congress whose allegiance to the Citizen Compact and Constitution is known to be secure, of the nature and justification of all information kept secret by the Executive branch. The final determination of secrecy shall reside in this Congressional Committee of Security. All state secrets must be reviewed annually, so as to determine from time to time the appropriateness of such secrecy. Under no circumstances shall any government misconduct against the fundamental rights of any person be kept secret.
12. To pardon offenses against the nation only under guidelines established herein and when there has been a documented miscarriage of justice. The President shall fully set forth his reasons in writing. The Supreme Court may overrule and such pardon.
13. To grant honorary titles and military honors.
14. To veto legislation, in whole or in part. Congress may override the veto of the whole legislation by a 2/3 majority, and override any portion of a partial veto by a 3/5 majority.



The President SHALL

1. Execute the provisions of law passed by Congress and approved as Constitutional by the Supreme Court.
2. Provide an accurate accounting to Congress of all expenditures of funds directed by Congress and administered by the Executive.
3. Comply in a timely manner with any request for information required by Congress.
4. Monitor the private issuance of money, but only to ensure against fraud, not to regulate such money.

C. CONGRESS (SENATE). The Senate shall provide equal representation for all States in the nation. It shall be composed of two Senators from each state, each of which must be at least 40 years of age, a citizens in good standing and have resided at least four years in the State he or she will represent. The two senators from each state shall be determined by whichever candidate achieves the highest and second highest total number of citizen votes, as long as the combined tally of votes represents at least 2/3 of the total votes cast.. If a 2/3 majority for both candidates is not reached, a run-off election will be held between the two contenders having the highest individual totals other than the top contender. Each Senator shall have one vote in Senate proceedings. The Senate shall elect a President of the Senate and two Vice Presidents who shall preside over the business of the Senate. The Senate shall constitute committees, rules and procedures to carry out its functions in a manner equitable to all members of the Senate. There shall be no rules allowed that are determined by party or group affiliation or that shall create such a monopoly of power that minority positions are excluded from debate or participation in legislative or investigative processes. All officers and committee positions shall be filled by majority rule, however, no officer may sit in any Senate duty longer than 1 year, and shall not be eligible for that position again for another 5 years.

The Senate has authority to do the following:

1. To determine the qualifications of new States and the disposition of territories, giving primary consideration to the lawful desires of the residents of said states or territories.

2. To constitute Federal courts and the terms of service for federal judges. Federal judges shall be nominated by the Supreme Court or the House of Representatives and confirmed by a 2/3rd majority of the Senate.
3. To remove any federal official, except the Supreme Court, for cause by a 2/3rd majority vote.
4. To determine dates and times of national elections, and of transition periods before taking office.
- 5 To overrule by a 2/3 rd majority any piece of legislation or bill of appropriation emanating from the house of representatives. To overrule a presidential veto by a 2/3 majority and a line item veto by a 3/5 majority.
6. Ratify any treaty with another country by a 2/3rd majority.
7. To constitute the Select committee on Security, not to exceed 12 members of unimpeachable loyalty to the spirit and intent of the Constitution and the Citizen's Compact. All members of the select committee must be sustained yearly by the unanimous consent of the Senate. For a dissenting vote to be valid, specific evidence must be provided justifying the dissenter's lack of confidence in the loyalty of the nominee or committee member. All members of Congress shall have open access to any information gathered by the federal system of investigation on improper activities of members of Congress. The President of the Senate is to judge the validity of the dissenting statement, and must make his judgment and reasons public to the members of the Senate. The Senate may only overrule the judgment of the Senate President by a 2/3rds majority. The committee may operate with as few as three members
8. To pass appropriations bills relative to the Senate's authorized functions.
9. To determine the equitable distribution among the States, within appropriate agency criteria, of all locations for and acquisition of Federal governmental and military agencies and bases.
10. To investigate charges of wrong doing and malfeasance in the Executive, and to issue indictments against the same, to be ruled upon by the Supreme Court.

D. (THE HOUSE OF REPRESENTATIVES):

The House of Representatives shall represent the citizens of the nation in population districts of similar size, as determined by the state legislatures. Legislators shall be prohibited from attempting to manipulate the boundaries of any district for the political advantage of any group in the legislature. Congressmen shall be at least 30 years of age, a citizen in good standing, and shall have been a resident of the district represented for at least two years. If elected by proportional party representation, they shall have been a registered member of that party exclusively for the preceding two years.

## ELECTION PROCEDURES

Each House of Representatives at both the national and state level shall be composed of 100 majority members plus 33 minority members. The population represented by these 100 Representatives will be the total number of citizens in the nation (or state, respectively), divided by 100. The numbers of citizens is available at all times through the national citizen registry, thus no other census shall be required. This calculation yields the number of citizens represented by each member of the House. Election Districts shall be formed, however, such that they contain double this quantity of citizens such that two representatives from each district are elected, in the same manner as Senators. The two highest vote getters representing more than 2/3 of the electorate (totals) are sent to Congress. Lacking 2/3 of total votes, there must be a majority rule run-off between the two candidates receiving the 2nd and 3rd highest vote count. These two representatives will be called majority representatives, and will each have 1 vote in the House of Representatives. The 3rd highest vote getter or loser of the second place run off election will constitute a minority representative in the House and will have 1/2 of a vote in any House proceeding.

The date and time of national elections shall be determined by Congress, and shall allow sufficient time between the last run-off election and the time of inauguration of the Federal Officers and Representatives to prepare for an orderly transition of responsibilities.

Contested elections involving evidence of fraudulent or dishonest practices shall be adjudicated by the appropriate Federal Court of that region or district and shall not be subject to appeal, except upon evidence of political partiality of the judges.

HOUSE RULES: The House shall elect a Speaker and two counselors from its membership, and shall constitute committees, rules and procedures to carry out its functions in a manner equitable to all members of the House. There shall be no rules allowed that are determined by party or group affiliation or that shall create such a monopoly of power that minority positions are excluded from debate or participation in legislative or investigative processes. All officers and committee positions shall be filled by majority rule, however, no officer may sit in any position longer than 1 year, and shall not be eligible for that position again for another 5 years.

The House of Representatives have authority in the following areas:

1. To pass laws and statutes by simple majority under Constitutional limitations.
2. To appropriate general tax revenues to fund legitimate and Constitutional government services.
3. To set general tax rates and collect such taxes which are uniform and appropriate to the rights and privileges of Citizens and Residents, respectively.
4. To establish government cooperative associations for services that are desired by a majority of Citizens and/or Residents, but which are not utilized or directly benefited from by all Citizens or Residents, and to fund such exclusively by the borrowings and fees collected exclusively from the voluntary subscribers or users themselves.
5. To pass upon amendments to the constitution by a three fourths (3/4) majority, in concert with the Senate.
6. To override a presidential by the aforementioned majorities or to override a Senate bill (within the exclusive jurisdiction of the Senate) by a 3/4 majority.
7. To declare war by a two-thirds 2/3rd majority, and to restrain the Executive in any use of the Armed forces deemed inappropriate by a 2/3 majority.
8. To levy taxes by a two-thirds 2/3rd majority vote
9. To borrow money on the credit of the nation with the 2/3 consent of all representatives, as long as such debt service does not exceed ten percent (10%)

of the average general tax revenues collected the previous 5 years. This rate of debt service may only be exceeded in times of war where there is a clear and present threat of invasion to the nation, and must be retired within a ten (10) year period. No new debt can be accumulated until total debt service is below the basic 10% cap.

10. To provide for an unlimited copyright and time limited patent protection for inventions, as provided by law.

11. To raise and support armies, a navy and an air force in time of war, and a national guard reserve military force in time of peace.

12. To determine the rules and procedures of required universal male military training and military service during lawful defensive war as provided in the Citizen Compact.

13. To legislate issues of eminent domain takings of property as limited in the Citizen Compact.

14. To establish a seat of government, in consultation with and joint approval of the Senate and to purchase property for the construction of facilities necessary and proper to the conduct and operation of legitimate government departments and agencies.

E. FEDERAL JUDICIARY(SUPREME COURT): . The purpose of the Supreme Court shall be to watch over the Constitution to ensure that no laws are passed or enforced contrary to the Constitution or the Citizen Compact under the intents and purposes set forth in the interpretive guidelines of the original founding signers. The Justices of the Supreme Court shall be 12 in number and shall be selected by the first elected Senate. The Senate shall only consider as candidates persons having taken the most active part in the development and ratification process of this Constitution and who wholly sustain its intents and purposes. After initial selection, the Supreme Court shall select their own replacements by the consent of 9 out of the 12 justices when a vacancy occurs. Any Justice can be removed for cause by the vote of 9 other justices. Compensation shall be uniform for all justices of the Supreme Court and shall be equal to the President of the nation. Such compensation shall not be reduced, except as an equal percentage that the salaries of the President and Congress are reduced in times of hardship. Funding for Supreme Court functions shall be provided by the House

of Representatives and shall not be unreasonably withheld or reduced for political reasons. The duties of the Supreme Court shall be as follows:

1. To review and pass upon the constitutionality of all laws passed by Congress prior to their becoming law. This does not preclude additional constitutional challenges through the Courts by individuals or States affected.
2. To review lower Federal Court disqualification's of State Laws upon appeal by the State.
3. To act as the highest appeals court of the Nation in the Federal Court system.
4. To constitute and maintain an armed police force sufficient in size and enforcement power to cause any Federal or State Official, including the President of the United States, to abide by its prohibition against unlawful governmental actions. This force shall be composed of dedicated and educated Citizens who have demonstrated high moral character, and principled behavior, and who have taken an oath to uphold and abide by the Citizen Compact and the Constitution.
5. To have original jurisdiction in all conflicts at law arising between the Executive and legislative branches of the Federal government, conflicts at law between this nation and foreign nations, and between two States who do not come under the same jurisdiction of any regional Federal Court.

F. FEDERAL JUDICIARY (LOWER FEDERAL COURTS) : The federal courts shall be established by acts of Congress and located within major regions throughout the nation so that all petitioners shall have reasonable access to justice. Congress shall appoint special Federal Courts to hear cases involving international Maritime issues, and other international or interstate transportation, communications and other issues that do not pertain to any ascertainable region.

In all cases affecting Ambassadors, other public Ministers and consuls, and those in which a State shall be Party, the Regional Federal Court corresponding to the nation's capital shall have original jurisdiction, and the Supreme Court shall have appellate jurisdiction. In all the cases before mentioned, the Supreme Court shall have overall appellate Jurisdiction, both as to law and fact.

Federal Judges shall be nominated by the Supreme Court and confirmed by the Senate.. They shall hold their Offices during good behavior, and shall be

compensated at rates established by the Senate, which shall not be diminished during their term of service, except as all other federal officials may be reduced in pay due to a national hardship. Federal Judges shall be removed if found guilty of any felony crime. They may be removed for other causes by the vote of nine (9) Supreme Court Justices or by a vote of two thirds (2/3) of the Senate. Federal Courts shall have the following jurisdiction:

- I. Matters of international law
2. Cases affecting ambassadors, consuls, and other public ministers of foreign governments.
3. Appeals from the Regional Federal Courts.
4. Controversies within each State to which the Federal Government is a party.
- 5.. Admiralty and maritime cases
6. Cases pertaining to U.S. citizens outside of State boundaries.
7. Controversy between two or more states.
8. Controversy between a state and citizens of another state.
9. Controversy between citizens of two different states when the claim is for a land or chattels in another state.
10. Cases between a citizen of this nation and a foreign government
11. Territorial appeals.
12. Prosecution of all Federal Crimes

## ARTICLE V

### LIMITATIONS OF GOVERNMENT POWER

#### A. GENERAL:

Government at all levels (federal, state, local) are restricted in their legislative and enforcement powers to the defense of the fundamental rights of all persons, as outline in the Citizen Covenant. If this constitution fails to give explicit permission for a proposed activity of government, it must be considered prohibited. Government actions within those allowed by this constitution shall be governed by the will of the majority acting through the people's representatives at each level of government. However, majority rule cannot be established by majority rule--only by the initial unanimous consent of the governed. In addition, rule by majority is only valid in cases where the majority is acting to defend the fundamental rights of man as agreed upon in the Citizen Compact, or where they act as a voluntary association to provide mutual services and benefits on a user fee basis to those subscribing to the service..

#### B. LIMITATIONS ON GOVERNMENT REGULATION OF PERSONAL LIBERTY:

1. All Citizens and Residents are free to act in any way they deem proper as long as they do not infringe upon the fundamental rights of others, and as long as they abide by the specific covenants made in the Citizen Compact. Therefore, the following prohibitions upon government action are mentioned, but do not preclude others that may be derived from the general statement above.

a. No restrictions shall be placed upon the free movement of any Citizen in good standing, within the Nation, either for travel or to establish permanent residence, or to leave the country with any or all assets owned, as long as the Citizen abides by uniform regulations pertaining to the use of public property and facilities pertaining to that travel or utilizes private facilities or property by permission. No restrictions shall be placed upon the free travel of Residents, except as pertaining to moving to another State where a new residency permit must be obtained.

b. Government shall not inhibit a person from taking risks, or engaging in voluntary conduct that may be considered unsafe, as long as other's rights are not violated or immanently threatened.

c. Government shall be prohibited from shielding persons from or using general tax funds to remedy the consequences of individual or group acts of incompetence, poor judgment, or acts of natural causing destruction to personal property and life.



d. No restrictions shall be placed upon any person's freedom to associate or disassociate with any person, for any reason except in the enforcement of private contracts or prior agreements in the Citizen's Covenant.

e. Government shall make no law requiring mandatory education for any person. This does not preclude any government's right to train its own employees or set qualifications and testing requirements for official service or Citizenship. But (except for employee training at government expense) such qualifications for Citizens or Residents shall only set forth or test for the actual knowledge required, not the means by which one may acquire that knowledge.

f. Slavery nor involuntary servitude shall not be permitted except as a punishment for crime under conditions government incarceration to pay restitution to a victim or costs of prosecution, as provided by law.

g. No law shall be made requiring the registration of, restriction of or interfering with any association of persons desiring to promote or share common beliefs, as long as such association is voluntary and the actions of its members do not infringe upon or immanently threaten the fundamental rights of others. Government agencies or officials shall show no official preference towards any group, though they may possess and manifest personal preferences for a specific association when not acting in an official capacity. This prohibition against preferential treatment shall not be interpreted to mean that governments cannot work with, or do business with any association of belief, as long as other groups are free to compete for such contracts and meet the uniform qualifications. Government Officials shall not be restricted from making general references to a duty to God or a belief in a Supreme Being, or praying publicly to God as long as such pronouncements are stated as their own personal beliefs or feelings and represent part of his or her leadership role to constituents. Officials shall not, in an official capacity, publicly disparage the beliefs of others, except those beliefs that violate the fundamental rights of all men.

h. With the exception of the aforementioned leadership role, government officials shall not use tax revenues to promote or prohibit the promulgation of personal values except to attack those which directly violate fundamental rights. All other non-coercive values shall be free to compete for adherents in the private domain without government interference or funding.

I. Government shall not endorse any candidate for election nor aid any candidates in their campaign activities. Neither shall any person running for office be denied any access to government information and services normally available to any Citizen.

J. No law shall prohibit the freedom to speak or publish, including electronically, on one's own or contractual property. Speech and other communication of all types on public property shall be governed by laws enacted by congress within the constraints of the Constitution.

k. Having and expressing differing political and legal opinions relative to this or any other system of governance, and/or attempting to gain such political change by peaceful means shall not be construed as treason or a crime.

## 2. GOVERNMENT RESTRICTIONS RELATIVE TO FAMILY LIBERTY:

a. Government shall have no authority to prohibit the marriage of any man and women, only to register the date and certification of witnesses to such marriage agreement for the purpose of protecting the common property rights of each spouse, and to ensure that parents of children are held liable for such issue until such children reach the maximum age of dependency or declare their independence, either by leaving the home voluntarily or by disobedience to the will of the parents, not constituting physical abuse.

b. No law shall be passed to interfere with, regulate or restrict the judgment of parents relative to the health, safety, education, and welfare of their dependent children except when a child's life is in imminent danger from physical abuse, or gross negligence which clearly threatens life Physical discipline of children that does not cause permanent physical harm, bleeding, or other than minor bruising shall not be deemed abuse.

c. No child may be taken from a parent's custody except for reasons of imminent threat to life or in the case of non-life threatening physical abuse, where the standards of abuse have been violated at least twice, as verified by the testimony of the child, another eyewitness or by the evidence of physical harm.

d. A child may voluntarily leave the custody of parents at any time he or she wishes to declare his or her independence. Such child must establish within a reasonable period, determined by law, complete legal self-sufficiency under the

Citizen Compact or another dependency relationship with another Citizen or institution. At such time, the parents are absolved of any responsibility for the financial support and care of the child, unless it can be shown beyond a reasonable doubt that the Child was compelled to leave for reasons of verifiable physical abuse as determined in b and c above.

e. No child shall be compelled to attend school, receive compulsory vaccinations, or be prohibited from working, when such does not imminently threaten the life of the child. In addition, no child shall be incarcerated for moral or behavioral conduct no violating nor constituting an imminent threat the rights of others.

## 5. PROPERTY AND ECONOMIC RIGHTS:

a. The right to hold, control and dispose of property, that has been lawfully gained with deception, or aggression shall be held inviolate. Eminent Domain takings with full compensation are limited to the specific uses voluntarily agreed upon by Citizens in the Citizen Compact.

b. No law shall be made prohibiting homesteading on unowned land, anywhere within the limits of the National Boundaries. Land can only remain in government control that is either fully open to homesteading, or that is purchased at fair market value by government for bona fide government facilities or military reservations. National parks can only be purchased by the government where such parks occupy the area of more than one state, and in no case may the National government purchase or own more than 10% of the land area of any State. Such parks and facilities must be maintained by user fees and donations only. Government ownership and control of airspace above private land shall not extend any lower than 2000 feet from the surface. Government control of water rights shall not extend to water that under average conditions stays contained on a single piece of property or on property jointly owned by a consortium of contiguous owners whose bylaws specifically address the equitable sharing of water rights and uses.

c. Government shall be prohibited from interfering in the economic choices and decisions of any person except where fraud or misrepresentation are present, or where when such trade would directly aid an enemy to this Constitution. Competition for sales and services shall never be deemed direct or harmful interference with fundamental rights so long as coercion or malicious dumping are not present

d. Government is specifically prohibited from mandating, regulating or determining prices, wages, rates, worker benefits, or working conditions, nor shall the government pay any price supports, wage supports, or subsidies.

e. Government shall not grant any special privileges or concessions to any person or company that restrict other to compete in an equal manner. In geographic or physical limitations exist making it unfeasible or impractical for multiple competing operators, the government may sell and regulate a concession for that portion only of the operation which does not allow for multiple operators.

f. Government shall not deem private offerings for service or products targeting the general public as public actions, nor shall they attempt to regulate such conduct as public conduct. .

G. Government shall not prohibit private discrimination and choice for any reason.

H. No duties or tariffs shall be placed on the importation or transportation of goods across Nation, State or Local boundaries. Costs of inspection services shall be born by general taxation through the governing body having jurisdiction and the duty to inspect, as determined by law.

I. Government shall not engage in any economic activity in competition with private entities unless the full costs, including planning, administration, and financing are paid for by the subscribers and direct beneficiaries of such services.

J. Government shall not make or give any loans, loan guarantees, gifts, grants of foreign aid to any individual or government, foreign or domestic, unless such funds are called for and gathered by voluntary contributions.

k. All government actions designed to take, redistribute, or transfer wealth, or income from any individual to another without the voluntary consent of the owner, whether by taxation or other device, is prohibited.

l. Regulation or control of voluntary private banking is prohibited except to prosecute for fraudulent, non-voluntary practices.

m. No law shall prohibit or restrict the freedom of individuals or companies from entering into voluntary contracts, verbal or written. Government shall not set aside the consequences of any lawful contract due to the failure of one or both legally competent parties to exercise due caution, except when fraud, misrepresentation or deception is present. Nor shall government dictate the content of contracts, outside of general provisions that make contracts legally enforceable.

n. The government shall not engage in mandatory licensing for competency in any field of endeavor, or any other protectionist measure that would inhibit the free judgment of persons to select the full range of goods and services they desire, other than prosecution for tort liability, fraud or criminal acts as defined in law..

o. No person, private or public, shall be quartered in any private home or building without the voluntary permission of the owner except in actual cases of life or death when no other reasonable alternative is available that would preserve life. In all such cases, the owner shall not be prosecuted for using force to defend against the unlawful entry. Those responsible for the involuntary taking, whether permanent or temporary shall only be exempt from prosecution if, in fact, it was a true life or death situation; that no harm comes to the owner, or other lawful occupant; and if the taking is abated as soon as possible after any other reasonable alternative becomes available; and that full compensation for all damages or economic loss is paid to the owner promptly, as defined by law. The burden of proof for all conflicts in this matter shall be upon those claiming life or death necessity.

p. The right of Citizens and Residents to be secure in their persons and property against invasion of privacy, when on their own or contractual property, and when acting within the law, shall not be abridged. The burden of proof shall be upon the government.

q. The government may establish and print a national currency based upon 100% redeemability in gold, silver, or other durable and valuable commodity, so long as other private money is free to compete and circulate freely.

r. Government shall not permit trade between its citizens or residents and any specific enemies of this Constitution. This prohibition shall not apply to trade with individuals of an enemy nation where the money goes directly to the trading

partner, who is not an enemy of liberty, without passing through an enemy government and where any equipment or technology of military value will not be used to aid an enemy nation.

s. Government shall not tax according to inheritance, income, specific property value, gifts, services, or transfer to any association of other taxpayers. Property taxes by general classes are not prohibited as a means of paying for national and state defense. Sales taxes shall only be allowed where a specific user fee is required to pay for a government service related directly to such sales and usage and where those government services derived from the taxes pertain to all the payers of the tax.. User fees cannot be used for any other purpose than that specified in the collection.

## ARTICLE VI

### GENERAL PROVISIONS

#### A. CRIMINAL PROSECUTION AND RIGHTS OF THE VICTIM AND THE ACCUSED

1. Only those actions which constitute a specific violation of, or intent to violate some person's fundamental rights, or treason shall be classed as a crime. No person shall be involuntarily incarcerated either in prison , in a mental institution, or other environment of restraint, for mental illness or mental incapacity unless an actual crime has been committed against others, or he or she represents an imminent and pernicious threat of violence to another. The latter case, where the threat of violence may be minor and only occasional, the courts shall consider and give due regard to any offer of a Citizen or relative, who is deemed capable and responsible by the court, to take charge of such person.

2. Treason shall consist only in those actions or preparations for action to levy war or violent attack upon this nation, trading or selling goods or information of a nature both sensitive and damaging to national security, or engaging in other active measures to overthrow the government of this nation by force and violence while protected in all the rights stated in the Citizen Compact. No Person shall be convicted of treason except on the testimony of one or more reliable witnesses in addition to some corroborating physical evidence beyond a reasonable doubt. Attempting to amend or change the Constitution shall not be considered treason as long as such proposals do not attack the fundamental rights agreed upon in the Citizen Contract. Any person is free to attempt

amendment of the Citizen Compact, as long as such efforts are directed at gaining unanimous agreement.

Person's guilty of crimes against any specific person shall always be prosecuted to the full extent of the law except when a jury rules that the law, in whole or in part, is inappropriately applied to the particular circumstances of the person or case, or when the victim requests in writing, and without duress that the accused not be prosecuted. Plea bargaining shall not be permitted with any person who shares primary or principle responsibility for the crime. Only those persons who are lesser accessories to a crime can exchange cooperative information for a lesser sentence.

3. All persons accused of a crime shall be treated under uniform rules of due process, which are the following established procedures necessary to prosecute charges of misconduct with uniformity and fairness, and provide a uniform process for determining the applicability of evidence, law or penalty to the true circumstances of the case:

1 . The burden of proof shall be upon the accuser and prosecution authorities. In both civil and criminal matters, no person shall be convicted or deprived of liberty or property without a conviction based upon reliable witness or provable facts beyond a reasonable doubt under due process of law.

Only members of the judicial branch of National, State or Local governments shall have the power to prosecute and meet out penalties. The Legislative (excepting impeachment) and Executive branches (with the exception of military courts of justice) are specifically enjoined from this duty.

2 . No greater presumption of either innocence or guilt is afforded the accused at any given time than the presently available evidence allows. Preliminary judgments on the reliability of witnesses and evidence shall be deemed to have a proper bearing on the disposition of the accused before the final trial, especially in determinations of pre-trial confinement, and bail. However, no physical punishment shall be inflicted except after conviction in a formal trial by jury.

Accused person shall not be held under arrest, solely upon police cognizance, for more than 24 hours, nor shall they be denied the opportunity to contact at least two persons to assist in their defense or to be notified as to their location, at the earliest opportunity after being taken into custody.

In the determination of bail, the judge shall consider any and all factors he considers relevant to the protection of the public from physical danger, including past offenses, the seriousness and violence of the crime, and the testimony of reliable character witnesses. No person shall be held without bail who has committed no crime of violence and who has not been shown to be an imminent threat to others by threats of violence, and where there is no concrete evidence to reasonably doubt the probability that he or she will appear in court at the appointed date. Bail shall not be set unreasonably high, nor shall a person be denied the right to have another Citizen in good standing assume liability for the appearance of the accused in court, upon penalty of his Citizenship.

5 . All persons under arrest shall be brought before a judge of the appropriate jurisdiction for a preliminary hearing of the charges within 24 hours, and statements of all parties, including the judge shall be recorded. Judges shall be held strictly liable for remaining impartial as to the law, and shall be charged to represent both the rights of the accused and the standards of justice under law.

6. Violations of due process or impartiality shall be attributed to the violating officials and shall be prosecuted as a separate offense. Such errors in due process shall not be used to dismiss or diminish the prosecution of the accused, except where officials have tampered with, falsified, or misrepresented evidence or coerced witnesses into giving false testimony.

7. Knowing violations of truth or the knowing withholding of relevant information when specifically queried about such, by witnesses and evidence givers shall render them liable to penalty of law and reparations when appropriate to the victim, where economic harm, or false arrest is demonstrated..

8. All accused persons have the right to be informed of the charges against them, both by the arresting officer, and in the public hearing where they shall be free to make an initial defense or explanation before an impartial judge. The identity of witnesses, including government officers, who constitute the charges shall not be denied to the accused. Undercover informants shall be exempt from having their names revealed only in cases of national security relating to treason, or in cases of large scale criminal conspiracies, and where the informants are continuing to serve undercover in that specific capacity. In such cases, a panel of three judges with national security clearance shall hear the testimony and conduct any cross examination in concert with defense attorney's questions.



9. The accused shall have a right to a speedy trial. In preparation for such trial, the accused shall be granted the means to compel witnesses, including government officials, either in person or by deposition, to testify on relevant issues on his/her behalf; to be represented in matters of law by any person of his/her choice; and to cross examine the testimony of witnesses. The accused shall have the right to demand that both matters of facts and law be judged by either an impartial jury, or a judge. Specialty cases of technical law shall be judged only by a judge or jury trained in that area, or capable of understanding the issues involved.

10. Person's arrested shall not be denied the right of Habeas Corpus to be called forth from imprisonment at reasonable times so as to ascertain the conditions of imprisonment, and the status of charges and procedures pending. The burden of proof shall always be upon the government to show cause for continued detention.

11. No person, his personal property, or his communications with other private parties may be searched or intercepted, when acting within the law, except by a warrant from a judge and based upon reliable evidence that the person is engaged for time to time in criminal activity or that he or she is actively preparing to engage in such activity. Government officials shall only be liable for prosecution for an improper search without a warrant when no conduct, evidence or evidence of imminent threat to the rights of others is found. However Government officials shall be liable for property damages relating to a warrantless search.

12. No law shall be made making the mere possession of any object or substance a crime that is unrelated to a violation or imminent threat to violate the rights of others, except as voluntarily agreed upon in the Citizen Compact.

13. No confiscation of property can be made, except to seize evidence temporarily to aid in the prosecution of the crime. All evidence shall be returned to the proper owner after trial proceedings are concluded, except those items proven to constitute a continued threat to other's rights.

14. No person over seven (5) years of age shall be exempt from testifying about his or her activities or knowledge relating to a crime or civil infraction of the law except under the following conditions:

a. Questions shall be strictly relevant to activities relating to the infractions of law in question. Any person can challenge the relevancy of a question put to them, and the burden of proof for relevancy shall be upon the questioner. Judgment shall be by an impartial judge presiding, whose decision is final, but not immune from attack for misconduct in an official capacity. No questions judged irrelevant shall compel an answer.

b. Refusal to answer a question judged as relevant shall only be punishable as being in contempt of court, which maximum penalty shall not exceed one year imprisonment, without requirement for hard labor . No child under 12 shall be prosecuted for refusal to answer.

c. No child under 12 shall be required to give testimony against their parents.

Persons compelled to testify, when not accused or accessories to a crime, shall be allowed to testify by pre-trial deposition and shall only be required to testify if cross-examination is requested in court by either side. Witnesses shall be compensated, including appropriate expenses, as provided by law.

FEDERAL CRIMES: Only the following crimes shall be considered Federal Crimes subject to original Federal jurisdiction for prosecution and punishment: These offenses can be prosecuted at the State and local level if federal officials refuse to take jurisdiction upon complaint or arrest.

1. War Crimes committed by soldiers, government officials. (Torture of civilians, captured soldiers, killing of innocent civilians when life could have been preserved without immediate danger to the soldier, killing of unarmed, peaceful, military prisoners, waging indiscriminate destruction upon non-combatants, whether by persons of this nation or other nation)

2. Treason, and other crimes of violence attempting to overthrow this government while acting to preserve the fundamental rights of others.

3. Violations of any citizen rights by a Federal judge or official of any agency of the Federal Government.

4. Bribery, corruption, blackmail by any Federal Government official.

5. Crimes committed by members of the Federal military forces outside State boundaries.

## CRIMES COMMITTED UNDER INSANITY AND MIND-ALTERING DRUG

Torts committed upon others without malicious intent due to non-drug related lack of mental competency shall be the responsibility of the Citizen (if any) having charge of such incompetent persons, or under the system of Victim Restitution. Mental incompetents who are capable of working shall be required to enter the VRF system to work off the amount of compensation.

Crimes or torts committed under the influence of mind-altering drugs or substances shall be treated under strict criminal and tort liability rules.

No person shall be exempt from liability for the commission of a crime by reason of insanity unless the person is totally incapable of exercising some self-control under normal circumstances. Evil propensity, compulsive behavior that involves violent reactions to normal situations, nor raging anger shall not be view as insanity, nor exemption from prosecution for crimes or torts.

**JURY SYSTEM:** In all criminal cases, the preliminary evidence shall be reviewed by a professional Grand Jury which shall be the sole judge of whether or not there is sufficient evidence to warrant prosecution. Grand Juries shall be independent of the prosecution and shall have power to compel testimony by government officials relevant to the case, as well as the accusing witnesses to help them assess issues of impartiality, fairness and reliability.

Trial by jury shall be the right of every accused, unless waived. Otherwise the case shall be tried by a judge or panel of judges having appropriate jurisdiction. This determination may be changed up to seven days before the trial date. Juries and Grand Juries shall be trained and certified for competency to judge the law by standards set down by the Federal Supreme Court. Certain classes of difficult law may be established to require special training and competency for jury certification. In all classes of jury certification, no Citizen in good standing shall be denied the privilege of application for service and taking the examination. Certification standards may control only the test questions and the actual knowledge requirements, not the process by which a Citizen acquires that knowledge. Certified jurors shall be selected by random choice and no challenge shall be made to any jurors service except evidence of bias as described herein.

Professional jury service shall be voluntary and paid for at a uniform wage, including appropriate expenses.

No trial shall be moved to another district except for evidence of a clear and present general danger to the life and safety of judge and jury by known persons or groups that cannot be controlled by normal law enforcement efforts. No trial shall be considered invalid for prejudice by reason of the judge or members of the jury having or expressing preliminary opinions about the guilt or innocence of the accused, or having foreknowledge of either facts or rumors about the case. Only actions and words that give clear indications that a juror or judge intends to rule a certain way in disregard for the facts, or in clear and knowing disregard of reliable evidence, shall be considered extreme prejudice. Mistrials based upon prejudice by officers or juries of the court shall be remanded for retrial only if the disqualification of the prejudiced officer or juror would have made a difference in the outcome.

#### RULES OF EVIDENCE:

A judge shall not prohibit the introduction and fair hearing of any relevant witness or evidence, nor testimony indicative of past criminal activity that may establish a propensity to criminal behavior. No judge shall allow excessive intimidation of witnesses that goes beyond reasonable probing for weaknesses and contradictions under oath. No witness shall be restricted to a simple Yes or No answer to a question under oath.

Hearsay evidence, shall be permitted as long as the person so witnessing was an eye witnesses to what was said by the person being quoted, and can name or describe accurately the circumstances of the encounter, and where the actual author of the statement is either dead or cannot be located for testimony.

**RULES FOR CONVICTION OF VIOLENT CRIMES:** No person shall be convicted of a violent crime, as defined in law, except by the vote of two (2) out of three (3) in a panel of judges, or in case of a jury trial, nine (9) out of twelve (12) jurors. For the accused to be declared completely acquitted of the charges, two out of three judges must so rule, or nine out of twelve members of a jury. When the panel of judges or the jury fails to rule for either conviction or acquittal, the accused shall be release without bail or further restrictions, and can only be brought to trial again when new and sufficient evidence is brought before a Grand Jury and the majority of that jury agrees to reinstate the prosecution. The

defense may also appeal to the Grand Jury on the same basis for reinstatement of proceedings before a panel of judges or jury in order to secure an acquittal. Once acquitted, no person shall be tried again for the same crime, either on a criminal or civil basis.

**FAILURE TO PAY TAXES:** No penalty shall be applied for the failure to pay taxes on time except temporary loss of Citizenship or Residency. Persons desiring to avoid this penalty may either make their own financial arrangements for repayment within 60 days of delinquency or elect to accept voluntary entrance into one of two back payment solutions:

1. Arranging for an automatic deduction of monthly income from employer or bank account equal to back taxes owed for the delinquent year in addition to current year taxes spread out over a period not to exceed two years.
2. Apply for acceptance either part time or full time into one of the various alternate government work programs where a minimum of one-third of each monthly wage shall accrued to taxes due until paid. Such program options shall include military service, government maintenance and construction work, government manufacturing cooperatives and government administrative jobs. A certain number of positions in these areas shall be reserved for delinquent tax payers. Certain qualifications shall apply to each different job type.

Non compliance with the first shall require entrance into the second program. Non compliance with either program during one year of delinquency shall result in expulsion from the country and loss of Citizenship and all privileges of Citizenship including titled ownership of property. The property will be sold for back taxes, with any residue returned to the owner. Congress may elect to increase these options but may not decrease them or limit access except for reasons of criminal or treasonous behavior. Congress shall also determine the conditions for exemption or partial exemption from taxes due to old age or health disability, in combination with lack of ability to pay with accumulated assets.

**RESTITUTION FOR VICTIMS:** In order to avoid unnecessary and dangerous contact between victim and the perpetrator of a crime, the government shall be authorized to establish a Victim Restitution Fund. The House shall determine the amounts to be paid to victims of crime, and set the standards for qualification of restitution. No law shall prohibit a victim from making his/her own private

arrangements for restitution. Lacking this, criminals shall be imprisoned under working conditions providing services or products for a profit. Such profits shall be used to reimburse the Victim Restitution Fund. Such fund shall be operated by limiting disbursements so that no deficit is allowed after the first year of operation.

Sentences for crimes and torts shall state both the minimum time of incarceration based upon the seriousness of the crime, and the amount of restitution liability owed to the VRF. The prisoner shall serve both terms simultaneously until complete. However, after the minimum sentence for the crime is served, the criminal, when deemed of good behavior, shall be eligible for consideration to work in either minimum security facilities of the VRF outside prison or in total liberty under parole conditions, which shall include the continuation of minimum monthly payments to the VRF until paid. Parole shall not end until the VRF is completely repaid. Any criminal behavior occurring during parole working conditions shall demand reincarceration without chance of parole, with the addition of new punishments.

#### CRIMINAL PUNISHMENTS:

The effectiveness and applicability of criminal punishments shall be determined by the appropriate legislative jurisdiction, except for those punishments specifically designated herein. The primary criteria legislative authority shall use in the determination of punishments is that first, they must be appropriate to the seriousness of the crime, and second, they must have sufficient deterrent affect to make violations of the law relatively uncommon. Where excessive criminality arises, the legislature shall increase the level of punishment and restitution until a proper deterrence is established. The government shall enact no law nor assume any legal responsibility to rehabilitate criminals by any other means than requiring punishment and restitution, except as provided by voluntary efforts and agreed upon by prison authorities.

Cruel and unusual punishments shall not be permitted, nor any act of torture. Hard labor, whipping of the back which does not break the skin, austere living conditions that do not threaten life or minimum levels of good health, solitary confinement for misbehavior and privation of normal comforts not injurious to health, shall not be considered cruel and unusual punishments. Additionally, being forced to work to pay back restitution, and the death penalty (by any

means the produces death quickly) shall not be considered cruel and unusual punishments.

All prisoners shall be required to work to repay the government for restitution costs paid to their victims from the Victim Restoration Fund, or for costs of incarceration. Payment for costs of incarceration shall not lengthen the sentence for the particular crime proscribed by law.

Willful and illegal entrance into the Nation shall be punished according to penalties established by Congress or any state, which punishment shall be increased in severity for multiple violations. Illegal aliens shall be forced to pay for the cost of repatriation through direct fines or prison work if unable to pay, as established by law.

Non violent criminals may be provided the opportunity to work outside of prison if such work can be shown to quicken the restitution process, so long as such liberty does not endanger the property of others and the person convicted adheres without fail to his schedule of payments and other conditions of provisional liberty, as provided by law.

Prisoners guilty of the death penalty may have the death penalty commuted to life imprisonment under forced labor/working conditions, if the victim, or the presiding family heir to the victim, consent; and so long as the prisoner continues to meet the conditions of work under good conduct, as provided by law. The death penalty shall be promptly invoked if the prisoner attempts escape or commits any serious crime of violence while in custody.

#### MANDATORY CAPITAL PUNISHMENTS:

The following shall be capital crimes by nature of the criminal's violent disregard for human compassion and/or chronic lack of control leading to repetitious criminal behavior. (All death penalties listed can only be commuted to life-working imprisonment, by the consent of all victims or their primary heir as provide herein.)

1. Unjustified Murder in the first degree

2.. Aggravated torture, or extreme violence to another without justifiable provocation, which is life threatening.

- 3.. Murder in the Second degree the second conviction
4. Rape of a person over 12 years of age the third conviction
5. Rape of a child under 12 the second conviction
6. Treason which causes the death of another person or persons.
7. Sexual abuse of a non-consenting minor the third conviction
8. War Crimes conviction of any leaders (political and military) of any nation.
9. Aggravated theft with a deadly weapon the third conviction

(Note: We may also want to consider a point system, whereby each crime is given a number of points related to its severity and then the death penalty take place after a certain high number is reached. This way, virtually all chronic offenders of the law are eventually eliminated from society).

ABORTION: For legal purposes, a human fetus shall be considered the involuntary product of a voluntary act between the mother and father. Therefore, neither Mother nor Father shall have any right to abrogate their responsibility or liability for the safe treatment and support of the fetus, except when the act leading to conception was involuntary by rape or incest.

#### LIMITS UPON INDIVIDUAL SELF-DEFENSE:

The right of Citizens in good standing to bear arms shall not be infringed or limited, except as specifically agreed upon in the Citizen Compact. Citizens may defend themselves by appropriate force when no immediate recourse is available to a law enforcement officer with sufficient power to stop the aggression, under the following conditions.

1. Any physical threat to the life of the victim can be met with deadly force.
2. In any death of an aggressor, the burden of proof for deadly force must be upon the state, not the defendant.



3. Use of deadly force by a victim or a witness to a violent crime shall also be allowed when the victim or witness is a first hand witness to the crime, and the criminal has refused to halt or submit to a citizen arrest after two loud verbal warnings.

4. Both the attacker and the defensive individual shall be liable for damages to persons or property when using deadly force in pursuit of an attacker--with the predominance of blame always being born by the initiator of the aggression.

5. If an aggressor stops his flight or ceases, desists or yields to citizen arrest, the individual is prohibited from doing anything but turning him/her over to the authorities. (this is a safety factor to put the criminal under the defense of the state judicial process--if he flees, he has no such protection--and there is an added penalty if he yields after initially fleeing--which should not be too harsh. Let it deter fleeing, but not deter repenting of flight).

(There is a difficulty in "knowing guilt" and proving it in Law. Citizen should be able to execute punishment based upon his personal knowledge of the crime, as long as a violent threat to him or his property is imminent, or meets the "double warning upon flight" test. )

TRESPASS: Trespass on private or government property shall not be prosecuted when such trespass is accidental, does not repeatedly occur, and when no harm can be proved. For trespass to be prosecuted, the property must be fenced and posted "no trespassing" at reasonable intervals as established by law, or, in the presence of a witness, the person or persons must have been previously warned and the boundaries clearly identified.

NUISANCE: For prosecutable substance nuisance relating to property trespass or harm, Congress shall establish appropriate levels of substance pollution, correlated with time exposure, or other relevant and scientifically verifiable standards.

INNOCENT PARTY POSSESSION OF STOLEN GOODS: Current law exempts possessors of negotiable instruments (stolen but not by them) to keep them, also pawn brokers. This should not be allowed--but must think up a fair solution to all or a fair preventative solution--theft register etc.

INCITE TO A CRIME or RIOT (INCLUDING MASTERMINDING): should be distinguishable from other free speech. and can be safeguard from government tyranny by linking it to the defense of fundamental rights.

#### MILITARY POWERS AND RESTRICTIONS:

The military forces of this nation shall only be used to defend against real and imminent threats to the sovereignty and fundamental rights of this nation. They shall not be used for any domestic purpose except large scale internal revolt against lawful authority or public and private property rights such that local and state police agencies are unable to control the situation, after being fully engaged. Except in case of domestic Civil War, National military forces, when made available to assist in a local or State crisis, they shall be under the overall control of the Governor of the State in which they are operating.

The Federal military forces of this nation shall be composed of both professional full-time units and reserve units at the Federal level. State Governments are also authorized to create their own reserve police units in preparation for large scale social unrest. Such State forces shall not be brought under the Federal military service with out the consent of the State Legislature. All male Citizens 18 years and older shall, in accordance with the Citizen compact, be required to take military training for a maximum of six months, before the age of 30 and then to serve either 3 1/2 years in full-time, paid Federal military service or to serve 7 1/2 years on Federal reserve status. In either case all male Citizens agree to serve two years military service if called upon by random lottery to defend the country under Constitutional declaration of War. Male Residents are required in war time only to serve two years in non-combat positions, though they may volunteer for combat duty, if they so desire.

The President shall have the authority to mobilize and deploy full-time military forces up to seven (7) days without Congressional approval, in defense of national security. The Congress may overrule the President's mobilization any time within the 7 days by a two thirds majority of the House and Senate. No further action after seven days is authorized unless a declaration of war is authorized by a 2/3 majority of Congress.

The Military, under the advise and consent of the Supreme Court shall establish rules and procedures to establish a Uniform Code of Military Justice. In peace the UCMJ shall include all of the standard protections of due process. War time

provisions and emergency procedures for discipline of troops in combat conditions shall only be employed while under actual combat conditions or under imminent threat of combat.

There is no provision made herein for the suspension of these Constitutional protections under conditions of emergency or Martial Law, except that government officials and judges will not be held liable for failure to execute the full provisions of the law when a crisis of emergency reaches such proportions that they do not have the manpower, or conditions of personal safety to reasonably deal with the situation. They are responsible to do only that which is within their reasonable and available powers.

#### CONDITIONS OF PARDONS:

The President or the Governors of the several States shall not exercise their power of pardon except under rare circumstances and under the following guidelines:

1. the pardon must publicly declare the specific reasons justifying the pardon.
2. Such reasons and justifications must address all of the following points, fully explained:
  - a. That the particular application of the law to the case was unjust, or inappropriate.
  - b. That there were extenuating circumstances which in large measure justified the violation of law or rights of the victim.
  - c. That a hardship is imposed upon others dependent upon the candidate for pardon that exceeds the hardship on the victim.
  - d. That the person pardoned not be released from the restitution portion of the sentence when material damage and/or serious harm was done to the victim, unless the restitution awarded is deemed grossly out of proportion to the circumstances, or that the victim should bear a significant portion of the blame due to his own involvement in the incident.

**NEW STATES:** New States may only be admitted by Congress. A new state may be formed from non-incorporated territories of the nation or by dividing or joining parts of other states by the voluntary consent of the citizens directly involved. Such arrangements must have the consent of the Senate to be lawful, or the consent of all State Legislatures involved in the boundary change. In creating new states, the National Government shall not reserve any land for occupation and use for itself except by voluntary purchase from the new State. All such-purchases must be approved by the State legislature, and shall be limited to land for essential government services. In no case shall the Federal Government own more than 10% of any state land area.

**IMPEACHMENT PROCEDURES:** The National Executive and all other Civil officers of the Federal Government or Judges of the Federal Courts may be removed by impeachment proceedings on conviction of treason, bribery, criminal behavior, or corruption of office for personal gain or for the pecuniary gain of associates. Authority to initiate impeachment proceedings shall be with the Senate.

The Chief Justice of the Supreme Court shall preside over the Senate when impeachment proceedings are against the National Executive or his Vice Presidents. The Senior Justice of the Federal Appeals court shall preside over the impeachment proceedings of the Senate in case of impeachment of a Supreme Court Justice. Penalties for conviction in an impeachment proceeding shall extend no further than removal from office and a prohibition from holding further public office. Nevertheless, impeachment does not exempt the accused from other indictments and judgments according to criminal or civil law.

**FULL FAITH AND CREDIT PROVISIONS:** The Full faith and credit for the official and constitutional acts of government shall be guaranteed by each level of government.

**NON IMMUNITY OF GOVERNMENT OFFICIALS FOR WRONGFUL ACTS:** Officials shall be liable for civil and other penalties for breach of the public trust, for violating the fundamental rights of citizens, and for common crimes and misdemeanors. They may only gain temporary release from arrest when critical conditions exist in connection with their government work that requires their physical presence. Otherwise they must conduct affairs by telephone or by use of subordinates, while under arrest. Normal bail procedures shall apply, except that no public funds may be used for bail.

**PRIVILEGES OF CITIZENS:** The citizens of each state shall be entitled to all the privileges of their national citizenship while living or traveling in the various States. However, they shall not have free access to out of State services and privileges without paying the appropriate user fee. RESIDENTS of specific states shall also have the right of free travel, but shall not have the right of residency except by permission of the new state they wish to reside in. Each State can set its own standards for residency, with the exception that no natural born child of a resident citizen can be denied residency as long as he or she is willing to pay the appropriate general taxes.

**PRIVILEGES OF FOREIGN VISITORS:** Foreign persons legally visiting this nation shall be accorded all the protections and access to judicial justice that RESIDENTS enjoy, when acting within the law, with the provision that they must agree to pay a user fee for court costs in any action brought by themselves. Victims of crime shall not be required to pay any fees.

**DIPLOMATIC IMMUNITY:** Diplomatic limited immunity shall only be allowed for Ambassadors and two deputy Ambassadors of a foreign country. Limited liability shall mean that no foreign government officials shall have any immunity from violent crimes or torts resulting in the death of any person in this nation. A diplomat's government may secure their immediate release, pending trial, for all torts and non-violent crimes if a surety bond is posted at least equal to a reasonable estimate of damages expected. Diplomatic personnel shall not be subject to prolonged detainment for traffic violations or accidents as long as written proof of identification has been provided an officer of the law, and the accident is not due to driving under the influence of a mind altering substance, including alcohol. In all cases of misconduct of foreign diplomatic personnel, the Foreign Government having jurisdiction over the diplomat shall be held strictly liable for the conduct of personnel under their authority. Foreign government parcels and papers shall not be immune from border inspection and review, though there shall be no requirement to make any declaration as to the existence of government papers or information.

**FALSE RIGHTS:** No claim of "right" can be valid that requires the involuntary labor, support, or the use or control of property and assets belonging to another. Direct benefits shall not be construed as fundamental right, no matter how desperate the need. No foreign person, Citizen, or Resident shall therefore have any lawful right or claim to any personal benefit or largess from the general tax revenues provided by all Citizens and Residents, except by unanimous

consent.. Direct benefits for specific persons or groups, without the unanimous consent of the government, may only be collected and distributed by voluntary means.

**ANIMAL RIGHTS:** Animals shall not be accorded any status of rights on par with human beings. They may be protected from inappropriate harm and suffering as provided by law, so long as such law does not infringe upon the fundamental rights of Citizens and Residents.

**ENVIRONMENTAL RIGHTS:** The earth's environment may only be protected by voluntary efforts of persons or governments, except when verifiable direct, substantial, measurable and permanent harm can be demonstrated to the fundamental rights of men and property.

